HOUSE OF ASSEMBLY

Wednesday 20 November 2002

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

ST JAMES COMMUNITY KINDERGARTEN

A petition signed by 854 residents of South Australia, requesting that the house urge the government to allow the St James Community Kindergarten to remain open and continue to educate the preschool children, was presented by the Hon. M.J. Wright.

Petition received.

CRIME PREVENTION

A petition signed by 603 residents of South Australia, requesting that the house urge the government to reinstate funding to the Crime Prevention Program and continue community-based local crime prevention initiatives, was presented by Mr Scalzi.

Petition received.

HOUSE OF ASSEMBLY TAPESTRIES

A petition signed by 387 residents of South Australia, requesting that the house reconfirm support for its resolution of 17 February 1993 to dedicate space in the House of Assembly chamber for two tapestries commemorating the Centenary of Women's Suffrage, was presented by Ms Chapman.

Petition received.

PORT ADELAIDE REDEVELOPMENT

A petition signed by 50 residents of South Australia, requesting that the house urge the City of Port Adelaide Enfield Council to provide an extension of time for the people of North Haven to make submissions on the City of Port Adelaide Enfield Council Residential Development and Minor Amendments Plan Amendment Report, was presented by the Hon. M.R. Buckby.

Petition received.

BALI, TRAVEL PLANS

In reply to **Dr McFETRIDGE** (23 October).

The Hon. M.J. ATKINSON: I have received this information:

The Office of Consumer and Business Affairs has made inquires to determine how airlines and travel agents are responding to this tragedy, and to try to ensure that the needs of their customers at this very difficult time are being met fairly and with minimum delay.

Qantas has advised OCBA that it is refunding all monies where customers seek cancellation of flights, regardless of the date of the flights. The refund process is expected to take 6 to 8 weeks, and no penalties or frequent flyer points will be imposed.

Garuda has advised that it is allowing passengers to defer or cancel flights up to 27 October. Where flights are cancelled, a full refund will be given. The position after 27 October is being considered.

The airlines have adopted a sympathetic approach to travellers who have cancelled their travel arrangements at short notice, although the processing of refunds will take up to several weeks. Should any traveller consider that they are experiencing an unreasonable delay, they should contact their airline or travel agent first to discuss their own circumstances.

About the refund policies of travel agents and holiday resorts: these are usually outlined in the terms and conditions of the customer's contract. Customers should first refer to those conditions and then contact their travel agent or resort to establish whether the organisation will waive any cancellation or penalty fees.

In cases where travellers hold travel insurance, they may be able to lodge a claim to recover their losses. This should be discussed directly with the insurance provider.

About the travel agent Flight Centre Limited: this company has advised OCBA that it will not be retaining cancellation fees or agent's commissions on cancelled Bali travel. It also acknowledges that there may be delays in providing refunds from resort operators, but has stated that this is owing to the time taken by travel wholesalers to refund monies to the travel agent. OCBA is pursing this matter with travel wholesalers, including Club Med.

Flight Centre has also advised that travellers who choose to change only their holiday destination may credit their refund towards alternative travel arrangements without delay or penalty.

Customers who have cancelled their Bali travel plans are urged to contact their travel agent, airline or travel insurance company first to discuss their own circumstances regarding refunds or any cancellation penalties. If unsatisfied with the response, customers are welcome to ring OCBA's Consumer Affairs Advisory Line on 8204 9777 for assistance.

ANTI-TERRORISM LEGISLATION

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The recent events in Bali have brought home to all of us the horrifying threat of terrorism. Many South Australians have been deeply affected by the tragedy which, of course, saw three South Australians lose their lives so tragically. Six months ago, who would have suspected that the safe haven of Bali, a favourite holiday destination for so many young Australians, could be a target for any terrorist activity, let alone such a deadly, terrible crime?

There have been further disturbing developments since then. Yesterday afternoon, the commonwealth government issued a security alert stating that it had received credible information of a possible terrorist attack in Australia at some time during the next couple of months. The commonwealth says that the information is generalised and non-specific as to possible targets and precise timing and is linked broadly to the general alerts in the United States and the United Kingdom. Security and intelligence agencies continue to monitor available information, and South Australia Police will continue to liaise with the commonwealth government and keep the public informed.

Yesterday's announcement highlights the need for all Australian governments to continue to work together to combat terrorism. In order to deal effectively with terrorism, we must ensure that we have the strongest legal framework in place to do so and that we have that framework in place quickly, including here in South Australia. Therefore, I can inform the house that the government will be giving notice today of the introduction of the Terrorism (Commonwealth Powers) Bill 2002.

This bill refers legal powers to the commonwealth government to help it deal with the terrorist threats we now face in the 21st century. It flows from the decisions made by the Council of Australian Governments on 5 April this year in which the Prime Minister and state and territory leaders met to discuss terrorism and transnational crime.

The meeting resulted in the passing of 20 resolutions, which had been discussed and negotiated in the preceding months. Among others, the resolutions provide for:

- the better coordination and cooperation between agencies at the commonwealth and state level in case of a terrorist attack;
- the development of an updated counter-terrorist plan, better sharing of intelligence; and
- the formation of a national counter-terrorism committee to advise government and ensure that we are properly prepared for any event.

I believe that these arrangements are essential to ensuring that the state and commonwealth can effectively work together with a coordinated approach to any terrorist threat within Australia.

The leaders' agreement, which we—the Prime Minister, six premiers and two territory chief ministers—signed together also requires that the states agree to refer their powers to deal with terrorism to the commonwealth. The commonwealth will have power to amend the new commonwealth legislation in accordance with provisions similar to those which apply under the corporations arrangement. Any amendment based on the referred power will require consultation with and agreement of the states and territories, and this requirement is to be contained in the legislation.

This bill is about closing the legal loopholes that potentially exist in the commonwealth's prosecution of terrorist offences. This is not an area where we can risk constitutional uncertainties. It is to ensure that we have one law which would have the same applications no matter in what state or territory a terrorist attack occurred.

A terrorist act is one intended to advance a political, religious or ideological cause, and I emphasise to intimidate and cause serious harm. It does not include legitimate protest or industrial action. The freedom to engage in political protest is one that we will all vigorously defend.

Essentially, the bill provides for the referral of powers to the commonwealth to deal with the terrorist offences for an indefinite period, but subject to the termination by any referring state by proclamation of the Governor. In this way the interests of South Australia are accounted for should circumstances change. The legislation also intentionally maximises the scope for the application of both state and commonwealth criminal law to apply at the same time. In this way, we avoid the possibility of large sections of state criminal law being overridden by commonwealth terrorism laws, which are reasonably broad.

The reference of powers may at any time be amended by the agreement of a majority of the states and territories, with at least four states agreeing. We cannot afford to delay the passage of this legislation. This is South Australia's contribution to the anti-terrorist threat. It is an important step in enabling us to meet the threat that terrorism poses to us all. Let us pray that these powers, which I hope this house and the Legislative Council will pass unanimously, will never have to be used.

WOMEN'S STATEMENT

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.W. KEY: Since 1996, an annual Women's Statement has been tabled in parliament to report on the government's program for women. Women are a significant client group of government services and programs and comprise 62.1 per cent of state government work force. An annual Women's Statement has been produced each year for the past six years to report on activities by government agencies in response to women's issues. The Women's Statement provides public accountability and visibility of programs and services that bring about greater equality of opportunity and the full participation of women in all areas of life. The Women's Statement also highlights women's achievements and initiatives that benefit the women of South Australia.

During 2001, all government agencies were asked to provide information on new and ongoing services and innovative approaches undertaken to respond to the needs of women in South Australia. A selection of these initiatives is included in the 2001-02 Women's Statement to highlight measures to bring about greater equality of opportunity and access to services for women across the state. The 2001-02 Women's Statement provides:

- An overview of the government policy framework and initiatives undertaken under the Status of Women program;
- A report on government initiatives for women in the community—'Investing in Women';
- A series of profiles featuring South Australian women; and
- A selection of initiatives which have taken place to raise the status of women as government employees.

Also included is a concise report and selection of statistics relating to women in the public sector work force provided by the Office for the Commissioner for Public Employment, as well as a report on progress being made towards meeting the government's goal of increasing the number of women on boards and committees.

I have highlighted only a small part of the document's content here today, and I encourage all members to obtain a copy of the statement. I commend the Women's Statement 2001-02 to the house. The web site access point is www.osw.sa.gov.au.

CEMETERIES

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

Leave granted.

The Hon. J.W. WEATHERILL: Since coming to office, I have become aware of and concerned with the range of issues associated with the management and operation of cemeteries in this state. One of the most significant issues has been the large gap between what actually happens in practice and the level of awareness and appreciation of the general public on this matter. Since the early days of European settlement and government, this state has adopted a combination of legislative and administrative practices that are unique in Australia yet have parallels in other parts of the world. In particular, there is a prescribed limit on tenure in state and council cemeteries, a well established and condoned practice of grave reuse by both governments and traditional Christian churches, and an ability to establish private commercial cemetery operations.

In addition, we have some people in this state, on becoming aware of the situation, expressing abhorrence that this should be the case, while in other states and in the United Kingdom some people view the arrangements with some degree of envy. Many of the community concerns specifically relate to grave reuse, the narrow application of perpetual

protection to war veterans' graves, the fate of pioneer and old church grave sites, and the practical lack of perpetual tenure choice in metropolitan areas. In contrast, cemetery managers are seeking legislative certainty and clarity with respect to their operations and grave reuse practices.

These matters were last seriously looked at in a holistic and broad-ranging way by parliament when a select committee of the Legislative Council reported in 1986 into the disposal of human remains. In particular, that committee considered the report of a 1983 committee established on the matter by the then attorney-general. That is not to say that nothing has been done since. There have been many reforms in the areas of cremation legislation, death registration legislation, cemetery regulations, state cemetery operations and competition policy. The last of the reforms required under national competition policy are currently before parliament.

However, all these reforms were undertaken within an existing legislative and policy framework for the management and operation of cemeteries and burials that has not changed since the early 1900s. As a consequence, a number of the reforms recommended by the original 1983 committee and then by the 1986 select committee have never been implemented so as to change this longstanding framework. Some of these recommended reforms are at the core of the public debate that is now occurring, namely, whether to allow perpetual tenure and grave reuse. Consequently, it is not appropriate simply to pick up and implement such reforms without revisiting them to determine whether the general public's attitudes have changed since the 1980s.

There will need to be sufficient and wide-ranging public debate in order to first understand and then consider the balance between the moral and personal values and spiritual beliefs of individual members of our society on this topic, and the practical and economic reality of managing cemeteries and our mortal remains in a respectful manner for generations to come. I believe that this issue will require the careful attention of all members of this parliament in a spirit of bipartisanship. Consequently, I propose to establish a select committee to revisit the earlier recommendations specifically related to cemeteries and burials and to examine and report on the cemetery provisions of the Local Government Act 1934.

I therefore give notice that on Thursday 21 November 2002 I will move that a select committee be established to examine and report on the cemetery provisions (part 30) of the Local Government Act 1934, including consideration of:

1. an appropriate legislative and administrative framework for the regulation and administration of interment within all cemeteries in South Australia, irrespective of ownership, location or operational status;
2. an appropriate legislative and administrative framework for the disposal of non-cremated human remains and management of grave sites outside of cemeteries;
3. the need for any identification of or disposal authorisation for bodies prior to burial;
4. terms, renewal, transfer and nature of interment rights, including implications for the ongoing financial viability of cemetery operations;
5. appropriate processes for, management of and rights at end of tenure of individual grave sites and with respect to closed or derelict cemeteries, grave sites or graveyards;
6. specific requirements for people from culturally and religiously diverse backgrounds and their customs and practices with respect to interment of human remains in cemeteries;
7. any special requirements for the preservation of pioneer remains, burial sites and monuments;
8. any special requirements for the burial sites of Aboriginal people where there is an interface between Aboriginal burial sites and European burial sites;
9. any special requirements for the resting place or monuments (headstones and plaques) of ex-service men and women;
10. innovative ways of acknowledging the deceased, including via multiuse parks and gardens;
11. previous recommendations under points 1.3, 1.5, 1.7, 3.1 to 3.9, 4.1, 4.2 and 5.2 of the report of the Select Committee of the Legislative Council on Disposal of Human Remains in South Australia, 18 November 1986; and
12. any other related matter.

ECONOMIC AND FINANCE COMMITTEE

Ms THOMPSON (Reynell): I bring up the 41st report of the committee, on green phone preliminary inquiry.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 184th report of the committee, on State Records accommodation.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 185th report of the committee, on the South Australian plant biotechnology facility.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 13th report of the committee.

Report received and read.

Mr HANNA: I bring up the 14th report of the Legislative Review Committee.

Report received.

QUESTION TIME

BUDGET SAVINGS

The Hon. R.G. KERIN (Leader of the Opposition): I direct my question to the Treasurer. Why has the government not yet released details, as requested in the estimates committees, of the required portfolio savings in 2002-03 in order to meet the government's budgeted $195 million savings target for this financial year, and will he now provide the house with details of the savings targets for each agency? The budget papers released in July included a $195 million savings target in the current financial year. Details of the specific programs to be cut were not provided at that time. During estimates committees in July and August, most ministers were asked to provide details of the specific savings strategies within their departments for the forward estimates period. Four months later, our questions remain unanswered. Prior to the

last election campaign the then leader of the opposition stated:

> I will insist that we will return to the system that previously applied under Labor, that questions asked during the important estimates hearings are answered by ministers within two weeks.

The Hon. K.O. FOLEY (Treasurer): Budgets requiring savings are not things with which members opposite would have had any experience, because making savings was never a priority of members opposite. It was never something over which members opposite took any action. They were a big reckless spending government. They would spend—

Mr BRINDAL: I rise on a point of order, sir.

The SPEAKER: Order! The member for Unley—to whom I apologise for not being able to hear him.

Mr BRINDAL: Thank you, sir. I question whether it is not a requirement under standing orders that the minister address the substance of the question.

The SPEAKER: I thank the opposition for illustrating the point that it is equally a point to be taken that they should remain silent during answers to questions. The Deputy Premier.

The Hon. K.O. FOLEY: Thank you, sir. The issue of savings cuts to a budget is something that we have had to put in place, because the former government was a high spending government and a government that had reckless spending year after year. We are having to rein that in, we are having to put tight fiscal discipline—

The SPEAKER: Order! If the Deputy Premier does not have an answer to the question, he might like to sit down and let someone who does have an answer respond.

The Hon. K.O. FOLEY: Thank you, sir, I understand your ruling. From memory, this question was referred to in the upper house by the shadow treasurer a couple of days ago. I am glad that the Leader of the Opposition takes a couple of days to come up with an original question. I can advise the house that information has been collated and will be provided very soon.

ARTS GRANTS

Ms CICCARELLO (Norwood): My question is directed to the Minister Assisting the Premier in the Arts. What is the process for distributing state government funded arts grants?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): This is an interesting question. When this government came into office, it was presented with a document from the Chief Executive of the History Trust of South Australia—and I will table this document after I have finished reading it, as would be the normal practice. This memo suggested a variety of ways in which the government might like to distribute grants to arts organisations. For example, the History Trust has $150 000 each year, which it spreads across museums in South Australia. There are about 96 of them, and about 35 or 40 of these get money each year. A variety of ways were suggested in this document about how moneys should be distributed to those bodies. For example, we could give the money to government MPs to hand out in government electorates and then, when it is a non-government electorate, we could send it through the mail. The alternative suggestion was that we could get all members of parliament to hand out grants as they chose. In relation to the former government, the memo states:

> It was a practice of the previous government to arrange—

The Hon. I.F. EVANS: I rise on a point of order, sir. The question was what 'is' the process, not what 'was' the process. The honourable member is not addressing the substance or subject of the question.

The SPEAKER: I uphold the point of order. The minister will address the substance of the question.

The Hon. J.D. HILL: I was about to do that by contrasting what we are about to do with what the former government did. I wish to read from this document because it puts all that on the record. The memo states:

> It was the practice of the previous government to arrange for government members of parliament to distribute the cheques to any successful applicant in their electorate, while the remainder was sent direct to applicants by the History Trust.

That is what the Hon. Diana Laidlaw organised.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens does aspire to belong to the ministry, I know. Presently, the Minister for Environment and Conservation is the member for Kaurna. I would be grateful, if it were possible, for the member for West Torrens to allow the Minister for Environment and Conservation to tell me, and other members of the house who may be interested, without further interruption the process that is in place.

The Hon. J.D. HILL: That is what was happening under the former government. The next paragraph is the pertinent one. The executive officer from the History Trust says:

> If you [the Premier] agree we will continue this practice. Alternatively, you may wish us to distribute all cheques via local members, whether government members or not, or distribute all cheques direct.

The Premier hand wrote a note back in March this year, as follows:

> I think all MPs should distribute, not just government MPs.

This government has therefore introduced a fair system so that all members of parliament can distribute grants to their local groups that happen to get arts grants. I point out to the house for the record that under the previous government just 10 per cent of the History Trust grant program was spent in Labor electorates, so no wonder the Hon. Diana Laidlaw wanted the system the system that she had in place because she was obviously favouring her own side. I table the document to which I have referred.

DISABILITY SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Social Justice confirm that the $1.83 million cut for Julia Farr Services is part of the 2002-03 budget savings for the disability portfolio, and will the minister also confirm that an $800 000 budget cut has been imposed upon the Intellectual Disability Services Council as part of the budget savings? The Intellectual Disability Services Council—a government agency that cares for people with severe intellectual disability—has had a cut of $800 000 to its budget on top of a considerable cut of several million dollars compared to last year's expenditure. The $800 000 is part of the budget savings for the disability portfolio.

The Hon. S.W. KEY (Minister for Social Justice): I have reported to this house previously in question time that the issue of savings at Julia Farr is something on which we are working at the moment. A group has been set up with the Department of Human Services, the Julia Farr executive and Treasury and Finance, and that is what we are working

through. I gave an interim report to cabinet on Monday about the way in which we would look at the whole picture for Julia Farr, and that is proceeding. When we have made decisions on that, I am more than happy to tell the house of our plan for the future for Julia Farr.

With regard to IDSC, I do not have the figures in front of me, but I am more than happy to provide that information to the honourable member.

VEHICLE COMPONENT MANUFACTURING

Mr SNELLING (Playford): My question is directed to the Minister for Industry, Investment and Trade. What are the challenges facing the vehicle component manufacturing and tooling industries, and what action is the government taking to address them?

The Hon. K.O. FOLEY (Minister for Industry, Investment and Trade): Since the government's coming to office, the automotive industry has been a priority for the government, as demonstrated in the early part of our term of office when we moved swiftly, decisively and effectively to ensure not only the long-term sustainability of Mitsubishi but also model upgrade, research and development and a vital future for our car industry. Equally, we are seeing that with General Motors-Holden, with $2 billion being spent in Australia over the next couple of years, with a reasonable proportion of that here in South Australia—an exciting automotive opportunity for us.

As it relates to the component industry, I advise the house that as a result of changes in the automotive industry component suppliers are taking on an increased role as designers and developers of their components. This trend started in Europe recently and is a pay on consumption process. Under this arrangement component suppliers are paid after the vehicle manufacturer has finished assembling a vehicle. This means that, in addition to funding design and development, the component supplier is expected to fund the inventory cost between their factory and the final assembly process. Toolmakers are increasingly being asked to deliver tools on a turnkey basis. Many component and tooling companies are small to medium enterprises and are experiencing difficulty financing these expectations.

The Centre for Innovation, Business and Manufacturing and Victoria's Office of Manufacturing are pooling resources to finance a study aimed at assessing the suitability of current financing options that could be opened to local industry and to assist in the developing of new approaches that could be used to address any limitations that are identified.

The project will cost $38 000 and will be conducted by Deloitte Touche Tohmatsu. In projects involving export opportunities, the study will explore the possibility of lobbying the Export Finance and Insurance Corporation (EFIC) to broaden their coverage of projects. The study will identify financing schemes used in other countries—

The SPEAKER: Order! I advise the person using the camera in the gallery that the purpose of the permit provided to photographers is to photograph those members on their feet, and not—

The Hon. K.O. Foley: I'm over here!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The member for Goyder has ignored four calls to come to order. I am trying to make sure that people who have access to the gallery with special permission do not abuse the processes of this house. It does not help when other honourable members do likewise. Cameras will be removed from the gallery if the people concerned disobey the standing orders of the chamber and the practices to which they have agreed in the way they conduct themselves in recording what is going on in the chamber.

The Hon. K.O. FOLEY: The study will identify financing schemes used in other countries that could be proposed to Australian financial institutions for the benefit of domestic manufacturers—the very important point being that there is a significant change in the way financing will be required for our component industry. It is a very tough call being a component manufacturer in this country. The companies that build the automotive vehicles put very tough conditions upon component suppliers but we, as a government, will do all we can in conjunction with Victoria to assist those companies to be world's best practice and to be world competitive.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Health. Will the minister advise the house what extra funds, if any, have been promised to the Mount Gambier Hospital to ensure that the nine resident medical specialists, including the three general surgeons, withdraw their threat to leave Mount Gambier? The initial budget allocated to the Mount Gambier Hospital means a cut in funds for the resident medical specialists of $600 000 for this year compared to what was spent last year. As a result, several medical specialists have been threatening to leave Mount Gambier, saying that they could not maintain adequate medical services on the existing budget.

The Hon. L. STEVENS (Minister for Health): The chair of the regional health board, Mr Bill DeGaris, and the regional health manager have been working tirelessly to find solutions to serious budget overruns that have been occurring, particularly at the Mount Gambier Hospital, over the last two years. These budget overruns have amounted to $4 million. Of course, the deputy leader would be well aware of the situation because when he was the minister for human services he allowed that situation to go on over a number of years.

As I explained to the house earlier this year, a report on the situation involving the provision of services in the South-East was undertaken by Mr Tom Neilson, and that report recommended that work needed to be done in the South-East region to make the provision of health services sustainable. That included having in place the most basic things, such as a clinical services plan which, astoundingly, was not the case in that region for all the time that the Deputy Leader was minister for human services. The region, the board and the community have been working hard to make health service provision in the South-East sustainable.

In relation to the specifics of the Deputy Leader's question, the fee-for-service budget this year has been increased from $4.1 million to $4.4 million. In addition, the government has agreed to waive the debt of $4.24 million to put the Mount Gambier Health Service on a sustainable basis, on the condition that the service achieves a balanced budget and undertakes necessary reform. Last year, the fee-for-

service budget alone was overspent by $650 000, without authority, and this is simply not sustainable.

The government is absolutely committed to rebuilding health services in South Australia. We are also committed to ensuring that health service provision is equitable and sustainable across the whole state. There are important issues in relation to the allocation and control of the surgical budget for the South-East, and they are being dealt with to ensure that Mount Gambier delivers, within the budget, the best possible health services.

I would like to put on record my appreciation for the work of Mr Bill DeGaris as chair of the regional board, the members of the board, and the Regional General Manager, as well as the member for Mount Gambier, for his support to ensure a satisfactory outcome of these issues.

HOSPITALS, WOMEN'S AND CHILDREN'S

Mr O'BRIEN (Napier): My question is directed to the Minister for Health. Will the government provide up to $3.7 million to match funds raised by the Women's and Children's Hospital Foundation for the redevelopment of the hospital's emergency department, at a total cost estimated to be $7.4 million?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this important question and, in answering it, I acknowledge and thank the members of the hospital foundation, chaired by Mr Vic Begakis AM, for their tireless efforts in supporting the Women's and Children's Hospital. I am pleased to inform the house that on 14 November 2002 I wrote to the Chairman of the Board of Directors of the Women's and Children's Hospital, Mr John Doherty, confirming the government's approval for the redevelopment of the emergency department at the hospital and the government's contributing up to $3.7 million on a dollar for dollar basis. The work will involve the integration and upgrading of the women's and paediatric emergency, mainstreaming of mental health emergency, and the establishment of a short-stay unit. Already, the Savings and Loans Credit Union has raised $1 million towards this project, and I thank it for its support.

I would also like to acknowledge that, although the previous government said that it would match funds raised by the foundation, like so many other commitments made by the former minister no funds were included in the budget or the forward estimates. The government, though, will now work with the Women's and Children's Hospital Board to develop a process for planning any projects beyond the emergency department redevelopment that involves joint funding by the hospital foundation and the government.

SCHOOLS, ATTENDANCE

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Education and Children's Services. What is the rationale behind the government's push to improve attendance in our schools?

The Hon. P.L. WHITE (Minister for Education and Children's Services): I thank the honourable member for her question and for her continued interest in ensuring that South Australian schoolchildren get the very best education possible. The rationale behind the government's firm push to reduce absenteeism among our school children is because the statistics show us that the average South Australian child in a government school misses almost one full day of school per fortnight. When one looks at the term of 10 or 11 years that a child spends at school, one will see that that equates to about one full year's worth of tuition. That is just not good enough, in the view of the South Australian government, and hence the firm push to reduce that level of absenteeism. No matter what resources we put into our schools, if our children are not there to benefit, we are not hitting the mark. In fact, 10 per cent of our students miss, on average, more than one day per week. They are frightening statistics, and action needs to be taken—and is being taken—by the new government.

Recently I announced a comprehensive strategy to, firstly, communicate to the South Australian community that this is an important issue, to send a clear signal that regular attendance at school is important, and to help schools work with communities to address the problems that prevent children from regular attendance at school. We have a state-wide attendance policy for all government students that is about to be consulted on—

An honourable member interjecting:

The Hon. P.L. WHITE: The interjections from the opposition really highlight the point that, under its term of government, it did not even recognise that there was a problem. If one does not recognise that there is a problem, nothing changes. This government is admitting that there is a significant problem in South Australian schools and that, as a matter of priority, we need urgently to do something about it.

There will be closer relationships between the South Australian police force, other government and community agencies and the education department to work on local solutions to ensure that young people attend school regularly. Every school in the state will be required to have a school attendance improvement plan. They will be given a framework to support the recording and monitoring of student attendances and to support school-based action. There will be updated guidelines—an updated definition of acceptable attendance to incorporate the modern factor of vocational education and training programs that are currently part of the school environment for upper teens. Those guidelines will describe the role, responsibility and protocols for addressing poor attendance in our schools. There will be an information package for every school in the state showing better reporting and case management principles for schools, which will provide schools with the resources to analyse patterns of attendance, to identify students at risk of non-attendance—and, of course, there is a strong correlation between schools with high levels of non-attendance and high levels of drop-out. That is probably not surprising. There will be better tracking of absences and supports for schools to refine their local strategies. There will be examples of best practices—

An honourable member interjecting:

The Hon. P.L. WHITE: A member of the opposition asks, 'What are you going to do?' Quite simply, the opposition, when in government, did zip—it did worse than zip. The former minister's constant response to my claims that we needed to address this problem was to say that there was no problem. Indeed, the government has just launched a $2 million strategy over the next four years, starting with the 2003 school year, of action zones. There will be five action zones around the state to keenly focus initiatives in those regions of the state that have particularly high non-attendance rates amongst their schools, that is, both chronic truancy and regular non-attendance. The solutions will be locally driven: one size does not fit all. They will be coordinated between

school and community, and there will be case management of chronic non-attendance and, for the first time, establishment of benchmarks for the measuring and reporting of improvements in attendance in South Australian schools.

DOCUMENTS, TABLING

Mr BRINDAL: Before I ask my question, could I ask you, Mr Speaker, to rule on a point of order, please? The point of order is that the Minister for Environment and Conservation has, in accordance with your standing instruction to the parliament, tabled a document from which he read. I have a copy of that document, and I would ask you to examine it.

The SPEAKER: What is the point of order?

Mr BRINDAL: It appears to have been clearly taken from a government docket, and what has been tabled is simply one page of the docket and not the complete docket. I ask you to examine it with a view to having the whole docket tabled, as was your original instruction.

The SPEAKER: Is the minister able to tell the house if that forms part of a total file?

The Hon. J.D. HILL: I imagine it is part of the file. I have not seen the whole file, I have only seen this particular—

The SPEAKER: Does the minister understand that he is therefore obliged today to table that file?

The Hon. J.D. HILL: I will find out, but it is a stand-alone memo.

The SPEAKER: If it forms part of a file, commonly referred to as a docket, that docket must be tabled.

The Hon. J.D. HILL: I do not believe that is the case, but I will have a closer look.

The SPEAKER: I assure the member for Unley that the minister and I have a cordial relationship, and I will check. The member for Unley has the call.

WATER USE

Mr BRINDAL (Unley): And I do respect your impartiality in the matter, sir. My question is directed to the Premier. What will be the Premier's position on behalf of South Australia when the state and territory leaders meet to discuss compensating farmers for decreased water use at next month's meeting of the commonwealth, state and territory leaders? As you would know, sir, under the COAG water reforms water has been made a separate tradeable property right. Water has now a tradeable dollar value and some citizens have become very wealthy. In the decade to 1997, both New South Wales and Victoria increased their water take for irrigation by 76 per cent, which water was largely used for low return crops. In the same decade, South Australia chose to cap its water out-take from the Murray, a cap which you, Mr Speaker, provided evidence was based on forecasts from the late sixties but which remains in place in South Australia today.

The Hon. M.D. RANN (Premier): I appreciate this question greatly. The honourable member will be aware that earlier this year, shortly after coming to government, the water resources minister—the environment minister—was involved in negotiations with the other states in relation to the River Murray, and I must say that that was regarded as a historic breakthrough after the many decades of fandango between the states in which the states defended their own interests rather than looking to the national interest, with South Australia's interests often considered to be last. We are very pleased with the negotiations of the Minister for Environment and Conservation, now also the Minister for the River Murray.

The honourable member would be aware that I negotiated a separate agreement with the Premier of Victoria that allowed for additional environmental flow. This, again, was a considerable breakthrough in terms of relations between Victoria and South Australia with regard to the refurbishment of the River Murray.

In terms of COAG, I can assure the member that I will be acting firmly in the interests of South Australia, and I will go to that COAG meeting with that foremost in my mind. It would not be in the interests of South Australia to flag to the other states my position before the COAG meeting.

ELECTRICITY GENERATION

Mr BRINDAL (Unley): How does the Minister for Energy justify his statement to the house that 'the turnaround in the generation reserve forecast is due primarily to reduced hydro-electric capacity'? A single telephone inquiry this morning indicates that the Snowy hydro authority is holding in its reserves, above allocations required for the foreseeable future, an additional 1 million megalitres. Use of this water is entirely at the discretion of the generating authority, is entirely available this summer for electricity generation and could additionally be used for irrigation purposes in the River Murray.

The Hon. P.F. CONLON (Minister for Energy): It is an enormous danger to be half bright, and that is precisely what the member for Unley has been regarding this question. First, I do not appreciate being verballed by the member for Unley. The statement was that the primary problems are the drought and Loy Yang going down 500 megawatts as opposed to 115 megawatts. The honourable member should read the statement: it is all in there.

Let me raise the difficulties involved in this simple solution offered by the member Unley. First, we would probably need to negotiate with the Victorian government, would we not? Who is the Victorian government at present? Do you think it will enter into negotiations in a caretaker period about a matter like this? Does the member for Unley think the water from the Snowy scheme comes without a cost? Is that cost less than tendering for a reserve trader? They are the sorts of questions he should go away and ask himself before he comes in here, being half smart.

WEST LAKES BOULEVARD

Mr RAU (Enfield): Will the Minister for Transport advise of the status of the roadworks on West Lakes Boulevard?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the member for Enfield for his question and ongoing interest in this matter. Roadworks to address the impact that the bus priority lane on West Lakes Boulevard has had on traffic commenced on 10 October. I recall that, while in opposition, I wrote some four letters to my predecessor, raising concerns and issues about the works associated with bus access to Football Park. All works on this project were put on hold when the Rann Labor government came to office, including the former government's Stage 2 of the program. I visited the site earlier this year with the Chief Executive of my department and a representative of the local community,

the Reverend Neil Adcock, to highlight local community concerns, particularly relating to safety.

There were valid safety concerns, and I instructed Transport SA to address these and to better manage the existing road space. I am pleased to see that the result is that the Frederick Road intersection will be returned to its pre-bus priority lane configuration. I also asked that consultation take place to ensure that future works do not create additional problems for the community. This consultation is now under way with stakeholders, and community comment is being sought through to early in the new year.

The previous government had announced that an additional $2.3 million would be used to extend the dedicated bus lane along the West Lakes Boulevard to Port Road, extending the scheme already in place. I am not convinced that this costly extension of the current scheme to Port Road will realise benefits that outweigh disadvantages to other road users. I have indicated that I believe expensive and intrusive engineering works are not the solution and that smarter and simpler options should be found.

MUSIC HOUSE

Mr HAMILTON-SMITH (Waite): I direct my question to the Minister Assisting the Premier in the Arts. Did the minister reject requests to meet with the board and management of Music House in the nine months leading up to the discovery of financial concerns on 17 September this year, and has he visited Music House at any time since assuming office?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): After I read the comments in this morning's paper attributed to the member for Waite, I checked with my office to see whether or not—

An honourable member interjecting:

The Hon. J.D. HILL: St Jude is the patron saint of hopeless causes: there was the wine centre and now Music House. The honourable member is on a roll here; it will be interesting to see the third one he picks up; the Hindmarsh stadium—

An honourable member interjecting:

The Hon. J.D. HILL: The Liberal Party leadership? I checked with my office this morning to see whether or not I had had any requests from Music House to meet with me and, surprise, surprise: I had not. I then checked with the Premier's office to see whether or not it had had any requests for a meeting and, surprise, surprise: it had not. I noted in the press—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: There are two parts of the question; let me go through them. I noted in the press this morning that the member for Waite had said that Music House had been seeking an appointment since February. This probably explains the dilemma: they probably sought an appointment when the former government was in office. We were not in office in February. We were not responsible for the invitations either sent or received in February. So, no; I have not received an invitation or met with them. I have met with a couple of members of the board informally—not about these issues but about other issues. My adviser in arts issues himself initiated a visit to Music House, and the Premier's arts adviser also initiated a visit to Music House. I can tell the member that officers of Arts SA have been meeting regularly with staff of Music House to help them through their difficulties. In fact, my first visit to Music House will be this Friday night, when I have to make a speech at some sort of national presentation. I am looking forward to making that speech.

While I am on my feet I will also comment on funding, because the member for Waite also said (and maybe this is his next question) that Music House was anticipating that more capital would be needed. In fact, its business plan, which was submitted to the former government on 26 February, stated that it anticipated that the level of funding which it then had would last it to 2005. So, between February this year and now it has bankrupted itself, yet back then, in the business plan that was signed off by the then government, it said it would have sufficient funds for 2005. Have another think about that, St Jude!

Mr HAMILTON-SMITH: I again direct my question to the Minister Assisting the Premier in the Arts. Did the government provide staff and board members of Music House with advanced warning of yesterday's announcement regarding the slashing of funding and winding up of the live music initiative? Staff and board members first heard of yesterday's announcements regarding the loss of funding and jobs at Music House from the opposition and the media.

The Hon. J.D. HILL: I thank the honourable member for this second opportunity to point out the issues in relation to this matter. There has been no budget cut to Music House; there has been no reduction in its budget whatsoever, regardless of what the *Advertiser* headline says. There was no budget cut whatsoever. I was advised on Friday last week about the full picture in relation to Music House, and I took what was appropriate action for a minister confronted with these problems—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: The member for Waite has a curious way of dealing with loss of funding for an organisation—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: Well, I will not talk about loss of face. I was confronted with this full situation on Friday. I said to Arts SA people to whom I was speaking that we should take some action. I immediately contacted the Auditor-General and asked for his advice. He is in the process of providing appropriate advice to me. I was told by Arts SA officers that the board, in fact, was aware of the seriousness of the problem and is intending to take action—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: No, I did not tell them. I thought it was my duty to inform the parliament of South Australia about the problems before I started tipping off individual members of staff. I believe that is the appropriate and ethical thing for me to have done.

CHILDREN'S BOOKS

Mr HANNA (Mitchell): Will the Attorney-General advise the outcome of his proposal to have an advisory classification system—

An honourable member interjecting:

The SPEAKER: Order! I want to hear the question from the member for Mitchell, not some ferret from behind the bench in the other part of the chamber.

Mr HANNA: Will the Attorney-General advise the outcome of his proposal to have an advisory classification system introduced for children's books?

The Hon. M.J. ATKINSON (Attorney-General): Earlier this month, I took a proposal to the Standing Committee of Attorneys-General meeting in Fremantle, and suggested that publishers incorporate an advisory classification on the cover of children's books in future printings. Before that meeting I encouraged federal, state and territory censorship ministers to consider the advantages of the concept. I was disappointed to receive strong opposition from the federal Liberal government. This resulted in the proposals's defeat.

The Hon. D.C. Kotz interjecting:

The Hon. M.J. ATKINSON: Well may the member for Newland look puzzled because, as I understand it, she also supports this proposal, along with Senator Jeannie Ferris, Trish Draper (the Liberal member for the federal seat of Makin) and Dr Andrew Southcott (the Liberal member for the federal seat of Boothby). Many parents have the right to feel let down because they still will not be able to ascertain at a glance whether particular books are suitable for their children. My plan suggested that publishers label children's books with an age or warning category, such as those used for films and videos, so that parents know what their children are buying or borrowing.

The Hon. D.C. Kotz: Hear, hear!

The Hon. M.J. ATKINSON: The member for Newland says, 'Hear, hear,' because she now has recollection of her support for that. I did not propose legal restrictions, consideration by the classification board or making regulations retrospective. I certainly did not want to classify the whole corpus of children's books.

The Hon. D.C. Kotz: Don't hold back!

The Hon. M.J. ATKINSON: Well, the member for Newland says, 'Don't hold back.' My intention was to make it prospective. The idea was formulated after the protective parents committee brought to my attention via the member for Mitchell extracts from books, easily available to children, that were offensive or unsuitable. I find it odd that we regulate films for parents who may not wish their child to witness coarse language, violence, sexual depictions, suggestions of drug use and perhaps controversial social themes, such as suicide, yet there are no warnings about similar content in literature. Ratings for children's books would assist parents and others, such as libraries, which buy books for children. Without this provision I urge parents, relatives, school librarians and all supplying books to children to examine their choices carefully. Our next generation should be protected from material likely to harm or disturb them at a tender age.

HEALTH REVIEW

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Does the Minister for Health agree with the findings of the generational review, which she established and which shows that under the previous Liberal government on a per capita basis South Australia spends more money on health expenditure, has higher utilisation rates, has more health professionals and has more hospital beds than any other state or territory?

The Hon. L. STEVENS (Minister for Health): I am pleased that at long last the deputy leader is focusing on the future and may take a slight interest in the generational health review and perhaps make a constructive comment on and contribution to the reform of health services in South Australia. The generational review has put out for comment by the South Australian community a lengthy and coherent set of discussion papers, including the information from which the deputy leader has just quoted. The officers undertaking the review will then set about presenting to me an interim report in December and a final report in March, on which we will base the 20 year plan for rebuilding health services in South Australia.

The deputy leader's contribution to the health debate in South Australia is interesting. Of all people the deputy leader would be in a unique position, having been the previous minister for the last four years and before that the premier of this state. But what have we seen from the deputy leader? We have seen sniping and taking parts of submissions out of context. He even said that he himself was making a submission but as yet, of course, the deputy leader has not delivered. He is more interested in grandstanding about his own future and coming back as leader of the Liberal Party than he has ever been in fixing health or doing anything constructive in this state.

The SPEAKER: Order! The minister's views about what may happen in other domains in political terms may well be interesting but not relevant to the answer.

TOURISM, EYRE PENINSULA

Ms BREUER (Giles): Will the Minister for Tourism give details of recently announced initiatives to promote Eyre Peninsula?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Giles for the time she has taken on my recent trips to Eyre Peninsula to share with me some of the highlights of this trail. I commend the local tourism board, which worked with the SATC to develop this campaign. Essentially the aquaculture and seafood opportunities around Eyre Peninsula are second to none. This is really a commercial sector that has seen the opportunities provided by tourism which are both in employment and in the generation of wealth throughout the wider community. In many regards the aquaculture and seafood industry is much as the wineries were 20 or 30 years ago, with tourism being something of a nuisance rather than something to be cherished.

On Eyre Peninsula to date we produce 60 per cent of South Australia's seafood, with an annual value of $428 million. It employs 2 000 people, but in particular the coastal drive incorporates the opportunity through the winter months to see the breeding cuttlefish, which come from around the world, with 100 000 of them aggregating around Whyalla through the months of July to August—it is a spectacular site. As one follows down the coast one can visit oyster, abalone and kingfish farms and, when one reaches Port Lincoln, there is a unique experience in that one can then have a tour of the seahorse farm. The seahorse farm is not a seafood producing industry: seahorses are produced entirely for the aquarium market and form an important aquarium trade for export. The seahorses are particularly interesting for children but have a charm for adults, because they have prehensile tails, which means that like monkey tails they are able to clasp their neighbours and dance gaily through the aquarium together.

Also of interest to the scientific amongst us, there is a species of seahorse called hippocampus abdominalis, where the male of the species has a bright yellow abdomen, which has the advantage of a small operculum, which dilates during breeding and allows the female to deposit eggs into the male pouch. The male then carries the young until birth. The

opportunity to see hippocampus abdominalis in these aquariums is really quite spectacular.

As one travels around the coast, one also has the opportunity to see the only commercial fish cannery in Australia with an open viewing platform for visitors, and then to trail along the coast to Bairds Bay, where one can swim with dolphins or sea lions, and then, of course, visit the fish processors in Ceduna, and then go on to the whales around the coast. This is a unique experience in the world and is particularly important because it value adds to the area. When I visited Cowell I was impressed, because only a decade ago the Cowell footy club was about to close down. Now they have a grade A, a grade B, a senior colts and a junior colts football club, for the reason that there is now employment for young people in Cowell. This is a fabulous opportunity to keep young people in regional and rural South Australia.

The SATC is working with the local community and producing a way to make South Australia a place that you will stay in, enjoy and not drive through, because each of these low-cost opportunities to see something spectacular means that tourists will stay an extra night and money will disseminate through the whole economy: delis, petrol stations, restaurants and pubs. It is a fabulous holiday destination and it is being marketed with SATC money with signage and brochures and I recommended it to everyone in this house.

SHACKS

Mrs PENFOLD (Flinders): My question is directed to the Minister for Environment and Conservation. Can the minister advise the house if the same positive action will be taken to protect the Lucky Bay shacks in the Franklin Harbor District Council area as that taken on the Adelaide foreshore when it was threatened by erosion, or at least reversing immediately the current decision preventing the owners from protecting their own property? Many Lucky Bay shacks have been in families for generations, and some are now being damaged by erosion. When Adelaide coastal real estate was threatened there was an outcry and immediate action was taken to protect it. However, Franklin Harbor council and regional owners are being prevented from protecting shacks at Lucky Bay and the government is offering no help, preferring these unlucky shacks to be washed into the sea.

An honourable member interjecting:

The SPEAKER: Order! I do not want to find the member for Morphett being washed into the sea, either, or anywhere else.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for her question. In fact, I think she has previously asked similar questions. I have had a meeting with her, and we briefed on all the issues in relation to this particular matter, if I recall. The policy in relation to shack freeholding was introduced by the previous government. In my view, it was an unwise policy because it has produced many difficulties for those who thought they were going to get freeholded shacks very easily. We are working through all the problems, at great expense, within my department, as many members on the other side of the house would know, because many of them come to see me about shack freeholding problems. In many locations throughout South Australia there are problems associated with shack freeholding. A strategy was put in place under the former government. I reviewed it and tried to make it more streamlined and we are putting more resources into it. But, essentially, we are working through the policy that the former government put in place to freehold those shacks which can be properly freeholded. The reality is that, despite promises that may have been made by the Hon. John Olsen before he took office, he in fact said, I think, that all shacks would be freeholded. That was an impractical policy position—

An honourable member interjecting:

The Hon. J.D. HILL: Well, if you say that is not true, I will take your advice on that. There was certainly a commitment given to freeholding shacks and many people believed that their shacks would be freeholded when, in fact, for practical reasons, they cannot be freeholded. The Lucky Bay situation is a particular problem and it relates to the change of the beach. A number of shack holders in that particular area have constructed, illegally, barriers to protect their shacks from erosion. The problem with them doing that, of course, is that they cause erosion elsewhere down the beach, and that causes problems with other people. The advice that I have been given by my department is that this is an inappropriate place to have these kinds of sea walls, and that it will merely move the problem further down the beach. I think that was the point that my officers and I made to the member when we had the briefing. It is difficult, I know, for those shack holders who think they have a right to have their shack freeholded, when they see the forces of nature acting in the way that they do. But there is no simplistic or easy solution to this. As I have said to the member before, we are working our way through these problems and we will continue to do so.

ARNO BAY BOAT RAMP

Mrs PENFOLD (Flinders): My question is to the Treasurer. Can he advise if state funding will be provided to assist with the completion of the Arno Bay boat ramp now that all the development application approvals have been granted? The federal government has provided $600 000, the Cleve district council $250 000, private enterprise $150 000, and funding for this project will enable further development of aquaculture and the potential of creating 300 jobs over the next five years, in a small coastal town.

The Hon. K.O. FOLEY (Deputy Premier): I will get a detailed response for the honourable member but, from my immediate recollection, I can say that that issue has advanced. We have made certain decisions in respect of that issue but, without wanting to give incorrect information to the house, without having full details with me now, I will be happy to get that information provided as soon as possible. I am aware of the member's urging for decisions on that, but I think the member will be very pleased with the government's actions and decisions. As I said, I will get a considered reply as soon as I can.

MINISTERIAL ADVISORY BOARD ON AGEING

Ms THOMPSON (Reynell): My question is directed to the Minister for Social Justice. What role will the recently formed Ministerial Advisory Board on Ageing have?

The Hon. S.W. KEY (Minister for Social Justice): It is with much pleasure that I advise members that the Ministerial Advisory Board on Ageing has been appointed, and met for the first time over a week ago. His Grace, The Most Reverend Archbishop Leonard Faulker, former Catholic Archbishop of Adelaide, has agreed to accept the responsibility of chairing the advisory board. I am sure that members from both sides

of the house will support me in thanking him for accepting this task. His Grace served as Archbishop of Adelaide for 18 years prior to his retirement in December last year.

I am delighted with the calibre, commitment and energy of the 10 board members. They represent a cross-section of interests from within our senior community, and I am confident that I will receive robust and insightful advice. Some of the other members on the ministerial advisory board are: Mrs Laurie Barter, who is a registered nurse and currently a consultant/adviser to aged care facilities on industrial relations and human resource issues; Ms Jan Cass, who is the Mayor of the District Council of Loxton Waikerie, and who has extensive experience in local government, rural development, education and regional economic development, and is also very interested and has a background in elderly and retirement villages; and Mr Jim Giles, who is the National President of the Council on the Ageing, and who has extensive experience in services to education, arts and multiculturalism.

There is also Mr Doug Hodgson, an Aboriginal elder, who is part of the Aboriginal elders group. Since retirement he has community involvement not only with Aboriginal elders but the Western Aboriginal Elders, the Western Carers' Group and the Arabunda Native Title Management. There is Ms Theodora Papadopouls, an accountant and assistant general manager of a property development company. She has experience in financial management, human resources, property management and marketing. We also have Professor Denis Ralph, professor in the Faculty of Education, Humanities, Theology and Law at Flinders University, and he is an executive director of the Centre for Lifelong Learning and Development. There is Mrs Joan Stone, who has been retired for quite some time but has more than 20 voluntary community service years in the areas of retirement villages, ageing, and crime prevention, and she is an aged care facility volunteer as well. She is currently the chair of the Aged Rights Advocacy Service, President of the Council of Pensioners and Retired Persons, and the President of the South Australian Retirement Villages Residents Association.

I am sure that a couple of members would be interested to know that she also served as a volunteer for quite some time at the Julia Farr centre. Mr Neil Wallman (a reappointment from the previous board), a retired commissioner but now a part-time commissioner for the Environment, Resources and Development Court, has experience in urban and regional planning and also a good background in demographic, social and economic data.

As members can see, this is a very important board with a good deal of experience, including community leadership roles, Aboriginal affairs, aged nursing care, retirement accommodation, multicultural policy, trade unionism, workplace safety, local government policy, research planning, and urban planning. I am sure that this board will be invaluable in helping our government set the agenda with regard to important issues facing an ageing community.

For honourable members' interest, the terms of reference of the board are: to provide policy advice, and advise on the impact of government policy on older people; advise on research, planning and service issues that impact upon older people; and to hold forums on issues of importance to older people. The other instruction I have given to the board is that they must have a good time doing all these things. They assure me that they will deliver on that term of reference! I look forward to working with these board members. They will be a great attribute to our policy and social capital agenda.

HEALTH REVIEW

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. DEAN BROWN: Today, I asked the Minister for Health about the $750 000 generational review into health. During her reply, the minister indicated to the house that I had apparently promised to make a submission to—

The Hon. L. Stevens interjecting:

The Hon. DEAN BROWN: You said that I had promised to make a submission to the generational review. I actually met with the chair of the $750 000 generational review, Mr John Menadue, and Carol Gaston on the day they released their major report. I explained to them that, even though I thought the chairman specifically asked that I make a submission, I thought it was absolutely inappropriate as shadow minister to do so. There was also a press conference on another issue, at which I was asked the same question. I indicated very clearly that I would not be making a submission to the generational review. An article appeared in the *Advertiser* indicating that the Minister for Health specifically asked whether I would make a submission.

The Hon. L. Stevens interjecting:

The Hon. DEAN BROWN: I have just said the opposite. I have indicated throughout that I would not make a submission, even though Mr John Menadue put to me that I probably knew as much as anyone else about health and the broad perspective of health in this state. However, I said that as shadow minister it was inappropriate for me to do so.

Members interjecting:

The SPEAKER: Order! The house will note grievances.

GRIEVANCE DEBATE

MUSIC HOUSE

Mr HAMILTON-SMITH (Waite): I rise on the matter of Music House and the total chaos which is the Rann Labor government's approach to arts funding to date. This government came into office on the promise of all things good for the arts. Its three brilliant ideas were a film festival, annual WOMADs and, of course, renaming the Playhouse as the Dunstan Playhouse. These were the three great flashes of brilliance.

Since March 2002, all we have seen is cuts and the corruption of existing programs. Yesterday's announcement of the slashing of funding to Music House leads the charge this month. It is a litany of incompetence. First, we have the sham of the Minister for the Arts (the Premier) up front wanting to take all the credit while the Minister Assisting the Minister for the Arts (the member for Kaurna) gets to do all the work. So we thought he got to do all the work, until his startling admission today that before slashing the funding to Music House he did not even bother to go to see Music House. He did not even bother, in the entire time he has been the minister assisting, to visit the agency to talk to the staff, the board and the people involved. He did not find the time.

Not only that, but also we get the further startling admission when he stood up in this house yesterday and announced that there was no future for Music House. He has not even told the workers; he has not spoken to the staff; and he has not communicated with the board. He sat down there on Victoria Square in the ivory castle behind closed doors making this decision and suddenly came into the parliament and announced it without having foreshadowed it to the people whose jobs, whose families and whose livelihoods depend on its success.

It is another example of a government that is not consultative; a government that does not talk to people before it acts; and a government that is planning its arts strategy—if there is one—behind closed doors and grasping at straws. To think that a minister could make such a substantial decision without talking to the stakeholders is simply stunning.

In answers to questions today, the minister claimed that no approach whatsoever was made to him in any way—and I will read *Hansard* carefully—for him to visit or to communicate with Music House. He seems to be suggesting that Music House took no interest in making any contact whatsoever with the new government. That is not the information available to me, and we will see more on this.

I wonder if this is not just some clever ploy by the minister to try to pretend that, because he personally did not get a phone call, no request had come through Arts SA for him to visit or for a delegation from Music House to visit the minister. We will see about that. Nevertheless, it is nothing more than a Rann government agenda to slash funding to live music. I do not know what it is that the Labor Party has in for live music, but we have had nothing but cuts. On top of about $3.3 million of overall cuts to the arts budget—with programs right across the board in tatters—we now have this stunning decision for further cuts. Where is the money going? It is probably going into the Rann government's pet project, the film festival. Of course, we have to support that; it will be good. But are we diverting money out of existing programs into these initiatives to try an accounting fiddle—as the *Financial Review* described it—to cover the wreckage?

There are other problems with live music that the government needs to solve. Does this mean the end of Music Business Adelaide? Does this mean the end of the other initiatives at Music House, such as SA Music Online? Is this now the end of all those projects? Is the winding up of Music House the warning bell that further funding for live music will not be forthcoming from this government? It is not good enough.

This government pretends that it is a champion of the arts, but it has done nothing for the arts in the time it has been in office. It has done nothing for live music but slash it to ribbons. It has done nothing to develop a vision or a strategy for the future. It is simply full of puff and wind.

Time expired.

SCHOOLS, KLEMZIG PRIMARY

Mrs GERAGHTY (Torrens): Today, I want to talk about one of the achievements of a school in my electorate. I was recently advised by the Principal of Klemzig Primary School, which is in every respect an excellent and very dedicated public school, that the school took first and second place in the middle primary section and second place in the upper primary section of the model solar boat competition which was held on Sunday 3 November. In doing so, the school then qualified to enter three of a total of four boats from South Australia in the national competition, which I am sure everyone would agree is a wonderful achievement on the part of the students and teachers. The national competition will be held on 24 November at Sydney University.

What I found exceptionally interesting and of great significance is that the boats raced by the students are not only powered by solar energy but they also consist largely of recycled materials. To its great credit, Klemzig Primary School also took out the award for the best use of recycled materials in the South Australian competition. I find it greatly heartening that students are involved in activities that emphasise the use of alternative energy sources and the reuse of materials. It is wonderful to see that an environmentalist ethos is being instilled in and embraced by the younger generation, and it will be very interesting, indeed, to see where these young minds take the ideas and skills they are learning and how they apply them in future years.

When I visited Klemzig Primary School, the students were exceptionally enthusiastic in showing me one of the solar boats they had built. I was delighted to be able to speak to the children who were involved and see at first hand how proud they were of their achievements—we had to go out into the school yard and stand in the sun and have a demonstration of the boat.

When I was contacted by the school, the biggest difficulty that it was facing was the lack of funds available to pay for the trip to Sydney. The limited time between winning the competition and taking the trip to Sydney meant that the normal opportunities for fundraising were not available to them. In a wonderful demonstration of community spirit, our community groups and local businesses were only too happy to provide the school with donations for the trip. I was really pleased to be informed just recently that the education department's Ecological Sustainable Development Unit was also able to assist. The Klemzig Primary School principal, Tony Zed, mentioned how surprised he was by the generosity of some of the smaller businesses in our area, and it was heartening to hear that members of the community recognised the achievement of the children and were really willing to assist them.

I would also like to mention the dedicated work of the parents and teachers who have given so much of their time and effort to assist and supervise the children, once again—because this is not the first time they have entered the competition. It is an example of how much schools, as well as the community in general, rely on our volunteer efforts. In particular, the efforts of Janet Willshire are worthy of recognition. Janet is a teacher at the school and has, for the past five years, worked with and involved the students in this model solar boat competition. Her efforts have paid off quite handsomely on this occasion and, obviously, to the benefit of the students at the school. I congratulate the students and the teachers and parents, who have certainly shown that, if you put your best behind the students, they can achieve quite a lot. This is really just another example, I guess, of the quieter achievers in our schools.

HOLDFAST SHORES DEVELOPMENT

Dr McFETRIDGE (Morphett): I rise to place on the record some of the wonderful statistics about the Holdfast Shores development. I understand that an inquiry is taking place at the moment into the history of Holdfast Shores, and it is important that the outcomes of this development be recognised. I have listened to the Premier when he has talked

about being inclusive, being open and honest and moving forward. I would like this government to be open and honest and to recognise the benefit not only to the people of Glenelg and Morphett but also to the people of South Australia of the development which has taken place, and which is continuing to take place, at Holdfast Shores.

I do not know what the government is trying to achieve by having yet another inquiry into Holdfast Shores. What will it do—knock it down if it does not like it? Members of the government are knocking lots of things. We heard them whingeing and whining about the wine centre, which is very disappointing. I attended the Australian Automobile Association dinner at the wine centre last Saturday night. There were 200 people there, and the service was fantastic.

I had the pleasure of escorting two ladies from Louisiana to the wine centre (they were at Glenelg for the jazz festival a couple of weeks ago), and they thought that it was a world-class facility. They cannot wait to get back to Louisiana and tell people not only about what is happening at Glenelg (and we thank the state of Louisiana for the $17 500 it put into sponsoring the Glenelg Jazz Festival) but also about what is happening in South Australia. They are really amazed at what is taking place in South Australia: they had been hearing that South Australia is not going ahead. To see what they saw, and to recognise the developments, is something that is just fantastic. The message that this government is sending out, if it just keeps carping, whining and knocking, will deter developers from coming to South Australia.

Let us look at some of the figures with respect to Holdfast Shores. These figures were obtained from an independent assessment of Holdfast Shores by SGS Economics and Planning. Let us look at stages 1 and 2A—the development that is already there. The initial construction value that was put in there was $277 million. Stage 2B, which is the new part (Magic Mountain is going and the surf life saving building is being replaced by a fantastic new facility), is another $104 million. So, construction values total $381 million. The flow-on effect from that (and this is an independent assessment from SGS Economics) is $630 million—the total induced industry. We heard the Premier talking before about Holden's putting $2 billion into the motor vehicle industry in the whole of Australia.

The total induced industry that has been put into South Australia at Holdfast Shores is just under $1 billion—$961 million has gone in down there. The public infrastructure which has been provided by the development of this project, and which has been put in there by the developers to benefit not only the people of Glenelg and Morphett but also the people of South Australia, involving stages 1 and 2A which are already there, was $7.67 million. By the time stage 2B is completed, $18.62 million of public infrastructure will be there for the people of South Australia.

We have heard the Minister for Tourism talk about the wonderful things that are happening over on Eyre Peninsula. What do we have down at the Bay? Enhanced spending locally in the Glenelg area by residents is $5.18 million per annum, and enhanced spending by tourists in the Glenelg area is $11.72 million per annum. The Holdfast Bay council should be quite happy: it is expecting to reap an extra $1.25 million a year in rates. Let us look at the increased return to the state government—this is year after year: land tax will total $300 000; the return from stamp duty from development will total $3.5 million; and payroll tax will total $50 000.

To knock Holdfast Shores is just crazy. We heard Barcoo Outlet being knocked but, if people had been at the sailing days on the Patawalonga and seen the 40 Holdfast trainers with the children, they would have seen that they were having a fantastic time. They were there because it has been cleaned up. It is the first time in 30 years that the Holdfast trainers have been on the Pat. We have had the jet ski competition and the Milk Carton Regatta there. It is a fantastic place. I invite members opposite to come down to the Bay. I will take them for breakfast, and they can have a fantastic time there.

FREE TRADE AGREEMENT

Mr RAU (Enfield): As always, it is a great privilege to speak after the member for Morphett, who does a great job in advocating his electorate. I would like to address a matter that I think is of some concern to all South Australians—or at least it should be—that is, that we are currently having a very quiet debate at a national level on a subject which should be the subject of a very noisy debate, and that is the subject of a proposed free trade agreement with the United States.

If one were to read the limited media coverage of this proposed agreement, one would get the impression that there are all benefits to Australia and very few disadvantages. It has been quoted that we might be looking at an increase in our agricultural earnings of the order of some $4 billion per year. Given that our economy turns over about $400 billion per year, that is a 1 per cent increase—obviously, not insignificant. However, it assumes a great many things, and I would like to raise a couple of them.

First, what is the experience of other countries that have dealt with the United States in similar terms? There is an agreement called NAFTA, the North American Free Trade Agreement, which includes Canada and Mexico. From recent reports I have read, it appears that part of the arrangements between the United States and Mexico guarantee Mexico access to the United States for its agricultural products.

Improved access was promised as part of the deal, but with sugar, for example, they have been waiting eight years and still nothing substantial has happened. Anyone who believes that the benefits, which all appear to be lined up on the agricultural side of any such arrangement, are going to be gained at the expense of American primary producers is living in cloud-cuckoo-land. The American Congress is obviously more interested in looking after its constituents than ours.

The second thing is that we have to bear in mind that there is a slight difference in the size of our economy and that of the United States. Their economy turns over $17.75 trillion a year: we turn over $400 billion. I am not a particularly good mathematics student, but I do know that that makes them a lot bigger than we are. It is like comparing a goldfish and a whale.

Some of the issues on which we need to have a very thorough public debate before the federal government goes down the path of signing this treaty are as follows. The first is quarantine. What is going to happen to our quarantine laws when the United States says, 'We want to put these products into your market'? They will say that our refusals are anti-competitive: we will say it is quarantine. Who is going to win, and what will be the cost to Australia if our quarantine regulations are destroyed? What about the single desk sales arrangements for agricultural products, wool and wheat? Again, anti-competitive. What about the decisions by state governments such as ours that government fleet vehicles are

purchased from Mitsubishi or Holden's because it assists local industry? Anti-competitive!

What about local television content arrangements which say that a certain amount of Australian material should be on our airwaves? Anti-competitive! What about the pharmaceutical benefits scheme that guarantees pensioners some access to reasonably priced important drugs? Anti-competitive! What about the rules that say that Santos has a maximum shareholding of 15 per cent—rules that have gone some way, I suggest, to seeing that Santos is still a company based in South Australia? Anti-competitive! And what is the impact in terms of our sovereignty in relation to any such arrangement? I do not profess to know the answers to all these questions, but I do know that there must be an open, informed public debate on this subject, where all the matters I have just touched on and others are thoroughly canvassed, so that the community has an opportunity to express its view.

I would be very keen to see members of this parliament spend some time exploring it, look at what NAFTA has meant to Canada and Mexico, and get involved in the debate. If anyone would like me to write an article for any journal on this subject, I am more than happy to do so. I am more than happy to write it for any of my colleagues in this parliament, because I think it is too important a matter for us to ignore. South Australians will be affected by this arrangement.

Time expired.

ITALIAN BENEVOLENT FOUNDATION

Mr SCALZI (Hartley): Today I would like to congratulate the Italian Benevolent Foundation South Australia Inc. Last Saturday evening at St Agnes the foundation members held the annual dinner, which was attended by the Hon. Julian Stefani, the Hon. Carmel Zollo and me and our spouses and many supporters of this great organisation. The Italian Benevolent Foundation of South Australia became an incorporated association in 1974.

The aim of the organisation is to provide quality, caring support services for the elderly. It is a non-profit organisation administered by a board of management comprising a caring, dedicated, professional group that voluntarily gives its time to ensure that the specific needs of the elderly citizens are being addressed in accordance with the clients' wishes.

I must commend Dr Carmine de Pasquale, one of the founding members in the 1970s, and I think a couple of years after (it was originally started in 1975), and the CEO Marcia Fisher. I would also like to note the fantastic service that was provided on Saturday night by the students of St Ignatius College at Athelstone, and to commend Brother Callil for organising those students to serve at the dinner.

The Italian Village was an innovative concept of professional people within the Italian community who had perceived a need for culturally appropriate services addressing the needs of the Italian elderly, but it has gone far beyond that. There are two sites in my electorate, Montrose and Campbelltown, and I would like to congratulate them on the redevelopment of $3.1 million that was opened on 4 April this year.

Another successful achievement was the Healthy Lifestyle Dementia Respite Program, a HACC-funded program with partners being the University of South Australia, which provides physiotherapy and podiatry support, and the Alzheimer's Association, which provides carers' education and support. The program provides transport, social interaction, meals, outings, physiotherapy and podiatry, and is also part of a research program in falls prevention, currently servicing 102 clients over four days. The foundation commenced development of the Burton Complex, 'Domus Operosa' at Salisbury. The anticipated cost of this project's first stage nursing home and administration is around $10 million. That will provide 50 low-care beds and 30 high-care.

The foundation also commenced development at St Agnes, the headquarters of the Italian Village, of an additional dementia-specific wing of 23 beds, the anticipated cost of this project being around $2 million. The foundation was successful in gaining another HACC-funded project, 'Passa Tempo', which will assist two small associations and set up one day support in the north and one in the south. It is important to note these achievements by the village.

I note the administering of the Aboriginal Elders Village for the commonwealth government and of the Aboriginal Home Care Program for the state department. I am particularly pleased with this initiative as I am a member of the State Reconciliation Committee, and to know that an organisation from the Italian community is playing a key role in assisting Aboriginal elders is most gratifying to me.

There is also the Veterans Home Assist program, which currently services 208 clients. If we look at the number of people whom the organisation services, we see that it is around 830 people. About 273 staff are responsible for this organisation. If we look at the total budget of $13.7 million for this financial year and look back and see that this organisation started with the aim of assisting the elderly in the Italian community, we realise that it has gone much further. As I said, we have Montrose in my electorate, and Campbelltown.

It has gone beyond just looking after the Italian community. The services this organisation provides are obviously of a high standard, so much so that it has the confidence of the commonwealth government to assist it with the Aboriginal home care programs and the veterans' home assistance programs. I know that the member for Playford is aware of the work of the Italian Village, as is the member for Norwood (Vini Ciccarello), who attends many of the functions associated with that great organisation. As I said, I would like to congratulate again all the volunteers who work for the Italian Village, and I commend CEO Marcia Fisher and, of course, its chairman Dr Carmine de Pasquale. Once again, I would like to thank Brother Callil for organising the St Ignatius students who did an excellent job in providing us with a wonderful evening last Saturday. It is important to note that organisations which start with such humble beginnings do such a great job in South Australia.

Ms CICCARELLO (Norwood): Today it gives me great pleasure to talk about an event I attended yesterday morning at Government House. It was for the nominees and recipients of the Australian of the Year Awards for South Australia. A new category was introduced this year, the new Local Hero Award. The metropolitan award went to Lewis O'Brien, elder of the Kaurna people and chair of the Aboriginal Elders Council of South Australia, for his almost 40 years' contribution to the advancement and wellbeing of South Australian Aboriginal communities, particularly in the areas of Kaurna heritage, language and education. The Local Hero Regional Award was given to George Slattery for his more than 40 years' service to Wheels on Meals, the Anticancer Foundation, RSL and Lions Club International, which also

named him a Melvin Jones Fellow, its highest form of recognition.

Most people would have heard by now that Lleyton Hewitt was named South Australian Young Australian of the Year for his achievements in tennis, and he is to be congratulated. However, I would like here to mention the other three finalists in this category, as it would have been very hard for them coming up against Lleyton: Amy Beal, who has excelled in the area of conservation and is currently studying environmental management; Davinia May for her work with young people with mental health and drug problems; and Joel Taggart, who combines his studies in urban planning with active concern and involvement in environmental issues and public transport. The Senior Australian of the Year Award went to Dr Marie O'Neill, who, since retiring as chief psychologist for the Department of Community Welfare, has tirelessly devoted herself to voluntary support in areas where others have been reluctant to work, including the Outback and detention and correctional centres. Even though she has retired, she continues to work a seven day week, mainly with child abuse cases where parents lack the financial means to pay fees.

The recipient of the state Australian of the Year Award was Professor Vernon-Roberts who is the Director of the Institute of Medical and Veterinary Science in Adelaide. Coupled with his research work, he has been instrumental in the development of the Adelaide Centre for Spinal Research, which has attracted international patients to Australia for treatment. He has published over 150 scientific papers, spoken at many international medical conferences and volunteers his time on several medical boards involved in the areas of organ donation, cancer research, pathology, and bone and joint research including osteoporosis. All these winners will compete in the national awards to be presented in Melbourne on 25 January.

The other Senior Australian of the Year nominees included Ivy Freeman, who has been involved with the Country Women's Association, the Women's Agricultural Bureau and Business of South Australia and National Trust. She manages her 7 000 acre farm and grazing property and, in order to do her work, she regularly travels by bus 600 kilometres to Adelaide to attend meetings at the Country Women's Association. Another nominee was Judy Steel, who spends a lot of her time in Uganda helping the people there particularly in the area of counselling, youth support, HIV/AIDS treatment and education. I mention also Georgina Williams, who has been working with the Kaurna Living Culture Centre at Warriparinga.

Of course, in the area of Australian of the Year we had nominees Tim Flannery, who has been recognised widely for his work in palaeontology and mammology. Anne Glover, another nominee, has been spent the past 26 years working to improve the lives of indigenous children in Australia, Papua New Guinea and the South Pacific Islands, and has contributed substantially to the provision of professional opportunities for indigenous men and women through teacher education. Colin Pitman was also nominated for his work and his vision. He has been acknowledged as having the primary vision for revolutionising water conservation through cleaning, cooling, storage, retrieval and reuse. His water management programs, through Salisbury council and the creation of wetlands aquifers and parks, have received world acclaim in urban development and are now world best practice standards. So, to all the nominees and the winners, I offer my congratulations for their selfless contribution to our community and wish them well in the national awards which will be held on 20 January.

ROAD TRAFFIC (HIGHWAY SPEED LIMIT) AMENDMENT BILL

The Hon. G.M. GUNN (Stuart) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. G.M. GUNN: I move:

That this bill be now read a second time.

This is the second occasion on which I have introduced this bill in the parliament. It is a far-reaching and enlightened piece of legislation that will bring a measure of commonsense to the road traffic rules in this state. It will allow people who want to be able to drive on prescribed roads in the north and west of the state at a speed which those roads can sustain, and for which their vehicles were designed, to do so without contravening the road rules or incurring fines from the police. Commonsense dictates that we show a little enlightenment when considering these matters. For too long the people who have an axe to grind against the motoring public have wanted to put unrealistic, unreasonable and quite outrageous impediments in their way. When I first came into this parliament, the bitumen stopped at Lincoln Gap. It stopped just out of Port Augusta and just north of Hawker. Today we have these roads sealed, and there is no reason why responsible motorists should not be able to drive at up to 130 km/h. It is a maximum speed not a minimum speed.

I suggest to the Minister for Transport that he table in this parliament a report done in relation to the average speed that motorists are doing between Woomera and Coober Pedy. Instead of having the policeman who sits out there on the tableland, trying to catch some unsuspecting motorists who in my view are doing nothing wrong, particularly those from the Northern Territory, and pinging them, if we were concentrating the police resources on dealing with the real villains—the ones who are breaking into people's homes, vandalising property, damaging schools, harassing the elderly or preying on children—we would be taking constructive measures in the public interest.

This measure puts in place the ability for people to travel at higher speeds on the Stuart Highway between Port Augusta and the Northern Territory, on the Eyre Highway between Port Augusta and the Western Australian border, on the Barrier Highway between Hallett and the New South Wales border at Cockburn, and on the Hawker to Lyndhurst road between Hawker and Lyndhurst. It does not include heavy vehicles, and there are transitional provisions. It is a sensible provision, which has evoked considerable discussion for a long time. Parliament has had quite sufficient time to consider this. It lay on the *Notice Paper* in the last parliament for a considerable length of time. I clearly admit that it greatly annoyed the former Minister for Transport and she got considerably annoyed with me from time to time, as was her wont. Being an amenable fellow, I did not take it to heart.

The Hon. M.J. Wright: I'm sure she didn't, either.

The Hon. G.M. GUNN: She got somewhat agitated about the issue, because I had the numbers and she did not. That was the interesting thing. Nevertheless, I am a person of reason and I have heard in this place that one should be

reasonable at all times. Therefore, this measure is long overdue. It needs full and frank discussion and debate, and it has widespread support within rural and regional South Australia. I hardly go out on a daily basis in my constituency when people are not asking me, 'When will we get some sense? When will we get this measure?' Now the parliament has an opportunity to be proactive and responsible, do what the community wants and go forward, not use the police, as Bill Hayden once said, as an arm of the Treasury. They should be there to deal with the real villains across the state, particularly those who harass elderly citizens in my constituency. They are far better off going after them than worrying about the trifling matter of dealing with motor vehicle speeds. I therefore commend the bill to the house and look forward to the contribution of honourable members as we progress this matter in a responsible way through the parliament.

Mr SNELLING secured the adjournment of the debate.

PASTORAL LAND MANAGEMENT AND CONSERVATION (CONTINUOUS LEASES) AMENDMENT BILL

The Hon. G.M. GUNN (Stuart) obtained leave and introduced a bill for an act to amend the Pastoral Land Management and Conservation Act 1989. Read a first time.

The Hon. G.M. GUNN: I move:

That this bill be now read a second time.

The purpose of this bill is to give pastoralists the ability to have continuous leases. The current arrangement where they have a 42 year lease which is then reviewed every 14 years is no longer necessary or acceptable in a modern system, where people require certainty in relation to their operations. I compare the situation in South Australia with that in New South Wales, where they have the Western Lands leases and continuous leases which in actual fact are perpetual leases. This proposal is simple. It basically does two things: it gives continuous leases and it changes the assessment process to allow for a measure of fairness. The current arrangement for assessments that were carried out some years ago is that through the bureaucracy the Pastoral Board appointed two people to make assessments. In many cases these people were directly out of college or universities, and one could only describe a lot of them as members of the anti-pastoral and anti-farmer brigade. I can assure you I am right; I could give case after case if I wanted to about the efforts of these characters, their lack of wisdom and knowledge and their failure to understand management. Most of them would not even know where they were if you turned them around twice and pointed them in the opposite direction. We will deal with those at a later stage in another matter.

It is important that there be an element of fairness. If it is good enough for the Pastoral Board to nominate a person, it is good enough for the owner-occupier or pastoralist to nominate a person with the skills to do an assessment; then the board can take into account both points of view. There is nothing unfair or unreasonable about that. We live in a society where we pride ourselves that we are even-handed. Our practice is that people have rights, such as their right to be heard, and there is nothing unreasonable about that proposal. There is a need in relation to pastoral leases, because we are moving in a positive way in relation to other leases in this state, and the time has long passed when we should continue with this anachronism of having 42 year leases.

People have an inherent right to surety so they can make investment decisions and, in particular, many people in the pastoral industry are moving into tourism, which is very important. People want to go to the isolated and outback areas of South Australia. Ecotourism is an ever growing part of our tourist industry, which is absolutely essential to many small communities. If people are to invest they are entitled to security of tenure so they can raise capital and the banking fraternity knows that their investment is safe. These two provisions in this bill are very important, and there is no reason why they should not be agreed to. The provisions of the bill are as follows.

Clause 1 is the short title. Clause 2 deals with the assessment of land. Clause 3 deals with the term of a pastoral lease. Clause 4 is a variation of land management conditions. Clause 5 deals with the exemption from stamp duty. Clause 6 deals with compensation. Clause 7 deals with a notice of adverse action to be given to landholders or the registered interest in that. Clause 8 provides for appeal against certain decisions. Clause 9 is the schedule. I commend the bill to the house and look forward to the active support of all members.

Mr SNELLING secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS (PROHIBITED SURGICAL AND MEDICAL PROCEDURES) AMENDMENT BILL

Dr McFETRIDGE (Morphett) obtained leave and introduced a bill for an act to amend the Prevention of Cruelty to Animals Act 1985. Read a first time.

Dr McFETRIDGE: I move:

That this bill be now read a second time.

It provides for the complete prohibition of the docking of dogs' tails except where it is necessary for therapeutic reasons. For many years I have wanted to see the introduction of legislation to outlaw the practice of tail docking of dogs, except in circumstances where it is necessary for the good health and wellbeing of the dog, and then only if it is assessed by a qualified veterinarian. This is the only time that amputation of a dog's tail can be justified. We have banned debarking and ear-cropping in dogs, and we have banned the docking of tails of horses, cattle and buffalo. I would like to see a total Australia-wide ban on the docking of dogs' tails—starting in South Australia.

Currently, vets dock dogs' tails only because they know they can do it quickly. They can do it aseptically in a surgical fashion with as minimal trauma as possible. In my former practice at Happy Valley, we have not been docking dogs' tails for a number of years. It is a procedure that both I and the nurses who worked for me found quite repulsive. The number of vets in South Australia that dock dogs' tails has reduced dramatically. The Australian Veterinary Association considers the amputation of dogs' tails to be an unnecessary surgical procedure and contrary to the welfare of the dog; and it has held this position for a number of years. The AVA recommends that 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.

The RSPCA's position is that cosmetic tail docking is a painful and totally unnecessary tradition that should not be permitted to continue. The RSPCA is urging people when they go to pet shops to ask for pups with long tails. It is asking people when they purchase a pup to request breeders

not to dock their puppy's tail. Most breeders pre-sell pups and have a waiting list, so this should be easy to achieve. There is obviously the belief that some dogs are born without tails. I reiterate my earlier statements in this house that no dog is born without a tail. There are a few breeds that have deformed or very short tails, for example, the Australian Shepherd and the Pembroke Corgi. These are genetic deformities, and usually there is a remnant or little stump of a tail. Even that is removed at the base of their body, just above the rectum, at normally two to five days of age.

Tail docking is painful and unnecessary, and in some cases it can lead to the death of the pups. I have seen puppies that have been cruelly mutilated by inexperienced people docking their tails. I have seen puppies that have had to have separate procedures performed because of severe neuroma formation at the base of the tail where the amputation was performed. Dogs with neuromas can suffer constant, chronic pain throughout their life. I find it amazing that people look at dogs with docked tails and think that is normal. It is not normal. All dogs are born with tails. Tail docking usually takes place when puppies are about three days old. The breeder will take them into a veterinary clinic, where the vet will amputate the tail at the length prescribed by the breed society. Sometimes breeders will do the job themselves. They will resort to a pair of side cutters, elastic bands or pliers and, depending on the breed, they will chop off the tail with the side cutters or apply a very tight rubber band at the appropriate length. This causes intense pain.

Some people believe that the nervous system of puppies is not fully developed at the age of three to five days. However, from experience I can tell members that these puppies experience intense pain. As a veterinary surgeon, I have docked dogs' tails as a result of requests from breeders. In this way at least I was able to minimise the duration of the pain and carry out the procedure in a sterile manner. Seeing the pups squirm and hearing them scream when you amputate their tails is not something about which I am proud, and I think it is time that South Australia moved to stop this barbaric procedure.

The practice of docking dogs' tails has been around for hundreds of years, and many theories have been expressed as to why it began, including the prevention of rabies and back injury, increasing the speed of the dog, and the prevention of tail damage due to fighting. The vast majority of dogs today are just backyard dogs. There is no evidence anywhere to show that dogs which have long tails and which are used in hunting and sport have more injuries than dogs which are kept in backyards and which never get out to be used for sport or hunting.

Dogs need their tails. Tails have many functions. They are very important for the balance of the dog and they add significantly to the agility of the dog. In addition, the other important use of a dog's tail is to enable the dog to express its own body language. That is particularly important. We have seen a number of dog attacks in recent times, and the tail can 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 on how a breed should look, because of some outdated theories, such as the prevention of rabies or the remote possibility that the dog's tail might be injured in some way.

Several countries, including Norway, Sweden, Switzerland, Cyprus, Greece, Luxembourg, Finland and Germany, have already banned the cosmetic tail docking of dogs. In these countries no increase in tail injuries or serious health problems has been detected as a result of the ban on tail docking. In the United Kingdom, tail docking can be performed, but only by registered veterinary surgeons. The Royal College of Veterinary Surgeons has declared the docking of tails, other than for therapeutic reasons, as unethical. The royal college stated in 1996 that such docking is capable of amounting to conduct disgraceful in a professional respect. It describes such docking as an unacceptable mutilation. That is what it comes back to—mutilating your pet—and no-one would agree with that concept.

In Australia, the ACT has already introduced a ban on the docking of dogs' tails. People will get used to seeing dogs with tails. It will be something with which breeders will have to cope. They will say that it does not look right and that it looks strange and unusual; that the breed standards will be betrayed; and that the tail has to be a certain length. We have to move away from that attitude and those ideas. It is vital that we do not give into the breeders who are clinging to these cruel, outdated traditions.

It is important to remember that in docking a puppy's tail one is cutting through bone, cartilage, blood vessels, muscles, ligaments and nerves. It is not just a quick snip of a little bit of skin that holds a piece of bone. It may seem a very superficial procedure, and it does not take very long to perform. It is certainly a very painful procedure.

I feel strongly about this issue, and I have received a number of expressions of support from the community in relation to it. I expect to receive complaints from some people who say, 'You can't do this. Dogs of certain breeds need to have their tails docked.' However, no dog needs to have its tail docked unless there is some genuine therapeutic reason. I hope that governments in other states follow the lead of the ACT and other countries where the practice has been banned.

I want to emphasise the importance of prohibiting certain surgical and medical procedures on animals by having the parliament include those prohibitions in the principal act and not allow those matters to be prescribed by regulation. Of course, procedures in the future may need to be prohibited, so my bill allows for that to be done by regulation. This bill repeals section 15 of the act and inserts a new section which provides:

Prohibited surgical and medical procedures

15. (1) A person must not—

(a) dock the tail of a dog; or

(b) dock the tail of an animal of the genus Bos or Bubalus; or

(c) dock or nick a horse's tail; or

(d) crop an animal's ear; or

(e) surgically reduce the ability of an animal to produce a vocal sound, or

(f) carry out any other surgical or medical procedure on an animal in contravention of the regulations.

Maximum penalty: $10 000 or imprisonment for 1 year.

The other clauses I have inserted in this act are on the advice of parliamentary counsel. They are already in the regulations and change nothing that is not in force already. On the advice of parliamentary counsel, the most logical way of amending the act is to include the docking of dogs' tails with these other prohibitions, which have been in force for a number of years. The clause goes on to state:

(2) However, a veterinary surgeon may carry out the following surgical procedures in the following circumstances:

(a) a veterinary surgeon may dock a dog's tail if satisfied the procedure is required for therapeutic purposes;

(b) a veterinary surgeon may dock the tail of an animal of the genus *Bos* or *Bubalus*, or dock or nick a horse's tail, if the

surgeon certifies in writing that the procedure is necessary for the control of disease.

(c) a veterinary surgeon may crop an animal's ear if satisfied the procedure is required for therapeutic purposes.

(d) a veterinary surgeon may surgically reduce the ability of an animal to produce a vocal sound if satisfied that—

(1) the procedure is required for therapeutic purposes; or

(2) there is no other reasonably practical means of preventing the animal from causing a nuisance by creating noise.

Those other sections are already in the regulations, but on the advice of parliamentary counsel I have put them in as logical an order as possible and hope they will be accepted by all members. The genus *Bubalus* is a water buffalo and *Bos* obviously is cattle. The nicking of a horse's tail is the cutting of the ligaments under a horse's tail so it is carried higher when the horse is in harness. People used to think it was an acceptable thing to do to improve the appearance of the horse, just as people think docking a dog's tail improves its appearance. It is a terrible thing done in the past and we recognise the barbarity of some of these other acts here, and it is time we recognised the barbarity of docking dogs' tails. I hope that members on both sides of the house are true to their word and give me the support they have promised.

Mr SNELLING secured the adjournment of the debate.

STATUTES AMENDMENT (SUPERANNUATION ENTITLEMENTS FOR DOMICILIARY CO-DEPENDENTS) BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1569.)

Mr MEIER (Goyder): I rise to support this bill. This is the second bill of this nature to extend superannuation entitlements for people who are non-spouses of members of parliament. Members may also recall that I spoke against the earlier bill before this place, namely, the bill referred to as the same sex couples bill. I indicated at that stage that I had not looked at this bill brought in by the member for Hartley, but that I would do so and give it serious consideration. Since then I have certainly done that and there has been a considerable amount of discussion in both the print and electronic media on the two proposals.

I have been very interested to listen to and read some of it and have come to the conclusion that I can support this piece of legislation. Certainly it is a non-discriminatory type of measure and does not differentiate as to who is with a member of parliament—it can be a brother or sister, a mother or father or anyone who has been with the member for many years. Alternatively, it can be some other person with whom the member has had a close association. It is always a bit of a worry to extend superannuation: what was superannuation brought in for in the first place? My understanding is that in a normal marriage traditionally the husband or male used to be the wage earner and superannuation was brought in so that, if the husband died, the wife would have a guaranteed income, and that made a lot of sense.

In this day and age things have changed totally and I suggest that in most situations or marriages the husband and wife both work. If the husband happens to be a member of parliament and dies, it is highly likely that the wife will be able to continue with her own income, but superannuation helps to ensure that. There is a concern that, if a brother and sister are living together and one dies, the superannuation automatically goes to the other, as this bill seeks to ensure. Likewise there is a worry with the alternative bill before us, and that is why I could not support that measure.

The ACTING SPEAKER (Ms Redmond): Order! I am sorry to do this to the honourable member, but I am advised by the Clerk that the honourable member has spoken not only on the previous alternative bill but also on the bill before the house and has used up his time on the previous occasion.

Mr MEIER: I am pleased that I am still supporting it! I offer my humblest apologies, I did not know that.

Dr McFETRIDGE: Madam Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr VENNING (Schubert): I am very pleased to rise in support of this bill this afternoon, particularly in support of my colleague the member for Hartley. Madam Acting Speaker, as you know, he has been battling long and hard on this issue, and I was very pleased to hear the media pick it up, particularly on the Philip Satchell show just last week, when the member for Hartley explained the case extremely well.

I was and still am opposed to the bill that was up for same sex couples, that is, homosexual relationships. But, as the parliament has passed the other bill, I cannot see any reason why any member of parliament cannot, in all fairness, support the member for Hartley. He is saying that people who live together, just because it is not a sexual relationship, should be able to share mutual financial arrangements such as superannuation should one of the couple die.

The relationship could be a mother-son relationship, a father-son relationship, or just two friends cohabiting together for reasons of convenience due to old age or otherwise. The member for Hartley is a bit of a surprise package in this instance. I think he has come up with something very commonsensical. I had not thought of it. I think that any fair-minded MP could fairly ask, if it is good enough for homosexual couples, what is wrong with any couple that lives together for other than sexual reasons benefiting from such a proposal? How could one not support it?

My electorate of Schubert is very conservative and very Lutheran. I could not and would never support homosexual relationships because it is against the beliefs of those people who are traditional families. I respect that. I represent many issues in my electorate, and I believe it is one of the best electorates in Australia. With the extremely strong Lutheran ethic that runs through this community, I do not need to do much work to realise and understand how the people in my electorate think. I have to say, Madam Chair, that these people are always consistent; they never budge; and I admire people for that.

I have a letter from Robert L. Voigt, President of the Lutheran Church, which was written to the member for Hartley (Mr Joe Scalzi) and which was shown to me as soon as he received it because he knew how much note I took of the Lutheran community. I think it is relevant and appropriate to read it into the record. The letter states:

Dear Mr Scalzi,

It was a pleasure for me at the recent Parliament Christian Fellowship dinner on 27 August to spend time in your company, and to have the opportunity to hear your views on the various issues of concern for our State.

I have reflected on, and sought some advice on, your STATUTES AMENDMENT (SUPERANNUATION ENTITLEMENTS FOR DOMESTIC CO-DEPENDENTS) BILL, and the accompanying information that you kindly gave me.

I appreciate your evident wisdom, good heart, and sound reasoning, and am supportive of your proposals which seek justice for people previously excluded from the named entitlements and

which, by proper designation and definition, avoid any misunderstandings concerning who will be lawful beneficiaries of the entitlements. Clearly, all that you propose in your Bill can only benefit the common good.

I look forward to future opportunities to meet together, and assure you that you, with all our State's elected officials and public servants, are constantly commended to the Lord of all in my prayers and those of the congregations of the Lutheran Church in South Australia.

Yours sincerely,

ROBERT L VOIGT

President

I thank the member for showing me that letter, and I agree 100 per cent with what Mr Voigt has said; no doubt, the Lutheran Church would support it.

If this parliament has a mind to agree to homosexual partners being entitled to these entitlements, then surely couples who live together for other than sexual reasons should be entitled to the same thing. I have not heard any opposing voice on this, but I am assured by the member for Hartley that there is opposition on the other side of the chamber. However, I have not heard it, and he has not heard it, either. So, I am wondering what the upshot of this is.

If the government is playing pure politics, I will be very disappointed indeed. The member for Hartley, to his great credit, has introduced this bill. to this house. I think he is treating it in a very apolitical manner, because Mr Scalzi is a member who is very close to human issues. He is in this place as a great survivor of two very fierce and hard-fought marginal campaigns, and I think it is because of his people skills that he is here with an increased majority, swimming against the political tide as he has done on two occasions; and the Labor Party would know about that.

But in this instance, I hope that all members will give the member for Hartley credit for coming up with this, as I think it adds to the legislation that is on the statute book. It puts in an element of fairness and equity relating to people who choose to live as a couple but who are not involved in a sexual relationship. Just because two people of the same sex live together, it is quite wrong to assume that they are gay or lesbian; and we could all probably be accused of doing that.

As I said earlier, the Lutherans in my electorate would not let me support, nor would I attempt to talk them around to supporting, homosexual relationships, because it is against their family values. In this instance, I am happy to support the member for Hartley's bill. I hope that shortly we will hear a speech from the other side so that we can gauge the feeling on this matter. Having listened to the political commentators on the ABC and on other channels and radio stations, I think that this measure has been very well received. I hope that all members of the house have heard at least some of the comments of the radio commentators on this matter. Two or three of them (I know Mr Satchell certainly did) heaped a lot of praise on the member for Hartley for having the courage, skill and foresight to look beyond the original bill, which was controversial and, some would say, could fail in the other place.

In this instance, I believe that this bill will survive, with the support of at least half the number of members in this house (or less one, perhaps). I think that the member for Hartley should be rewarded, and I will certainly support the bill. I was not a fast starter, but the member for Hartley worked me over on this matter. I sought counsel, and the letter from the President of the Lutheran Church cemented my position. I am very happy to support this bill this afternoon; I wish the member for Hartley all the best with it, and all credit to him.

The Hon. M.R. BUCKBY (Light): I also rise in support of the member for Hartley's bill. I believe he is going in the right direction. Like the member for Schubert, I have had discussions with various church groups within my electorate, and they are also supportive, particularly the Lutheran Church. I have had long discussions with that church and have had correspondence similar to that received by the member for Schubert, and they are very supportive of it.

There are a number of couples in my electorate with whom I have been friends for some time and who are same sex couples. One couple that particularly comes to mind (I will not name them) are two sisters who live together. They would now be in their late 60s or early 70s, and they care for each other. Why should they not be allowed that superannuation benefit should one of them pass on? I think that this bill is correct in ensuring, in the case of those partners who care for each other, that when one of them dies the surviving partner does not lose out on superannuation entitlements, because they have been partners for the time they have lived together—in many cases, for their entire life. This particularly applies in the case to which I have referred.

As the member for Schubert said, the member for Hartley has been very vigorous in his lobbying and very vigorous in his support for this measure, and I commend him for taking on this bill; it is one that many others might not have persevered with to try to get a fair outcome for those caring couples. It is one that he has researched extremely well. He has taken counsel from all of us in terms of what he wanted to achieve; he has ensured that he spoke with all the relevant groups and obtained their opinions and support, in most cases. As I have said, he is to be commended for this bill. There is no doubt that the people whom the member for Hartley is aiming to benefit by this bill will benefit in real terms, if this bill is passed. I sincerely hope that the house passes this bill, because it is worthy of it.

Other areas of this bill need examination in terms of the research involving the average length of time that a man and woman may live together, but not necessarily in a sexual relationship. In many cases, brothers and sisters, who for one reason or another do not marry or do not find a partner in life, live together. If this bill is passed, it will ensure that they too will be able to access the superannuation of their partner that has accumulated over a period of years. With those comments and my praise for the member for Hartley for his determination to ensure that this bill gets through the house, I believe that it is the right way to go. It will deliver a real benefit to those carers and people who otherwise do not have access to the superannuation benefits of their partner. I am fairly sure that, when I spoke to the member for Hartley about this matter, he had spoken with the Treasurer and that (and I stand to be corrected) Treasury advice was that this measure would not add significant costs to the government in terms of paying out superannuation—

Mr Scalzi: I'm waiting on the Treasurer's letter.

The Hon. M.R. BUCKBY: I stand to be corrected. I understand that the research done by the member for Hartley indicates that there is no great impost on the government if this entitlement comes into fruition. I urge all members of the house to support this bill and to support those couples who will be able to access those superannuation benefits as a result of the passing of this legislation.

The Hon. D.C. KOTZ secured the adjournment of the debate.

GOOD SAMARITANS (LIMITATION OF LIABILITY) BILL

Adjourned debate on second reading.
(Continued from 30 May. Page 399.)

Order of the day discharged.

AIR PASSENGER TRANSPORT (ROUTE LICENSING) BILL

Adjourned debate on second reading.
(Continued from 30 May. Page 401.)

Order of the day discharged.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 May. Page 404.)

Order of the day discharged.

Mr MEIER: Madam Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

EDUCATION (CHARGES) AMENDMENT BILL

The Hon. P.L. WHITE (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the Education Act 1972. Read a first time.

The Hon. P.L. WHITE: 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 purpose of this bill is to extend the sunset clause associated with the fee charging provisions of the Education Act for a further year to 1 December 2003.

This will allow a comprehensive investigation of the most appropriate mechanism for levying of the materials and services charge in South Australian public schools to be canvassed alongside the announced consultation on the potential changes to the South Australian system of local school management.

School fees in South Australia arose during the 1960s, when some government schools initiated a voluntary 'materials charge'. This charge provided an alternative to the individual purchase by parents of books, stationery and other materials for their children's use during the school year.

This took advantage of schools' bulk purchasing power, allowing families to buy an affordable pack of materials directly from the school at enrolment time.

Over time, most schools introduced some type of voluntary fee to help cover the cost of materials purchased on behalf of parents. Eventually, these voluntary fees also covered extra services, such as school excursions and other extra-curricular activities which government taxes do not provide for as part of compulsory education.

In 1996 the previous government decided to introduce a broader, compulsory 'materials and services charge' to legitimise the varying types of school fees being charged.

The compulsory materials and services charge is limited to course materials such as stationery, books, apparatus, equipment, and organised activities which are provided in connection with the state's curriculum.

In addition, many schools ask parents to contribute a voluntary fee to cover other materials and broader extra-curricular activities, eg non-compulsory performing arts, school year books and the like.

The compulsory materials and services charge was inserted into the Education Act along with other fee charging provisions in December 2000.

Section 106D of the Education Act provides a review and sunset clause governing the fee charging provisions.

Section 106D(1), the review clause, required the former Minister for Education and Children's Services:

- to review the fee charging provisions in the light of the report of the Parliamentary Select Committee on DETE Funded Schools chaired by the Hon Dr Bob Such MP
- to lay a written report of his review before Parliament within three months of the Select Committee's making its own report.

But before the Select Committee could complete its report the state election campaign intervened and Parliament was prorogued. Consequently the Select Committee ceased to exist.

Accordingly the review clause—Section 106D(1)—is now redundant. This bill seeks to remove it from the Education Act.

The effect of the sunset clause—Section 106D(2)—is that all the fee charging provisions in the 1972 Education Act expire on 1 December this year. This bill would allow those provisions to continue in force until December 1 2003.

The rationale for this one-year extension is to enable schools to raise compulsory materials and services charges for the 2003 school year. The government has made separate provision for the other main charge covered by Section 106—overseas student fees—through regulations under the Fees Regulation Act.

This arrangement for materials and services charges is consistent with the global budget arrangements for 2003. It also provides continuity for schools while we evolve new funding arrangements in the light of Professor Cox's report on the Partnerships 21 scheme which the government recently released.

The government has stated that 2003 will be a transition year for the State's Global Budget for schools. School budgets next year will be the same as 2002 budgets, only adjusted for enrolment variation, inflation and extra education resources announced by this government in its 2002-03 State Budget.

Unlike the Global Budget resources, school fees are raised by the schools themselves and do not form part of the State Budget. But they are of course part of the total resources available to schools.

The one year extension will give stability to the schools, and it will give the government time to conduct a review of the various options for school fees and what place they might take within a unified system of school financing. The review will take a broad canvas, looking at the options for both compulsory and voluntary contributions, and the boundary between what schools, and what parents, supply as materials and services incidental to education.

This review will form part of the task of developing a single robust financial system for schools to which the government gave a commitment when releasing the Cox review.

We also have had the timing very much in mind. Schools are now busy setting their 2003 budgets in the light of the Global Budget which the DECS Chief Executive has released to them.

To give schools a further element of certainty, subject to the passage of the bill, the government will maintain the current caps on the materials and services charge for 2003: that is $161 for a primary school and $215 for a high school.

I commend this bill to honourable members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 106D—Review and expiry

This clause removes subsection (1) which is otiose. The subsection required a review of Part 8 and sections 106A to 106C to be conducted in light of the Report of the Parliamentary Select Committee on DETE Funded Schools established on 9 November 2000. The committee was to report in relation to school fees, amongst other matters. The committee met a number of times but was unable to produce its report before the state election campaign intervened and Parliament was prorogued.

The amendment to subsection (2) means that sections 106A to 106C of the Act will expire on 1 December 2003 rather than 1 December 2002.

Ms CHAPMAN secured the adjournment of the debate.

SELECT COMMITTEE ON GENETICALLY MODIFIED ORGANISMS

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

That the select committee's interim report be noted.

Mr McEWEN (Mount Gambier): In supporting the motion to adopt the interim report, I wish to make the point that, to assist people wanting to contribute to the select committee from this day forward, it would be very useful for those people to have a feel for the deliberations of the committee to date. The committee has been in educational mode for its early meetings: we have gone back to school, and Dr Fay Jenkins, who would probably be one of the best people anywhere in the world in relation to the complex issue of GMOs, has been working us through the issues.

Based on the good tutorage of Dr Fay Jenkins, the committee at this stage is reporting to the house in relation to two of the three terms of reference, and making suggestions about how we proceed with the third. In relation to the effectiveness of the national regulatory scheme for GMOs, the committee supports the high level of transparency and accountability of the national regulatory scheme for GMOs and applauds the high level of public input into the national scheme.

The committee has confidence that the Gene Technology Regulator will effectively assess and manage potential adverse impacts of GM plants on the health of South Australians (the key word there being 'health') and the South Australian environment, including impacts that might be different in South Australia from other parts of Australia and other countries. Further, the committee will not further consider or report further on issues in relation to the impacts of GM plants on the health of South Australians or the South Australian environment, or indeed the effectiveness of the national regulatory scheme for GMOs.

Having said that, we will respond to anyone who has to date contributed in writing to the select committee in relation to that term of reference and provide them with a copy of the interim report. If they should then wish to further address that matter, we will be open to it. To guide the general public in terms of how we want to move forward, it is appropriate at this stage to at least put that recommendation to those who have expressed an interest in the terms of reference.

In relation to the second matter, namely, how South Australians assess the impact of GM plants, again the committee has confidence in, and endorses the processes in place within, the South Australian government to provide advice to the Regulator regarding the impacts of GM plants and the management of the impacts, particularly where the impacts might be different in South Australia from other parts of Australia and other countries.

The committee has confidence in the leading role taken by the Department of Human Services in the development of advice to the Regulator regarding the impacts of GM plants, including where the impacts of GM plants might be different in South Australia from other parts of Australia and overseas, and the committee will not further consider or report further on issues in relation to how South Australians assess the impact of GM plant technology, including where the impacts might be different in South Australia from other parts of Australia and overseas.

The third point I wish to make relates to market access impacts for South Australians, because this is the key term of reference on which we feel that a lot more needs to be done. In this regard, the committee has found that there are conflicting reports and views regarding the market access impacts for South Australia from the widespread release of GM crops into agriculture in South Australia or elsewhere in Australia. We know that market access could be a significant issue in the future but we do not have evidence that can actually evaluate that and put it against the other advantages, agronomic and otherwise, that could be gained from introducing GM plants.

On balance, at this stage we do not have a view on that, and the committee now needs to seek far more advice regarding market access issues before it can further consider and report on whether market access impacts for South Australia exist and, if they do exist, how South Australians should assess and manage such impacts. We will seek further advice on and consider and report further on the following issues:

- Whether the widespread release of GM crops into agriculture in South Australia or elsewhere in Australia will have significant market access impacts for South Australian crops or commodities.
- If so, what are the significant market access impacts for South Australia?
- If so, is there the need to implement mechanisms in South Australia to manage market access impacts, and what is the feasibility and what are the implications associated with management mechanisms, for example,
    1. Establishment of rigorous and cost effective segregation and identity preservation systems (that, of course, being crucial if we ever want to have a way of splitting GM and non-GM crops; and
    2. Declaration of GM or GM free areas?
- The need to implicate mechanisms in South Australia to assess changes in market access impacts in the future.

Even if we were to recommend at this stage that, for market reasons and for no other reason, we did not support the release of GM crops at this time, that decision would have to be regularly reviewed, depending upon changing market circumstances, and that of course is dictated by changing consumer sentiment.

It is consumer sentiment that drives market access, not necessarily technology. That is the one thing we have to ascertain, because there is good evidence to date that, once released, you can never again in present circumstances claim to be GM free. That, of course, is part of the future investigation in terms of isolation of GM-free zones and of segregation within the management and distribution system.

With those comments, I ask the house to receive the interim report, and I call on those people who have already made submissions to the select committee to respond in relation to our interim report and, equally, call on any new evidence specifically in relation to market access and related matters.

Mrs GERAGHTY secured the adjournment of the debate.

LEGISLATION REVISION AND PUBLICATION BILL

Consideration in committee of the Legislative Council's amendment.

Ms CHAPMAN: I move:

That the Legislative Council's amendment be agreed to.

Ordinarily, the Attorney-General would move this motion, but he has requested that I do so and, although it appears not to be the usual practice, I am happy to do so. This amendment has arisen as a result of the passing of the bill on the voices in the Legislative Council when it was under consideration there. At the time of the principal debate in this house the Attorney-General made clear (and today by his action confirms) that he does not support this amendment, notwithstanding its wise consideration in the other place. Accordingly, the matter comes back to this house for consideration.

The regnal year is the year of the reign of the monarch and, in the previous debate on this matter, I recall I gave at least one example indicating that. I think at that time I used the Hairdressers (Miscellaneous) Amendment Act of 2001, on the cover of which act is displayed the words 'Anno Quinquagesima Elizabeth II Regina AD 2001'. This indicates the 50th year of the reign of Queen Elizabeth II, and one might ask of what use that might possibly be to any reader of the legislation. The practice of including regnal years was once quite common and, again, as I indicated in my earlier remarks, that practice has been abandoned in the commonwealth parliament and in all the other states and territories as well as New Zealand. It is fair to say that the principal reason for abandoning that practice, as frequently occurs when we start to contemporise legislation, both in a substantive manner and in the practices around it, is that Latin is a language that is no longer studied, except that—

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: There are a few. In fact, I recently read of an article in which a sole student in one school was undertaking this study, and that is to be commended. Nevertheless, it is not a language which has a very strong uptake in South Australian government or even non-government schools, and I think that is a fair reflection across Australia. I think it is fair to say that that probably applies to the vast majority of the population, who are the people whose behaviour is confined, modified, restricted or enhanced by the legislation we pass in this parliament. As they have no hope whatsoever of understanding it, one has to wonder how that can possibly be of use to the ordinary South Australian who is affected by the legislation. I think it is fair to say that even those who have studied Latin would not necessarily easily recognise the majority of the regnal years and that the Latin tags have become an affectation without meaning, as a consequence.

One other matter has been brought to my attention of which I was not aware at the time of the debates in this house on the otherwise very good proposal by the government in the major bill to undertake a significant revision of both the legislation and the contemporised publication—which has had our support. That is the importance of ensuring that we keep up with technology and that we ensure that legislation is available in whatever medium is accessible to the general community. The Attorney-General is to be commended for bringing that to the parliament—some would say copying a previous bill—nevertheless, bringing it to our attention and expanding it to ensure that it is contemporised.

One of the matters that have been brought to my attention is why we would abandon this practice or custom that we have adopted since the settlement of the colony in this state since 1836 and since European settlement here. If we were simply to look at that aspect and assume that has occurred, there would be some validity in that argument, but what has happened is that, since the establishment of the colony and in the early days, we see that some legislation as early as 1837 was printed in what would otherwise be described as blunt English and does not show the regnal year in Latin. I refer for example to a piece of legislation which has subsequently been repealed, namely, the Act for the Establishment of Courts General or Quarter and Petty Sessions in Her Majesty's province of South Australia—a piece of legislation which was passed in 1837 and which in its title has in clear, blunt English: 'In the Seventh Year of King William IV'. There is not a Latin word to be seen, I might say, other than the inscription on the royal coat of arms.

So, it is not a situation where we have had a continuous use of the practice. It seems that we had some enlightened early settlers. I am proud to say that my own children are seventh generation South Australians, the family dating back to 1835, which pre-dates the settlement of Adelaide. I cannot say that I picked this up from my own family history, but it seems clear that even those early settlers took a more contemporary approach and breached that English tradition of the use of the Latin language. So, if it is good enough for the first European settlers of this colony, who probably had at least some opportunity and desire to read and learn in Latin and therefore probably on a per capita basis had a much greater understanding of it—if it was good enough for them to abandon this practice and contemporise, I suggest it is good enough for the 50th parliament of this state to do the same.

I urge that the amendment be accepted. It has had wise consideration in the other place. It seems to have enjoyed support by acclamation by the voices and, obviously, members in the other place have seen the merits of contemporising this. I place on the record again that, contrary to a suggestion which the Attorney-General dismissed, this proposal in no way seeks to remove the royal coat of arms on the South Australian legislation. It has been consistently published and, notwithstanding that not all other comparable jurisdictions have retained even that, in no way is it sought to be removed from the publication of our acts. I commend the amendment.

The Hon. M.J. ATKINSON: Ex corde gravi, Administratio barbarias coetus Liberalium accepit. Venerabile Domino Roberto Lawson sacram linguam latinam ignorante, haec computatio innocua secundum anno regnale Dominae Nostrae Reginae de actibus nostris delenda est. Vixit ignorantia. Rumpuntur non tantum vincula cum aevis nostris sed etiam vincula cum lingua universali litteratorum Europae atque vincula cum liturgia antiquissima Ecclesiae Occidentalis et cum mundo civilitatis Maris Nostri, atqui vincula cum Magna Carta.

Mr KOUTSANTONIS: I rise on a point of order, Sir. For further reference in debates, do the Attorney-General's remarks in this house in a language other than English mean that other members may use languages other than English?

The ACTING CHAIRMAN (Mr Snelling): I welcome the opportunity to make a ruling and set a precedent about the speaking of Latin in committee. I will rule that since Latin is an ancient tongue, and the tongue that is used often in the law, then it would seem appropriate that, should members wish to address the house in Latin, they should be able to so do. I know what the Attorney-General said, and I am sure many members in the chamber did, but could I ask the Attorney-General to summarise for the benefit of those members who are not schooled in the ancient tongue.

The Hon. M.J. ATKINSON: Thank you, Mr Acting Chairman. With a heavy heart the government accepts this Liberal Party vandalism. Owing to the Hon. Robert Lawson's

not understanding the Latin tongue, the harmless statement of the regnal year of our sovereign lady in Latin must be struck from our statutes. Ignorance has triumphed. Our link with our ancestors and with the universal language of the educated class of Europe—

Mr Koutsantonis: That was Greek—and you know it!

The Hon. M.J. ATKINSON: —it was also Greek, as the member for West Torrens points out—and our link with the old liturgy of the Western Church and Mediterranean civilisation and our link with Magna Carta will be attenuated.

Motion carried.

STATUTES AMENDMENT (ROAD SAFETY REFORMS) BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1858.)

Mr WILLIAMS (MacKillop): I am delighted to be able to continue my remarks.

Dr McFetridge: In English.

Mr WILLIAMS: In English! I doubt whether my ancient tongue would even be understood by the Attorney-General; the language I learnt in rural South Australia was not exactly Latin. I welcome the opportunity to continue my remarks, which were cut short last evening for the convenience of other members. I will make some comments about this bill. Unfortunately, the Premier appears to have got some enthusiastic following from his front-end backbench for his 'bigger and better than yours' attitude over the eight months that he has been in government. The Premier seems to believe that, if he can be tougher than any other state and if he can make more draconian powers with regard to a range of legislation, it will be a popular thing to do. In some instances, that sort of populist politics does work, and the Premier has certainly done this with regard to law and order. He seems to be saying that the tougher we can be on offenders of any nature the more popular that action will be.

When I was speaking last night on the bill in relation to DNA testing, I pointed out that the important thing with law and order is actually to catch offenders. That is a much greater deterrent, that is, increase the rate of catching wrongdoers rather than upping the ante with regard to the penalty they receive once caught. That has a much lesser effect. There is no point in having a huge penalty or a huge stick if you cannot have someone against whom to whack it.

I will talk about the specifics of this bill, which is trying to introduce the toughest, or at least as tough as any other state's or territory's, road laws or road rules into South Australia. The reality is that the minister in introducing this bill has given little or no indication as to the effect these changes might bring about. Last night, I had with me a copy of the minister's second reading explanation, but I do not have it with me now.

I know that at one stage the minister talked about the number of breath analysis tests taken in South Australia compared to other states, but he did not endeavour to marry the difference in the number of tests taken with the difference in population in the various states and jurisdictions and the difference in road accidents, road injuries and road deaths.

I think this bill is a knee-jerk reaction. As the member for Stuart pointed out to the house last night, this minister has succumbed to the old Sir Humphrey Appleby trick. The bureaucrats have got to the minister and said, 'This is what you have to do,' and the minister without understanding what is going on has said, 'If the bureaucrats are so wedded to this idea, it must be good, and it will make the Premier happy.' Unfortunately, the people in rural South Australia whom I represent do not have the luxury of having a heavily subsidised bus service running past their front door; they do not have the ability to catch a taxi to get to and from their home and place of work or entertainment; even if they wanted to pay for it, they do not have those sorts of facilities in rural South Australia. They are forced to drive themselves, and this makes life even more onerous for a lot of people in country areas.

I mentioned breath analysis testing. Clause 15 inserts a new section to bring about disqualification of licence for those people with a breath analysis reading between .05 and .079 inclusive. Currently, offences at that level can be dealt with by expiation notice. The only reason that the breath analysis in South Australia was reduced from .08 to .05 was that the federal government—I think the Hawke government at the time—threatened to withhold black spot funding from South Australia if South Australia did not come into line with what was happening in other states. There is no evidence to support this move. There is no evidence to show that there is, or would be, any significant change to road accidents or road injuries as a result of this amendment. Indeed, it is my understanding that the RAA does not support this move. It points out that there is no evidence that it would be of any benefit to road safety in South Australia. This is one of the knee-jerk reactions that enables the minister and Premier to say, 'Look how tough we have been.' I invite the minister to bring the evidence to disprove what I am saying.

There are also amendments to the Harbors and Navigation Act included in this bill which do a similar thing. It creates a new offence—or a category 1 offence is being taken into account—that being an offence of somebody with a blood alcohol reading of lower than .08. The bill does the same thing to the Harbors and Navigation Act, and for the very same reasons I reject those clauses. The other clauses I reject are those which would force learner drivers to be on their L-plates for a minimum of six months rather than be restricted to a minimum age. You could have somebody who is 20 years of age first going for their driver's licence and having to be on their L-plate for 12 months.

Mr Koutsantonis: What's wrong with that?

Mr WILLIAMS: Let me explain. Two things increase the propensity for a driver to be unsafe or to have more accidents, the first being age or lack of maturity and the other is driving experience. We allow people to get their L-plates and P-plates at a specific age and that is all about their age and their maturity rather than about their driving experience. Whilst it is ideal to have someone under the tutelage of a mature or fully licensed driver for a period of time, the practical driving test is such that if somebody cannot pass it they should go back and be on their L-plate for a further period until they have further experience. The practical driving test rather than age should determine whether they are experienced enough to drive solo. I say this because—

Mr Koutsantonis: They still have to pass a test, Mitch.

Mr WILLIAMS: That is what I am saying—they have to pass the test. If they are 16½ and can pass the test, they should be able to graduate to their P-plates. I do not think some of the city members would appreciate the amount of driving around that occurs in the family situation in country areas with children in their latter years of high school, running backwards and forwards to social events, sporting events, music lessons and so on. When my family was

growing up we almost wore out a car over a five or six year period running children back and forward to these sorts of events. It impacts greatly on rural people because suddenly you are saying that graduating from a P-plate to a full licence will be at 20 years rather than potentially at 18 years under the current regime.

Again graduating from an L-plate to a P-plate means that they have to have it for that extra time, which has nothing to do with their ability to drive. If the minister wants to do something about making sure that young drivers are capable of operating a motor car, he could look at bolstering up the practical testing side of it and making an assessment through a practical test. I understand there are problems with practical testing in some areas of the state, but that is where it should be looked at. As the member for Stuart pointed out—and it is a good point—one can get a full unrestricted licence to operate an aircraft at a younger age than one can to drive a motor car. That points up the fact that people in their late teens are quite capable and mature enough to drive a motor car if they have the proper training and get to a certain level of competency. This is nothing about competency but about putting arbitrary dates in front of them and making them jump those hoops.

If we are to take that line, I would rather work on competency. Further, if the minister and government are serious about road trauma, a good article was written by Geoff Roach in Saturday's *Advertiser*, headed 'Catch the bloody idiots who drug drive'. The article states:

> The Victorian police confirm that 29 per cent of drivers involved in fatal accidents during 2000-01 were drug affected. In the same period alcohol was implicated in 22 per cent of deaths.

So, 29 per cent of fatal accidents in Victoria involved drivers who were drug affected and 22 per cent were alcohol affected. This is pointing out that other recreational drugs are a bigger factor in road deaths and accidents in Victoria—and it is probably the same or worse in South Australia—than is alcohol. Quite a number of people were affected by both drugs and alcohol—about 10 per cent. There is a cross-over in those figures. It is time the government looked at drug testing drivers and in South Australia, unfortunately, Adelaide is known as the drug capital of Australia because of other poor policies we have had for a long time in this state, particularly with regard to marijuana laws.

The Hon. M.J. Wright: The drug up capital of Australia!

Mr WILLIAMS: Yes. If you go out and talk to anybody in the community, you will ascertain that. Stories come back from people that if you drive in Sydney with South Australian registration plates on your car people will pull you over and talk to you at the traffic lights and ask if you have some marijuana for them. It is commonly known that, because of the laxness of South Australia's marijuana laws over the past decade or so, South Australia is awash with the stuff and supplies most of the other states. I am suggesting that these figures that come out of Victoria are probably even worse in South Australia. If the minister really wants to have an impact on road safety, I encourage him to look at this issue. I understand that a saliva test is on the brink of being available—an easy and cheap test. Victoria hopes to have it available next year.

Mr Koutsantonis interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

Mr WILLIAMS: I assume the member for West Torrens will have an opportunity to put these things into the debate and make some suggestions to the minister. The measures we are considering here will have minimal impact on road safety and again, unfortunately, the government is more about managing the perception than about doing anything concrete. I take the point from the member for West Torrens, and I have no idea what should be a minimum level as I am not an expert on drugs and do not know whether there is a safe or relatively safe level or any level of drugs that would be considered unsafe. I am sure that some testing should be done in that area. I say to the minister: how about in South Australia we get started on that sort of thing to bring in those measures? There is potential for that to have a much greater effect on road safety than will these measures before us at the moment.

I noticed on the news coming out of the South-East earlier this week that one major company, Auspine, was talking about doing random tests for drugs on its work force. These tests are becoming available and a spokesman for Auspine said that it has a responsibility to its workers to ensure they are not endangered by other drug-affected employees in the mills or while operating heavy equipment in the forest. Already private enterprise is recognising this problem, and I call on the minister to catch up and move towards drug testing of drivers.

If we get too onerous with the conditions of getting a licence, if we get too onerous with the conditions on which you will have your licence disqualified, all we will end up with is more unlicensed drivers on our roads. I believe that we already have a significant number of people who are not licensed driving on our roads, and I think that is of no benefit to anyone.

The government should also be looking at any way it can to reduce the age of our private car fleet. As I understand it, Australia's private car fleet is one of the oldest in the world. South Australia's car fleet is at the top of the list with the average age of cars being around 12 years. So, the average car on our roads probably does not have airbags; certainly does not have dual airbags; and probably does not have an ABS braking system. Those types of safety features on new cars will also make a significant improvement to road safety in South Australia. So, those are a few things that I hope the minister will take on board over the ensuing months, and maybe we can make some real difference to road safety in South Australia.

Ms RANKINE (Wright): I am pleased to stand and support the legislation brought into this house by the Minister for Transport. It is interesting to sit here and listen, once again, to the member for MacKillop spew forth with his diatribe. Once again, he has embarrassed his party and, I think, embarrassed his minister. It is really time that the member for MacKillop started thinking about the wellbeing of people in his constituency rather than a few cowboys who just want to rip around.

Members interjecting:

The ACTING SPEAKER: Order!

Ms RANKINE: The member's very own shadow minister yesterday supported the extended time for young people to be on their learner's permit. He understands that experience and time give them something more than just passing a practical test. This legislation really is about road safety, and it really is, in a large part, about protecting our young people. As a mother of two sons I think the scariest time in my life was when my sons had P-plate licences and were able to back out of the family driveway. My heart would be in my mouth until I heard the car return. We know that age and experience

is a major factor in road crashes, particularly affecting young men.

An honourable member interjecting:

Ms RANKINE: You might have said that, but you do not want them to get that experience. We have 20 people a day admitted to hospital as a result of road crashes; over 150 people die on South Australian roads as a result of road crashes each year, with a cost estimated to be about a billion dollars per annum. This is a major cost to South Australians, not just in financial terms but in social terms. The problem with road deaths is that we have really become immune to them. It is not until it happens to someone that we know and love that it really hits home. Every night on the news or every day in the paper we are reading about road trauma, road crashes, road deaths and we have become significantly immune to that.

This government made a commitment at the last election to do something about road safety, and this bill in a large way addresses that. More 16 to 24 year olds are being killed on our roads now than were being killed back in 1993, yet fewer are applying for their first licence. The minister in his second reading speech provided some very interesting statistics and these more than justify the measures in this legislation. I will repeat some of the statistics that he provided. Sixteen to 24 year olds make up 14 per cent of drivers, yet 21 per cent of 16 to 24 year old drivers are involved in car crashes (that is 21 per cent of all drivers). Sixteen to 24 year olds make up the largest group apprehended for speeding and alcohol offences, and approximately 1 000 16 to 24 year old male drivers were detected drink driving in 1995, compared with less than 200 50 to 60 year olds. Yesterday we heard the member for Stuart complaining about the increased penalties for drink driving, yet today we have the member for MacKillop wanting testing to be further expanded. They need to get some consistency across the chamber.

Mr Williams interjecting:

Ms RANKINE: You want drug and alcohol testing expanded, whereas the fellow you are sitting next to is complaining about penalties that are too hefty. Where are you people coming from? You need some consistency.

The Hon. G.M. Gunn interjecting:

Ms RANKINE: You need some consistency, and you need to start thinking—

The ACTING SPEAKER: Order!

Ms RANKINE: —about the wellbeing of our young people.

The ACTING SPEAKER: Order! There is a point of order by the member for Goyder.

Mr MEIER: Mr Acting Speaker, my point of order is that the Speaker has pointed out many times that a member cannot refer to 'you' but has to refer to an honourable member's electorate name. But the honourable member opposite continues to use the word 'you', and I am sure it is not referring to you as the Acting Speaker, sir.

The ACTING SPEAKER: I am sure she is not. I did not hear the use of the second person pronoun. But I would ask the member for Wright to refer to members opposite in the third person and address her remarks through the chair.

Ms RANKINE: Thank you, sir. I certainly was not referring to you. I was referring to them, the dynamic duo across the chamber.

Members interjecting:

Ms RANKINE: I did not say 'talented'. I meant it in the cartoon sense rather than literally dynamic. An important facet of road safety reforms will be education. That includes educating the driving public about seatbelt use, speeding, drink driving and, very importantly, driver fatigue—and that is something we have not heard from those country members opposite who have been bleating. Fatigue is a major killer on our roads, and a very important campaign will be undertaken.

We are also looking at strengthening the enforcement concerning seatbelts and child restraints. I continually see young children, in a range of vehicles, jumping around in back seats or sitting in front seats. Parents have a clear responsibility when they take their children out in a car to make them as safe as possible. We know that there are always inherent dangers in travelling in a vehicle, but children should always be kept in a child restraint. It is something that I certainly did with my children even before it was a requirement.

The changes relating to the testing of young people is a very important aspect as well. I am pleased to see that more than just road rules will be included in the theoretical tests, and time will now be specified between the taking of practical driving tests. One of the great initiatives, certainly not in the legislation but a commitment given by the minister, is the community road safety fund to ensure that revenue from speeding fines will now be directed specifically at road safety initiatives. The fund will commence in July of next year and is a commitment that the state Labor government made prior to the last state election. It is another commitment that we are honouring to the people of South Australia.

This initiative, along with the measures in the bill, have the potential to have a real impact on road safety, road trauma and the suffering of families. I do not like getting speeding fines, and I do not like the idea of losing my licence but, most importantly, I do not like young people being hurt on our roads and losing their lives. This legislation is all about road safety. It is about protecting and educating people on our roads for the benefit of all.

[Sitting suspended from 6 to 7.30 p.m.]

Mr SCALZI (Hartley): I, too, wish to comment on this very important bill. First, it is important to use the language which is most effective in improving road safety. For example, I believe that the Swedes are correct when they talk about 'crashes'; they do not talk about 'accidents'. I think it is important to bear that in mind and change the language we use, because crashes can be prevented. You can have calming devices and improve conditions so that crashes can be prevented. I really admire the way in which the Swedes have dealt with road safety measures. I speak as someone who served on the Road Transport Safety Committee in the last parliament.

I commend the minister for introducing a lot of the measures which were initiated by the previous government and looked at by the committee. There is no doubt that I can see Professor McLean's input in some of these measures. Professor McLean is a great South Australian, and he has provided a lot of input in relation to concerns about road fatalities and prevention of road crashes.

It is important that this area is looked at. There are measures that will go a long way to improving road crash statistics in South Australia. Members may be aware that we are apparently 10 per cent behind the other states in relation to fatalities. That should be of major concern to us all, irrespective of which side of the house we sit on. I thank God that no-one close to me has been one of those statistics—something we all dread. That is why I say that the language

is important. We must aim to reduce the number of road crashes. Even though we know that it will be difficult to achieve, we must continually aim for it.

This bill will address many areas: it amends the Harbors and Navigation Act 1993 and the Motor Vehicles Act 1959 in relation to learners' permits, practical driving tests, provisional licences, probationary licences, disqualification for certain drink driving offences, instructors' licences, and demerit points for offences committed in South Australia. All those areas were looked by the committee. Amendments to the Road Traffic Act 1961 in relation to photographs, driving under the influence, driving while having a prescribed concentration of alcohol in the blood, and police requirements for alcotest or breath analysis, compulsory blood tests and offences detected by cameras are all areas that need to be looked at. I am pleased that the government has a package and program providing for these important areas.

There will be some concerns, and amendments will be moved during the committee stage. There are genuine concerns about how some of these changes will impact on citizens in rural areas. I understand these concerns, but I believe the package must be looked at in a comprehensive way to ensure that we improve community safety. For example, I believe that increasing to six months the time for which a learner's permit must be held is a good measure, because experience is very important when it comes to driving. There are proposed changes to P-plates. I am aware that there will be some amendments to this provision to increase the period to two years, not necessarily as proposed by the government. However, the general increase is a good thing.

We are all aware that statistics show that the crash rate for young drivers is significantly higher once drivers come off the P-plates. Perhaps an intermediate stage should be introduced to make sure that there is that consideration of the statistics that are proving to be an obstacle to progress that has been made.

We know that in the last 20 or 30 years, there have been improvements but, as I have said, any crash or fatality is something about which we should be concerned. We know that changes to alcohol laws and improvement in motor vehicle safety, such as seat belts and the way in which motor vehicles are manufactured these days, have all had an impact on the reduction in the road toll. However, we are very much aware that although fatalities have reduced in number—although they are still significantly higher than in other states—any fatality is something that we should aim to prevent. That is why I have said that the use of language is important.

We know that traffic calming devices and measures taken by some local government areas have had an impact. All these measures have played a part, but we also know that there are significant problems in the community with unregistered vehicles and unlicensed drivers and that there are problems with drivers affected not only by alcohol but also by other substances. For example, we know there is a problem with cannabis and driving. I have spoken to police officers who have told me that when they do stop drivers there is no question that a significant proportion of them are under the influence of drugs. I am aware that the government is going to look at that issue. We have a responsibility as a government and as an opposition—indeed, as a parliament—to deal with these problems, and not to do so would be irresponsible.

We can talk about road safety, we can talk about accidents and we can talk about fatalities and preventable fatalities, but we should also be talking about road sense and road responsibility. We should talk about the fact that it is a privilege to be on the road, and it should not be taken for granted. The measures in this package go towards addressing that false perception by some that it is their right.

When I was a member of the Road Transport Safety Committee we looked at the problem of how to deal with drivers with physical and mental disabilities that have to be addressed; the problems that arise when GPs have to tell patients that they can no longer drive. We have to address this issue and acknowledge that at times there is a reluctance to deal with that problem because of the effect it will have on the independence of citizens once you take away their mobility. It is a serious problem. I ask members to try to imagine how they would feel if they went to the doctor tomorrow and were told, 'I don't believe that you are fit to drive.' We must have measures to address that issue, to make sure that people are fit to be on the road. It does not involve just the ageing population: there are people who are not in that older age group who have difficulties in meeting the criteria of a fit driver. All these things have to be looked at in a comprehensive way, and this package of measures does that.

I welcome the 50 km/h speed limit on suburban roads, because it brings us in line with other states, and I believe that uniformity is an important element in driving. I am aware that some local government bodies would oppose this measure, but I think that we have to come to terms with the fact that we should have a uniform code so that drivers know at what speed they can drive and what impact it will have. I think the days are gone when everyone could go along on their own merry way. This measure should go a long way to reducing the accident rates in the suburbs.

I am opposed to those road calming devices—those humps. I can accept road restrictions around intersections and roundabouts and those sorts of traffic calming devices, but I think that the humps are a hindrance to emergency service vehicles—to ambulances and so on. Again, it just prevents people from doing the wrong thing; it does not teach them responsibility and it does not teach them that they must do the right thing. The reduction of speed is important, and if we know that there is a lower speed limit in certain areas, which is less likely to cause a crash and therefore harm someone, we should do our best to make it uniform and adhere to that. I commend the government for introducing that measure.

There is much talk in this package about demerit points, and I know that there will be discussion during the third reading stage about the value of demerit points. There is no question that placing speed cameras in intersections to detect red light runners is a good policy. If a person runs a red light, they can cause much damage. I see no difficulty in having demerit points and the fines that go with them, because to run a red light is a serious thing. One is really endangering one's fellow citizens. It is a good measure. However, I believe that there is a problem that, if we focus too much on fines and demerit points without insisting on the education ingredient, we miss the boat. In a way, bad behaviour on the roads is a result of a lack of education and conditioning with respect to a person's responsibility on the road.

Perhaps when someone offends on the road and endangers others, apart from the fines and the demerit points, it would make sense if we included a compulsory education component. For example, if someone was involved in dangerous

driving, it might be a good thing to take them through the paraplegic ward, the spinal injury section, of a hospital and let them see the consequences of their action. I must admit that, when I was 17 or 18, I was caught for speeding. I attended a lecture and saw some films, and I will never forget that.

But what had the biggest impact on me with respect to the effects of accidents and injury on the road was when I was an orderly in the emergency section at the Royal Adelaide Hospital, where the victims of road crashes were taken. Sometimes I would see two or three young people who had been in a car, obviously not thinking that it would happen to them, and never having seen the consequences of the sort of risks they took on the road, and it was really a sad thing to see when you took them out of the ambulance, put them on a barouche, wheeled them into the emergency section and then took them up to the wards for treatment or to the operating theatre. It is something that I will never forget. It had an impact on me, as a young person, seeing first-hand the consequences of someone's actions behind the wheel.

I believe that the education component is important and, if we want to reduce the harm that can be caused on the roads, we have to think about the language we use; we have to put measures in place which will deter and which will hurt, as will demerit points, fines and the loss of licence. But there also has to be an education component as a consequence of one's actions. I would welcome changes in that respect.

For those reasons, I support this bill. I commend the government for introducing these measures, and I look forward to the debate during the committee stage. I know that the shadow minister has some amendments, as have others, and ultimately that will come under a comprehensive bill—

Time expired.

Mr MEIER (Goyder): I am pleased to speak to this bill. I note that the effect of it is to introduce the loss of licence for drivers who commit an offence of exceeding the prescribed concentration of alcohol of more than 0.05 but less than 0.079 (the starting point today); to introduce mobile random breath testing; to use red light cameras to detect speeding offences; to introduce the allocation of demerit points for camera-detected speeding offences; to introduce sanctions for breaches of road traffic laws by holders of either a learner's permit or a provisional licence; to strengthen both the theoretical and practical testing of learner drivers; changes to questions asked during the theoretical testing of applicants for a learner's permit; and to increase the minimum period for which persons are to hold a learner's permit and provisional licence.

There are many things that I agree with but at the same time some things that I do not agree with in this legislation. I realise that it is part of a package and that the package is not only the legislation before us tonight but also the proposed regulations. The regulations particularly apply to the speed limits in built-up areas. Perhaps I will start with that because, in looking at the minister's media release and at the supposed details of the regulations, I was under the impression that the 50 kilometre speed limit would apply only to the Adelaide metropolitan area. Interestingly enough, the District Council of the Copper Coast had sought to have a 40 kilometre speed limit in a couple of streets (perhaps four) in Kadina, one street in Wallaroo and a couple of streets in Moonta, and the agreement was given for Kadina but not for Wallaroo and Moonta.

When considering the lower speed limit for Kadina, in preliminary discussions with the CEO of the Copper Coast District Council it was determined that, because of the signage requirements, they would probably lose up to 20 parking spaces in two or four streets of Kadina to be able to appropriately signpost the 40 kilometre speed zone. As well, their estimation was that it would cost at least $10 000, if not more, to signpost the new speed restrictions. When the minister announced that he was bringing in this road package containing a lower speed limit, the CEO had a chat with me and said, 'Will this be applying to rural areas?'

I examined the media releases and sought further information from both the shadow minister and the minister's office and was told that it would apply only to the metropolitan area. However, I believe that has now changed and it will apply across the state. You, Mr Deputy Speaker, may feel that I have seen the light from Damascus, because you would recall that I have—

Mr Venning: The road to Kadina!

Mr MEIER: The road to Kadina: a good expression. You will recall, Mr Deputy Speaker, that when you introduced a bill to reduce the speed limit to 50 km/h I opposed it vigorously, and personally I do have problems with lowering the speed limit. Then again, as the member for Goyder I am here to represent the people and, if the people want the lower speed limits and they can convince me of that, I am prepared to go into bat for them. I can see that in certain streets in Kadina, Moonta and Wallaroo and certain other towns in my electorate there is definitely a need for this, so that, if that is what they want, I will fight for them. Therefore, I compliment the minister and thank him for indicating that the regulations are going to apply across the state.

I thank him for two reasons. First, I believe that it will be a much simpler system to have it across the board. Secondly, it will be a far less expensive way of dealing with the matter if we use a system where you do not have to signpost it; in other words, it is virtually a regulation across the state. But I will be interested to hear the minister, if he has the opportunity to expand on his proposed 50 km/h speed limit. However, I hope that he follows the Victorian example rather than the New South Wales example, because I believe that in New South Wales it cost that government something like $8 million to re-signpost everything. In Victoria I believe they just said, 'We're announcing the lower speed limit and that's what it's going to be.'

We should, however, remember that the through roads are going to continue to be 60 km/h, and I hope that would be the case other than where exemptions were required. I recognise that this is an integral part of the read safety package, and let us hope that we can get it through as soon as possible. When I was speaking with the minister outside this place, he indicated that he hopes to have this bill and the regulations brought in together.

I turn to the specifics of this particular package, and first to the loss of licence for drivers who commit an offence of exceeding the prescribed concentration of alcohol of more than 0.05 per cent. Currently, that is a fine. I checked just how many drinks you can have for 0.05 per cent, and I believe that it is an absolute minimum.

It worries me greatly, being a representative of a country electorate, that people are not going to be able to go to their hotel and have a drink or two. They will be able to have one but, if someone has bought them that drink and they want to offer them a second one, it is quite possible that they could go over the 0.05 level, depending on what the drink is. At

present, they are taking that slight risk that they could be fined, but now it is going to be an automatic suspension of licence for three months plus a fine, and that will have a very negative effect on rural areas. And I have a great problem with that. I believe that an alcohol concentration level of less than 0.08 is not detrimental to other road users.

Members may recall why we in this state went down from 0.08 to 0.05: it was Bob Hawke, basically, who caused us to do it. You may recall that he said, 'If you want my money, the federal money, for black spot funding, you will bring in a penalty at 0.05.' And I will give credit to the then Labor government, which indicated that we did not have a choice: we had to use 0.05 as our base, but it was not going to be a suspension of licence: it would be a fine only. And then, if one is detected with a level of 0.08, there will be a suspension of licence. I hate going down the track of following the rest of Australia. If we are going to follow the rest of Australia in everything, forget the darn states. Why do we want them? They are a total waste of time. The whole reason for states is that we can have our own specific laws to cater for what we believe are our requirements.

That is one thing that we have emphasised as members of the Liberal government for the last eight years: please do not follow the rest of Australia just because the rest of Australia has gone down that track. We are South Australians: we should be able to do what we want to do. This 0.08 versus 0.05—the distinction of a fine up to 0.08 and the suspension of licence from 0.08 and over—is a classic case. And I am disappointed to see that in this bill. I think it is a classic example of where the minister handling this bill has not been in office very long. Obviously, his officers have said, 'Look, minister, you have to do this: you don't have a choice. You have to do it.' I wish that he had stood up—

The Hon. M.J. Wright: They didn't, actually.

Mr MEIER: I will be interested to hear the minister's comments: members have heard my comments on that topic. The mobile random breath testing I personally do not have too much of a problem with, although I know that my party as a whole does have a greater problem in this respect. I think it is partly in relation to being stopped by a police car at night. I understand the argument, particularly for females, because they would be somewhat concerned if a car came up behind them at night, flashed its lights several times and indicated to them to pull over. I can understand the fairer sex not wanting to pull over. It has happened to me in my own electorate, where at about 1.30 a.m. one morning I was coming back from the bottom end of Yorke Peninsula and there was not a car on the road.

An honourable member: You weren't speeding?

Mr MEIER: No. There was not a car on the road, and a car came towards me and went past. I went on and he went his way. About five minutes later I saw this car coming up behind me and I thought, 'Golly; that fellow is doing a fair old speed. I haven't noticed any other car, but at half past one in the morning this guy is certainly creeping up on me.' By that time I had gone into Kadina and he was right on my tail. It worried me a fraction, and I thought, 'What's this?' I got into the first part of the street in Kadina and suddenly the police flashing lights went on. I pulled over and hopped out straight away, and the policeman hopped out of the passenger side and recognised me. I said, 'G'day; how are you?' and he said, 'Oh, it's you, John, is it?'

I can understand that at 1.30 in the morning being pulled over is a little disconcerting. He told me the reason for pulling me over; he said, 'There's been a robbery further down the peninsula. Did you see any car coming up?' I said, 'No, I don't recall seeing any car.' He said, 'We thought yours might have been the one.' I give them 10 out of 10 for pulling me over. I know that some of the my colleagues have concerns about that and I can appreciate that but, representing the country, that type of thing does not worry me in the least.

The instructors' licences are also included in this bill. I fully support any move to tighten this up and get better quality instructors out there. I say that, because all our children have now gone through their licence testing, and I have seen a varied response. I think it was our second boy who was sitting in the passenger seat when I was driving into parliament in peak period and who said to me, 'Dad, you're too close to the car in front,' when we had stopped at the traffic lights. I said, 'I beg your pardon; what makes you think I'm too close? We're actually stationary.' He said, 'You're supposed to be able to see the bottom of the tyres on the car in front of you.'

I said, 'Where did you get that from?' and he said, 'My instructor told me that, because that gives you a safety margin if you need to move forward for some reason or, particularly as you're going along, to make sure that's the absolute minimum distance between two cars. So, you should be able to see the bottom of the tyres of the car in front.' I said, 'Well, thank you, son; I've never realised that before.' But it upsets me greatly that many L and P drivers come up behind me and are just about right into my boot. I think, 'What sort of instructor have you had? You don't seem to understand any of the basic road laws that should be instilled in our young people.' I have become a different driver as a result of knowing that I should not get too close. It is a classic rule to use: if you can see the bottom of the tyres of the car in front of you, you know that you are within a reasonable distance when you pull up. I wish everyone was able to do that. So, I give 100 per cent support for the instructors' licences and making sure that the instructors are better equipped to perform their duties in this day and age.

We also have the alcohol interlock system, and I have no problem with that at all. In fact, members would recall that our government announced that on more than one occasion. I think it is one of the best things, and perhaps it is the way to overcome the problem that I identified earlier with the .05 limit. If the minister wants to bring that in, what about bringing it in with a fine but saying that you will automatically go onto an alcohol interlock system if you want to retain your licence, having driven at .05 or over? There is a penalty there, there is no doubt about it. It will stop drivers having any alcohol and will ensure that they are very safe on the road from the point of view of being under the influence of alcohol. That might be a compromise situation that could be worked towards.

The minister, the government and our government have done the same to a large extent in so many areas, but it worries me that we become so determined to bring down the road toll that we penalise people who perhaps have made an innocent mistake. By innocent mistake here I mean having half a glass too much to take them over .05 and losing their licence as a result. What is the situation in the metropolitan area with people who have had their licence suspended? I do not know how many people you have spoken to, Mr Deputy Speaker; I have spoken to a few who have had their licence suspended. It amazed me that when I asked, 'How are you managing to get to work?' they said, 'We're driving, of course; how else can we get to work? There's no train or bus near us.' I said, 'But hang on; you said you've had your

licence suspended.' They said, 'Yes, but we don't have a choice; we have to take the risk.' Is that what we are trying to promote: people breaking the law even further?

Remember that, way back before Australia was settled, the British government tried to be tough on people who pinched a chicken or loaf of bread. What was the punishment, generally? Transportation. They thought, 'We'll soon stop them doing that,' but did it? No; in fact, they flooded onto the ships and came to Australia. That was a positive move, because at least we have a few people here now.

Mr Venning: And they all joined the Labor Party.

Mr MEIER: Some of them saw the light after a while. I understand the situation you are referring to. Just to be tough on people, particularly people who do not have a great income, the fines will hurt terribly. I do not think time will permit me to go through some of the fines; a few of them are pretty hefty.

The Hon. M.J. Wright: There's no change.

Mr MEIER: I thought there was an increase here, but the minister has assured me that there is no change. I thank the minister for that. I partly support the minister concerning the red light cameras. Our government said this would come in, and I believe the reason it was not promulgated was that the police said they did not have sufficient resources to implement it. I assume the government is making money available. We actually brought that in. I have no problem at all with the red light cameras, but what troubles me is the speeding, so that you get a double whammy. If you are speeding and go through the red light camera you will get double demerit points and, again, you will take people's licences away faster, when really, in my opinion, there is only one offence. I understand that my colleagues support that, but I have great problems with it.

Again, I think we are hitting too hard, and I do not know how we will overcome that situation. A few weeks or months ago I cited the example of an occasion when I was travelling up the coast road of Yorke Peninsula. It was a very windy day, and suddenly a black Commodore with surf racks came over a rise and flashed its lights at me. I thought, 'What's going on? Police up ahead, eh? Well, I'm not speeding.' The next thing was that I suddenly saw the blue and red light flashing behind my windscreen; it was an unmarked police car. I thought, 'Hello; I think I'd better pull over', which I did. They did a U-turn, came up behind me and said, 'You were doing 127 kilometres per hour.' I reckon that was absolute rubbish. It was a very windy day and I am sure that as they came up the rise they hit a tree branch. Do you remember a few years ago when they caught a stobie pole doing 140 km/h? It was headlined, and this was not far from the truth. How can you argue when they show you the screen at the passenger seat, and I saw 127?

An honourable member interjecting:

Mr MEIER: Exactly, because the trees were blowing phenomenally and they had come up over the rise. Anyway, that was it; I did not have a choice, but I can tell you that that type of thing does not impress me when I am sure I had the speed limiter on and I could not have been doing more than 119 km/h. I will not deny that I may have been doing 119, but not 127, but how am I to argue? We will catch people out; there is no doubt about that. It will be a good revenue raiser for the government because a few more people will be fined. Theoretically, the government will possibly get some people off the road but, in practice, a lot more people will be breaking the law. That worries me greatly. The member for Hartley said that we should have a greater education program. I give 10 out of 10 to that argument, just as I say, 'Let's get the instructors really clued so that our young people know exactly what is required for road safety.' Overall, hopefully, this will help our road safety.

The Hon. M.J. WRIGHT (Minister for Transport): I thank all members for their contributions. A range of questions have been asked, not only by the shadow minister but also by some other members. I will address some key issues that have been raised as I work my way through this, but there are a lot of questions which I will answer when we go into committee next week. In coming to government, we believed that it was important to introduce a comprehensive road safety package. Why did we believe that? We believed it for a number of reasons, and statistics do not lie. Unfortunately, when you look at the statistics, the cold hard facts show that on a pro rata basis we are 10 per cent behind the national average of every other state in Australia when it comes to fatalities and crashes. Statistics do not lie.

The opposition has some interesting arguments about blood alcohol, and I will come to those in a moment, but, whether it is blood alcohol, speeding, demerit points or education, we lag behind every other state around Australia. Over time, successive Liberal governments—and perhaps longer, in fairness—we have fallen behind on a range of barometers. The opposition is correct. This is a package. It is not just a legislative package. As members have highlighted during the debate, other parts are important. We have said from day one when we introduced this package that it would be not only regulation but also infrastructure. We delivered in the budget in respect of infrastructure. The honourable member referred to roads. Of course, roads are important, but we have highlighted the need for important developments in education as well. We have also talked about the next stage, which will certainly add to what we are delivering in this package with regard to education.

There will be other areas, of course, that need to be addressed as well. One of those we highlighted from day one was drug testing. The opposition talks about its concern with drug testing, but it does not seem to have the same concerns in relation to blood alcohol content. I will come back to drug testing later. It is important that we do recognise that this is a package, and that none of the package is groundbreaking, none of it goes in advance of any other state around Australia, even if and/or when this bill becomes legislation. In most areas it only puts us on an equal footing, or we are still behind other states around Australia. The Northern Territory lags so far behind that it is not even worth talking about.

This package, whether with regard to infrastructure, education or regulation, brings us into line with other states. Fundamentally, we want to reduce fatalities and crashes. That will be a very important outcome. Irrespective of whether you look at demerit points for camera detected speeding offences, use of red light cameras, blood alcohol content, mobile random breath testing, the minimum period on a learner's permit, and so on, it needs to be looked at and viewed as a package. There is a good reason for why we need to move in this area, that is, we certainly fall behind the rest of Australia. If that is not bad enough, the fact that we are 10 per cent behind the national average when it comes to road fatalities and crashes is something that we cannot sit back and accept.

It is a bit of a mixed approach from the opposition. I appreciate that different members have different views on various parts of the bill. Obviously, they are entitled to those views. The shadow minister has highlighted a range of areas

that he supports. He has signalled that he will be bringing forward some amendments. We do not know what they are at this stage, although he has given an outline of the general tenor of the areas in which I expect there will be amendments.

I will speak briefly about those amendments. One of the areas to which the opposition is opposed is that blood alcohol content .05 to .079. A range of comments have been made by different members. Obviously, I do not have time—and there is no need—to summarise those comments, but one of the issues raised is that there is no evidence that this will have an impact. That is simply not correct. The evidence from research has changed over the years. While comments made by members opposite were considered to be the end of the matter a few years ago, that is no longer the case. Research shows that for drivers with a blood alcohol content of .05, the risk of being involved in a crash is about 1.5 times that of drivers with a zero blood alcohol content.

As the severity of the crashes increases, the association between blood alcohol content and crash risk becomes more marked. Drivers with a blood alcohol content of .04 have 3.7 times the risk of being killed in a crash compared with drivers with a blood alcohol content of zero. The experience from Australian states suggests that lowering the permissible blood alcohol content limit to .05 has benefits other than reducing the alcohol-related crashes involving drivers with a BAC between .05 and .08. The evidence shows that it not only reduces in that area but also reduces the numbers of people in the higher categories as well. Queensland showed a 12 per cent reduction in the number of crash involved drivers with a blood alcohol content above .15, and an 8 per cent reduction for those in the .08 to .15 range.

In New South Wales, there was an associated 8 per cent reduction in fatal crashes and a 7 per cent reduction in serious crashes. When New South Wales introduced its measures in relation to .05 to .079, there was an 8 per cent reduction in fatal crashes and a 7 per cent reduction in serious crashes. The ACT experienced reductions in crash involved drivers for all BAC levels: 39 per cent for .08 to .099; 26 per cent for .100 to .149; 31 per cent for .150 to .199; and 46 per cent for .200 and above. For every category, whether it be .05 to .079, or any other category above, once it was introduced the numbers came down in each and every category.

When members opposite say there is not evidence of this having an impact, they are out of date. The statistics do not lie. The member for Heysen suggested that she would not be against reducing it to zero. That is an argument that some people have. We do not put forward that argument, but we think there is good commonsense, backed by evidence, to bring in this measure. We know there is evidence around Australia and around the world that shows that, where it has been introduced, it has had an effect.

It is important, irrespective of the opposition's philosophical position on the matter, to note that some comments that statistical evidence is not available to support this measure are incorrect. I appreciate that members may not be aware of it, but now they are. It is on the public record here, in Queensland, New South Wales, the ACT and around the world. I am happy to make that statistical information available to members so that before we go into committee they can appraise themselves of that research and statistical information, because it does exist. In Queensland, for a .05 to .079 first offence, one gets three months; in New South Wales, three months; Victoria, six months; Tasmania, three to 12 months; and, the ACT, two to six months. So we are bringing ourselves into line with other states around Australia. It is a very important area that needs to be taken into account.

Worth addressing, because it was certainly highlighted not only by the shadow minister but also by other members of the opposition, is the concern for drug testing. I do not oppose it; in fact, we flagged it from day one. When we announced our position we said and agreed that drug testing is a very important arm in which we would all want to be involved, and I welcome the support of members opposite in this respect. However, members must appreciate that we are not at a sophisticated level in testing for drugs. We are not as advanced as we are for testing of blood alcohol content, but we will get there. Research and technology will get us there. Victoria is currently trialing a system and we are watching it closely. When we announced this package we highlighted the need for drug testing, and we agree with the opposition.

I am surprised—although members opposite are entitled to their opinions—as there seems to be some inconsistency in being so concerned about drug testing but not so concerned about blood alcohol content. That surprises me, and I look forward to having a debate in committee on this. The shadow minister and opposition caucus have an opportunity before next week to look at the statistics that are available before discussing the issue of .05 and .079, because the statistics are there. Opposition members have raised their concern, which I am sure is genuine, that the statistics do not back the policy development, but they do. I ask members to examine those figures before coming back with a position when we go into committee next Tuesday.

The other area that the shadow minister does not support is demerit points for speed camera offences. He used a unique example, but in reality it could happen. He gave the example of someone driving from somewhere in the country, getting to Adelaide and during that period losing all their demerit points. I see a couple of members opposite laughing, but I suppose it could happen. It is most unlikely and unrealistic, but nonetheless the shadow minister has put it forward as an example. We must be fair dinkum about safety and providing a climate where we will ensure that we reduce fatalities and crashes. The shadow minister acknowledged—maybe he had his tongue in cheek with the example—that if you do not break the law you will not lose any points. There is nothing draconian about any of this legislation—nothing is ground breaking or is something that does not exist in every other state.

I very much appreciated the comments of the member for Heysen. I take up her offer of looking at that road because I know the offer was made in good spirit, and I will ensure that it happens before Christmas. I know that the honourable member takes the debate seriously and that she raised a number of good points. However, I do not agree with the comment on the blood alcohol content, but most other things I agree with.

We said, quite deliberately, that we will not increase the fines. Once I highlighted that to him, the member for Goyder appreciated the point, but with the current regime fines are having no impact on the behaviour of some drivers. They are paying the fine, going out and doing it again and again. That is not good enough. If we are serious about driver safety we cannot tolerate that behaviour. If you do not speed you do not lose the points: it is as simple as that. If you lose all your points and it leads to hardship, such as the loss of a job, the courts can grant you one point to allow you to continue driving. This is a highly appropriate approach, because

speeding is one of the most dangerous and anti-social behaviours in which we can indulge.

This is a critical point. In 2001 about 265 000 speed offences were detected, yet only 51 000 of these were detected by police officers, thereby attracting demerit points. So currently, with the regime of the former Liberal government in place, about one-fifth of people caught speeding do not lose demerit points. The critical argument is that we are not changing driver behaviour. We need to change the psychology of our drivers. If we do not and do not change driver behaviour, we will not reduce the statistics we have which, on a pro rata basis, are the worst in Australia. That is why it is important and essential that we have something like this. If we are serious about changing driver behaviour we have to hit them with demerit points as well as a fine.

There is quite deliberately no increase in the expiation notice fine because we do not want to increase revenue as a result of this package. We want revenue to go backwards. We want to change driver behaviour and the psychology of our drivers and bring them up to the standard of other drivers around Australia. You can pick out your fairytale examples or any sort of example to argue against a particular scheme. If someone was stupid enough to drive from Kimba to Port Lincoln to Adelaide at a speed sufficient to pick up 12 demerit points along the way under this system, they deserve it.

The opposition does not support the combined fines for red light and speeding offences. It believes that the introduction of demerit points is a very good deterrent and will have maximum impact without fining them to a point where they may not be able to afford the fine. There is qualified support for that and I thank members and appreciate that support.

The most dangerous and damaging crashes in the metropolitan area occur at intersections. Signalled intersections are most likely to have a bad record because they tend to have the highest traffic volumes. Reducing the travel speed between intersections is important to reduce the severity of injuries. But stopping speeding at signalised intersections, especially through red lights, is the most important objective. Police enforcement of speed at intersections is almost impossible; therefore, the use of dual capability cameras (speed and red light) has made enforcement more effective. Because speeding through a red light is such a dangerous practice, a more rigorous penalty regime has been considered appropriate, hence the adoption of combined penalties.

I think that this is an area where the shadow minister has foreshadowed an amendment, and I guess we just have to wait and see what he comes forward with. I thank the opposition for the range of comments that have been made. I look forward to this bill going through the committee stage, and it is important that it is looked at as a package. We need to be serious about what is currently happening in South Australia. If we are going to be fair dinkum about road safety, about decreasing road fatalities and crashes—and the member for Hartley is correct when he refers to these as crashes, because that is what they are—we have to change the psychology of drivers. We have to look at this as a package. We have to look at what we have not done over the past decade or more. There is nothing groundbreaking in this legislation. There is nothing in this legislation that does not exist in every other state around Australia, and all we are doing is bringing ourselves into line with other states.

I appeal to the opposition to look at this bill as a package; to go back and look at some of the areas that have been highlighted, especially by the shadow minister and by his caucus colleagues, and look at the statistics, the evidence and the information that is available, because it does exist. If any member would like a briefing between now and next Tuesday, we will make it available as a matter of urgency, and we look forward to your serious contribution when this matter comes back next Tuesday.

Bill read a second time.

The SPEAKER: As is my wont, I place on record, in a concise way, the views that I have about this matter, enabling the house and those people whom I represent to know my view. It is quite simply and eloquently summed up in the article to which other members have referred and which was written by the journalist Terry Plane in the *City Messenger* of today's date. I point out that for reasons of obvious expediency society agreed that the reverse onus of proof should apply in road traffic offences, but we have gone well beyond that in the course of this legislation. I am disturbed by elements of it. Camera offences are properly detected. However, demerit points in addition to fines are something where the onus of proof is reversed are unsatisfactory.

The legislation does not address circumstances in which vehicles are owned in joint names; it does not address circumstances in which vehicles are hired in joint names or in company names; nor does it address circumstances in which a car that is driven most commonly by someone under the age of 25 is registered in the name of either or both parents. It therefore imposes a burden, unnecessarily in my judgment. Without contingent improvement in social outcomes, that burden is obviously placed unfairly on those citizens in the circumstances that I have just referred to.

It is, therefore, not quite true to say that, if you do not break the law, you will not lose any points. Indeed, in the circumstances that I have just referred to, that clearly does happen. Otherwise, as is Terry Plane in his article, I am supportive of the measures and the obvious diligence and enthusiasm the minister has for the work that he has done in bringing the legislation before the parliament in what he believes to be the public interest. I commend the minister for that but make the point that, as curious as it may sound, the faster you go through an intersection, if it is a red light, the less likelihood there will be of impact. The consequences are far more likely to be devastating, however, should there be an impact. I thank the house for its attention.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

OMBUDSMAN (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 19 November. Page 1846.)

The Hon. M.D. RANN: I move:

That the Legislative Council's amendments be agreed to.

We have the schedule of amendments made by the Legislative Council, including a new clause (page 3) amendment to the long title. This amendment is supported because it is a drafting matter and the amendment amends the long title of the act to reflect the change in terminology in the act from 'authorities' to 'agencies'. Currently, the long title provides that the Ombudsman Act is an act to provide for the appoint-

ment of an Ombudsman to investigate the exercise of the administrative powers of certain departments of the Public Service and other authorities, to provide for the powers, functions and duties of the Ombudsman and for other purposes. As the bill removes the reference to authorities and links the Ombudsman's jurisdiction to agencies, it was thought appropriate to amend the long title of the act to reflect this change.

In clause 3, page 5, after line 11, a new subsection has been inserted, and this amendment is also supported. This amendment provides that where regulation is made to include a person or body declared by the regulations to be an agency to which the act applies, the regulation cannot take effect unless it has been laid before both houses of parliament and no motion for disallowance of the regulation has been moved or, if a motion of disallowance has been moved, it has been defeated, withdrawn or has lapsed.

The amendment was included in response to the concerns raised in the other place that a government could, by regulation, proclaim any person or private organisation to be an agency to which the Ombudsman Act applies. There was also concern that the confusion that could result if the government made a regulation declaring a body to be an agency to which the act applies and the regulation was subsequently disallowed. The amendment will mean that a regulation declaring a person or body to be an agency will not come into force until the parliament has an opportunity to consider the regulations.

Ms CHAPMAN: I have perused the amendments from another place on this matter and indicate that the opposition expresses its appreciation to the Premier for acknowledging the effect of those amendments. Clearly, these amendments have highlighted what would otherwise have been a deficiency in the legislation. I appreciation that being acknowledged and moved by the Premier today.

Motion carried.

CRIMINAL LAW (FORENSIC PROCEDURES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1869.)

Mr MEIER: Mr Deputy Speaker, as this is such an important piece of legislation, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. D.C. KOTZ (Newland): I take this opportunity to speak to this very important piece of legislation. I want, first, to congratulate my colleagues, particularly the shadow minister, who is leading from this side on the bill, on their contributions, and I totally support what they have said. Obviously, the Liberal Party supports this legislation, because it was its policy, having established the DNA Forensic Science Unit in 1996 and having continually sought to enhance the technologies that have been quite expansive over that short period.

However, I want to address in my second reading contribution not so much the comments relating to the specifics of the bill but rather the resources that will obviously be required if the enablement of this legislation is to be as suitable and as appropriate as the legislation will set out. I mean 'appropriate' in terms of its implementation and its management, the support technology and particularly the enhancement and maintenance of the existing technology, in addition, of course, to the new technologies and the necessary resources if implementation through this legislation is to occur.

It is my understanding that this year's budget for forensic sciences was cut by some $346 000. This figure has not be denied by the Minister for Administrative Services, who has responsibility for the area of forensic sciences. Obviously, the Attorney-General has responsibility for the bill in its entirety. However, the implementation of the outcomes of this legislation will occur completely through the resources of the Forensic Science Unit. Therefore, it is with great concern that I raise these matters.

The Liberal opposition certainly supports the principles of the bill, but I seek assurances from the minister that government support for what is ground breaking technology enabled by this legislation will, in fact, be implemented to fulfil the expectations created by this government through press releases and public comment. From the assessment I have had of the budget figures at this point in time, I suggest that the funding is not there to enable this legislation to be implemented. I ask the government whether this is window dressing or whether it is serious about what is significant legislation to enhance and identify in the criminal procedures a series of consequences that come out of criminal activity.

In case the Attorney-General has not caught up with what has been happening in the Forensic Science Unit, particularly in terms of the current and recurrent resources that will be necessary to enable this legislation to be implemented, I want to put on record some background information. Last financial year, the Forensic Science Unit received increased recurrent funding in the order of some $500 000 per annum. This funding increase was based on an anticipated increase in DNA criminal work of approximately 20 per cent and an anticipated increase of approximately 50 per cent in DNA database case work.

In the first quarter, increases in both areas indicated that a much higher level of demand will be placed on resources. The DNA criminal work increase indicates an annual increase of some 60 per cent whilst an annual increase of approximately 65 per cent in DNA database case work is expected.

Perhaps the Attorney-General would like to be made aware of further information that comes out of the Forensic Science Unit and how it operates in terms of what this government will need to supply in relation to the resources that are required. I doubt that the $346 000 funding cut to the Forensic Science Unit will even touch any of what we are talking about at the moment. Most scientific equipment is sourced overseas, and the value of the Australian dollar has caused an approximately 20 per cent increase over the last three years in dollar terms. Even though improved technology has resulted in scientific equipment being produced more cheaply, as in the case with computers, the developments have also resulted in more higher cost options and applications being the accepted standard. To continue with the computer analogy, networks, mailing and video conferencing systems, digital photography, software, colour printers, digital photocopiers, etc., are all fast becoming accepted as the standard required.

There is an expectation that our limits of detection will improve; for example, current technology enables us to routinely detect drugs of extremely low concentrations, such as THC, which shows the use of cannabis. I am sure that members understand that that would have been extremely difficult five years ago. Similarly, the detection of con-

tact DNA is now possible through the use of new methods and advanced technology, whereas it was not possible only one year ago. The requirements of the courts to categorically identify drugs also demand the use of the latest technologies. The fast pace of technological advancements is resulting in equipment being redundant in a much shorter time frame than before, again as in the case with computers. This results in difficulties sourcing circuit boards and other parts for repair. In the last five years, the forensic service organisation has grown by about 40 per cent. Of course, there has been a corresponding increase in case work, and that has been quite dramatic in some areas such as that involving DNA and drugs.

I advise the Attorney-General of examples where cost increases can certainly be demonstrated and perhaps give him an idea of those, if this government has not already costed the implications of the implementation of this new enabling legislation. In 1998, Forensic Science purchased for $80 000 the top of the line gene scan apparatus, used world-wide by non-research laboratories. The latest in gene scan technology, accepted as the norm for this market, is now $340 000. It has advanced technology, is more robust and has increased output by 16 times. This equipment is purchased in America. Part of the increase is due to the fall in value of the Australian dollar. Another example is the gas chromatography mass spectrometer. Although base prices may have gone down due to technology advancements, robotic functions, automation options and specialised detectors are now available. These features aid efficiency and reduce case turnaround times. These options, which also were not available four years ago, increased the price from $80 000 to $120 000.

In around 1984, Forensic Science purchased a visible microspectrometer at a cost of $40 000 to $50 000. There is a need to replace that equipment which is no longer supported by the manufacturer and runs on software that is not compatible with any other spectral data collection programs. In fact, 20 years of development in both science and technology have improved the capacities available in this instrument. It now has the ability to detect within a range between 220 and 1 000 nanometres, compared to 400 to 700 nanometres. It has fluorescent detection capabilities, and it produces spectra of a much higher quality. The optics required for this level of magnification are much more expensive. This type of specialist equipment is produced for a very narrow forensic market which results also in a higher cost, and the current price is some $350 000.

The liquid chromatography mass spectrometer technology was brand new only three years ago. Although Forensic Science had applications for it, the price was far beyond what most forensic laboratories could afford. It has now come down in price to $350 000. While expectations of utilising the technology in case work have increased, it is now emerging as one of the most promising new technologies in forensic toxicology laboratories since the introduction of benchtop GC mass spectrometers. At present, this equipment is being utilised by laboratories both interstate and overseas, and at present I suggest to the Attorney that he should be aware that the cost of this instrument would exceed one full year of the previous capital expenditure allowance.

Hewlett-Packard no longer supports some gas chromatograph components over five years old. A few years ago, it supported instruments that were up to 10 years old, but technology is changing so rapidly that it will no longer produce or even guarantee the availability of parts for machines five years after the release of a new model. It can no longer support three of these instruments in the Forensic Science Unit. Old parts have been able to be sourced until this time. However, it is becoming more and more difficult to find the available parts. These instruments are routinely used for large batches of samples, and any breakdowns would lead to significant problems in case turnaround times; for example, the illicit drug quantifications and coronial drug screening rely very heavily on this technology.

The actual DNA samples that were extracted over the last three years show, in statistical figures, the substantial increases that have already taken place without this new legislation adding to even greater increased expectation of DNA sampling. In 1999-2000, some 4 900 samples were taken; in 2000-01, it went up reasonably slowly to 5 000 samples. However, in 2001-02, 8 500 samples were taken, which is a huge increase. I have already explained early in my comments that the increase in DNA criminal work was estimated at an approximate 20 per cent, and an anticipated increase of approximately 50 per cent in DNA database case work.

The consummate amount that would enable the current testing, taking and extracting of these DNA samples was estimated at some $1.67 million over a five year period. I am still talking about the fact that, as far as I understand it, this government has cut Forensic Science Unit's budget by $346 000. It certainly has not given it anywhere near the amounts of money that we are talking about now. The sum of $1.67 million would be required from this government over five years. If this funding was not provided, the main impact would be that the current backlog—I am talking about the existing backlog sitting there at present—that was expected to be reduced with the funding provided last financial year would not be addressed at all.

The previous government's program of capital works for Forensic Science was about $400 000 per annum. I have gone through some of the listings of the technology that still needs to be maintained, upgraded and purchased in that area. At current prices this will enable only one piece of scientific equipment to be purchased per annum.The continual fall in value of the Australian dollar over recent years has certainly seen what I have explained as the price increase, as a most sophisticated analysis of samples is driven by the justice system and the increasing reliance on forensic science. The benefits to maintaining the area of technology, particularly in this Forensic Science Unit, relate to more accurate information that would be available to the justice system in the investigation of crimes. Obviously, this would lead to the reduced capacity for appeal on the basis of inaccurate or misleading forensic analysis, improve public safety, prevent crime, reduce harm from drugs—all the things that we see being sought in this bill.

However, even in that area alone, almost $3 million will be required from this current year over the next five years for forensic equipment such as electron microscopes, DNA readers, incubators for areas such as the toxicology, pathology, and biology and chemistry laboratories to support the provision of a world's best practice forensic science service, primarily in relation to coronial and police investigations. If this equipment is not provided it would obviously mean that further delays will be created in providing results to the police and the Coroner with respect to forensic evidence. Use of old, outdated equipment could certainly cause inaccurate and inconclusive results. Productivity may be slower than with updated equipment. The current capital cost that was

estimated by the Liberal government prior to this election in that particular area was something of the order of $1.2 million.

It is with great concern that I address these matters, because I think that all members of this parliament believe in the new technologies and believe in the reason why DNA sampling has been one of the greatest innovations in terms of detection of crime and detection of individuals and that it is more accurate for the courts and the process of the judicial system in enacting justice overall. It is extremely concerning to me to note that, in all that has been said about this legislation, the government has not shown any dollars, of which I am aware or can see in the budget papers, that will produce the results that this legislation should produce. Is this just total and utter window dressing, Mr Attorney-General? Are there resources there that will enable this government to comply with the promises and the pledges it has made to the people of South Australia, and that it has brought into this institute of parliament, put before the members of parliament—

The Hon. M.J. Atkinson: We promised to test all prisoners; that is what we promised.

The Hon. D.C. KOTZ: All I am asking, sir, is if you and your government have the funding to be able to implement the measures that this enabling piece of legislation will allow to occur. In terms of resources, I do not believe that I have yet seen any evidence. Questions were asked of the Minister for Administrative Services in relation to the budget and the budget funding cuts in the area of forensic sciences. The budget papers, as far as I could assess, showed a $346 000 cut in the area of forensic sciences. Yet that minister has not come back into this house and said that I was wrong. He has not rejected the idea that there were funding cuts in forensic sciences, and with the figures that I have given you, sir, I am telling you that, if current resources are not put into that funding area, all that this government is attempting to do within this enabling legislation will be an utter and false lie. It will be a cruel hoax and an utter deception to the people of South Australia if that funding is not being seen to be put in, not just spoken about by the Attorney, because at this point there is nothing in the budget area. Your minister with the responsibility for the forensic sciences—

The Hon. M.J. Atkinson: This happened after the budget.

The Hon. D.C. KOTZ: I do not care when it happened. You now have enabling legislation in this house that holds great expectations for the police force, the coronial area of the state and our constituencies—and for this opposition, which is supporting the very bill that you are introducing here. If all this is window dressing, it is one of the greatest deceptions that this Labor government will ever pull on the people of South Australia, and I certainly do not want to be part of it.

We have totally supported the enhancement of DNA technology, and we would certainly have put the moneys there, because this was all about finding out what was necessary to be able to prepare and put the resources in place to enable this very legislation to take place, which was a part of our policy prior to the election. So, we totally support the principle of what this government is attempting to do. But I am damned if I will stand in this place and be done over by a government that has come in here with a total and utter deceit, to attempt to pull the wool over our eyes and those of the people of South Australia, with respect to something that they are expecting this government to comply with.

Time expired.

The Hon. M.J. ATKINSON (Attorney-General): I am pleased that so many members have made forthright contributions to this debate. I think the member for Newland was more forthright than most, and I thank her for waiting 24 hours. Her speech has been well worth waiting for, and I think she made a number of salient points. I will respond to the member for Newland first before responding to other speakers.

My concern, when an expansion of the range of DNA testing was canvassed in September, as I recall, was threefold. Firstly, I was concerned that, if we expanded the range of people who were to be DNA tested and then profiled, we should remain eligible for the commonwealth database CrimTrac. I did not want to do anything that would jeopardise our membership of that national database. I understand that the member for MacKillop is of the view—along with some members of the police force—that it would be better for South Australia to disqualify itself from the national database on account of testing the broadest possible range of people charged with offences; that is, the member for MacKillop says DNA test everyone charged with an offence in South Australia. The member for MacKillop says it does not matter that we may thereby drop out of CrimTrac. That is not my attitude. I, respectfully, differ. I think it is very important for South Australia to have access to the database of the other five states and two territories, and I think it is also important that we place our profiles onto that national database.

My second concern was whether, if we were testing 9 000 extra people a year (I think the figure was), if everyone charged with an offence in South Australia was to be DNA tested, we have the capacity at the Forensic Science Centre to process promptly those DNA samples and turn them into profiles. I think that was an important point that the member for Newland made. It is one that exercised my mind, and I was assured that sufficient forensic scientists would be able to be recruited to deal with an increased number of samples. My concern was that there may not be enough graduates coming through in molecular biology able to be trained to be forensic scientists and to do this work. I was assured that there were sufficient molecular biologists, but that they would need to be trained and there would be a lead time. The kinds of lead times that were canvassed with me were that it would require three months' training with the Forensic Science Centre for a graduate in molecular biology to be able to turn a sample into a profile; that it would take a year before a new graduate would be able to give evidence in court; and that it might take three years of working at the Forensic Science Centre for a graduate in molecular biology to be able to give evidence in a major criminal trial.

The third concern I had was proper funding. I accept the point that the member for Newland makes that it would be wrong for the legislation to expand enormously the number of people who were to be DNA sampled by the police and then not have sufficient funding of the Forensic Science Centre for those samples to be processed promptly, but I was assured by the Premier, the Minister for Police and the Minister for Administrative Services that extra resources would be given, owing to this change in the legislation, to accommodate about 5 500 extra samples a year—not the 9 000 or more samples that would be taken if the Liberal Party's amendments were accepted, but the 5 500 or so extra that would be generated if the government's amendments were accepted. Those government amendments are, of course, to DNA test for 11 summary offences.

I deal now with the points that were made by the opposition last night. Tasmania substantially complies with the CrimTrac model. In particular, it does not authorise DNA testing for all offences for suspects: it authorises DNA testing of all suspects for indictable offences and a list of summary offences. The Tasmanian list is strikingly similar to that proposed by the government amendments. If South Australia goes substantially further, South Australia will not be regarded as a corresponding jurisdiction by other states, by territories and by the commonwealth. This has been made clear from the very beginning and has been continually reinforced by the commonwealth ever since, as the Minister for Police made clear from his account of the Australian Police Ministers Council meeting at which the matter was discussed. That is the reason why Queensland and the Northern Territory have not been admitted to CrimTrac.

The member for Mawson, among others, raised the question of the terms 'serious offence' and 'criminal offence' as used in the current legislation and the amending bill. The terms are used quite consistently in the current legislation and in the amendments. It is important to remember that this bill covers not only DNA but all forensic procedures, including fingerprints. Some forensic procedures, such as for fingerprints, are taken for all criminal offences. The current act and the amendments so provide—and so they should. The question for each forensic procedure and each type of forensic procedure and how it is taken is the level of the criminal offence at which the forensic procedure should be taken. There is no inconsistency, in my opinion, with treating different cases differently. If the legislation authorises the taking of DNA from all suspects for all criminal offences, we will not be a corresponding jurisdiction in any other state, and we will be barred from CrimTrac on suspects.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The interjection from the member for Bragg is accurately recalled. I challenged her last night by way of interjection, although I am not sure whether or not this was recorded on *Hansard*, that if she believed that South Australia could test every person charged with every criminal offence in South Australia, as she was advocating, whether she could procure a letter from her federal parliamentary colleague Senator Ellison to say that it was possible for South Australia to do that and remain within CrimTrac. If the member for Bragg could produce that letter during this debate—and presumably, if she were right, that letter could have been obtained by fax today: she has had 24 hours notice of my challenge—clearly that would be the most weighty evidence in favour of her proposition.

In my correspondence with Senator Ellison, his letter to me gave me the impression that in testing for 11 summary offences we were just—only just—remaining within CrimTrac.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Yes, from Senator Ellison.

Mr Brokenshire: Could we have a copy of that?

The Hon. M.J. ATKINSON: Yes, I think that would be fine. I will check, but I do not see any difficulty with that.

Mr Snelling: I have a copy.

The Hon. M.J. ATKINSON: Good. We are just supplying the opposition with a copy of Senator Ellison's letter. When the Labor government decided to add 11 summary offences to the number of offences for which DNA testing could occur, it was important that we contacted Senator Ellison immediately to tell his government what we were proposing to do and to canvass whether we could remain within CrimTrac if we did that. When I say that the opposition amendments would take us outside CrimTrac, I do not think there is really much doubt about that at all. It is an enormous risk and one that I am not prepared to run, as I indicated to the member for Bragg last night. It may be true that most serious offenders have a previous history of minor offences, but that is not always so. For example, white collar criminals tend to have no previous history of offending. But even conceding the general point—

Ms Chapman: That's because they're caught.

The Hon. M.J. ATKINSON: The member for Bragg interjects, and I am happy to put her interjection on the record. But even conceding the general point, it is also true that the great majority of minor offenders do not graduate to serious offences. I do not think that DNA profiling should be treated exactly the same as fingerprinting. As a general rule, fingerprints are more conclusive and reliable in establishing a link between a sample and a criminal suspect. Researchers theoretically have the ability to obtain and analyse all the information that fingerprints provide. In direct contrast, however, scientists examining DNA samples possess the capability to analyse only one millionth of the three billion units of human DNA.

Although current DNA analysis capabilities lead to conclusions about the source of the DNA sample, a great deal of disagreement and inconsistency remains over the scope of DNA analysis required to produce a result as conclusive as an examination of fingerprint samples. In addition, the interpretive skill of the expert is much more critical in DNA profiling than in fingerprint analysis, simply because the science is much more complicated. Scientific experience and interpretation are central to the process. The more common problems that can occur in profiling are (and I ask the indulgence of the house, because these are technical terms): peak height imbalance; stutter; pull-up; non-specific artefacts; stochastic effect; and the identification of mixtures. Such technological problems are quite alien to the simpler science of fingerprint comparison, so too the mathematics in the calculation of match probability which produce the startling figures that are so seemingly probative of guilt but which involve a set of complex hidden assumptions. Those assumptions may be commonly accepted in the scientific community, but far too much can be made of the infallibility of scientific process and results.

The apparent certainty of the statistical match evidence that appears so impressive is clearly not as certain as it looks. In particular, there are difficult problems with the subjective nature of the match probability statistic, the factoring in of the incalculable but real possibilities of laboratory error, depending upon the accreditation and practices of the laboratory concerned, and the very real limitations on the use of the product rule to produce the statistical result. Three of England's leading forensic scientists put it this way:

> The method [of statistical calculation] chosen in the individual case must be seen to be as much a matter of opinion as one given in other areas of forensic science. The match probability is 'personal'. It is based on what the scientist considers to be the most appropriate calculation given the circumstances of the case.

I am happy to give members of the opposition that reference if they are interested in it. The most important of those three points is that, yes, you can come up with what appears to be a billion-to-one on chance of a match, but what the jury sometimes and certainly the public may not understand is the odds of defects in the chain of evidence leading up to that claimed match.

Many members have spoken highly of the UK system and the UK database and how imperative it is to follow their lead in the expansion of the database. They should have this information. At the end of the year 2000 the UK database stood at 1.15 million samples and employed 2 500 people to achieve that. So, it seems that the United Kingdom has acquired as many profiles as South Australia might expect to acquire if we tested or tried to test the entire population, as the member for Goyder advocated last night. Let me say that I think a number of people in parliament, among the public and commentators are in favour of DNA testing the entire population, but those people who advocate that should consider what I am about to say. In November 2000 the Forensic Science Service in the UK announced additional government funding of £202 million—not dollars, as the member for Bragg was anticipating, but £202 million sterling—over three years for expansion of the database. This suggests that the budget for the UK database is about £500 million sterling, or over $A1 billion.

Ms Chapman: Think about what they saved.

The Hon. M.J. ATKINSON: The member for Bragg says, 'Think about what they saved.' After only eight months in government I never cease to be astonished by how members of the opposition—who, in the case of some of the members opposite, have not long been in parliament—regard cost as unimportant so soon after they have left the government benches. It is a common vice of opposition, and one of which we were also guilty. The public expects our expenditure in criminal justice to be cost effective. I am confident that a moderate expansion of DNA testing in South Australia will be cost effective, but not an expansion in the devil-may-care manner advocated by the member for Bragg.

The member for MacKillop asked a very specific question about laboratory procedure dealing with the precautions taken to prevent bias or contamination in analysis. Obviously, this kind of detail is not and should not be the subject of legislation. It would normally be dealt with by the law of evidence and the administrative process of laboratory accreditation. I will take that question on notice and provide the honourable member with a reply as soon as I can get the technical information for him.

I will conclude by responding to some of the points made by opposition speakers last night during the debate. I congratulate them and the government members on the vigour and passion they put into this debate. The member for Mawson said:

> I acknowledge at this time in South Australia we have not been able to capitalise on opportunities for DNA to the extent to which I, the Attorney-General and many of our colleagues would have liked to see.

I thank the member for Mawson for those comments. If I can unpack their meaning a little, without wishing to be churlish, what the member for Mawson was saying was that, when he was a government minister and I was an opposition spokesman, we substantially agreed about DNA testing, but for most of that period the then attorney-general, the Hon. K.T. Griffin, did not agree with us. Both the honourable member in his position and I in mine were unable to change the then attorney-general's point of view. All I would say is that in those circumstances I think the member for Mawson's failure was a little greater than mine.

When I come to the member for Bragg's remarks, I think there were good reasons for the government to move cautiously during those first four years, and I think that was the point the member for Bragg was making in her contribution. All I would say is that I think the Hon. K.T. Griffin could have made sensible concessions at the edges which would have satisfied the member for Mawson and me. He could have agreed to DNA test the entire prison population. I think that would have been cost effective, but he chose not to do so. He was the attorney-general and the member for Mawson and I were not. The member for Mawson told the house last night:

> Tonight we are debating a bill the principle of which is similar for both the Liberal and the Labor Parties.

There has been a great deal of disagreement and contention in the house and in public debate about DNA testing. It would appear to the public that the Liberal Party and the Labor Party are at great pains to illustrate differences between themselves on this matter. First, the Labor Party says, 'We are going to do a lot more DNA testing than the Liberal government did,'—and that is true: we are—and the Liberal Party says, 'We changed our policy on DNA testing after the departure of the Hon. K.T. Griffin from the ministry. We were going to test a lot more people, but we did not get around to it. Now we are in opposition we are going to test heaps more people than the Labor Party is going to test.' I am not sure that the public can follow this posturing by both sides.

I think the member for Mawson was correct when he said that the principle was now similar for both the Liberal Party and the Labor Party. My recollection of the state election campaign is that both the government and the opposition had the same policy on DNA testing for the future. We both were advocating DNA testing of the entire prison population, and also the ability to DNA test retrospectively, that is, to test those prisoners who landed in gaol before the 1998 act came into effect. I do not think any of the matters that were being debated last night were matters of contention during the election campaign. The conjectural part of this bill came up in mid September when the police and the Police Association began to lobby for a big expansion in the number of tests to be taken.

I think the *Advertiser* columnists, Rex Jory and Geoff Roach, who denounced me as a wimp for not immediately adopting a police and Police Association position, of which I was not aware when their columns were published, is a bit tough. In fact, up to that point, the Labor Party was promoting a huge expansion of DNA testing above what the previous government had done, as distinct from what the former governing party, now in opposition, was advocating. I think we both changed our positions in September. The member for Mawson said:

> However, we flagged that we wanted to go further on DNA than the Labor Party.

Mr Brokenshire: Correct.

The Hon. M.J. ATKINSON: Not correct, not even slightly true, because for most of the time the opposition did not know what the government was planning in response to the lobbying of the police and the Police Association. The opposition was saying, 'Whatever the government comes up with, we will do more.' That is one of the pleasures of being in opposition, is it not? It is one of the real pleasures.

Last night I interjected on the member for Mawson and said, 'What about the downside?' I was not saying that the technology of DNA profiling was a bad thing, but I was about to mention, if my interjection could have continued, that which I have mentioned tonight, namely, the three difficulties with DNA evidence, in particular the difficulties with the

chain of evidence. That was the point I was making in that interjection. The member for Mawson said:

> My argument is. . . that it is not about how much you can afford—if you want to talk about cold, hard economic reality—it is how much you can save.

I think I responded to that earlier in dealing with the remark of the member for Bragg. I think some DNA testing will be cost effective, but there is a point at which it ceases to be cost effective. The member for Mawson said:

> The report talks about Tasmania, where 6 117 DNA samples have been taken. It also states (and I am not hiding from this) that 433 samples have been taken in South Australia.

I thank the member for Mawson for not hiding from that. I do not wish to be churlish, but what he is saying is that under four years of a Liberal government with DNA testing 433 samples were taken. I do not think you can hang that on the parliamentary Labor Party. I thank the member for Mawson for his chivalry in mentioning that in the debate. The member for Mawson also said:

> For all intents and purposes, this bill is no different from our election commitment.

Well, by crikey, I can tell the honourable member that it is. It is a lot different from our commitment and it is a lot different from theirs. The member for Mawson's commitment, like Labor's, was about DNA profiling all prisoners, not about whether a buccal swab was intrusive or whether all people charged with an offence should be tested. Frankly, in the hurly-burly of the election campaign, those issues were not on our mind. I learnt a lot more when I came into government and I moved the bill that I did. I thank members of my staff for bringing me up to speed on DNA testing and telling me a lot of things I did not know when I was opposition. Accordingly, I made changes and those changes are those which the opposition approves. The opposition merely says, 'Whatever you will do, we will go further.'

I think I have dealt with the member for MacKillop's contribution, which was a passionate one. I disagree with him about the national DNA database. It is my wish that South Australia be in it. The member for Bragg's contribution was thoughtful. She said:

> I have listened to the discussion on both the action—or lack of it—of the previous government and the considerable delay of this government and, indeed, its change of heart through the process of introducing this bill to the parliament. It is important to reflect upon the fact that DNA testing did not simply drop out of the sky as some sort of panacea, unevolved and without defect.

I think the second sentence is a good point and that it explains the caution of the previous government on DNA testing. I think the point about delay is unfair—unfair even by the standards of the parliamentary bear pit. It is as if the member for Bragg intended that I introduce on 7 March a DNA testing bill into parliament. Of course, I could not do that. The government was settling into office from 6 March.

The principal legislation dealt with by the government in the first sittings of parliament was our honesty and accountability legislation, and any fair-minded member understands why that was the government's priority. That is what the public would expect. This year, in just a few weeks of parliamentary sitting, in my portfolio we have got through the Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill, which was a huge change, but the principal changes to which the public will relate are treating joy-riding in cars as theft and making it an offence to run away without paying from a taxi or petrol station.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg is criticising the penalty for doing a runner from a taxi or petrol station and arguing that the penalty is too harsh. That is okay, but the bill was substantially the work of the previous government. Nevertheless, we had to make parliamentary time to get it through, beginning all over again. We also got through the bushfires bill, and it was important to have the heaviest penalty in mainland Australia for lighting a bushfire before the start of the bushfire zone. Even the member for Bragg would accept that that was a priority.

We also got through the Classification (Publications, Films and Computer Games) On-Line Services Amendment Bill, which essentially made it a criminal offence to upload child pornography on to the internet from South Australia; that was an important bill. We have also got through all stages and proclaimed into law the Liquor Licensing (Miscellaneous) Amendment Bill, which saved live music in pubs and clubs in South Australia and, in particular, saved the Gov.

Mr Brokenshire: That was our bill.

The Hon. M.J. ATKINSON: That is right—it was a bill initiated by the Liberal government. But, owing to some unnecessary delay on the last sitting day of the last parliament, the now Deputy Leader of the Opposition would not accept my offer to put that live music bill through and it lapsed, so we had to go back to the beginning and take it through. I would like the honourable member to tell the Hon. Angus Redford that that was a bad move. The Hon. Angus Redford has praised me for making it the top priority in my portfolio to get the live music bill through all stages and proclaim it. I give full credit to the Hons Diana Laidlaw and Angus Redford for bringing up that proposal; I supported it fully and I do not apologise for making parliamentary time available to get it through. My portfolio has a number of bills—about six—before parliament, but in particular we have the sentencing guidelines bill and the DNA bill.

Mr Brokenshire: Is this relevant?

The Hon. M.J. ATKINSON: Yes, it is relevant because last night the member for Bragg was saying that there was a considerable delay with this bill. I deny that. We have dealt with this promptly and as well as we could.

Mr Brokenshire: You pulled the bill.

The Hon. M.J. ATKINSON: We pulled the bill in order to take it in the direction you wanted it to go and, if we had not pulled the bill, we could not have done that. After telling the house last night that there was considerable delay, a few paragraphs later—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Yes, the member for Bragg said it: she did a front flip and said:

> I think careful consideration was given, I think careful consideration was deserved, and I think careful consideration was necessary.

I agree with her, respectfully: she got it right the second time. The member for Goyder said:

> I do not think it is an ideal way to deal with legislation, but I will not go into that.

The member for Goyder said that I was moving too quickly with the bill: he wanted to slow it down and consider it next week, when he would have more time to consider the amendments. This is an opposition that speaks with many voices—it is a veritable tower of Babel. The member for Goyder went on to say:

> I personally believe that anyone arrested for an offence should have a DNA sample taken, and I go right across the board for all offences. I do not see a problem in having all people DNA tested, but at this stage it would need to be on a voluntary basis.

The member for Goyder is a big man and gives credit where credit is due, and I have always enjoyed his company in the house. He is a hell of a good bloke and a good local member, and his last words in the debate last night were:

I wish it a speedy passage and I compliment the Labor Party for introducing it now while in government. It is a pity that there was not a more positive response when it was in opposition.

That was not a positive response from the opposition but a lack of positive response from the then government.

Bill read a second time.

The SPEAKER: Before the house goes into committee, I say that I, too, support the general thrust of the legislation. I, too, support and want to place on record the belief that fingerprinting is far safer even at this point than is DNA testing. I am disturbed by what I still see as a very gross deficiency in the legislation, that is, the deficiency of police procedures at what is suspected by them to be a crime scene. I do not think that reliance upon magistrates for the issuing of process and permit is at all safe, based on the evidence put before me during my term here in this place. Some of the more recent experiences I have had lead me to believe that that needs to be very definitely improved both in law and in practice.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

In committee.

Clause 1 and 2 passed.

Clause 3.

The Hon. M.J. ATKINSON: I move:

Clause 3, page 6, after line 32—Insert:

(ga) by inserting after the definition of 'senior police officer' the following definition:

'serious offence' means—

(a) an indictable offence or a summary offence listed in the Schedule; or

(b) an offence of attempting to commit such an offence; or

(c) an offence of aiding, abetting, counselling or procuring the commission of such an offence; or

(d) an offence of conspiring to commit such an offence; or

(e) an offence of being an accessory after the fact to such an offence;;

The amendment inserts a definition of 'serious offence'. The purpose of this amendment is to define the offences to which certain powers conferred by the act will apply. More particularly, in relation to the testing of suspects, it is proposed that the range of the regime authorised by the bill be extended from 'indictable offences only' to 'indictable offences plus' those summary offences listed in the schedule and, of course, offences ancillary to those offences such as conspiracy and attempt.

Mr BROKENSHIRE: I would like to make a few comments that tie up with what the Attorney-General was saying earlier. A point that the Attorney talked about for a long time, which is already on the public record and most of which I agree with, is the issue he believed that they had come further, and that we had come further, based on the fact that there had been extra influence—good influence, I believe—by the Police Commissioner and, indeed, the Police Association. I am also on the record supporting that and commending the commissioner and his officers and the Police Association last night. In discussing this clause, I need to highlight the fact that there was debate in the media—and I have a transcript here, where there were various people in the debate: the Attorney-General Hon. Michael Atkinson, the shadow attorney-general Hon. Robert Lawson, the then Law Society President Chris Kourakis, and Peter Alexander from the South Australian Police Association. When the shadow attorney-general came into the debate in the media on the radio that evening, a debate on the ABC in Mr Kevin Norton's program, he said:

We don't believe the new DNA legislation has gone far enough. The Attorney-General and the Premier are trying valiantly to suggest that it has gone as far as it can. I admit that they have moved quite some way, and I congratulate them for that and support them, but in the United Kingdom everybody who is arrested is actually DNA sampled. In South Australia at the moment everyone who is arrested is fingerprinted and photographed and we believe the same principle should apply when it comes to DNA.

So, I put that on the public record as part of the amendment 57(1) in clause 3 to highlight that the shadow attorney-general on behalf of the opposition was some time ago flagging further amendments were still needed if we were going to capitalise on the opportunities.

I also foreshadow at this stage that there will be further amendments by the opposition in the upper house. It is not the appropriate time to put those further amendments in tonight, on the basis that the government has foreshadowed to me at least that it will be putting in further amendments in the upper house. We will not be moving further amendments in this house tonight with respect to clause 3 and other clauses—and I do not blame the Attorney-General for this. I think it is really the government. Clearly, there has been some dissension when it came to how far they were prepared to go, how far they could be pushed in the interests of community safety.

The Attorney himself did acknowledge that there was good intentional pressure from the Police Commissioner and his officers and PASA. But this is a serious issue. The Speaker raised a point in his debate where he highlighted that he believed that there were some fundamental flaws in the legislation that we are debating. I do not necessarily agree that that is the case, because, as I have already said and as the Attorney-General has said, the basis for this bill is bipartisan. However, this is a very serious and a very complex piece of legislation, and it is adding to the groundbreaking legislation of the original bill that came in several years ago, and it will have impacts—positive, I believe, by and large—for community safety in South Australia.

The opposition equally has a duty of care to the South Australian community as does the government, and that is why we have a Westminster parliament. Also there is the fact that I am handling the business on behalf of the opposition in this house and on behalf of the lead shadow minister, Hon. Rob Lawson, in the other house, and I must take certain amendments and the party room and my colleagues must have time to consider them. The government cannot expect to get further amendments into this place, or indeed the opposition to place other amendments, when we have not seen those amendments and are asked to go into committee on the same day as those amendments are finally given to the opposition.

So, I do not believe for one moment that we are unreasonable at all in foreshadowing that, in another place, there will be some further amendments by the opposition that particularly will deal with this clause 3 with respect to serious

offences. I think I have spelled it out pretty clearly. I accept that in this house the government of the day has the numbers when it comes to these particular amendments, and I say again, as I have already said to the Attorney-General prior to the debate here tonight, that we will be reserving our right on behalf of the South Australian community and the Liberal Party to move further amendments in another house, where we will have an opportunity for a different style of debate, given what I have just said about the numbers in the House of Assembly.

The Hon. M.J. ATKINSON: Earlier in the debate, and it is germane to this clause, I mentioned that Senator Chris Ellison, the Minister for Justice and Customs in the federal Liberal government, wrote to me about our proposed amendments to the bill, that is, the government amendments that we are debating now. I wrote to him because it was important that, in my view, South Australia stay within CrimTrac. In the letter, which I supplied to the opposition a few minutes ago, Senator Ellison says:

> After reviewing the issues you have raised in your letter, I consider the proposals are out of step with other jurisdictions. However, in the current environment I have agreed to make the necessary regulations to recognise South Australia as a corresponding law.

Later in the letter Senator Ellison says:

> The crime scene index is designed to focus on significant offences. I agree that placing less serious offences on that index would extend it beyond its intended purpose and may impact on the SA law being recognised as a 'corresponding law' in other jurisdictions. This may also be cause for disallowance of the Commonwealth regulations.

The point I make is that in expanding the DNA database, as proposed by this amendment to clause 3, we were running the risk of tipping South Australia out of CrimTrac. What Senator Ellison is flagging, I think—and it is a fair interpretation of his letter—is that he will do what he can to keep South Australia within CrimTrac after these amendments. I think there is little doubt that if the opposition's amendments were successful Senator Ellison would not be able to do that consistently with the national scheme. I think that if the opposition wants to prevail in this debate, they really need to produce a letter from Senator Ellison saying, 'We contest everyone who is charged with an offence and stay within CrimTrac.'

Amendment carried; clause as amended passed.

Clause 4.

The Hon. M.J. ATKINSON: I move:

Page 7, line 19—After 'alcohol' insert:
, or of any drug,

The purpose of this amendment is to make sure that this act does not apply to the testing of drivers for drugs in their blood under the procedures set out and governed by the Road Traffic Act.

Amendment carried; clause as amended passed.

Clauses 5 to 10 passed.

Clause 11.

The Hon. M.J. ATKINSON: I move:

Page 13—
Lines 26 to 30—Leave out subsection (2) and insert:
(2) A forensic procedure may only be authorised under this Part if the person on whom the procedure is to be carried out is under suspicion and—
(a) there are reasonable grounds to suspect that the forensic procedure may produce evidence of value to the investigation of the suspected offence; or
(b) the suspected offence is a serious offence and the procedure consists only of the taking of a sample from the person's body by buccal swab or finger-prick for the purpose of obtaining a DNA profile of the person.
Line 36—Leave out '3.' and insert—
3; or
After line 36—Insert:
(c) the person on whom the procedure is to be carried out is under suspicion of having committed a serious offence and the procedure consists only of the taking of a sample from the person's body by buccal swab or finger-prick for the purpose of obtaining a DNA profile of the person.

These amendments to this clause are to proposed section 14 of the act. Section 14 is a general definition of when a forensic procedure is authorised to be conducted on a suspect. The effect of the section is to impose a twofold test: first, that the suspect is under suspicion, as defined, and, secondly, that the test will produce evidence relevant to the investigation of the crime. The police do not want the second test to apply to DNA testing; that is to say, the police want to be able to take a DNA sample from any suspect for the nominated offences, whether or not it will yield any evidence relevant to the crime that they are investigating. The government has acceded to this request, and these amendments achieve that end.

Mr BROKENSHIRE: The point raised by the Attorney-General with respect to some requests by the police actually highlights the fact that one needs to make sure that every opportunity, within the parameters that both the Liberal Party and the Labor Party (given that the Liberal Party was in government when CrimTrac was initiated), is taken to provide the best possible outcomes for the South Australian community primarily, and obviously the Australian community as well.

The police have spoken to the Attorney-General so he has included these amendments, and I understand that. However, given what the Attorney-General has said, I would like to see the letter that the Attorney-General sent to Senator Chris Ellis, the Minister for Justice. I think it is important that the parliament in this state, if we are serious about giving South Australia Police the best opportunity to catch offenders, remembers that a very small percentage indeed of people actually commit criminal offences, and the majority of that small percentage are repeat offenders.

If we are to use this as a tool for the police, as highlighted by the Attorney in his amendment to this clause, we as members of the South Australian parliament should explore every possible opportunity whereby we fit what is necessary within the criteria of the model code for DNA database testing within the overall CrimTrac structure for Australia agreed to some years ago by the governments of the day when CrimTrac was approved. However, we do not just say, 'That's fine'. We must ask how we can not better the opportunities to put South Australia right at the leading edge but still fit that other criteria.

The Hon. M.J. ATKINSON: We are saying with these amendments that, if the police arrest and charge a person, they will then be able to photograph, fingerprint and DNA test that person. It will not matter, in the current state of their investigation, that the DNA test is not going to yield anything that would be probative of the guilt or innocence of the accused. It may be that the police feel they have clinched their case in the ordinary way and there is simply no point in DNA testing, but they will now DNA test anyway, now, because of these amendments, because the policy of the legislation is to increase the DNA data bank.

Amendments carried; clause as amended passed.

Clauses 12 to 20 passed.

Clause 21.

The Hon. M.J. ATKINSON: I move:

Page 18—
Line 5—Leave out 'an indictable' and insert:
a serious
Lines 6 and 7—Leave out 'an indictable' and insert:
a serious
Line 22—Leave out 'for DNA analysis in a way that appears least intrusive in the circumstances' and insert:
from the person's body by buccal swab or finger-prick for the purpose of obtaining a DNA profile of the person

These amendments have the same effect and can be dealt with together. The amendments to the clause allow certain listed summary offences to be treated as serious offences so that persons reasonably suspected of having committed them may be liable for DNA testing under the suspects procedure. The effect of these amendments is to carry that list over into the serious offenders database. It is only consistent to do so. In addition, if it were not done, anomalies that the government thinks are significant would result. This amendment mirrors that already considered in relation to suspects and was made for the same reasons.

Mr BROKENSHIRE: Just so that it is absolutely clear, as I said last night, the existing bill deals with criminal offences. The Attorney's amendment deals with serious offences. I foreshadow that we reserve the right to move further on that in another place.

Amendment carried; clause as amended passed.

Clauses 22 to 33 passed.

Clause 34.

The Hon. M.J. ATKINSON: I move:

Page 26, lines 31 to 37 and page 27, lines 1 to 3—Leave out subsection (1) and insert:
(1) A magistrate may order that forensic material obtained from a person as a result of a category 2 (volunteers) procedure be treated, for the purpose of determining when the material is required to be destroyed and for the purposes of the DNA database system, as if it were material obtained as a result of a category 3 (suspects) procedure if satisfied that there are reasonable grounds to suspect that the person has committed a criminal offence and—
(a) there are reasonable grounds to suspect that the forensic material to which the application relates may be of value to the investigation of the suspected offence; or
(b) the suspected offence is a serious offence and the forensic material to which the application relates consists of—
(i) a sample from the person's body taken for the purpose of obtaining a DNA profile of the person; or
(ii) a DNA profile of the person.

The size of this amendment belies the fact that it is really only a consequential amendment. This area of the bill deals with what the bill calls retention orders. Retention orders allow for the transfer of a DNA profile taken from a volunteer to the suspect category if the volunteer becomes a suspect. If it were not for this facility, every time a volunteer became a suspect another sample would have to be taken. Therefore, the provision in question allows a magistrate to order a sample taken from a volunteer to be treated as though it were a sample taken from a suspect. So far as DNA is concerned, the practical effect of this is that the profile is moved from the one index of the database to another.

These amendments to the bill provide, in the case of taking a DNA sample from suspects, that there be no need to show that the DNA sample be of any use to the investigation at all. That amendment requires a consequential amendment. Therefore, this amendment provides that the retention order may be made where the volunteer becomes a suspect and either the DNA sample or profile concerns a serious offence as defined or, in all other cases, there are reasonable grounds to suspect that the forensic material will be of value to the investigation.

Amendment carried; clause as amended passed.

Clause 35 passed.

Clause 36.

The Hon. M.J. ATKINSON: I move:

Page 30, lines 22 and 23—Leave out paragraph (b) and insert:
(b) by striking out subsection (2) and substituting the following subsection:
(2) However, evidence that a person obstructed or resisted the carrying out of a category 3 (suspects) procedure or a category 4 (offenders) procedure authorised otherwise than by consent under the Act is admissible in any criminal proceedings against the person subject to the ordinary rules governing the admissibility of evidence.
That is, if the procedure has been authorised by order under Part 3 or Part 3A or is authorised under section 15(1)(c) or section 31(1).

This is a consequential amendment, although again it looks to be more than that. The new subsection deals with the consequences of obstruction or resistance to the carrying out of a proper procedure. The policy is that the obstruction or resistance should be, subject to the normal rules of evidence, admissible in criminal proceedings against the person in question. The policy is in the current act. It is necessary to expand the section as drafted to take into account both (a) offenders' procedures and (b) procedures authorised against suspects otherwise than by their consent as inserted by these amendments. It was considered necessary to redraft the subsection as a whole rather than fiddle with it, and this amendment is the result.

Amendment carried; clause as amended passed.

Clause 37.

The Hon. M.J. ATKINSON: I move:

Page 33—
Line 4—
After 'that' insert:
is to be or
After line 10—Insert:
(ba) for the purposes of determining whether it is necessary to carry out a forensic procedure under the Act; or

This is a drafting amendment. It is about the tense of the sentence. As members can imagine, that is very important to me.

Amendments carried; clause as amended passed.

Clause 38 passed.

Clause 39.

The Hon. M.J. ATKINSON: I move:

Page 36—
After line 27—Insert:
(aa) by inserting after paragraph (e) of subsection (1) the following paragraph:
(ae) the disclosure is necessary for the purpose of determining whether it is necessary to carry out a forensic procedure under this Act: or
After line 32—Insert:
(ab) for the purposes of proceedings for a criminal offence; or
(ac) for the purposes of determining whether it is necessary to carry out a forensic procedure under this Act; or

These amendments may be dealt with together. They result from a police comment about the bill. The police were not

sure that the confidentiality and access provisions of the bill dealing with the database were clear enough about the ability of police to check the database to determine whether or not a person sought to be tested was already on the database, in which case the test would, of course, be unnecessary. The point was certainly arguable, so it was decided to make it clear that such access was permissible. As a result, it was also decided to make it clear beyond argument that the confidentiality and access provisions allowed access for the purpose of criminal proceedings generally. If there was doubt about the first point, it was thought prudent to put the second more obvious point also beyond doubt.

Mr BROKENSHIRE: I would like to use the amendment as an opportunity to highlight to the community how police go about their work. It was raised in this house tonight—surprisingly, I might say. The Attorney made the point that it was the police and their attention to detail and, I believe, their fairness and professionalism that has caused this amendment. I reinforce to the community that there is no reason that they should not have full confidence in police going about their work, and this is an illustration of how careful the police are in their attention to detail. I commend the police and encourage the community to have confidence in them.

Amendments carried; clause as amended passed.

Clauses 40 and 41 passed.

Clause 42.

The Hon. M.J. ATKINSON: I move:

Page 37, line 23—After 'repealed' insert:
and the Schedule set out in the Schedule is substituted

These amendments may be dealt with together. The first is a machinery amendment for the second. The second inserts into the bill a summary of offences. It is these summary offences for which DNA samples may be taken from suspects.

Amendment carried; clause as amended passed.

Clause 43 passed.

New schedule.

The Hon. M.J. ATKINSON: I move:

After clause 43 insert the following new schedule:

SCHEDULE
Serious Offences

The description of the offence is given for ease of reference only

Offence	Description
Criminal Law Consolidation Act 1935	
Section 86A	Using a motor vehicle without consent—first offence
Firearms Act 1977	
Section 11	Possession and use of firearms
Section 23	Duty to register firearms
Section 29A	Possession of silencer and other parts of firearm
Summary Offences Act 1953	
Section 6(1)	Assaulting police
Section 15	Carrying an offensive weapon, etc.
Section 15A	Possession of body armour
Section 17	Being on premises for an unlawful purpose
Section 17A	Trespassing on premises
Section 23	Indecent or offensive material
Section 41	Unlawful possession of personal property
Section 62	Making a false report to police
Section 62A	Creating a false belief as to events for police action

Mr BROKENSHIRE: I want to speak on this again, just to reinforce a point. Because of the seriousness of the bill, I again foreshadow that we will be reserving our right in the upper house to make amendments. When one looks at this and includes this clause, in particular, I do not know why the government said that it wanted, and needed, to pull the bill several weeks ago due to incidents in Bali and issues that arose from that through the commonwealth. As my colleague the member for Bragg said, all this is just the same as was flagged several weeks ago, when the bill was pulled. So, there has been a bit of a rush on tonight, but we have not been given any real basis as to why things had to come out, and where the changes are as a result of what supposedly occurred in Bali. As I have said, again, I do not think it is the Attorney: I think there is something going on in the government. But we will be reserving our right in another place.

New schedule inserted.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

ADJOURNMENT

At 10.18 p.m. the house adjourned until Thursday 21 November at 10.30 a.m.