HOUSE OF ASSEMBLY

Thursday 24 October 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 10.30 a.m. and read prayers.

HUGO, PROFESSOR GRAEME

Ms THOMPSON (Reynell): I move:

That this house congratulates Professor Graeme Hugo of the University of Adelaide upon being awarded a $1 million Federation Fellowship to research population changes and migration trends.

It is with great pleasure that I move this motion of congratulations to Professor Graeme Hugo on being awarded a significant Australian research fellowship, the Australian Research Council Federation Fellowship. As members can see, this has a value of $1 million, which is an extremely rich grant. It allows Dr Hugo to receive $250 000 a year over a period of four years to conduct research into the contribution made by migrants to Australia. In this time of controversy about world events, when there are likely to be more migrants caused by the disruption that is occurring, tragically, in too many places, it is really crucial that we have a good understanding of how our nation has been shaped and developed by the contribution of migrants. Of course, we are all migrants: it is just that my ancestors came here a very long time ago.

Mr Hanna: Boat people.

Ms THOMPSON: In one way or another we are all boat people, although I think there are a few, member for Mitchell, who have come lately by plane. But in the majority, we are boat people. Professor Graeme Hugo is someone whose name is very familiar to most of us, even to those who do not have much of a connection with academe. He has been very generous in making his considerable knowledge available to the community. He currently works at the University of Adelaide and previously was at Flinders University. Personally, I was very disappointed that he left Flinders University and was attracted to the University of Adelaide. However, I am very glad that this Federation Fellowship will allow him to continue his work in South Australia and, indeed, in Australia.

I hate to say that there was quite a risk, I would imagine, of Professor Hugo leaving Australia, because his reputation is very high on an international level. He is particularly renowned for his work on the demography of Indonesia. Another area of expertise, besides the contribution of migrants, is issues relating to the ageing of our community. One of the things I like about Professor Hugo's work is that it is about ordinary people. It is not telling us about the captains of industry, the leaders of any field. It is looking at how we as ordinary individuals make up this community, and it also assists us to understand the needs of different groups within our community. By having a clear understanding of some of the characteristics of our different communities, we are better able as legislators to start addressing the needs of these communities.

All too often in this place we work on the basis of hearsay, although hearsay is really important. It is vital that we listen to what people in our community tell us is affecting them. However, it is more effective if we are able to balance this knowledge against carefully researched data telling us about what is happening in our community. For instance, I have long talked about the problems in the south of a decline in work force participation and the way that this decline in work force participation leads to poverty in our community. It is the work of Professor Hugo and others that enables us to be clear about some of these factors that are affecting the lives of ordinary people. I turn now to a few words about the Federation Fellowship itself.

Up to 25 Federation Fellowships will be awarded commencing in 2003. The Federation Fellowships aim to:

- attract and retain leading Australian researchers in key positions;
- attract outstanding international researchers to undertake research that is of national benefit to Australia;
- support research that will result in economic, environmental and social benefits for Australia;
- expand Australia's knowledge base and research capability;
- support excellent internationally competitive research by individuals; and
- build and sustain world-class research teams and linkages.

One of the benefits of the Federation Fellowship is to provide opportunities for outstanding Australian researchers to return to or remain in key positions in Australia. In the first group of persons to receive these prestigious awards we see a number of people at the forefront of science, so the fact that the committee in charge of this grant was able to recognise the value of the more socially based work that Professor Hugo does is indeed admirable and attests to his capabilities. We know that it is important for us to be at the forefront of issues such as nanoscience projects, etc.

However, it is also really important that we be at the forefront of the world community in understanding the make-up of our community and the needs of our community, so that we are able to work to better meet the needs of those communities. I am very pleased to be able to move this motion to commend Professor Hugo's achievements and recognise them in this house.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I also congratulate Professor Graeme Hugo. It is important to celebrate academic achievement. We have many motions coming to this place celebrating sporting achievement and, while that is entirely appropriate, it is also appropriate that we mark important academic achievement. This is academic achievement at the highest level in this nation. As I understand it, it is one of the first fellowships of this sort that has been issued to a South Australian academic, at least in relation to the University of Adelaide. It celebrates academic excellence in a crucial area, which supports the public policy processes that are so crucial for our work in this place.

It is of vital interest to the work of the Department of Urban Development and Planning, because the whole system of planning is predicated on the analysis of statistical material about how our suburbs are shaped in a spatial sense, with all the various differences that exist between the people who live in those suburbs. Whether they be social or economic differences, they can all now be mapped in a much more effective fashion so that we can plan better for the future. Professor Hugo's work has informed an enormous amount of interesting work that is going on in the planning portfolio about the way in which spatial development can assist decision making. It is likely to be reflected in the next planning strategy, which will be announced shortly to members of this place.

I also point out that Professor Graeme Hugo was born and bred in the western suburbs, and it is a great pleasure to be celebrating someone who has come from relatively modest circumstances to rise to such amazing heights in the world of academia. He was raised in the Flinders Park area, which, if I am not mistaken, is in the member for Croydon's patch.

The Hon. M.J. Atkinson interjecting:

The Hon. J.W. WEATHERILL: Yes, he should be celebrated by us in this place. He has made a crucially important contribution to the world for the benefit of the citizens of this state. Indeed, his expertise has been drawn on by all governments within this state and the federal government. It is an enormous pleasure to celebrate his achievement through the resolution, and I commend it for consideration of the house.

The Hon. R.B. SUCH (Fisher): I support this motion. I have known Graeme Hugo for quite a long time. He is a former resident of Coromandel Valley—which is a very distinguished suburb, as all members would know. This work is very important. As I have discussed with some members in recent times, we tend not to look far enough ahead when we are looking at issues. In the nature of politics, we tend to be focused on today, tomorrow and next week rather than down the track, and certainly not in terms of five, 10, 15 or 20 years or more hence. Those who have had the privilege of being a minister would appreciate that they are so busy in that office that they do not get time to scratch themselves, let alone look at some long-term, big picture issues.

This type of research is very important, particularly for South Australia. I do not accept the thesis which some people put forward that an ageing population is the end of the world. I think that is a nonsense. There is plenty of evidence to indicate that people in their senior years contribute significantly to society, and, as a result of automation, robotics, and those sorts of things, there will probably be less need for a lot of physically capable people to do traditional manual tasks. There is a bit of unnecessary doom and gloom about having an ageing population. I think we need to keep that in perspective. Nevertheless, in South Australia we do face a challenge in ensuring that we renew our population. I think that is out of my hands now, but we need to ensure that—

An honourable member interjecting:

The Hon. R.B. SUCH: One kind member said that it is never too late. Maybe she knows something that I don't! It is important that we have regeneration. Sadly, we do not have a lot of young people coming through the system. I still believe that as a community we do not give young people a fair go in our society. We do not provide them with adequate resources, services and facilities. In terms of newborns, our state is not contributing a lot. We could be taking more migrants, and I think there are plenty of refugees around the world who would make good citizens of this country and this state. I am a great believer in giving those people a go, rather than willy-nilly accepting people with a lot of money who basically can buy their way in—as happens at the moment. If someone has $1 million, they can walk in. The statistics show that many of those people have come here and have not done what they said they were going to do—but that is another issue. We could encourage population renewal by attracting people who may be in refugee camps and elsewhere. Obviously, we cannot take huge numbers, but we could give many of those people a go. There are about 20 million refugees in the world, and I am sure many of them would make fine citizens.

One initiative I put to the previous government—and I put to this government—is that we should be focusing on backpackers. South Australia has a higher percentage of backpackers, I understand, than many other states. Clearly, they cannot be recruited on the spot to stay in South Australia because that is not allowed. But we should be targeting them and making clear to them that, when they return to their homeland, they are welcome to apply to migrate to South Australia. Packages which contain the names of people and contact numbers could given to them, because backpackers by their very nature have shown initiative. Many of them are educated and nearly all of them are young; they are the sort of people we want to come here to start a family, to start working and to contribute professionally.

There is a target on which we could focus. I do not think it would require a lot of expenditure initially, but it would require some commitment and targeting of those backpackers while they are in South Australia to make clear to them that they are welcome to apply to migrate here when they return to their homeland. We should have specific funding and assistance packages to ensure that happens. At the moment, for reasons which escape me, the federal government seems to have a bizarre approach to young people who come here to work for a time. There almost seems to be an ingrained hostility towards them.

I have been contacted by people who have, say, a daughter in her 20s. She may have an English boyfriend who is highly skilled and competent, but the federal government seems keen to run these people out of the country. I cannot understand why they have that hostile attitude towards them. Likewise, many nurses from Scandinavian countries are working here, and I have heard stories about how the federal government is keen to get them kicked out as well. It absolutely astounds me that we have this sort of negative attitude.

I have a cousin who is a world expert on dating early art and rock art, and things such as that. He married a French Canadian and has two lovely children. He has a PhD and is world renowned for his work, but to think he could come here with his wife: it was almost as if he was a drug trafficker or criminal. The difficulties they experienced to come here to live were amazing. I think his wife had to pay something like $1 600 (or some huge amount) to be processed in terms of immigration. In the end I wrote to Phillip Ruddock, whom I have known for over 30 years, to assist in the matter and finally they are living in Australia. My cousin said, 'If they don't want me here, I can live anywhere.' This is a sad reflection on our country when his uncle—and obviously mine—was killed in World War II. So, the relatives of the people who sacrificed their lives for this country are given the message that they are not welcome to come here, particularly if they make the mistake—apparently—of marrying a French Canadian, who is a talented woman in her own right. Certainly, their two lovely young children would make a contribution to this country.

I welcome this research commitment by Professor Hugo, but I hope that the federal government will assess what seems to be a fairly narrow view of attracting and encouraging people to live in this country. They need to revisit their priorities and remove what seems to me to be a hostile and negative approach to a lot of talented young people who find themselves in this country for a period of time, the sort of people whom we want and need. I commend Professor Hugo and the University of Adelaide. I trust that we will see the

benefits of this fellowship in relation to population growth and enhanced appropriate migration to this state.

Motion carried.

FESTIVAL CENTRE

Mr HAMILTON-SMITH (Waite): I move:

That this house—

(a) recognises the vision shown by the Steele Hall Liberal government through its 1968 decision to design, fund and construct the Festival Centre at its present site, later supported and opened by Don Dunstan;

(b) congratulates the former Liberal government for its commitment to fund the redevelopment of the Festival Centre, recently opened by the incoming government on 13 October 2002; and

(c) expresses its gratitude and commendation to the Festival Centre management and staff, the Festival Centre Trust and Arts SA for their commitment to the rejuvenation of the precinct and their hard work and dedication throughout the redevelopment.

I congratulate all involved with the redevelopment and refurbishment of the Adelaide Festival Centre, which members will be aware had its official opening on Sunday 13 October. In so doing, I seek to revisit the initial vision that led to the creation of this wonderful artistic infrastructure, and the successive support of many governments and thousands of people who have made it, in many ways, the heart of South Australia's cultural life.

I must say that 13 October was a great day. The official opening at 9.30 a.m. was a splendid event, after which there was an official tour of the new facilities—particularly the foyer area, known as the Gateway area. Guests were able to walk through the newly created restaurant area and the artistic space, through the refurbished foyer into Lyrics for morning tea. Activities on the day ranged from free family fun craft workshops and displays of the performing arts collection to live performances and entertainment. There was also a curtain-raiser silent auction and many other events.

It was a fabulous celebration for South Australia, and it occurred to me at the time that it was appropriate to revisit how this state is so fortunate to have this fabulous Festival Theatre in the heart of the city. I looked into its history and, in particular, spoke to former Premier Steele Hall about the early days of the concept and the idea to create the Festival Centre, and members may be interested in some of that background.

The Playford government in the early 1960s identified the need for a festival hall, as it was known then, and bought the Carclew site as a potential venue. Of course, the Playford government was defeated in 1965 and, at the time of the re-election of the Steele Hall Liberal government in 1968, Carclew was still the preferred site. After visiting the United Kingdom shortly after the election, Premier Steele Hall came to the view that the theatre should be by the water, in a more aesthetic location than the Carclew site offered. Cabinet ultimately resolved that the present site would be the venue for the Festival Centre.

It is interesting that former Premier Hall's recollection is that at that time there was a debate about where the Festival Centre would be located, and that then opposition front-bencher Don Dunstan preferred a site between Government House and the Torrens Training Depot, which is interesting when you look at that site today and try to imagine where it might have fitted in. Apparently, Don was encouraged by an American architect who did some work with him on that, and there was a debate about whether it would, in fact, be at the site of the former city baths or across the road between those two buildings. At the end of the day, the Hall government decided that the present site would be the location for the construction of the centre.

The Hall government also decided that, unlike the design of the Sydney Opera House which had been the subject of quite a controversial competition, it would be better to avoid a public competition and the controversy associated with it so that it did not become a political football. In fact, Hassells were engaged as architects, and a series of proposals were put to cabinet. In the end, a balsawood model was made in the form of something which pretty much resembled the existing Festival Centre. Steele Hall was particularly keen there be a walkway at the back of the centre and that the aspect of the water and the river should predominate the centre when it was finally constructed, and that is pretty much what we have today.

I understand that the cost of the whole deal at that time was within the parameters of $7 million to $8 million, which is interesting when one considers that the recent refurbishment has consumed $15 million and, in fact, more than $22 million when you look at the whole precinct that has been redeveloped. Steele Hall, as then Premier, turned the first sod and arranged for budgeting. Of course, after he lost government, the Dunstan government came into office and continued the good work initiated by the Steele Hall government and, ultimately, we saw the promulgation of the Adelaide Festival Centre Trust Act in 1971 and the opening of the Festival Centre in the early 1970s, fulfilling the vision originally conceived as far back as Playford but crystallised by Steele Hall and the Liberal government of the late 1968 early 1969 period.

It was, indeed, a visionary step. I think the Steele Hall Liberal government is also to be commended for its vision but, also, the Dunstan Labor government is also to be commended for its purpose and commitment to continue that good work of its predecessor in ultimately seeing the Festival Centre built. It is today one of the most fabulous cultural establishments in the country.

I think is very important for people to remember the history of the Festival Centre and the fact that it has always been pretty much a bipartisan bit of artistic infrastructure. It is important to remember the facts and that it was not a creation of the Dunstan government or of Labor but, rather, it was the result of a bipartisan commitment to a reinvigorated cultural precinct within the city of Adelaide. Of course it is precisely that.

One only has to look through the annual report of the Festival Centre for the past year and in previous years to see the fabulous achievement of its construction and operation. Around 500 000 people every year attend a range of events, performances and activities, and these performances occur across all four venues, often attracting capacity houses, and about 69 per cent or 70 per cent of performances are capacity house level, which is quite an amazing achievement.

Of course, there are other capabilities there of which the state can be proud. The set construction workshops continue to build the centre's national profile, securing major scenery and building contracts along the way. The physical upgrading of the centre, of course, has been the greatest achievement of the last 18 months, and in that respect a number of people should be congratulated. They include the Chairman, Richard Ryan AO; the committed staff of the centre, particularly Kate Brennan, who manages the centre with great vision and energy; Steve Woodrow, who did a fantastic job of the

refurbishment as project director; and Jeff Bishop from Corporate Services and Melissa Dunbar, the Manager of Corporate Communications, have been part of that management team. There are so many staff at the Festival Centre to be congratulated that it does not stop there and it is simply not possible to mention them all. Hansen Yuncken; Woods Bagot Architects; the Mossop Group, which designed and recreated the interior spaces; of course, the staff at the Department of Administrative Services who were the risk managers for the project; and the 74 subcontractors and the workers, tradesmen and skilled artisans who brought it all together should all be congratulated.

The amount of $15.4 million is a lot of money. Of course, more than that was spent when one looks at the entire precinct. The foundation has also been totally committed to the refurbishment. The curtain raiser auction conducted on the day of the opening raised a substantial amount of cash towards the provision of a new curtain for the Festival Centre. There has been some criticism of that. There has been some suggestion that it is almost begging poor to have to raise money through an auction to provide a new curtain for the Festival Centre. The opposition has not seized on that: we do not agree with that view. We think that, if there is a way for the Festival Centre or the foundation to open up sources of revenue outside government coffers to enhance the centre, then that is for the betterment of the centre and the community. Many people have been prepared to contribute in such a way to the refurbishment, and that is why we did not seize on that point to criticise the government when some others did so. We understand that there are many who want to contribute.

The refurbishment is quite impressive. I encourage all members and members of the public to have a look. The redevelopment has taken 18 months, and there have been several phases. The back stage area has received considerable upgrading. Of course, thousands of people looked at that area and have looked at that area as part of the opening process and celebration. There has been all sorts of feedback from members of the public, including the following comments. One taxpayer said that the development was a great improvement and loved the openness of the plaza: 'it is so much more impressive than before'. A person from Rosewater said that is an 'absolutely first-class venue we should all be proud of'. An art lover from Christies Beach said that it is 'exciting and vibrant; it takes you out of mundane life and somehow uplifts you'. A person from Marino Rocks said:

> The entire centre is a credit to you and South Australia. I had no idea how big it is and I am very glad I was here today. I have been all around the world and it is absolutely world standard.

A person from Glenelg said that it 'makes you appreciate all the planning that went into making this a fantastic centre'. On that point, I particularly congratulate the former minister for the arts (Hon. Diana Laidlaw) and the former Liberal government for their outstanding commitment and for providing the funding for the refurbishment of the Festival Centre. Again, there has been some criticism of that. There has been some criticism of the fact that a large amount of money has been spent on refurbishing and redeveloping the Festival Centre, the art gallery, the library, the museum and key pieces of arts infrastructure. There has been some criticism that the cost of that may take money away from the performing arts, but let me say that those key pieces of infrastructure had been run down during the 1980s. It was a time when our money was being spent on other things. We inherited an enormous debt in 1993, yet through great perseverance and personal commitment Diana Laidlaw managed to argue for and obtain that money so that the Festival Centre could be refurbished and redeveloped. It will stand as a testimony to the dedication and commitment of both Diana Laidlaw and the former government.

I note that the new government has taken pride in opening the centre for which the former government had the commitment and provided the funding, but I am sure it has done that in a spirit of bipartisanship and that it will welcome the use of the centre in the years ahead. It is absolutely first class. All South Australians and all members of this place should be suitably proud of this accomplishment.

Mrs GERAGHTY secured the adjournment of the debate.

EMPLOYMENT ADVERTISEMENTS

Dr McFETRIDGE (Morphett): I move:

That this house supports the principle of truth in advertising in employment advertisements and the strengthening of the Fair Trading Act 1987 by requiring all advertisements to contain—

(a) the commonly recognised business or trading name of the employers;
(b) the location of the proposed place of employment; and
(c) contact details, including the name and telephone number of an authorised officer in the employer's organisation.

Thank you, Madam Acting Speaker; it is delightful to see you in the chair today. It is also delightful to see schoolchildren in the gallery because this motion will certainly concern them in future years. This motion is about fair trading, fair advertising. As the member for Fisher said a few moments ago, it is important that we give our young people a fair go. Young people in South Australia deserve the very best this state can offer, and I know that the government will be acting in a bipartisan way to ensure that that happens. Our levels of education in South Australia are some of the best in the world, and I know that all members of this place will try to improve on that.

The technical education side of things is something in which I personally have an interest. When we realise that 70 per cent of school children do not attend university, then certainly technical education is something I would promote strongly. However, more to the point of the motion, the pressures on young people today when they finish their schooling and training and go out into the big wide world are immense. I would not like to be a young person seeking a job nowadays unless you were lucky enough to be exceptionally proficient, because the competition for the limited number of jobs is increasing. The levels of youth unemployment not only in this country and this state but around the world are to be deplored and we have to do everything we possibly can. I will not talk about statistics and figures and how they have decreased or increased, because it is something that we need to cope with not only as a government or an opposition but as a parliament. It is vital in our society that young people are given, as the member for Fisher said, a fair go.

The expectations on members of our community, never mind just the younger members, are increasing. Unfortunately, the expectations and the outcomes do not always match. There is an increased fear of failure, and certainly the youth suicide rate reflects that. It is a travesty and a tragedy. I am sure the Attorney-General could give me some other words which I could use to express the disaster of just one young person committing suicide, never mind the significantly high numbers that I am led to believe we have in Australia today. It is so important that as a parliament we get behind our

young people to help them achieve their outcomes and to reduce any levels of despair or despondency from feelings of failure or not having achieved.

Those feelings of failure and of not having achieved are something we need to dispel by maintaining positive attitudes. I did note that some criticism has been made of Dr Roger Sexton and Mr Champion de Crespigny saying that a change in attitude will fix it. Really their statements are so accurate: maintaining a positive attitude is everything. If you can maintain a positive attitude no matter what sort of knock-backs you get, you will achieve your goals. It may take you longer than you initially expected, but certainly it is a matter of attitude. Maintaining that attitude is something that we, as a parliament, need to support. When young people fill in a CV for a job, they want to know that the person receiving their CV will look at it in a diligent fashion and in a compassionate way and listen, during an interview, in an empathetic fashion. We need to be careful that we do not discourage our young people.

The whole point of this motion is that, unfortunately, in some advertisements—and it is only a minority—there is very little information about how young people can contact prospective employers to find out why they were not successful in achieving a positive outcome—in obtaining an interview or a job—or just being able to find out more about some training that they could perhaps undertake, some ways in which they could market themselves more adequately, or more positively, for particular employment.

I have written to the Attorney about this matter, and he has, as always, been exceptionally helpful. My initial query arose from a constituent who approached me about her two teenage children, who were continually writing away for jobs. I understand from what the constituent told me that both these children have a very keen attitude and are reasonably well qualified for the types of employment that they are seeking. These young people are becoming very frustrated by the inability to contact training organisations and prospective employers, because the only means of contact is a post office box.

One of the things that I am really chasing here is that, in the current youth employment situation, employers give our young people a fair go. When I look through the employment advertisements in our local, state and Australia-wide papers, I see that a number of organisations give only a post office box. I think that is totally inadequate.

When I was running my veterinary practice, many people wrote to me seeking employment. I very rarely advertised for staff, because so many people were seeking positions as veterinary assistants. Unfortunately, I could not acknowledge all those inquiries and, as they were unsolicited, I did not give it a high priority. I now regret that I did not do that. It is something that we need to do. We should take the time to get back to these people and say, 'While I do not have an opportunity at this stage and I am unable to help you out, I will keep your file on notice, because you seem to have some positive attitudes'—

The Hon. M.J. Atkinson: Your notice on file!

Dr McFETRIDGE: They normally end up on file—and we should try to send them notice of any job opportunities. In my opinion, employers who advertise should be obliged to give all the applicants the opportunity, if they wish (and I assume that many of them do not), to contact them and ask, 'Can you let me know why I was unsuccessful?' Obviously, if there are thousands of applicants this is sometimes not practical, but with most young people now being computer literate, having access to computers and an email address, sending out a standard reply would at least be better than nothing. Certainly, there is nothing worse than being ignored—I am told that being ostracised is one of the worst types of punishment that can be imposed on someone who wishes to be a member of a group.

Certainly, we want all our young people to be considered as valuable members of our society and our community. So, it is important that we encourage all advertisers to be truthful in what they offer, and not just offer a position with a post office box as the only contact. They should be a little more open and welcoming than that.

The Attorney-General has informed me that there are no legal requirements in the Fair Trading Act that oblige potential employers to provide a range of prescribed contact details when placing an advertisement for employment in newspapers. That is true. At this stage, I am satisfied to move this motion, which I hope will be read by others outside this place. I hope that the conscience of those involved will be pricked and that perhaps some changes will be made. If the introduction of a bill is necessary, perhaps that is what I will have to do.

The Attorney-General also said, I believe, that the role of government is to attempt to balance the needs of both the potential employee and the potential employer, without creating an undue hindrance or burden to either party. I could not agree more. However, in this case, I think that there is a moral obligation to be supportive of people just starting out in life. I do not think that there will be any discouragement or disincentive to anyone to apply for a job where there are contact details, because I hope that all employers would treat all applications in the strictest confidence and act in an ethical manner.

It is so important that we support our young people, and that is why I have moved this motion. I hope that others outside this house read the motion, and perhaps the introduction of a bill will not be necessary. But I certainly give notice that I will introduce a bill to amend the Fair Trading Act if it becomes necessary.

Mrs GERAGHTY secured the adjournment of the debate.

BALI TRAGEDY EMERGENCY TEAMS

Mr CAICA (Colton): I move:

That this house congratulates and expresses its gratitude for the outstanding contribution made by all South Australians who travelled to Bali in the aftermath of the recent bombing tragedy and, in particular, the emergency teams headed by Forensic Services Officer-in-Charge Superintendent Andy Telfer, Missing Persons Unit staff member Senior Constable Janet Forrest, burns specialist, Dr John Greenwood, and retrieval team specialists Dr Peter Sharley and Dr Bill Griggs, and further recognises the significant contribution made by *Advertiser* reporter Colin James in assisting the families of the Bali victims.

I rise to congratulate and have recognised the outstanding contributions made by many South Australians who travelled to Bali following the horrific circumstances that prevailed there recently. It is very easy for South Australians—indeed, Australians—often not to react in the way in which I would expect humans to sometimes react to the tragedies that occur around the world; that is, that there is a sense of detachment on occasions to the sufferings of other people. Certainly, the Bali bombing brought it home to all South Australians, and all Australians, that we are no safer than any other people in the world, albeit that this event took place off our shores.

However, it occurred in a country that Australians have frequented for a long time and where they have felt very safe.

The South Australian government sent many people to Bali to assist in the aftermath, and I wish to name those people and highlight the outstanding work that they achieved while they were there. The names have been mentioned in the house by the relevant minister and the Premier, but I believe that this motion gives the opportunity for members to join me in congratulating and recognising the work that was undertaken by these outstanding South Australians who assisted to alleviate the pain and suffering of those people who were directly affected by the disaster in Bali.

First, I would like to bring to the attention of the house the work undertaken by Superintendent Andy Telfer, the Officer-in-Charge of the Forensic Services Branch of the South Australia Police. As we have been informed, he is also the Chair of the National Disaster Victim Identification Committee. Upon his arrival in Bali, he assumed the role of the Australian DVI commander in the disaster victim identification process.

He is acknowledged not only in Australia as being at the forefront of his area of expertise but throughout the globe as a leader in that area. Along with him went Senior Constable Janet Forrest of the Missing Persons Section, who has expertise in ante mortem procedures, and she flew to Bali on 19 October to assist in the identification of the deceased Australians and other victims. A further officer, Senior Constable Julie Brown, who is not named in my motion but should be recognised, travelled to Canberra as part of the Missing Persons Section to undertake a liaison role between SAPOL (South Australia Police) and the federal coordination centre.

The others who travelled with the teams included Sergeant Paul Sheldon of the Physical Evidence Section, Sergeant Dianne Reynolds of the Forensic Services Branch, Senior Constable Ian Fisher of the Physical Evidence Section, Senior Constable John Lewis from the Fingerprint Bureau, and Senior Constable Marie Gardener from the State Intelligence Branch. These people were used in a number of capacities consistent, of course, with their recognised expertise. As I said, we must recognise and congratulate the work that they achieved whilst in Bali and indeed are continuing to do.

One of the important aspects of this is that the work these people have been undertaking is traumatic in itself, and there needs to be a consistent turnover of people undertaking these tasks because, quite frankly, it just cannot be done for any extended period, otherwise those people who are there to assist will themselves become victims.

We, in this chamber, live fairly much in a cocoon. During my time in the fire service I attended several house fires in which people had perished; numerous car accidents in which there were fatalities; and industrial accidents where, again, I was witness to—and will never forget—some horrific injuries. However, what I went through in the fire service pales into insignificance compared to what the South Australians who have travelled to Bali have witnessed. Indeed, there would be very few people—and I am thankful for that—in Australia who would have seen the horrific injuries and the circumstances that prevailed there. I hope that continues to be the case because, quite frankly, it is something that people should never be exposed to.

Along with our team from South Australia Police who travelled to Bali, we also sent experts in the medical field. I would like to name and highlight those persons who travelled there: Dr Bill Griggs, the Director of Trauma Service; Dr John Greenwood, the Director of the Burns Unit; Dr Peter Sharley, Director, Retrieval Services; Dr Roger Capps, Senior Specialist, Anaesthesia; Dr Bob Edwards, Anaesthesia and Intensive Care; Dr Toby Thomas, Director of the Intensive Care Unit; Dr Simon Hockley, again of the Intensive Care Unit; Dr Bernard Carney, Plastic Surgery; Ms Ros Acott, Retrieval and Resuscitation, Clinical Nurse; Ms Sheila Kavanagh, Burns Unit Clinical Nurse Consultant; Mr Peter Lorimer, Intensive Care Unit Clinical Nurse Consultant; Ms Tammy Sleep, a nurse from the Intensive Care Unit; and Mr Duncan Bamford, Registered Nurse from the Intensive Care Unit.

Again, these people need to be recognised for the work they undertook whilst in Bali and, importantly, the manner in which they were able to alleviate the pain and suffering of so many over there, as well as the assistance given to the grieving families located not only here in Australia but also across the globe. Another person who is most certainly worthy of recognition is Colin James, a senior writer with the *Advertiser*, who travelled to Bali the morning after the bombings. He was sent there by his newspaper as a journalist but the reality is that he did so much more.

As I said earlier, along with all those people who were in Bali, Colin saw things that no person should ever have to see. He helped those who suffered horrific losses and, at the same time, still filed his reports with the *Advertiser* to keep the people here in South Australia informed as to what was happening.

Colin spent most of his time in Bali at the hospital and at the morgue. When South Australians turned up looking for their loved ones, Colin assisted them. He helped other volunteers set up a system in a hospital that was struggling under the immense strain of such a huge emergency. Together with other volunteers (of whom there were many), Colin provided information about the condition of people to their loved ones back home. I understand that Colin went into the morgue three times, opening body bags and looking at the remains of human life. He helped identify Sturt stalwart Bob Marshall and Modbury teenager Angela Golotta.

We should also remember, of course, the expatriates and the local Balinese who chipped in to help during this crisis. They organised things amidst the chaos: they soothed people in a time of pain; they fed the wounded and their fellow volunteers alike; and, like Colin, they gave their all for their fellow human beings.

It is unfortunate that it is at times of tragedy that we are at our best: we pull together in times of need and in times of tragedy. From my perspective, it would be good if we were able to pull together at other times, when tragedies occur that are not so close to us. We South Australians, and Australians as a whole, have a significant role to play in assisting to alleviate the pain and suffering of those affected by tragedy, no matter where that occurs around the world.

This event has shown that we as Australians can play a very prominent role when the need arises in ensuring that, no matter where—whether it be in Bali, whether it be in South America, or whether it be in other Asian countries—we play our part in sending the people with the skills and expertise to assist in alleviating the pain, the suffering, and the horrific effects of those tragedies that occur far too commonly across this planet.

During my time as a firefighter, I looked at the way in which we might be able to assist in other such tragedies, such as those fires that occur around the world. The governments of Australia have to work collectively to ensure that we are

able to send crack crews—whether they be medical, search and rescue or come under the auspices of the police, as occurred in Bali—to assist the peoples of the world, not only our people, when they are in the most need.

Collectively, that is something that we can work towards as members of this government, with the assistance of the governments of the states of Australia and the federal government. I commend the motion to the house.

The Hon. M.R. BUCKBY (Light): I rise in support of this motion. We can stop and reflect on the services and the courage of those who are in our emergency services, particularly firefighters, ambulance officers, nurses and doctors—anyone who has been involved in some way in the aftermath of this tragic bombing of the Sari nightclub in Bali.

We here can only imagine the horrific scenes. They are brought to us by our daily newspaper and by graphic pictures on television, and they help us to understand the sort of destruction and devastation that occurred that night. Obviously, unless you were there at the time, or afterwards, to witness first-hand the devastation and the panic on the night, it is very hard to come to grips with it.

This is one of the things that faces people who undertake a career as a fire officer, a nurse or a doctor. From time to time, whether it be the result of a gunman rampantly killing people (as happened in Melbourne just the other day) or an horrific explosion such as this, someone has to go in to help people and save lives every time there is such an occurrence. It must play on the minds of these people when they go home at night and try to sleep. To be able to put out of your mind such terrible events and move on would be very difficult, and this is where counselling can be required.

I imagine that the training of fire officers, nurses, ambulance officers and paramedics would include some of this sort of counselling so that they know what sort of a reaction to expect when faced with these sorts of traumas and can deal with them a little better. I compliment all those who have been involved in any way in this very tragic event.

What happened in Bali has woken up Australians, particularly those who have never travelled overseas and are not aware of the sorts of security measures that are in place in other countries. I well remember travelling in Europe on one of my first trips in 1984 and walking past an embassy in Paris and seeing two soldiers on the gate with machine guns in their hands. That woke me up to the fact that Australia is a very free place in terms of our movement and control. This disaster in Bali has brought to our attention that we are part of the world community and that it is not quite the place it was 20 or 30 years ago.

Again, I congratulate all those who have been involved in providing services and comfort for people injured in the Bali bombings as well as providing comfort for their relatives. It is a service that goes far beyond their normal duties, something which everyone in the community should be mindful of and commend them for.

Motion carried.

GLENELG TRAMLINE

Dr McFETRIDGE (Morphett): I move:

That this house urges the Minister for Transport to investigate extending the Glenelg tramline to North Adelaide to service commuters, further develop tourism and preserve South Australia's proud heritage.

Most members would be aware that I am keen to promote the extension of tramlines to wherever possible. However, I do not believe for one second that I will ever see tramlines extended to include the extensive network that was once provided in Adelaide. I vaguely remember as a young person busy roads with trams and even electric trolley buses in Adelaide. I do not want to reveal my age, but that is a bygone era, and I do not expect us to return to it. However, I do think that we need to make sure that we preserve the Glenelg-Adelaide tramline not only as a source of modern electric transport for commuters but also as an important historic link with our past and a means of quick travel to the Bay for many tourists.

I have just been looking at some of the figures on the number of people who use the Glenelg tram. It has gone up in the last 12 months (not a lot) from 2 019 000 to 2 072 000 (a rise of 2.64 per cent). So, a lot of people (over 2 million) are still using trams. When you consider that there is only one tramline from Victoria Square down to Moseley Square and back, that is a pretty heavily used service. The figures do not relate to the number of normal commuters and tourists. I use the tram a lot to get from my home at Glenelg to this place. It is a short walk to Moseley Square from my home, and a very short walk to Parliament House from Victoria Square. It is great to be able to talk to people on the trams. Many of them already know that I am a member of parliament and they speak to me about the goings-on in this state. I am very pleased to say that they do not look at us all as a bunch of layabouts: they do hold us in high regard; and that is why it is important that we serve them to the best of our ability.

Moving this motion promoting public transport in the form of an extended tramline is something that I am happy to do. It was interesting to see a week ago that the *City Messenger* headline was 'Tram to nowhere'. I really do not think that that is the case. In fact, I know it is not the case. I certainly do not call Victoria Square in Adelaide 'nowhere' and I do not call Moseley Square in Glenelg 'nowhere': they are two fantastic places. We are very lucky to have a city like Adelaide: a safe city; a city easy to get around in and with a lifestyle to be envied. The Bay, once again, is just a fantastic place to live.

The call for an extension of the tramline to North Adelaide is something that I am very keen to see implemented. To try to justify the money in a lot of cases is difficult without having statistics to back it up, but trying to get people out of cars and into public transport is something we should be aiming at. This is not a push from the anti-car lobby: far from it. Adelaide is known as the 20-minute city. It may be getting to 22 or 25 minutes now, but it is still a very easy city to drive around in a motor vehicle. Still, we should be promoting public transport wherever we can. I believe that a proposal was put up by a major consortium to introduce light rail throughout the metropolitan area. I am not sure what happened to that proposal, but it is something that I would be interested to re-examine if I were given the opportunity.

I have forgotten the exact age of the trams, but they call them 'historic trams'. People ask why we do not get brand new ones. I was talking to a conductor on the way home the other night and asked him whether he thought that moving to modern trams—the articulated trams, the trams that have much lower entrance steps, perhaps larger seating and airconditioning—was the way we should be going, and he surprised me by saying no, that many of the old trams have been refurbished and repainted, given airconditioning and better brakes. His opinion was that, with the number of

tourists who use these trams, we should be maintaining the historic trams. He said that a number of tourists comment to him that they are surprised to be able to come to Adelaide and get on a vehicle which, from all outward appearances, seems to be a very old vehicle, yet it is comfortable to ride in.

The trip down to the Bay is a very quick ride: it is about 22 or 23 minutes through some fairly leafy suburbs. There are one or two spots where the outlook is not so flash and perhaps we need to tidy that up, but the tram ride at the moment is a great ride. What this motion is all about is extending the tram link. Extending it to the railway station to link up with trains is one opinion that has been put to me, but in this case I am proposing that we extend the line out to North Adelaide. On the front page of the *City Messenger* of Wednesday 23 October, the headline was 'Square action,' and it shows a masterplan of Victoria Square.

Interestingly, it shows not only a new loop of the tramline around Victoria Square, which is a novel concept, but, if you look closely at the northern end of that plan, it shows two tramlines going north along King William Road. I would like to see where that tramline goes to: that, perhaps, is the tram to nowhere. But I would be more than happy to see the extended plan and see that tramline finishing up in North Adelaide.

There was a letter to the editor in the *City Messenger* of 23 October 2002 from a chap at Port Adelaide. I will read some of that letter, because it gives a good outline of a proposed layout for the track. The letter states:

> . . . why not extend a single tram line up King William Road, across the Adelaide Bridge with a crossover section of rail opposite Pennington Gardens (just below the cathedral), then up the hill, down O'Connell Street and dead-ending in the triangle between Fitzroy Terrace, Prospect and Main North roads. The crossover below the cathedral would allow a tram heading south to pass another tram heading north on the same track. . . Of course, this new track—set in a rubber trough—would be modern, quite slimline light rail cars. . .

I am not sure that we need to change the types of trams, but he does make a good point about the track. Obviously, upgrading the tram track would be part of upgrading and extending the current tramline. The bedding that has been used in Jetty Road, Glenelg, and King William Street south of Victoria Square is of concrete construction. I am not an expert on the suspension of the current trams, but they certainly rattle and roll as they go down Jetty Road and that part of King William Street. The effect on the trams would not be very good.

I have looked at the bogeys on the trams, when the trams have been waiting at Moseley Square, and there seems to be limited suspension on them. Some way of modifying the bogeys and the suspension of the current tram or, as this chap has written in the Messenger press, using a new track set in a rubber trough (I am not sure whether that is technically possible) is an idea to consider.

People will say that extending the tramline will interfere with traffic and that people will not use it; and they will ask where people will go at North Adelaide. The member for Adelaide will probably tell me that numbers of people are moving back into the CBD and North Adelaide. Friends of ours recently bought a cottage at North Adelaide. They are moving back from Sydney because the lifestyle in Adelaide is so much more appealing to them. They would be happy to use public transport. Certainly, a tramline, whether it links with the rail line at the Adelaide Railway Station or extends out to Fitzroy Terrace, Prospect Road and Main North Road triangle, is something that we should not ignore.

How do we pay for this? Certainly, public-private partnerships have been talked about in the past, and I know the minister answered my question in the house on Monday—it seems a long time ago. Public-private partnerships are the only way to go in this case. We have only to look across the border to see what the Bracks government is doing. While that government takes every opportunity to knock the Kennett government, it is hard headed enough to realise that ministers and public servants cannot run these enterprises as well as the private sector can.

I find it puzzling that the Public Service cannot run things—not just trams and transport—as efficiently as the private sector. They get paid well and they have the experience. However, I will not talk about that issue now; that is something about which I will talk at some other time. I know that public servants are dedicated and diligent workers, but it puzzles me.

But, in relation to the trams, we must not neglect the current tramline. We must maintain that but, if there is any opportunity whatsoever, we should extend the tramline out to North Adelaide—not just so that I do not have to walk from Victoria Square to this place, because I enjoy that walk and I can catch the Bee Line bus (as the member for Kavel tells me). The need to emphasise the transfer from cars to public transport in the CBD is something that will be assisted by an improved service.

Someone said to me that the tramline could be extended to the wine centre. I was approached by a pensioner the other day who said that it was very difficult for pensioners and many of his friends to get to the Wine Centre via public transport, so I am not sure whether we need to extend the public transport services down there.

I encourage this government to look at all public transport across the state. I am glad that members opposite are actually listening to what I am saying, and I urge this house to examine the opportunity to extend our tramline to North Adelaide. I commend this motion to the house.

The Hon. R.B. SUCH (Fisher): I support the motion of the member for Morphett. I will not hold my breath as to when this will happen because, if members reflect, the previous transport minister, I understand, has lived in North Adelaide for a long time and she was not able to bring this about. Nevertheless, it is something that should happen. But I would like to go beyond simply the issue of extending the tramline from Victoria Square to North Adelaide and I would like to see Adelaide have a much more visionary approach and much more imagination in terms of public transport. I would like consideration to be given to options—and they are only options, of course, because none of them is cheap—such as a proper light rail system and the possibility of a monorail. Monorails can be ugly if you do what Sydney did, but they can be more attractive using better design.

There are options, too, in regard to heavy rail. We are the only mainland capital city in the country that does not have an electrified system—I will not hold my breath as to when that will happen because it would probably cost a minimum of $1 billion—and I think it is indicative of the fact that we in South Australia have been left behind. The other states that upgraded their heavy rail systems in recent times—Queensland and Western Australia—I understand, got a fair assistance package from the federal government. I am told that previous governments—not the most recent government—rejected assistance from the commonwealth government and opted instead for maintenance of the bus

system. Clearly, you need some buses, but I think that was a bad decision if, in fact, that offer was made by the commonwealth to help fund a standardised electric rail system in Adelaide.

So, it is not simply a question of extending the Glenelg tramline so that it becomes the North Adelaide tramline: we need to go way beyond that. I know that one company—I think Baulderstone Hornibrook—proposed to the previous government that they would build a light rail system at no cost to the taxpayer. I think the previous minister was a bit sceptical about the financial details of that, but that is a possibility—as the member for Morphett pointed out—incorporating private capital investment in a partnership type of arrangement.

France has a system whereby buses use the rail system, which I guess is a bit of a variation on an O-Bahn approach. They have buses which can drive straight onto the rail network. Once again, that is a variation on a theme. In Adelaide, we have a dog's breakfast of public transport. We have an O-Bahn system, which I believe is the only one outside Germany; we have a Glenelg tram, which is probably the only one of its kind anywhere; we have a broad gauge system operated by diesel rail cars, which is not the latest in modern approaches to transport; and we have a bus system which has been spread to various private operators. So, we do not really have a good, sensible, comprehensive, integrated approach to public transport in metropolitan Adelaide, and I hope that one day we might.

How do you fund these developments, whether it be a monorail within the heart of the city maybe linking the Botanic Gardens, the zoo, Rundle Street East and Hindley Street East; or a light rail system that incorporates the suburbs and the city; or a standardised metropolitan electrified heavy rail system? How do you get the money? Once again, I think the federal government should be a bit more innovative, because at the moment they discourage people from saving money—if you save money, you get whacked taxation-wise.

I think that, rather than doing that, they should encourage people to invest through savings—and we know that they are two sides of the same coin. However, many people would put their savings into designated investment funds if, instead of a receiving a tax walloping, they received a tax benefit, a tax incentive or some special consideration. I have tried that argument with the federal government, but Senator Coonan has replied saying that we do not want to encourage any further deductions. I find that a strange argument when you have a lot of people engaging in rampant tax minimisation—tax avoidance—not to mention those who do their little bit of tax evasion. I think we need some innovative ways of funding infrastructure projects. I know that we have SAFA bonds in South Australia, but, once again, they do not get special taxation treatment.

If there was an infrastructure fund into which people could put money which gave them a special tax consideration, then many South Australians would put money into that sort of fund because they want to build up their state: they want to invest for the benefit of their children and grandchildren. Being realistic, that is the only way in which we will get funding for some of these projects; that is, if we cannot attract the private sector into some sort of partnership.

As we know, most public transport systems are not known for making money. The Minister for Government Enterprises says that the monorail in Sydney makes money. Sydney has a population three times that of Adelaide, and it attracts a lot of tourists—we are not really comparing apples with apples.

I would be happy to call it the 'Patrick Conlon Monorail' if we got one, but it would need to be much more attractive than the one in Sydney, which looks pretty ugly as it heads down some of its key streets. However, I think with some emphasis on design we could achieve that.

In essence, I support this motion. I commend the member for Morphett for moving it, and I trust that members will support it. I will not lie awake at night waiting for it to be implemented, but in South Australia it is time that the Adelaide City Council, plus the state government, really gave transport a shake-out. I have been very impressed with the new Minister for Transport, who is a doer rather than a talker. We have seen that in relation to road safety and shop trading hour initiatives. There is now an opportunity under the new minister to push things forward. I commend this motion and trust that maybe in my lifetime I will be able to travel on a modern tram system to North Adelaide, a modern monorail, a modern light rail or an improved heavy rail system. If any of those come to pass, I will be a very happy person.

Mrs GERAGHTY secured the adjournment of the debate.

DOGS, TAIL DOCKING

Dr McFETRIDGE (Morphett): I move:

That this house condemns the practice of tail docking of dogs for cosmetic purposes and urges the government to amend the Dog and Cat Management Act 1995 to outlaw this practice and impose penalties, except in circumstances necessary for good health and wellbeing of those dogs as assessed by qualified veterinarians.

I have waited a long time to move this motion in this place. I will also be introducing a bill to amend the act to implement a ban on tail docking of dogs. Obviously, the concept of docking dogs' tails has been around for a fair while, and I expect to receive a number of complaints from people saying, 'You cannot do this. Dogs of certain breeds have to have their tails docked.' No dog is born without a tail. Some have very reduced tails and some have deformed tails, but they are all born with tails.

The member for West Torrens said to me that he is amazed at the length of some dogs' tails. It is amazing that people look at dogs with docked tails and think that it is normal—it is not normal. What happens is that, when the puppies are about three days old, the breeder—with any luck—will bring them into the veterinary clinic. Sometimes they will do the job themselves. If they do it themselves, they get a pair of side cutters or some elastic bands and, depending on the type of breed, they will chop off the tail with the side cutters or whack a really tight rubber band on at the appropriate length for that breed. This causes intense pain.

Some people say that the nervous system of puppies is not fully developed at the age of three to five days. I know that the member for Adelaide, being a pathologist, will back me up when I say that intense pain is caused, even in these tiny babies. As a veterinary surgeon, I have docked tails—the main reason being that at least I was able to minimise the duration of the pain and carry out the procedure in a non-septic manner. I know that it is a very painful procedure. Seeing the pups squirm and hearing them scream when you amputate their tails is something that I am not proud of and, certainly, if I can do anything to ban this barbaric procedure, I am quite happy to stand in this house, cop the criticism, move this motion and introduce a bill.

The Australian Veterinary Association recommends that the docking of dogs' tails be made illegal in Australia, except

for professionally diagnosed therapeutic reasons, and only then by registered veterinary surgeons under conditions of anaesthesia that minimise pain and stress. This is the only acceptable way of docking tails. We have banned debarking and ear cropping, and I would now like to see a total Australia-wide ban on the docking of dogs' tails. I understand that the Labor government in the ACT has introduced a ban on the docking of dogs' tails.

This practice has been around for many years—in fact, I believe it started hundreds of years ago, mainly with hunting dogs, and many theories have been expressed in relation to when the practice began. These theories include the prevention of rabies (I do not know how that is supposed to fit in); the prevention of back injury; increasing the speed of the docked dog; and prevention of tail damage due to fighting.

There is obviously the belief that some dogs—and cats, but mainly dogs—are born without tails. There are a couple of breeds, as I have said, that have deformed, or very short, tails. The Australian stumpy tailed cattle dog is one, and the Pembroke corgi is another. But they are the only breeds that have reduced tails, and even that little stump is removed. The dog mates with a normal long tail, and they have their tails removed right at the base of their body, just above their rectum. This is painful and unnecessary, and it certainly can lead to the death of pups. In the long term they experience the human equivalent, I suppose, of phantom limb pain. Neuromas can form at the site of the stump and the dog can suffer constant chronic pain throughout its life.

People ask, 'What about the sporting dogs and the working dogs?' The fact is that nowadays the vast majority of dogs are just backyard pets. There is no evidence available anywhere to show that dogs which have long tails and which are used in hunting and sporting areas have any more injuries than dogs which are kept in backyards and never get out to be used for sport or hunting. So, that is a furphy that I am happy to dispel.

The other thing that people say is that dogs need their tails. I am pleased to say that dogs do need their tails. Tails have many functions. They are very important for the balance of a dog. If people have ever seen a dog running flat out across a field and then do a quick turn, they will notice how the tail flicks up and moves. It adds significantly to the agility of the dog. Certainly, the other important use of a dog's tail—and for many people nowadays with the episodes of dog attacks—is to enable the dog to express its body language.

A dog can position its tail in many ways. It does not just wag its tail: it can signal to other dogs and, if people are educated, to people to signify the potential behaviour of that dog. It is important that we do not just go chopping off dogs' tails because of the whim of some breeder that this is what makes the dog look good, or because of some outdated theories on prevention of rabies or the remote possibility that the dog's tail might be injured in some way—getting trapped in a door or something like that. I have seen far more cats' tails jammed in fanbelts of cars and doors than I have ever seen damaged tails of dogs. Even when dogs are hit by cars their tails seem to miraculously escape.

What is the situation in other countries with the docking of dogs' tails? There are countries which have banned the docking of dogs' tails for many years. Norway has banned the docking of dogs' tails since 1987; Sweden and Switzerland since 1988; Cyprus and—for the member for West Torrens—Greece banned the docking of dogs' tails in 1991; and so did Luxembourg; Finland, since 1996; and Germany since 1998. Just to re-emphasise the point, no increase in tail injuries or serious health problems has been detected as a result of the ban on tail docking in these countries. So, anybody who tries to put that about is clearly wrong.

In the United Kingdom, since July 1993 tail-docking can be performed only by registered veterinary surgeons. The Royal College of Veterinary Surgeons has declared that the docking of tails, other than for therapeutic reasons, is unethical. The Royal College stated in 1996 that such docking is capable of amounting to conduct disgraceful in a professional respect, and describes such docking as an unacceptable mutilation. That is what it comes back to: mutilation of your pet, and nobody would agree with that concept.

Another interesting point is that people say that long-tailed spaniels, rottweilers or boxers would look stupid. Let us look at it the other way. What would happen if the tail of a labrador or German shepherd was docked? People would say that looked stupid. Certainly, when you get whacked on the leg by a very excited rottweiler with a long tail, you know it has happened, but the tails of Great Danes are not docked and they have tails like kangaroos. Certainly, one swipe of a long tail from a large dog like that would clear a coffee table—that is one downfall—but it is certainly not something to be seriously considered as a reason for docking a dog's tail.

People will get used to seeing dogs without docked tails. It will be something the breeders will have to cope with. They will say it does not look right and that the breed standard says that the tail has to be a certain length. I remember when I was docking Dobermans' tails we used a one cent piece because the tail length had to be exactly where the wider part of the light tan was on the peroneal area. If, as a vet, you did not do that right you were crucified by the owners and you wondered why you bothered.

Most vets dock dogs' tails now only because they know they can do it quickly, aseptically and minimise the trauma associated with it. In my practice, we have not been docking dogs' tails for many years. The number of vets in South Australia that dock dogs' tails has reduced dramatically. Certainly, the Australian Veterinary Association condemns the practice, as does the RSPCA. The RSPCA is urging people, when they go to pet shops, to ask for puppies with long tails. It is asking people to ask breeders not to dock their puppy's tail when they purchase the pup, because most breeders pre-sell their pups or have a waiting list. So the AVA, I, personally, and the RSPCA are encouraging all people out there, when they go and buy a dog, to ask for the dog to have its tail left on.

It is interesting to see that a few crossbreeds are being put up by the pet shops nowadays—and another thing I will talk about later on is these puppy farms, because responsible pet ownership is something that I am very keen to promote at all times. These pups are not having their tails docked although they are from breeds which normally would be docked. Nobody complains about it. In fact, these pups, as they develop into dogs, showing their true excitement at being able to be part of a happy family, wagging their tails, is something that is good to see.

Mr Goldsworthy: Part of the pack.

Dr McFETRIDGE: Part of the pack, as the member for Kavel says. It is vital that we do not give in to the breeders, who are clinging onto these traditions from many years ago. It is vital that it is recognised that, in docking a puppy's tail, you are cutting through bone, cartilage, blood vessels, muscle, ligaments and nerves. It is not just a quick snip of a little bit of skin that holds a piece of bone, although it may seem a very superficial procedure.

Someone asked me whether I might introduce a bill to stop the circumcision of boys. That is a totally different argument. As I have said before, I have seen puppies that have been mutilated severely by inexperienced people docking their tails, and I have also seen puppies that have had to have separate procedures, because severe neuromas have formed at the base of the tail where the amputation has been performed.

I feel very strongly about this issue, as do the Australian Veterinary Association and the RSPCA. A number of breeders will howl (and no pun is intended) at my intention to implement a ban on tail docking in South Australia. I hope that governments in other states also follow the lead of the ACT and other countries, where the practice has been banned. I hope that this motion is supported with the commonsense and intellectual rigour that is required to cogently understand the arguments.

It is an emotive problem, but it is not one that can be judged by emotion. This decision affects thousands of dogs. It is an act of cruelty that I want to see banned. With that, I commend the motion to the house.

Mr KOUTSANTONIS (West Torrens): I know many people who are involved with dog clubs and who are dog breeders. I say from the outset that they are the most responsible dog owners I have met. I heard what the member for Morphett said about responsible dog ownership. I have travelled to Europe, and I ask the member to travel to places such as Cyprus and Greece and see what irresponsible dog ownership has done in those countries, as evidenced by the number of strays that are left to starve on the streets, roam in packs and live on the roads, eating garbage.

In Australia, we pride ourselves on responsible dog ownership. I do not believe that the member is saying that dog breeders are irresponsible dog owners: I think he is saying the opposite. He is trying to impose greater responsibility on them—

Mrs Geraghty: Encourage.

Mr KOUTSANTONIS: Encourage greater responsibility amongst dog breeders, yes. Dog breeders are amongst the most responsible dog owners in the country, and they set the standards for dog ownership. They are very selective about whom they sell their dogs to, and I know this because my brother is a dog breeder, as are many of my friends. They take a great deal of pride not only in the way they breed their dogs but also, by their involvement with the RSPCA and other organisations, their involvement in the welfare of animals, whether they be dogs, cats or birds. They take their ownership very seriously.

I do not believe that all tail docking is cosmetic. Although the Labor Party's state council has a position on this matter, the caucus has yet to define a position. However, I suspect that it will support the member for Morphett's motion. I warn members that there are a number of dog breeds—and the member for Morphett would be aware of this—where tail docking is not cosmetic but a health issue. The member for Morphett said that tail docking can be quite a painful procedure because you have to cut through bones, ligaments, tendons and muscle. I ask the member for Morphett (as a vet) how many times owners have brought in to his surgery dogs with extremely large tails (which are traditionally docked) that have been injured.

Dr McFetridge: None.

Mr KOUTSANTONIS: Well—

Dr McFetridge: Not one in 9 000 visits.

Mr KOUTSANTONIS: You are the only veterinarian to whom I have spoken who says that he has never had a dog (whose breed traditionally has had the tail docked for cosmetic reasons, according to breeders) brought into his surgery because the tail has been injured through a door slamming or some sort of an infection. The member for Morphett is the only vet whom I have heard say that he has never treated an injured tail. Out of 9 000 visits to his surgery he has seen not one injured tail on a dog. He must have had the best run of luck of any vet in the history of South Australia because I can tell you—

Mrs Geraghty: It's not an excuse for docking.

Mr KOUTSANTONIS: I am not saying that it is an excuse for tail docking. The argument I put forward is that not all tail docking is cosmetic. I put to the member that, if we legislate this, who will determine which tails are to be docked and which tails are not? The RSPCA and the veterinarians association would have us believe that no tail should be docked. So, which independent body will determine which dogs should have their tails docked?

Mrs Geraghty: None.

Mr KOUTSANTONIS: The member for Torrens says, 'None'. The authority from above has come down and we have been told by the member for Torrens in all her wisdom that no dogs should have their tail docked. Even the member for Morphett in a quiet moment of reflection might admit that maybe some dogs have been bred in such a way over a period that their tails are not the way in which natural selection intended them to be—they have been bred in a certain way and their tails are extremely long—and that maybe for the health and wellbeing of such dogs we should dock their tails.

I understand the emotion behind this. I do not want to hear a puppy squeal when its tail is docked; they make a terrible noise. I own a German short-haired pointer. They are beautiful dogs. I did not want my dog's tail to be docked. German short head pointers have their tails docked for cosmetic reasons, and I oppose that. They are beautiful with their tails. I take my pointer duck hunting, which I enjoy doing every now and then. She enjoys it, she lifts her leg and she points, and she is very good at it. I think she would be much more attractive if her tail was fully extended.

An honourable member interjecting:

Mr KOUTSANTONIS: They are very smart dogs but you cannot walk them, they go everywhere, but they are very good hunting dogs.

An honourable member: Very useful in West Torrens.

Mr KOUTSANTONIS: They are very useful in West Torrens, absolutely, and they are good guard dogs, too. I urge members to be cautious. I believe that this motion is well intended and that it will be carried but I ask members this question: if we legislate to do this, who will be the authority to tell us which dogs can be docked and which dogs cannot?

An honourable member: None!

Mr KOUTSANTONIS: None! But the motion says 'cosmetic'. The member for Morphett has just admitted that he is trying to sneak through a hidden agenda in his motion. He is now saying that he does not want tail docking just for cosmetic reasons: he is saying that he wants it done to all dogs no matter what the circumstances are.

Mrs Geraghty: No—

Mr KOUTSANTONIS: You can't have it both ways. He just interjected that no dog should have its tail docked, but his motion says 'for cosmetic reasons'. Which one is it? Is it cosmetic or is it medical? I want to know which one it is. The member said that we should not base our response on

emotion. All I heard opposite was pure emotion, talking about little puppies going into vet surgeries and squealing and the honourable member saying that he has refused to do them. The member for Morphett is a softy. He is not one of the hard men of the Liberal Party like the Hon. G. Gunn, the member for Stuart. There is a hard man! There is a man who is not afraid of a bit of pain, a bit of squealing.

Mr Hanna: He'd take away the whole back half of the dog!

Mr KOUTSANTONIS: He's been known to take on a few dogs in his time. I support what the honourable member is saying, and I defer to his knowledge and wisdom as a veterinarian. I defer to other members who feel emotional about this, but I just say this: do not assume for one moment that the honourable men and women of dog breeding associations, who breed dogs and participate in tail docking, are somehow irresponsible dog owners. They are not. They are the best example of responsible dog ownership in this state.

The Minister for Environment and Conservation is grappling with an issue about dogs that are not on leashes. I can tell members that dog breeders are very good about educating people who purchase their dogs on responsible ownership, and I think we should encourage that.

I do not think that we should be getting up in this place and criticising people who dock dogs' tails before we have heard both sides of the story. I believe that the Labor Party will eventually support this motion, but I urge members to contact their local dog breeding associations and chat to their members, as I do regularly. As a good local member of parliament, I keep involved with dog owners. I know that the member for Colton has a few dog clubs in his electorate, as I do in West Beach and Henley beach; a lot of good responsible dog owners.

Mr Hanna: I've got a big one.

Mr KOUTSANTONIS: And the member for Mitchell has a very big club, the Dover Gardens dog club. I urge all members to contact their respective dog clubs and dog breeding associations and get another point of view from that of the one vet who has never, in his entire time as a veterinarian, had to deal with an infected or hurt tail on a dog.

Mr GOLDSWORTHY secured the adjournment of the motion.

SCHOOL PLEDGE

Dr McFETRIDGE (Morphett): I move:

That this house encourages all South Australian primary and secondary schools to adopt the following pledge at school assemblies:

'I declare my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, and whose laws I promise to uphold and obey.'

I thank the member for West Torrens for giving me that break so that I could catch my breath again: I know that he will be supporting the next motion I am proposing. This motion is to introduce a pledge into South Australian schools, public and private, to be stated at school assemblies and any other official occasion. I am off to the Immanuel College valedictory night at the Town Hall this evening, and I am looking forward to it; and we will be singing the national anthem there, I am sure. I would like to have a pledge such as this stated by all schoolchildren.

This is no jingoistic or xenophobic reaction to what has happened in Bali in the past week or two, or the three shootings that have happened in Australia. I believe that a journalist was shot at in Brisbane last night. This is not a reaction to that. This is not the knee jerk, green gestapo reaction to banning guns, or to creating nationalistic fervour out of any fear or ignorance. This comes straight from my heart. Australia is a wonderful place in which to live. I am proud to live in this country. Many people would love to come and live in Australia. I encourage everyone in Australia to wear their heart on their sleeve, not to have a cultural cringe and not to be afraid to stand up and say, 'I am an Australian.' It is a privilege to be able to live in Australia. Certainly, there can be no higher privilege than to be a member of parliament in Australia. It is something of which I personally am proud.

I have discussed this motion with many friends over many months and I have not received one negative response. I have been encouraged in every way possible. I was delighted to see the federal Minister for Education, Dr Brendan Nelson, promoting the idea of celebrating our nation by saluting the flag and singing the national anthem. I believe that the Minister for Education and Children's Services said on radio that she did not oppose the idea, but that it would be up to individual principals. I am not compelling people to make this pledge. I hope that this pledge is something they want to do of their own volition.

It is important that this pledge be recognised for what it is. It is not an oath: it is just a declaration of people's sincerity in their wish to have Australia a united nation. It is part of my process of coming into parliament to help rebuild the social fabric. How many times did members go out doorknocking and speak to someone who was so scared that they had to undo 10 bolts on their door before they could speak to them? I have had to pass information under a screen door because the people inside the house were too afraid to open the door. That is a terrible situation in which people live. People do not know their neighbours. Parents cannot send their kids out to play. When I was younger it was fantastic. We went out to play and our parents did not worry about us. Obviously there were some loonies out there—and obviously the Beaumont children spring to mind. There have always been crazies out there.

However, the Australian community as whole is a very safe one. We should encourage our schoolchildren to accept the fact that they live in a wonderful country and to have a little pride. This will not go back to the original pledge that many members in this place would have said when they were at school. I remember the various gestures and postures I had to adopt when I said, 'I am an Australian; I love my country; I salute her flag; I honour her Queen; and I promise to obey her laws.' I remember having to bow and the girls' having to curtsy when we said, 'I honour her Queen.' I did not object to that at that stage. Certainly, attitudes have changed.

I make this pledge in all good faith so that those who read it—and hopefully agree with it—can state it with true honesty. It is important that we do not allow Australia to be a soft target. Certainly, the United Nations has occasionally criticised us, and refugee advocate groups have criticised the way in which this country is run. I am the first to admit that there are problems which we need to sort out. They pale into insignificance, however, when compared to some situations overseas. I have travelled overseas to South East Asia. I have travelled to places in the Middle East, where life is very cheap and where a 16 or 17 year old is standing on a corner in a dishevelled uniform with a machine gun in his hand acting as a guard.

You do not know whether or not to feel safe. They say that the more guns there are, the safer you feel, but I am not sure that is a valid argument. In Australia, the quality and standard of life and the freedoms we enjoy should never be taken for granted but, at the same time, we as citizens and residents of Australia—even if you are not a citizen—can say this pledge. I would like to think people would become citizens. Some people say, 'If you don't love it, leave', and I have some sympathy with that attitude. I hope that the attitude of the people who say they are some other nationality first and Australians second will change, because I think we should proud to be Australians first.

I have been to the Afghan association, the Italian association, the Polish association and the Greek Orthodox association, and attended balls and meetings in the last two months, and there is no way I would discourage these communities to hide their cultural backgrounds. They should be celebrating their backgrounds and maintaining their second languages. There is nothing better than being able to speak two languages. Maintaining that cultural background is something to be proud of but, at the same time, I would strongly promote the fact that you are an Australian first. You have come to this country, you have accepted the fact that this is where you want to spend your future and this is where you want to live, so you should also be willing to adopt the attitudes of the general Australian public. Some of our attitudes have been criticised in the past and, certainly, the levels of racism, sexual inequality, and even trade practices and industrial relations that we have seen in the past have changed, I hope for the better; and I, as a member of parliament, will continue to implement changes for the better—not just changes that I think are better, but changes that parliament thinks are better and, hopefully, that my constituents think are better.

However, as a base for all this, we need to have something that we can state that brings the community together and that makes the Australian, and particularly the South Australian, community feel that we are part of a community, not just a family. In some cases, we have dysfunctional families, and that is a crying shame, and I know that the Liberal Party is totally bipartisan in promoting any effort to remove the dysfunctionality from families and society. To be able to go to youth festivals or to music festivals—the Glenelg Jazz Festival is taking place this weekend, and that is a good festival and I will be attending—and not have to worry about some lunatic letting off a bomb or offending someone because you make a bit of a joke about an Irish mate of yours, is something that I am happy to be associated with.

The Hon. M.J. Atkinson: What did you choose the Irish for?

Dr McFETRIDGE: Because they make lots of jokes about the Scots and about the Scotsman's kilt—I will tell you that one later. I do not waver from the fact that this is a motion I have put up with the greatest amount of sincerity that I can possibly muster, because we need to make a pledge to the community and to the Australian nation that we declare loyalty to Australia, we share democratic beliefs, we respect the rights and liberties of the citizens here, and we promise and feel obliged in every way to obey its laws. I know the first and second verse of the national anthem but I will not sing them here. I commend the motion to the house.

The Hon. R.B. SUCH (Fisher): I have some sympathy with the member for Morphett's intention in moving this motion, but I would like to canvass a few related aspects. I grew up during the school era when we saluted the flag and recited an oath of allegiance—a pledge, if you like. When discussing or trying to develop a pledge I think there are a few important aspects to be borne in mind. Obviously, the words need to be chosen very carefully. I know that some schools do not have regular assemblies, and that is the first starting point. I think that school assemblies are very important to develop a sense of community within a school. In fact, I went to a teachers' college where we had weekly assemblies and we had the privilege of the then director Colin Thiele talking to us usually about extracts of a forthcoming book, and student teachers giving presentations, and it developed a real sense of community and commitment. I think that schools that do not have regular assemblies deny their pupils a great opportunity.

There are a few other aspects. Sadly, many of our students do not know Australian history and they know little about the political system. I do not believe that you can really participate or be a citizen unless you understand the history of your nation and, indeed, the history of other nations, and certainly your region, and the political processes. It is important to achieve a balance between what I would call gentle patriotism, which is the sort of patriotism that we see in countries such as Denmark, vis-a-vis what I would see as the more extreme patriotism displayed in the United States. You would have to say that in the United States it gets them focused, but it does not necessarily deliver the goods. We only have to look at the behaviour of the Washington sniper to see that—presumably someone who has come through that system and seen the flag every day—it has not stopped that person from—

The Hon. M.J. Atkinson: Why do you presume he has come through the system?

The Hon. R.B. SUCH: It is an assumption, but I am just saying that it has not prevented the United States from having the largest incarcerated population in the world. It has not stopped the United States having more blacks in prison than it has at university. We must be careful about mouthing slogans and ending up with a society, a culture, which just mouths slogans and pledges: it has to translate into meaningful action and commitment—and I am sure the member for Morphett would want to see that.

For a long time, I have argued that our schools, in particular our state schools, do not put enough emphasis on teaching explicit values. I do not think our schools should make any apology for doing so. Teachers will say, 'We do it; we want the children to be honest and so on,' and I am sure they do in a general sense, but I believe that, if you do not have good values, you have bad values. I do not believe that you have no values. It is all part of this process.

I think that our school system went off the rails between 10 and 20 years ago when we went into the fuzzy wuzzy fairy floss stuff. Not only do schools need to return to things such as assemblies but also they need to reinforce, without apology, explicit values, which are respect for oneself, respect for others, respect for property and commitment to the community. Patriotism of the gentle kind results in a commitment to the community. I believe that is what should be looked at in terms of drafting something that is said at assemblies and elsewhere in schools. The schools need the children not only to say it but also to live it by their committing to doing things for other people in the community—helping people in the community.

At the end of the day, as happened with the people who gave their lives or were wounded when fighting for Australia, it was really about doing something for others—in that case

doing something for the rest of the community. It is that sense of community commitment which is the antithesis of selfishness that we need to promote.

I would imagine that by moving this motion the member for Morphett is trying to develop that sense of community commitment which is part of what I would call a gentle patriotism rather than rampant xenophobia, which means that we turn against other people and hate other nations, different races and different creeds. That is the last thing we want.

In recent times, in this country we have promoted diversity very much, and it is a wonderful thing. We do not want to live in a society where everyone looks the same or acts the same—it would be boring, apart from anything else. However, the other side of the coin is that we have not emphasised enough cohesion. They are the two sides of the one coin, and, if you promote too much diversity and tell everyone that they are different or that their group is different from others in the community, before long the community falls apart. We have created an imbalance by focusing too much on one aspect and one side of the coin, that is diversity, without highlighting enough of the things which keep us together, that is, the cohesion side of it. I believe that is part of this whole process, and it is an important issue to debate when discussing what both the member for Morphett and the federal minister for education have brought forward.

I believe that we are at a stage of evolutionary development in our politics. I am sure we will become a republic. It will not be while John Howard is Prime Minister, but I think that it will come. It will only come, of course, if the people have a meaningful say in the matter, because they will not wear a system where people high up in the pecking order make the decision on their behalf. But I believe that we will become a republic. I think that, over time, the flag may well change, and possibly we will have an anthem that has a bit more vigour about it than the current one. I am not terribly upset about the current anthem: many of us were brought up on a localised version, which probably had more gusto and more oomph to it than the current one. Nevertheless, these things change over time and are best when they come from the feelings of the people rather than being imposed by a government of the day.

As I said, the pledge should not embody an arrogance that we see in some societies—and I am not picking on the Americans, because I like the American people; they are great people. But there is a danger that, if you do not handle this process correctly—if you do not have the right words or the right approach to it—you end up believing that your nation is the only one on earth and, therefore, you can get yourself into a position of arrogance. I am sure that we can think of other countries that have fallen into that trap. It is a fact of the history of the United States that it has pushed that aspect very strongly, because it had so many people coming from diverse backgrounds. But it might have reached a point now where it has become extreme—where they believe in the United States that they are God's own country, the only country on earth that is worthy of consideration. That is a very dangerous situation to be in, and I hope—

An honourable member: Who says that?

The Hon. R.B. SUCH: It is a popular view in the United States; they believe that they are God's own country.

Mr Koutsantonis: Could you give some quotes?

The Hon. R.B. SUCH: I will give you the evidence in time, yes. They believe that they are God's own country. I have been to America several times, and that is a very popular belief. It is very easy to trot out the sort of ethnocentric, xenophobic line, because there will be people who will clutch onto it for reasons of security. We have to be careful, in the current climate, that we do not fall for that trap and end up, for example, attacking people of the Muslim faith, or Indonesia, with some sort of simplistic McCarthyism type of approach which characterised the United States during the 1950s, and which we tended to fall for ourselves.

In essence, I have some sympathy for this issue, and I believe it is one that should be explored. I am not saying that these are the exact words that I would choose, but I think they are heading in the right direction. I encourage the state government (the CEO of the department of education is responsible for curriculum matters, not the minister here in South Australia, unlike in many other states) to explore this issue. I welcome the motion, I welcome the discussion, and I trust that, over time, an appropriate statement can be developed which can be used in school assemblies, which will encourage a commitment to the community.

Time expired.

Mr KOUTSANTONIS (West Torrens): I am impressed, member for Morphett. Finally, I have been surprised by a member of this house.

> I declare my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect, whose laws I promise to uphold and obey.

That was drafted under the honourable stewardship of this great nation of ours by Paul John Keating. The prime minister of the day tried to institute it in our schools and have it read at our citizenship ceremonies but, alas, it was stopped.

An honourable member: Not at citizenship ceremonies—it still happens now.

Mr KOUTSANTONIS: Yes, but the Prime Minister wanted to expand that. Unfortunately, it was stopped on his defeat in 1996—which was one of the greatest tragedies to befall Australian political history.

I listened with interest to the member for Fisher's remarks and anti-American sentiments, and I was quite surprised at his tirade against the United States, which has come to Australia's defence on many occasions and is probably one of our greatest allies.

An honourable member: A Philip Adams-like tirade.

Mr KOUTSANTONIS: Yes. In the United States the Supreme Court of the United States recently ruled the Pledge of Allegiance to be unconstitutional, and reading it out was not allowed to be enforced in schools. This was because of the amendment made in 1954 by one of the great leaders of the world, President Eisenhower. In 1954, President Eisenhower made an amendment to include the words, 'under God'. The Supreme Court of the United States in 2001 or 2002 ruled that that had now become a prayer and was unconstitutional, so it cannot be recited in schools.

I believe that the one thing that is missing in the member for Morphett's motion is that we are one nation under God. We are a Christian society and on that we base our laws and our functions in this parliament. We have the option of taking an oath to God in this house, and we say prayers before parliament begins. I believe that we should have an oath of allegiance that mentions God. I am not saying which god but the word 'god' meaning a supreme being, a word that Muslims, Christians and other minorities and races can say.

The pledge of allegiance in the United States is a lot shorter than the one suggested by the member for Morphett or the former Prime Minister. The pledge in the United States has had many changes but currently it reads:

I pledge my allegiance to the flag and the republic for which it stands, one nation indivisible under God, with liberty and justice for all.

It is important to note what the member for Fisher was saying, that somehow these pledges do nothing to stop people from feeling patriotic. I disagree. I think the member for Fisher was wrong. I think we should be encouraging a new form of Australian nationalism: a responsible form of Australian nationalism, not one that seeks to prey on the weak and on small minorities but one that celebrates diversity and multiculturalism and all that is great about Australia.

I commend the member for Morphett on his wonderful motion but I would say that it does not go far enough. The first thing we have to do is change our flag to make it representative of the nation we really are. Having the flag of another nation in the top right hand corner is somehow, I think, offensive to Australia. We are a sovereign nation.

Mr Goldsworthy: You wouldn't say that if it was the Greek flag.

Mr KOUTSANTONIS: Yes, I would. In fact, I would be offended, and that shows how ridiculous it would be if there was a Greek flag in the corner. We are a nation in our own right and on our own terms. We govern ourselves, we elect our own leaders: the only thing we do not have is our own head of state. Many nations have a history but they do not have a foreign flag in their top corner. Does Great Britain have a foreign flag in its flag?

The Hon. M.J. Atkinson: Yes.

Mr KOUTSANTONIS: Whose?

The Hon. M.J. Atkinson: It has the Scottish flag of St Andrew and it has the St Patrick's Cross in there.

An honourable member: And about nine American states have the Union Jack in their state flag.

Mr KOUTSANTONIS: That is one way of interpreting what the Union Jack is. The Union Jack is an amalgam of the Cross of St George, the Cross of St Andrew and the Cross of St Patrick, which are not displayed individually on the Union Jack. They are an amalgam, a new design for one flag, symbolising all those great countries' unity. But, I would say that the Australian flag does not symbolise one nation indivisible, one nation that is sovereign. It shows a history of colonisation, it shows a history of another nation's imprint on our nation's soul, and it should be removed. We are a mature nation that can govern itself. After we change our flag to depict the Southern Cross alone, the next step will be to have our own head of state, elected or appointed by the parliament or by the people—a person who is an Australian who lives on our soil, and who represents us.

I commend the member for Morphett on moving his motion. Well done! I am glad that he has embraced one of Australia's great national leaders, who was probably our first great patriotic prime minister since Ben Chifley.

Dr McFetridge interjecting:

Mr KOUTSANTONIS: So are you saying that you voted for him?

Dr McFetridge: In your dreams.

Mr KOUTSANTONIS: No, I didn't think you would have, because you do not have vision. I commend this motion to the house. I would like to see schoolchildren either singing the national anthem or reciting a pledge of allegiance. I would like to see our flag flown at all state schools. I certainly supply flags to all schools (both state and private) in my electorate, and I ask them to display it. Every day in my office, I fly two South Australian flags and one Australian flag. I also display other nations' flags, but the Australian flag always flies most prominently on either side of the other flags.

I do not think we should be afraid of people flying our flag; it is not some form of redneck patriotism. We should encourage it, and we should encourage belief in ourselves. I commend this motion to the house. I do not believe we have a caucus position as yet, so I cannot inform the house—

Mrs Geraghty: You can't get too enthusiastic.

Mr KOUTSANTONIS: I can't get too enthusiastic yet.

Mr Scalzi: Can you exercise a conscience vote on this one?

Mr KOUTSANTONIS: I am not as arrogant as members opposite, who say that they are the only ones who exercise their conscience in this house, and I find the remarks of the member for Hartley offensive. Of course, members opposite believe that they have the only road to wisdom and knowledge on matters of conscience. I find that offensive. If the member thinks that exercising his conscience is coming into this house in 1997, having pledged never to sell ETSA and then voting for it, I think he should examine his belief system. I do not criticise the member for that, however.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order! I ask that the member for West Torrens return to the question.

Mr KOUTSANTONIS: I take offence at people saying that I do not vote with my conscience in this house.

Mr Scalzi: You brought it up.

Mr KOUTSANTONIS: No, I didn't: you did.

The ACTING SPEAKER: Order!

Mr KOUTSANTONIS: I commend this motion and the good intentions of the member for Morphett to this house, who I know would never accuse anyone of not voting with their conscience in this house. He understands that all members of parliament, when they put motions on the *Notice Paper*, are speaking for their electorate, because they believe in it passionately. That member would not be arrogant enough to believe that others are not voting with their conscience.

Mr SCALZI (Hartley): I, too, rise to support this motion, and I commend the member for Morphett for bringing it to the attention of the house. It is true that we live in a multicultural society and that we cherish and celebrate our diversity. I think it is important that, in so doing, we acknowledge and celebrate what we have in common, that is, a great democracy. We should acknowledge that, and schools should acknowledge it.

As I have said on other occasions, citizenship and multiculturalism are two equal sides of the one coin, and to promote one without the other is to devalue us as Australians. This motion promotes that commitment that we have as Australians to accept diversity and to support—

The Hon. M.J. Atkinson: You tried to stop people with other citizenships becoming members of parliament. You tried to kick me out of parliament because of where my father was born. Do you remember that?

Mr SCALZI: No. I never thought that of the honourable Attorney-General, and I hope he noted that I said 'the honourable Attorney-General', because I respect him, and I congratulated him on his position. As the member for West Torrens said, it is agreed by all members—

An honourable member interjecting:

Mr SCALZI: The Attorney-General reminds me of something which I believe has been one of the greatest disappointments in my nine years in parliament, namely, the inability to bring into law something which is law at a federal

level: that members of parliament should have only one citizenship. I have explained on many occasions—

The Hon. M.J. Atkinson: What if we get two citizenships without our consent? You never address that issue.

Mr SCALZI: On many occasions—

The Hon. M.J. Atkinson interjecting:

Mr SCALZI: The Attorney-General brings up those who have been given two citizenships. When I brought the other matter to the attention of the house, I did not say that all a person had to do was renounce or declare. What matters is their intentions and actions, not what other countries do.

Ms Rankine interjecting:

Mrs Geraghty interjecting:

Mr SCALZI: I do not know what members opposite are concerned about. How many letters have members opposite written to the federal minister to change the law to make it the same as in South Australia? Answer that question, Attorney-General.

The Hon. M.J. Atkinson: None, because it is in the Constitution.

Mr SCALZI: So, in other words—

The Hon. M.J. Atkinson: It's in the Constitution.

The ACTING SPEAKER (Mr Snelling): Order! I ask the member for Hartley not to respond to the disorderly interjections from members on my right and to keep to the matter in question.

Mr SCALZI: I believe that the matter of civic education and citizenship and the importance of support and the example shown by members of parliament are very important in relation to this motion. Members opposite have said that they have done nothing about it, but they are prepared to mount a political campaign against my bill. That is up to them and their conscience.

The Hon. M.J. Atkinson: Knocked off by your own side; knocked off by your own Liberal Party.

Mr SCALZI: I will ignore that—

The Hon. M.J. Atkinson: Good old Legh Davis and Julian Stefani.

The ACTING SPEAKER: Order!

Mr SCALZI: —because this motion is about, as I have said, acknowledging that we are a great democracy and that we should be proud of that. I was a bit disappointed about the references to the Union Jack on our flag, because I believe that one of the greatest contributions that the British have made to this country is the Westminster system of government and—

The Hon. M.J. Atkinson: And the rule of law.

Mr SCALZI: And the rule of law, as the Attorney-General says. The reality is that we were settled by the British, and we should acknowledge that. That is an important part of our history. It would be wrong to talk about multiculturalism if we do not acknowledge our history including settlement by the British of this great country. They have made an excellent contribution. Our system of government and our laws are based on the British system, and we should acknowledge that.

It would be an offence for anyone to question the recognition of the Union Jack on the Australian flag when Australians have fought the great wars under that flag. I am proud of the Australian flag and, like the member for West Torrens, I raise it daily just as I do the South Australian flag. The South Australian flag is different, but it is an indication of our important history and that we are part of the federation.

Ms Rankine: What's the history of the South Australian flag?

Mr SCALZI: The history of the South Australian flag is that it was our own flag until 1901 and it has been a state flag since Federation, and it is important that we understand that, that we display our flag and that we are proud of it. I commend the member for Morphett for bringing this motion to the house. Civic education is important. I do not think people should go overboard, but I sense that the Australian community wants us to be a little more proud of our democracy and our history.

This motion brings to the attention of the house that it must be supported and that those concerns must be addressed. I know that in schools and with education syllabuses, such as for Australian studies and civic education, that concern is being addressed.

I refer also to citizenship ceremonies. The member for Morialta would no doubt agree with me, as Campbelltown, for example, has excellent citizenship ceremonies that we attend, as do Norwood, Payneham and St Peter's, and Burnside. Perhaps, when young people turn 18 and become full adults, recognition should be given to the fact that they have the right to vote. We should celebrate young people becoming adults, and perhaps they should get a certificate of acknowledgment that, now they are 18 years of age, they are able to fully participate in our democracy, that they have the right to vote and that they have the responsibilities that go with that. It would be a good thing if that was the case.

I know how proud people are at citizenship ceremonies when they become Australian citizens. I know that when someone becomes an Australian citizen they do not give up their history, customs and traditions. Rather, they make a commitment. That is what citizenship is about: it is commitment to this great country. Obviously, the Attorney-General misunderstood me. I do not want to take away his heritage, but I want to ensure that members of parliament have commitment to this great country above everything else. That is what a member of parliament should do: set an example to the rest of the community.

I commend the member for Morphett for setting an example and bringing this motion to the attention of the house. How it is implemented in schools would depend on the school, but it is an important thing to bring to the attention of members of parliament.

Time expired.

Mrs GERAGHTY secured the adjournment of the debate.

[Sitting suspended from 12.59 to 2 p.m.]

STATUTES AMENDMENT (DIVISION OF SUPERANNUATION INTERESTS UNDER FAMILY LAW ACT) BILL

Her Excellency the Governor's Deputy, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

SHOP TRADING HOURS

A petition signed by 10 589 residents of South Australia, requesting the house refrain from passing legislation to extend shop trading hours, was presented by the Hon. D.C. Kotz.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. L. Stevens)—

Dental Board of South Australia—Report 2001-2002

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

South Eastern Water Conservation and Drainage Board—Report 2001-2002

Pastoral Board of South Australia—Report 2001-2002

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Primary Industries and Resources SA 2001-2002

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Planning Strategy for South Australia—Report 2001–2002

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 8, 19, 20, 30, 39, 54, 69, 73 and 114.

DOLPHINS, PORT RIVER

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today, it is my unfortunate duty to bring some distressing news to the attention of this house: our dolphins are in danger. I have been informed that officers in my department have received oral and written death threats against our dolphins. A lunatic fringe group wants to stop the government creating a safe haven for our dolphins—a sanctuary. They have taken it upon themselves to use threats of violence in a vain attempt to get their own way. The Premier has received a letter from someone who appears to be a disturbed individual who stated, in part:

> Move all the dolphins out of the river. I personally volunteer for this distasteful but necessary task, and I have some friends that would be more than happy to lend a hand.

We have also received some very unsettling telephone calls with messages such as:

> The dolphins should be sent back to where they belong.

Another quote states:

> People will go after the dolphins with power heads.

Power heads, of course, are spear guns with explosive devices attached to the point of the spear and are generally used to protect divers from shark attacks. Yet another quote states:

> If the sanctuary goes ahead, there won't be any dolphins left to live there.

I am taking these threats very seriously, and both the police and government fisheries officers have been notified. I call on all people who use the Port River area to be on guard and to watch out for these few members of our society who think they have the right to use violence to get their own way. We must save our dolphins.

I would like to take this opportunity to stress that public consultation about the form the dolphin sanctuary will take is proceeding successfully. We are currently holding a series of public meetings to communicate directly with members of the public. My aim is to work constructively with all stakeholders, including fishers, to ensure that the dolphins and their environment receive the protection they deserve. I make it plain that there is no proposal to ban recreational fishing in the sanctuary area. I ask honourable members for their support to help the government ensure that threats to dolphins are stopped before they are carried out. We must be vigilant.

WILPENA POUND

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make another ministerial statement.

Leave granted.

The Hon. J.D. HILL: I want to inform the house of a worrying series of incidents that have recently occurred in Wilpena Pound. Last Wednesday 16 October, a Sydney woman in her 80s, who was on a short walking excursion from the Wilpena resort, was severely injured by a falling red river gum. Unfortunately, she suffered severe head injuries, shoulder injuries and leg injuries. Due to her critical condition, she was airlifted to the Flinders Medical Centre. Her doctors report that her condition is now stable but she remains in the hospital's critical care unit. Her 60 year old companion also suffered minor injuries but did not require hospital treatment.

On Tuesday of this week a second incident occurred at Wilpena. A falling limb from another large river red gum near the Wilpena visitors' centre struck a 27 year old German male tourist. He, too, sustained significant injuries to his head, back and lower leg and was transported to the Quorn Area Hospital for treatment. Fortunately, after receiving treatment and stitches to his back and lower leg, he was released and was able to continue his holiday.

Both of these incidents have been preceded by extremely dry weather conditions and strong winds. Officers of the Department for Environment and Heritage are investigating the circumstances relating to both incidents and, with the assistance of an arboricultural specialist, will conduct a risk survey of the area in which these incidents occurred. Nevertheless, public safety is a priority issue for our park managers. With summer fast approaching and the increasing likelihood that it will be a very dry season, I think it is appropriate for me to issue public warnings about the risks of falling trees. National parks and wildlife officers will continue to make every effort to ensure the safety of visitors in such locations—

Members interjecting:

The Hon. J.D. HILL: I am sorry that members opposite are making light of this. This is not a trivial matter: two people have been seriously injured, and it is important to warn the public about future possible incidents. Approximately 150 000 people visit Wilpena Pound each year. It has been 10 years since any recorded incident of trees falling and injuring visitors. River red gums, which comprise the majority of trees growing in the immediate surrounds of the Wilpena Pound Visitor Centre, are susceptible to dropping branches in periods of extreme weather conditions. The current drought conditions, warm dry weather and strong winds have preceded these incidents. It is unfortunate that people have been badly injured as a result of these incidents, but it is also important that people who intend visiting these areas are warned of the potential dangers.

CONSTITUTIONAL CONVENTION

The SPEAKER: Order! The house may be interested to learn that the parliamentary steering committee of the Constitutional Convention has recently met and empanelled a group of experts, who will prepare responses as issues papers and, from them, a summary called a Position Paper on the five questions, which the committee has determined it will distil from those matters canvassed in the compact for good government and other matters upon which they deliberated. The panel of experts are Dr Peter Howell, Dr Clement Macintyre, Dr Geoffrey Partington, Professor Judith Sloan, Dr Jenis Stock, Professor Geoffrey Walker and two former members of parliament, one of whom is the former Chief Justice, Hon. Len King, and the other, the Hon. Trevor Griffin. The steering committee noted that they were representatives of each of the houses of parliament, as well as from each side of politics, having an interest in and qualifications and experience relevant to the law.

Honourable members may also wish to note that the five questions to which the expert panel will address itself as determined by the steering committee are:

1. Should South Australia have a system of initiative and referendum (that is, Citizen Initiated Referenda) and, if so, in what form and how should it operate?

2. What is the optimum number of parliamentarians in each house of parliament necessary for responsible government and representative democracy in the Westminster system operating in South Australia?

3. What should be the role and function of each of the houses of parliament?

4. What measures should be adopted to improve the accountability, transparency and functioning of government?

5.(1) What should be the role of political parties in the Legislative Council, and what should be the method of election to the Legislative Council?

(2) What should be the electoral system (including the fairness test) and method of election to the House of Assembly?

Honourable members will be pleased to know, I am sure, that the expert panel will be called together early in November and will prepare the papers to which I have already alluded in the course of the time between then and 10 January, after which it will be possible for them to be released for the public to contemplate. In the meantime, honourable members have authorised the process by which that expert panel shall go about its work as well as authorised the establishment of the web site, which honourable members and the rest of the public of South Australia can confidently expect will be posted on the internet before the end of this month.

Altogether, I am pleased with what the steering committee has been able to achieve in the course of its deliberations, and I thank all members of it. For the benefit of those honourable members who do not know, it is comprised of the President of the Legislative Council, the Attorney-General, the Liberal Party spokesman on matters relevant to the Attorney-General's portfolio, the Hon. Gail Gago, the Hon. Angus Redford, the Hon. Dean Brown, Mr John Rau and myself.

QUESTION TIME

LIDDY, Mr P.

The Hon. R.G. KERIN (Leader of the Opposition): Will the Attorney-General confirm that, and inform the house why, in his ministerial statement on 13 August this year relating to Peter Liddy he omitted to refer to the fact that federal agencies were investigating certain aspects of that topic? In his ministerial statement made on 13 August 2002, the Attorney said:

> . . . there is no substance to allegations of corruption or criminal behaviour in either the District Court or the judiciary.

It was revealed on the *Today Tonight* program last evening that the Attorney's statement failed to refer to federal investigations of which the government was aware.

The Hon. M.J. ATKINSON (Attorney-General): My recollection is that the Commissioner of Police asked us not to refer to that matter in the ministerial statement because it would jeopardise the investigation.

AUTOMOTIVE TARIFFS

Mr RAU (Enfield): Will the Deputy Premier inform the house of the government's final position with respect to the Productivity Commission's position paper on automotive tariffs, and explain what action the state government has taken to influence the federal government in its decision making on these issues?

The Hon. K.O. FOLEY (Deputy Premier): I think all members of the house would be particularly interested in this issue, which goes to the very core of our state's manufacturing sector, that is, the long-term viability, sustainability and performance of the automotive industry here in South Australia. As all members would recall, shortly after taking office we had to move very quickly to secure the long-term future of Mitsubishi here in South Australia—which has seen $1 billion worth of investment, 1 000 new jobs and the establishment of one of four world-class research and development centres here in South Australia. The work undertaken by the new government, including the work and assistance of former premier John Olsen and the work of the federal Howard government, was to everyone's credit.

The next major issue for us as a government is the Productivity Commission's inquiry into the automotive industry. In June this year, the Productivity Commission released its position paper entitled 'Review of automotive assistance', which examined three options for reducing tariffs. The first option was to reduce the tariff by 1 percentage point a year, commencing in 2006, so as to achieve a rate of 5 per cent in 2010, with no further reductions before 2015. The second option was to leave the tariff at 10 per cent until 2010, then reduce it in one step to 5 per cent, with no further reductions before 2015. The third option was to leave the tariff at 10 per cent until 2010, then reduce it by one percentage point a year, so as to achieve the rate of 5 per cent in 2015.

The federal government will be making a decision on which of those options—or, indeed, a variation of those options—it will adopt as policy for the next decade or so for the automotive industry. The next three or four weeks in the decision-making process of the federal government is absolutely critical to one of this state's most important industry sectors.

Yesterday, I travelled to Canberra (and I appreciate the Leader of the Opposition allowing me a pair so that I could do so) with the important task of meeting a number of federal government ministers and federal members of parliament in relation to this issue.

The South Australian government's position on tariffs is the current position of the automotive industry itself. We do not oppose a reduction of tariffs in 2005 from their current levels of 15 per cent down to 10 per cent. Beyond 2005, however, the South Australian government recommends a retention of these tariffs at 10 per cent until at least 2010, after which any further tariff reduction should be considered only after a detailed assessment of the automotive industry and its market conditions.

The Automotive Competitiveness and Investment Scheme, commonly referred to as ACIS, or an equivalent assistance scheme should also be continued beyond 2005 in order to promote investment, research and development and production within the industry. There should be no direct link made between the post 2005 assistance and industry performance on workplace relation matters. It would be an inappropriate use of industry assistance and industry policy development to achieve a policy outcome in industrial relations that may or may not be the objective of the federal government. I made it very clear to members that we want those issues separated, and it is my understanding that the industry itself wants those issues separated.

I met with minister Macfarlane, the federal Minister for Industry, and the federal Minister for Finance, from South Australia, Senator Nick Minchin, and received very positive feedback from both those ministers. Obviously, Ian Macfarlane, as the industry minister, has to deal with the complexity of the issue, as does Senator Minchin. However, it is important that I had the opportunity to discuss that with Nick Minchin, the federal Minister for Finance and, indeed, a South Australian. I was scheduled to meet with Robert Hill but unfortunately he had to cancel at the last minute due to an urgent cabinet meeting.

We also invited all members of the federal parliament from South Australia and had a very good roll-up of Labor and Liberal members and, although there were no Democrat members, from memory, we did have, I think, some Democrat staffers attend. I had Mitsubishi's representative, Mr John Cosgrove; Peter Upton from the Federation of Automotive Parts Manufacturers; and Andrew McKellar, of the Federal Chamber of Automotive Industries to assist us in making a presentation to both Liberal and Labor members of parliament.

It was an excellent opportunity to share views. We had a very robust discussion. There is no doubt in my mind that all members—Labor and Liberal—in Canberra are committed to the automotive industry in the state. There are varying views on where we should strike tariffs, but my appeal to the federal Liberal Party is that it divorce the issue of industrial relations from this policy objective, and that was certainly a matter on which we had some robust discussion.

I want to thank the federal members of parliament of all sides of politics for showing a genuine interest in this important issue, and I thank the officers who assisted me. The important thing is that the automotive industry is vital to our state and, as the government in this state, we are putting all our energy, all our resources and all our commitment to ensuring that this industry sector gets the full support of the South Australian government.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): Can the Minister for Energy guarantee that pensioners will not be faced with proportionately higher increases in their electricity bills than the general community when electricity prices rise by up to 32 per cent as of 1 January next year? Pensioners receive an annual concession of $70 on their electricity bills. If these concessions are not raised, pensioners will be faced with a proportionately higher percentage increase in their electricity bills than will the general community.

The SPEAKER: If the member thinks about what he has just said, he will realise that he is expressing an opinion, which is debate.

The Hon. W.A. MATTHEW: It is fact, sir.

The SPEAKER: That is a matter of opinion, and it is my opinion that it is opinion. If the information being provided does not explain ambiguities that cannot be identified in the question, it is not in order.

The Hon. W.A. MATTHEW: I thank you for your guidance, Mr Speaker. Prior to the last state election, the Liberal government indicated that it would raise pensioner concessions by $20 to $90.

The SPEAKER: That is disorderly. The Minister.

The Hon. P.F. CONLON (Minister for Energy): I will do this slowly for the member for Bright. He has persistently got up in this place and talked about the government putting up prices by 32 per cent and about prices rising by 32 per cent. We are still awaiting a report from Lew Owens, the Chair of the Essential Services Commission established under legislation that they supported a few months ago. It may be that the member for Bright has some inside running with the Chair of the commission, but I do not think he has. I will wait to see the report. However, can I say this to the monstrous hypocrites opposite: if they had been concerned about pensioners, they would not have broken their promise and sold ETSA.

Members interjecting:

The SPEAKER: Order!

RADIOACTIVE WASTE

Ms BEDFORD (Florey): Can the Minister for Environment and Conservation inform the house of the government's response to the commonwealth's draft environmental impact statement for the highly controversial radioactive waste dump proposed for South Australia?

Members interjecting:

The SPEAKER: Order! Can I help the member for Florey and those who write questions for her to understand that pejoratives are not orderly. 'Highly controversial' is a pejorative term not to be included.

Ms BEDFORD: I have advised them of that, Mr Speaker, but they continue to give me these words to read.

The SPEAKER: May I say to the member for Florey that the Speaker does not engage in debate with honourable members, nor will the Speaker tolerate the excuses the member for Florey might put forward in future. Please be advised. I call the Minister for Environment and Conservation.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Florey for her

question on this very serious matter. As we stated in the letter to the federal government, the state government remains absolutely opposed to the establishment of any national radioactive waste repository in South Australia. This was our commitment to the people of South Australia before the last state election—indeed, we signed a pledge to that effect, and it remains our commitment. The government believes that each state and territory should take responsibility for its own radioactive waste, waste which is produced within its own borders.

Members interjecting:

The Hon. J.D. HILL: They do not like this. They know they are on the losing side on this. The state government's submission to the commonwealth has revealed some very disturbing deficiencies with the draft environmental impact statement, and I cite them for members. This is the basis of the response that the state government has sent to the commonwealth:

1. The dump is designed to allow leaching into the ground water. The EPA believes that this could lead to serious environmental harm and breach the Environmental Protection Act.

2. It does not assess the impact of climate change on the dump. That is a real concern, because a dump could or would last for hundreds of years.

3. No details are provided about the long-term management of the dump. It does not include details—

Members interjecting:

The Hon. J.D. HILL: They are interjecting above each other, sir, and I cannot hear any of the individual interjections.

The SPEAKER: The minister does not need to wind them up.

The Hon. J.D. HILL: I will try not to. From time to time, they remind me of wind-up toys, though, sir. I continue:

3. No details are provided about the long-term management of the dump. It does not include details about the control, maintenance, monitoring and reporting at the site or how the site would be managed after the dump's closure.

4. A statement is based on questionable assumptions about the nature and characteristics of the site's geology and soil composition.

5. Groundwater monitoring is inadequate, a crucial oversight in the planning of such a long-term facility.

6. The EIS does not address extreme rainfall events and fails to provide for a continuous rainfall record to be maintained for the life of the project, putting the site's management at risk through the absence of important baseline data.

7. There is a lack of information on the type of transport vehicles to be used. South Australians have continually voiced their opposition to the transporting of radioactive waste through their communities. Nowhere is this felt more strongly than in the state's Riverland, which would become the entry point for the eastern states' radioactive waste.

8. Failure to address transportation of waste issues. Concerns exist about road choices made for transport of waste from New South Wales as well as associated possible additional risks to the River Murray if an accident were to occur on roads or bridges adjacent to the river.

The Hon. I.F. Evans: Or rail.

The Hon. J.D. HILL: Or rail. Also, there has been a lack of consultation with communities in and around proposed routes and a lack of consideration given to accident rates. In the end, it raises many serious concerns. How would the dump be managed after its closure? Would the dump be more dangerous after extreme rainfall? What would happen if a truck carrying nuclear waste had an accident in Murray Bridge?

The government opposes the dump because it is potentially dangerous and because we know that the people of South Australia do not want it. The federal government has chosen South Australia to solve its national problem with nuclear waste. The state government will fight all attempts to impose this hot property that no other state will have.

Mr BRINDAL: I rise on a point of order, Mr Speaker. Earlier in your speakership, you clearly told this house that if the minister purported to quote from a document you would demand that the entire document be tabled so that the house could consider it. The minister was clearly quoting from an EPA response to a federal government document—a state government document to a federal government document. I ask that you rule that that document from which he quoted be tabled in its entirety.

The SPEAKER: I so order.

LIDDY, Mr P.

Mrs GERAGHTY (Torrens): Did the Attorney-General privately inform any members of parliament of the reasons why he did not refer to a certain National Crime Authority investigation in his ministerial statement to the house on 13 August in response to the *Today Tonight* allegations based on the testimony of convicted armed robber, Terry Stephens?

The Hon. M.J. ATKINSON (Attorney-General): We took the *Today Tonight* allegations on Channel 7 seriously, and we invited the journalist concerned and the producer of the program containing those allegations to meet the Solicitor-General of South Australia and put those allegations to him. That was done, and the Solicitor-General produced a report. The Solicitor-General found that there was not sufficient substance in the allegations for there to be a further formal inquiry. Not only was there no reasonable suspicion, there was no suspicion that those allegations were correct.

Indeed, much of what *Today Tonight* alleged was based on the allegations of convicted armed robber, Terry Stephens. We checked some of those allegations as they related to District Court proceedings and we found that they were entirely false and that they could be completely refuted beyond any doubt. The Solicitor-General produced a report and based on that report I made a ministerial statement to the house on 13 August. It is quite true that I did not refer to a National Crime Authority allegation that was related (perhaps remotely) to the Terry Stephens' allegations, but I had good reason for not doing that. It was my original intention to mention that investigation in my ministerial statement to the parliament, but I was beseeched by the Police Commissioner not to do that because it would jeopardise the investigation and put officers' lives at risk. That is why I did not do it.

What I find objectionable about the Leader of the Opposition's question is that, immediately after I made that ministerial statement, I sent my Chief of Staff to his office to discuss with him—although he may forget now—and with Digby McLeay the reasons why that had not been included in the ministerial statement. The Leader of the Opposition may have forgotten now, but on 13 August he was told the reasons why that National Crime Authority investigation was not mentioned in the ministerial statement. We thought it our duty to share with him that sensitive information, and we did it immediately after the ministerial statement. But it goes further than that—

The Hon. R.G. KERIN: On a point of order, sir, the Attorney-General is casting aspersions on me. I did not mention that hearsay—

The SPEAKER: What is the point of order?

The Hon. R.G. KERIN: He is misrepresenting the facts.

The SPEAKER: That is another matter: it is not a point of order. The leader well knows that there are other mechanisms available to him.

Members interjecting:

The SPEAKER: Order! The Attorney-General has the call.

The Hon. M.J. ATKINSON: What we are seeing today is the opposition working in with Channel 7 to produce another program on *Today Tonight* following the Terry Stephens allegations. I understand the reasons why an opposition will do that kind of thing, but I just express my disappointment that you were given this information—sensitive information—

Mrs REDMOND: On a point of order, sir, the Attorney-General is referring in the second person to 'you' in his address across the chamber, rather than to yourself.

The SPEAKER: I uphold the point of order. The Attorney-General will address all remarks to the chair.

The Hon. M.J. ATKINSON: I apologise for using the second person. Through you, Mr Speaker, the government thought it important to share sensitive information with the opposition. We made a full explanation, on the same day as the ministerial statement, to the Leader of the Opposition and his private secretary, Mr Digby McLeay. Furthermore, we offered the Leader of the Opposition the opportunity to read at my office the Solicitor-General's report—all of it. We made that offer and the Leader of the Opposition did not take it up. There might be very good reasons why he chose not to take it up, but I understand that the Leader of the Opposition delegated that responsibility to the Hon. Robert Lawson, who came to my office in the next week and did read the Solicitor-General's report.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will not interject on the Attorney-General. This matter has the most serious gravity of any matter this parliament has considered.

The Hon. M.J. ATKINSON: I understand that Channel 7's *Today Tonight* program believes that it has a major story. It believes that its allegations are true. The Government believes that those allegations do not have sufficient substance to warrant the spending of taxpayers' money on a further formal inquiry. We stand by the Solicitor-General's report. We think it is a good report and there were good reasons, shared with the opposition at the time, why I made no reference in the ministerial statement to a tangentially related National Crime Authority inquiry.

Mr BRINDAL: On a point of order, sir, I ask you to rule on standing order 127, which clearly provides that a member may not impute improper motives to any other member or make personal reflections on the other member, and I ask you to do so in light of the point of order that my leader attempted to make.

The SPEAKER: I did not perceive the leader to be making a point of order under that standing order. I saw the leader attempting to rebut the remark made by the Attorney-General. In any case, the member for Unley well knows that if words are used that are felt by a member, be it the Leader of the Opposition or anyone else, to be offensive, that member takes exception to those remarks at that time. It is within the province of the Leader of the Opposition to take objection to such words, even now at the conclusion of the answer, not the member for Unley or any other member on his behalf.

ELECTRICITY, CONCESSIONS

The Hon. W.A. MATTHEW (Bright): Does the Minister for Energy now intend to honour the commitment he made prior to the state election that the Liberal government's electricity concessions for self-funded retirees would be honoured by a future Labor government? Mr Ralph Aldersly from the Mount Gambier Association of Independent Retirees recently claimed on ABC Radio that several meetings were conducted prior to the election with the local Labor candidate, Mr Jim Maher, and the then shadow minister, Mr Conlon, who indicated that arrangements for self-funded retirees by the Liberal government would be honoured. Those arrangements involved an annual $70 concession on electricity bills for self-funded retirees.

The Hon. K.O. FOLEY (Deputy Premier): That is a pretty average attempt to inflict some embarrassment. What we said during the election campaign was that the Labor Party in government would honour the former Liberal government's commitments to self-funded retirees made in its earlier budgets, but we would not support the deal done on the eve of a state election by a desperate Liberal government to extend self-funded retirees' concessions. We did not support that during the election campaign and we did not support it in our budget.

Let us remember the embarrassment suffered by the hapless Leader of the Opposition when he was premier. My recollection is that what the former Liberal government offered as concessions affected about 18 000 people. What did Rob Kerin as premier do? The Leader of the Opposition wrote to tens of thousands of South Australians promising all these concessions—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —in a grubby attempt to mislead South Australians about whether or not they would get concessions. Who remembers watching television that night and seeing an embarrassed then premier, Rob Kerin, having to explain his mistake? It was some of the most pathetic vision one would see in an election campaign. You got it wrong; you deliberately misled South Australians, and the government—

The SPEAKER: Order! The Deputy Premier well knows that I did not deliberately mislead the people of South Australia.

The Hon. K.O. FOLEY: Thank you, sir. The Leader of the Opposition when premier, in my view, had no intention other than to mislead voters in this state—people who were never going to get that concession. It was one of the low points of the campaign; and to think the opposition would have the audacity to come in here today to ask a question about that leaves me stunned.

Members interjecting:

The SPEAKER: The member for Mawson and the deputy leader will come to order. The member for Giles has the call.

The Hon. P.F. Conlon interjecting:

The SPEAKER: And the Minister for Energy will come to order.

BAXTER DETENTION CENTRE

Ms BREUER (Giles): Will the Deputy Premier inform the house of the outcome of his discussions with the federal Minister for Immigration and Multicultural and Indigenous Affairs on the subject of sacramental wine being taken into Baxter Detention Centre?

The Hon. K.O. FOLEY (Deputy Premier): Yesterday, I met with minister Ruddock on a number of matters to do with migration in South Australia and—as did the former government—this government is looking at the need to deal with issues of population growth in our state, and we had a very productive meeting. Obviously, as Treasurer, I also took up what we see are issues to do with the cost to the state government resulting from the federal government's policy on detention at Woomera and Baxter. But, in particular, as the Premier undertook in this house the other day in response to the member for Giles, I took up the specific issue that the member raised about the ability of members of the clergy to access Baxter. Minister Ruddock, to his credit, was aware of the issue, had been briefed and advised me—

An honourable member interjecting:

The SPEAKER: I warn the member for Mawson.

The Hon. K.O. FOLEY: —that the officer on duty—the person responsible at that particular time—had in fact made an error. There is a protocol for clergy to visit detention centres and to take in very small and limited amounts of wine, and an error was made by that officer. Minister Ruddock told me that he has advised the managers of the Baxter facility that they must be very careful and sensitive about such matters. I thank the member for Giles for raising that matter in parliament and, particularly, I thank minister Ruddock for acting swiftly to ensure that that error was corrected.

We have many differences with the federal government on this matter and, as Treasurer, I have plenty of differences, but I think it is only appropriate that, as a government, we acknowledge a good response and a swift response, and I thank the member for Giles for raising this important matter in this place.

ELECTRICITY PRICES

The Hon. W.A. MATTHEW (Bright): Will the Minister for Energy advise the house how much electricity prices will decrease as a result of the SNI or Riverlink interconnector, or does he now agree with the findings of the Essential Services Commissioner that the impact of SNI on the retail market in this state will be limited? Prior to the election, the now Premier issued a pledge card which promised that a Labor government would 'fix our electricity system, and an interconnector to New South Wales will be built to bring in cheaper power'. In a determination released by the Independent Industry Regulator, now known as the Essential Services Commissioner, earlier this year he states:

SNI would provide limited net benefits for consumers.

The Hon. P.F. CONLON (Minister for Energy): So much for the pledge card that the Deputy Leader of the Opposition talked about, and I will deal with him in a moment. It is absolutely obvious that, once again, unfortunately, I need to use the time of this place to give the opposition spokesperson on energy, the member for Bright, some basic understanding of the national electricity market. We have seen his fundamental lack of understanding demonstrated already in this place when he talked about the average spot price and how prices should be based upon it.

An honourable member interjecting:

The SPEAKER: The member for Bright will come to order.

The Hon. P.F. CONLON: Let me first make the point about the benefit to prices of the interconnector. It certainly will not be as great now as it would have been for the people of South Australia if the previous government had supported it three years ago. If they had supported the interconnector three years ago, we would not suffer the pain that we are now. Why did they not support it? We have the documents. Their consultants told them that it would have an effect and would reduce prices, and that they would not be able to sell the generators for as much money; so they turned their back on it. It is to their disgrace that the interconnector will not have the effect on prices that it should have had as of 1 January next year. Their consultants told them how to make a crafty plan to prevent the code changes that would have allowed the interconnector.

The member for Bright's previous question implied that, because mine is a marginal seat, I went to Mount Gambier and misled people to try to win the seat, but did not do so in my own electorate. We were going to win the glittering prize from Rory McEwen with Jim Maher of Mount Gambier—

The SPEAKER: Order! The minister will refer to members by their electorates.

The Hon. P.F. CONLON: As for promises made before elections, what about the one that we would not sell ETSA? What about broken promises to the people of South Australia? Let me explain the benefit of an interconnector, and I sincerely hope the member for Bright listens. The benefit of an interconnector to New South Wales means that at those summer peaks, when the price is through the roof in South Australia, we will have access to New South Wales electricity to control the summer peak price, which everyone knows is a driving factor in high prices. That is the benefit. Can I also say this for the benefit of the member for Bright, who understands so little on this subject: one of the reasons that the benefits of interconnection are not as high as they should be is that we do not have firm trading about them. Let me tell members what we have been doing at the national electricity market and with the COAG review.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will come to order!

The Hon. P.F. CONLON: We have been asking for better systems of trading to maximise the benefit of interconnectors. Let me tell members what the member for Bright did when he was minister. Absolutely nothing! He did nothing about the interconnector or better trading across interconnectors. He did nothing for South Australians. Let me say this—

The SPEAKER: I do not know that I will. The minister has said so much on this topic for so long during the course of question time in answer to so many questions that I think it is not necessary for repetition. It is clearly against standing orders and, accordingly, I call the member for West Torrens.

WATER SCIENCE AND ENGINEERING

Mr KOUTSANTONIS (West Torrens): Will the Minister for Government Enterprises inform the house about the creation of a new SA Water chair of water science and engineering at the University of South Australia?

The Hon. P.F. CONLON (Minister for Government Enterprises): Thank you, sir.

The Hon. R.G. Kerin interjecting:

The Hon. P.F. CONLON: I do not think the Leader of the Opposition should be giving advice about question time. I really think he has had one of his more embarrassing days and he should be a little more careful. What we have here—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What we have here, Mr Speaker, is genuine—they will not want to hear this because it is genuine good news for South Australia—

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON: They would rather carp and whinge and whine than hear good news for South Australia. What SA Water is doing—

The Hon. R.G. Kerin interjecting:

The Hon. P.F. CONLON: The genius Leader of the Opposition has had a bad day, but at least he is brave. We were not impugning his character either, Mr Speaker.

The SPEAKER: Order! The Minister for Government Enterprises will address the subject matter.

The Hon. P.F. CONLON: SA Water, in conjunction with the University of South Australia, has contributed very significant funding to fund a chair in water science and engineering—in hydroscience, I think the final term will be.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: It will be $350 000 a year from SA Water alone, and additional funding from the University of South Australia. What this will mean is that we will get a person of the calibre that the job deserves. It also means that for South Australia, instead of what we have seen in the past—the quick fix approach, the cheap political solution—we are casting bread upon the water in the truest biblical sense. What this will—

Members interjecting:

The Hon. P.F. CONLON: And they do not want to listen to positive plans for our future. What this will do is help us to address the critical water issues we face in South Australia. There is no place in the world where it is harder to manage water and water resources than in this state. We have more than 150 years of bad practices to overcome in regard to the River Murray. Water problems in the future will not be fixed by new discoveries or fond hopes: they will be fixed with engineering and science. What we are establishing through SA Water is the commitment of taxpayers' funds to a better future for all South Australians. We may not see the benefits next year or the year after, but we will see them into the future for generations—

The Hon. D.C. Kotz interjecting:

The Hon. P.F. CONLON: And they still don't like it. The member for Newland still does not like it. Whether they like it or not, it is difficult to manage water in South Australia—

Members interjecting:

The Hon. P.F. CONLON: They just do not want to hear it. This position will allow us to be at the cutting edge of science and engineering, and it will have two benefits. It will improve the environmental crisis that we are currently experiencing and, if we can get it right here, we can do it anywhere in the world: it will give us a cutting edge industry that we can sell around the world. They tried to do it simply by outsourcing and privatising; that was their answer for everything. Our answer is to build our intellectual base, build our intellectual grunt, and build a better future for South Australians.

DAVIES, Dr R.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health—and I can assure you that it is not concerning my voice. On what occasions, and where, did the minister meet with Dr Roger Davies of the Queen Elizabeth Hospital in April, May and June of this year?

The Hon. L. STEVENS (Minister for Health): I hope that the deputy leader takes care of his health, because he is obviously having difficulty in getting the words out. We have had question upon question in relation to this issue, and I have given answer upon answer. As I explained yesterday, there was no meeting between Dr Davies and me on 26 April, as the shadow minister asked yesterday. I did meet with Dr Roger Davies on 31 May. That meeting occurred several weeks after Dr Davies had, in fact, altered the purchase order for an MRI machine and, interestingly, he failed to mention that to me at that time.

LOCAL GOVERNMENT CONFERENCE

Mr O'BRIEN (Napier): Will the Minister for Local Government report on the local government conference that was held in Adelaide on 10 and 11 October, and on state government representation at the conference?

The Hon. J.W. WEATHERILL (Minister for Local Government): As members may be aware, the Local Government Association held its biennial conference over two days—10 and 11 October—at the Adelaide Convention Centre, and I can report that we were ably represented. The Premier gave a keynote speech, and other MPs included the Hon. Mike Elliott and the members for Unley and Norwood, who always pay regular attention to matters of local government. I was there as a representative, and played a role in introducing speakers at a conference cocktail party the night before.

The conference was based on a theme of renaissance, and it continues to talk about exciting ideas and opportunities that exist in local government. Local government in this state, as members would all be aware, has some fairly galloping ambitions. It sees itself not just as another interest group but as a serious tier of government. We accept that ambition, but with that comes some responsibilities. We will be challenging local government to be more accountable to its communities and to the ratepayers within those communities. No doubt, one of the key challenges that has been exercising the minds of members of this place (and I know that it has been exercising the mind of the member for Unley, because he has dropped a few amendments around the place) is the question of ratings. We will be asking the local councils to accept their responsibility as a legitimate sphere of government to make sure that they care for vulnerable ratepayers—and, hopefully, I will have more to say about that in due course. The conference was an example of the degree of professionalism of local government. That is something that we on this side of the house wish to encourage, and we will be taking steps to do that.

In closing, I also bring to the attention of the house the retirement of the President, Johanna McLuskey, the Mayor of the City of Port Adelaide Enfield. I would like to acknowledge her efforts since we have been in government. She has

been a pleasure to work with. She has been of enormous assistance, as has the association. I should draw to the attention of the members of the house that there is indeed a new President who has been elected for the balance of the term. That is Max Amber, Mayor of the City of Campbelltown and, in our early discussions, I have found that the relationship that we are likely to enjoy between the government and him, representing the association, is likely to be as fruitful, and I look forward to continuing that relationship.

HOSPITALS, QUEEN ELIZABETH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health. When Dr Davies met with the minister on 31 May, what did he say to the minister about the purchase of a 1.5 tesla MRI machine for the Queen Elizabeth Hospital?

The Hon. L. STEVENS (Minister for Health): Well, this is getting to be a little bit tedious. However—

Members interjecting:

The Hon. L. STEVENS: If you would like to listen, I will tell you the answer. When Dr Davies met with me at the rescheduled meeting on 31 May, he explained to me that he had a business case for the purchase of the MRI machine. I explained to him that that business case would be considered after the budget. As I have just answered, the interesting thing about that meeting was, of course, that I was not to know—and he did not tell me—that on 7 May 2002, some three weeks before the time we met, he had already altered an order to purchase the new MRI.

BASIC SKILLS TEST

Ms CICCARELLO (Norwood): Can the Minister for Education and Children's Services inform the house of the results of this year's basic skills test?

The Hon. P.L. WHITE (Minister for Education and Children's Services): On the eve of World Teachers Day, I think is fitting to say that I am quite pleased with this year's basic skills test results. They are good.

Members interjecting:

The Hon. P.L. WHITE: I have never opposed the basic skills test.

Members interjecting:

The Hon. P.L. WHITE: In fact, in our last two election policies (and the Liberal Party well knows this; that is how long the basic skills test has been around), we supported the basic skills test. So, the misinformation put around by the Liberal Party should be corrected by the Liberal Party.

Members interjecting:

The SPEAKER: Order!

The Hon. P.L. WHITE: I now turn to the results: they have been good right across the board for South Australian primary students. The basic skills tests are done for years 3, 5 and 7 and, as I say, they have been good right across the board. We have shown steady improvement in all those year levels. We are seeing increases not only in the mean score achieved by students but also in the number of children who are achieving at the top skill levels being matched by a decrease in the numbers that are being reduced in the bottom skill levels. Interestingly, at all year levels, South Australian girls are consistently outperforming the boys in literacy but, in numeracy, it is the boys who are consistently in all the year levels outperforming the girls.

To give some short detail on the results, the most notable improvement has occurred in the primary writing assessment for year 3 students, where percentages in the upper skill bands have increased markedly. In year 3, the percentage of students in the top two school bands has increased from 25 per cent in 2001 to 48 per cent this year. The percentage of year 3 students in the lowest skill band has reduced from 12 per cent last year to 7 per cent this year.

The state mean score in 2002 for year 3 numeracy is significantly higher than that of last year. The percentage of students in the lowest skill band reduced from 17 per cent last year to 14 per cent this year—the lowest ever recorded for that category. The percentage of students in the top two skill bands is 36 per cent this year, compared with 28 per cent last year. Similar results apply in relation to year 5 literacy. As year 3 students two years ago, only 9 per cent were in the top skill band (the lowest percentage recorded). As year 5 students this year, in that same cohort the percentage of students in the top skill band is 16 per cent, which matches the cohort of year 5 last year. So, that is a significant achievement.

In year 5 numeracy, between 2001 and 2002 there was a significant increase of 7 per cent in the percentage of students in the top two skills bands. In year 7 literacy, there was an increase of 11 per cent in the top two skill bands between last year and this. For the same period there was an increase of 6 per cent in the top two skill bands in numeracy, with a decrease of 3 per cent in the students in the lowest two skill bands. So, those are very good results. With the additional resources and focus on education in the early years, particularly from next year with the extra junior primary teachers in classes, with the extra resources for addressing learning difficulties at an early stage, and with the extra curriculum support for primary maths and English, I think we will see even better improvements over the coming years.

As I have said, the credit for these results, apart from being with the students themselves, must go to very dedicated and inspiring teachers in our classrooms. Because this government values those teachers, in recent months there has been a real lift in morale in our classrooms, and I think we are seeing the benefits of that flowing through into the classrooms.

CRIME PREVENTION

The Hon. R.G. KERIN (Leader of the Opposition): Will the Attorney-General confirm for the house that the $600 000 allocated to local crime prevention was to be used to close the programs down by the end of this calendar year and was not available to fund these programs beyond the new year?

The Hon. M.J. Atkinson: This works out to about $30 a question so far.

The SPEAKER: Order!

The Hon. R.G. KERIN: Documents obtained under FOI reveal that on 10 July 2002, a decision was made to use the $600 000 allocation to close local crime prevention programs by the end of this calendar year. However, on 20 August the Attorney told the house:

> It is my hope that Port Augusta will be given priority in the allocation of the remaining $600 000.

On 16 October, the Attorney again told the house:

> As it happens, officers of my department have had discussion with the Local Government Association with a view to spending the

$600 000 wisely. That may involve the Port Augusta program continuing.

Which one is right?

Members interjecting:

The SPEAKER: Order! The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): My understanding is that there is no contradiction in the statements. As it happens, Port Augusta council has carryover money which can carry them beyond 31 December. So, my understanding is that the Port Augusta program will continue into the new year and, because Port Augusta has special problems with crime, that is a good thing.

SCHOOLS, DISADVANTAGED

Mr GOLDSWORTHY (Kavel): Will the Minister for Education and Children's Services explain to the house the justification for the recent reclassification of the index for disadvantaged schools? The minister recently sent a memo to school principals stating that the index for the classification of disadvantaged schools had changed using ABS data that is six years old. In the electorate of Kavel, at least two primary schools have been recategorised and will lose school counsellors and other support services. This will result in crucial learning programs and other initiatives being withdrawn, thus affecting many children.

Dr McFetridge interjecting:

The SPEAKER: Order! The member for Morphett will remain orderly.

The Hon. P.L. WHITE (Minister for Education and Children's Services): The index of disadvantage was introduced by the former government. It is updated based on ABS data, and this year it was also based on some factors to do with a number of Aboriginal students and the mobility of students in and out of schools. That is the answer to the first part of the honourable member's question.

In response to his second assertion that schools are losing resources, he is making an assumption because I do not believe that, as yet, his schools have received their budget. So, he is making an assumption about that. If the honourable member had listened to the answer I gave to a question just yesterday, he would have understood that, if any of his schools have been given a changed index category, that would not affect at all their basic global budget figure.

I said to the house yesterday that, as long as school enrolments do not change between this year and next year—and budgets are always adjusted for enrolment variations—they would receive the same budget as they did this year, only it would be updated for inflationary factors such as salary increases and the like. On top of that, as extras they will receive additional resources, which were announced in the state budget, such as junior primary school teachers and extra primary school counsellors and the like. So, the honourable member's assertion that his schools have had a decrease in their global budget is just not correct.

FIRE BANS

Mrs REDMOND (Heysen): My question is directed to the Minister for Emergency Services. Given that the state fire danger season does not commence until 31 October, will the minister assure the house that recent fire bans which were imposed and notified were legally enforceable? Under section 35 of the Country Fires Act, during the fire danger season fires may only be lit under the exceptions listed, one of which is the provision of a permit. Pursuant to section 37, a total fire ban may be imposed on the lighting of fires in the open on a specified day or days, and the ban can apply throughout the state or be restricted to a specific area.

On 18 and 21 October (last Friday and Monday), weather conditions were such that it was considered that there was a high risk of fire. In response, the CFS issued a media release which 'urged people to consider delaying burn-offs'. When the weather conditions continued to deteriorate the CFS issued a further alert 'to ban all burn-offs today, whether or not approval had previously been granted.' The media release went on to state specifically:

> Under the statewide fire ban which has been issued under the Country Fires Act any burn-offs already lit must be extinguished immediately.

According to both these media releases and my inquiries of the Country Fire Service, the ban imposed on the 18th was a statewide ban on all burn-offs. As we are not in a fire danger season and therefore no permit is currently required for burning off, and under the act there is no provision to specifically ban burn-offs, it seems that the warnings issued on 17, 18 and 21 October were not legally enforceable.

The SPEAKER: Order! Let me try and put beyond any reasonable doubts what our standing orders say about asking questions. I draw members' attention to standing order 97, which says:

> **Such questions not to involve argument**
>
> In putting any such question [that is, a question without notice to a minister], a member may not offer argument or opinion, nor may a member offer any facts except by leave of the house and only so far as is necessary to explain the question.

Constantly, we flout that standing order, albeit with the best of intentions. It is important that we uphold what we say we will do or otherwise change it. I invite the house, during the short break we have, to contemplate ways in which the information conveyed by members seeking to debate questions can be better dealt with in order to ensure a fairer balance between asking bald questions and getting answers from ministers which, in turn, are in breach of standing orders in that they go far beyond providing the information sought.

I leave it with the house, but I will not allow my place in the chair and my responsibility to uphold what the house has as its standing orders to be compromised. The Minister for Emergency Services.

The Hon. P.F. CONLON (Minister for Emergency Services): I have to say that there are not a lot of standing orders about doing this sort of thing. I take very seriously the question of the member for Heysen, because I have regard for her abilities in this place and her legal understandings, and I will certainly take the question away and get a considered response. As she would probably be aware, the warnings and media releases issued on the day, because of the constantly changing situation, are made without any reference to me as minister, and that is the way the CFS works. However, I do have an overarching responsibility to ensure that they do things legally, and I will obtain a proper answer for the honourable member.

However, whether or not it was lawful, at least one of the occasions was the day on which we were experiencing some 100 knot winds which had not been forecast by the weather bureau and which created enormous dangers for anyone conducting burn-offs. So, if they were not entirely lawful, they were certainly a very wise thing to do. But I will get a proper answer for the honourable member.

AUTISM

The Hon. I.F. EVANS (Davenport): Will the Minister for Health advise the house what the government believes is the reason why the number of people in South Australia identified with autism has doubled in the past five years, from 700 to 1 400? A constituent has contacted my office in regard to a family member with autism. On contacting the Autism Association of South Australia, I was interested to be advised that the number of people identified with autism in South Australia has doubled in the past five years, from 700 to 1 400, and it raises the question why.

The Hon. L. STEVENS (Minister for Health): I will take the question on notice. I have not got the answer right now, but I will endeavour to have the answer for him as soon as possible. It is an important issue and people with autism suffer greatly in relation to their ability to participate as other citizens do in the community. I am happy to look into the matter for the honourable member.

MOTOR REGISTRATION OFFICES

Mr HAMILTON-SMITH (Waite): Will the Minister for Transport confirm whether the government is conducting, without community consultation, a review of motor vehicle registration offices in order to determine whether to close the Kingswood Transport SA service centre, and other Transport SA service centres? The opposition has been provided with information which indicates that a review of Transport SA service centres is under way and that closure of service centres is being considered. Mitcham council and community representatives within my constituency of Waite have expressed to me their concern at reports suggesting the Kingswood motor vehicle registration office is to close. I have been advised that there has been no open and accountable community consultation on the review or the proposed closure.

The Hon. M.J. WRIGHT (Minister for Transport): I am not aware of the detail about which the honourable member is talking. If it is such a serious question, I am also not sure why opposition members laugh at the question. I actually think that the honourable member's question, in respect to whether a review is being undertaken, warrants examination. I am happy to bring back a detailed response for the honourable member, who obviously raises this matter because of genuine concern for his local area—as a good local member should do. Why the member for Davenport would laugh at the honourable member, I am not sure.

LIDDY, Mr P.

The Hon. R.G. KERIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.G. KERIN: When the Attorney's chief-of-staff informed my chief-of-staff of details surrounding ongoing police investigations into the matters raised by the Attorney-General today, no federal or National Crime Authority investigations were mentioned. State police investigations were mentioned at that time. The shadow attorney-general, the Hon. Robert Lawson QC, has confirmed he received a briefing to the same effect.

The Hon. M.J. Atkinson interjecting:

The Hon. R.G. KERIN: These matters have been kept confidential by my chief-of-staff and the shadow attorney-general. Therefore, the accusations made by the Attorney-General are false and I ask him to withdraw them. My question today concerning claims in relation to federal investigations were revealed to me for the first time on *Today Tonight* last night, and I was unaware of any National Crime Authority investigations until the Attorney-General raised that issue here in the house this afternoon.

SCHOOLS, FUNDING

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a personal explanation.

Leave granted.

The Hon. P.L. WHITE: Earlier today in question time the member for Kavel asserted that two schools in his electorate, which had been reclassified under the new index of disadvantage, had lost their primary school counsellor positions.

An honourable member: This is not a personal explanation.

The Hon. P.L. WHITE: Yes, it is a personal explanation.

The SPEAKER: Order! May I say the chair does not need the help of whoever it was who offered the opinion that it was not a personal explanation.

The Hon. P.L. WHITE: I have checked with my office and I can now provide further detail. The two schools, Mount Barker South and Nairne, which are the two schools in his electorate that dropped into a less disadvantaged category, have not had their primary school counsellors withdrawn. This year Nairne had the equivalent of 0.82 of a full-time equivalent primary school counsellor position—

The Hon. DEAN BROWN: I rise on a point of order, sir. This is not a personal explanation but, rather, a ministerial statement.

The SPEAKER: I am following it closely. I fail to see where the minister claims to have been misrepresented. It may be a ministerial statement, but the minister does not have leave for a ministerial statement. The minister has leave for a personal statement, which must relate to circumstances in which she has either inadequately addressed information to the house or inaccurately addressed the information she has given to the house. If it is by way of further explanation, then it has to be a ministerial statement.

The Hon. P.L. WHITE: May I have leave to provide the information that the honourable member was seeking as a ministerial statement?

The SPEAKER: Does the minister seek leave to make a ministerial statement?

The Hon. P.L. WHITE: I do, sir.

Leave granted.

The Hon. P.L. WHITE: Nairne Primary School currently has 0.82 of a full-time equivalent primary school counsellor position, and Mount Barker South has 0.72 of a full-time equivalent primary school counsellor position. Both schools will maintain exactly those levels for the next three years. Not only have those schools not lost resources but their bottom line figure of their global budget will be increased for next year.

Members interjecting:

The SPEAKER: Order!

LOCAL GOVERNMENT ASSOCIATION

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.W. WEATHERILL: In answer to a question asked by the member for Napier, in congratulating Max Amber, the new President of the Local Government Association, I unwittingly promoted him to Mayor of Campbelltown. In fact, he is a councillor. I seek to correct the record.

GRIEVANCE DEBATE

GLENELG TRAMLINE

The Hon. M.R. BUCKBY (Light): Today I want to talk about the Glenelg trams, and the fact that the government has decided not to continue with a private-public partnership proposition in relation to the Glenelg trams.

An honourable member: Shame!

The Hon. M.R. BUCKBY: It is a shame, indeed. Members would be aware the previous government refurbished five trams. Those trams are some 71 years old and are costing government a significant amount of money in terms of keeping them on the track and repaired. The PPP was to look at refurbishment of up to nine trams or the purchase of new trams. I am aware that there were some 70 expressions of interest for this particular PPP, yet the minister last week said that this was not a priority for government. In fact, if I remember correctly—and I stand to be corrected—he said that he was not interested in going down the path of a private-public partnership, such as the previous government had indicated.

Well, that is a mistake, because this state has lost the opportunity of upgrading those trams or getting new trams that are sorely needed for that run. As the member for Morphett said in debate during private members' time today, some 2 million passengers use that tram each year. That equates to 3 500 passengers per day. Yet this government considers that it is not a priority. In fact, it is not going to consider further any of those expressions of interest.

It would seem commonsense to me, if you decided that you were going to change the terms of a private-public partnership or that you would look at some other way of doing this, at least to keep those 70 groups in the link so that you could draw upon those who have expressed interest. Many governments around the world use this process to get private industry to supply money for projects that they cannot afford.

In fact, on 17 and 18 September this year, the South Australian government hosted a public-private partnerships conference on how such partnerships should be conducted, and there were speakers from the United Kingdom and other states, and case studies were presented. At the first opportunity, the briefings given to the new minister by his department say that the Glenelg trams PPP is the most advanced of any that the previous government undertook. So, this one had gone the farthest down the track—excuse the pun—towards obtaining a benefit for this state than any of the other PPPs.

One must ask why this government is not going to undertake a private-public partnership that will be of benefit to the state, that will improve the service that is delivered on the Glenelg tramway and also reduce the cost of keeping these trams on the track. I think we can give the answer. The fact is that they are not at all interested in doing business with the private sector, yet the previous minister, the Hon. Diana Laidlaw, had an agreement with the union to go down this path. In fact, the Adelaide Hills Transit contract to supply bus routes through the Adelaide Hills had the support of the union; this PPP would have followed that methodology, and the union supported this as well. So, one would have to ask why this government has not gone down that track. And it is for idealistic reasons: that is all there is to it. Why would you knock back 70 expressions of interest to upgrade the Glenelg tram and disadvantage this state? It is because of pure ideology.

LIDDY, Mr P.

The Hon. M.J. ATKINSON (Attorney-General): It is well known that Rohan Wenn of Channel 7 on the *Today Tonight* program has for months been making serious allegations about the Peter Liddy case. Some of those allegations relate to the use of Peter Liddy's assets for his criminal defence rather than for the compensation of his victims. Mr Wenn's allegation, on which the opposition concentrated today, is that a motorcycle gang conspired with, or alternatively blackmailed, Liddy and others, including the District Court, to obtain Liddy's house at Kapunda for the purpose of obtaining access to photographs and videotapes in that house for the purpose of further blackmailing judges and others. It is that allegation on which the Leader of the Opposition was concentrating in his question today. In fact, he quoted from my ministerial statement of 13 August—

The Hon. R.G. KERIN: I rise on a point of order. I believe that under standing order 127 the Attorney-General has, yet again, imputed an improper motive to me by saying that I referred to an investigation of which I have absolutely no knowledge.

An honourable member interjecting:

The Hon. R.G. Kerin: That's what you said. Have a look at the *Hansard*.

The Hon. M.J. Atkinson: No, I am not even trying to do that.

The Hon. R.G. Kerin: Well, withdraw what you said.

The ACTING SPEAKER (Mrs Redmond): Order! If the Attorney-General has imputed an improper motive, he should withdraw—

The Hon. M.J. ATKINSON: No, I did not impute

The ACTING SPEAKER: —but if he is going to explain and justify his comments, he can go ahead.

The Hon. M.J. ATKINSON: Certainly, at this point of my contribution, I am not imputing any improper motive whatsoever or improper conduct to the Leader of the Opposition. I therefore rule that out entirely. I am saying that today's question by the opposition concentrated on the second of two allegations in Channel 7's *Today Tonight* program and, in the Leader of the Opposition's question, he quotes from my ministerial statement of 13 August where I said that there is no substance to allegations of corruption or criminal behaviour in either the District Court or the judiciary. The Leader of the Opposition goes on to say:

> It was revealed on last night's *Today Tonight* episode that the Attorney-General's statement failed to refer to federal investigations of which the government was aware.

So, all I am saying is that the opposition is concentrating its questioning on the second of the two *Today Tonight* allegations. In my ministerial statement of 13 August I stated:

> I have also been advised by the Commissioner for Police that releasing the report of the Solicitor-General would not be in the public interest. I accept this advice but, nevertheless, believe that it is appropriate to put before the house most matters dealt with in the Solicitor-General's report.

I then go on to detail some of the Solicitor-General's report. At the end of my ministerial statement, I stated:

> I had intended to make one further statement about additional action being explored by the government. However, on advice, neither I nor other government ministers will comment further at this time. In conclusion, Mr Speaker, you have my assurance that, where allegations of serious wrongdoing are made, they will be investigated and, where such allegations are found to be of substance, they will be pursued with all vigour.

Any member of the house listening to that ministerial statement would have been clear that there are aspects of the Solicitor-General's report which I wished to share with the house at that time but I could not, owing to a request by the Police Commissioner. Any member of the house listening to that ministerial statement would have worked that out. But, to make it even clearer, I dispatched my Chief of Staff to the Leader of the Opposition's office where he conferred with the Leader of the Opposition and Digby McLeay, and spelt out that the Police Commissioner had beseeched me not to include in my ministerial statement on the Solicitor-General's report details of a certain investigation—the very investigation about which the Leader of the Opposition asked me today. He said:

> He—

the Attorney-General—

> omitted to refer to the fact that federal agencies were investigating certain aspects of that topic.

The ACTING SPEAKER: The Attorney-General's time has expired.

The Hon. M.J. ATKINSON: Because I was interrupted by a point of order, and I understand that standing orders permit me to have a certain amount of time.

The ACTING SPEAKER: You have 30 seconds.

The Hon. M.J. ATKINSON: Thank you, Madam Acting Speaker. So, if the Leader of the Opposition—who may well have been distracted on that day because he was suspended from the house by the Speaker—did not get the message from being in the house or from being briefed by my Chief of Staff, he would have got the message from his shadow attorney-general, Robert Lawson, who came to my office and, in my presence, read the entire Solicitor-General's report which contains all the relevant information, which makes his question today very precious. The Leader of the Opposition knew that today.

Time expired.

SCHOOLS, PERFORMANCE

Ms CHAPMAN (Bragg): I rise today to record and acknowledge the success of nine South Australian schools this year in being recognised among 36 schools across Australia for operating on an outstanding basis. I do so because, on 18 October 2002, supported by the *Australian*, a panel of educators of significant qualification selected the 36 schools to be recognised in this manner. What is important about this recognition is that the nine South Australian schools represent 25 per cent of the total of 36 Australian schools that were recognised, and this from a state which is represented by only 8 per cent of the Australian population.

For the record, the schools are: Brighton Secondary School in respect of music; Glenunga International High School for its high intellectual potential program; Hallett Cove School for marine studies; Marryatville High School for music and tennis; Prince Alfred College at Kent Town for boys' education; Salisbury High School at Salisbury North for Aboriginal education; Seaview High School at Seaview Gardens for performing arts; Unley High School for information technology and gifted education; and Victor Harbor High School for music.

In acknowledging those schools, I am very proud to say that three of them are either in or abut the electorate I represent. However, each of them has demonstrated an outstanding contribution and reflects the leadership and standard of teaching in those schools. Sometimes it is just the passion of a single devoted teacher who progresses an idea within a school and, if it is successful, it benefits the school community but, in particular, the students.

I particularly acknowledge Marryatville High School, and I do so on this occasion not only because it is in my electorate but also because I want to acknowledge that the current government has agreed to support the commitment made by the former minister for education, Malcolm Buckby, for a $1.369 million performing arts centre which was approved in the 2001-02 budget. This school has a specialist interest music centre. It has a considerably high reputation with a focus on music going beyond a very small elite. There are 120 students in the music centre, but 450 of the 1 100 students take music as a subject each year at Marryatville. The principal, Kate Castine, said that the music focus creates its own set of challenges. As I indicated previously, the school has also received significant results in relation to its specialist tennis program. It is to be congratulated, and I do so.

In 1988, Glenunga International High School took up the challenge by starting a students with high intellectual potential program. Their principal, Rob Knight, acknowledges the following:

> The flow-on effect has seen a vibrant learning environment for gifted students which has pervaded the school as a whole. . . all individuals to reach their own level of potential.

Victor Harbor High School is a school about which we have heard much in this session of parliament, in particular the government's determination, as it describes, to defer the major capital works in that area. The school has battled on and, notwithstanding all the adversity I might say, it has been singularly recognised in this group for its specialist music college. Their principal, Dr Peter Manuel, said:

> Every student should have the opportunity to experience in their lives the joy and fulfilment gained by participating in musical activities, regardless of their ability.

Finally, I especially mention the Hallett Cove School in South Australia, which has been acknowledged quite uniquely in respect of its marine studies, a program undertaken at that school. It is also to be complimented.

I am very proud to be the Liberal Party spokesperson for education, and these schools have been duly acknowledged at the Australian national level.

McASSEY, Mrs C.

Mr SNELLING (Playford): It is often said, but not often enough, how much members of this house rely on their electorate secretaries. As well as keeping us organised,

getting us to meetings on time, ensuring we return calls and getting us out of bed in the morning, usually they are the first point of contact for people seeking us out. In this regard, an electorate secretary is vital. He or she can be the making or 'unmaking' of a politician. With this in mind, I wish to acknowledge the tireless work of Mrs Clare McAssey in my office. Tomorrow will be the last day that she will work with me. Technically, I suppose Clare is retiring, but it would be more accurate to say that Clare is changing her career to a full-time granny. Her grandson, John, was born recently and he has become in every way her pride and joy. On some days it has seemed that not an hour has passed without Clare giving me the latest update on Johnny's latest exploit.

I must admit to not being the most organised person. I am a great procrastinator. How fortunate then that I inherited Clare from the former member for Playford, John Quirke. Clare's greatest attribute is her compassion. Often she has given money from her own purse to people in need who come into the office. Recently, a young African family—the mother was heavily pregnant—was in need. Clare spent days hunting down homewares and baby clothes for them, even to the point of donating from her own cupboards. I have returned to the office many times to find someone facing some personal tragedy crying on Clare's shoulder. It is this generosity of spirit that is Clare's hallmark.

Clare has shown a similar generosity of spirit to my own family. Clare has been a third granny to my daughters; she is always ready to dote on them and spoil them. Recently, I had to explain to my eldest that Clare did not live at the electorate office. Molly had trouble understanding that Clare had her own home because she was so used to seeing Clare in the office at all hours. In my own personal life, Clare has been a source of comfort and strength, and for this I will be forever grateful. Being Irish, Clare is stoic and stubborn. Her own daughter calls her 'Attila the Mum'. At election time, she literally works until she drops. On the rare occasions when I have attempted to be stern with Clare, it has always been because of Clare's working too hard and refusing to rest. Recently my friend, Johnno Johnson, said to me that an electorate secretary never works for you: he or she works with you. In the last six years, it has been a great privilege to work with Clare McAssey.

I know that Clare is probably terribly embarrassed by all this: she has always preferred a behind the scenes role. However, it is important to put on the record on behalf of the Labor Party and the people who live in the electorate of Playford my thanks to Clare. I will conclude by referring to the words of Clare's beloved Yeats, as follows:

When we come at the end of time,
To Peter sitting in state,
He will smile on the three old spirits,
But call me first through the gate;
For the good are always the merry,
Save by an evil chance,
And the merry love the fiddle
And the merry love to dance:
And when the folk there spy me,
They will all come up to me,
With 'Here is the fiddler of Dooney!'
And dance like a wave of the sea.

NATIONAL WINE CENTRE

Mr HAMILTON-SMITH (Waite): I rise to speak on the issue of the National Wine Centre from the viewpoint of the shadow spokesperson for tourism. I do so because, over the coming week, the government and South Australia face some very important decisions. On 15 October, the Treasurer made a statement to the house which provided an amount of information, but it is the information that was not provided in that statement that is perhaps most pertinent. There is no question that the National Wine Centre has become a political football. What this house must now decide is whether and how it wants to go forward—or whether it wants to go back.

There is no question that some mistakes were made during the construction and design of the centre. There were problems with the marketing plan. There were some problems with the management and the way in which the place was set up, particularly in regard to staffing and a range of other issues. There is also no question that there was a degree of under capitalisation at the outset. However, it is also quite apparent that, particularly from the election, the National Wine Centre was turned into a political football. There is no question that that contributed significantly to the demise in attendance levels and to the rapid drop in profitability from January this year. Some of the figures that were not—

An honourable member: Are you blaming us?

Mr HAMILTON-SMITH: I am not blaming anyone. I am calling on the house to look to the future rather than to the past. Some of the information that was not provided in the statement on 15 October (which stated that 38 000 people had gone through the paid exhibition in 2001) was that, in fact, in its first 10 months of operation, 140 000 people visited the National Wine Centre; 25 000 people attended restaurants; 25 000 attended over 200 functions; and 9 000 purchased tastings in the tasting gallery. That is in addition to the 38 000 who went through the paid exhibition. In fact, in the period 19 December to 5-6 January, the four weeks leading up to the election, average attendance was 400 per day, which, extrapolated, is within the ambit of marketing expectations.

I also draw the attention of the house to statements made by Mr Ian Sutton of the Winemakers Federation on the morning program on ABC Radio some weeks ago that in December the Wine Centre was achieving 72 per cent of its revenue targets. Given that it had been open for only four months and had suffered the September 11 tragedy and the Ansett collapse, in fact, things were not that bad at the National Wine Centre at that time. It plummeted in January, once it became a political football at the behest of the now Treasurer and the Premier. In effect, the Treasurer and the Premier have destroyed the credibility of the National Wine Centre. It was a fixable situation, and I now call on the government to fix it.

I recently visited the eastern states and spoke to representatives of the Australian Tourism Commission and a number of other tourism identities about our standing at present, in the light of the events surrounding the National Wine Centre, and I must say that it has damaged our reputation as a tourist destination. The Treasurer claims that $2 million per year is needed for two to three years. The winemakers claim that $1.5 million is required in 2002-03, and $500 000 in 2003-04. The Kowalick report makes it very clear that a functioning Wine Centre is worth $42 million a year to the South Australian economy—$420 million over 10 years—and we are quibbling over a couple of million dollars.

The government has sacked the manager, Bill Mackey, and next week we face making a serious decision. I call on members on all sides of the house to sit back and ask themselves what is best for tourism and what is best for South Australia. If it becomes a white elephant, it will be the Labor Party's white elephant. It has destroyed it. That is not to say that there were not some problems, but its elevation into a

political football has added fuel to the fire. As a state, we need to fix the Wine Centre, in the interests of tourism.

The Minister for Tourism has just announced a plan, the central point of which is wine tourism. That is her vision for the future. This is the National Wine Centre: let us together make it work on a bipartisan basis.

BALI BOMBINGS

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I rise to acknowledge one South Australian who is taking part in the events in Bali, with considerable professionalism and expertise, but whose name has not yet been mentioned. I do so because she is a distinguished scientist who was trained at the University of Adelaide and who plays a very important role, in the aftermath of the bombing, in the area of forensic odontology. To date, there has not been much discussion about this area of expertise, but the house might realise that the Dental School and the University of Adelaide have a very significant reputation in this area, and it is one of the areas of expertise that can truly make an impact for the grieving relatives in bringing about a resolution in the search for their relatives.

There have been some misstatements and misunderstandings about the role of forensic odontology at this time. There is a misunderstanding amongst the community that currently there are very few amalgams in the teeth of young people and, therefore, forensic studies of teeth do not have any great bearing on the identification of the deceased. The reality is, of course, that there are perhaps fewer amalgam fillings now, but the x-rays of the ones that are examined show more than just the position, location and shape of amalgams. They also, of course, show the age of the skeleton, they recognise bony parameters and, if enough of the skeleton is photographed, one can even sex the identity of the deceased.

In addition, the bony cavities that are displayed, such as the sinuses, have specific shapes, as do the teeth, their number and their location. Even when altered by orthodontic devices, those x-ray records show very clearly the identity of the individuals involved. So, it is more than just the fillings: it involves plates, orthodontic devices, prostheses, the presence of root canal therapy and the presence of abscesses and cysts. In fact, it might be noted that, due to the level of oral management prevalent in the community nowadays, it is only the affluent who can afford major dental treatment. However, there are many people in Bali who have dental records that are very useful.

The role of forensic odontologists is particularly significant at this time, and it is worthwhile mentioning that the breadth of the science is more than just counting fillings. One of the most experienced and foremost proponents of this skill is, in fact, Jane Taylor, who came from Adelaide. Jane was trained at Adelaide University and studied at the Dental School, and she has now been sent by our government to Bali to help in this anguishing time to identify the remains for grieving relatives. She was, in fact, trained in Adelaide by Ken Brown, and is a very significant female scientist. We should acknowledge her presence, as we have acknowledged the presence of other forensic scientists, and recognise that she comes from Adelaide and is working under difficult conditions, for the good of Australians who have been bereaved in this location.

STATUTES AMENDMENT AND REPEAL (NATIONAL COMPETITION POLICY) BILL

The Hon. J.D. LOMAX-SMITH (Minister for Tourism) obtained leave and introduced a bill for an act to amend the Conveyances Act 1994, the Land and Business (Sale and Conveyancing) Act 1994 and the Local Government Act 1934; and to repeal the Advances to Settlers Act 1930, the Emergency Powers Act 1941, the Loans for Fencing and Water Piping Act 1938, the Loans to Producers Act 1927 and the Student Hostels (Advances) Act 1961. Read a first time.

The Hon. J.D. LOMAX-SMITH: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill combines the repeal or minor amendment of a number of Acts to implement the recommendations of National Competition Policy legislation reviews ("NCP review").

Under the National Competition Policy agreements, all jurisdictions have an obligation to review and, where necessary, reform legislation which contains restrictions on competition. In South Australia, 178 Acts were identified, and, since 1997, 154 have been reviewed, including the following Acts which are the subject of this Bill:

- *Emergency Powers Act 1941*
- *Loans to Producers Act 1927*
- *Advances to Settlers Act 1930*
- *Loans for Fencing and Water Piping Act 1938*
- *Student Hostels (Advances) Act 1961*
- *Local Government Act 1934*
- *Conveyancers Act 1994*

In the case of all but the last two Acts, the recommendation of the NCP review was to repeal the Act. In the case of the *Local Government Act 1934* and the *Conveyancers Act 1994*, the recommendations consisted of the repeal or minor amendment of several sections.

An explanation of the function of each Act and the reasons for the Government's response to the recommendations arising out of the NCP review of that Act are given below.

Emergency Powers Act 1941

The Act was created as a wartime measure early in the Second World War, to provide additional statutory powers for the civil defence authorities because of a fear that voluntary measures for Civil Defence arrangements could not be relied upon in a time of crisis. Similar enactments were made in most Australian states, but none are known to be still in existence. It was intended that the Act would expire with the signing of peace treaties, but, as the Axis powers surrendered, no treaties were signed and the mechanism for triggering the expiry of the Act did not occur. In 1952, this Act and a number of other South Australian wartime Acts were amended to enable the State Governor to issue a proclamation declaring that the Second World War had ceased, but no proclamation to this effect has been located. The Act has not been used since soon after the end of World War 2.

The Act could be justified under the National Competition Policy agreements as being in the public interest on the basis of the interests of consumers generally, and the efficient allocation of resources during a time of war. However it is moribund and South Australia has alternative, extensive emergency services legislation in the *Essential Services Act 1981* and the *State Disaster Act 1980* that deal with civil emergencies or disasters during peacetime or armed conflict. In addition, the *State Disaster Act 1980* was amended in 1994 to include, among other things, provisions for civil defence measures, when and if required. Consequently the *Emergency Powers Act 1941* is to be repealed.

Advances to Settlers Act 1930, Loans for Fencing and Water Piping Act 1938, Loans to Producers Act 1927, and Student Hostels (Advances) Act 1961

These Acts were designed to provide support and funds for authorities or individuals that met the criteria set in the particular Act. All loans under these financing schemes were closed as of 30 June 1998. The Acts are no longer used, but the requirement to report on them continues to exist. Alternative programs and mechanisms to meet the Government's policy objectives are in place. For

example, since 1995, the Rural Finance and Development Branch of Primary Industries and Resources SA provides loans to producer cooperatives, which formerly borrowed under the *Loans to Producers Act 1927*. Consequently the four acts are to be repealed.

Local Government Act 1934

The *Local Government Act 1999* repealed almost the entire *Local Government Act 1934*. Part XXX, which includes the regulation of cemeteries and a related by-law making power, was not repealed. The NCP review recommended the repeal of three sections:

- Section 586, which provides for the establishment of cemeteries by a council, is to be repealed on the basis that this power is superseded by more comprehensive and contemporary provisions in the *Development Act 1993*.
- Section 595(1)(f), which provides a power to make regulations setting the maximum charges and fees which may be charged by a council, is to be repealed so that Council cemetery fees are regulated by the contemporary provisions of the *Local Government Act 1999*.
- Section 667(1)4XXII, which provides a power for a council to make by-laws for the management of cemeteries, crematoria and mortuaries, is to be repealed on the basis that the council by-law making provisions of the *Local Government Act 1999* should apply to a council's cemetery operations in the same way as for other council by-laws.

This Bill repeals those sections.

The NCP review also recommended that section 589, which confers certain powers on a council with respect to neglected cemeteries, either be repealed or revised to include rights of appeal and to reduce overlap with similar powers in other legislation. While there have been no known complaints about any abuse of section 589, it is not considered appropriate to simply repeal the section at this stage prior to a more extensive review of the cemetery provisions. The Bill, therefore, amends the section to make the provisions relating to order-making procedures and rights of review contained in Divisions 2 and 3 of Part 2 of Chapter 12 of the *Local Government Act 1999* apply to an order, or a proposal to make an order, made under section 589.

Conveyancers Act 1994

Conveyancing consists of the creation of conveyancing instruments capable of registration under the provisions of the *Real Property Act 1886*, or which can be entered in the Register Book. In South Australia, conveyancing can be conducted by legal practitioners and registered conveyancers. The NCP review identified the objective of the Act as the protection of consumers from the risk of incompetent or dishonest conveyancers. This is achieved through the imposition of strict point of entry controls, the mandating of professional indemnity insurance, the regulation and supervision of trust accounts and disciplinary measures. While generally speaking these restrictions are justified in the public interest, some aspects of the Act were not, and the review recommended that sections 7(1)*(b)* and 7(2)*(b)*(i) be amended. These sections contain a prohibition against persons who have been convicted of an offence of dishonesty, or corporations with a director who has been convicted of an offence of dishonesty, being registered as a conveyancer. This applies to any offence of dishonesty, regardless of its gravity and imposes a life-time entry ban.

This Bill amends sections 7(1)*(b)* and 7(2)*(b)*(i) to provide that a person cannot be registered as a conveyancer if the person has been convicted of a summary offence of dishonesty within the 10 years preceding their application. However, a conviction for an indictable offence of dishonesty will continue to permanently prevent a person from being registered. This measure recognises the seriousness of prohibiting a person from a career for life and balances against it the need to protect the community from dishonest practitioners.

A consequential amendment is also made to the definition of 'legal practitioner' so that this term will have the same meaning as in the *Legal Practitioners Act 1981*. This will provide consistency in the definition and is required due to the amendment in 1998 of the definition of 'legal practitioner' in the *Legal Practitioners Act 1981* to include interstate legal practitioners and companies that hold practising certificates. The definition of "legal practitioner" in the *Land and Business (Sale and Conveyancing) Act 1994* is also amended by this measure so provide consistency in all legislation dealing with conveyancing.

I commend this Bill to the House.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF CONVEYANCERS ACT 1994

Clause 4: Amendment of s. 3—Interpretation

This clause amends section 3 of the principal Act by amending the definition of "legal practitioner" so that that definition is consistent with the definition in the *Legal Practitioners Act 1981*.

Clause 5: Amendment of s. 7—Entitlement to be registered

This clause amends section 7(1)*(b)* of the principal Act to prevent a person who has ever been convicted of an indictable offence of dishonesty, or who has been convicted of a summary offence of dishonesty in the preceding 10 years, from gaining registration as a conveyancer.

The clause also amends section 7(2)*(b)*(i) of the principal Act to prevent a company from gaining registration as a conveyancer if a director of the company has ever been convicted of an indictable offence of dishonesty, or has been convicted of a summary offence of dishonesty in the preceding 10 years.

PART 3

AMENDMENT OF LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

Clause 6: Amendment of s. 3—Interpretation

This clause makes a consequential amendment to section 3 of the principal Act by amending the definition of "legal practitioner" in the same terms as clause 4, so that that definition is consistent throughout legislation dealing with conveyancers.

PART 4

AMENDMENT OF LOCAL GOVERNMENT ACT 1934

Clause 7: Repeal of s. 586

This clause repeals section 586 of the principal Act.

Clause 8: Substitution of s. 589

This clause amends section 589 of the principal Act so that the provisions found in Divisions 2 and 3 of Part 2 of Chapter 12 of the *Local Government Act 1999* apply to an order, or a proposal to make an order, made under the section. The provisions in Division 2 relate to the procedures which need to be followed by a council in relation an order, rights in relation to a review of the order, the action that may taken by a council in the event of non-compliance with an order and an offence provision in relation to non-compliance. Division 3 requires a council to develop certain policies in relation to the operation of Part 2 of Chapter 12 of the *Local Government Act 1999*.

Clause 9: Amendment of s. 595—Regulations

This clause amends section 595(1) of the principal Act by striking out paragraph *(f)*.

Clause 10: Amendment of s. 667—By-laws

This clause amends section 667(1)4 of the principal Act by striking out subparagraph XXII.

PART 5

REPEAL OF ADVANCES TO SETTLERS ACT 1930

Clause 11: Repeal

This clause repeals the *Advances to Settlers Act 1930*.

PART 6

REPEAL OF EMERGENCY POWERS ACT 1941

Clause 12: Repeal

This clause repeals the *Emergency Powers Act 1941*.

PART 7

REPEAL OF LOANS FOR FENCING AND WATER PIPING ACT 1938

Clause 13: Repeal

This clause repeals the *Loans for Fencing and Water Piping Act 1938*.

PART 8

REPEAL OF LOANS TO PRODUCERS ACT 1927

Clause 14: Repeal

This clause repeals the *Loans to Producers Act 1927*.

PART 9

REPEAL OF STUDENT HOSTELS (ADVANCES) ACT 1961

Clause 15: Repeal

This clause repeals the *Student Hostels (Advances) Act 1961*.

The Hon. I.F. EVANS secured the adjournment of the debate.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE (FIRE PREVENTION) AMENDMENT BILL

The Hon. P.F. CONLON (Minister for Emergency Services) obtained leave and introduced a bill for an act to amend the South Australian Metropolitan Fire Service Act 1936. Read a first time.

The Hon. P.F. CONLON: I move:

That this bill be now read a second time.

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

Leave granted.

Pursuant to the *Statutes Amendment (Local Government and Fire Prevention) Act 1999* (assented to 18 March 1999), section 60B was added to the *South Australian Metropolitan Fire Service Act 1936*. This section gives councils the power to require the owner of land on which there is 'inflammable undergrowth or other inflammable or combustible materials or substances' to take specified action to remedy the situation within a specified time. Previously this power had been provided by council by-laws.

The section as drafted does not allow Councils to require the clearing of undergrowth until it has cured sufficiently to be considered to be flammable. Hence the danger of the outbreak of fire must already be present before the enforcement of remedial action can be commenced. This is considered by both the South Australian Metropolitan Fire Service (SAMFS) and the Local Government Association (LGA) to be unsatisfactory.

The logistics of inspecting all properties within a council district after the undergrowth has cured to a flammable state, issuing, where appropriate, rectification notices and policing compliance guarantee that the hazard will continue to exist well into the Fire Danger Season.

The Bill seeks to amend section 60B to enable councils to enforce clearance of any undergrowth that is likely to become flammable.

Liaison has occurred between the SAMFS and the LGA on this matter. Both organisations are anxious that this anomaly be rectified before the 2002-03 Fire Danger Season commences. Both the SAMFS and the LGA have agreed with this proposed amendment.

The Bill seeks to make a minor amendment to sections 45 and 51B and also to section 60B of the principal Act by the replacement of the word 'inflammable' wherever it occurs with the more contemporary word 'flammable' which has been in common use and, in particular, in fire service use for many years now.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 45

This clause substitutes the outdated reference in subsection (3)*(e)* to 'inflammable' with the word 'flammable' which is the preferred term in fire service use.

Clause 3: Amendment of s. 51B

As in clause 2, this clause substitutes the outdated references in subsections (1) and (2) to 'inflammable' with the word 'flammable'.

Clause 4: Amendment of s. 60B—Fire prevention on private land

This clause inserts the definition of 'flammable undergrowth' in section 60B with the effect of enabling councils to deal with undergrowth that is not yet flammable but likely to become flammable at a future point in time. The clause also updates further references in subsections (2) and (3) to 'inflammable' with the word 'flammable'.

The Hon. I.F. EVANS secured the adjournment of the debate.

LOCAL GOVERNMENT (ACCESS TO MEETINGS AND DOCUMENTS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Minister for Local Government) obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. J.W. WEATHERILL: I move:

That this bill be now read a second time.

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

Leave granted.

The Government's commitments to improved honesty and accountability in Government will flow on to local government councils in two ways. Legislation affecting the public sector generally, such as the *Freedom of Information Act 1991* and the *Ombudsman Act 1972* already incorporates local government, and amendments to those Acts contained in Bills currently before the Parliament also cover local councils. In addition, it is necessary to look at the *Local Government Act 1999* to determine whether any specific changes to the accountability framework unique to local government are warranted.

This Bill deals with the specific circumstances, set out in sections 90 and 91 of the *Local Government Act 1999* [the Act], under which a council or council committee meeting can make orders to exclude the public to consider a particular matter and to over-ride the automatic right the public would otherwise have under the Act to access to the reports, resolutions or minutes relating to that matter. It is intended to reinforce the principle that, wherever possible, the public should have access to council and council committee meetings and meeting documents.

The Bill's objectives are consistent with those behind the amendments introduced to the *Freedom of Information Act 1991*. The amendments proposed require the application of a public interest test in some cases, a concept familiar from freedom of information legislation. In considering this Bill it is important to note that an order made in a council or committee meeting to keep meeting documents relating to a matter 'confidential' in terms of the rights that would otherwise apply under the Local Government Act does not determine whether access to those documents will be given on application under the *Freedom of Information Act 1991*, although similar considerations may apply.

The Bill also contains a number of minor and technical amendments to the Act, some of which formed part of a *Statutes Amendment (Local Government) Bill 2000* that lapsed at the conclusion of the last sitting of Parliament.

A consultation package was prepared containing a draft of the Bill, together with explanatory papers outlining its specific proposals, and also seeking comments on current practices and further ideas for reforms that would contribute to openness, including non-legislative measures. The consultation package was distributed to all councils, local government unions and peak bodies, the media, members of Parliament, and to the public on request. Its availability was widely publicised in the Messenger Press, which continues to perform a valuable service for local communities by drawing attention to councils' practices in relation to open meetings. Consultation took place over a five week period. In total 40 responses were received by the due date of 20 September 2002 and every effort was made to consider submissions that arrived after the due date.

The majority of submissions, including those from local government, congratulated the Government for pursuing the principles embodied in the draft Bill or expressed support for the thrust of the amendments. A number made suggestions for refinements and additions that have been considered in finalising the Bill for introduction. It was also very useful to be able to take into account the experiences of a small number of individuals and resident and ratepayer groups who made submissions on the Bill.

The amendments contained in the Bill, as refined following the consultation process, rationalise and reduce the number of grounds that councils may use to exclude the public from meetings and to restrict automatic access to meeting documents by:

- merging various grounds relating to personnel matters, personal hardship and the health or financial position of a person into a ground covering 'the unreasonable disclosure of information concerning the personal affairs of any person'
- replacing 'possible' litigation with litigation that the council 'believes on reasonable grounds will take place'
- removing the consideration of 'advice from a person employed or engaged by the council to provide specialist professional advice' as a ground for excluding the public
- making the grounds for exclusion that relate to commercial confidentiality (except trade secrets) and confidential intergovernmental communication subject to a public interest test

- clarifying the ground relating to prejudicing the maintenance of the law
- ensuring that the price payable by the council under a contract for the supply of goods or services must be made public once the contract has been entered into

To further improve the framework for public access, the Bill requires that councils:

- review, at least once a year, orders that meeting documents associated with a matter that has been dealt with in confidence not be made public
- place the dates, times and places of council and council committee meetings on the Internet (where practicable) and consider other methods of publication likely to come to the attention of their community
- charge no more for copies of documents to which the public is entitled to under the Act than a reasonable estimate of the direct cost to the council in providing them
- report annually on cases where it has used sections 90 and 91, and on FOI applications.

Local Government peak bodies and councils made constructive comments on the Bill and helpful suggestions for legislative and non-legislative ways of continuously improving and maintaining a culture of openness in decision-making in the local government context. For example, it was suggested that the requirement for councils to review the operation of their codes of practice for the application of sections 90 and 91 of the Act each financial year tended to make this a routine exercise and that it would be more effective to require the code to be reviewed following each periodical election, and to provide more information about best practice at this time, so that newly-elected councils became familiar with, and committed to, the principles and practices.

A feature of the current scheme is that, instead of relying on the general power of the Ombudsman to investigate complaints against councils under the *Ombudsman Act 1972*, section 94 in the Meetings Chapter of the Act includes specific powers for the Ombudsman to investigate complaints that a council may have unreasonably excluded members of the public from its meetings or unreasonably prevented access to meeting documents. This provision gives the issue prominence, including in a separate section of the Ombudsman's annual report. The Bill proposes a specific capacity for the Ombudsman and the Minister to publish these reports, or summaries of these reports, in such manner as they see fit. The intention is to publicise these more widely so that all councils can benefit from these 'case studies' and apply the principles and findings to their own practice.

In addition the Bill proposes to insert a new section 93A to include a power for the Ombudsman to conduct a review of the practices and procedures of one or more councils or council committees relating to access to meetings and meeting documents, corresponding to the general power for the Ombudsman to conduct an administrative audit proposed under the *Ombudsman (Honesty and Accountability in Government) Amendment Bill 2002*. This will give the Ombudsman greater capacity to influence the systematic improvement of councils' practices and procedures in this area, including in relation to 'informal gatherings'. Submissions from local government called for the provision of more 'best practice' information and guidance for councils, and the Ombudsman is uniquely placed to provide this as part of the process of conducting and reporting on such an audit.

Minor and technical amendments include amendments:

- clarifying that a copy of council's a rating policy summary only needs to go out with the first rates notice, rather than with each instalment notice
- providing power for councils to grant a rebate of rates where appropriate to phase-in the impact of a redistribution of rates arising from a change in the basis or structure of the rating system, for a maximum of three years
- clarifying the application of the community land provisions in relation to easements and the closure of roads under *Roads (Opening and Closing) Act 1991*
- clarifying situations where public notification is required prior to a council granting an authorisation or permit for use of a road
- specifying that a by-law may include a penalty up to $50 per day in the case of a continuing offence, a provision of the 1934 Act that was inadvertently omitted from the 1999 Act
- providing that sitting councillors who unsuccessfully contest a supplementary election for a different office on council will retain their former positions instead of losing office at the conclusion of the supplementary election, if the vacancies that would otherwise be caused by them losing office arise within 5 months of polling day for the next periodical local government elections and consequently would not be filled
- extending the period by which the Adelaide City Council is required to prepare a management plan for the Adelaide Park Lands from 1 January 2003 to I January 2005, which is the same timeframe other councils have to prepare any required community land management plans
- clarifying the definitions of 'ward quota' and 'representation ratio'

The measures contained in this Bill, together with non-legislative measures developed in conjunction with the Local Government sector, should result in councils and council members adopting the best local government practices in relation to open meetings and access to meeting documents. The Government hopes that Honourable Members will be able to deal with the Bill expeditiously so that various minor and technical amendments sought by councils can take effect without delay.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation. However, it will be appropriate to provide that an amendment to be effected to section 193 of the *Local Government Act 1999* will be taken to have come into operation on 1 January 2000.

Clause 3: Amendment of s. 4—Interpretation

It is appropriate to 'up-date' a reference to Commonwealth legislation (*see* paragraph *(a)*). It is also necessary to amend this section because the *Local Government Act 1934* provided a definition of 'unalienated Crown land', but the term was inadvertently omitted from the new Act. It is therefore now to be included in the new Act.

Clause 4: Amendment of s. 12—Composition and wards

The concept of the ward quota under section 12(24) is to be amended to make reference to councillors who represent wards, rather than all councillors for the area, in order to correct a technical error.

Clause 5: Amendment of s. 28—Public initiated submissions

This amendment addresses a minor drafting matter by altering the words 'structure reform proposal' to 'structural reform proposal'.

Clause 6: Amendment of s. 33—Ward quotas

This amendment is consistent with the amendment to section 12 of the Act.

Clause 7: Amendment of s. 54—Casual vacancies

Section 54(2) of the Act provides that if a member of a council stands for election to another office, the member's original office is vacated at the conclusion of the relevant election (whether or not the member is elected to that other office). The amendment will provide that a member will not lose his or her office under subsection (2) if the vacancy would occur within five months of the next general election due to be held under that Act.

Clause 8: Amendment of s. 83—Notice of ordinary or special meetings

This amendment will remove the requirement for a chief executive officer to consult with the principal member of the council when the chief executive officer is considering whether to indicate to members that a particular document or report could be considered as being a document or report that should be dealt with in confidence under Part 3 of Chapter 6.

Clause 9: Amendment of s. 84—Public notice of council meetings

This amendment will make it clear that a chief executive officer may give public notice of a meeting of the council in any manner that the chief executive officer considers appropriate.

Clause 10: Amendment of s. 87—Calling and timing of meetings

This amendment will remove the requirement for a chief executive officer to consult with the presiding member of a committee when the chief executive officer is considering whether to indicate to members of the committee that a particular document or report could be considered as being a document or report that should be dealt with in confidence under Part 3 of Chapter 6.

Clause 11: Amendment of s. 88—Public notice of committee meetings

This clause will make it clear that a chief executive officer may give public notice of a meeting of a council committee in any manner that the chief executive officer considers appropriate.

Clause 12: Amendment of s. 90—Meetings to be held in public except in special circumstances

It is to be made clearer that a council or council committee may only order that a meeting be closed to the public to the extent considered to be necessary and appropriate to receive, discuss or consider in confidence any information or matter listed under subsection (3). The categories of information and matters listed under subsection (3) are to be revised to a certain extent.

Clause 13: Amendment of s. 91—Minutes and release of documents

A council will not be able to prevent the disclosure of an amount or amounts payable by the council under a contract for goods or services supplied to the council after the contract has been entered into by all of the parties to the contract. An order restricting access to a council document (or part of a council document) will be required to be reviewed at least once in every 12 months.

Clause 14: Amendment of s. 92—Access to meetings and documents—code of practice

A council is required to have a code of practice in connection with the operation of Parts 3 and 4 of Chapter 6. The Act currently provides that this code must be reviewed at least once in every financial year. This amendment will provide that a review will now be required within 12 months after the end of each periodic election.

Clause 15: Insertion of s. 93A

The Ombudsman is to be given specific power to conduct a review of the practices and procedures (or of any aspect of the practices or procedures) of one or more councils or council committees under Part 3 or Part 4 of Chapter 6. The Ombudsman may prepare and publish a report on any aspect of the review, and make recommendations to a council or councils.

Clause 16: Amendment of s. 94—Investigation by Ombudsman

Section 94 relates to an investigation of a complaint that a council has acted unreasonably under Part 3 or Part 4 of Chapter 6. It is to be expressly provided that the Ombudsman, or the Minister, may publish a report or a part of a report, or a summary of the report, in such manner as the Ombudsman or Minister (as the case may be) thinks fit.

Clause 17: Insertion of s. 94A

The chief executive officer is, so far as is reasonably practicable, to make available for inspection on the Internet an up-to-date schedule of the dates, times and places set for the meetings of the council and council committees.

Clause 18: Amendment of s. 159—Preliminary

Subsection (5) of section 159, which sets out some criteria to be taken into account if a council is deciding on a rebate that is not specifically fixed under the Act, is appropriately applied to certain paragraphs of section 166 (but not otherwise). It is therefore to be repealed and its contents inserted into section 166.

Clause 19: Amendment of s. 166—Discretionary rebates of rates

A council will be able to grant a rebate of rates to provide relief against a substantial change in rates due to a redistribution of the rates burden because of a change to the basis or structure of the council's rates. A rebate under this provision may be granted for a period of up to three years.

Clause 20: Amendment of s. 171—Publication of rating policy

This amendment will require a council to send out an abridged or summary version of its rating policy with its *first* rates notice for each financial year. The current provision requires the document to be sent out with *each* notice.

Clause 21: Amendment of s. 188—Fees and charges

The Act is to provide that a fee for providing information or materials, or copies of council records, is not to exceed a reasonable estimate of the direct cost to the council in providing the relevant material.

Clause 22: Amendment of s. 193—Classification

Section 193 of the *Local Government Act 1999* declares local government land to be community land, subject to various exceptions. One exception relates to roads within the area of the council. However, this exception should not apply to land that formed part of a road that is vested in a council after it is closed, unless the council determines otherwise. This is to be made clear by an amendment to section 193. There has also been some uncertainty as to whether easements and rights of way are local government land and hence community land (because 'land' is defined to include, accordingly to the context, an interest in land). It was never intended that such interests be included as 'community land' under the Act. An amendment will therefore specifically provide that 'local government land' does not include easements or rights of way for the purposes of the section. As there is an argument that easements and rights of way have been included under the section since 1 January 2000, it is appropriate that the amendment be taken to have come into operation on that date.

Clause 23: Amendment of s. 196—Management plans

This is consequential on the amendment to section 205.

Clause 24: Amendment of s. 201—Sale or disposal of local government land

This amendment will allow a council to grant an easement or right of way over community land or part of a road without revoking its classification as such.

Clause 25: Amendment of s. 205—Management plan

The time for the preparation of a management plan for the Adelaide Park Lands is now to be five years, being the period that applies to other community land under the Act.

Clause 26: Amendment of s. 221—Alteration of road

Section 221(3)*(b)* of the *Local Government Act 1999* relates to the alteration of a road so as to permit vehicular access to and from adjoining roads. However, it only applies if the alteration is indicated on a plan approved under the *Development Act 1993*. It is preferable to relate the alteration to the approval of the actual development.

Clause 27: Amendment of s. 223—Public consultation

This amendment revises the circumstances under section 223 of the *Local Government Act 1999* where authorisations or permits for the use of roads must be subject to public consultation processes. The amendments will bring the section into line with the circumstances that currently apply under the regulations (pursuant to the power prescribed by subsection (1)*(c)*).

Clause 28: Amendment of s. 246—Power to make by-laws

A council will now be able to provide for a continuing offence for a breach of a by-law on a continuing basis.

Clause 29: Amendment of s. 250—Model by-laws

This amendment will ensure that *amendments* to model by-laws are published in the *Gazette* and subject to disallowance under the *Subordinate Legislation Act 1978*.

Clause 30: Amendment of s. 254—Power to make orders

Clause 31: Amendment of s. 257—Action on non-compliance

These amendments correct clerical errors.

Clause 32: Amendment of Sched. 2

These amendments rationalise the operation of clauses 14 and 15, and 31 and 32, of schedule 2 of the *Local Government Act 1999*.

Clause 33: Amendment of Sched. 4

The annual report of a council is to be required to include a copy of its most recent information statement under the *Freedom of Information Act 1991*, a report on the use of the confidentiality provisions of the Act, and a report on FOI applications during the relevant financial year.

Clause 34: Amendment of Sched. 5

These amendments make specific provision with respect to the accessibility of the council's FOI information statement and policy documents.

The Hon. I.F. EVANS secured the adjournment of the debate.

GAMING MACHINES (GAMING TAX) AMENDMENT BILL

Consideration in committee of the Legislative Council's suggested amendments.

(Continued from 23 October. Page 1734.)

The Hon. I.F. EVANS: I move:

That the Legislative Council's suggested amendments be agreed to.

The Hon. K.O. FOLEY: I announce to the house today that it is the government's intention to provide a further $2.5 million of pokies tax revenue to the Sporting Grants Fund, to the Community Recreation Fund and half a million dollars to live music. The Hon. Angus Redford in another place—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: No, whatever the amendment says is being provided, and not a cent more. If I have overstated there, I can assure you that we will observe the law to the letter. I must put on the record that I noted in *Hansard* that the Hon. Angus Redford thought I got a bit cold on him, referring to him only as Mr Redford. In fact, I am happy to call him Angus, and he has been passionate about the live music industry and has advocated strongly for it.

Obviously, we would have preferred initially that the money should go to schools and hospitals, but the Liberal Party has decided that it prefers that the money goes to the live music industry. I am prepared, in a spirit of compromise and bipartisanship, to accept their priority as it relates to this allocation of money. I am, as always, prepared to negotiate with members opposite. Democracy is about compromise and not always about getting your own way. I do not want anyone to ever accuse me of always wanting to get my own way because, if I am presented with a well reasoned, well articulated argument, an argument that is well supported by fact, I can be convinced. I am convinced that, in this instance, the support of the government for this extra allocation is appropriate, and I say again that the government today has decided to allocate more money to the various funds outlined, and I welcome the cooperative spirit that the Liberal Party has entered into in terms of negotiating a successful passage of this legislation.

The Hon. I.F. EVANS: The Liberal Party is not surprised that the government has finally backed down on this measure. Those who have listened, or who will read the *Hansard* report and think the government has made a great contribution or a major announcement, should consider the history of this exercise. So, for five minutes or so, we might just examine that. The Treasurer waltzes in here today and announces that the government will now accept the amendments because of well reasoned arguments in another place. I put it to the Treasurer, and the Treasurer knows this as does anyone who knows how this place operates, that those reasons were articulated at length in this place and that exactly the same amendments went to a division when this bill was debated in the chamber.

It was the Labor members of parliament, including the Treasurer, who crossed the floor of the chamber and put on record that at that time they did not want to spend $1 million extra per year on the sport and recreation clubs, or $1 million extra per year through the community fund or $500 000 a year for live music. The Labor Party went to a division on that matter, based on exactly the same sound reasons that were articulated during the debate in the upper house.

What has happened, of course, is that the ground has moved and the Treasurer has sniffed the wind. The Treasurer knows that if it goes to a division in this chamber the government will get rolled. The government will be seen not to be supporting sporting clubs, the live music industry or the community recreation fund. So, let us have none of this suggestion by the Treasurer that it is somehow a great announcement, a great acceptance by the government. The fact is that the Treasurer knows that he will otherwise lose the division in this chamber. He knows that the government will be portrayed in a bad light, and the best he can do is come into the chamber and, basically, level the playing field by accepting the amendment.

So, Treasurer, I welcome the announcement. I think it is fantastic that the government has accepted the amendments, eventually. We could, of course, have had this in place months ago if the government had shown as much grace then as the Treasurer suggests it is showing now. I cannot understand what the government is doing with sport and recreation groups. This government voted two or three months ago against these amendments so as to deny sporting and recreation clubs, in every electorate, access to $1 million a year, or $4 million over four years; that is what the vote shows for the members opposite. That is on top of the $12 million that the Treasurer and the Minister for Recreation, Sport and Racing have overseen in the cuts to recreation and sporting clubs.

The message from the Labor Party is very clear: the government will take $12 million off recreation and sporting clubs and, when it votes to put $1 million back, it cannot even begrudgingly do that. The Labor Party cannot even put its hand in its pocket and give $1 million back. Oh no! The Labor Party has to wait until the matter goes to the upper house—where it gets rolled—and come back in here, understanding that the Independents are going to roll it, before it ultimately says, 'Aren't we big fellas! We've whipped $12 million off you; we're going to give you a million back.' Those who read *Hansard* will need to understand this: it is $34 million extra per year, and it is an extra $136 million that the government is raising out of the pokies tax.

What did we ask for out of that? What did we ask for? $2½ million a year, about $10 million out of $136 million—plus, of course, the $18.5 million or $20 million over four years extra that they are arranging out of their asset transfer tax on the pokie industry.

Treasurer, I accept the grace with which you have made the announcement of the day. We accept the money, and we think it is a fantastic result for the community. The live music industry deserves to be supported. At the time, it was the Hon. Angus Redford and minister Laidlaw who put such hard work into support the live music industry on behalf of the Liberal Party, and we are absolutely delighted that we have won $500 000 for it, because it deserves to be supported, given the effect that the gaming machine industry has had. So, we accept the $10 million, and we look forward to the money being spent to the community's benefit.

The Hon. K.O. FOLEY: I have to say that I am quite taken aback by the emotion and the passion that the member for Davenport has displayed. We might have been debating a whole range of issues, but I think his leadership intentions, which are the subject of much speculation in media circles, is starting to flow through to the chamber, because clearly he takes every opportunity to display himself as a leader of his troops, and I do not blame him. If that is the member's ambition, he should take any opportunity, even one such as this.

As I said before, I have attempted to be gracious and debate this in a spirit of bipartisanship and constructive debate. I happen to think that the Hon. Angus Redford argued a better case than the member for Davenport, but he should not be miffed by that. Sometimes the member presented some good arguments, but the Hon. Angus Redford presented a far better case on this issue.

The member invoked the name of the former minister for the arts (Hon. D. Laidlaw). We saw how she managed her arts portfolio. She would take money out of the transport portfolio to buy stained glass windows and would transfer money away from our roads for all of her little precious arty

functions that she wanted to fund. However, minister Laidlaw was a minister for eight years. Why did she not allocate half a million dollars to the live music industry? Why is it left to a Labor treasurer to come here today and provide funding for the live music industry? Why was it left to the Hon. Angus Redford to argue for half a million dollars for the live music industry? For minister Laidlaw somehow to become a convert I think smacks of some hypocrisy.

The member is trying to portray me as a mean treasurer, as somebody who is tough and disciplined in the way he manages the finances of the state. I do not like to be called mean when it comes to my job but, if that is the tag you want to put on me, I will have to wear it—that I am a mean, tough treasurer. I have a thick skin, and I will cop that label. If the worst that can be thrown at me is that I am a mean, tough, nasty treasurer, I will have to accept that. It is good theatre for the member for Davenport at 4 p.m. on a Thursday.

Mr Koutsantonis: A good live performance.

The Hon. K.O. FOLEY: Exactly—that is a good line: it is a good live performance by the member. I will not turn this into some sort of political bunfight, because at times I think we should be far more constructive and considered in the way in which we deal with matters in this place. I offer some advice to the member for Davenport: if he has leadership ambitions, he needs to be able to display an ability not just to mock, not just to whinge, not just to carp, not just to whine, but to work constructively. If he does that, we can get somewhere in this place. As a government, we are happy to announce this new funding, and I thank the Liberal Party. It is quite ironic that the mean, nasty Treasurer is prepared to allocate half a million dollars to live music when, in eight years, the former arts minister would not.

The Hon. I.F. EVANS: I take the opportunity to reply to one small point the Treasurer has made. Of course, he talks about what the former government did or did not do. We remember that it was Frank Blevins who brought in poker machines, which have had such an effect on the live music industry. I can remember the pictures of John Bannon running around the corridors of the upper house, trying to get Mario Feleppa to sign off on the deal because somehow it would be in the best interests of all sorts of people. I particularly remember those scenes. The Treasurer is trying to take credit for giving money to the live music industry, but if he is arguing that he should be given credit for doing so—

The Hon. K.O. Foley: I'm happy to share it.

The Hon. I.F. EVANS: No—he should also take the blame for cutting enormous amounts from the sport and recreation industry. As you well know, the previous government had increased funding to sport and recreation groups from $6 million over three years to $23 million over three years, and this government has come in and has cut something like $12 million from that particular exercise, and it has been dragged kicking and screaming to the altar with this amendment, through both chambers, to allocate only $1 million a year of that $12 million back into the fund.

If this government is trying to take credit for winning the money for live music, it needs to take the criticism for the cuts to all the other areas. *Hansard* will show that it is the Liberal Party, the Independents and the other parties in the upper and lower houses who have dragged the Labor Party kicking and screaming to this decision, and we welcome it.

The Hon. K.O. FOLEY: I have to respond to the contribution from the member for Davenport, because I find it bizarre—

The Hon. I.F. EVANS: I rise on a point of order. The chair has not called for other speakers and has not identified to the house that, if the Treasurer speaks, he closes the debate.

The Hon. K.O. FOLEY: We are in committee, so I have three questions.

The Hon. I.F. EVANS: I did not ask a question.

The Hon. K.O. FOLEY: I can speak three times on a clause.

The Hon. I.F. EVANS: I seek a ruling.

The ACTING CHAIRMAN (Mrs Redmond): Whilst I am happy to correct my error in not calling the Treasurer, the member for Davenport is wrong. In committee, there is no closure of the debate because the Treasurer responds. I call the Treasurer.

The Hon. K.O. FOLEY: Thank you, Madam Acting Chair.

The Hon. I.F. Evans: We could just go for six.

The Hon. K.O. FOLEY: Why not? I am enjoying it, if you have nothing else to do for the day. We must finish, because we have an important health debate coming up. We can throw pot shots at each other, but, from memory, the member for Davenport was the minister who diverted quite a large amount of sport funding to his own electorate in the lead-up to the election. Am I wrong?

The Hon. I.F. Evans: With cabinet approval.

The Hon. K.O. FOLEY: I do not care with whose approval, or whether it had cabinet approval.

The Hon. I.F. Evans: A project got—

The Hon. K.O. FOLEY: I do not know, but your electorate benefited significantly from your government.

The Hon. I.F. Evans: —$1.25 million.

The Hon. K.O. FOLEY: Well, $1.25 million to his electorate.

The Hon. I.F. Evans: And the member for Giles got nearly $400 000.

The Hon. K.O. FOLEY: That is a third of what you got in your electorate. I am happy to share the glory and, quite frankly, I know that I have to cop the criticism for making cuts and for hard decisions. However, unlike the former Liberal government and unlike the former treasurer, I am prepared to make hard decisions and cut government spending. The former treasurer would not, could not and did not do so, and that is why we have the financial mess that we are in today. I am happy to conclude my remarks, and I look forward to the passage of this bill through the house.

Mr HAMILTON-SMITH: I rise as opposition spokesperson for the arts to commend this motion to the house and to congratulate our colleagues in the other place for seeing it safely through the process of debate. This amendment rectifies a great wrong committed by the Treasurer. This money comes from his betrayal of the hotel industry. It comes from a written undertaking (in effect, a promise) to the industry that after the election the government would not increase gaming taxes. As soon as they were elected, they broke that promise (went completely against their written undertaking) and ripped off the hotel industry to the tune of millions of dollars. They inherited an absolutely thriving economy which, compared to the economy that we took over in 1993, was in fabulous shape. The debt had been got rid of; the $300 million per annum for which we were in the red in 1993 was rectified; the books were balanced; and, as Access Economics has shown, the state was in fabulous shape—not

only were costs pretty well under control, but revenue was far in excess of the Treasurer's expectations.

The opposition and the minor parties have achieved an initiative which is designed to ensure that some of the money ripped off the hotel industry as a consequence of the broken promise of the Treasurer goes back to the people who need it. I am particularly excited about the $500 000 that is to go to the live music industry. During budget estimates the Premier and Minister for the Arts was quite open about the fact that additional moneys earmarked by the former government for the live music industry simply would not be provided.

Government members are running around beating their hairy chests making heroes out of themselves, saying that they are going to cut this and cut that and get things back into shape. No doubt, this will create a massive pork barrel, the intended use of which one can only imagine. This amendment will ensure that some of that unforeseen revenue that they are ripping out of the hotel industry will find its way back to the people who need it. I am sure that it will be well spent. A range of hotels in metropolitan and country areas will put it to good use. A number of live music groups will ensure that the money is well spent, and the result will be that this legislation (combined with the legislation that we have already passed, initiated by the former government and enacted by this government because it is such good legislation) will work to ensure that pubs can have live music without interference, that the interests of neighbours and other parties are protected, and that there is money, activity and business there for entertainers and venues in terms of making South Australia a vibrant place for live music.

This is not only important for the arts but it is equally important for tourism. Adelaide has a reputation as a great place to visit if you are a tourist—not only if you are Australian but if you are an international visitor—and that reputation within South Australia as a live music venue is vital to ensuring our future prosperity in terms of tourism. This state has produced some fabulous acts and bands, most of which got going in pubs and small venues without much fanfare and then, through raw talent and ability, they managed to make it onto the national and international stage.

The opposition and the minor parties are ensuring through this measure that some of that money goes back to the live music industry. This is a fabulous initiative. The government will try to take credit for it. It will go around announcing the expenditure of the funding, but the opposition and the minor parties will have it known that the government fought us tooth and nail, that it is not supportive of the live music industry and live music in pubs, and that it fought us every step of the way. At the end of the day, it is commonsense in the parliament that has achieved this fabulous outcome. I commend the amended bill to the house, and I hope that it passes promptly.

Motion carried.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1741.)

Mr O'BRIEN (Napier): In considering this bill, the issue is not whether the parliament should pass this legislation but why it has taken so long for the matters contained therein to be brought before the parliament. This is the only state or territory in Australia that has not established a comprehensive independent health complaints commissioner or ombudsman with the power to cover both public and private health systems. In South Australia, we have a small unit with limited powers within the office of the state Ombudsman, with jurisdiction limited to the public health system.

Whereas every other state and territory in the nation by 1996 had established complaints bodies covering both the public and private health systems, in this state the Liberal government deliberately chose to deny the citizens of this state access to an independent complaints tribunal with power to investigate complaints in the private health sector. For six years this state has lagged behind the nation in bringing the private sector into a regulatory framework in respect of consumer complaints. One can only conjecture at the power of the conservative faction of the medical profession within the Liberal Party, because there is no rational reason for this state being such a laggard during the period of Liberal government.

In fact, the action of the former government over a period of six years in not extending coverage to the private sector flies in the face of a clear recommendation in the 1996 final report of the Task Force on Quality in Australian Health Care. This was a very serious report concerned with reducing the number of adverse events that occurred within the Australian health system. An 'adverse event' is an unintended injury, complication or disability resulting from health care management. According to the task force report, nearly 17 per cent of all admissions screened were the result of an adverse event, and half of these were deemed to have been preventable. The report states:

> The Quality in Australian Health Care Study aimed to establish the preventability of adverse events. Just over half of all adverse events identified were considered to be potentially preventable.

I repeat: just over half of adverse events were considered to be preventable. Dr Ross Wilson, the lead researcher in this study, made the following observations in an interview on Radio National on Monday 7 July 1997 in regard to the study's conclusions:

> I am quite confident in saying that 16 per cent of hospital admissions in Australia in 1992 were associated with an adverse event to patients, and those events meant that patients were injured by their health care, and that injury caused them some disability. We judged that 50 per cent of those events were preventable, and that judgment was made by a panel of very senior clinicians throughout two states of Australia.

In other words, 8 per cent of admissions to hospitals could be prevented. What did the task force recommend to address this situation where eight in every 100 people in our hospitals are there as a result of an avoidable adverse event, that is, an avoidable mistake made in the prior delivery of health care? Recommendation 4.26 of the report states:

> Serious attention must be paid to improving management when things go wrong. Many consumers complained to the task force about the way they were treated when an adverse event occurred. The perception that the system closes over and information is withheld was common. Health practitioners were perceived as unwilling to be critical of their peers.

Recommendation 4.30 states:

> A complaints mechanism is an important part of the provision of a safe, quality service. It is relevant to individuals who believe that they have received unsatisfactory care and because information from complaints can improve the circumstances and processes of care for all consumers.

And this is the most important of the recommendations. Recommendation 4.33 states:

> The task force recommends that all state and territory governments complete the process of establishing independent health complaints offices as outlined in the Medicare agreement and extend this cover to all public and private health services.

Six long years we have had to wait for the final implementation of this particular task force recommendation. How many South Australians have suffered adverse events in our private sector because of the reluctance, inability or incapability of the previous Minister for Health, the member for Finniss, to deal with the upper echelons of the medical profession? Social status sycophancy runs deep in the Liberal Party, and it is probably an unreal expectation of the South Australian community that their health needs would be placed by the former Minister for Health ahead of the desire of the upper echelons of the medical profession not to submit to external scrutiny. However, external scrutiny is now coming to pass.

And how does that architect of inaction, the member for Finniss, react? Now he is all over the bill like a rash, claiming that he was all for it all the time. Forget the fact that South Australia has been the odd one out for the past six years. Forget the fact that independent scrutiny of complaints in the private sector was seen unequivocally as one means of reducing adverse events—illness created by the treatment of illness. I used the expression 'architect of inaction' to describe the member for Finniss in relation to this health initiative. Perhaps the description 'daredevil of disbelief' would also be appropriate. Take his contribution to the debate last night, when he stated:

> I am one of those people who would fight to the nth degree to ensure that we never have another Bristol style case in South Australia. That places enormous obligations on the boards of public hospitals, private hospitals and any body corporate that is providing services, particularly in the health area. It is the health area in which this becomes most important, because there you are looking at peer judgments and peer performance.

So, he would fight to the nth degree to ensure that we would not have another Bristol style case in South Australia and we also get a 'rah, rah' for peer judgment. None of this external referral stuff that is the substance of the legislation: still a hankering for the bad old days of the medicos keeping it in-house. What is the Bristol style case to which the former Minister for Health referred on several occasions last night? Ironically for the former minister, the member for Finniss, this matter was also raised in the Radio National interview with Ross Wilson to which I referred earlier. I quote from the Radio National story as follows:

> [Interviewer] Norman Swan: Let's just focus on a couple of issues in quality of care in terms of really getting improvement. A few weeks ago we had the tragic story of cardiac surgeons at the Bristol Royal Infirmary who may well have had a death rate amongst babies that resulted in 100 babies dying unnecessarily because of their cardiac surgery rate, because of poor training. . . The problem there was that this was a senior colleague, whose fellow doctors found it very difficult to do something about, because he was either their senior or they trained under him or he was actually a manager in the hospital, and we both know anecdotally from Australian hospitals that it's very difficult to do something about a colleague who's not up to scratch.

Ross Wilson, the lead researcher in the Quality in Australian Health Care study, answered:

> The environment in which peer review occurs, where these sorts of activity should be reviewed within a hospital, is highly variable. I believe in fact it is a valuable process, but it can be improved by the introduction of external accountability.

I repeat 'by the introduction of external accountability'. Ross Wilson makes the point yet again of the importance of external accountability, in this instance in relation to the terrible tragedy in Bristol. It is a point that seems to be entirely lost on the member for Finniss. How he could raise the Bristol incident and laud peer judgment beggars belief. We have a new minister now, and in the member for Elizabeth we have an architect of action. I commend the bill.

Mr CAICA (Colton): I commend this bill to the house and in the first instance would like to recognise the outstanding work undertaken by the minister, not just in her time as minister but, as this house well realises, the work that she did as the shadow minister in bringing this matter before the house on several occasions, to the extent that, as one might have expected, the then government decided that it was in its best interests at that time to make sure that it brought up a bill. This afternoon I would like to highlight some of the aspects of the bill but, before doing so, provide my response to some of the comments made last night by the former health minister, the member for Finniss. I found some of his comments quite astounding.

I acknowledge his point that I am new to this house and I accept that, when he saw me shaking my head at some stage. When listening to some of the contributions that are made, I am thankful that I have only been here for such a short period. With respect to one of the comments made by the deputy leader, we were informed by him that the previous government was dealing with this bill—that is, its bill—for some 18 months, perhaps two years. I guess it depends on the definition of what 'dealing with' actually means, because I do not think it was actually being dealt with at all. I do not believe there was any great intention to bring that bill before the house and, to a great extent, I am thankful that that did not occur, because what we have before us today is a better bill that pays attention to the detail that was missing from the bill that was never previously considered by this parliament.

The deputy leader talked about consultation and I think his words were the 'considerable consultation' that had occurred with community groups with respect to the bill that was not before this house at any time. He did say that certain groups within the community were unhappy with the scope of the bill. Of course they were unhappy: they were unhappy that nothing had happened in this area for a total of seven years. They were unhappy that it did not go far enough. We have gone about fixing those things that the community groups were unhappy with, to the extent that, within those very community groups that were unhappy in the way in which the former minister described them, I know that there is a great deal of pleasure that this bill is before the house today.

Our government, through the minister, has remedied some of the shortcomings associated with the former minister's bill, particularly in the area of the considerable consultative process that was undertaken, and we have actually received input, taken notice and included the comments of those community groups that we have consulted with, and that is testimony and testament not just to the minister but to her department. We have brought this bill to the house and, far from being unhappy with the inaction that typified the previous government's approach, there is a satisfaction out there in the community, as I have said, that we are actually doing something and doing something positive.

The deputy leader also expressed concern regarding the broad definition of community services as contained within the bill. Of course, it is a broad definition. The former

minister should realise, as should every member in this house, that the very nature of health provision in this state means that there needs to be a broad definition. There cannot be anything otherwise, and we make no apologies for there being such a broad definition. It is supposed to encapsulate all groups within that definition—and that is what it does.

I will stand corrected, but I believe that the deputy leader was being a bit flippant, even mischievous, in the ridiculous analogy of mowing the lawn of an elderly neighbour and saying that he had legal advice to the extent that he could be brought before the health and community services ombudsman if a complaint was made against him. I think that the deputy leader should seek further advice, because he is wrong in that regard—as is the provider of that advice.

The deputy leader also expressed concern regarding the perceived impact that this bill may have on volunteers. In my view, that is nonsense and scaremongering. In the main, volunteers, as every member knows (and we all have been volunteers at one time in our life or we are still volunteers), represent organisations, whether volunteer organisations or otherwise. The organisation, as is the case with people who work with those organisations, volunteer or otherwise, cannot be exempt from the provisions of this bill; and to exclude volunteers and the organisation would be to exclude them from the protection that this bill affords them.

Another area of concern about which the deputy leader expressed his view was the definition of health service, in particular, paragraph (i) which refers to 'recreational or leisure service'. The former minister referred to crochet and tapestry clubs. Again, that was somewhat flippant, certainly mischievous, and, importantly, wrong. At that stage of his contribution, it was a selective reference, and he should have referred to the preceding paragraph, which makes specific reference to the form of service that needs to be provided. Tapestry and crochet groups do not fall into that category. I suggest that the former minister was selective in his reporting of this part of the bill.

The former minister also referred to clause 24, namely, the time within which a complaint may be made. I know that many learned people who now reside in this house have worked in legal circles and other circles. I agree with the former minister's comment that the best solution is a quick resolution, but that cannot always be the case. Some people are reluctant to lodge a complaint at any time. For that purpose, the time span of two years stipulated in the bill is quite appropriate. It ensures that people who are reluctant to lodge complaints are able to think it through carefully with peace of mind.

The deputy leader also referred to clause 19, in particular, paragraph (c). His view is that the word 'wish' is too broad. He used an analogy with pethidine; that is, if he wished to have pethidine served up to him, the provisions of the bill would enable him to be provided with pethidine. Again, it was either through design or a lack of attention to detail, but it did come as a surprise that he chose to leave out the key word in this paragraph, that is, 'considerate'. I notice and I acknowledge the member for Heysen's comment that the word considerate is a bad word. I guess that is the difference between what we on this side have been trying to achieve and what the opposition was unable to achieve—for whatever reason—with respect to the bill in 2001. Interestingly, clause 19(c) is consistent with national principles. The point I am making is that this subclause has not been invented; it is part of and in line with nationally consistent principles.

The former minister also referred to clause 52 and to clause 50 in the former government's bill, which never got debated and which never came here for any type of consideration whatsoever. Again, whether through design or a lack of attention to detail, he left out the most important words in clause 52(1). The former minister made the point that it differs from clause 50 of the bill which never came to this parliament and which was never debated. Of course it is different. We are proud of the fact that it is different. It is a better bill. It will not be the same as something that can be improved. It reminds me, to a great extent, of the person who used to be on television advertising products, then saying, 'But wait! There's more—a set of steak knives!' I am not being flippant, but I am saying it goes into greater detail than was ever considered by the former government. Clause 69 addresses the concerns expressed by the member for Finniss with respect to clause 52. Again, I draw that to his attention and benefit.

The member for Finniss also raised the use of the word 'ombudsman'. I draw his attention to the fact that we do have commissioners already within the Health Commission, and that the word 'ombudsman' is actually quite appropriate and commands a level of respect within our community. With respect to clause 80, the honourable member talked about who pays in reference to a fee. It is a bit rich for him to say that they had done some remodelling and they were not going to put that in their bill: are we to believe that, as much as we are to believe that bill was going to come to this parliament at any time?

It is my view that this bill will be to the benefit and advantage of all South Australians. As bold as some members might think this bill is, the reality is that we have lagged behind for so long with respect to what is occurring in other parts of Australia—and for that, some members of this house should be ashamed. We are not happy that it has been so long coming, but we are pleased to introduce this bill and build on what is being done around Australia to ensure that this bill stands second to none with respect to similar bills around Australia.

This bill establishes a health and community services ombudsman, whose independence is guaranteed by the legislation. The bill confers extensive powers on the Health and Community Services Ombudsman to assess, investigate and, where appropriate, conciliate complaints. 'Conciliate' is a key word. I recall a presentation made one day by the member for Enfield during a grievance debate. He said that what people want, on occasions, is a 'Sorry', and that a lot of problems could be avoided by the use of that simple word. The fact is that through the process that has been established the orientation of this bill will be towards conciliation before anything else. Importantly, the health and community ombudsman will have the powers to initiate investigations into emerging problems in the service delivery system. Therefore, he plays an extremely important role in fostering safety and quality improvement across health and community services.

This bill provides consumers with a comprehensive and straightforward system for responding to their needs when the system may have failed them. The majority of people in Australia and in South Australia have had very few bad experiences with respect to the provision of medical services. That is not to say that problems do not occur from time to time and, in the past, there has been no effective avenue for these people to have concerns addressed. This bill makes for that provision. As a member of this government, I am

extremely proud to stand and speak in support of the bill. Again, I commend the minister for her outstanding work and acknowledge the work done by her officers in bringing this bill in this form to parliament. I commend the bill to members.

Mrs REDMOND (Heysen): I do not intend to canvass the whole of the bill and all the areas covered by the deputy leader in his speech on this matter last night but, before proceeding any further, I want to make a couple of comments about the contribution we just heard from the member for Colton and, in particular, his assertion that volunteers are not captured. I suggest to the member that he needs only to read the definition of 'community service' in the definition section at the beginning of the legislation to see that they must be captured because they are not specifically excluded.

Similarly, as to his assertion about 'health service', the member for Colton made some reference that I could not follow about looking at the earlier part. The definition of 'health service' is a stand-alone definition within the definition section. It says '"health service" means', and it sets out a series of things and between each of those numbered paragraphs (a) to (j) it says 'or'. So that each of those things separately constitutes, by itself, a health service within the definition. The point that the member for Finniss made and that I will make again is that, on the basis of that definition, if we say that a social, welfare, recreational or leisure service provided as part of a service referred to in a preceding paragraph is a health service, that will capture many gymnasiums and other recreational providers. Whether or not that is intended, the definition needs tightening.

Similarly, in relation to clause 19(c), I want to explain, because I interjected when the member for Colton was speaking, that I think the word 'considerate' is a bad word. In discussions on this clause, I expressed the view that I would prefer another word. Clause 19(c) refers to the principles upon which people will be provided with health services and provides that a person 'should be entitled to be provided with health or community services in a considerate way that takes into account his or her background, needs and wishes'. I had a difficulty with the word 'considerate'.

I have been assured that the sense in which it is being used is a caring one, and I want that on the record because, of course, if a parliament has some doubt about how things are to be interpreted, it will look at *Hansard*. I can live with the use of the word 'considerate': however, once we get to 'his or her background, needs and wishes', I agree with the sentiments expressed by the member for Finniss that 'wishes' is probably not what is intended but what is inserted in the act and goes way too wide, and we need to consider the appropriate standard of care rather than simply the wishes of the person receiving the care from the health service provider.

Essentially, I support this bill, although I have some concerns about how far it goes. I am in fundamental agreement with the idea that we need to have the complaints mechanism established so that we can have health service providers specifically dealt with. However, my preference would be to simply capture in the bill all the registered providers, that is, people who get Medicare rebates and so on, for providing health services. For me, that would have been a broad enough definition. However, I can understand and am prepared to accept the argument that it is appropriate to capture some more community service type organisations, but I believe that we need to tighten up the definitions so that we do not inadvertently capture people who are volunteers in the community. We have done a lot of work in this house in the short time that I have been here trying to adjust things in the insurance industry so that we give some protection to volunteers. We passed specific legislation. I note the minister nodding in agreement and I know that—

The Hon. L. Stevens: No, it does protect volunteers.

Mrs REDMOND: The minister is indicating that it does protect them, but my view is that the bill as it stands at the moment needs to be tightened so that we make it clear. I accept the minister's assertion that that is not what is intended but, in my view, that is what we are doing at the moment. The essence of the legislation, of course, is to provide protection for people so that they have an avenue to complain and to work out a resolution of a complaint if they are dissatisfied with their reasonable expectations in relation to the provision of a community service or a health service. But, equally, it seems to me that, as well as protecting people and giving them the right to lodge a complaint, it is just as important to provide appropriate protection for the provider against whom a complaint is made. In that regard, I refer to a number of specific sections where I think that the bill falls down and does not achieve what may well be the minister's intention in the way the bill is worded at the moment.

First, I refer to clause 43, which deals with representation. It is divided into two subclauses, the first of which gives everybody the right to representation in an appearance before the Ombudsman but, in the case of the person who has had a complaint lodged against them—that is, in my view, the person who should have a right to representation—there is a special provision, and under subclause (2) the Ombudsman determines whether that person has the right to be represented. I think that flies in the face of natural justice and anything that is reasonable. I cannot understand why it has been put there. If it is good enough for everyone else to have representation, why is it not automatically good enough for the person against whom the complaint has been lodged to have representation?

The second point I want to discuss is clause 45, which provides that the Ombudsman can call people before him or her to be put under oath or affirmation in the same way as they would if they were called to give evidence in a court and to have that person give evidence under oath or affirmation. I have no difficulty with that, but it does not go far enough, because, in my experience, invariably in other jurisdictions, whether they be courts or tribunals, if someone has an obligation to give evidence to a court, tribunal, or whatever, under oath or affirmation, concurrent with that is a right for the person who may be affected—or, indeed, any interested party—to test that evidence by cross-examination. It is my view that it is essential for us to insert a provision to allow cross-examination by an interested party, and particularly by the person who has had the complaint lodged against them, so that the evidence, whilst it is on oath, is tested.

In connection with that, I draw the minister's attention to clause 78 of the bill which is headed 'Informality of procedures'. I appreciate that the intention of the clause is to ensure that the regime of the Ombudsman does not become a court-like or threatening experience for whoever is appearing before the Ombudsman and, in accordance with what we find in many statutes in this state and elsewhere, as well as providing that they will proceed with as little formality as possible, the legislation specifically provides that the Ombudsman:

(b) is not bound by rules of evidence but may inform himself or herself of any matter in any manner that he or she considers appropriate.

On the face of it, that looks to be a very broad allowance in terms of what the Ombudsman is empowered to do and the way in which he can conduct any proceedings before him. The fact is that that sort of clause, having appeared in other legislation in this state and elsewhere, has been the subject of a considerable body of case law and interpretation. It is quite clear that, on the basis of that considerable body of law in this state, what that clause means is that the rules of evidence will not be used to trip someone up or to stop proper evidence from being heard, but the rules of evidence will generally be followed. Things will normally go about their normal process; that is, a case will be put and tested, and people will all have a chance to be heard in a particular regular order so that natural justice applies.

The effect of the findings in relation to that interpretation of not being bound by the rules of evidence but able to inform oneself in whatever matter one thinks fit has been that the rules of evidence generally do apply to the point where, if they become an obstruction, then they will not be enforced to be a technical difficulty that people cannot overcome. In that sense, I then refer the minister to clause 45, because the rules of evidence would normally allow that, where someone is put on oath and examined under oath, automatically there will flow from that a right to cross-examine or test that evidence whilst it is on oath. That, I believe, is a very important element in the discussion on this particular section of the bill.

The Hon. L. STEVENS (Minister for Health): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Mrs REDMOND: I will not go into any detail in relation to clause 52 of the bill. It was covered quite well and fully by the deputy leader in his address last night. However, I do express the same concern that the member for Finniss expressed last night in relation to the need to provide within this legislation an appropriate appeals mechanism. The fact is that, under basic principles of administrative law and natural justice, wherever a quasi judicial authority is set up, rules of natural justice must apply and, ultimately, there must be an appeal to a legal authority such as a court. In my view, it is essential that we do make the necessary amendments to allow a development of an appeal process into the District Court, whether it be the administrative appeals section of that court or just the District Court. However, in my view, we do need to put in place a proper appeals mechanism so that a person who is aggrieved by the decision can appeal not only at an administrative level but at a proper judicial level.

Just in passing, I would also comment that I am not altogether comfortable with the provisions of clause 52(5), in relation to simply exempting the Ombudsman in respect of anything he publishes. I may not be so uncomfortable about that if we had put the appropriate appeal mechanism in place, but, in the absence of that appeal mechanism, it seems to me that there is a profound risk for a person to be unduly harmed by actions of an Ombudsman. I next want to consider the inter-relationship between the Ombudsman and the registration boards. It is covered under part 7 of the bill which is headed 'Relationship between HCS Ombudsman and registration authorities'. I am reasonably content with the way in which that has been structured. There will always be some level of tension, I suppose you could call it, between the two functions. Appropriate mechanisms have been put into the bill to enable the two bodies to consult and to decide which one has the appropriate jurisdiction and to proceed according to that. My only concern relates to the last part of clause 57(3), which provides:

If the HCS Ombudsman is dissatisfied with the failure of a registration authority to perform a function that the HCS Ombudsman has recommended in a report or with the time being taken by the authority to perform that function or a function under this act, the HCS Ombudsman may report the matter to the minister.

I have a difficulty with that because it makes the Ombudsman a higher authority than the registration boards and I think they need to be much more equal. I appreciate that the provision does not go on to say that the minister can do X, Y or Z, so it may be a toothless tiger, but it seems inappropriate to put it in there.

I refer to something touched on by the Deputy Leader last night, namely, where the HCS Ombudsman sits in the overall scheme of things. Like the Deputy Leader, I express the view that it should come within the office of the Ombudsman that we have already set up, simply for financial reasons if for no other. There are a couple of other things. At the very least it should be a commissioner and we should not use the term 'ombudsman' for two reasons: first, the fundamental concept of ombudsman involves someone completely divorced from the authority or interception of the minister in any way, and it is just not appropriate in terms of the bill before us at the moment to conceive of this person being an ombudsman; and, secondly, I repeat what the Deputy Leader said last night about the government's own bill, the Ombudsman (Honesty and Accountability in Government) Amendment Bill, and in particular clause 6 which is specifically aimed at preventing the use of the term 'ombudsman' by anyone other than the state Ombudsman.

We can set up all sorts of authorities. I have no difficulty with creating a 'Commissioner for Health Complaints', which would seem to resolve that issue. If we are to have legislation saying that we cannot use the term 'ombudsman' for anything but the state Ombudsman, and then we legislate to create a new office of HCS Ombudsman, it flies in the face of reasonableness and consistency. It would be better to either include it within the office of the Ombudsman (which is my preferred option, for financial reasons) or use the term 'commissioner' consistently for this person if he is to be in a separate office. With those comments, I support the bill, in essence. I have some serious concerns about the scope of the bill, in particular the sections I have highlighted, and I will be pleased to comment further in committee.

Ms THOMPSON (Reynell): I am pleased, finally, to be able to speak in the second reading debate on this bill. I commend the minister who, in her role as the member for Elizabeth, has worked over five weeks to try to bring some process to this state whereby we can have the same rights and privileges as citizens of other states with regard to our health care. As members of parliament, not one of us has not had a series of constituents on our doorstep complaining or concerned about some of the issues they have encountered in the health care system. Often they say, 'I just want somebody to know about it.' They do not want to have to take extensive, costly or gut wrenching action, but they want to be able to do something that helps prevent anybody else being treated like them.

I refer to a couple of cases in my personal life that I know about that would have been so much easier for people to deal with if only these provisions had been available in this state. The first refers to the death of my mother who, when she first noticed symptoms that she knew to be associated with cancer, took a day off work and went to her doctor. Her doctor informed her that she had 'an aged vagina, dear; take some oestrogen cream, use it regularly and you'll be all right'.

When the symptoms persisted, she again drew the matter to the attention of her doctor, who insisted that she had 'an aged vagina, dear'. My mother died of cancer of the ureter, and the symptoms that had caused her, rightly, to stay home and report to her doctor were the early indications. When the symptoms became so overwhelming that the doctor had to take these matters seriously, it was too late: she died within a year. I was informed by doctors to whom I spoke at the time that this was not an uncommon process.

My mother discussed this issue with her family and with the doctor who was treating her at the time. She wanted to make sure that the doctor knew that his misdiagnosis had probably caused her early death and had almost certainly shortened her life by at least five years. She knew what was happening to her, but she did not want it to happen to anyone else. She obtained information about the process to enable her to take her complaint to the Medical Board. She decided that she did not want the last few days of her life to be filled with the trauma that was involved in this, nor did she want her children to have to go through that trauma subsequently. She discussed the matter with her specialist and, when I took the matter up with him, he informed me that he had taken it up with her GP and that her GP was now well aware of the mistake that he had made.

This is not a satisfactory way of resolving these issues. People in this state deserve the right to be able to draw attention to misdiagnosis, poor treatment and poor service in the health system in a way that does not bring them either unnecessary trauma or expense. My mother's ambition was to make sure that the doctor knew that he had made a mistake. She would have liked to hear that he was sorry. She certainly did not want it to happen to anyone else. This bill will enable other Mary Malones to have an easy facility available to them.

I will tell the story of one of my constituents who could have benefited from this bill. Fortunately, the response that representatives of the hospital provided when I wrote to them was just what we would expect under this bill. This woman was in her mid 20s, but of very youthful appearance, and had to take her child to a hospital emergency department. She considered that the way she was treated suggested that the doctor did not recognise her responsibility and her maturity, and treated her with a degree of contempt, as though she was a young kid who really did not know how to care for her child. She went back home and, after a couple of weeks, when her child was out of crisis, considered again that that was not good enough and decided that she would like to do something. As with so many people, they find it more comfortable to go to their MP to talk about something that is distressing to them than they do to return to the service provider. Ideally, we might like to say, 'If the treatment has been poor, go back to the service provider and complain.' That is very hard for a lot of people, particularly when they are looking for further service from this provider.

This person, like so many others, came to see me. I put her story into words and, on her behalf, I wrote to the hospital chief executive. Within two days, both I and she—most importantly, she—had received a written apology, and advice that this incident would be reported to the emergency department and that they would be asked to be more careful to respect a patient's own ability to make decisions for themselves and to be informed about their own health and that of their children. That was very happily resolved. This case related to a public hospital: it could have been resolved also by the Ombudsman. However, if it were a private hospital, there would have been no opportunity other than coming to an MP and the MP saying, 'My constituent thinks that she deserves better treatment.'

One of the good reasons for having a health complaints ombudsman is that some of the complaints will be dealt with adequately and very properly in this jurisdiction, instead of people having to go to their MPs, go to medical boards or, more importantly, having to sue simply in order to get an, 'I am sorry, this should not have happened in this way.'

Regarding medical boards, I point out that the provisions of this bill are very clear about the need for the Ombudsman to relate closely with the various registration boards—not just the medical board—to ensure satisfactory outcomes, and the precedence of different bodies is set out for different circumstances. I listened to the deputy leader's contribution particularly and, unfortunately, to the member for Heysen's contribution. I have respect for the member for Heysen, who has come into this place and learned very quickly how things happen.

I was reminded of the type of debate that I heard so many years ago with the introduction of equal opportunity legislation, and also with the introduction of legislation relating to the Ombudsman. I refer particularly to equal opportunity legislation, because I sat through so many debates in so many places in respect of that legislation. I found it very difficult to talk to people—who understood only a litigious system of complaint resolution—about an alternative model, an easier model, a cheaper model and a more satisfying model for those people who do not have the ability to use other legal options, namely, conciliation. It is the same sort of approach.

In relation to equal opportunity, I would hear about the facility provided to take vexatious complaints—and, fortunately, I have not heard this from members opposite. At the time of equal opportunity, one would have thought that vexatious people would be running around everywhere making complaints. I am pleased that we have not heard that one. What we have heard about is an inability to understand the process of conciliation and the different techniques used in that process whereby, if necessary, someone is assisted to make a complaint. If they are not able readily to put into words what they want to say, someone is there to assist them, just as I was able to assist my constituent—in the one case I mentioned and in many other instances—to put into words what was aggrieving them.

The process, then, is that there is some investigation of the complaint. The service provider, against whom the complaint is made, is contacted, informed of the complaint and given the opportunity to respond. The conciliator or the investigator may decide that these two stories do not match and, perhaps, that further investigation is required. They will identify other parties who may be able to throw some light on the events. They will do what they can to get a picture of what happened in these circumstances. They will do what they can to determine from the complainant what would make it better. They will ask what the complainant wants to happen out of this process.

Do they simply want an apology? Do they want a change in practices in the service providers area? Do they want the person who misdiagnosed them to undergo further training? This sort of outcome was often requested in the equal opportunity area, and I am sure that it will often be requested in terms of health and community service complaints. There is an identification of the desired outcome. It will then be put to the person against whom the complaint has been made, 'What can you do?' Amazingly, in the equal opportunity field, sometimes the person against whom the complaint has been made comes up with further steps they believe they should take in the light of what they now know over and above what the complainant wanted.

Firms, government departments and private individuals have said, 'I clearly need to do something about this. This is not good enough. We need to fix up our procedures. We need to train our staff. We need to re-organise our internal complaints processes.' All sorts of responses arise, often, as I said, over and above what the complainant wanted. That really demonstrates the value of this sort of complaints-based system. If there is no ability to come to some resolution in a backwards and forwards way, often the parties will be brought together around a table. If that still does not work, this bill provides for the Ombudsman to make a recommendation.

We have heard a fair bit about section 52, and I think it is important to revisit exactly what section 52 says. It provides as follows:

(1) If, after investigating a complaint, the HCS Ombudsman decides that the complaint is justified but appears to be incapable of being resolved, the HCS Ombudsman may—

(a) provide to the health or community service provider a notice of recommended action;

That recommended action could be that the steriliser be fixed, that there be more staff on duty, that security is provided, or that a complaints system be developed so that people with complaints can be heard. So, they provide a notice of recommended action and advise the complainant of the provision of the notice. It further provides:

(2) A notice must set out—

(a) the particulars of the complaint; and

(b) the reasons for making the decision referred to in subsection (1); and

(c) any action that the HCS Ombudsman considers the health or community service provider should take in order to remedy each unresolved grievance disclosed by the complaint.

So, the Ombudsman is simply recommending what, in their opinion, should be done to fix this complaint and, hopefully, to ensure that other complaints do not come forward. The provision continues:

(3) A health or community service provider to whom a notice is provided must, within 45 days after receiving the notice or such longer period as the HCS Ombudsman may allow, advise the HCS Ombudsman in writing of what action he or she has taken in order to remedy the grievances referred to in the notice.

So, that provides that if the provider believes that the Ombudsman has been in error in whatever the recommendation is, they have the opportunity to get back to the Ombudsman and say so. It does not compel them to do it. It says that they must advise what they have done. It continues:

(4) After receipt of the provider's advice or after the period allowed under subsection (3), if the provider's advice has not been received, the HCS Ombudsman may publish a report—

and I repeat 'may publish a report'—

together with the provider's advice (if it exists) or a fair summary of that advice and any other commentary as the HCS Ombudsman considers appropriate.

So, the Ombudsman can publish an advice indicating that he or she has recommended that ABC aged care service provide different food because there has been a complaint which the Ombudsman believes is reasonable. The Ombudsman might then indicate that a response has been received from ABC food provider advising that they have taken nutritional advice and believe that their food is adequate, and provide a report—an outcome. It is then for the reader to decide. The provision continues:

(5) No action lies against the HCS Ombudsman in respect of the contents of any document published by the HCS Ombudsman under this section.

So, the whole process is to deal with assisting people to be more in control of what happens to them in the important area of health and community care.

Even here, in a case where the provider does not respond in a way that might be hoped, it allows ordinary individuals to make judgments about how they will treat that provider in the future. It does not lock them up, and it does not drag them before a magistrates court. It is very much a system of civilised human beings: civilised but flawed human beings. It is a hallmark of a system where we all seek to do better for each other and in which we all recognise that by speaking out we can improve the system generally.

I thought the member for Napier was extraordinarily eloquent in his reference to the need to have mechanisms to improve our health care systems because of the number of adverse events that occur. I recall that South Australia unfortunately (and the minister can correct me if I err in my recollection) has the highest rate of adverse events in the country. I remind you, sir, that we are the only state without this legislation. So, could there be a connection between our high rate of adverse events and the lack of this provision of self-improvement within the system? This is what it is about: it is about system improvement and community empowerment.

The shadow minister last night spoke about how, sadly, his bill had not been dealt with because the house, unfortunately, did not sit for an extra week in December. I am wondering whether the member's cold has affected his memory. My recollection is that he was the leader of the house and, if there were somebody had some facility to make sure a bill got through, surely it was the leader of the house. This had only been after five years of attempts by the member for Elizabeth to get her bill through. It was delayed during the time I have been here due to the fact that the then minister had a bill, but we never seemed to get to it, and then we just did not get to it in the last week of sitting.

Mrs Geraghty interjecting:

Ms THOMPSON: The member for Torrens points out that the public did not like the bill that was put forward by the minister.

An honourable member interjecting:

Ms THOMPSON: The former minister; I humbly apologise to the current minister. The former minister's bill was grossly inadequate, and many people found that it did not provide the sorts of respect and facility that they wanted in this sort of bill. There has also been a lot of talk about the impact of this bill on community service and how people will not volunteer. Well, sir, I deal with many community service provider organisations in my electorate, and I sit on management committees and attend management committee

meetings for a number of them. I know that those people are often dealing with people in our community who find it difficult to work out where they fit in. Sometimes they take a grudge against a community service organisation. At the moment, what happens when they take a grudge is that they go around the community bad mouthing X, Y and Z all over the place. With this bill there is protection for those volunteers in community organisations, because they can now refer any person who is running around with a grudge against them to the Ombudsman.

They can indicate that the Ombudsman will be able to investigate their complaint and that they will be very pleased to abide by any recommendations made by the Ombudsman. They can ensure that they are protected, because there is a mechanism for somebody who believes they have a grudge against a provider to be heard. They can be confident that the provider and the volunteers in the organisation will also be heard. We have had an incredibly successful experience with our Ombudsman, and the provisions in this bill reflect very much the provisions and modus operandi of our current Ombudsman. We have had a series of excellent Equal Opportunity Commissioners, who have shown that it is possible to listen to complainants, to bring people together, to ensure that the other side is heard and to bring about new mechanisms for justice in our community.

The ACTING SPEAKER (Mr Scalzi): Order! The honourable member's time has expired.

Mrs GERAGHTY secured the adjournment of the debate.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 5.30 p.m. the house adjourned until Monday 18 November at 2 p.m.

HOUSE OF ASSEMBLY

Monday, 21 October 2002

QUESTIONS ON NOTICE

ILLEGALLY OBTAINED COMPETITIVE ADVANTAGE

8. **The Hon. I.F. EVANS:** What is meant by 'illegally obtained competitive advantage', have there been any instances in South Australia and if so, what are the details and will legislation establishing penalties be introduced and if so, who will be liable and what penalties will be attached?

The Hon. J.D. HILL: I will respond to the honourable member for Davenport's question in three parts.

The honourable member for Davenport's first question seeks to understand the definition of 'illegally obtained competitive advantage'.

Illegally obtained competitive advantage is the amount of economic benefit acquired by a person, or accrued or accruing to the person, as a result of the commission of an offence.

I refer to the second point in the honourable member for Davenport's question, 'have there been any instances [of illegally obtained competitive advantage] in South Australia and if so, what are the details'.

There are two investigations that the EPA is undertaking where companies have gained from an illegally obtained competitive advantage.

(1) There is a cattle feedlot that has been established without Development approval and without the relevant environment protection license. The operator has not installed the required equipment for processing waste. Equivalent licensed operations would need to invest many hundreds of thousands of dollars to meet appropriate standards.

(2) There is an olive crushing facility that has been operating without Development approval or an environment protection licence, and has been releasing waste water of high pollution potential without proper treatment or containment. The costs of proper treatment have been avoided.

The third point of honourable member for Davenport's question queries 'will legislation establishing penalties be introduced, who will be liable and what the (sic) penalties will be attached?' I refer the honourable member for Davenport to Clause 22 of the *Statutes Amendment (Environment Protection) Bill 2002* currently before the House. This clause inserts a new subsection in section 133 of the *Environment Protection Act 1999.*

This amendment to the Act would allow a court to order a convicted person to pay the court's estimation of the amount of economic benefit acquired by, or accrued or accruing to the person as a result of commission of the offence. The proposed provisions also provide that an economic benefit obtained by delaying or avoiding costs will be taken to be an economic benefit acquired as a result of commission of an offence if commission of the offence can be attributed (in whole or in part) to that delay or avoidance.

ICON AND KEY PARKS

19. **The Hon. I.F. EVANS:** What was the budget and expenditure for each Icon Park and Key Park in 2001-02 and what are their individual budgets for 2002-03?

The Hon. J.D. HILL: National Parks and Wildlife SA has identified 12 'Icon Parks' and 30 'Key Parks'. Funding and expenditure are not specifically allocated, however they can be approximated. The following costs do not include overhead costs and other indirect costs relating to the operation of the parks. Costs could not be approximated for Waitpinga Conservation Park, Cobbler Creek Recreation Park, Mark Oliphant Conservation Park and Lathami Conservation Park.

Park	Expenditure 2001-02	Budget 2001-02	Budget 2002-03
Icon Parks			
Cleland WP	1 427 580	1 321 926	1 175 605
Seal Bay CP	633 624	476 564	529 425
Flinders Chase NP	4 807 671	5 258 636	622 281
Flinders Ranges NP	862 953	867 862	880 437
Coorong NP	700 897	659 151	513 968
Naracoorte Caves NP	1 047 730	1 053 614	421 088
Yurrebilla Parklands	575 495	500 000	505 000
Innes NP	696 443	714 931	824 061
Deep Creek CP	476 273	290 269	575 836
Mount Remarkable NP	438 333	436 555	597 290
Morialta CP	376 327	295 000	201 500
Desert Parks	1 229 799	1 051 455	1 121 871
Key Parks			
Granite Island RP	538 481	536 084	199 383
Belair NP	1 655 075	1 553 405	1 665 120
Kelly Hill CP	151 887	139 804	154 800
Gammon Ranges NP	449 423	424 165	463 171
Gawler Ranges NP	451 042	532 848	706 044
Inamincka RR	421 055	468 158	370 954
Witjira NP and Simpson Desert	301 742	243 861	680 547
Lake Eyre NP	65 031	80 000	0
Blackhill	1 113 141	913 308	1 105 076
Lincoln NP and Coffin Bay NP	687 818	657 485	1 057 028
Fort Glanville	109 618	70 213	70 834
Para Wirra	439 588	412 856	469 541
Newland Head	206 880	316 896	229 636
Cape Gantheaume	453 242	451 813	365 232
Canunda, Bool Lagoon and Dingley Dell	29 790	22 776	108 000
Tantanoola Caves	128 314	101 678	125 977
Martindale Hall	20 575	33 000	34 000
Nullabor	389 237	387 903	450 852
Danggali, Murray River and Chowilla	216 533	220 800	210 000
Adelaide Gaol	209 507	229 694	170 000

NATIONAL PARKS AND WILDLIFE SERVICE

20. **The Hon. I.F. EVANS:** For each National Parks and Wildlife Service region and district:

(a) what is the budget allocation for 2002-03;

(b) what was the budget and actual expenditure for 2001-02; and

(c) how many FTE Public Service Management Act employees and contract workers were employed in 2001-02 and how many are likely to be employed in 2002-03?

The Hon. J.D. HILL: I have listed for each National Parks and Wildlife region and district:

1. 2002-03 budget allocations.

2. 2001-02 budget allocations and actual expenditures.

3. Number of FTE Public Sector Management Act employees and contract workers who were employed in 2001-02.

4. Likely number of employees in 2002-03.

	2001-02 actual expenditure $000	2001-02 budget $000	2002-03 budget $000	2001-02 FTE's	2002-03 Proposed FTE's
Adelaide Region	10 209	9 072	8 555	94.4	97.4
Cleland	4 218	3 805	3 297	32.9	33.9
Fleurieu	1 560	1 424	1 188	12.9	11.9
Lofty/Barossa	2 121	1 739	1 945	19.7	19.7
Sturt	2 105	1 935	1 969	19.1	19.1
Monarto	204	168	156	2.0	2.0
Kangaroo Island Region	9 047	8 966	3 527	47.5	47.5
KI East	3 274	2 825	2 016	17.7	17.7
KI West	5 773	6 141	1 511	16.9	16.9
Murraylands Region	1 978	1 859	1 834	24.0	24.0
Mallee	459	472	497	4.0	4.0
Riverland	1 519	1 387	1 337	9.0	8.0
Outback Region	2 018	1 843	2 173	16.0	17.0
Central Desert	1 597	1 375	1 802	8.0	9.0
North East Desert	421	468	371	3.0	3.0
South East Region	3 888	4 000	3 119	43.4	46.6
Coorong	1 002	929	828	7.6	9.3
Lower SE	1 194	1 061	1 097	9.8	9.5
Upper SE	1 691	2 011	1 194	11.0	13.2
The Ranges Region	2 852	2 879	3 222	29.5	27.5
Central Flinders & Hawker	1 214	1 193	1 156	6.0	6.0
Gawler Ranges	552	645	826	2.0	2.0
North Flinders	550	513	542	3.0	3.0
South Flinders	536	528	699	4.5	4.5
West Region	2 098	2 001	2 363	25.5	26.5
Eyre East	1 229	1 159	1 562	5.3	5.3
Eyre West	868	842	802	5.0	5.0
Yorke/Mid North Region	1 061	1 081	1 197	14.9	14.9
Mid North	223	223	243	2.0	2.0
Yorke	838	859	955	8.9	8.9

NATIONAL PARKS

30. **The Hon. I.F. EVANS:** Which parks will have their classifications upgraded during 2002-03?

The Hon. J.D. HILL: The following reserves are under consideration for proclamation as wilderness protection areas:

- Lincoln National Park
- Coffin Bay National Park
- Hincks Conservation Park
- Hambidge Conservation Park
- Bascombe Well Conservation Park
- Unnamed Conservation Park

It is also intended that Ediacara Conservation Reserve and surrounding crown land will be proclaimed as a conservation park to upgrade the protection of a valuable area on the western side of the Flinders Ranges including internationally significant fossil deposits.

LIVING COAST STRATEGY

39. **The Hon. I.F. EVANS:** What is the budget for introducing the living coast strategy, when will it be introduced, how many FTE Public Secotr management Act employees and contractors will be allocated to this program and what are their classifications?

The Hon. J.D. HILL: An inter-agency committee is currently developing a Strategic Plan to address the broad range of policy commitments in the government's Living Coast Strategy. This strategic plan will identify strategies, actions and responsibilities informed by the government's stated commitments and policy positions.

URANIUM MINING

54. **The Hon. I.F. EVANS:** What did the review of the incident reporting procedures in the South Australian uranium mining industry undertaken by Mr Hedley Bachmann cost?

The Hon. J.D. HILL: The Hedley Backmann inquiry was initiated and managed by PIRSA including all financial delegations.

I recommend that this question be referred to the Minister for Mineral Resources Development for a response.

ENVIRONMENTAL PROVEN PROGRAMS

69. **The Hon. I.F. EVANS:** What was the actual number and target for environment proven programs held in 2001-02, what was the budget allocation and actual expenditure for the same year and what budget has been allocated for 2002-03?

The Hon. J.D. HILL: A search of the EPA licensing database shows that there were 146 licences with conditions requiring action regarding environment improvement programs for the year 2001-2. There was no target for environment improvement programs for that year nor is there a target for 2002-03. No specific budget has been allocated for environment improvement programs.

WATER MONITORING SITES

73. **The Hon. I.F. EVANS:** Where are the nine air and 100 water monitoring sites which are expected to be fully operational in 2002-03?

The Hon. J.D. HILL: The following table shows the location and status of the nine air quality monitoring sites:

Air Monitoring site—location	Current Status
1 Adelaide, McDonalds Family Restaurant, 44 Hindley St	Now upgraded and complete
2 St John's Primary School located at Winnerah Rd Christies Downs	Now upgraded and complete
3 Pt Pirie, located at Oliver St—gaseous parameters to be added for 12 months	Now completed
4 Northfield located at Hampstead Centre, Hampstead Rd, Northfield	Requires sulfur dioxide to be added to parameters measured
5 Gawler, Popham St Gawler East	Requires sulfur dioxide to be added to parameters measured
6 Whyalla—station being moved from Mt Gambier to Whyalla for 12 months as part of campaign monitoring	Yet to be established
7 Southern Metropolitan area	Yet to be established
8 Hope Valley, Grand Junction Rd	Requires parameters added – ozone, sulfur dioxide, nitric oxide, nitrogen dioxide, benzene, toluene, formaldehyde and may need to be relocated
9 Christies Beach	Meteorology station needs completing

Other air quality monitoring sites already completed and operational do not appear on this list.

In response to the second part of the honourable member's question, regarding 100 water monitoring sites, I refer him to my reply to question 64.

FARMING PROPERTIES, ENTRY

114. **The Hon. G.M. GUNN:**

1. Do officers from the Department of Environment and Conservation enter farming properties without consent and if so, how many properties have been entered in the past three months?

2. Does the government support the right of property owners to know who and why someone has entered their property?

3. How many departmental inspectors are located in rural South Australia?

The Hon. J.D. HILL:

1. In instances of routine inspections, officers from the Department for Environment and Heritage, Department for Water, Land and Biodiversity Conservation and the Environment Protection Authority will contact the landowner prior to entering the property. However there may be instances whereby this is not practicable or possible in the case of an emergency, or if the landowner does not have a telephone or is an absentee landowner.

For officers who are authorised under the *Environment protection Act 1993* to perform their duties efficiently it is not appropriate to contact all landowners prior to a visit. Also, when officers are investigating an allegation of an illegal activity, it may not be desirable to forewarn the landowner if there is a likelihood of evidence being removed or destroyed. Furthermore there are occasions where it may not be possible to determine the exact location of an incident until a search of an area is first made.

There are no statistics available on the numbers of properties entered over the last three months, however the Environment Protection Authority does have a record of dairy farms that have been audited in that period.

2. The government supports the right of property owners regarding persons entering their land. These rights are adequately covered under the trespass provisions of the *Summary Offences Act 1953*. The government also recognises that some officers have lawful justification to enter property to undertake various administrative or enforcement roles, and supports the powers conferred upon these officers.

3. The Department of Water, Land and Biodiversity Conservation, the Department for Environment and Heritage and the Environment Protection Authority have offices distributed across rural South Australia. Departmental officers are authorised to enter private property under a variety of legislation. I am unable to supply the requested figures without knowing exactly what type of inspectors the honourable member is alluding to.