HOUSE OF ASSEMBLY

Thursday 4 December 2003

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

SHINE

Ms CHAPMAN (Bragg): I move:

That the house urges the government to immediately withdraw the trial Sexual Health and Relationship Education Program developed by SHine from all 15 participating schools pending professional assessment and endorsement.

I have pleasure in moving this motion. Sex education in schools is important and it is supported by the Liberal Party. However, in the short time that I have been a member of this parliament and had the pleasure of being the Liberal Party's spokesperson on education and children's services and women, no other single issue has invited such a response run the general community. There have been public meetings, literally hundreds of letters and more than 6 000 signatories to a petition to this parliament.

Mr HANNA: I rise on a point of order, Mr Speaker. I am just checking the time limit for the member for Bragg and whether it will be displayed on the clock.

The SPEAKER: Order! The clock is getting old and sometimes needs reprogramming. I thank the member for Mitchell for drawing the house's attention to this fact. The member for Bragg.

Ms CHAPMAN: There are now more than 6 000 signatories to a petition to this parliament opposing the government's introduction of the trial program currently under way in 15 of our public schools. This matter has attracted controversy and concern. Disquiet and distress have been expressed amongst parents, grandparents, teachers, principals, education department staff, SHine representatives, health professionals, and members of the church and the broader community. Copies of letters to the Premier and the Minister for Education and Children's Services have been forwarded to me by their authors who are pleading for this program to be halted or at least suspended pending a review. The response has been: the program is on trial; it has been validated by research (which we now know to be flawed); it has been and will be assessed by La Trobe university—this is nonsense; and parents have been given the opportunity to be consulted and to be kept informed and they have provided consent. Yes, parents have provided consent but it is clear that they have not been fully informed. The government says that a minimal number of parents have withdrawn their children from the program. The government knows full well that this is a patently dishonest representation of the position. It is not acceptable for children to wait in the corridor and suffer the humiliation of not participating in a government approved program.

In these 15 selected schools the teachers are from a volunteer pool, and parents are entitled to rely on the experience of those teachers when they presented this program. I will not dwell again on the process used in the development of this program. I went into that in detail on 16 September this year and exposed the flaws in this program. The question remains as to whether SHine (Sexual Health Information Networking Education), the author and owner of this program, should be vested with the responsibility of continuing this trial and collecting the next half a million dollars in fees for doing so. Apart from commenting on the validity of the data used to justify the program's content, the accuracy or age appropriateness of the content, and the absence of other important relationship and health issues which are totally missing from this program, professional assessment by qualified persons (including developmental psychologists and child psychiatrists) has been called for and consistently ignored by the government.

If the current sex education programs are so successful and if parents agree that they are, why change them? If they are flawed and inadequate, why was the new trial program being accepted when it is being developed and apparently follows the commonwealth program that has been around since 1999? It simply does not make sense. What are SHine and the government so frightened of? If they are so convinced that this new program that is on trial is good for our children and that it will deal with unwanted teenage pregnancy and sexually transmitted disease, why are they not welcoming this call? On 16 June this year, after months of inaction by the government, I wrote to the Premier. I have had no acknowledgment or answer from the Premier, but I am pleased to say that at least I have had an acknowledgment from the ministers to whom I sent a copy of this letter, in which I said:

The important positive initiative published about this program was that it would deal with healthy relationships and, hopefully, have the effect of arming our children with important social skills. I am deeply disappointed that this aspect, which could have been a very positive addition to this program, is now clouded with the controversy of other issues.

I highlighted the concerns in regional areas and the fact that the first concern was brought to me by a teacher. I go on to say:

There are clear legal and moral obligations on the government, the Department, SHine, principals, teachers and parents in respect of their obligation to act responsibly in this area. Any program implemented in our schools surely must at least be educative and of positive benefit to the students. If it is in anyway destructive or damaging then this should surely be properly investigated before implementation.

I again referred to the correspondence that has been sent to me and, clearly, to the minister. I said to the Premier:

Let's not create another problem that will filter to the surface in the next decade. I do note that the CEO of the Education Department has indicated publicly that he has approved the program as it is within the curriculum. Frankly this is not a professional assessment of the content of the material insofar as it may have adverse effect.

Again, I pleaded with the Premier to act in this matter. I said:

I request that you, as Premier of our State, intervene in this matter. I expect you will need to discuss this matter with your Minister and Crown Law and this may take some time. Please consider, in the interim, placing a hold on this program's implementation.

What we have heard back from the minister in this house is the assertion that this program has professional support. She has not called for professional support. The AMA became involved at the request of the authors of the program. John Jureidini, a psychiatrist who is personally known to me, someone who has expertise in emotional conditions (in particular, Munchausen syndrome by proxy) and who works with children, has produced a report on which the government now relies in support of the position may have adopted. Yet, any professional will tell you that the weakest level of research in providing a professional opinion is when you fail to rely on the literature and view it critically. So, this concerns me.

What have we had to do about this? We have had to go out and find out what experts such as Dr John Govan say. Dr Govan has been a psychiatrist for some years in South Australia. He has practised in a number of clinics including the Adelaide Children's Hospital from 1980 to 1995 and he was the Chairman of the Section of Child Psychiatry. He has done a chapter by chapter, program by program review of this program. He says:

> Nowhere in 'Teach it like it is' are they attempting to teach ordinary heterosexual development, and the ordinary patterns that go on in our society. They seem to be trying to push a pattern of pseudo maturity, whereby teenagers ape adult behaviours when they are in the first stage of adolescence, let alone middle adolescence or later adolescence. Of course, this program doesn't pay much attention to the individual variations between children, in terms of how quickly they mature intellectually and socially, physically and sexually. There is vast variation. Nor does it take a lot of notice of the very great differences in attitudes of families of different ethnic backgrounds, and different religions. He goes on to talk about dealing with children in the classroom. He has reviewed the program, and he says there are major concerns in relation to it.

Then we have Professor Freda Briggs (who is well known to this house, I am sure), a professor in child development from 1994 to 2000, lecturing and working in the area of child abuse. She has attempted to help make the SHine program work. She has approached them to offer her services, but she is not getting very far. Let me tell you what she said to us on 14 October. She said:

> One of the problems that I see is that SHine has expertise in contraception and family planning. . . but sex educators are not usually experts in child development nor are secondary teachers. You need to have expertise in child and adolescent development to understand whether the concepts you are presenting are appropriate for the level of development of students in the group. . . which are variable. Some 12 year olds will be sexually experienced; others will be well protected, inexperienced and relatively uninformed. I have said consistently to people for and against SHARE that we need a sex education program that takes account of 'where children are at' and is responsive to different developmental levels. A secondary trained teacher with a whole class that. . . .[he or she] sees infrequently will have problems in tailoring it to [suit] needs.
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> Second, the program must be sensitive to the fact that a very large number of students may be victims of sexual abuse. We found that 44% of both boys and girls are confirmed cases when researching with children with learning disabilities. . . The number of abused children is likely to be considerably more than the number who will become homosexual/lesbian.
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> Third, adolescent suicide often relates to sexual abuse.

She talks, in her detail, about the concern of exposing particularly young boys in that situation as to why they might be suiciding; and it does not relate to a remedy from this program. So, she asked that this program be reviewed and properly assessed before it continues in our school.

It does not stop there. Marie O'Neill, a clinical and child psychologist in forensic psychology and a former chief psychologist in the Department of Family and Youth Services, who is now in private practice, has done a number of things. She has looked at what else has happened in Australia—in particular, the Western Australian program. She has reviewed the Western Australian program and the SHARE program, and she says:

> The SHARE. . . [program] appears to place the responsibility on the teacher for considering the developmental moods and comprehensions of all children in any particular group. This may be true of any curriculum. However with regard to materials aimed at helping children learn about a range of relationships in life, different problems emerge, compared with any other subject material. By my reading of the SHARE material, there will be great difficulty on the part of any but the most excellent teacher managing to present the materials in a way that is developmentally appropriate.

Ms O'Neill goes on to provide a comprehensive assessment of what is operating in Western Australia, and she is very complimentary of that program and asked that it be considered when we look at what we do here in South Australia.

If that is not enough, we have had a report from Robyn Layton QC in relation to child education programs. In her recommendations, she raises the potential for children and young people to be harmed by exposure to inappropriate material in children's literature and other media, such as video and films. She says:

> The commonwealth code, which says that minors should be protected from material likely to harm or disturb them, and everyone should be protected from exposure from unsolicited material they find offensive.

She goes on to say that that is not actually strong enough. Why is it that we are protecting children against films, videos and books and yet no-one is reviewing this literature? She goes on in her recommendations (and there are 14 recommendations in her report) to speak about child protection education. This government should be dealing with those recommendations and not ignoring the present situation.

The child protection act states that abuse and neglect of children includes the physical and emotional abuse of a child or the neglect of a child to the extent that the child's physical and psychological development is in jeopardy. The government is on notice that it has a legal and moral responsibility for children in schools—for every minute they are in those schools—and if children suffer as a result of their action or inaction—and even the High Court says that exposure to even unacceptable risk—they are exposed, and we as a community are exposed as the people who will pick up the liability. This is a recipe for litigation. The message I have for this government is: you might have bypassed parents and dismissed the community, but if you ignore the experts it will be at your peril. Our children will be the ones who will suffer the pain; the parents will be left clean up the mess; and the rest of us will be left to pay the price.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I rise to oppose the motion. I must say that I am surprised, given recent events, that the member has brought forward the motion. It calls for withdrawal of the program, and she ends her motion by saying 'pending professional assessment and endorsement'. I believe that all members of this house—and I have certainly raised the matter—are aware of the professional endorsement given to this program by some quite eminent people. In fact, the member herself has been forced to acknowledge in her own contribution that the Australian Medical Association of South Australia commissioned its own independent assessment by one of South Australia's and Australia's leading child psychiatrists, and that led to the association endorsing the program. The association had previously endorsed the professional assessment program and confirmed that endorsement. However, the honourable member stands up here and says that there has been no professional endorsement.

The whole crux of this matter is the hypocrisy. The member says that this is something that has got headlines as being the biggest education issue. Well, it has from her, because nothing she has raised has been able to lay a criticism on the education portfolio. The whole thrust of her argument comes about because it is quite easy to get headlines when you put the word 'sex' in your press release. So, there is the hypocrisy of, on the one hand, going out to some forums and saying that she believes there should be sex education in

schools and then going out to other forums that are perhaps a bit more conservative and giving different messages about what is in the program.

The honourable member knows what is in the program—as do a whole range of opponents—yet the misinformation and the myths that have been perpetrated are extraordinary. There are claims that there are things in the program that are being taught in our schools. I have heard on radio talkback that students are being made to stand up in class and take off their clothes and simulate sexual acts. These claims are all untrue. However, when people get emotionally involved, they can be passionate; I understand that. However, what really disappoints me is that, when people who have legitimate and passionate concerns about issues of child abuse, that passion is taken in vain by opponents of this program and mischievously used to try to prove their political points. That is not good, and I think that has been one of the scourges of this whole debate.

The whole point of this program is that it is parents who decide whether their children take part. An article in today's *Advertiser* talks about the need and the desire of the young people in the community for sex education. We have seen many references, and there have been discussions with young girls who have fallen pregnant in their teenage years who say, 'If only I'd had better information.'

Ms Chapman interjecting:

The Hon. P.L. WHITE: Yes, they did. They said, 'If only I'd had better information.' If the honourable member took the time to talk to some young people she might understand why the results in *The Advertiser* newspaper show that young people feel this way: and their parents do, too. Over 95 per cent of parents of children in these programs give their written consent for their children to participate in the program. This is the first time that parents have been required to give written consent to opt into such a curriculum.

In the past there has been a mechanism by which they could apply to get their child out of the program, because it was compulsorily unless the parents gave their permission for the child to not participate. Now, for the first time, parents have to give their written consent, and over 95 per cent say that they want their child to participate,

The hypocrisy of the member for Bragg is that she came into this house and said that we were breaking the law by making the criteria for getting into the program more rigorous. What a ludicrous thing! Her hypocrisy is in going down one path with one argument, falling back, taking another path and really just clutching at straws. Any argument would do. Just have sex in the press release headline and you can get a run where you cannot do so on any other education issue. The aim is maximum publicity and it does not matter whether or not it is right. It is the old style of politics: just keep going, because you might get a run somewhere and you might get your name in lights. And what is it all about? It is about the leadership ambitions of the member for Bragg. She is trying to show those within the conservative elements inside her party that she is really a conservative, too. Do not let the truth get in the way of a good story.

But the hypocrisy of the position of the Liberal Party in regard to this issue is extraordinary. On the one hand, they say there should be more say for parents in the schooling of their children. That, in fact, was the argument behind the Partnerships 21 scheme that they put into place. So they say that on the one hand but, when it comes to important decisions that parents care about, they should not be making the decisions: it should be the Liberal Party making the decisions.

The fact is that the community of South Australia overwhelmingly wants sex education to be taught in our schools. This SHARE program teaches not only biological facts but also about relationships, attitudes, values, and all those things, as we expect it would. There is more rigorous evaluation than there has ever been in the past. The Liberal Party and the member for Bragg, who commissioned this program in the first place and founded it, are being hypocritical. The deputy opposition leader, when he was health minister, commissioned this program and funded the SHine organisation, but they are now saying—just in some forums, I might say—'No, it wasn't us.' Well, it was them. The member for Bragg comes into the house and says that it is disgraceful that we are sending out surveys to students, not realising, of course, that her own federal government commissioned a very similar survey with nearly identical questions right across the country.

The long and the short of it is that opposition to this program is not coming from parents of the children, the teenagers who are doing the course. That is not where it is coming from: it is coming from political elements and people who have been told wrong information. When they find out the true information—because, quite frankly, my office has rung people whose names have appeared on surveys and I can tell members that they feel quite angry about the way they have been misled about the program, and—

The Hon. W.A. Matthew: I bet they do. By you!

The Hon. P.L. WHITE: They certainly do, but by Liberal members opposite. And isn't it interesting that the member for Bragg does not want to talk about the specifics? She just wants to have a go in a roundabout and oblique manner. Where are the specifics? There are none. Just go into whatever forum you like and run whatever argument people will believe; say different things in different forums and hope that you might get a run. The government is trialing this. It will take all feedback on the program that exists into consideration and, when it is implemented in its final form, we will have the most comprehensive and best sex education program in this state that it is possible to deliver.

The Hon. W.A. MATTHEW (Bright): That would have to be one of the most offensive contributions that I have heard in my 14 years in this house. If this minister believes that walking into this house and endeavouring to belittle opposition to this insidious program is the way to somehow hoodwink the community into believing it is appropriate, the Hon. the minister will find out the tough way from the community exactly how appalled they are by this program.

I put very firmly on the record that I am a supporter of appropriate sex education being undertaken in our schools with parental consent, and that is certainly the view of the majority of my constituents and, as the minister put on the record, that is certainly the view of the majority of the community. But, basing support for the insidious program that she is endeavouring to force upon our schools on that premise is a very long bow to draw indeed. I have found that, when the teacher education package is actually provided to parents (parents who might have previously been supportive of the government's endeavour), they have been disgusted with the content material and disgusted that their government that they expect will care for their children and their schools is endeavouring to force this material upon young children in South Australia.

This is a sex education package that is intended for children as young as 11 years. I have undertaken a number of surveys with groups of people by providing them with the teacher education package and asking them to read that material. I have not been prepared to give it to children as young as 11 years, nor to any children under the age of 17 years, but I have provided the package to groups of youngsters aged 17 to 21 years to read and provide me with their views. Without exception, every one of them has been disgusted by the content. They put to me that it would not be appropriate to provide children in the age groups intended with such material.

There is no doubt that this is the most insidious attack on the family unit and the most insidious attempt at social manipulation that our state has seen since the dreadful days of the Dunstan government in the 1970s. We all know what havoc those appalling days under that appalling government wreaked upon our community, and the fabric of our society has not recovered from the devastation to our social values that occurred during that time. I am well aware that there are many members of the government who are uncomfortable with this package and I would not embarrass those members by naming them. But I know from the nods of their heads in this chamber that they are opposed to this package, and it is a tragedy that those members are not being given the opportunity by the Labor caucus to stand up and speak their mind.

Regrettably, they have been gagged and they know that if they get up and speak their mind on this issue, at the very least they will be disciplined by the Labor Party or, worse, they could face expulsion. It is that form of gagging that the Labor Party applies to its members. Members of the Liberal Party are free to support or to oppose this as they see fit and they can stand in this parliament and speak their views. If they support the government's endeavours and this package, they have the free will and the ability to speak in that way. That does not happen in the Labor Party. I am disappointed those members cannot speak their mind but I can say that if any of them do have the courage to stand and speak their mind and support the rights of children and the rights of parents, they will get plenty of support from this side of the house, even though support for the courage of their convictions might not be forthcoming from their colleagues.

The minister seems to believe that there is not too much opposition to this particular program. The reason the Liberal Party has been able to show this house constructive opposition is because we have been able to obtain a copy of the teacher training package. But that was not an easy package to obtain. In fact, my colleague the member for Bragg endeavoured to obtain it through the department, through the minister's office and from SHine itself. I know that my colleague the member for Newland and other colleagues on this side of the chamber likewise endeavoured to obtain it, but they could not.

I pay credit and tribute to the Hon. Andrew Evans from another place who was able to obtain that document. He tabled that document in the other place, which therefore makes that document a public document, the property of the people. I was offended by the minister's implying in this house the other day that that document is being photocopied in breach of copyright. I want the minister to hear, here and now, that that document is the property of the people of South Australia, because it has been tabled in the parliament of South Australia. It has been tabled in the other house and, therefore, that document can be copied and distributed. The minister might not want that. She might not want it to be copied and distributed. She might not want people to be informed of its insidious content, but it has been copied. I have ensured that that document has been circulated to many individuals in my community. That document has gone to every church group in my community. Petitions have been requested by church groups in my community. They are circulating those petitions. They are circulating the copies of the teacher training material. Not one person has come to my office, contacted my office, written to me or telephoned me to say, 'You are wrong. We support this package'—not one person.

To the person, every individual in my electorate who has read that package and who has contacted me has been disgusted with it. That in itself, I believe, is a very firm message. A government in a democratic society should be government for the people, government of the people and government by the people—not government over the people, and that is the sort of practice we are now seeing under this government. We are now seeing a mob who wants to jackboot their stamp, their brand, over the people of South Australia, whether or not they like it. That is what we are seeing. We are seeing an insidious attempt at manipulating the minds of our children, manipulating the values of our society and taking away parental rights by putting this garbage into the minds of children. I implore the minister to use her influence—

Mr KOUTSANTONIS: I rise on a point of order, sir. I refer to standing order 127 and personal reflections on members. I think that the honourable member is reflecting on the minister in a way that is adverse to her reputation and completely unfair. I would ask you, sir, to ask the honourable member to keep his remarks to the debate rather than making personal attacks on the minister.

Members interjecting:

The ACTING SPEAKER (Hon. G.M. Gunn): Order! The honourable member who is on his feet is aware that he should not make personal reflections on any honourable member. I would therefore ask the honourable member to couch his remarks in such a way as not to offend the standing orders. The honourable member.

The Hon. W.A. MATTHEW: I am surprised at the sensitivity of the honourable member for West Torrens. I was not referring to the minister by talking about garbage: I was talking about the material that was going into our schools, if the honourable member was listening. If the honourable member—

The ACTING SPEAKER: I suggest to the honourable member that he not, in a roundabout way, reflect on the previous ruling of the chair.

The Hon. W.A. MATTHEW: If the honourable member has something to say about this package, members on this side would welcome his standing. I challenge the member for West Torrens to stand in this house and tell us whether or not he supports this package; and, if he supports it, tell us firmly, because I am sure that his constituents would like to know his viewpoint. I am sure that his colleagues would like to know his viewpoint. But, if the honourable member supports every aspect of this package, let him stand in this house and tell us. I somehow do not believe the member for West Torrens is going to do that. I believe that there is a strong likelihood that the member for West Torrens was an opponent of this package and that it is being forced upon him. I implore the member for West Torrens, as the state President of the Labor Party, to use his influence with the minister to have this

package withdrawn from our schools and replace it with an appropriate, instructive sex education package that is in keeping with community values.

Mr O'Brien interjecting:

The Hon. W.A. MATTHEW: I also ask the member for Napier to stand in this house and tell us his views. Does the member for Napier support this package or not? That is what his constituents would like to know. Tell us, member for Napier, whether you support this package. Again, I think that the member for Napier may be another one who is part of the lost battle in the caucus; another one who has been done over by the minister. If the minister will not withdraw,—

The ACTING SPEAKER: Order! the honourable member's time has expired.

The Hon. W.A. MATTHEW:—may she be reshuffled with someone who will.

The ACTING SPEAKER: Order! The Minister for Health.

The Hon. L. STEVENS (Minister for Health): I would like to start by quoting from an article which appeared in *The Sydney Morning Herald*. The article, which is entitled 'Fear and loathing of the joy of sex', was written by Adele Horn and published on 4 October. Ms Horn began her article by saying that talking to kids about sex is still a tough job for parents, and she is right. She added that she tried to have 'the talk' and the first response was a horrified, 'Yuk. I don't want to talk about that stuff.' Six months later it was a cool, 'I know all that.' She, like so many other parents, was grateful that schools were providing sex education and relieved to know that a professional was in charge. But why is sex education for young people such an important health issue? South Australia has one of the highest teenage pregnancy and abortion rates in the world. Although there has been a small reduction in the teenage pregnancy rate in South Australia since 1999, last year 43.4 out of 1 000 young women in the 15 to 19-year age group became pregnant. Countries such as Germany and Holland show much lower figures: 16 per 1 000 in Germany and 12 in Holland. A similar picture emerges for abortion rates for teenagers: 24.5 out of 1 000 in South Australia, compared with 3.6 in Germany and 4.0 in Holland.

Studies indicate that the average age of first intercourse in Australia is now 16 years of age, while it is 18 to 19 in Holland. A national survey of secondary students on sexual health, funded by the commonwealth government, has been conducted every five years since 1992. The third such study (conducted in 2002 for the first time) included students from both the Catholic and independent schools. The finding of the Secondary Students and Sexual Health 2002 Report contains some sobering facts. The majority of young people in years 10 and 12 are sexually active in some way, and this has increased over the last decade. Types of sexual activity include deep kissing, 80 per cent; genital touching or being touched, 67 per cent; giving or receiving oral sex, 45.5 per cent; and vaginal intercourse was reported by approximately 25 per cent of students in year 10, and just over half of those were in year 12. The rates of condom use have not changed over time and still represent an unacceptably low level of consistent use: 60 per cent of young men always use condoms and a further 31 per cent sometimes used condoms; 46 per cent of young women used condoms and 44 per cent sometimes did.

Condoms appear to be primarily used for contraception rather than sexually transmitted infection prevention. Young men in year 10 were more likely to report three or more sexual partners in the previous year—that is year 10! That is almost one in three of sexually active young men. In contrast, the proportion of young men and women in year 12 reporting three or more partners in the previous year has already halved since 1992. So, the issue relates to the younger people—those in year 10. Knowledge about sexually transmitted infection has improved but still remains poor, particularly about the most common infections of chlamydia, gonorrhoea, herpes simplex virus and genital warts. Information on the occurrence of both gonorrhoea and chlamydia released in recent weeks shows that they are on the increase again. Young people in the survey reported high levels of competence to say 'no' to unwanted sex. However, 28.1 per cent of young women and 23.3 per cent of young men had experienced unwanted sex. The most common reason given for unwanted sex was being too drunk (16 per cent) or pressure from a sexual partner (13 per cent).

The period between childhood and adulthood is a time of major changes: physical, emotional, psychological and social. It is also a time of increased interest in sex. From a public health point of view, it is a time when young people are at risk of pregnancy and certainly at risk of sexually transmitted infections. Studies show that comprehensive relationships and sexual health education can result in delayed initiation of sexual intercourse, improved contraceptive use, a subsequent decrease in pregnancy rates, a reduction in sexually transmitted infections and an improvement in self esteem. By giving young people information and skills to make informed choices, we contribute to their process of lifelong learning.

There is strong evidence that if children have good information they make safer choices. Children are getting wrong information from magazines and from friends. There is also strong evidence, in a review of interventions to reduce unintended pregnancies among adolescents, published in the *British Medical Journal* in 2002, that sex education programs that rely on a message of abstinence have actually shown an increase in the rate of teenage pregnancy. Telling children to say no, unfortunately, does not work. The issue of teenage pregnancy is on the policy agenda of many countries throughout the world. The British House of Commons Health Committee released its report on sexual health earlier this year and concluded:

> Even basic factual knowledge about sex and sexual health cannot be assumed, and we believe that providing young people with accurate and appropriate information through school relationships and sex education programs is an essential building block for securing improved sexual health both for this and for future generations.

Interestingly, Adele Horin concluded in her article that although some groups do not think schools have a place in teaching about sex:

> . . . the rest of us have our fingers crossed, hoping schools are doing a good enough job.

She further states:

> Sex education has become acceptable in a climate of fear about HIV and STDs. At school, the main focus is on risk and how to minimise it. Parents have a role in these times: to convey the joy of sex.

I want to add some extra points in relation to SHine SA which, as my colleague the Minister for Education mentioned, was a partner commissioned by the previous minister to work with the Education Department in the development of these programs. I think that in all the bickering and points scoring and political behaviour of the member for Bragg and

her cohort in relation to this, SHine SA has been very much put down, and unfairly so. I would like to put on record that SHine SA, formerly the Family Planning Association of South Australia, is an organisation that has had a fine record of education, for the development of innovative programs and for providing excellent services. SHine employs doctors, nurses, counsellors, community health workers and youth workers. These are all sexual health experts in their own right, having undertaken extensive additional professional development.

SHine SA has played a role in education with school communities since the early 1970s. I would like to put on record my support, as Minister for Health, for its work over many years right up until now, for the excellence of its work, for its professional approach and for the fact that it has been able to reach a wide range of people in our community. People on the other side of this house apparently would have no idea of the difficulties of actually getting this message through to the whole range of people in our community. As Minister for Health and also as a former school counsellor and a former school deputy principal and principal, I have put on the record my support for programs of this nature: programs that give young people the facts that they need to make the important decisions that they need to make in terms of their sexual behaviour, their sexual health and the relationships that they need to develop with other people and take forward for the rest of their lives.

The Hon. D.C. KOTZ (Newland): First, I want to acknowledge the member for Bragg and the member for Bright, and I want the comments that I make today to be added to both those comments, because I totally support every word that was said—all in truth. I am absolutely amazed by the minister leaving the chamber, by the Minister for Health and the Minister for Education, and by the absolute and utter hypocrisy I have heard in this chamber today. That is proven by the number of documents that I have received through FOI and have read studiously for many months. I would like to share with both the Minister for Education and the Minister for Health one particular document that they had actually read. The FOI documents are all numbered, and I am quite prepared to allow the house and the ministers to understand the numbers of these documents so that they can actually look at them, remembering that these were briefings which were given to these ministers and which they were supposed to have read.

One of the documents is I29. The I29 briefing paper puts to rest the claim that this is in fact a sex education program. Under the heading 'Essential elements of the Share program' the ministers were advised:

> It is not a 'sex ed' program.

'sex ed' is in inverted commas. It continues:

> It is called 'Relationships and sexual health', as a significant amount of the program is on how to have healthy relationships both with partners and with family. It provides the skills for young people to make informed claims.

Mr Caica: That's good, isn't it?

The Hon. D.C. KOTZ: Yes, that is very good. Did both ministers responsible for that program actually hear that very clear statement? If it is not a sex education program, then why has it been continued to be presented as such by both these ministers? The whole program has been shrouded in secrecy since its inception. Parents and teachers have been denied access to relevant documents. Parents and the public have been deceived by presentations purporting to describe this program when, in fact, the program contains a significant amount on how to have healthy relationships with partners and family. Healthy relationships with partners and family: children between 11 and 15 years old, with partners?

And was the family aspect in that particular sentence just thrown in to soften the suggestion that it is all right for children to have healthy sexual relationships with partners through this program, which I am afraid I have the opinion that this is designed to do? Just remember that we are talking about a program that is now clearly elicited as not a sex education program. On another freedom of information briefing, the page identified as I31 explains why parents were actually deceived by SHine SA. Under 'Comment' it states:

> Criticism of Share has implied that parents have been kept in the dark about the contents of the curriculum. The leaflet developed for parents names the curriculum areas. It names sexual diversity and safer sex. It is not practical or useful to send home information on every activity that will happen in the class room. This would only create confusion and chaos.

We now know why deception was necessary, at least by SHine SA and the Minister for Education and Minister for Health. We have all been deceived because the poor simpletons known as parents would be confused if the ministers were to tell us all the truth about the program. Not only would we all be confused: a more dramatic outcome would be the chaos that this would create, to know the truth of the program. Just how dangerous is this program that would create chaos if the general populace were to find out what was intended by the program? What happened to the honesty and accountability touted by this government?

The children of this state are about to be indoctrinated into a secret program held secretly in classrooms by a handful of teachers secretly trained over a period of 15 hours, all of which is to be kept secret from parents, as they would only be confused and create chaos! At this time some 6 105 people have actually signed petitions tabled in this house calling for the withdrawal of the program. Why? Because they know it is not a sex education program.

The briefing note identifies a significant amount on how to have healthy sexual relationships with partners. Why partners, why not boyfriends and girlfriends? We are talking about 11 to 15 year old children. That is gender specific and, according to this program, sexual relationships for 11 to 15 year olds can be same sex relationships. To encourage same sex discussions, teachers are advised in the teacher's manual that if they are heterosexual to suppress their heterosexuality and if they are homosexual to think about coming out, because this is a more powerful means of encouraging discussion with 11 to 15 year olds. Teachers are required to remind children that they should not make assumptions that relationships or attraction will be heterosexual, and that statement is repeated and reinforced throughout the manual.

You may recall that one of the curriculum areas was sexual diversity. What does that actually mean? The teachers manual explains:

> Sexual diversity is not acknowledged in many school programs and yet recent Australian research has revealed that a significant number of young people, between 8 and 11 per cent, do not exclusively identify as heterosexual.

SHine identifies the Hillier research of 1997 for this very conclusive statement. All previous research—including Smith, Lindsay, Rosenthal of 1999 as well as Hillier—talks about the 8 to 10 per cent figure representing 'some same sex

attraction.' None of the research explicitly states 'do not exclusively identify as heterosexual.' This is a deliberate misinterpretation of previous and current research.

What does same sex attraction mean and what do researchers say about same sex attraction? The very document that was published this year through one of the most reputable groups in Australia, the *Australian and New Zealand Journal of Public Health*, actually looked—as they do every five years—at different sexual activities of all Australians. They do it on a rotational five-year basis. One of the areas that they looked into was sexual identity, sexual attraction and sexual experience. Unfortunately, I am not going to be able to explain this as well as I would like with only three minutes left, but there are three words there that are prefaced by sexual: identity, attraction and experience. In the end of their synopsis, which looked at adults in each of these three areas, the comments are:

> In a study of school-aged adolescents, approximately 10 per cent reported some same sex attraction but the relationship between attraction and experience and identity was not assessed.

To date, no data about sexual identity, sexual attraction and sexual experience has been gathered from a representative national sample. Sexual attraction and same sex attraction has not been assessed by the researchers. To have SHine use that particular comment is malicious, manipulative and exploitative.

I would just like to very quickly address another myth that the ministers for education and health have been putting across to all of us at this stage, and that is that this was a program signed off by a Liberal government under the previous minister for health. I have all the financial records that show exactly where this program evolved from and where it is now, and it was never looked at in the context that we now see it by a Liberal government. The program that was put up and signed off by us, with a $75 000 price tag, addressed unplanned teenage pregnancies. Is it coincidental that *The Advertiser* carries a story today about unplanned teenage pregnancies? We have never seen that program evolve. What did evolve when this government took over in 2002-03 was a $250 000 funding amount that was given to SHine SA to re-evolve a program that started out looking at unplanned teenage pregnancies. We now have the program today that was not signed off by us: it was signed off by both the ministers of education and health. In fact, it is your health and education ministers who paid out $250 000 in 2002-03 and who will pay that amount for the next two years in the financial budgets of their departments.

Let us get all the myths about this correct: this program has been denied as acceptable and appropriate not only by parents but also by educators and by those who actually know something about the psychology of children. This program has never been assessed by an ethics committee, and it has never been looked at in the most appropriate ways as for any new program. For the minister sitting at the bench to come in here and categorically make completely untrue statements is almost too much for any of us to sit and listen to. The fact is that the Minister for Education has a responsibility, as does the Minister for Health, and they should withdraw this program.

Time expired.

Mr O'BRIEN (Napier): In speaking against this motion I would like to make several preliminary observations. First, the sexual health and relationship program—the SHine program—is a trial, as the motion notes, and as such will be assessed at the end of the trial period. This assessment will be carried out by Latrobe University's Australian Research Centre in Sex, Health and Society. This research centre is the most highly regarded of its type in Australia, and its research findings are regularly referred to in the Australian media. Does the mover of this motion believe that the Latrobe University's research centre is incapable of providing a professional assessment of the SHine program? If she does, who does she believe stands higher in the academic community than this particular research centre?

The second point that I would like to make is that implicit in the motion moved by the member for Bragg is the assertion that the SHine program so offends broad—and I emphasise, broad—community sexual mores that it should be immediately withdrawn from participating schools. I have no evidence of broadly-based concern as to the content of the SHine program. Smithfield Plains High School sits on the border of my electorate. Cate Taylor, principal of this high school, has commented publicly that the program has been highly successful at Smithfield Plains High. Ms Taylor is quoted in the *Messenger News Review* of 13 August as saying:

> We have had a total of three students who are not participating. We might have been more concerned that, given all the negative publicity, more families would have withdrawn on principle.

This is the story across the state. The uptake of the program is close to 100 per cent; a near full take-up of a program that parents have to opt-in their children, not opt-out.

I was present at the launch of the SHine program at Smithfield Plains High. I viewed the role-play segment of the program, which was presented by a professional acting troupe, and I found nothing offensive in the material. I have also read the teaching material and have had two briefings by SHine staff, the second of which lasted two hours. I believe that the mover of the motion was offered a briefing and refused. I believe the program reflects mainstream contemporary social views and sexual mores. I also believe that it addresses a definite and widespread social need among young people. To quote Smithfield Plains High School principal Cate Taylor:

> My observation is that they know a lot more than you would like them to. Unfortunately, they have also got a lot of wrong information and are operating on old wives' tales and gossip.

Australian Bureau of Statistics data confirm Ms Taylor's observations. According to the bureau, 48 per cent of year 12 students are sexually active, with serial monogamy or a high turnover of partners being the norm.

My particular interest in this debate is that I have discerned in all the correspondence received by my office, from letters to the editor, letterboxing and the like, a campaign of deliberate misinformation that seeks to sabotage the SHine program. This campaign, of which this motion is a part, seeks to so sanitise the program that it would become irrelevant to the needs of young people in this state. It seeks to remove all reference to sexual activity other than vaginal intercourse, and even this activity it deems inappropriate for discussion other than within the context of matrimonial cohabitation. Since the average age of marriage is now 28 for women and 29 for men, the message that these abstinence crusaders seek to impose on our community is that sexual education is unnecessary, because sexual activity should not commence until a decade or so after leaving school. What these abstinence crusaders seek to achieve is a return to the 1950s and the very early 1960s when sex education was virtually non-existent in our schools.

The first three years of my high school education were spent in a Christian Brothers College in Sydney in the early 1960s. During these three years, I received no sex education and, in its place, I regularly received the message that to even think of sexual matters was a grave sin. Sexual activity when mentioned at all, was raised in the context of sinful behaviour. We were instructed by the brothers, celibate themselves, that sexual activity was to be confined to marriage, and then for the purposes of procreation.

Mr Brindal: You are assuming they were celibate. You do not know that.

Mr O'BRIEN: Yes. It was the abstinence message that our moral crusaders are currently seeking to impose on our education system with their orchestrated attack on the SHine program. When I look back at my time at St Patrick's, Sutherland, I am struck by the moral illness of the school. I remember the two Christian brothers who lurked around the change sheds after swimming lessons. I remember the ceaseless bullying of a very effeminate Malay classmate, because he was different, both in skin colour and in mannerism. The physical attacks on this boy were both homophobic and racist. They were the product of a narrow minded sin obsessed culture. I now realise that the culture of the school was endemic through the Catholic and Anglican education systems, both in Australia and overseas.

I say this, because the child sex abuse revelations which have rocked the Catholic church in Sydney, Boston and Ireland, and the Anglican church in Queensland, South Australia and England, are the symptoms of education practices that denied young people any knowledge of sexual behaviour.

Mr Brokenshire: We are not saying that.

Mr O'BRIEN: Oh yes you are. Briggs and Hawkins in their book, *Early Childhood Development and Care*, put the case with considerable clarity. They argue that boys w h o have been sexually abused had a lack of information about sexuality, assuming that there was nothing wrong with what was happening. Briggs and Hawkins point out that failure to teach children about boundaries between appropriate and inappropriate sexual activity leaves children lacking both the context and the skills for determining where on the quantum between positive sexuality and sexual abuse their experiences may fall. This sets them up for victimisation and revictimisation. I have absolutely no hesitation in stating that those opposed to the SHine program, through their ignorance and moral fundamentalism, would set up another generation of young people for widespread sexual abuse.

It is said that those who have no understanding of history learn nothing of its lessons. The opponents of the SHine program have certainly learnt nothing from the experience of the Catholic and Anglican churches. I have pondered why this is the case. I think the answer lies in the psychology that underpins their moral fervour. I have observed an irrationality by opponents of the SHine program that can only be explained by reference to the Salem witch hunt.

In the late 1600s, a village to the north of Boston, peopled by individuals exclusively of the Puritan faith, fell upon itself in an orgy of accusation and counter-accusation of doing the devil's work. This Puritan community found evidence of un-Christian acts, transgressions of God—as found in the Old Testament—and devil worship in the most simple behaviour and utterances of their neighbours. In this frenzy of rooting out the evil in their midst, and returning to a state of godliness, 19 people and 2 dogs were executed. By the time the governor of Massachusetts had intervened, a further 200 citizens of Salem were awaiting trial with death their probable fate.

The irrational frenzy with which the opponents of the SHine program have run their campaign has all the psychological elements of the Salem witch hunt. The claims being made in relation to this sex education program are so preposterous as to not even merit rebuffing. They are not based on a rational examination of the content and objectives of the program. Instead, they proceed from a religious perspective of fundamental adherence of the edicts of the Old Testament—a fundamentalist posturing with striking similarities to that of the seventeenth century Puritans. The linkage with the American Puritan tradition is even more evident in the calls of the anti-SHine campaigners for its replacement with a US developed sex education program of abstinence.

As I stated earlier, abstinence programs are not sex education programs. They are a denial of sexuality and lead to sexual ignorance, which in turn substantially increases the vulnerability of young people to predatory behaviour by older people. Harvard Professor, Sarah Coakley, described the church, and by the church I assume collective Christianity, as much like a swimming pool—most of the noise comes from the shallow end.

Today, we have the member for Bragg in her water wings with a megaphone bellowing at her fellow SHine opponents to pull up their floaties, to keep on splashing and to keep on making as much of a racket as possible. This is the crux of the campaign being mounted against the SHine program—to make as much shrill noise as possible in the hope of deceiving the South Australian community into believing that opposition to this program is widespread, and not the work of a small group of zealots.

Time expired.

Mr BRINDAL (Unley): It profoundly upsets me to stand and contribute to this debate in total disagreement with some of the people in this chamber, who in other circumstances, in other debates, I profoundly admire. But disagree I do, and I disagree for the following reasons. I note that I belong to a party which is a party of choice. Firstly, it is a party where everybody has the right to choose to have an opinion, and should be listened to in having an opinion. Secondly, the right of choice in the Liberal party should extend to the right of choice for all of the citizens and their parents to have a choice.

It should not be about the nanny state in any form. I do disapprove as heartily of social engineering to force things on to kids in the one respect, as I abhor the concept of social engineering which denies people the right of choice. If we are worried about the state of our society in 2003, why is not this parliament and the federal parliament and every other parliament looking at some of the things that our kids from 2, 3, 4, 5, 6, 7, 8 years old are exposed to?

I will just point out to this house, since much has been made about the same sex aspect of this program, that if you want to watch television, I think it is on Monday night, quite late, you can see *Queer as Folk*, which you want to have a look at, if you want to see something explicit.

An honourable member interjecting:

Mr BRINDAL: For the member at the back, you can look at quite early *Queer Eye for a Straight Guy*, I think it is called, which I have never watched, but which exploits the gayness of a group of people. You could actually watch *The Block*, which I remember was a home renovation program,

but very prominently featured men running around in their underpants, doing renovations, who were gay. You could also watch *Big Brother*, where there was a gay person. The point I am making is, simply, that if you have got a grandson, or a son, or any child, there is some understanding. My 8 year old grandchild understands what gay means. I do not particularly approve of that, but he does. I do not find that particularly edifying. He understands much more at 8 years old than I think he should understand, or that I really want him to understand, but unless I completely censor his world, it is very difficult to stop him from reaching an understanding, whether he is ready for it or not.

The problem, I would remind members in this chamber, is as with Pope: 'A little learning is a dangerous thing. Drink deep or taste not the pleasant spring.' So, it is all right if this house says that we will not censor our television, we will not censor our media and we will let people promote all sorts of things in the form of advertising, but God help the kids if they then need a bit of education before they should.

I hope it has been pointed out in this debate already, and I am sure it has, but on page 13 of *The Advertiser* today, 2 400 young people have said that they would like sex education, and that they do it overwhelmingly in huge numbers. So, if we in this chamber are not—

Mr Goldsworthy interjecting:

Mr BRINDAL: I would ask the member for Kavel not to interrupt. I took the unusual step of not interrupting anybody in this debate, so I do not want to be interrupted myself, thank you. The fact is that, if one looks at the results of these surveys, young people themselves say that they need help in this area. I believe they do. I am not developing this, and I do not know the form they should take for two reasons: I happen to be 55 years old, and I have had two shocks recently, which I will not detail to the house, but which were in respect of my stepchildren and the next generation down, to understand just how much mores change between generations. My children's idea of what was and was not permissible sexually before they were married is profoundly different from what my idea was; and when talking the other day to some Young Liberals their idea of sexual mores has changed again.

Mr Koutsantonis interjecting:

Mr BRINDAL: No, it is very difficult for us all to sit in this chamber as middle-aged people with a particular recollection of how we learnt and say, 'This is what our young people need, because it is what we needed.' The world is changing and has changed. I do not know that it has changed for the better but, if we need to care about and educate our kids, we need to do it in an informed and intelligent way. This chamber on both sides needs to get away from the 'nah, nah, nah' approach, the pointing of the finger, the salacious picking out of bits and pieces and the saying, 'This is what it is all about,' and move toward a proper and profound consideration of the needs of the next generation. I remind this chamber that this country has one of the highest rates of youth suicide in the developed world. Also, I remind members who want to contribute to this debate and who might not have looked it up, that most of the academic researchers are saying that a lot of deaths in the country are related to uncertainty about emergent sexuality. That does not mean that every young person in the country who is growing up is gay or anything like gay: it means that they have problems which they do not understand and which they do not know how to confront. In a small town, where everyone appears to be the same and appears to set the same values, those people feel lost and alienated, and they have no-one to whom to turn and they cannot do anything.

Ms Chapman interjecting:

Mr BRINDAL: Freda Briggs has been pointed out to be the great expert in this area. Let me share with the house my knowledge of Freda Briggs. She is a great expert who is well respected in her field, which is preschool education. She is a great expert on the nought to five-year-olds. She has been trotted out because they cannot find anyone else to now be a great expert on pre-pubescent and pubescent people. I am afraid I consider that Freda Briggs has no more expertise in this area than I do—or any other member of the chamber has.

Ms Chapman interjecting:

Mr BRINDAL: The member for Bragg says that we can look at the CV. I remind the member for Bragg, most respectfully, that I am an educator. I have looked at her CV, I have been lectured by her and I do know what she is good with. I disagree with the member for Bragg in her assessment of Freda Briggs.

Ms Chapman interjecting:

Mr BRINDAL: Much has been made of the fact that there is a lot in this program about same sex attraction. Since the member for Bragg has interrupted my speech a number of times, I comment on her interjection that it is 2003. I can tell her about a Catholic school in the last couple of decades in South Australia where one of the people was chased around the school being accused of being gay, and that the school had to be assembled to talk about it. That person is now a federal member of parliament. That is a fact.

An honourable member interjecting:

Mr BRINDAL: I will not name him, but I might on another occasion. He was chased around the school for a whole recess time because his sexuality might be different from what is considered the mainstream.

An honourable member interjecting:

Mr BRINDAL: I probably will not convince anyone in this debate, other than by my vote, and that disappoints me. It disappoints me when people have to sit and make inane comments on what is perhaps the most profound debate we have had for a long time. This is not just about point-scoring between the government and the opposition. This is about the future of our kids; this is about what is good for our kids; and this is about trying to do the right thing. The fact is that I do not know how many people in this room might be gay. I do not know whether people in this room think it is a choice, whether it is something you pick up as a fashionable item to wear along with your new shoes, but every gay person I know says that it is not a choice: it was born with them and it is something they did not choose. They have a right to know who they are and to understand who they are, rather than often get married, have 2.3 kids, split up a relationship and cause absolute havoc because they have been conditioned to think they cannot be who they are. I do not believe we should proselytise, but I also do not believe we should inhibit people to be who they are.

Time expired

The Hon. R.B. SUCH (Fisher): I am pleased that we have got to a point where we can have the debate that we had to have—and should have. I am disappointed that the member for Bragg has gone down the path of attacking SHine and the SHARE program. It is very unfortunate and it makes me sad, in a way, that someone with her intellect would go down this path. The SHARE program is not mainly about sex. It might surprise members that it is not mainly about sex. It has a

component about sexual behaviour, but it is also about relationships, alcohol and drug use, and a whole range of things. People need to keep the program in perspective. The member for Bragg raised the issue about the age. There is confusion, because in South Australia you generally start primary school at the age of five or six. If you do seven years in primary school (which is the standard in South Australia), you would be at least 12, more likely 13, by the time you are in year 8. This furphy about 11-year-olds doing the program is just that. The program has been developed by LaTrobe University and it has a reference to a year level which is applicable to the eastern states. This program is an awareness program. It is not advocating sexuality, homosexuality or stand-on-your-head sexuality. It is an awareness program. It is about information. It is not pushing any particular barrow.

Recently, a gentleman who is concerned about the program came to see me. I had the complete package, so I quoted aspects of the package to him—the reference to marriage and to saying no, and things such as that, which people claim are not in the program. It is not the case. What is particularly disturbing is the assertion that parents who have children in this program are upset about the program. That is a nonsense statement. I have not had one parent who has a child in this program anywhere in the state contact me. A lot of people contact me from throughout the state on every issue under the sun. I have not had one parent contact me. I am aware of the Lutheran pastor in Port Lincoln who has written to the minister on several occasions, but his child is still in the program; and he suggests some modification to the program. That is his entitlement and right. I say to people who are critical of the program, 'Rather than going down the negative knock-knock line, why don't you suggest ways in which to make the program better and to improve it, not in a negative way, not based on homophobia or some silly notion of "ignorance is bliss"?' They should come forward with constructive changes.

I believe the program could be improved in many ways. I do not believe that for senior students it deals adequately with emotional aspects. We know that, in general, women like sexuality as part of a package of romantic attraction, involvement and commitment. That is less true of most men. I am not saying it is not true of some men and, obviously, there are variations. I think the program could be improved for senior students by highlighting some of what I call psychological dimensions. The opponents of this program organised a meeting in my electorate, without inviting me or telling me. As is often the case, I tend to find out. I attended the meeting at Reynella East school. I tried to make the point that parents have always had the right in state schools to withdraw a child from a controversial program involving sex education.

This is a special program in the sense that a parent has to commit in writing to the child's taking part in the program. This is specifically provided for, and I made that point. I also raised the issue of gays, homosexuals and lesbians. I said that, in my experience, many of these people are lovely, caring people. In response we heard comments such as 'They are possessive' and 'They get diseases that other people don't get.' After the meeting, this group (which I suspect consisted of people from a particular section of the community), none of whom had children in the program (which, incidentally, is not offered at this school), called me 'an arse'. In a way, that is quite humorous, because, in my view, many in this group were homophobic—and they called me 'an arse'. They said, 'You're a typical politician and a liar', and so on.

One of them said to me that their daughter was being taught anal intercourse at a primary school by SHine. That is interesting because SHine does not run programs at primary school level. I happen to know the principal of the school to which this person referred—I will not mention it here—so I followed up this matter and found that it was absolute nonsense. This is part of the misinformation and dishonesty which a section of people have been promoting in relation to SHARE and SHine. I was threatened by a character from Christies Beach. I know who this person is. He threatened to put a .303 to my head, shove the program down my throat and cut off part of my anatomy. Members can deduce what that part of my anatomy might be. I wrote back to this character and said that I was the first MP ever to respond. I understand why.

There is an element of obsession reflected in an attitude which was expressed to me recently that the SHARE program promotes the anus as a sex organ. That is nonsense; it does not do that at all. It says that, because of the proximity of the anus to reproductive parts of the body, it is important to maintain cleanliness, and things like that. That is just basic common hygiene, but there is a whole lot of distortion that accompanies that. Opponents say that Kinsey is wrong in saying that 10 per cent of the population are homosexual. The reality is that all of us have male and female attributes in different proportions. If the people who have raised this feel that homosexuality is chosen, I would question that, given the problems and difficulties that homosexuals or lesbians face in the community. They are subject to harassment and all sorts of discrimination.

Last year, a lad who attended one of our prominent private colleges in the city, hanged himself because he was receiving SMS messages. He did not have a girlfriend, and the messages were: 'You're gay', 'You're a poofter.' I am not saying that this lad was a homosexual—I do not know that—but a lot of young males and females are not sure about their sexuality and they are in a very difficult position. Programs such as SHARE help these young people to cope and to understand the reality that all of us have male and female attributes, but the people who want to maintain the line that ignorance is bliss are promoting the tendency of young people (especially males) taking their lives. About 25 per cent of teenage male suicides are related to uncertainty about their sexuality.

This program has a very good title; it is called 'Tell it like it is'. South Australia has one of the highest teenage abortion and pregnancy rates in the western world. In *The Advertiser* of 26 November there is the headline: 'More teenagers having abortions'. I would have thought that the people who are critical of the SHARE program would welcome moves to reduce teenage pregnancy and abortion. I regard abortion as very unfortunate and tragic. I am not passing judgment on women who have abortions, but I think that is unfortunate, particularly for those who think that repeat abortions are a means of birth control. I think that is very inappropriate and undesirable, but the reality is that in South Australia the latest figures released two weeks ago show that there has been an increase in teenage abortions amongst the group aged 18 to 19. That demonstrates that we need this sort of a program more than ever.

I have been involved in training teachers for a good part of my life. What the member for Bright and others do not understand is that not all the curriculum background teacher that a teacher has is given to students. We do not ask physics teachers to give all their knowledge, background and

curriculum material to the students in their classes. That is nonsense. We hope that teachers know more than the students in any subject area, but we do not expect all that background and curriculum package material to be handed over to students. Yet, here we have people fossicking around in teachers' background material trying to look for some spicy bits to denigrate the SHARE program. That is silly, and it indicates a lack of understanding.

The activity cards which some MPs have trotted out as being unacceptable have not, to my knowledge, been used in any schools, because teachers use their professional judgment to choose aspects of the curriculum. I respect the people who have fundamentalist views.

Time expired.

Mrs PENFOLD (Flinders): The duplicity of the Minister for Education and Children's Services is demonstrated clearly in the delaying tactics that she and the government have used to prevent this debate being held.

The Hon. P.L. WHITE: I rise on a point of order, Mr Speaker. The honourable member has just accused me of duplicity when it was the member for Bragg who deferred this motion, not I. I request that she apologise for that incorrect assertion.

The SPEAKER: Order! The minister makes an interesting debating point. Regrettably, under standing orders it is not appropriate to debate the subject matter to which the honourable member refers. The word 'duplicity' is not a unparliamentary, but it is fairly strong language. I ask all members to bear that in mind whenever they use such terminology.

Mrs PENFOLD: Her actions caused the shadow minister to delay this second motion until today to ensure that it was first on the list and could not be further delayed by the Labor government's filibustering. Similarly, parental and public concern about parts of the sex education course have been brutally disregarded for months. I outlined the details of these problems in my original speech which I was prevented from giving in the last session but which can be found on my web site. The minister has ignored petitions containing thousands of signatures presented to this house. Concerned parents and members of the public have written to her and/or other members of the Labor cabinet (including the Premier). Three parents from Port Lincoln (one of whom has a child currently undertaking the course) representing about 40 parents of schoolchildren arranged a meeting in Adelaide on 29 September 2003. The minister was apparently unable to meet with the delegation herself despite the distance they had travelled and the time and cost involved, but said that the delegation could meet with some of her staff and SHine representatives and that all the information from the meeting would then be passed on to her. However, on the ABC's *Stateline* program on 24 October 2003 the minister stated:

> To date, I haven't had one parent of a child actually doing the course complain to my office.

Either the minister has a very poor memory or she did not get her staff to brief her about the meetings and did not read the letters or her responses to the parents, or she is deliberately trying to change the facts. Whichever is the case, she is unfit for the position of Minister for Education and Children's Services, a position she holds in trust for all South Australians, particularly our children. I repeat what the minister said on *Stateline*:

> To date, I haven't had one parent of a child actually doing the course complain to my office.

I am also personally aware that at least three letters dated 26 June, 9 July and 14 August 2003 were sent by one concerned parent with a child in the course to the minister. My constituents were singularly unimpressed by the minister's comment. I suggest that the minister re-read her correspondence, get a briefing from staff about the meeting on 29 September, and apologise to the parents, *Stateline* and the public of South Australia for misleading them.

Sex education has been in our schools for decades, and it is supported by parents. Like all teaching, periodic upgrades are necessary. When in office, the former Liberal government contacted SHine to write a sex education course relevant to today's society. However, by the time that was completed, Labor was in office. What SHine developed was accepted without its being critiqued prior to its being implemented. Surely, in presenting a new curriculum in an area as sensitive as sex education, the advice of professionals would be sought and heeded. Professional people in various fields associated with children are now expressing their concern about aspects of the course. The fact that it is still inadequate is a reflection of the minister's inadequacies, as adjustments could easily have been made earlier to about the 10 per cent I estimate is considered offensive to those few people who are aware of it. The minister also stated the following on *Stateline*:

> This program is a trial. . . it involved the highest level of parental consent. . . what we ask parents to do is to attend an information session where they're shown what their children will be taught, they can ask questions and sign a consent form.

Yet this course was already being taught in at least one trial school prior to these information meetings being held. Consent forms were distributed and asked to be returned to the school prior to the information night at the school. Hence, the minister's statement that parents would be asked to sign a consent form following the information session is another incorrect statement and another ministerial blunder. Parents advise that, when they were finally given a briefing after the start of the course, the material on show at the sessions was limited and that they only had a short time (about 10 minutes) to look through what was there. It certainly was not enough time to read much of it, and questions were sidestepped. It seems the minister is badly out of touch with her department. The opt-in or opt-out scenario promotes abuse of students. There is no other alternative offered to students or to parents who choose to withdraw from the course.

I have been told that the SHARE component is often taught as the first part of a double health and physical education lesson. Students who withdraw from the SHARE segment sit in the library. On occasions, some withdrawn students who failed to go back into class, either due to embarrassment or simply not knowing that it was time to do so, were disciplined. Therefore, how fair or effective is it for students to opt out of the course? At least one student, due to embarrassment, has refused to go back to school on a day when a SHARE lesson is likely to be taught. Concerned parents have discussed the course with local schools, with people from the Department of Education and Children's Services, and with representatives of SHine.

In the *Stateline* program referred to above, the minister was specifically asked by the interviewer, Ian Henschke, 'Will you change the teachers' handbook?' Again, the minister sidestepped the question, perhaps because she was unaware that the teachers' handbook had already been changed in some particulars that were questioned as either inaccurate or unnecessary for the course. A delegation that

met with SHine and DECS in Adelaide on 23 October was advised that certain areas of the course that had been causing some dismay and unhappiness in communities were being tidied up. This admission confirmed that there are problem areas, not just problem parents and troublemakers, as claimed by the minister. The delegates further stated:

> Again we express our support for sex and relationship education and we have a desire to work with DECS on a course that seeks to instil in our children a greater sense of responsibility in the area of sex and relationships.

At this same meeting, a participating parent was told that students are given take-home material after every lesson. Since neither he nor his children had sighted any such material, he contacted the school, only to be told by the teacher that she had no idea what the parent was talking about. Surely, this is a major signal that either a lie has been told by SHine and DECS or that the 15 hours of teacher training was inadequate. If this is happening in the trial stage, one wonders what will happen when the course has been there a while and relief teachers or new teachers take over.

If the minister was unaware of this lapse in protocol—and her knowledge and interest in the issue is open to question—I ask her to investigate this matter to ensure that, in future, teachers are well trained and informed about departmental guidelines regarding take-home material to be sent home with each student. Parents would have some idea of what has been discussed in class. They could then continue discussions with their children, using the opportunity to add the values they want to pass on to their children, or just expand on discussions that have been held in the class.

In a letter to me dated 23 October, the minister said that 'additionally, consultation will continue throughout the trial and feedback from parents will be part of the evaluation of the program'. I ask: how are parents supposed to give informed feedback if they do not receive any take-home material? One of these issues is what one parent termed 'saved sex', that is, refraining from sexual intercourse until married or in a committed, one-partner, monogamous relationship. The course does not specifically outline the reasons for saved sex, nor the heartbreak that can be caused by premature sex.

Ms BEDFORD (Florey): Let's get to the nub of this debate today. It is about education, relationships and sexual health, and that is about children learning to keep themselves and others well and safe, to speak up to ensure that they and others are well and safe, and to respect themselves as well as others. Schools have been teaching this sort of course for many years now (since the 1970s), and so this debate is really about the content of the course and whether times have changed enough for the course to be updated. Life is lived at a very different pace these days and, like it or not, times have changed. This means that all parts of our way of life have to be examined and, where necessary, changes made. In some of the changes that have already been seen over time, schools are required to teach child protection. Unfortunately, it is all too apparent why this is such an important aspect of curriculum. These programs are complemented by the SHARE program which is being piloted in some of our schools and which has, unfortunately, become such a political football.

International experience indicates that formal sex education in schools can delay sexual experimentation, reduce incidence of teenage pregnancy and promote a close relationship between adolescent and parent. Many parents are relieved to have a known and trusted person, in consultation with themselves, provide accurate information to which they have access rather than having their child learn about these matters in haphazard ways from their peers or others. Even so, I understand that some parents would prefer to educate their child on these issues themselves. I recognise and uphold their right to determine whether their child is in this pilot program, along with their discretion to decide what other school programs their child is part of.

The sex education program SHARE is a pilot program and, as such, is being trialled in 14 state schools, all of which freely offered to participate in the pilot, after a good deal of information exchange and investigation. We must give these school communities credit for examining the program. I do not think these schools would have participated in anything that would be damaging to their children or students. SHARE is more than a biological approach to sexual health. It aims to improve the knowledge, skills and confidence of students in years 8 to 10 so that they can make informed decisions about the relationships they will form through their life and how to manage and protect their sexual health. There has been criticism of SHARE for including within the program content information on homosexuality. The Youth Affairs Council of South Australia, among other peak youth bodies, believes that it is integral that such programs are completely inclusive and that they recognise that not all young people—or indeed people in any age cross section of our community—identify as heterosexual.

SHARE is based on research conducted by the Australian Research Centre in Health, Sex and Society. This research indicates that between 8 to 11 per cent of students at years 10 to 12 level do not identify as exclusively heterosexual. We must consider this and deal with it appropriately. The research also reveals that students who do not identify as exclusively heterosexual suffer isolation, discrimination and harassment. This leads to higher incidents of depression, suicide and at-risk behaviours. As this has been covered by other members, I will not go into that issue any further.

The SHARE materials are still in draft form. They were prepared by SHine which began as the Family Planning Association and which has a long history of successfully working with young people. Teacher training in the program commenced early, and parent information sessions have been held. 'Teach it like it is' is not a curriculum document: it is a teacher education resource that has been developed with information and support from educators, health professionals, parents and academics. It is not a document distributed to students. The principles of the content of any program being fully discussed with parents and teachers before it is introduced and parents being given the opportunity to withdraw their child from such a lesson are essential.

But, as we have seen since the pilot began, it is an option that has not been taken up or become necessary for most parents. This is exactly what is already in place. Unfortunately, there has been a lot of misinformation spread about this and other aspects of the course. This sex education program continues a South Australian tradition of supporting parent choice in education about these issues. Parents are asked to attend an information session about the program where they can ask questions, review any material the teacher is planning to use and discuss or object to any aspect with which they are not comfortable. They are asked to provide their written consent for the children to participate in the program before it commences in the classroom.

The parent booklet that is part of this program acknowledges that families have different religious, cultural and

social values. The booklet encourages parents to talk about their beliefs so their child or children can understand what influences their views and opinions. Similarly, the booklet distributed to participating students encourages these adolescents to talk issues through with their parents, and every lesson has a take-home message designed to prompt discussion at home. Parents also have the opportunity to raise any issues with teaching staff and their local school's governing council. Consultation will continue throughout the trial and feedback from parents will be a vital part of the evaluation of the program.

Sex education has been in state schools since the late 1970s. Each generation of learning and teaching materials is updated to deal with the inevitable changes in medical and social information. For example, in the mid 1980s information was necessarily included about HIV/AIDS and in more recent times sex education has extended to include parents more and more in the development and evaluation of materials. In 2000 parents were surveyed and consulted to guide the preparation materials for this decade. The principles for talking to parents about sexual health approved by the Australian Council of State School Organisations and the Australian Parents Council were used by SHine in developing the SHARE program.

There has been much information spread about the project, including the insistence that it contains lessons that it clearly does not. In my own area, a forum was organised particularly at the request of the member for Makin, and attended by the member for Makin (albeit she arrived late and left early) and also the member for Newland. At the forum an attendee told the meeting that she knew of a young boy who had been withdrawn from his class because he had been forced to cross-dress in front of other students. Unfortunately, the members for Makin and Newland left before it was established that this alleged incident had never actually happened and that, in fact, no child in the state has ever been forced to cross-dress and there are no grounds to suggest that such an incident could ever occur because the SHARE pilot does not endorse or allow this sort of behaviour.

This is one example of how a whisper got way out of control and, unfortunately, I am very certain that many such examples still remain unsubstantiated and unchallenged. The draft resource materials are designed to encourage sensitive, informed, responsible discussion and decision-making. They are not designed to encourage embarrassment, promiscuity, homosexuality, rape or crime. The materials emphasise respect, tolerance and compassion. Emotional consequences of the prevalence of homophobia in school communities are substantiated with several studies that report that young people who are not exclusively heterosexual are more likely to be bullied at school, experience depression and suicidal feelings and display self-harming behaviours. Because of this, we need to accept that addressing diversity at every level in a safe environment informs and protects everyone, and other members have covered the fact that because we do not talk about sex education children are vulnerable.

SHARE activities are designed to reinforce responsible, informed decision-making and respect for actions in personal relationships. The focus of the program is responsibility in relationships and behaviour, which will not lead to inappropriate or unwelcome sexual attention which would lead to abuse, rape, sexually transmitted disease or unwanted pregnancies. Australia has one of the highest pregnancy and abortion rates in developed countries. While here in South Australia that rate is falling, we need to make sure that it continues to fall. Alcohol and other drugs often contribute to unsafe sexual practices and research tells us that 48 per cent of year 12 students have had sex. Educating students to make informed decisions is a primary aim of the program. The program aims to promote responsibility in relationships and to diminish irresponsible actions that lead to unhealthy practices and relationships. This program is the first of its kind across Australia and will be evaluated by the Australian Research Centre in Sex, Health & Society at LaTrobe University. The high personal, social and economic costs associated with unsafe or inappropriate sexual behaviour that lead to health and emotional problems cannot be underestimated. All efforts to reduce the number of sexually transmitted infections and teenage pregnancies and abortions need to be made. Children do experiment and take risk, as do adults.

I acknowledge that the children of this state are fortunate to have parents such as those who have written to me with questions regarding this program—parents who are concerned about the health and wellbeing of their children, even though they are not directly involved in the pilot. We are fortunate that the parents directly involved are watching closely in a way very similar to that of the jury system where a representative selection of the community listens and forms an opinion. We should not shy away from the responsibility of ensuring that our children have accurate information and we must recognise that, when given appropriate information in safe environments, our children can learn and make good decisions. No member of parliament would ever risk the wellbeing of any child and their right to a full and happy life. We must give them every opportunity to achieve their full potential and, in doing so, arm them with the necessary skills and information to learn about how to be safe and fulfil their ambitions. We must learn to trust their ability to make the right decisions and never be afraid of telling them the truth. What we should fear is ignorance and the consequences that may have for the most important trust we take on of being parents, for public life and for the wellbeing of future generations.

I commend the work of those involved in this pilot and look forward to participating in the evaluation process along with the many people who have shown that they care as well. I only wish that other topics such as employment opportunities for our young people generated as much research, debate and compassion.

Mr GOLDSWORTHY (Kavel): A number of weeks ago, we saw the government attempt to gag this debate. A fundamental foundation of the democratic process is free speech. Labor government members made every effort to block this debate for their own political purposes, and it is due to the persistence of the member for Bragg—

The Hon. P.L. White interjecting:

Mr GOLDSWORTHY: No—that this matter has been brought to the house, and I commend her for that. I speak in the strongest terms in support of this motion. No other issue has raised such a level of concern in my constituency in the past 20 months since I have been the elected member for Kavel. One person has spoken to me in support of this program, and that person is a teacher not in my constituency but in another constituency who has chosen to teach this program. One person has spoken to me in support of it. However, I have received scores—literally tens upon tens—of letters from constituents and people in other areas—

Mr Caica interjecting:

Mr GOLDSWORTHY: —probably from the constituency of the member for Colton as well, opposing this program. I attended a public meeting in Mount Barker earlier in the year at which a number of residents whose children were to attend the Mount Barker High School expressed concerned about the introduction of this program into that school. They convened a meeting that was held in the Mount Barker Town Hall. I attended that public meeting, along with the member for Heysen; and there were a number of speakers, including Vickie Chapman, the member for Bragg and the Hon. Andrew Evans MLC and many members of the hills community, all of whom voiced their very strong concerns about this program. Nobody from the Labor government (the minister or any other member of parliament), no departmental officer and nobody from the Australian Democrats (who are strong supporters of this program) attended that meeting.

I know that some members of the government do not support this program, and the member for Bright spoke about this earlier. I guess, and it is a pretty good guess, that the members for West Torrens and Playford, the Attorney-General and even the member for Norwood would oppose this program.

Ms Ciccarello: How dare you say what I would do!

Mr GOLDSWORTHY: That's all right. The minister has been allowed to supposedly carry the day. She has been allowed to run roughshod over her colleagues on this issue. We have seen 15 schools—

An honourable member interjecting:

Mr GOLDSWORTHY: Well, let them speak about it.

The SPEAKER: The member for Torrens has a point of order.

Mr KOUTSANTONIS: I rise on a point of order, sir. The honourable member just implied that the minister is somehow impugning my privilege on this matter, and he can do that only by substantive motion. Indeed, the honourable member is implying that I am somehow not voting according to my beliefs on this motion, and I believe that is completely unfair and false. He cannot do that without a substantive motion. I do not see how he can do that.

The SPEAKER: The honourable member may challenge other members to state a position or exercise their right to participate in debate. I do not think there is anything to be precious about. Did the honourable member for Enfield have a point of order?

Mr RAU: No, sir.

The SPEAKER: The member for Kavel.

Mr GOLDSWORTHY: We have seen 15 schools trialing this program. Mount Barker High School, which is the largest high school in my electorate, is one of those 15 schools trialing it. I have personally spoken to the principal about this, and he agreed that some of the material was too explicit to put into the classrooms. He has met with the school governing council and the parents to assess the content. I understand that that school has withdrawn what it regards as inappropriate material from the program.

As I said earlier, I attended the meeting in the Mount Barker Town Hall and, as a consequence of that, I wrote to *The Courier*, the local hills newspaper. *The Courier* did not publish my letter, but it included some of the text of my letter (in which I stated my concerns) in an article on the matter. The article also quoted from a letter sent to *The Courier* written by the member for Heysen. The article put both our points of view on this issue. In part, my letter states:

> I believe a certain level of sexual and health education needs to be taught in schools. However, I am quite concerned at the level of explicit sexual material in the proposed program. This program is targeted at middle school students, that is, 11 to 15-year olds. My wife and I would be strongly opposed to some of this material being taught to our 11-year old daughter. I understand teachers have the opportunity to reject certain material, however, that is a purely subjective decision. I concur with *The Courier's* editorial on 9 April 2003, which in part stated that 'sex is an issue in which students carry their own family values and that Minister White must remove the explicit and inappropriate segments of the curriculum immediately.'

At that meeting at Mount Barker I heard what was really one side of the story. I think that I am a reasonably balanced and fair individual. I was aware of the briefing convened in Parliament House by the Hon. Kate Reynolds at which the SHine people presented their views of the program to members. And, together with a number of my colleagues—

Ms Breuer interjecting:

Mr GOLDSWORTHY: And I know that the member for Giles was present and put forward her point of view, which is fine. I listened to the facilitators, understanding the statistical information they were giving, and so on, when they were talking about contraception and the like and saying that some forms of contraception is not very well known to some women. I went home that night and I spoke to my wife about this, who said, 'For goodness sake, they can go to the doctor and find out.' I think that some of the material the SHine facilitators were presenting at that meeting was not relevant information to that discussion.

I asked one question about the more explicit material in the program and was told by one of the SHine facilitators that this formed only a very small part of the overall program, and that it used some sort of card system that gives an indication of alternate forms of sexual activity, such as anal sex. The presenter then said that they briefly spoke about it in the curriculum and moved on. I would like to know how many 15-year old boys and girls, being presented with that material, would move on. I can tell members that, as a 15-year old boy (and that might be 30-odd years ago), I would not necessarily have moved on, and neither would my mates.

It is all very easy to dismiss it and say that you move on, but I tell members that 15-year old boys today are not much different from 15-year old boys 30 years ago when I was one. They are more interested in riding their skate boards, playing cricket, playing sport and hanging out with their mates than being exposed to this sort of nonsense. We do not need to fill our children's minds with some of this nonsense.

Time expired.

Mr RAU (Enfield): I will be very brief. The members opposite who are supporting this motion are the people who come into this parliament talking about choice. They are very keen on choice. They want choice for this and choice for that. They talk about the competitive market—market driven this, market driven that and deregulation. This is their bread and butter. Of course, the number one point to be made about this program is that it is optional. You do not have to do it. If the parents of the children who are concerned about this do not want their children in, they do not have to opt in. It is that simple. That deals with every parent who has a concern about it, and I encourage them. Any parent at all who has a child at school where this program is operating and they are concerned, as far as I am concerned, please do not opt in; do not take the risk. If you are not happy with it, if you are not absolutely comfortable with it, do not do it. Okay? But those parents should be entitled to make decisions about what goes on in their own homes. Those parents should be entitled to

talk to their own children about this and make up their own minds instead of having, with all respect, the members of the opposition making that decision for them.

The second thing I would like to say is that I do not condone, under any circumstances, inaccurate information being given to children whether in the guise of a sex program, a relationship program or anything else. And to the extent that anyone can demonstrate that material contained in this program is inaccurate—and I emphasise the term 'inaccurate'—I have a problem with it. However, I have to say that, out of all of the letters I have received about this matter (and I have received many), no-one has identified anything in this program that is inaccurate.

The third thing I would like to point out is that this debate takes place in the most absurd of circumstances, because we have this box call the SHine or the SHARE program. None of us seem to know what is in the box, but all of us have heard lots of rumours. So, here we are. We are all having this impassioned debate about what is in the box. Perhaps one or two members are very aware of what is in the box, but I have to say that most people do not know what is in the box. My answer is: if you have a problem about it, do not opt in, but do not come here and tell everyone that this is the worst thing that has ever happened to the universe.

Parents do not have to be involved in it. I have received many letters about this, and it does disturb me that, in my job as a member of parliament, I am required to try to take seriously letters that are sent to me, and I do. I am required to try to get back to people, explain my position, the position of the government, the minister or whoever it might be. It is useful, sometimes, to have people respond accordingly. A person wrote to me on this subject, and I will not name them because I do not want to embarrass them. I would just like to tell the house what I said in response. I said:

> I note your concerns about the SHARE. . . program. I do not agree with sex education that presents information to students that is not accurate. My professional training as you observe—

as they did in their letter—

> is in the law, originally as a solicitor and more recently as a member of the Bar. I am not a doctor. The assertions of scientific/medical fact you make in your letter seem reasonable to me. You may or may not be aware that this program is entirely voluntary and indeed parents must 'opt in' before the program can involve their children. Nevertheless, I [will take up your concerns] with the minister. . .

I did that. In response to that letter, I got back a very lengthy letter from this individual, and the first paragraph is probably enough to give members the flavour of it. It reads:

> Thank you for your letter addressed to my wife, which I assume was in reply to my letter to you. I am surprised with your claim that as you are not a doctor you do not know that the anus is not part of the reproductive system.

That, for a start, was not responsive to anything I put in my letter and is indicative of some people who are launching this campaign at the moment. Some people are not interested in hearing what we as representatives have to say: they are interested in telling us what they think, whether or not it is responsive to our correspondence. This individual goes on to write a very lengthy paragraph about his views on the use of the anus, and then talks about the benefits of abstinence. I wound up writing back to this person, and in my letter I did apologise for the fact that I had inaccurately addressed the letter to his wife rather than to him, and I said:

> I have reviewed my letter to you of October 30, 2003 and am somewhat surprised at the tone of your correspondence. I think it would be useful for me to repeat what I said in my previous correspondence:

I then repeated the fact that I did not agree with sex education that presents inaccurate information. I went on to say:

> I fail to see how you can take objection to this. If it is of some value to you, I will try and say it in another way. If false information is being propagated to children by the education system, then that is a matter which would concern me greatly. Furthermore, I indicated to you in my letter of October 30 that your assertions and scientific/medical fact 'seem reasonable to me'. Why this provokes the response from you that I need to be informed that my anus is not part of my reproductive system I do not know. I can assure you that I have never laboured under the delusion that it is.

I then informed him that I had written to the minister, which I think was only appropriate. I again drew his attention to the fact that I would be taking this back to the minister and I had to end up with the following—and this is a very important point:

> I do not think much can be achieved by us writing letters to one another which do not accurately reflect our previous correspondence.

That, to a large extent, is what has been going on across this chamber. I continued:

> Your letter to me of November 20, 2003, aside from enlightening me as to the proper use of my anus, basically ignores what I have already written to you on October 30. I repeat again: I have taken this matter up with the minister. I will continue to do so.

This is what is going on in the chamber. People are being absolutely sidetracked on a non-issue. There are certain people who have two points to make: first, they do not agree with homosexual practices; and, secondly, they believe that the only legitimate form of birth control is abstinence. They are entitled to that view, but that view has very little to do with whether this is a good or a bad program, because this program is not about that. This program is something that you can opt into or not, and it is something that parents will make their own choices about. I would like to make a choice in my case for my children, but I think that debate like this is not very helpful. I think we are making much ado about nothing.

We should focus on the main point, which is that parents have the power to make the decision here. It is not an exercise in moral rearmament or whatever it is that some of these individuals are wanting, and we should focus not on questions about whether the anus is a feature of this program but about whether parents choose to have their children in the program. It is as simple as that.

Mr SCALZI (Hartley): I would like to state from the outset that as a former schoolteacher (for 18 years) I support programs about sex education and appropriate programs about sex education. I have always supported sex education programs and have been involved in teaching some of those programs in the past. Indeed, when the AIDS scare first came in the 1980s I was involved in teaching about that infection. So, I say from the outset that I am not against, as the member for Enfield has properly said, any sex education program that is appropriate and factual and arms our young people with the knowledge to prevent harm to themselves. But I believe that this sex education program has parts with which the community has great concerns. That has been clearly outlined by the member for Bragg. The legal ramifications of not addressing those issues can come back to bite us in the future.

I commend the member for Bragg for bringing this motion to the house, because this sex education program is not just about mathematics or history, where we can change the dates or the emphasis of what happened in the past, but it is crucial. I agree with a lot of the members and I am concerned, as the article in *The Advertiser* pointed out today, with teenage pregnancies. I am concerned with the rate of abortion and am

aware that Australia has one of the highest rates, but I suggest that this program and the sections that the community finds difficulty with are not going to address those issues of teenage pregnancies and the rate of abortion. Members who say that this program is going to be the panacea for that are kidding themselves and, I think, are misrepresenting the program in a way that is exaggerating its benefits. And that concerns me.

And it should concern members opposite, because learning about sexuality in that way is going to do nothing for the rates of teenage pregnancy or the rates of abortion. What I do have concerns with is the emphasis that is being given in this program, as the member for Newland and others pointed out from the introduction of that program, to the statement that 11 per cent of year 10 and year 12 students do not identify exclusively to heterosexual. The invisibility, isolation, discrimination and harassment experienced by many same sex-attracted young people leads to a high incidence of depression, suicide and risk behaviours compared to their opposite sex-attracted peers.

Members opposite have said, 'If you're not going to teach it as it is, these people are in greater danger.' There is no question that sexual identity and low self esteem can lead to those problems and to rates of youth suicides etc., and we should be concerned about that. But programs like this are not going to address those issues. Where in the program is there a proper addressing of this issue? I remember as a school teacher in the 1980s when the Australian Education Union, or the South Australian Institute of Teachers, put a referendum to its members on whether homosexuality should be treated as an alternative to heterosexuality. The reality is that it was lost. What I am assuming is that, in programs such as this (and we are getting it in other legislation) that alternative is being pushed in schools and pushed in society. We do not only live in a sexually diverse society. I question the percentages of that alternative sexuality. But we live in a multi-faith and multicultural society, and I ask: how much consultation has there been with the multicultural community on this? Have we asked for the opinions of the 25 to 30 per cent of our population born overseas—

Mrs Geraghty: It is not compulsory.

Mr SCALZI: The member for Torrens interjects, and I thank her for making me focus on some of the difficulties. She says that they do not have to be: it is an opt-in, not an opt-out. As an educator, that fact concerns me because, if we are to deal with teenage pregnancies, abortion rates and youth suicides and if there is such a great need for this program, then all students should get the basics and be armed so that they will not be in danger.

The Hon. R.B. Such interjecting:

Mr SCALZI: The Deputy Speaker interjects, and I thank you for assisting me as well. The basics are that you should teach it as it is with the basic facts. Tell us about sexually transmitted diseases; no-one is complaining about that.

An honourable member: It does do that.

Mr SCALZI: It does do that, but members made reference to sexual organs in the past. As I said, I was involved with the AIDS scare, and we know from statistics that there has been a significant increase in the rate of AIDS, but why aren't we honest and say in the program that the largest percentage—over 80 per cent—of new AIDS cases are amongst the male homosexual community? Teach it as it is, and give the proper facts. The reality is that certain behaviour—and I do not make any moral judgments on that, and I do not wish to—but the reality is that certain sexual practices more than others put you at risk of getting those illnesses. That is how it should taught: as it is.

I believe that, in this area, education is no different from other areas in education and that students have to be appropriately prepared. Teachers would know about Piaget theory: you do not teach a 6-year old abstract concepts of geometry and trigonometry, but you wait until they are at the proper age to accept it. Students are given information which is not appropriate to their age, and this becomes even more sensitive, because you are dealing with the values of the parents and the families. There should be greater correspondence and communication with the community, and especially parents, on these important issues. But all students should be armed with non-judgmental information on prevention. We are in agreement with that. As a teacher I have seen that, when students have problems with their identity or self-esteem, a good teacher would be able to see that a student is in difficulty and, rather than have some sort of group therapy and discuss these issues in the classroom—which would embarrass the hell out of some students, especially young males—it would be more appropriate that that student was helped individually and got professional help.

Time expired.

Mr CAICA (Colton): The first point I would make is that I really believe that the member for Bragg has hitched her caboose to the wrong wagon on this occasion. We do know that it is an ample caboose, and I mean that nicely on the basis that she does carry the weight of the entire Liberal party on her shoulders. Having had some interaction with the member for Bragg in the past, I find it very hard to believe that she actually believes in what she is saying today. It is a very important program to the people of all of South Australia, not just the children that are participating in this program.

The other thing that I find extremely interesting is that this program was initiated by the Liberal party and was funded by the former minister for health, Dean Brown, as a health initiative. That is one of its primary focuses, and it is funded by the Health Commission, so I would have thought that it would have received a little bit more support. But I know things change, as we move along the political spectrum. I think that there are certain people on the other side who are actually playing base politics about it, and are not looking at the advantages of such a program.

I have two children, James 15 and Simon 13. I would have no problems at all exposing them to this program. This program is, from my perspective, teaching the children about respect. It is providing them an understanding that people are different, that certain circumstances do exist, and despite the fact that others would like to deny that these things do not exist, they do. It is about respect and it is about respecting the differences that exist. I want my children, and I am sure that the member for Bragg and others in this house would want their children, to understand this and to ensure that the schools are providing for this very important aspect of living our lives; that is, respect and respecting others.

If I did not feel that way, as I am sure others on the other side have advocated, I could have my children opt out. I, like others, have received an enormous amount of letters at my office. Those letters have been pretty standard letters complaining about the course that is on offer. Interestingly, not one of those pieces of correspondence have come from any parent who actually has a child involved in the program.

Ms Chapman interjecting:

Mr CAICA: Unlike the member for Bragg, perhaps, I actually follow interactions with my constituents. I would just leave it at that. This program clearly aims to engage students in their own learning and encourages communication and particularly communication with their parents. Anyone who does have a 15 year old and a 13 year old like I have knows that there are some difficulties on occasion with communicating. I want anything that will provide the ability for us to communicate at a better level to be put to them at school, and for them to learn at school. That is what this program actually does. We all know that 10 to 15 per cent of Australians have sex for the first time somewhere around their 13th or 14th birthdays. These figures come from Rachel Skinner, adolescent physician, PhD and passionate educator.

Just on that point, I would say that programs similar to this actually have to be complemented by programs at an earlier age. For example, it is said that you do not become 13 until you reach first year at high school. We know that students attending reception, depending on their age, may attend in the fourth term, or the third term, and then spend the next year again in reception. So, on numerous occasions, we have children who are turning 13 in primary school, then obviously 14 in year 8—first year high school—and we need to make sure that those children are exposed to the important aspects of sex education, relationships and respect, because, as statistics show, they will be experimenting, as is the case with I guess all of us when we went to school, at that age and beyond that.

We know that research has shown that a significant proportion of school students have engaged in or are thinking about sexual intercourse at that age. It is important that they have accurate knowledge and appropriate attitudes that are clearly associated with the adoption and maintenance of health protective behaviours. I would reinforce the point I made earlier that this was a program that was commissioned by the Health Commission under the auspices of the former health minister in the Liberal government.

According to the 2002 commonwealth funded results of the Third National Survey of Australian Secondary Students on HIV Aids and Sexual Health, previous surveys reveal high levels of knowledge about HIV transmission and supportive attitudes towards people living with HIV. However, knowledge about STIs and blood born viruses, except HIV, has been generally poor. Key findings of the survey also show the majority of young people in year 10 and 12 are sexually active in some way. I can testify that 30-odd years ago when I was in school, there were many matric students who were sexually active at that stage. I am sure that things have not changed today, and that is born out by the findings of this survey.

It is extremely important that this course be made available. In fact, I believe that the results of this course will show that there will be an expansion of this course into all schools—because it will be supported. The only worry is that people are playing politics and hitching their caboose to the wrong train.

Ms Chapman interjecting:

Mr CAICA: The member for Bragg notes that it has already been changed. Programs evolve over time. We expect to see changes in programs as they evolve. However, the fundamentals will remain the same. Those fundamentals are teaching people about respect, giving them awareness of what actually exists—not what people would wish did not exist—and ensuring they are able to live their life with principles of respect and safety when it comes to health matters. I urge members to get on board. The only significant contribution I have heard from the other side this morning was from the member for Unley, and I congratulate him on his contribution, which was quite outstanding; and other members should hitch their wagons to his train, because he is on the mark.

I am a parent of a 15 year old and a 13 year old. Like all parents, I love my children very much and I want only the best for them. I believe that this course offers them the very best that is available with respect to health education, as it applies to sexual activity, within our education system. I know that is what we want for all children. This course does it. I urge members to support the program. I urge members to defeat this motion, which has been brought to the house for base political reasons. I urge members to identify the very productive aspects of this course. I urge them to stop carping and to get behind it for the benefit of this current generation and future generations, because that is our responsibility.

I do not intend to speak for much longer. I know a lot of people have bandied about supposed experts in this area to suggest where this program is wrong. But I congratulate the Hon. Kate Reynolds from another place for drawing to the attention of this house and the other place the views of the Australian Medical Association and, indeed, the chief of the Department of Psychological Medicine at the Women's and Children's Hospital that show that this program is nothing but a decent program in which the children and young adults of South Australia can participate. To that extent, I urge members to vote down this ridiculous motion.

Mr WILLIAMS (MacKillop): I support the motion moved by the member for Bragg. Over the next 10 minutes I will enunciate the reasons why I support the motion. I think the level of the debate here today has been, to say the least, a bit ordinary. There has been a lot of slanging at individuals and personalities across the chamber and I find that disappointing, because this is a very serious matter which we are addressing. It is a pity that members have not used their time to address the matter at hand, rather than talk about the personalities involved and to try to make cheap political shots across the chamber.

I will pick up on a couple of things members of the government have been saying about this. One of the mantras they have been using is that which we just heard from the member for Colton; that is, he has not received a letter from a parent with a child in the program. Surprise, surprise! If a parent took exception to the program—and it is obvious that a lot of parents do—they would not have their child in the program. The only parents with children in the program are those who accept the program. It will be very difficult for the member for Colton, or any other member, to receive a letter of protest from a parent who has a child in the program. If a parent had a child in the program and, as a result of talking to the child, they found they did not like the program and decided that it was not for their child—to the degree they would write to their local member—it would be illogical for them to leave their child in the program. I would say it is totally illogical for any member of this place to say that they have not got a letter from a parent with a child in the program; therefore, all the letters sent in do not count.

Mr Caica interjecting:

Mr WILLIAMS: That is the leap of faith that members of the government would have us take. It is just illogical. Of course, the letters of protest will come from people who have either chosen not to have their children in the program or pulled them out of the program. Members of the government

keep talking about the opportunity to opt out. The member for Kavel made a very good point in his contribution about the way in which the mind of a 13 or 14 year old boy or girl might work. I think a lot of us have overlooked that. It would be very difficult for a child of that age to live with their peer group in their school, in the classroom, in the yard and after school on a daily basis if they chose to opt out. It would be very difficult. I think members who blithely stand up and say, 'Everyone has the choice to opt out' are ignoring the reality of peer group pressure. The reality of peer group pressure on a 13 or 14 year old child is huge.

I would contend that adolescence is the most difficult stage of life. It ill-behoves this chamber to come to the conclusion that 'opt out' is a real choice. I think there is no choice when it comes to opting out of this program. As the member for Hartley pointed out, we should have a program which is appropriate for every child; a program which a number of parents would not want their child to opt out of; a program which would not cause embarrassment to any child. That is the difficulty and the point we have come to. We have a program which has caused division in the community—and that is obvious. There would not be a member here who does not have a swag of letters of protest on this. As many members on this side have said, they have had very few people come to them supporting the program and asking for us to help promote the program to ensure it is taught in every school.

Most community reaction is against the program. We should be asking ourselves: why is that? Why are a lot of people against this program? It is very easy for members to say, 'Because they do not understand and they have been misinformed.' I accept there is a little misinformation. When you talk about something which goes to the heart of families' moral values, there will always be people who will argue from either extreme of the debate and make outrageous comments and statements. If there was no doubt about the appropriateness of this program for all students, I do not think this debate would be raging the way it is. If there was no doubt about the program and its effectiveness and suitability for the age group at which it is aimed, the government and the minister would have had this debate before the introduction of the program. That is one of the things which concern me. The debate did not happen with the families of South Australia and with the parents of schoolchildren in South Australia before the introduction of the program. The program was pushed into schools without consultation with the stakeholders. Indeed, members of the government, as has been said by several of my colleagues, did whatever they could to stifle the debate we are having here today.

[Sitting suspended from 1 to 2 p.m.]

DELEGATION, VIETNAMESE NATIONAL ASSEMBLY

The SPEAKER: I draw honourable members' attention to the fact that in the parliament today we are providing the opportunity for staff of the Vietnamese National Assembly to witness the manner in which we conduct our affairs. I think this is very much strategic thinking. At least this chamber (if not the parliament at large) ought to participate in strategic exchanges with other parliaments, especially in the developing world because, not only might we learn more about the manner in which they conduct their affairs and what they seek to do, but it will also provide them with the opportunity to visit us. This is not only in the interests of the development of understanding cross-culturally and between our legislative institutions, but it more especially provides South Australia (quite properly) with a far greater opportunity to earn respect throughout the world for what its parliament has achieved.

As members know, this was the basis of my nomination for the treasurer's position in the Commonwealth Parliamentary Association in the recent General Assembly in Bangladesh. Next year, in consultation with the Clerk and acting on the suggestions of other members, I will arrange delegations to visit not only Vietnam but other countries in our region and elsewhere in the world, because I believe members will then be able to join in ensuring that we do not miss these opportunities. We can provide a great deal to the rest of the world and learn a great deal from the rest of the world in that process.

AUDITOR-GENERAL'S REPORT

The SPEAKER: I lay on the table the supplementary report of the Auditor-General entitled 'Information and communications technology: future directions, management and control'.

Ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—Pursuant to Section 131 of the Local Government Act 1999 the following reports of Local Councils for 2002-03:

- Clare and Gilbert Valleys Council
- Le Hunte, District Council of

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

- Barossa Area Health Services Inc.—Report 2002-03

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

- Central Eyre Peninsula Soil Conservation Board—Report 2002-03
- Water, Land and Biodiversity Conservation, Department of—Report 2002-03

By the Minister for Transport (Hon. M.J. Wright)—

- Transport and Urban Planning, Department of—Report 2002-03
- TransAdelaide—Report 2002—2003 (Replacement Pages)

By the Minister for Industrial Relations (Hon. M.J. Wright)—

- Industrial Relations Advisory Committee—Report 2001-02
- Industrial Relations Advisory Committee—Report 2002-03
- Industrial Relations Commission—Report 2002-03
- Mining and Quarrying Occupational Health and Safety Committee—Report 2002-03
- Occupational Health, Safety and Welfare Advisory Committee—Report 2002-03
- WorkCover Corporation SA—Report 2002-03

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

- Development Plan Amendment Reports—Interim Operation—
  - City of Onkaparinga Local Heritage (Willunga) and the City of Onkaparinga Local Heritage (Noarlunga)
  - City of Victor Harbor Local Heritage Review Plan.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 21, 58, 68, 69, 101, 168 and 176; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

STAMP DUTY

In reply to **Hon. I.F. EVANS** (15 October).

The Hon. K.O. FOLEY: I note that the subject matter of the Hon. Iain Evans' question was also raised in the Opinion Comment section of *The Advertiser* on 15 October 2003, where Mr Rex Jory reported that South Australian businesses are registering in Victoria to avoid stamp duty payments if they are purchased by another company.

The Commissioner of State Taxation has briefed me in relation to this matter.

As you would be aware, on 14 June 2001 a national scheme of company incorporation was introduced, whereby corporations are able to nominate a particular jurisdiction as their place of registration.

I understand that under the *Corporations Act 2001* an existing company that is already registered in one jurisdiction may only transfer its registration to another jurisdiction if the transfer is in accordance with the *Corporations Regulations 2001* and the Minister (Attorney-General) of the jurisdiction in which the company is currently registered has consented to the transfer. The Crown Solicitor has previously advised the Attorney-General's Department that the requirement to obtain such consent is to ensure that the transfer of a company's registration from one jurisdiction to another is not part of an arrangement to avoid stamp duty.

The Commissioner advises me that since the commencement of the national scheme RevenueSA has been advised by the Attorney-General's Department of only two applications to transfer a company's registration from South Australia to Victoria.

As you are aware, pursuant to the *Intergovernmental Agreement on the Reform of Commonwealth-State Relations* the States abolished financial institutions duty and the stamp duty on quoted or listed marketable securities as from 1/7/2001. States also agreed to review the need to retain a range of other stamp duties including the duty on non-quoted or non-listed marketable securities.

Stamp duty only remains on the marketable security or share transfers of non-quoted or non-listed companies of which the overwhelming number are proprietary limited (Pty Ltd) companies.

From 1 July 2002, Victoria and Tasmania abolished stamp duty on transfers of unquoted marketable securities.

I am advised that the Department of Treasury and Finance does not keep records of South Australian companies incorporating in Victoria (both proprietary and public companies). However, the Commissioner obtained a report from the Australian Securities and Investments Commission ("ASIC") which answers some of the questions Mr Evans raises.

The information provided by ASIC shows that the number of proprietary limited companies operating in South Australia has been increasing at a much stronger rate than nationally. This has been true both of South Australian proprietary limited companies registering in South Australia and those registering in Victoria. Although there has been stronger growth in the number of South Australian proprietary limited companies registering in Victoria, these nevertheless remain a small percentage (less than 10 per cent) of the total number of South Australian proprietary limited companies registered either in Victoria or South Australia.

	Proprietary companies operating in South Australia and registered in:		Number of proprietary company registrations nationally
Year to 14 June:	Victoria	South Australia	Australia
2001	228	2 847	76 215
2002	274	3 669	88 415
2003	413	4 515	105 052
Cumulative growth %	*81%*	*59%*	*38%*
Year to date			
14 June 2003 to 31 October 2003	292	2 038	50 563

Source: Australian Securities and Investment Commission (ASIC)

The increase in proprietary company registrations occurring in Victoria, by itself, does not prove that stamp duty is the cause of this trend.

Any stamp duty revenue loss from South Australian proprietary companies registering in Victoria will only arise when proprietary limited company ownership changes. The potential revenue loss will depend on the size of the proprietary companies and the frequency of ownership changes. On the information available, the potential loss of revenue is likely to be small given that:

- less than 10% of proprietary companies operating in South Australia have registered in Victoria for reasons unknown which may or may not relate to stamp duty;
- stamp duty will only arise upon ownership changes;
- stamp duty on unquoted marketable securities typically raises a total of $2.5 million annually while conveyance duty on the sale of businesses amounted to about $40 million in 2002-03 based on RevenueSA's records; (*Note*: although share duty on unquoted marketable securities raised almost $15 million in 2002-03, most of this related to one large transaction).

LAND TAX

In reply to **Hon. R.G. KERIN** (12 November).

The Hon. K.O. FOLEY: In particular the Leader refers to the situation involving a taxpayer who has been issued with a land tax account on a property that he has never owned. A subsequent press release distributed under the name of the Leader makes it clear that the taxpayer in question is Mr John Darley.

I am advised by Revenue SA that their records indicate that this issue was first brought to their attention by Mr Darley shortly prior to 18 December 2002. As a result, on 18 December 2002 a stop was placed on the account pending further investigation on the basis that J A & M C Darley did not own the property.

Revenue SA advises me that J A & M C Darley have been listed as the owners of the particular property for land tax purposes since 30 June 1997.

For the years 1997-98 and 1998-99 the site value was below the minimum threshold and therefore no bill was issued. For the year's 1999-2000, 2000-01 and 2001-02 the property received a principal place of residence exemption and again did not attract a bill.

The Commissioner of State Taxation has advised me that Revenue SA has made a mistake in relation to this account and he accepts that the issue should have been completely resolved at the time of Mr Darley's initial complaint.

In accordance with my instructions to Revenue SA this matter has been investigated and corrective action taken to ensure that the billing details are accurate in the future.

SCHOOLS, CRAIGMORE HIGH

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

Leave granted.

The Hon. P.L. WHITE: A review undertaken by senior Department of Education and Children's Services officers in July this year drew attention to serious problems at the Craigmore High School in student achievement, retention,

discipline, school culture and curriculum. I now table the Craigmore High School external review report for June to July 2003. The years 8 to 12 retention rate was more than 30 percentage points below the state average. Completion of the SA Certificate of Education was 43.7 per cent compared to the state average of 72.8 per cent. Approximately 100 students have left the school since the start of the school year to September.

Part of the government response to the situation occurred on 15 August when the Chief Executive of the Department of Education Children's Services wrote to five teachers at Craigmore High School, transferring them to other schools. On 19 August, a notification of an alleged industrial dispute was filed in the Australian Industrial Relations Commission by the Australian Education Union. The matter came before Judge Parsons, who made an effort to resolve the dispute. The commission was clear that there should be no industrial action on the matter, and the AEU subsequently withdrew from the process on 2 September 2003. Subsequently, the five teachers sought the intervention of the Supreme Court of Australia in an attempt to reverse the Chief Executive's decision to transfer them. The matter proceeded before Justice Mullighan, who dismissed their application on 29 October. As it has been from the beginning, the welfare of the students and staff remains the paramount consideration. Now that the matter has been decided before the courts, the most important priority is assisting the school to reach a level of effective and productive functioning for the benefit of students. Some of the steps that have been put in place during the last three months include:

- appointing highly experienced former school principal Terry Tierney to support the school, and other support in staffing;
- bringing in university students to mentor year 12 students;
- putting in place a new timetable structure to better cater for the needs of students;
- a future directions forum involving the staff, parents, students and community members at Sunnybrae Farm on 1 December.

We are exploring further ways to ensure the students of Craigmore High School have the support they need to improve achievements next year. Already there has been some improvement, with the school reporting a 12 per cent increase in student attendance to the end of October. There is also increased student participation in school events, with students attending the future directions forum on 1 December to present their opinions about where the school should be heading. It is pleasing that the school community has banded together to support its students, and parents have been overwhelmingly positive about the school's future. The teachers and leaders at the school are to be commended for their efforts—during this term, in particular—to move the school forward.

RADIOACTIVE MATERIAL AUDIT

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

Leave granted.

The Hon. J.D. HILL: This morning cabinet signed off on the EPA Audit of Radioactive Material in South Australia. The audit is the most comprehensive assessment of radioactive waste storage ever conducted by an Australian state. I am pleased to report that it has found that radioactive waste in South Australia is stored safely and securely. The audit confirms that South Australia can manage its own waste, and it provides a number of recommendations about how best to safely and securely manage radioactive material into the future.

The government wants South Australia to have world's best standards for the storage of radioactive material. That is why the Labor Party took to the last election the commitment to conduct a comprehensive physical audit. It was part of Labor's 20-point green plan. The audit identified several types of radioactive waste in South Australia—for example:

- tailings and residues generated in the processing of mining radioactive ore,
- smoke detectors,
- sealed sources formerly used in industry, science, medicine and education,
- and unsealed radioactive material that has been left after medical diagnosis, treatment, research and analytical uses.

The EPA audit surveyed all known radioactive waste storage sites under its jurisdiction. It revealed 134 sites where radioactive material was stored or used, of which 80 contained radioactive waste. In general, it was found that radioactive material was stored safely and securely. In a handful of cases where safety or security was found to be in need of improvement, the EPA did not consider it in any way to be an immediate public health risk. Nevertheless, in these cases the EPA is now working with the owners to improve standards.

The audit also identified 35 400 000 cubic metres of tailings associated with uranium mining at Olympic Dam. The audit concluded that the radioactivity of this material is relatively low and the material poses a very low risk to both people and the environment. All radioactive waste produced at uranium mines is managed in accordance with the commonwealth's Code of Practice on the Management of Radioactive Wastes from the Mining and Milling of Radioactive Ores 1982. The audit has recommended that regulatory control of mining sites containing radioactive waste be kept under review. Across the state, the remaining stored radioactive waste, consisting of low and intermediate level material, had a volume of just 22 cubic metres. This includes approximately 8 cubic metres in sealed sources and 14 cubic metres of miscellaneous radioactive waste. This waste includes:

- sealed sources of lower activity such as that used in domestic and industrial smoke detectors,
- waste resulting from uses of radioactive material for medical, industrial and scientific purposes in the past,
- devices containing radioactive material (for example, light sources used for emergency exit signs),
- industrial radiography sources that use depleted uranium for shielding, and
- geological samples containing radioactive waste minerals.

The report recommends that the government should investigate the feasibility of establishing facilities for safe interim storage, handling and packaging of this waste. The government will do this. The audit also recommends that long-term options for the safe storage of waste also be investigated.

I have asked the EPA to look at the feasibility of using Olympic Dam or Radium Hill as a storage facility. Both the EPA and I have had preliminary discussions with Western Mining Corporation about this; and I will today send a copy of the audit to WMC and continue discussions with them. This facility would be required irrespective of whether the commonwealth government is successful in its attempt to establish a national radioactive waste dump in South Aust-

ralia's north. Indeed, every state in Australia faces the same issues—that is, ensuring appropriate steps are taken for the safe interim storage, handling and packaging of radioactive waste.

In South Australia, very low level waste has traditionally been placed in landfill at Wingfield. However, that site will cease operations in December 2004. The government, through the EPA, is currently examining other disposal sites. The 22 cubic metres of low level and intermediate level waste that has accumulated in South Australia over the past 30 years to 40 years is, according to the EPA, safely stored and packaged in various hospitals, clinics and universities across South Australia. This audit contains a total of 29 recommendations. I am now pleased to table the audit and the government's response to each of the recommendations. I urge all members to read the report thoroughly, and I congratulate the EPA on its professionalism and thoroughness in undertaking this important task.

Members interjecting:

The SPEAKER: Order!

PUBLIC WORKS COMMITTEE: WHYALLA WASTE WATER TREATMENT PLANT ENVIRONMENT IMPROVEMENT PROGRAM

Mr CAICA (Colton): I bring up the 194th report of the committee, on the Whyalla waste water treatment plant environment improvement program.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE: PORT RIVER EXPRESSWAY OVERPASS

Mr CAICA: I bring up the 195th report of the committee, on the Port River expressway overpass at Hanson Road and South Road.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE: MAWSON LAKES RECLAIMED WATER SCHEME

Mr CAICA: I bring up the 196th report of the committee, on the Mawson Lakes reclaimed water scheme.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE: PORT WATERFRONT REDEVELOPMENT SITE REMEDIATION WORKS

Mr CAICA: I bring up the 197th report of the committee, on the Port Waterfront redevelopment site remediation Works.

Report received and ordered to be published.

QUESTION TIME

MINISTER FOR TRANSPORT

The Hon. R.G. KERIN (Leader of the Opposition): Does the Premier still have confidence in the Minister for Transport, and does he find it acceptable that, after nine months and much stakeholder discontent, recreational boating levy funds have been sitting in Treasury doing nothing when they could have been spent on boat ramp upgrades for the summer season because the minister has failed to appoint the necessary committee?

The Hon. M.D. RANN (Premier): I am very happy to answer this question. I have a lot more confidence in the Minister for Transport than the members opposite have in the Leader of the Opposition.

RADIOACTIVE WASTE DUMP

Mr RAU (Enfield): My question is to the Minister for Environment and Conservation. Does the radioactive waste audit recommend using the national radioactive waste dump that the federal government is seeking to impose on South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): The answer is no: the EPA report does not say we have to use that dump. However, let me restate that the government has not ruled out using that proposed dump if it is forced upon us. I am very confident that that dump will not be proceeded with, because a Latham Labor government will ensure that it is not built in our state. Just remember: this will be an issue at the next election. We will have a degree of difference between the Liberal Party and the Labor Party, and I want to see all members opposite out there campaigning for John Howard's radioactive waste dump in this state. Let me tell the house that the quantity that our state might put into that dump would be only 10 to 12 cubic metres of low level waste that has accumulated over the past 30 or 40 years, so that the proposed Howard dump that would be placed in this state would have up to 10 000 cubic metres of radioactive waste from around Australia, with a life expectancy of 50 years.

It is also very important to understand that the proposed national dump would accept waste only once every two to five years, so radioactive waste would still need to be stored in the interim in South Australia, even if we were to use the proposed dump. The EPA audit is about the day-to-day and future management of SA's radioactive material. The proposed national radioactive waste dump would be a very large, long-term store for waste from the other states. The proposed national dump is not the answer to our needs. The government is committed to world's best practice for safe storage and management of the radioactive waste produced here in South Australia. That is our approach. The Liberals' approach is to ignore all the management issues and, instead, campaign for a national dump that benefits Sydney and the east coast.

TABLING OF REPORTS

The SPEAKER: It has been drawn to my attention that, during the passage of consideration of the item on the day's *Notice Paper* being the presentation of papers, the report tabled by the Minister for Environment and Conservation was in the singular and the usual convention is that there are 10 or more, up to 20 copies.

The Hon. J.D. HILL: I am happy to provide the house with that number.

The SPEAKER: If there are other copies, can I ask the minister to immediately make them available to members in the chamber, as has been the convention for many years?

The Hon. J.D. HILL: On a point of order, it was my understanding that when reports are tabled there is only ever one document tabled; that many copies of ministerial

statements are tabled but when annual reports and the like are tabled only one copy, in my understanding, is ever tabled.

CABINET RESHUFFLE

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Premier. Given the growing discontent with the performance of the front bench and the Latham-like performance of the member for West Torrens, will the Premier reshuffle cabinet before parliament resumes in February next year?

The Hon. M.D. RANN (Premier): We all remember the scenario—I mean, talk about leading with your chin—Brown versus Olsen, Olsen versus Brown. The phone calls have already started about the lifespan of the Leader of the Opposition, because everyone is saying—

Mr BROKENSHIRE: I rise on a point of order, and it is simply on relevance. The question was: when will the Premier announce the reshuffle?

The SPEAKER: I would be more inclined to take the member for Mawson seriously if he took the standing orders seriously himself.

The Hon. M.D. RANN: In asking that question the Leader of the Opposition is like a turkey asking for an early Christmas.

RADIOACTIVE WASTE

Mr CAICA (Colton): Will the Minister for Environment and Conservation explain the inconsistency between his ministerial report about the radioactive waste audit and earlier reports about the volume of low level radioactive waste in South Australia? Earlier reports indicate that only 4 cubic metres of low level waste existed at 26 sites in South Australia, yet in the minister's statement today he said that there is 22 cubic metres of waste at 80 sites.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his question. He is quite correct: there is a discrepancy between the report that I have tabled today—which is now being circulated amongst members—and the amount that was previously thought to be held in South Australia—22 cubic metres in this report and 4 cubic metres in work that had been done before. That is because the only other study done in South Australia was a desk-top study done by the former government in the year 2000, which found that there were only 4 cubic metres of low level waste in 26 sites in South Australia. This review finds 22 cubic metres, about a half of it intermediate level waste and about half low level waste. I understand that the previous survey was really just a ring-around of producers and users. Now that we have the facts before us, we at least know what we are dealing with.

I have to say that what does concern me is that, if the proposed commonwealth dump is to be placed in our state, what are we dealing with from the other states? No other state has gone through this rigorous process of audit and assessment of the amount of waste stored in those states. So, the 10 000 cubic metre capacity that the commonwealth is proposing for the north of our state may, indeed, be too small.

The Hon. I.F. EVANS (Davenport): Will the Minister for Environment and Conservation advise the house how much extra taxpayer's money will be required to investigate, establish and operate a South Australian central storage facility for low level radioactive waste, as recommended by the EPA, in comparison to the costs associated with using the federally funded and operated low level radioactive waste repository?

The Hon. J.D. HILL: The cost of not having our own dump and relying upon the commonwealth's would be enormous for our state, for our tourism and for our export industries. As a state, what we are prepared to do is look after our own waste, just as we believe every other state should do. This report proposes that we look at a range of options in relation to the long-term storage of the small amount of waste that we have in our state. We will go through a feasibility study that will point out the answer to those questions.

SEAGAS PIPELINE

Mr O'BRIEN (Napier): My question is to the Minister for Energy. What is the progress of the $500 million Seagas pipeline which runs through my electorate of Napier and which I understand is soon to be commissioned? That is the pipeline, and not the electorate.

The Hon. P.F. CONLON (Minister for Energy): I appreciate the opportunity to give some details on this, particularly after some very irresponsible comments last week by the member for Bright about delays in shipping gas. Those comments have been communicated to me by the operators of the pipeline and were extremely unhelpful. It would have been helpful if he had spoken to them first; that is what they told me. The gas pipeline will be commissioned on Monday 8 December and that commissioning will continue until, it is estimated, 21 December. The problem with the gas pipeline at present is that it is very much like the opposition: it is full of useless air.

That air has to be purged from the pipeline at various locations, which is something that is going to cause, I am told, a lot of noise for several hours. It the noise of a large amount of air being expelled under pressure, not a dissimilar noise to a jet engine—to get it away from those scatologically minded people. This leads me to tell the house that odourised gas will also be released from the pipeline into the atmosphere for several minutes at various points as part of the final stage of the air purge. The gas may be visible as a misty plume, and the odour may be discernible in close proximity, in the rending stages.

Members interjecting:

The Hon. P.F. CONLON: This is actually serious. My office and members of the public service have been fully briefed on the process, because the process is not without some small risk. But I can assure the house that the pipeline operators are confident of it flowing smoothly with the minimal impact on the public, and they should start proceeding on a safety first basis. The company has contacted CFS, local governments and other relevant authorities along the 690 kilometre route.

To notify the public of the commissioning process, Seagas has pledged press advertisements in regional and suburban newspapers covering the pipeline route from Iona in Western Victoria to Adelaide. The Seagas pipeline will be treated as operational from next Monday, and any proposed excavation works near the pipeline should be cleared by phoning the Dial Before You Dig service. In regard to the matter raised by the member for Bright that delays in the Minerva gasfield were going to cause delays in the pipeline, this was an attempt at a cheap grab by the member for Bright. He got the cheap grab, but he should have talked to the people operating the pipeline.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: Now he is also verballing them. I ask him to go and talk to them before coming here for a cheap grab. All shippers of gas have confirmed that they have, or shortly expect to have, available alternative sources of supplies of gas to make up for the shortfall from the delay from Minerva. For the benefit of the member for Bright and the house, all shippers of gas in the Seagas pipeline see no possibility of any shortage of gas to Adelaide due to the delay in Minerva. Once again, an attempt by the member for Bright to get a cheap grab at the expense of people who have invested an enormous amount of their own money in improving South Australia's energy requirements. A very good project, but as usual the opposition are only interested in bad news.

LOCAL GOVERNMENT, PLANNING AND DEVELOPMENT

The Hon. M.R. BUCKBY (Light): My question is to the Minister for Urban Development and Planning. What evidence does the minister draw upon in his claim that there is a problem with the 'quality of decision making at local government level,' and will he name those councils that are making those poor decisions? Today in *The Advertiser*, the minister has criticised local government members for the decision processes and claims delays of planning decisions. My discussions with the Local Government Association show that 95 per cent of all development applications are determined by professional staff and less than 1 per cent were appealed to the ERD Court.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank the honourable member for his question. He asked what evidence I point to to say that our planning system is not as good as it could be. Well, drive around any area within Adelaide and I think you will see evidence of poor physical development. I think there are many examples of things that we can see in our suburbs around the place that in fact do not reflect the sorts of ways in which we would like to see our suburbs developed.

We have an opportunity in this state to have a planning system that does three important things: first, protects community values that are important; secondly, respects the natural environment; and, thirdly and crucially, promotes sustainable development, so we have a lively and prosperous community. The explanation of the question falls into the same trap. It focuses on development assessment as being a measure of the standard of the system. Unfortunately, there is far too much focus on development assessment within the planning system. It is a system of ad-hockery. Because of an undeveloped policy environment in which planning and development can occur, they see their role as getting on council to knock off bad developments.

That is how they see the most valuable contribution they can make. In fact, the reality is that the most important contribution they can make is to be involved in the process of setting the strategic direction for their area and for their neighbourhoods, to protect in an effective way the character of their neighbourhoods, and to ensure the strategic directions are found in the plans. It is not a victory for council to say, 'We knocked off this development,' and then the developer managing to go to the Environment, Resources and Development Court to get the decision overturned—that is not a victory. It ensures that we have unhappy developers and unhappy communities and we get a poor built form. Our state has had the legacy of a reasonably good planning system, but there is room for substantial improvement, and these reforms will drive that process. I will cite one additional piece of evidence in support of these reforms, that is, the member for Unley.

Ms CHAPMAN (Bragg): I have a supplementary question. Which councils?

The Hon. J.W. WEATHERILL: I am sorry; I do not understand the question.

The SPEAKER: For the benefit of the minister, I repeat that, as I understood it, the question from the member for Light invited him as minister to detail the councils in which he found there was inappropriate planning.

The Hon. J.W. WEATHERILL: I actually understood the question asked about the evidence to which I was pointing to suggest that our planning system was need in reform. In his explanation, I know the honourable member invited me to do that. There is plenty of evidence within the South Australian community of poor development decisions. I do not need to select out—

Members interjecting:

The Hon. J.W. WEATHERILL: Look, if the cap fits, wear it. If members opposite think—

Members interjecting:

The Hon. J.W. WEATHERILL: Apparently, we live in nirvana; apparently, we have the most beautifully planned suburbs that can be imagined. I do not believe that is the case. I think there are many examples of poor quality development. I want to have a constructive dialogue with councils. I will not be goaded into getting into a fight with one council area or another. We will have a constructive dialogue with local government. We will engage with the Local Government Association and we will get first-class reforms that will ensure we have not only the best planning system in Australia but also a planning system that is a massive quantum of difference from anywhere in Australia, so that good quality development is attracted to our great state.

SOUTHERN EXPRESSWAY

The Hon. R.B. SUCH (Fisher): Will the Minister for Transport indicate whether consideration is being given to changes in the operating times for the Southern Expressway following the introduction of Sunday trading?

The Hon. M.J. WRIGHT (Minister for Transport): I thank the honourable member for bringing this matter to my attention. The recent changes in shopping hours—the biggest change ever, of course, delivered by a Rann government—appear to have already had some influence on travel patterns, especially on Sundays.

The Hon. I.F. Evans interjecting:

The Hon. M.J. WRIGHT: We delivered it. The Liberal government could never deliver on shop trading hours; the Labor government did. Transport SA constantly monitors the operation of the Southern Expressway and continually reviews the effectiveness of its existing operating procedures in the interests of road safety and to ensure a smooth traffic flow. I have asked the Department of Transport and Urban Planning to assess again the traffic patterns on Main South Road and the Southern Expressway to determine whether changes need to be made to accommodate the new shopping hours. If traditional patterns associated with weekend trading demonstrate a need to change the operating times for the Southern Expressway, changes will be made. Once again, I

thank the member for bringing this issue to my attention and for his interest and also, of course, for his support for changes to shop trading hours, which have been the biggest ever in South Australia's history.

LABOR PARTY, CONSCIENCE VOTE

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Premier. Given statements by the member for West Torrens and ALP State President, will the Premier allow the honourable member to vote according to his conscience and his views regarding smoking in licensed venues, or will he force the member to vote hypocritically against his passionately held beliefs? On 21 October the member for West Torrens told the house, with some passion:

> . . . as a Labor member of parliament I believe that it is probably a God-given right of a worker, after a hard day's work, to go to his local front bar, buy a beer and have a cigarette.

Last night he re-emphasised what he calls his passionate beliefs on this issue when he said:

> The high and mighty want to lecture us about what we can and cannot do. . . I am passionate about a few things. I am passionate about the right to choose. I am passionate about a person's right to choose and I am disappointed that my colleagues do not support me in giving people the right to choose.

The Hon. K.O. FOLEY (Deputy Premier): Unlike the Liberal Party, we allow members to have their own views.

Members interjecting:

The Hon. R.G. KERIN: On a point of order, Mr Speaker, not only is the Treasurer confused about who is the Premier but he is also confused about which party is which in this house.

The Hon. K.O. FOLEY: Under the minister, together with the health minister who has taken carriage of this smoking ban, the situation is quite clear: every member of the Labor Party is entitled to their views. The Labor Party has taken a vote on this matter and determined its position. It is a decision of government, and the member for West Torrens, like everyone in the Labor Party, will vote in support of the government's position. I am interested in knowing the views of members opposite. We look forward to hearing their views. The member for West Torrens will be free to have a cigarette at the conclusion of the debate in the house provided it is not in a hotel or in the parliament.

OPEN WATERWAYS

Ms RANKINE (Wright): My question is to the Minister for Urban Development and Planning. Will the state government address concerns relating to safety risks associated with open waterways such as artificial wetlands and ponds which are increasingly becoming a feature of new housing developments? This issue came to my attention in relation to such a facility at Golden Grove. The problem is that safety is clearly not a priority. An independent audit of the site by the Injuries Surveillance Unit of the Department of Human Services showed that this facility poses a significant drowning and strangulation hazard for young children. I am concerned that public safety is not given the level of priority in design and construction that it should be afforded.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): The honourable member has discussed this issue with me on a number of occasions. In fact, she has provided me with a the copy of the report to which she referred and which was prepared by the Injury Surveillance Unit of the Department of Human Services. The report is extremely concerning. As the member mentioned, it highlighted a number of hazards which would be extremely risky for the safety of young children. As we all know, artificial lakes and stormwater arrangements are something that are becoming more a feature of urban developments—indeed, it is something we are encouraging, in a sense—and so it is important not only that the design of these waterways meets engineering standards but also that they be designed in a way which can focus on safety. So, there is a crucial role for local government when approving this type of development to ensure that these areas are not dangerous to young children.

The report which has been prepared and which has been drawn to my attention by the honourable member shows that an adult could easily find themselves in difficulties themselves if they tried to retrieve a child who had fallen into the water. Accordingly, I have initiated discussions between Planning SA, DHS and the Office of Local Government so that those agencies can do two things. One is to work together between the local government sector and, in particular, the Local Government Mutual Liabilities Scheme, to develop guidelines to help local government to manage that risk. These guidelines will assist local government in identifying potential hazards for children around artificial water bodies and provide appropriate details on how these can be dealt with to ensure that public access does not lead to these risks.

There is no doubt that this is an important part of the whole notion of safety around water. Recently I released a package of measures that are about swimming pools and young kids. This is another aspect of the process in relation to the waterways that exist around our state. The third important aspect is the whole question of resuscitation. In many incidents of young children drowning, we find that ambulance officers are arriving at the scene, adults are there, but no CPR has been administered. So, that becomes a third limb to this important policy response to children's safety around water.

CLIPSAL 500

Mr KOUTSANTONIS (West Torrens): My question is to the Deputy Premier. What recent national recognition has there been on the Sensational Adelaide Clipsal 500 V8 race, which will probably be smoke free one day?

The Hon. K.O. FOLEY (Deputy Premier): I thank the member for West Torrens for being alert and ready to ask the government ministry a question, unlike the Leader of the Opposition, who forgot that it was not his turn, and the deputy leader, who was somewhat distracted. What a motley crew on the last day of parliament! It is the last day of parliament, and this lot opposite is disorganised and, clearly, not a serious opposition if today's conduct is any indication. The Clipsal 500 is an outstanding race and, as I have done before, quite rightly, I acknowledge that this was a creation of the former Liberal government, and I give the former Liberal government due credit. I can advise, if members are not aware, that at an awards ceremony on Sydney night the Clipsal 500 car race was awarded the Promoter of the Year Award by the Australia V8 Supercar Company. This is the fifth—

An honourable member interjecting:

The Hon. K.O. FOLEY: That's right—the fifth consecutive win of this award by the Clipsal 500. I would like to commend the chair of the board, Roger Cook, for his

outstanding work in consistently delivering the best race in Australia, all the board members and, of course, Mr Andrew Daniels and his team for consistently putting on for Australia the best V8 supercar race. Importantly for South Australia, it is an outstanding event on our calendar and one from which Adelaide and South Australia greatly benefit. The award was voted on by the teams and other key motor sport officials and takes into account event presentation, facilities, race administration, promotion, spectator facilities, attendance and innovation.

They are very tough criteria but, importantly, this award is voted on by the teams themselves and motor sport officials, and that really is the best award of all to win. I know the member for Waite is an avid V8 Super Car spectator, as is the member for West Torrens. South Australia has now won five consecutive awards and, when you remember that the competition contains the famous Bathurst event, I think that puts it into context. Who would have thought ten years ago that a car race run in Adelaide by South Australians would be a greater event than the Bathurst car race in terms of how it is judged by motor sport officials and the teams?

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: As Dean Brown, the deputy leader points out, the last Grand Prix event had the largest crowd attendance, I think, of any Grand Prix.

The Hon. Dean Brown: Any Grand Prix event held anywhere in the world.

The Hon. K.O. FOLEY: Well, the deputy leader says this and I will take him at his word, so if he is wrong he has misled the house, not me. The deputy leader advises that it was the biggest crowd of any Grand Prix in the world.

An honourable member: That's not right.

The Hon. K.O. FOLEY: Well, I take that as the advice of the deputy leader.

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: If he has made a mistake, I apologise on behalf of the Deputy Leader of the Opposition. Early indications are that the 2004 race will be another huge and outstanding event. The 2004 Clipsal 500 was launched on 17 October 2003. That event, in itself, was attended by 1 500 people, and I suggested to Roger Cook that perhaps we will have to start charging people to come to the launches of our Clipsal 500. Again, for the second year running, the event will be held over four days from 18 March to 21 March. Ticket sales already have boomed. I am advised that over $2 million worth of tickets have already been sold for next year's event. Corporate sales have also boomed, with record attendances predicted for next year's race.

To cater for the increased demand, organisers have extended the grandstand seating and increased the number of Clipsal vision screens. In addition, the government has already announced that two new overpasses will be installed and there will be more 200 more toilets. That was a demand of the Premier, who took up this issue directly with me as the minister responsible: he directed me, without hesitation, that he wanted to see more toilets at the Clipsal 500. The Premier has delivered on his commitment. The circuit safety has been improved, with debris fence panels doubling in height in those areas of the track deemed to be at high risk. Off the track, the 2004 event will feature three concerts over four days, culminating in the most outstanding talent ever to grace the airwaves in Australia, Jimmy Barnes and Ian Moss. That is fantastic news for all of us who are nostalgic.

The Hon. M.D. Rann interjecting:

The Hon. K.O. FOLEY: The Seekers will never attend a Clipsal 500 as long as I am the responsible minister—unless, of course, the Premier directs me to have The Seekers come, and then I will be happy to arrange it, but I do not think they quite fit the theme. Of course, Billy Thorpe will be entertaining as well on the Sunday night.

The 2004 event will be a success, and I want to repeat that Roger Cook (the chair), the board, and Andrew Daniels and his support staff have done a fantastic job with outstanding organisation. It just gets bigger and bigger year after year and is an outstanding achievement for all involved—the government, the opposition for creating this event, and for South Australia in general.

LABOR PARTY RAFFLE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Treasurer. Will the Treasurer advise the house if the investigation into the so-called Bolkus 'raffle-gate' affair has been completed?

An honourable member interjecting:

The Hon. R.G. KERIN: So-called, yes. It is a good tag, too. If so, will he table a report and, if not, when does he expect the investigation to be completed and will he commit to making the report public?

The Hon. K.O. FOLEY (Treasurer): You would never think the Leader of the Opposition ever sat in cabinet and had ministerial responsibility. Time and again I point out to the house that matters that are under investigation by police are operational matters and it is for the police commissioner to determine whether or not any issues require further action. With respect to any actions involving Revenue SA, equally, I will take advice. I am not aware of any investigations concluding or reporting, but I am happy to take the matter on notice and get a detailed response for the honourable member.

YOUTH

Ms BEDFORD (Florey): My question is to the Minister for Youth. How is the government assisting South Australian young people to have their say?

The Hon. S.W. KEY (Minister for Youth): I would like to take this opportunity to thank the member for Florey for her ongoing advocacy, particularly on behalf of young people in South Australia. The Office for Youth and I as minister have been involved in a number of programs and activities. I am particularly delighted to report on *The Advertiser's* 'Be Heard' survey, the results of which have been progressively published. I note that the member for Unley, as a former youth minister, has shown some enthusiasm for this program. I think I have said previously that, currently, five former youth ministers are in this house. We certainly have a lot of experience.

The Hon. R.B. Such: Is that a gang of ministers?

The Hon. S.W. KEY: I am not sure what we call it. Perhaps we are a gang of youth ministers. I particularly acknowledge the member for Fisher's contribution and foresight when he was minister. A number of points have emerged from *The Advertiser's* 'Be Heard' survey. I was particularly pleased that the youth peak bodies, the Youth Affairs Council of South Australia and the Ministerial Youth Council, have worked so well with *The Advertiser* on this initiative. I would like particularly to compliment Laura Anderson for her contribution and foresight in this area.

Young people between the ages of 12 and 25 have responded to the survey; 2 434 young people have been involved. The survey canvassed questions about South Australia, finances, health, relationships, government, education and ideals. The survey tells us much about young people, and I was really pleased to see that our government is getting it right on many issues about which young people care. When all the results are released, I am sure the opposition will be fascinated to discover that, with respect to many major policy issues, this government does understand what young people want. It is important that we listen to them and also reflect on what they say and want. We have got it right with respect to how young people feel about the state, particularly with regard to the River Murray and a nuclear waste dump in South Australia. They have concerns that reflect very much what our government is doing, particularly those issues handled by the Premier and the Minister for Environment and Conservation. They agree with the action that has been taken with regard to school retention, an area that is very dear to most of our hearts, particularly the Premier, also a former youth minister; and they care about water restrictions.

Young people in our community support the action that is being taken with regard to water and water restrictions. Interestingly, they are also supporting the fine work that is being done with regard to antidiscrimination and making sure that same sex couples are not discriminated against. These are all areas in which our government has clear policies, and our policies agree with the views of young people. For example, results were released yesterday regarding young people's attitude to sex education. Young people overwhelmingly believe that sex education should be taught in our schools. The unreasonable stirring on the part of members opposite on this question is outrageous and unwarranted. Parents agree with us, professionals agree with us, and we know now that young people agree with us.

The government is getting it right, and I really must compliment the Minister for Education and the Minister for Health for making sure that our government is getting it right. Under this government young people are positive about their future and confident about their future job prospects. As the Minister for Youth, with the Ministerial Youth Council and the Office for Youth, we are working hard to make sure that there is a positive image of young people in the community and that we are hearing their voices. I commend the survey to members and urge that they continue to listen to young people because, after all, we are only borrowing our state from these future generations and future leaders.

ELECTIVE SURGERY BULLETIN

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Why is the Minister for Health deliberately withholding the release of the latest elective surgery bulletin for the September quarter and when will the overdue bulletin be released? Three weeks ago the government official who handles the elective surgery bulletin told a person who telephoned that the bulletin would be released in about week, after it had received approval for release. That was three weeks ago. Eleven days ago the minister selectively quoted information in this parliament that would be in the bulletin. Clearly, the minister has the information but will not release it.

The Hon. L. STEVENS (Minister for Health): What a conspiracy theory! Unfortunately, it is completely false. My department keeps data on waiting lists for elective surgery and other data on the metropolitan public hospital system. That is something we give out on a quarterly basis. The point that the deputy leader makes about my selectively quoting from something that must be in the bulletin is quite ridiculous. I get advice on a regular basis on what is happening in the metropolitan hospitals, which is as it should be.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: As I was saying, I get very regular updates about what is happening in the activities of the metropolitan hospitals. The elective surgery bulletin will be released by the Department of Human Services and, when it is, members will note that it will again be put up on the internet. We are not afraid of putting up information. It will be there for everyone to see and I encourage everyone to read it carefully and see the amount of work that our public hospitals are doing and the excellent job that is done on a continuing basis by the hard-working doctors and nurses of our hospitals.

TOURISM COMMISSION CAMPAIGN

Ms BREUER (Giles): My question is to the Minister for Tourism. What recognition has been recently awarded to the South Australian Tourism Commission's 'Discover the unwinding roads of South Australia' marketing campaign—an excellent campaign. I get quite homesick when I see it.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): As members will all realise, the honourable member represents one of the premier tourism spots in Australia.

Members interjecting:

The Hon. J.D. LOMAX-SMITH: No, the member for Unley, with his metrocentric view, might well appreciate that Whyalla is one of the gems of South Australia.

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Clearly, the member for Unley has never enjoyed the delights of Whyalla. it is the start of the Eyre Peninsula aquaculture tour. If you begin in Whyalla, you can have the advantage in the winter months, between May and late July and August, of seeing the copulating cuttlefish! There are over 100 000 giant cuttlefish up to one metre long of iridescent green, brown and purple colour. They have ambivalent sexuality and they breed in that short window of opportunity. They are a stunning sight. If you took the time to have a continued holiday, you could go to Cowell and visit the oyster farm—

Mr Snelling interjecting:

The Hon. J.D. LOMAX-SMITH: Well, they are same sex cuttlefish, now that you mention it, or at least ambivalent about their nature. If you went along the Eyre Peninsula drive you could go to the Cowell oyster beds, the Arno Bay kingfish farms, and then land in the most exquisite Port Lincoln site where you can go to a cannery or perhaps go the most exciting—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: Bairds Bay, indeed, further on. But one of the most exciting assets of Port Lincoln, of course, is the chance to go to the seahorse farm. For those of you who do not know about seahorses, they also have unusual breeding habits, because—

An honourable member interjecting:

The Hon. J.D. LOMAX-SMITH: But I am prepared to tell you, since you ask. The seahorse, otherwise known as hippocampus—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: I rise on a point of order. I understood that the question was about the success or otherwise of the Unwinding Roads program, and so far there has been no reference to anything vaguely related to that program.

Members interjecting:

The SPEAKER: Order! I think the question has more to do with the fact that there is a quarter of an hour to go of the last question time before Christmas.

The Hon. J.D. LOMAX-SMITH: I am referring to the aquaculture trail, which is part of the Unwinding Roads program. But I am really quite concerned about the derision with which the opposition regards some of our premier regional tourism locations. Clearly, they have no understanding. I go back to Whyalla. It is not just the cuttlefish: they have a fabulous maritime museum, they have great opportunities for sailing and diving and it is, after all, the gateway to the Outback. But the Unwinding—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: I will just return to Hippocampus abdominalis, which is a yellow-bellied seahorse. It is particularly interesting, because its abdomen swells, is bright yellow, and there is a small hole called an operculum which pouts during mating. During the mating process the female drops the eggs into the male pouch, they are fertilised, and they are born from the male, who carries the young in its pouch. So, there is a whole range of science—

Mr BRINDAL: I rise on a point of order. I ask what relevance the copulating habits of the yellow-bellied seahorse have got to do with the question that was asked to the house.

The SPEAKER: I suppose it has everything to do with how you unwind.

The Hon. J.D. LOMAX-SMITH: I wanted to make the point that you should not deride the member for Giles' question and regard her electorate as one without tourism opportunities. The SATC has indeed won awards for its Unwinding Winds program, and it was particularly fortuitous in that the program was launched at the beginning of a downturn in international tourism when there were huge opportunities in drive campaign holidays, because at that stage there were limited numbers of overseas visitors.

This campaign has been particularly successful. It was awarded two awards by the Australian Direct Marketing Association and it won against companies such as ING, the Commonwealth Bank, Optus, L'Oreal and the Collingwood Football Club. The Unwinding Roads program which, I might add, includes Whyalla and the Eyre Peninsula, is one of those campaigns that encourage tourists and economic benefit and job opportunities through the regions. So, the members opposite should not deride it: it is very important to the member for Giles. The Unwinding Roads campaign took out the DM Effectiveness Award of the Year, as well as a silver in the tourism, travel, entertainment, sport, and leisure events category. We only ran second because of the multi-million dollar—

The Hon. R.G. KERIN: I have a point of order, sir. If I understood the member for Giles' question correctly, it was actually about Unwinding Roads and the effect the Minister for Transport has had on regional roads.

The SPEAKER: The minister has the call; there is no point of order.

The Hon. J.D. LOMAX-SMITH: I was giving a list of the awards won by the Unwinding Roads program, but if the members opposite are not interested in those awards maybe there is no point in my continuing.

SURF LIFE SAVING SA

Mr BROKENSHIRE (Mawson): My question is to the Minister for Emergency Services. When will the minister actually provide funding for 2003-04 to Surf Life Saving SA, as set out in the Emergency Services Funding Act, and when will the savings from the shark patrol helicopter cancellation last summer be provided to Surf Life Saving SA, as stated by your spokesperson on radio—

The SPEAKER: Order! I did not say any such thing.

Mr BROKENSHIRE: Sorry, sir. No, you did not, you are right sir. As stated by the Minister for Emergency Services' spokesperson on radio in 2002. Surf Life Saving SA annual report on page 30 states,

> Surf Life Saving South Australia have had to borrow to ensure that they have sufficient working capital for the year, with no funds so far from the government.

The Hon. P.F. CONLON (Minister for Emergency Services): I am going to fund Surf Life Saving SA as soon as they sign a funding agreement, as the Auditor-General demands of me that I do. I have offered a significant increase in funding to Surf Life Saving. When they raised issues about solvency, I offered a one-off payment up to $100 000 to pay their bills in order to be able to sign the agreement. They declined that offer. They have declined to sign the agreement. I cannot fund them until they sign a funding agreement. We are working with them, but I cannot ignore the advice of Crown Law or of the Auditor-General. They must sign a funding agreement or I cannot fund them.

STATE STRATEGIC PLAN

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Will the Premier update the house on the progress of the State Strategic Plan, as recommended by the Economic Development Board in its Framework for Economic Development in South Australia? Briefly, to explain, the last time the house was updated on the progress of the State Strategic Plan was during the Estimate Committee hearings in June this year, when the Premier advised that he both wanted and expected it to be in place by the end of the year.

The Hon. M.D. RANN (Premier): I thank the honourable Leader of the Opposition for his erudite question. Let us perhaps go back in history. We have a series of things happening. We have the Economic Growth Summit, in which 280 delegates from all walks of life, representing business and the community, universities and all political parties, made a series of recommendations for a bold plan for the future. Of course, at the same time, the Social Inclusion Board is working on a series of references dealing with homelessness, school retention, drugs—a whole range of initiatives, very important in terms of a whole of government, whole of community response to pressing social issues.

Then we have the Minister for Environment and Conservation's Sustainability Round Table—in fact, it is the Premier's Sustainability Round Table, but I am a generous person—and also my own Science and Research Council, which I co-chair with Tim Flannery. We have a series of groups that are about enshrining partnership, working on plans across the board. So, we have the Science and Research Council making a series of recommendations including, for

instance, the vision of fibre-optic cable to link up super computers. Obviously, a whole range of things went through the last budget in terms of bandwidths and so on.

So, in the area where we are trying to enshrine partnership through a series of dynamic boards working with government—and obviously there is the Wine Council, the Food Council and so on—we thought it was important to have an umbrella plan that wraps it all in together, because, if we are about interconnection, it is about making sure that we have growth with equity. Economic growth and social justice are in fact inseparable in terms of our future. So, we have asked the head of the Department of Premier and Cabinet, Warren McCann, to take into account all of the work that is being done in the different areas, and wrap that up in an overarching plan that will be presented to Cabinet.

Recently, the cabinet committee was briefed on this issue and work is proceeding apace. Obviously, I am interested in putting forward a series of benchmarks so that we can benchmark our progress in terms of the ambitious but achievable targets that we put in place. The work is still continuing. It is not yet completed, but I am very satisfied with the work that has been done. There has been input from ministers in the past week or so which will substantially add value to the state strategic plan. I am sure that during the break the Leader of the Opposition will put pen to paper in the spirit of bipartisanship and maybe, perhaps if I give him a deadline of 1 January, put in some ideas from the opposition's point of view about the sorts of things where together we can walk towards sunlit uplands. That is something I would like to see.

FLINDERS MEDICAL CENTRE, NEONATAL BEDS

Ms THOMPSON (Reynell): My question is to the Minister for Health. How many neonatal beds were available at the Flinders Medical Centre during 2002-03?

The Hon. L. STEVENS (Minister for Health): I sought advice from the Flinders Medical Centre following statements by the member for Finniss that the government had closed neonatal beds at the Flinders Medical Centre. The Flinders Medical Centre has confirmed that the neonatal unit has 11 intensive care beds and 24 special care beds, for a total of 35 beds when needed. In this year's annual report under the heading, 'Performance indicators', the hospital says the number of beds shown as 31 reflects the overall number of beds utilised during the year. I am assured by the hospital that there has been no reduction in the capacity of the neonatal unit.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Health. Given that the EPA audit of radioactive material in South Australia concluded, 'In general it was found that radioactive material was stored safely and securely,' what public health risk has the South Australian community got to fear from a purpose-built repository built to international safety standards hundreds of kilometres away in Woomera? What is the public health risk?

The Hon. J.D. HILL (Minister for Environment and Conservation): All members on the other side know that I am the minister responsible for this issue. Every day that the member for Davenport raises this issue in here, we know he is trying to support his fellow colleagues in Canberra who want to put this dump in South Australia; he wants to put it in South Australia and the Liberal opposition wants to put it in South Australia. As a matter of policy, we do not support the radioactive waste dump coming into our state. Moreover, as a result of the change of leadership of the Labor Party, we believe that we have a very good chance of winning the next federal election—and that dump will not be coming here.

Mr BRINDAL: I rise on a point of order, sir. Under standing orders, the minister is required to address the substance of the question. The question clearly is a matter of great public interest. The question is: what is the public health risk? The minister did not attempt to answer that question, and I ask you, sir, to direct him to answer the question.

The SPEAKER: Obviously, the minister did not have the information.

SCHOOLS, MENINGIE AREA

Mr WILLIAMS (MacKillop): My question is to the Minister for Education and Children's Services. Why does the government rationalise school bus services to the Meningie Area School to the disadvantage of families and students attending that school while, at the same time, subsidise an alternative bus to transport students to a private school some 75 kilometres away? The Meningie school community has contacted me to complain that a review of a number of bus routes servicing the local area school will see families lose the convenience of having a bus to the local school pass near their home, while a government subsidised bus will pass their front gate to deliver children to a private school in Murray Bridge, some 75 kilometres away.

The Hon. P.L. WHITE (Minister for Education and Children's Services): As has been the practice for quite a number of years, rural bus services are reviewed every two years or so. Obviously, this is necessary because more children are starting in reception and people move out of an area and their children leave compulsory education. There is mobility in where students live, so bus routes have to be reviewed from time to time to make sure that, first, they are optimal for the students who happen to be attending school at any one time; and, secondly, that the situation does not arise where, if you do not review the buses, you have empty buses travelling long distances because a child who lived in a particular area no longer does so.

So, each year and progressively throughout the year there are reviews of our bus services. Approximately half our buses are government-owned and the other half are run by private contractors. The operation of bus services is also reviewed to make sure that they are operating well and for the benefit of the students whom they carry. Whenever a bus service is changed, some people will be advantaged and others will be disadvantaged. It is impossible to design an optimal route that satisfies everybody. In each individual case, the government tries to optimise the route so that it services the most students in the most effective way. This process has been in place for a number of years, and I anticipate that it will continue for quite a number of years.

SUPPORTED RESIDENTIAL FACILITIES

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

Leave granted.

The Hon. S.W. KEY: The government is committed to protecting and supporting the 1 300 vulnerable adults who live in privately operated supported residential facilities. On 11 November I announced an $11.4 million package to support the SRF sector and to extend a board and care subsidy to all residents of those facilities. On Monday the Deputy Leader of the Opposition asked:

> Why did the minister not announce that existing board and care subsidies to the 143 residents receiving a payment would be cut substantially, so the care support for these residents will also be cut?

He went on to claim that hundreds of residents were receiving payments of between $6.80 per day and $12.50 per day and that the new subsidy of $5.65 per day would result in existing payments being 'cut by up to half so their care and support has been cut'. Nothing could be further from the truth. All residents (in particular, those with high support needs) will benefit from the new package.

The $11.4 million package that the government has announced will: improve the financial viability of the SRF sector; ensure that residents will be found appropriate alternative accommodation where the closure of an SRF is unavoidable; provide all residents of SRFs with a subsidy of $2 062 per annum to contribute to the cost of their accommodation and personal care; and provide additional personal care and other services to residents with high needs. Prior to the government's new package and during the time of the previous government some residents in a small number of supported residential facilities received a board and care subsidy from Mental Health Services. Two rates applied: $5.26 per day for standard care and $9.02 per day for extra care. There were 141 residents receiving that subsidy in 2002-03 (113 receiving the standard care subsidy and 28 receiving the extra care subsidy). The total expenditure was approximately $420 000 per annum.

Under the new arrangements a single rate subsidy of $5.65 will be paid to approximately 1 300 residents. This rate is higher than the previous standard care payment. It is a median rate based on the ratio of residents previously receiving either the standard care or the extra care payment. In addition to the subsidy there is a further package available for high support needs residents (including the 28 people previously receiving the extra care subsidy). These services include: personal assessment and care; dentistry; podiatry; physiotherapy; and behaviour management support. The new board and care subsidy and the additional targeted supports have a recurrent value of $5.253 million. Compare that with the $420 000 provided by the previous government.

All SRFs (including those which houses the small number of residents previously receiving the extra care allowance) will receive significant increases in the subsidy available for the board and care of residents. I am aware that the proprietor of one supported residential facility had a special negotiated arrangement with a regional mental health service and received a higher allowance than all other SRFs. This applied to 12 residents of that facility. I presume that special arrangement is the basis of the deputy leader's wild claim that hundreds of residents were receiving between $6.80 a day and $12.50 a day. That particular facility is eligible for a large increase in subsidy compared with last year. In short, all SRFs are better off, and all residents will have more of the care they need. None of the deputy leader's claims have any foundation.

NATIONAL LIVESTOCK IDENTIFICATION SCHEME

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I lay on the table a ministerial statement made in the other place regarding the National Livestock Identification Scheme.

GRIEVANCE DEBATE

HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Today, I wish to grieve on health matters, but I would like to respond briefly to the ministerial statement that was just made by saying that the operators of SRFs have had to sign agreements that they will accept the $5.65 as the only payment that they will receive up to March next year. Therefore, they are worse off than they currently are. I was told there were 143, the minister disputes that and sees there are 141—a discrepancy of two only. They are worse off, and others have complained to me as well. There is more than one facility involved, so I stand by what I said.

I wish to reflect briefly on health issues over the last year and, in particular, the way in which these issues have been handled by the minister. I refer to the staff of the Mount Gambier Hospital and the fact that this year the minister has driven away most of the general surgeons (one of whom has retired there and is doing some locum work), most of the anaesthetists, the physicians and the obstetricians, and others, from the town. We have seen the devastating effect that this has had on Mount Gambier. In fact, the minister herself has revealed that in July they spent $38 000 on the payment of locums, and in August they spent $184 000 on the payment of locums—$184 000 in one month! On top of that, there was $24 000 for accommodation and airfares for those people as well.

We then move on into the year and we have the case of the neonatal unit at the Flinders Medical Centre which was about to close until a group of mothers fought with the media to have this unit remain open. We know the extent to which the minister did a complete backflip there and then. Throughout the entire year one of the key characteristics of health has been the wait for surgery. From the latest bulletin, we now know that under this Labor government this year we have had the longest average waiting times for all categories of surgery including urgent and semi-urgent surgery.

That is an appalling achievement, to have achieved the longest average waiting times since elective surgery bulletins have been put out. We have had seven escapes from Glenside—please stay, minister—in just three months. It is like a revolving door at Glenside: people go in and out all the time. We have had complaints from residents, such as the classic case of an 84 year old gentleman who was left on a barouche for four days in a disused part of the Flinders Medical Centre. What appalling treatment indeed. We have had the saga of the MRIs and all the other things that reduce funding for country hospitals. I also point out that no major legislation in the health area has passed through this parliament in the last 18 months—none whatsoever. Who is

responsible? If you ask the minister, she says, 'Not me.' In fact, her theme song could be the lyric from Gene Pitney:

Not, not, not responsible
Not, not, not responsible
I can't answer for the things I do
I said I'm
Not, not, not responsible
Not, not, not responsible
Cos—I'm the minister and I'll blame you

With my apologies to Gene Pitney.

The minister has blamed the federal government, she has blamed me, she has blamed the nurses, she has blamed the hospitals; she blames everyone except herself. And here she is as minister trying to run a health system. She makes mistakes after mistakes; she does not know what is going on in her own area; and, unfortunately, the quality of health care in this state has been the great sufferer during 2003.

The SPEAKER: The member for Reynell.

Members interjecting:

PUBLIC HOUSING IN THE SOUTH

Ms THOMPSON (Reynell): Mr Speaker, I would appreciate the clock not starting until there is a bit of silence in the chamber.

The SPEAKER: The member for Reynell now has the time and the call.

Ms THOMPSON: Thank you, sir. During the winter break, I took the opportunity to send a questionnaire to my constituents to try to get more details from them about some of the things that are affecting them and their quality of life, and I have undertaken to the constituents that I would report some of the findings to the house and to the relevant ministers. I think it is important that we take what action we can to find out the nitty-gritty of the concerns of our constituents, and I know that many on this side of the house do so through doorknocking and street corner meetings. On this occasion, I have chosen the survey mechanism. It is quite difficult to manage to put all the responses together in a useful way, and I had to seek some professional help about that; hence the delay in reporting back.

I have already mentioned some of the issues in relation to health. The major concern, other than increased home care, is the lack of medical practitioners in the south. We all know that that is a matter that the Minister for Health has been addressing with the federal Minister of Health. However, the Prime Minister has failed to do anything about it. That was by far the major issue in health care in the south, although many would like to see an upgrade to the Noarlunga Hospital. I am sure that the Generational Health Review will result in more services being delivered at that basic community level that is experienced by people in the south with the Noarlunga Hospital.

Today, I want to talk about the issues of housing and, perhaps, crime. When we were able to summarise the responses, I was very distressed to learn that 14 per cent of the 350 families who responded have a family member who is looking for alternative accommodation but who has been unable to find it. On reading those responses, I found that most of them were looking for houses rather than flats or units. Seventy per cent said that the main reason they were not able to find accommodation was simply that they could not afford it, and 30 per cent said accommodation was not available. So, that indicates two issues we need to tackle. One is the price of housing and the wages available to people. When asked what could best be done to improve the situation relating to houses, several people cited more jobs, better wages and decreasing rent prices as major moves to improve the situation, together with the availability of more homes.

Many of the people in my area are looking for Housing Trust homes; they find that the private rental market simply does not meet their needs. They become poorer and poorer as they have to go through all the costs of moving from house to house as private rental tenancies expire, as they do for many reasons. Most of the people I encounter have not been evicted from their homes: they are having to move because the family wants to resume the house they had let out; another family member has come back wanting to use it; they want to sell the house now to realise their retirement plans; or some other reason. What is happening is that constituents have to change schools, they have the cost of moving and they have connecting and disconnecting expenses. Every house has a few little extras they need.

This lack of housing, and particularly the lack of public housing, that people are experiencing is causing real distress in my electorate. As I have said, 14 per cent of the 350 families who responded have a member looking for housing. We did not have a lot of information about the ages of those people, but looking at the family structure indicated that many young people were seeking to move out of the family home and establish some independence. However, they were not able to do so because they could not afford it or because accommodation was not available.

So, once again, we come back to the failure of the federal Liberal government to realise what are the issues facing people in our community. The curtailment of funds through the State Housing Agreement that South Australia has experienced over many years is causing tragedy for so many families.

LOCAL GOVERNMENT, DEVELOPMENT APPROVALS

The Hon. M.R. BUCKBY (Light): I rise today to grieve about the front page of today's newspaper, where we see, yet again, government by media release. It would appear that the government says that it is all local government's fault: this planning process and the problems in planning are all on the side of local government. Let me tell members that it is not all on the side of local government, and the minister should look at his own navel to see the problems within Planning SA and some of the areas where development approvals are being held up with Planning SA rather than casting complete blame on local government. It is quite a blatant attack on local government and one which I believe is not the way to go when you are looking at openness, accountability, and a government that is supposed to consult and come up with policy once that consultation has been completed.

In question time today I asked the minister to identify the evidence he has where local government members have held up various development proposals, but he could not name one. When I talked to the Local Government Association, I was informed that some 95 per cent of all development applications were determined by officers under delegation, with no elected member involvement. The minister accuses district and suburban councils of deliberating delaying development and yet 95 per cent were determined by council officers and not local members. In fact, only 1 per cent of development applications end up going to the Environment, Resources and Development Court.

I would think that that is quite a good outcome. What is more, he goes on to say that, if local government does not make decisions within a certain time frame, he will fine them. So much for some increased consultation—sorry, if you have not finished this by 30 June, I will fine you. What about if a council needs more consultation and more time? Bad luck, it will still be fined. So it really is a blunt stick approach to local government and, as I said, one which is a complete attack on local government without the minister's looking at his own department (Planning SA), to see whether in fact there are problems. I am told by the Local Government Association that various proposals have been held up in Planning SA for two to three years, so there are obviously reforms that need to be undertaken to correct delays in Planning SA, let alone pointing the finger at local government.

The minister is obviously saying that he is going to take away from local people the determination of planning development approvals and give it to the state government. So the state government, not the local people and members of parliament, will decide what you want in your own neighbourhood. That power will be taken away. As I said, this is government by media release, but it is also government where democracy will not occur because, obviously, some power will be taken away from local government bodies.

The Local Government Association says that the notion that local political interference with sound planning approaches is a major problem in the system is simply statistical nonsense, and their view is that the problems which do occur usually result from development plans (that is, zoning) not being up to scratch. So, it is not a matter of those local members thwarting the process; it is a matter of the process itself. We questioned the minister today and asked for the evidence, and they are asking there: 'Where is the statistical evidence?'—to indicate that what the minister has said today is actually true.

Time expired.

TEMPORARY PROTECTION VISAS

Ms BREUER (Giles): Yesterday, I had the pleasure of meeting former Baxter detainee Mr Ibrahim Sammaki, who last week was reunited with his children, three year old Sara and seven year old Safta, after more than two years. The children, who lost their mother in the Kuta bombings, arrived in Adelaide from Bali. Their father was held at the Baxter Detention Centre in South Australia but, after heavy lobbying from refugee advocates, the federal government granted Mr Sammaki a permanent residency three weeks ago. His release from detention meant he could sponsor his children to come to Australia. It was a great pleasure for me to meet Mr Sammaki but I was somewhat overcome with emotion when I met this lovely family. I was pleased to see they are already bonding quite well despite not having seen each other for a long time and under tragic circumstances. For once, the federal government showed some heart (or, perhaps, it was just electoral canniness, knowing most Australians feel sympathy for this family and the children).

Unfortunately for other people who come to Australia to find security and peace of mind, this little miracle does not happen. In October 1999, in response to a growing number of boat arrivals, the federal government introduced the Temporary Protection Visa (TPV) for refugees who had arrived without a valid visa. Prior to this, all successful refugee claimants were granted a permanent protection visa. The TPV is a temporary three-year visa which denies refugees automatic eligibility for family reunion and limits their access to the kinds of settlement support available to those refugees who are granted permanent protection. Previously, after the three-year period, the TPV holder could lodge a further application for refugee status and, if this were granted, a permanent protection visa would be issued. However, in September 2001 new legislation was introduced which determined that all TPV holders who had not lodged their application for a permanent protection visa as at the date the legislation was introduced would be unlikely ever to be eligible for the grant of a temporary visa. The government also introduced two new temporary visa classes for people outside Australia who had moved from the country of first asylum (that is, for people who were granted visas in Indonesia, the Pacific states or one of Australia's excised zones). Entitlements are essentially the same as for the TPVs granted onshore. As at 30 August 2002, 8 534 TPVs had been issued.

The primary purpose is to discourage and deter other so-called unauthorised arrivals. The TPV appears to violate articles 23 and 31 of the Refugee Convention. TPV holders live in the community at considerable social disadvantage, with fewer rights than ordinary citizens and prohibitions on their obtaining government assistance in learning English and finding employment, as well as restricted access to medical benefits and CentreLink benefits. I believe, as state MPs, that we should call on the federal government to abandon this Draconian category and reinstate the permanent protection visa for the categories of refugees now included in the TPV. The TPV category is inhumane, discriminatory and causes hardship and misery for many of those placed in uncertainty by the new TPV. I join the new federal ALP President, Dr Carmen Lawrence, in her stand on this. I believe not to do so is to condone this dreadful act by our federal government.

Recently, we held a population summit in this place and it was agreed that Australia, and specifically states such as South Australia, need population growth. In regional South Australia we are crying out for people and skilled migrants. The TPV refugees provide a group of people who are willing to settle and participate in the community. There are already around 1 500 in South Australia from many backgrounds and skills. I believe there is a working group at the University of Adelaide looking at ways to provide education for TPV holders through scholarships or sponsorships. The state government could play a part in this. Most refugees are skilled and include civil engineers, doctors, business people, teachers and skilled farmers. We are crying out for these skills in country South Australia. These refugees would provide a valuable work force for South Australia and, as refugees such as the Vietnamese have shown, they become valuable and contributing citizens, supplying jobs for Australians in many instances. I urge the federal government to consider providing permanent protection for all our refugees holding TPVs in South Australia and give our states and our regions an opportunity to show that we care while providing a valuable resource for all.

STATUTES AMENDMENT (BUSHFIRE SUMMIT RECOMMENDATIONS) BILL

Mr GOLDSWORTHY (Kavel): I want to make some brief comments this afternoon concerning a piece of legislation that was passed by parliament last week, namely, the Statutes Amendment (Bushfire Summit Recommendations)

Bill. I took some advice from the assistant clerk yesterday and I understand that I cannot make a speech that would be viewed as a second reading contribution, and it is not my intention to do that, but unfortunately last week I had some commitments outside the chamber that did not allow me to contribute to the debate.

I understand that two initiatives come from the legislation: first, the introduction of an expiation notice for a number of offences under sections of the Country Fires Act; and, secondly, an initiative which is just as important, and that is giving local councils greater power to force landowners to reduce fire hazards. I have spoken to the Fire Protection Officer in the Adelaide Hills Council, which covers a fairly significant area of my electorate. I know this person personally: I used to play football with him when we were younger men. The Fire Prevention Officer certainly believes these measures are most worthwhile and he is fully supportive of them.

I have spoken previously about the tremendous contribution that the CFS makes to our community. It is a volunteer organisation and they go out day and night in all weather conditions to protect the community. The CFS, as I said, protects the community but I believe the community owes a responsibility in going some way to protect the CFS. One way of doing that—and I cannot stress this too much—is for all property owners, particularly in the Mount Lofty Ranges, to clean up the fire fuel properly around their homes and land and to have a strategy in place if a fire does come through.

It has been evidenced that those home owners who panic and look to evacuate at the last minute when a fire is on their property are the people who run the highest risk of severe injury, if not death. I implore all those people, particularly those people who live outside the townships and who own some acreage to clean up their properties adequately. I wish all my constituents and their families a very happy and safe Christmas and New Year, and that includes all the residents in the Adelaide Hills region, but they must clean up their properties to remain safe. The Leader of the Opposition gave warnings about the Adelaide Hills bushfire danger. The leader said:

> Lessons learnt over the past few years in places like Canberra, California and elsewhere have shown that historic practices need to be rethought. Home owners also need to clear up around their properties to reduce the amount of bushfire fuel. If people are allowed to build and live alongside parks and scrub regions, some measures have to be taken to protect them during the bushfire season.

I fully support the comments of the Leader of the Opposition, obviously. I think that the government should look to assist the Adelaide Hills Council in more ways than it does. Currently, the council has one fire protection officer to cover the whole district. The Adelaide Hills Council area runs from Kersbrook in the north, to Stirling-Aldgate-Bridgewater in the south, basically to Norton Summit in the west and out to Harrogate in the east. That is a huge area. I would estimate that to be over 900 square kilometres in area, and the council has one person to look after the fire prevention measures in that district.

I think that the government could do more in all aspects of fire hazard control. I have recently spoken to some very senior officers in fire prevention agencies who are concerned about this issue and the upcoming season. I hope and pray that we do not have a disaster over this summer period and that a much greater area of cold burning and fire hazard reduction work can take place during autumn next year.

Time expired.

Mr CAICA (Colton): This will most likely be my last contribution for this year.

An honourable member interjecting:

Mr CAICA: Well, I think it might be. I have been here now for almost two years, and it remains a great privilege to represent the people of Colton and, as part of the collective of the house, the people of South Australia. I still pinch myself when I arrive at work in the morning, and I think, 'How on earth did I finish up being here?' That is another story that I will leave for another day, suffice it to say that it is my privilege. As this is my last contribution for the year, I wish to use my time to say a few well-earned thank yous. I know that the leaders of government business and the business of the house will say some thank yous later, but that should not prevent my doing the same.

There are, I expect, parliamentarians in this and other places, who believe that the way of the world exists because of the work they do, and that might well be the case for some of them, but I feel that it is a bit of a misbelief. We know that, in this house, we would not be able to do our job effectively if it were not for the many other people who work here. To that extent I know, and I know that other members know, that we could not possibly do our work without them. To that extent, I want to thank a few people. I want to thank *Hansard* for their outstanding work throughout the year and the help they have shown me. I wish John and Helen all the best in retirement. They are retiring this year.

Also, I thank the library staff for their assistance. I want to thank the table officers; indeed, I thank all officers who work in Parliament House itself and in the chamber here. They make our job so much easier. I also want to thank the committee staff. Those members who are members of parliamentary committees know that the outstanding work undertaken by the secretaries and the research officers make us look very good, and they do outstanding work. In particular, I thank Keith Barrie and Paul Lobban, Rick Crump and Sue Sedivy from the committees with which I am involved. I also want to thank the catering staff who do an outstanding job, whether that be in the kitchen, the blue room or the dining room.

I thank all staff who make this place a far easier place in which to work than would otherwise be the case. I thank Sharon, who washes the dishes, for her contribution throughout the year. We know that she experienced the tragic passing of her daughter. She is going to Ardrossan. She is retiring from this place, and I am sure that everyone wishes her all the very best. I would also like to thank my electorate office staff: Bridie, Greg, Cristina and Mel; and, at the same time, I thank my electorate for the support they have shown me throughout the last 12 months. We know that two people who work in this house will come back as a husband and a wife.

We know that Patrick Conlon is getting married, as is Nicky Irons. They will not come back as each other's husband and wife, but to Patrick and Tania and to Nicky and her future husband, Brad, I wish them all the very best. I also wish to thank my parliamentary colleagues on both sides of the house and, indeed, in the other place for their efforts, support and advice they have provided throughout the year. We all know that we could not do our jobs without our family's support. To that extent, I want to thank my two sets of parents, Danny and Doreen and John and Shirley, for the advice, support and assistance they have provided me.

It would be remiss of me not to thank my wife, Annabel, and James and Simon. It is interesting, sometimes they think there are competing interests. Everyone knows that there is

no other important aspect in one's life than one's family. There is no such thing as their ever having to compete against this or any or place. I will publicly say that I love them very much, and that I would not be able to do my job without them. In the few minutes left, I would like to—

Ms Chapman: Forty seconds.

Mr CAICA: It is a little longer than 40 seconds. We talked about schools and education this morning. I think that schools underpin the very fabric of our communities and society. I do want to thank the staff, principals and school communities within my area. Two principals are moving on: David Adams from Fulham North Primary School, and I wish him all the best. David will be replaced by Clare Elson. I understand that she comes to the job very well credentialled and she will do a good job. Also, Meredith Noble from Henley Primary School is retiring from the school and she will be replaced by Shane Misso. I wish them all the very best for the next year.

NATURAL RESOURCES COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. S.M. Kanck, the Hon. C.V. Schaefer and the Hon. R.K. Sneath to the committee.

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

The Legislative Council agreed not to insist on its amendments Nos 1 to 20 to which the House of Assembly had disagreed and agreed to the alternative amendments made by the House of Assembly without any amendment.

SITTINGS AND BUSINESS

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

That the house at its rising adjourn until Monday 16 February at 2 p.m.

Motion carried.

STATUTES AMENDMENT (COURTS) BILL

The Hon. M.J. Atkinson (Attorney-General) obtained leave and introduced a bill for an act to amend the Courts Administration Act 1993; the De Facto Relationships Act 1996; the Development Act 1993; the Environment, Resources and Development Court Act 1993; the Juries Act 1927; the Summary Procedure Act 1921; and the Supreme Court Act 1935; to make related amendments to various other acts; and for other purposes. Read a first time.

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

That this bill be now read a second time.

Members may recall that on 12 May this year I introduced the Statutes Amendment (Courts) Bill 2003. The bill contained important changes to the legislation governing the state's courts. The bill lapsed at the end of the last parliamentary session.

The government has decided to press ahead with the changes in the bill in two quite separate bills. The first of these I introduce today.

I can advise members that a second bill, which the government intends introducing early in the new year, will contain those amendments from the Courts Bill about the administration, jurisdiction and powers of the Magistrates Court and the judicial officers of that court.

The bill I am introducing today contains the remaining amendments from the original Courts Bill plus some additional amendments to the Courts Administration Act, the Juries Act and the Summary Procedure Act.

The amendments from the original bill are:

- to insert a new section 14A in the De Facto Relationships Act that will prohibit a person publishing (in a newspaper or on the radio or television, or in any other way) a report of proceedings under the act that could identify persons connected with the proceedings, including a party or witness to the proceedings;
- to insert a new section 98 in the Development Act that authorises the Senior Judge of the Environment, Resources and Development Court to decide that the court may be constituted by a judge and one commissioner in cases in which the Senior Judge considers that appropriate;
- to amend the Environment, Resources and Development Court Act to change the title of the senior judge of the court from 'Presiding Member' to 'Senior Judge' and the title of the senior administrative officer of the court from 'Assistant' to 'Deputy Registrar';
- to amend section 5 of the Summary Procedure Act to reclassify offences against section 56 of the Criminal Law Consolidation Act (indecent assault), against children under the age of 12, from minor indictable to major indictable;
- to amend section 39 of the Supreme Court Act to allow proceedings in tribunals, such as the Workers Compensation Tribunal, to be taken into consideration under the vexatious litigant provisions;
- to give retrospective operation to technical amendments to the Mental Impairment provisions of the Criminal Law Consolidation Act.

The bill I introduce today contains these amendments that were not included in the original bill:

Section 28A of the Courts Administration Act is amended to extend the protection of that section (which provides protection to members and employees of the Courts Administration Council for the publication of sentencing remarks on the Courts Administration Authority's web site) to judgments of the Supreme and District Courts and other prescribed courts and tribunals.

Some amendments are made to the Juries Act. Section 6A of the act, which provides for the balloting out of additional jurors, is amended to clarify the application of the provision to Prasad directions. Section 30 is amended to allow for the replacement of the prescribed Jury Summons with a less formal and reader-friendly document. Section 31, which entitles the DPP or representative of the accused to a copy of a list containing the jurors names, is repealed. Section 31 conflicts with new procedures carried out by the courts to protect the identity and address of jurors.

Section 70 is amended to allow the Sheriff to reimburse a juror's employer direct where he continues to pay the juror's salary or wages during the course of the trial. The bill also contains additional amendments to the Summary Procedure Act to discourage the inappropriate use of restraining orders by private (that is, non-police) complainants under section 99 of the act. New section 99CA provides that the court must not issue a summons for the appearance of the defendant and must dismiss the complaint unless it is supported by oral evidence. The court's authority to dismiss

an application for a restraining order by a private citizen is clarified, as is the court's power to issue a summons to the defendant on applications generally.

I commend the bill to the house and seek leave to insert the remainder of my second reading explanation and the explanation of clauses in *Hansard* without my reading them.

Leave granted.

Courts Administration Act 1993

The first of the new amendments is to section 28A of the Courts Administration Act.

Section 28A provides that a member of the State Courts Administration Council, the State Courts Administrator or staff of the Council have, in respect of the publication on the Court Administration Authority's web site of the sentencing remarks of a judge of the Supreme or District Court, the same privileges and immunities as if the publication were a delivery by a judge of sentencing remarks in court.

Section 28A was enacted to protect Council members and staff from civil and criminal liability arising out of the online publication of sentencing remarks of the Supreme and District Courts.

The Courts Administration Authority intends expanding its online publications to include judgments of the Supreme and District Courts.

The Government supports this initiative. The online publication of sentencing remarks has been occurring since February 2002. This has been well received by Members of Parliament, representatives of the media, and the public. Expanding the range of material published by the Courts Administration Authority will help explain to the public, and, importantly, the media, about the justice system and how it works.

As with the online publication of sentencing remarks, this exposes the State Courts Administration Council, the Administrator and the members of the staff of the Council to potential legal action should judgments inadvertently contain suppressed material. Consequently, His Honour the Chief Justice has requested section 28A be amended to extend the protection afforded by the provision to the online publication of judgments of the Supreme and District Courts.

Clause 4 of the Bill replaces section 28A with a new provision. This new provision extends the protection of section 28A to the Council and its members, the Administrator and employees of the Council in respect of the online publication of decisions (including reasons for decisions) of the Supreme and District Courts and any prescribed court or tribunal.

Although it is not the Authority's intention to publish judgments of other courts and tribunals online just now, new section 28A has been drafted so as to allow this to occur. Members should note that new section 28A cannot be applied to any other court or tribunal except by regulation.

As with the existing provision, new section 28A does not apply unless the decision published was released by the judicial officer of the court or tribunal who made the decision before its publication in accordance with procedures approved by the judicial head of the court or tribunal or the Chief Justice, nor to any republication of the decision by a third party.

De Facto Relationships Act 1996

Section 121 of the Commonwealth *Family Law Act 1975* makes it an offence to publish an account of proceedings, or a part of proceedings, that identifies parties, witnesses or other persons associated with Family Court proceedings under that Act.

Section 121 was enacted because media coverage of private property disputes between married couples is seen as an intrusion into people's private lives that is not warranted by any genuine public interest, may cause emotional harm to the parties and their families, may encourage people to engage in trial by media, or worse, discourage people from exercising their entitlements under the law.

The Family Law Act does not apply to unmarried couples. Therefore, section 121 does not protect separating *de facto* couples from publication of details of their property disputes. In South Australia such disputes are dealt with under the *De Facto Relationships Act 1996*. This Act contains no equivalent of section 121 of the Family Law Act.

At present, parties to a property division in a South Australian court have only the suppression laws under section 69a of the *Evidence Act 1929* to protect them from identification through published accounts of proceedings. An application for suppression of publication of proceedings may be made on the grounds that it is necessary either to prevent prejudice to the proper administration of justice or to prevent undue hardship to a witness or potential witness who is not a party to the proceedings.

When a court considers the question of making a suppression order, the public interest in the publication of information about court proceedings and the consequential right of the news media to publish such information are recognised as substantial considerations. The decision by a court not to make a suppression order can be varied only on appeal.

Applying for suppression orders, although on its face a means of safeguarding personal and family privacy, does not guarantee protection. If opposed by the media, the suppression order proceedings can be expensive and protracted, with no predictable outcome. If the application fails, publication is virtually guaranteed, regardless of whether the issues were worthy of public attention, or whether the public has any legitimate interest in knowing the identity of the parties. Faced with this prospect, separating *de facto* partners may well feel disinclined to avail themselves of their legal entitlements under the Evidence Act.

The De Facto Relationships Act applies similar principles to the division of the property of separated *de facto* couples as the Family Law Act does to the division of the property of separated married couples. There is no reason the law should not afford identical protection from publicity to both types of couple. Indeed, it could be argued that it is unjustified discrimination not to do so.

Clause 5 of the Bill inserts new section 14A into the De Facto Relationships Act.

New section 14A prohibits a person publishing, by radio, television, newspaper or in any other way, a report of a proceeding, or part of a proceeding, under the Act containing information that identifies or could tend to identify:

- a party or witness to the proceeding; or
- a person who is related to, or associated with, a party to the proceeding or a witness in the proceeding, or is alleged to be in any other way concerned with the matter to which the proceeding relates.

The maximum penalty for a breach of these new provisions will be a fine of $10 000 or imprisonment for two years.

Development Act 1993

Section 15 of the *Environment, Resources and Development Court Act 1993* (***ERD Court Act***) governs the constitution of the Environment, Resources and Development Court when it hears and determines matters, or particular classes of matters. It provides that the Presiding Member of the Court may decide, on a particular matter or matters, or particular classes of matters, that the Court will be constituted of either:

- a Judge, a magistrate and not less than one commissioner, or a Judge and not less than two commissioners (this is referred to as a "full bench"); or
- a Judge, magistrate or commissioner sitting alone; or
- two or more commissioners.

Section 15 applies to determine the constitution of the Court when it exercises its planning jurisdiction under the Development Act. This means that, when exercising its planning jurisdiction, there is no provision to enable a judge and a single commissioner to hear a matter. This is inconsistent with the provisions governing the Court's constitution in its environmental and water resources jurisdictions. Both the Environmental Protection and Water Resources Acts provide that the Court, when exercising jurisdiction under those Acts, may, if the Presiding Member of the Court so determines, be constituted of a Judge and one commissioner.

Clause 6 of the Bill inserts new section 98 into the Development Act. New section 98 authorises the Presiding Member of the Court to decide that the Court may be constituted by a Judge and one commissioner in cases in which the Presiding Member considers it appropriate.

Environment, Resources and Development Court Act 1993

Section 8 of the ERD Court Act affords the title of "Presiding Member" to the senior judge of the Court.

Section 14 of the Act establishes the Court's administrative and ancillary staff, including the position of "Assistant Registrar".

The title "Presiding Member" is confusing to those dealing with the Court. It does not clearly convey to members of the public that the position is held by a judge. This is particularly so given the use of lay commissioners and magistrates to hear matters. The Industrial Relations and Youth Courts, courts of equal status to the ERD Court, accord the title "Senior Judge" to their respective senior judges.

The title "Assistant Registrar" does not accurately reflect the role performed by the person in that position. The Assistant Registrar

performs a full deputy role to the Registrar, having the authority to sign orders of the Court in the absence of the Registrar.

After consulting with the Presiding Member and the Registrar of the Court, the Government has decided to ask Parliament to change the title of the senior judge of the Court from "Presiding Member" to "Senior Judge" and the title of the senior administrative officer of the Court from "Assistant" to "Deputy" Registrar.

These changes are effected by clauses 7 to 15 of the Bill.

Juries Act 1927

Part 6 of the Bill contains a number of amendments to the Juries Act that have been requested by His Honour the Chief Justice and the Sheriff.

Section 6A of the Juries Act provides that where a court thinks there are good reasons for doing so, the court may order that up to an additional 3 jurors be empanelled for a criminal trial. Section 6A was intended to reduce the risk that lengthy trials may be aborted where, owing to unforeseen circumstances, for example, illness, one or more jurors is unable to complete the trial.

Subsection (2) provides that the jury is reduced to 12 (by ballot) when it is about to retire to consider its verdict. Any jurors excluded under that subsection are either:

- discharged; or
- if separate issues are to be decided separately by the jury, directed to rejoin the jury.

Doubts have been raised as to the application of subsection (2) to *Prasad* directions.

A *Prasad* direction occurs at the end of the prosecution case where the judge invites the jury to retire and consider whether it wishes the trial to continue or, alternatively, bring in a verdict of not guilty. The direction is given when a no-case submission cannot succeed, but the judge nonetheless considers it appropriate to give the jury an opportunity to return a verdict of not guilty.

The doubt surrounding section 6A has arisen because, under a *Prasad* direction, it could be argued that the jury is not "about to retire to consider its verdict" but rather is about to retire to consider whether or not it will give a verdict or indicate to the judge that it wishes the trial to continue.

The Government believes that, to avoid doubt, section 6A(2) should be amended to make it clear that the provision does apply to *Prasad* directions.

This is achieved by clause 16 of the Bill, which amends subsection (2) so as to make it clear that it applies where the jury is about to retire to consider whether to return a verdict without hearing further evidence. Clause 19 makes a similar amendment to section 55 of the Act. Section 55 deals with the separation of juries.

Section 29 of the Juries Act provides for the summonsing of jurors. Under section 30, a jury summons must be in the form of Schedule 5 of the Act.

The Sheriff has advised that, when surveyed, the response of jurors to the jury summons was one of hostility or reluctance or both. Jurors said they found the form of the summons intimidating and confusing. The Government believes this indicates that the current form of the summons provides for a less than constructive start to the jury process.

Clause 17 of the Bill replaces the need for a summons to be in the form of a scheduled document with a form prescribed by regulation. This was considered preferable to amending Schedule 5 of the Act. The final form of the summons will be determined after consultation with the Sheriff and other stakeholders and, being prescribed by regulation, will be subject to disallowance by Parliament.

Section 31 of the Act provides that the sheriff must cause a list of the names of every juror summoned to render jury service in any jury district for any month to be kept in the sheriff's office for at least seven clear days before the first day of that month. Subsection (2) obliges the sheriff to provide a copy of the list to the DPP or the accused or the solicitor or agent of the accused on request.

Section 31 has fallen into disuse after the implementation of new procedures by the Supreme and District Courts regarding the identity of jurors.

Under the new procedures:

- the names of jurors will no longer used in court. Instead, a juror will be referred to in open court by a number only;
- the practice of recording a juror's address on the list of jurors provided to counsel will cease. All that will be provided is a list containing the jurors name, occupation and suburb (this will be retrieved from counsel at the end of the empanelling process). The Judge will continue to have access to the jurors' addresses but will only disclose this information if he or she feels it necessary to do so.

These new procedures were put in place after jurors expressed concern over their names and addresses being disclosed.

The Government is concerned that a person insisting they be provided with a list under section 31(1) could circumvent the new restrictions about releasing information about jurors. To ensure this cannot occur, section 31 is repealed by clause 18 of the Bill.

Section 70 of the Act provides for the payment to jurors for their jury service.

The Sheriff advises that about half of employers continue to pay jurors while on jury duty. This practice has a number of benefits for the juror (superannuation payments are maintained, annual and sick leave continue to accrue) and for the public. Ideally, the Sheriff would like to be able to reimburse employers directly in such cases.

This is prevented, however, by section 70, under which payment must be made to the juror. This means that the Sheriff must go through the process of paying the juror who then signs over the payment to the employer.

Clause 20 of the Bill addresses this by replacing section 70 with a new provision that allows payment of the prescribed fee to be made direct to a juror's employer where the employer has continued to pay a juror his wages or salary during the employee's period of jury service.

Summary Procedure Act 1921

Part 7 of the Bill contains a number of amendments to the Summary Procedure Act.

Section 103(3) of the Summary Procedure Act provides that a defendant charged with a minor indictable offence may elect, in accordance with the rules of court, for trial in a superior court, and, if no such election is made, the charge will be dealt with in the same way as a charge of a summary offence.

Section 5 of the Summary Procedure Act provides for the classification of offences. Section (3)(a)(iii) classifies offences against section 56 of the *Criminal Law Consolidation Act 1935* (***CLCA***) (indecent assault) as minor indictable offences.

As a "minor indictable offence", a prosecution for an offence against section 56 of the CLCA will be tried, unless an election is made by the defendant under section 103(3) of the Summary Procedure Act, by way of summary trial in the Magistrates Court.

Both the Director of Public Prosecutions and the Chief Magistrate have expressed the view that offences against section 56 of the CLCA, particularly offences against children under the age of 12 years, should be prosecuted in the superior courts. The Government agrees.

Clause 22 of the Bill amends section 5(3)(a)(iii) of the Summary Procedure Act to take offences under section 56 of the CLCA against a child under the age of 12, which carry a maximum penalty of imprisonment for 10 years (as opposed to offences against persons aged 12 years or over, which carry a maximum penalty of imprisonment for 8 years), out of the definition of "minor indictable offence". All such offences will become major indictable offences and hence, after a preliminary hearing, be prosecuted in a superior court.

The Government is aware of concerns that, as a result of these amendments, some defendants may be less inclined to plead guilty to offences against section 56 involving children under the age of 12.

Although we think it is unlikely that this will be so, the Government is determined to ensure that the amendments have no unintended effect on the number of matters under section 56 that run to trial.

The situation will therefore be monitored and, if it appears that these amendments have had any material effect on the number of guilty pleas under section 56, the Government will revisit the issue.

Clauses 23 and 24 of the Bill are new. Clause 23 amends section 99C, while clause 24 inserts new section 99CA into the Act.

Clause 23 clarifies the Court's existing powers to either issue an interim restraining order, or to summons a defendant, or both, or (in rare cases), to dismiss a complaint.

New section 99CA has the effect of discouraging the inappropriate use of restraining orders by private (that is, non-police) complainants under section 99 of the Act.

Section 99 provides that the Magistrates Court may, on the application of a complainant, make a restraining order against a defendant if there is a reasonable apprehension that the defendant may, unless restrained, cause personal injury or damage to property or behave in an intimidating or offensive manner, and the Court is satisfied that the making of the order is appropriate in the circumstances.

Section 99 restraining orders are one of three types of restraining orders available under South Australian legislation. They are what could be described as "general" restraining orders. Restraining orders

specifically aimed at protecting children from paederasts are available under section 99AA of the Act. Domestic violence restraining orders under section 4 of the *Domestic Violence Act 1994* are available only to protect "family members" as defined by that Act (spouses, former spouses, and children). Restraining orders under section 99 of the Summary Procedure Act are available to protect anyone who feels the need to obtain them and who can satisfy the Court of the relevant criteria.

Section 99A provides that a complaint may be made by a member of the police force or by a person against whom, or against whose property, the behaviour that forms the subject-matter of the complaint has been, or may be, directed.

Police, on behalf of persons who feels threatened, make most applications for restraining orders under section 99. Police assistance is not, however, required. A person who feels intimidated or fearful can seek the protection of the court without the assistance of police, which he or she might do if, for example, his or her own personal assessment of the danger is greater than the police assessment.

Alas, there have been occasions where complainants have used restraining orders as weapons, rather than as the shields they are intended to be. A particularly notorious litigant with mental health problems has obtained a number of restraining orders against neighbours and local council officers by falsely alleging assaults and harassment. He has also called police to report falsely breaches of the orders. In a case that attracted some publicity, one of this person's victims spent $9 000 in legal fees successfully contesting a restraining order.

This problem does not arise where the complainant is a police officer. It arises in cases where either the complainant has not sought the assistance of the police or where, having done so, the police have refused to make an application on the complainant's behalf.

One factor contributing to the inappropriate use of restraining orders by non-police complainants might be that, under section 99C of the Act, the Court may make a restraining order on affidavit evidence alone.

New section 99CA deals with this problem. It applies only where the complainant is not a member of the police force (or introduced by a member of the police force in the case of a telephone application) and only to applications under section 99.

New subsection (2)(a) provides that the Court must not issue a summons for the appearance of the defendant and must dismiss the complaint unless it is supported by oral evidence.

New subsection (2)(b) to (f) provide that, contrary to the normal practice of summonsing defendants, as required by section 57, the Court has a power to dismiss a complaint in defined circumstances.

These amendments do not affect restraining orders issued under the Domestic Violence Act. Nor do the amendments apply to paedophile restraining orders under section 99AA of the Summary Procedure Act. New section 99CA applies only where the restraining is sought under section 99 of the Summary Procedure Act.

Supreme Court Act 1935

Section 39 of the Supreme Court Act deals with vexatious litigants. Subsection (1) authorises the Supreme Court, where satisfied that a person has persistently instituted vexatious proceedings, to make these orders:

- an order prohibiting the vexatious litigant from instituting further proceedings, or further proceedings of a particular class, without leave of the Court;
- an order staying proceedings already instituted by the vexatious litigant.

The Court may make the orders on the application of the Attorney-General or another interested person.

Subsection (2) provides that where the Supreme Court, or any other court of the State, believes that there are grounds for an application under subsection (1), the court may refer the matter to the Attorney-General.

Subsection (6) provides that a reference to a "proceeding" extends to both civil and criminal proceedings, whether instituted in the Supreme Court or some other court of the State.

In *Attorney-General for the State of South Australia v Burke*, the Supreme Court ruled that proceedings in the Residential Tenancies Tribunal or the Planning Appeals Tribunal could not properly be characterised as being proceedings instituted in a "court of the State."

In light of this decision, it is doubtful that the Workers Compensation Tribunal possesses the power to refer a matter to the Attorney-General under subsection (2), or that, in any event, the Supreme Court can make an order under subsection (1) about Tribunal proceedings.

Clause 25 of the Bill addresses this limitation. Clause 25(1) replaces the reference to "the Supreme Court or any other Court" in section 39(2) with "prescribed court". Clause 25(2) replaces subsection (6) with a new subsection which defines "prescribed court" to mean:

- the Supreme Court; or
- any other court of the State; or
- the Workers Compensation Tribunal; or
- any other tribunal of the State prescribed by the regulations,

and "proceedings" to mean civil or criminal proceedings instituted in a prescribed court.

No other tribunals are to be prescribed at this time and will not be unless evidence that this is necessary is forthcoming.

Retrospective commencement of certain provisions of the Criminal Law Consolidation Act 1935

Part 8A of the *Criminal Law Consolidation (Mental Impairment) Amendment Act 1995* codifies the law applying to criminal defendants unable, owing to mental impairment, to plead to, or be convicted of, a criminal offence. Sections 269F and 269G of the CLCA set out the procedure to be followed by a court when a defendant is found not guilty of a criminal offence owing to mental incompetence. In such a case, the defendant, having been found not guilty of the criminal offence, is liable to supervision.

In 2000 Parliament enacted important amendments to the mental impairment provisions to answer questions and doubts that arose in the application of the legislation during its early years of operation.

These amendments inadvertently repealed the words "liable to supervision" in section 269G. This meant that a court was no longer authorised to declare a person liable to supervision upon a finding of mental incompetence, leading to an acquittal in certain circumstances.

This was rectified in the *Criminal Law Consolidation (Offences of Dishonesty) Act 2002*.

However, this Act contained a general transitional provision the effect of which was to apply the amendment to section 269G only to offences committed after 16 January 2003, the date of commencement of that Act.

It is therefore necessary to ensure, by way of an express provision, that the amendments to section 269G contained in the *Criminal Law Consolidation (Offences of Dishonesty) Act 2002* are given retrospective operation to the date of commencement of the *Criminal Law (Mental Impairment) Amendment Act 2000*. This is achieved by clause 26 of the Bill.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Courts Administration Act 1993*

4—Substitution of section 28A

28A—Special provisions in relation to the publication of judicial decisions

Currently section 28A deals with the publication on the Internet of sentencing remarks made by a judge of the Supreme Court or District Court. If the sentencing remarks are released by the judge in accordance with procedures approved by the judicial head of the court of which the judge is a member, and the remarks are subsequently published on an Internet site maintained by the Courts Administration Authority, the following provisions apply:

(a) a member of the Council, the Administrator and other staff of the Council have, in respect of that publication, the same privileges and immunities as if the publication consisted of a delivery by a judge of sentencing remarks in court;

(b) that publication is in all other respects to be treated as if the publication consisted of a delivery by a judge of sentencing remarks in court.

The proposed new section extends the application of those provisions to all decisions of the Supreme Court, the District Court and of any court or tribunal prescribed by the regulations. ***Decision*** is defined to mean any judgment, decree, order, decision or ruling (whether final or interlocutory), or a sentence, and includes reasons for decision and sentencing remarks. Proposed new section 28A also extends the privileges and immunities referred to above to the Courts Administration Council.

Part 3—Amendment of *De Facto Relationships Act 1996*

5—Insertion of section 14A

14A—Restriction on publication of proceedings

Proposed section 14A makes it an indictable offence, punishable by a maximum penalty of $10 000 or imprisonment for 2 years, for a person to publish—

(a) a report of a proceeding under the Act that identifies or could tend to identify a party, a witness, a person related to or associated with a party or witness, or any other person concerned in the matter to which the proceeding relates; or

(b) a list of proceedings under the Act identified by reference to the names of the parties.

A prosecution can only be commenced by, or with the consent of, the Director of Public Prosecutions.

The proposed section does not apply in relation to—

- the communication of various court documents for use in other proceedings in a court or tribunal, in disciplinary proceedings before a body against a member of the legal profession or to facilitate the making of a decision relating to the provision of legal aid; or
- the publishing of reports or notices made in accordance with the directions of a court or tribunal; or
- the publishing, under the authority of a court hearing proceedings under the Act, of lists of those proceedings; or
- the publishing of genuine law reports or other publications of a technical nature for use by a profession; or
- the publishing of reports to members of a profession in connection with professional practice or professional training; or
- the publishing of reports to parties in proceedings under the Act in connection with the conduct of the proceedings; or
- the publishing of reports to students in connection with their studies.

Part 4—Amendment of *Development Act 1993*

6—Insertion of section 98

98—Constitution of Environment, Resources and Development Court

Proposed new section 98 enables the Environment, Resources and Development Court to be constituted of a Judge and single commissioner when exercising its jurisdiction under the Development Act.

Part 5—Amendment of *Environment, Resources and Development Court Act 1993*

7—Amendment of section 3—Interpretation

This clause amends the definition of ***registrar*** so as to change the title of "Assistant Registrar" to "Deputy Registrar".

8—Amendment of section 8—Judges of the Court

9—Amendment of section 9—Magistrates

10—Amendment of section 13—Disclosure of interest by members of the Court

These clauses replace references to "Presiding Member" with references to "Senior Judge".

11—Amendment of section 14—Court's administrative and ancillary staff

This clause amends section 14 so as to change the title of "Assistant Registrar" to "Deputy Registrar" and replace the reference to "Presiding Member" with reference to "Senior Judge".

12—Amendment of section 15—Constitution of Court

13—Amendment of section 16—Conferences

14—Amendment of section 18—Time and place of sittings

15—Amendment of section 48—Rules

These clauses replace references to "Presiding Member" with references to "Senior Judge".

Part 6—Amendment of *Juries Act 1927*

16—Amendment of section 6A—Additional jurors

This clause amends section 6A to make it clear that the requirement for the holding of a ballot to reduce the number of jurors to 12 where additional jurors have been empanelled for a trial applies where the jury is about to retire to consider whether to return a verdict without hearing further evidence.

17—Amendment of section 30—Summons

This clause amends section 30 so that the form of a summons to a juror is prescribed by the regulations rather than by the Act.

18—Repeal of section 31—Duty of sheriff to keep list of persons summoned

This clause repeals section 31 which requires the sheriff to keep a list of persons summoned to render jury service for any month at his or her office for at least 7 clear days before the first day of that month.

19—Amendment of section 55—Separation of jury

This clause amends section 55 to make it clear that the court's power to permit a jury to separate applies even though the jury has retired to consider whether to return a verdict without hearing further evidence.

20—Substitution of section 70

70—Payment of jurors etc

Section 70 entitles a juror who is summoned and punctually attends a court in compliance with the summons to remuneration in accordance with the prescribed scale.

Proposed new section 70 provides that if a juror is paid wages or salary by an employer in respect of the period during which the juror attends court for the purposes of jury service the juror is not entitled to such remuneration, but instead the employer is entitled to be reimbursed an amount equal to the amount of remuneration to which the juror would have been entitled had he or she not been paid such wages or salary.

21—Repeal of Schedule 5

This clause repeals Schedule 5 which prescribes the form of a summons to a juror.

Part 7—Amendment of *Summary Procedure Act 1921*

22—Amendment of section 5—Classification of offences

This clause amends section 5 to make indecent assault against a child under 12 years of age a major indictable offence.

23—Amendment of section 99C—Issue of restraining order in absence of defendant

This clause amends section 99C to make it clear that subsections (2) and (3) have effect subject to the proposed new section 99CA. The Note is included in order to clarify the requirements of the Act in the event that the Court chooses not to issue a restraining order under section 99C(2). The Note also serves as a reminder of the circumstances in which the Court may or must dismiss certain complaints under proposed new section 99CA.

24—Insertion of section 99CA

99CA—Special provisions relating to non-police complaints for section 99 restraining orders

Proposed new section 99CA provides that in respect of a complaint where—

(a) the complainant is not a member of the police force; and

(b) the complaint is not made by telephone by a person introduced by a member of the police force; and

(c) the restraining order sought is a restraining order under section 99 (ie. not a paedophile restraining order),

the Court must dismiss the complaint unless it is supported by oral evidence, or, where such a complaint *is* supported by oral evidence, the Court has a discretion to refuse to issue a summons for the appearance of the defendant and to dismiss the complaint.

The clause sets out—

- factors to be considered in determining whether or not to exercise the discretion to dismiss the complaint (subsection (2)(c)); and
- some of the circumstances in which the discretion may be exercised (subsection (2)(d)); and

- the circumstances in which there is a presumption against exercising the discretion (subsection (2)(e)).

Subsection (2)(f) requires the Court to record its reasons in writing if it decides to exercise the discretion and dismiss the complaint under subsection (2)(b).

Part 8—Amendment of *Supreme Court Act 1935*

25—Amendment of section 39—Vexatious proceedings

This clause amends section 39 to enable the Workers Compensation Tribunal and tribunals of the State prescribed by the regulations to refer to the Attorney-General matters where it appears there are proper grounds for an application to the Supreme Court for an order prohibiting a person who persistently institutes vexatious proceedings from instituting any further proceedings without leave of the Court, and an order staying existing proceedings.

Part 9—Retrospective commencement of certain amendments

26—Retrospective commencement of amendments to Criminal Law Consolidation Act 1935

This clause provides that section 10 of the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002* will be taken to have come into operation on 29 October 2000 immediately after the *Criminal Law Consolidation (Mental Impairment) Amendment Act 2000* came into operation.

Schedule 1—Related amendments

The Schedule amends the *Environment Protection Act 1993*, the *Irrigation Act 1994*, the *Native Vegetation Act 1991* and the *Water Resources Act 1997* to replaces the references to "Presiding Member" of the Environment, Resources and Development Court with references to the "Senior Judge" of that Court.

Ms CHAPMAN secured the adjournment of the debate.

JUVENILE JUSTICE SYSTEM: SELECT COMMITTEE

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

That this house establish a select committee to examine—

(a) the juvenile justice system and, in particular—
  i. the Youth Court and the Youth Court Act 1993;
  ii. the Young Offenders Act 1993;
  iii. the Education Act 1972 as amended and, in particular, as it relates to truancy;
  iv. any other relevant acts;
(b) the appropriateness and effectiveness of custodial programs and non-custodial practices and processes for juvenile offenders;
(c) psychological and psychiatric dimensions of juvenile offending;
(d) the need for early intervention policies and, in particular, the role of parents and family;
(e) the effectiveness of interaction between departments and agencies in juvenile justice;
(f) innovative approaches that could be used in the juvenile justice system;
(g) student behaviour management policies and practices as they relate to the juvenile justice system;
(h) consideration of any special circumstances that may apply to children or youth from a non-English speaking or Aboriginal background;
(i) the adequacy of resources provided for the operation of juvenile justice; and
(j) any other relevant matter.

I was here in 1993 when the legislation establishing the new juvenile justice system went through parliament. It was the result of the only successful caucus rebellion against the Premier and cabinet that I saw in my first four years in parliament and, like all successful rebellions, it started with treason in the cabinet. A certain member of cabinet had been defeated on the question of juvenile justice, so he went to the peasants on the backbench and arranged for them to attack in the parliamentary party room. The peasants chosen for this task were the then member for Hartley (Hon. Terry Groom) and me, and the member for what was then Albert Park, Mr Kevin Hamilton. We had a supporter outside the Parliamentary Labor Party, and that was the independent member for the seat of Elizabeth, the Hon. Martyn Evans. Our intention was to save a generation from the welfarist principles of the then juvenile justice system. The vote in caucus was close—there were either one or two recounts—and eventually the backbench prevailed over the ministry by a single vote. Of course, our co-conspirator in the ministry was unable to vote with us.

A select committee was established and came up with a renowned report, which was carried out by the government with the support of the opposition, although I do recall that the Hon. David Wotton and the now member for Newland were persuaded by some of the welfarist arguments of the boss of the Youth Affairs Council, Mr Kym Davey, who opposed the reforms. One change in particular that the Hon. David Wotton and the member for Newland insisted on was that, if youth at risk were found wandering after midnight around Hindley Street or Bank Street, for example, they could be taken home in a police car, but only by a commissioned officer. I believed that any police officer ought to be able to do that. So, 10 years after those changes were made I think it is time for the parliament to review how those changes are going and I have therefore embraced the proposal of the member for Fisher that we establish a select committee on this matter.

The Hon. R.B. SUCH (Fisher): I will just make some brief comments. I thank the government and the opposition for supporting the establishment of the select committee. As the Attorney has pointed out, it is some 10 years now since the previous select committee looked at the operation of the juvenile justice system. That select committee did an excellent job and, in particular, focused on and contributed some new acts of parliament. The proposal before us today revisits those acts but also go beyond that, and this is no reflection on that earlier select committee or on the house in its previous deliberations. However, as we know, the world continues to change, and the terms of reference here go beyond a simple legalistic approach to juvenile justice although, clearly, you must have appropriate law in place.

Accordingly, the terms of reference relate to issues including truancy, the appropriateness and effectiveness of custodial programs and non-custodial practices; and it looks at psychological and psychiatric dimensions of juvenile offending, and we know how important those particular issues are; a realisation of the need for early intervention focusing on the role of parents and the family, and I think it is important that that is an explicit term of reference; the interaction between the various departments and agencies in the juvenile justice system, and that would include looking at some innovative approaches that are used in other jurisdictions in terms of juvenile justice; student behaviour management policies as they relate to juvenile justice, and I think that that is another very important aspect that needs to be considered; special circumstances that may apply to children or youth from a non-English speaking or Aboriginal background, and this is very important, particularly in relation to what is happening with some of the young Aboriginal people and children; and the adequacy of resources provided for the operation of juvenile justice—you can have any system you like, but unless it is properly resourced then it is not going to achieve whatever objectives are set.

I think this package is very comprehensive. The select committee could look at other relevant issues as well. I believe that it will be a big task and will require a lot of work, and I am pleased—as I said earlier—that the government and the opposition have been supportive of this. But there is support within the juvenile justice system and from the various ministers with whom I have discussed these terms of reference, because we all value young people. It is often said that young people are our future; they are also our present. I would not want to pre-empt the findings of the select committee—that would be quite inappropriate—but I think that there is a feeling that the system as it is generally works well. But we can always look to make improvements so that we have a system in place which is a genuinely just system, one which looks after the welfare of young people and also satisfies the wider community that there is nothing inappropriate or inadequate about the way that the juvenile justice system operates.

There is a view amongst some people in the community that the system, as it is described, is soft. That may or may not be the case; I do not want to pass judgment on that. This select committee will have the opportunity to consider those sorts of issues and, hopefully, bring back a report which will be the basis of some adjustments to the system we have which will serve South Australia well into the future and, in particular, which will ensure that the way that we deal with young people who transgress is appropriate and takes into account all the relevant factors, including the knowledge that we now have regarding matters such as early intervention. I commend this motion to the house.

Ms CHAPMAN (Bragg): It is with pleasure that I indicate that the opposition supports this motion. Unquestionably, after 10 years it is important that parliament looks at the operation of the juvenile justice system. This has been administered in the courts—historically known as Juvenile Courts, Children's Courts and Youth Court—and it is no reflection on the current administration or on Judge Jennings in the operation of his court per se; they do an excellent job in dealing with the many difficult issues that surround the younger members of our community.

One of the reasons that I think it is important that we undertake this review is that in relation to children's attendance at school this government, with the support of the opposition, now requires that children remain at school until the age of 16 years. That has been an important advance, but it also brings with it issues in relation to truancy which, in some ways, are only heightened by the passing of the legislation, especially if there are inadequate resources to engage children in staying at school. So, this is an important amendment which will, I think, require some attention by the select committee.

I think it is also important that we review the issue of protection of children. The guardianship of the minister for children in circumstances where parents are unable or unwilling to provide adequate care for their children is another important area which has undergone reform in that time and, if the report from Robyn Layton QC is acted upon, then this court will also undertake what I believe is an even more important role in ensuring the protection of our younger people. Then, of course, there are always those members of the younger community who transgress accepted and legal behaviour and who are dealt with in relation to criminal matters. That has always been a sensitive issue, but separate representation of younger offenders is a matter which, again, I think we need to look carefully at. So it is time, and it is with pleasure that I indicate the opposition's support to this motion.

Mrs REDMOND (Heysen): I also rise to add my words of support for this motion. Youth justice was never an area in which I made a specialty of practice, but I did have some degree of contact with it, particularly when I worked in Murray Bridge. As it happens, the time when I was practicing in juvenile courts traversed the time, of pre-1993 and post-1993, and I would have to say that I feel that the changes brought about at that time were good, at their time. They did lead to, I think, a better system, a better mechanism for perhaps keeping some young people, who might otherwise have gone completely off the rails, on the rails.

I think it has been a good system, but I think, like other members have already said, it is timely that we revisit it. It is no good having a good system and just simply assuming that it will stay a good system, and appropriate for its time and place for evermore, just because it is good when it is introduced. Ten years on is, I think, a timely approach for us to look at this whole issue. I am confident that we will be able to reach some conclusions in establishing such a committee to make, perhaps, even more improvements on the system since those changes were brought in ten years ago.

As the member for Bragg said, this should be seen in no way as a reflection on the efficacy and adequacy of the court as it currently exists. Certainly, I have, from time to time, contact with members who are magistrates in that court. I am sure that they will be keen to tell the committee of ideas that they might have for improvements to the system in this new century. So, it is with pleasure that I also support the motion.

Motion carried.

The SPEAKER: In consequence of the passage of the motion, can I crave the indulgence of the house to give consideration to one other matter. I have listened carefully to what the honourable the Attorney-General and other honourable members have said, and have no quarrel with any of the principles they have laid down and concerns they have expressed, in so far as I am aware of the evidence which supports those concerns.

However, there is one other matter; that is, that I would be pleased if, under item (j), the particular plight of those people who are deaf and who have come before the notice of the criminal justice system are dealt with more sensitively, perhaps, than they have been in the past, especially in the manner in which they are able to communicate. Seldom does it happen. I do not wish to draw attention to any instance, and cause the record to show that there is an identifiable case, other than to reassure the Attorney that I am aware of that having happened over the last few years on a couple of occasions. I guess the frustration for the person who was substantially but not completely deaf, the juvenile, was in no small measure a major contributing factor to them behaving in a way which brought them to the attention of the system in the first place.

The House appointed a select committee consisting of Ms Chapman, Messrs O'Brien, Scalzi, Snelling and Such, Mrs Redmond and Mrs Thompson; the committee to have power to send for a persons, papers and records; and to adjourn from place to place; the committee to report on Thursday 8 July 2004.

VICTIMS OF CRIME (CRIMINAL INJURIES COMPENSATION REGULATIONS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 3 December. Page 1090.)

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

Motion carried.

Amendments Nos 2 and 3:

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

That the Legislative Council's amendments Nos 2 and 3 be disagreed to.

Mrs REDMOND: The opposition obviously agrees with the opposed amendment, particularly since it is really only making sure that the victims, or their solicitors, have the ability to get such additional report as may be necessary, and to get the arbitration of that to a third party, rather than the Crown, which is a party to the proceedings, having the final say on whether the reports be obtained. So we will be disagreeing with the disagreement of the government on this position.

Motion carried.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendment.

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

That the Legislative Council's amendment be disagreed to.

The reason I move disagreement is that the amendments by the Liberal Party, with the connivance of the Democrats in another place—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: —with their connivance—just spoil the national legislative scheme for offensive weapons. The amendment is contrary to the things to which the member for Mawson agreed at the Australasian Police Ministers' Council when he was a minister. The gradations in the offences proposed by the amendment are not sensible or proportionate. The Democrats agreed to this absurd toughening of the offensive weapons legislation just to try to knock over the government's measured response to the use of offensive weapons in licensed premises at night and in the vicinity of licensed premises at night. We will not allow our sensible scheme to be filleted in this way.

Mr BROKENSHIRE: The Attorney-General talks about 'spoiling'. I thought we would see some goodwill in this chamber this afternoon, given that we have only an hour and a half sitting time left and that this is the season of goodwill. We have been as bipartisan as we could be, right from our first day in opposition, and we have supported, by and large, the law and order initiatives of this government. We have supported them because—

The Hon. M.J. Atkinson: Now you have gone over the top!

Mr BROKENSHIRE: The Attorney-General says that the opposition has gone over the top on law and order. Of course, the opposition has a long history of being tough on a law and order strategy. We also have a balanced history when it comes to justice, and we look at rehabilitation and crime prevention. We have always been comprehensive and consistent in our approach on law and order matters. I challenge any member in this chamber to say that the Hon. Mr Lawson in another place is not astute, intelligent and articulate when it comes to his knowledge of all legal aspects of South Australian law. In fact, he is probably one of the most balanced people in parliament when it comes to his understanding and knowledge—

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: I am talking about the Hon. Robert Lawson MLC. What a wonderful job he did while attorney-general, and it is sad for South Australia that he is not still the attorney-general; nevertheless, he will have his chance in the future. I think the Attorney-General deep down would like to see this amendment supported, but the Attorney-General is sitting on one of those rockers we had when we were children, where you are up one minute and down the next. There is now no consistency in the strategy on justice, because he is being pulled apart—and I feel sorry for him—by the thought patterns of the government, particularly the Premier, on any given day.

Let us be consistent. I do not feel in any way that my coming in here as shadow minister for police and asking the House of Assembly to support this amendment contradicts what I supported when I was police minister, and anything in which I was involved when it comes to the Australasian Police Ministers' Council. The general input was to try to address the matters around offensive weapons in order to keep the streets safe, not only at clubs, hotels, restaurants and live music establishments but also generally. I have argued for some time that if this government was serious it would be looking at where people can consume stubbies and the like. They are the sorts of implements that become weapons around nightclubs. I hope the Attorney-General gives credit for once instead of knocking the Hon. Trevor Griffin, because the Hon. Trevor Griffin—

The Hon. M.J. Atkinson: He wouldn't wear this!

Mr BROKENSHIRE: The Hon. Trevor Griffin went through exhaustive and extensive consultation on the broader matters of offensive weapons, as the honourable member well knows. We came out with probably the best legislation in Australia. If we are to strengthen that now, let us be serious about this. This was a knee-jerk reaction—

The Hon. M.J. Atkinson interjecting:

The CHAIRMAN: Order! The member for Mawson has the call. We are debating law and order, and we do not have too much in here at the moment, so the member for Mawson has the call.

Mr BROKENSHIRE: Thank you for your protection, Mr Chairman. The honourable member can rest assured that, whenever these bills were debated in cabinet, I was there. This government makes its policy by knee-jerk reaction or something they dream up overnight or while having cornflakes in the morning.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: 'Banged on about it'—that is a great example. He did bang on about it for a long time. Every time there was a violent incident in Adelaide, I would watch the ambulance take away the patient on a stretcher and I would think, 'The leader of the opposition will now say, "We have to ban knives around nightclub.s"' And, sure enough, by the next morning, if not on television that night, the then leader of the opposition would be saying that we have to ban knives, because he did not look to see whether it was a

screwdriver or stubbie bottle or some other sort of implement that had become a weapon.

The Hon. Robert Lawson has convinced the other house that this is a very good amendment if we are serious about keeping the community safe. Why should we be responsible for keeping the community safe only when around licensed premises, because lots of incidents occur well away from them? I will conclude my remarks by citing an example. A few weeks ago, I went out with the police and there was a brawl in a hotel car park, which spilled right across the road into a service station. The point is that much of the confrontation took place at the service station, which was a fair distance from the licensed premises. If the Hon. Robert Lawson's amendment gets up, there is no way that the intent of the legislation put forward by the Attorney on behalf of his government would not apply.

With those few remarks, I appeal for goodwill. This amendment is designed to strengthen the law and make it better. If you put two heads together, often you get a better decision. That is why we have two houses of parliament. The Legislative Council has considered the government's bill in great depth, and hopefully wisdom will prevail. Let us go out on a great note today, support this important amendment and show the South Australian community that the government is serious about being tough on law and order. I support the amendment.

The committee divided on the motion:

AYES (24)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (18)

Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kotz, D. C.
Matthew, W. A.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Rankine, J. M.	Buckby, M. R.
Weatherill, J. W.	Kerin, R. G.

Majority of 6 for the ayes.

Motion thus carried.

SITTINGS AND BUSINESS

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

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

Motion carried.

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

Adjourned debate on second reading.

(Continued from 26 November. Page 922.)

Dr McFETRIDGE (Morphett): As the Minister for Environment and Conservation has said, every dog has its day. I would like to thank members on both sides of the house for their contribution to this bill. I want to particularly thank the minister for his cooperation and for his ability to see commonsense in the end so as to bring about what will be a national ban on the non-therapeutic tail docking of dogs. In terms of world events, this is a very small event, but it is a small move for a better life for not only dog lovers but also their pets. With those remarks, I thank everyone who has had a small input in drawing up the bill and all those who have contributed on both sides of the argument so that it can be looked at in a rational way. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. J.D. HILL: I indicate that the government supports this measure. As the member for Morphett has said, this is the result of a national campaign to ban tail docking of dogs. My ministerial colleagues and I, in Melbourne or Perth, I think, reached agreement about this some time ago. We all agreed to introduce legislation to stop the non-therapeutic docking of dogs' tails. Of course, the member for Morphett introduced legislation before the ministerial council had reached that position, although it was plain it was heading in that direction. I asked the member for Morphett to hold off with this legislation until that had been proceeded with, and he kindly agreed to that request. The government supports the proposition, and it is good to know that it has bipartisan support in this house. However, I indicate that I have an amendment to clause 4, which has been circulated and which I will talk about when we get to that clause.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. J.D. HILL: I move:

Page 3, lines 3 and 4—

Delete 'satisfied the procedure is required for therapeutic purposes' and substitute:

(i) satisfied that the procedure is required for therapeutic purposes; or

(ii) the surgeon certifies in writing that he or she is satisfied that the dog is of a breed specified in the regulations as a breed for which tail docking is allowed;

This amendment seeks to do a couple of things. The first is to add an additional class of dogs whose tails can be docked. The member for Morphett had a provision which would allow vets who were satisfied that the procedures required for therapeutic purposes to dock the tails of dogs, and what I want to do is to allow particular breeds of dogs to be exempted from the legislation. The argument was put to me by the Canine Association that some types of dogs would benefit from a routine tail docking. The association argues that a small number of breeds habitually have injuries to their tails and that it would be more humane to dock their tails as a matter of course. This is not to say that I have been convinced of this argument; I am merely stating the argument the association has put.

An honourable member interjecting:

The Hon. J.D. HILL: I am not sure of the breeds. This is disputed by the member for Morphett's professional association (the vets association) and by some other breeders. I have no expert knowledge in relation to this, although I did say to the Canine Association that I was prepared to establish an expert reference group and that they or any anyone else could put evidence to that group. If the group was convinced that there was some merit in exempting a particular breed, they could recommend that to me and then, by regulation, I would allow that to occur. So, you might say that this is throwing a bone to the Canine Association, but I think it is a sensible measure. It does give some comfort to the association that its views will be considered and, therefore, on that basis, I support it. I would like to say that it is known that every dog has its day, but I have always believed that a dog with a broken tail has a weak end.

Dr McFETRIDGE: I rise to say that I have no objection to the amendment. In fact, I throw out the challenge to those who are proponents for the tail docking of dogs to come forward with arguments that are sustainable. I know that there are none, and that is why I have no reason to object to this amendment. The challenge is there.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment; committee's report adopted.

Dr McFETRIDGE (Morphett): I move:

That this bill be now read a third time.

The Hon. J.D. HILL (Minister for Environment and Conservation): I congratulate the member for Morphett for getting this legislation through the house. It is no mean achievement for a backbencher in the opposition to get a piece of legislation through. I know he feels passionately about it.

The Hon. M.J. Atkinson interjecting:

The Hon. J.D. HILL: I just congratulate the member on doing it. I think it is a sensible measure. Unfortunately for the member, the government is actually going to pre-empt this measure. I, with the support of the cabinet, will introduce a regulatory measure which will come into effect on 1 February to comply with the national arrangements that were agreed to by the ministers at the ministerial council. So I guess it will take a little longer than usual for this measure to come into place. I am not sure what happens when we have a regulation and legislation that do the same things, but I guess somebody who knows how to manage these things will work it out.

Dr McFETRIDGE: It is with great pleasure that I close the debate in this place on this matter, and once again I thank the minister for his cooperation. Also, members of the government opposite have been very encouraging, as have my own colleagues on this side of the house. I have no problem with the regulations that the minister is looking to introduce if that means that fewer dogs are having their tails chopped off. I look forward to this private member's bill being proclaimed as law. I thank the house.

Bill read a third time and passed.

The SPEAKER: At this point I will be happy to say, since it is close to Christmas time, that I think all the puns about the tail wagging the dog have been made, but there will certainly be much happier dogs around, I am sure, in the future. Not only do I commend the member for Morphett for having brought the proposition to the chamber (it having been part of his passionate belief about the way in which dogs ought to be treated, and not mistreated), but also for his unqualified assurance that the docking of tails and other associated surgery on lambs is in no sense or in any way influenced by this proposition such that Little Bo Peep will, of course, having lost her sheep, be able to find them again and they will not have their tails behind them, since in this country if we were to change our practices in that respect (that is, to stop docking and treating sheep), we would have terribly cruel and horrific consequences for not only the health of the individual sheep but, more particularly, for the nation's economy and especially for those farms in the pastoral areas and wheat belt of this country that rely upon the sheep grazing industry for a substantial part if not all of their income.

Anyone who thinks that changing those practices is in any way humane is a nut. Altogether, I think that is a matter and a debate for an entirely different day if anyone here has views that would warrant it. I again commend the member for Morphett and point out to him that it is very unusual for members of the backbench, on either side of the chamber, to get a piece of legislation up. I tried many times, from both sides of the chamber. In the most recent instance even my colleagues in government refused to support the proposition, ruled it out and then brought it in through the minister's own proceedings in the house.

Many of the good ideas that have come into this chamber through the backbench have not seen the light of day in consequence of the occasion upon which they were first moved by the backbench member but, rather, after the government has chosen, having knocked it out, to bring it in themselves through the ministry. The only occasion upon which I think it has occurred in the last 40-odd years is when my predecessor Bill Nankivell succeeded in getting the public accounts committee established in this place—and, I am reminded, David Tonkin likewise with the equal opportunities legislation.

CRIMINAL LAW CONSOLIDATION (IDENTITY THEFT) AMENDMENT BILL

The Legislative Council agreed to the bill with an amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

Clause 4, page 3, line 20—
After 'data' insert:
stored or

Consideration in committee.

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

That the Legislative Council's amendment be agreed to.

Motion carried.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

The Legislative Council insisted on amendments Nos 1 and 30 to which the House of Assembly had disagreed.

STATUTES AMENDMENT (COMPUTER OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 465.)

Ms CHAPMAN (Bragg): This bill was introduced in the House of Assembly on 15 October 2003 by the Attorney-General. Existing common law and statute law does not contain provisions which directly address the infliction of deliberate criminal damage to electronic data on computer systems. The current law prescribes criminal activity designed to gain access to or to misuse computers for fraudulent purposes and activities which cause physical damage to computer systems. As was detailed quite extensively by the Attorney-General in his explanation to this house, experience has shown that more sophisticated activities, such as hacking and pinging and the creation and dissemination of computer viruses, may not be adequately covered under the existing laws.

Clearly, something needs to be done about that. It is fair to say that this bill is the result of work that was undertaken by the Model Criminal Code Officers Committee, which published its report in January 2000. The four new offences that are introduced in the Criminal Law Consolidation Act are the use of a computer with intention to commit or facilitate the commission of an offence; the use of a computer with the intention to commit or facilitate the commission of an offence outside the state; unauthorised modification of computer data; and possession of computer viruses with the intent to commit a serious computer offence.

There is a fifth new offence, which comes under the Summary Offences Act, in relation to unauthorised impairment of electronic communication. The important aspect of this set of new offences is the requirement to establish proof of intent actually to commit or facilitate the commission of an offence in each case. Of course, as I have highlighted in this house previously (when we were dealing with the identity theft legislation, innovative as it was), it may be difficult to bring about prosecution. However, this is an area that does need to be tidied up.

There is one difficulty about legislating in this area, and it arises because the commonwealth parliament has the constitutional authority over electronic communications, and the Telecommunications Interruption Act 1979 already deals with this issue. I am not quite sure how that will affect the operation of this legislation; but, nevertheless, I commend the government, at least, for bringing the matter before the house; and, as a result of the advice received by the Attorney-General on this matter, it can actually operate. I have not had a briefing on this matter, but I do not doubt that considerable work has been done on the applicability and enforceability of this type of legislation.

I do not think this will be the last time we deal with this question of computer offences. They are a very significant part of our life. I expect that this area will challenge law makers in all countries around the world in terms of how we keep a step ahead of, or at least stay alongside, those who have the capacity and ingenuity to create criminal activity and get away with it; and, of course, it is a challenge to law makers to be able to address that. I will have the privileged opportunity, in a few weeks, to meet with the Federal Bureau of Investigation in Washington to consider aspects in relation to computer crime.

If there are any advances in relation to this area that may assist our parliament in due course, I hope to be able to bring them back to South Australia. We accept that this is a good start to address the problems which have been identified to date. They are quite serious problems. The question as to how prolific they are and how easily we will be able to apprehend offenders dealing with these rather sophisticated activities that have been identified is yet to be seen. The opposition supports the bill. I take the opportunity to thank the Attorney for bringing it to the attention of the house, and extend to him and his staff a merry Christmas.

The ACTING SPEAKER (Mr Koutsantonis): Before calling the member for Waite, can I remind visitors in the gallery that the wearing of sunglasses is unparliamentary. The member for Waite.

Mr HAMILTON-SMITH (Waite): I rise as the opposition's spokesperson for information economy to commend the bill and to agree with the comments made by my colleague the member for Bragg. This bill is an important step because, in essence, these offences amount to money and massive problems for small business and for government when they impinge upon them. Viruses, hacking and pinging (that polite name for the denial of access) can have a catastrophic effect on a business. They can have a catastrophic effect on an office or any particular function, and they are issues that need to be pursued by governments. People need to be arraigned and punished for them.

I think that we are taking a step in the right direction. The fundamental proposal in the bill is the enactment of these recommendations that are consistent with the model criminal code project; and these five offences, outlined by my colleague and in the minister's second reading explanation, will, if you like, start what I think will be a very long process. In particular, I believe that spam will probably be the next great frontier to which we will have to face up, because it, too, can cause a lot of grief to business and, indeed, to people in their homes where, to be frank, a lot of business is now conducted.

I have someone in my constituency designing taillight assemblies for Mercedes Benz cars in Germany from his front lounge room in Colonel Light Gardens. He is doing it all from home. He used to work over there and they liked his work. He came home and he is now doing it all on contract. Attacking his computer systems—and he is one of thousands of people—with the sort of capabilities encompassed in these offences can be very damaging not only to his business but to the whole of the state's economy. We are taking a step in the right direction. I have a question that I would like to ask the minister to address when he responds, and that may save us from going into committee. It has to do with the degree of consultation that occurred with the industry in the development of this bill.

I know that there has been consultation at government-to-government level, but I am curious to know whether the IT Council of South Australia, for example, was consulted. I am curious to know whether major stakeholders in the state were consulted on the bill: organisations such as EDS, Motorola and Microsoft and others that have large contracts with government and the private sector. Although I am sure that they would have no significant problems with what is proposed in the bill, it is important that the government consults with the industry and with the stakeholders. I do have some concerns that this has been not rushed through but perhaps put through with some haste, knowing that it has been before the house for only a few sitting weeks.

I commend the bill, concur in the second reading explanation of the minister and with my colleague the member for Bragg in hoping that this new law will do something to protect businesses and people from the sorts of virulent

offences we are starting to see emerge as criminal activities, nuisance activities and, frankly, potentially more sinister activities proliferate. Cyber terrorism is now a real prospect. For a whole range of reasons we need this bill. That is all I have to contribute, but I would ask the minister if he could assure me that there has been a level of consultation with the key stakeholders in the industry so that I can feel relaxed, as we go on the Christmas break, that they are inside the loop.

The Hon. M.J. ATKINSON (Attorney-General): It is good that the members for Bragg and Waite have participated in the debate and made a contribution. The answer to the member for Waite's question is that here in South Australia the South Australia Police, the judges, the Director of Public Prosecutions, the Ministers for Administrative and Information Services and for Science and Information Economy were consulted and commented on the draft, but the draft was based on the Model Criminal Code Officers Committee report of January 2001, entitled 'Damage and computer offences.' Hundreds of these reports were sent to stakeholders all over Australia, so I think it can be said that there has been comprehensive consultation on the principles that make this bill.

Bill read a second time and taken through its remaining stages.

SITTINGS AND BUSINESS

The Hon. P.F. CONLON (Minister for Infrastructure): We are once again in the dying moments of the sitting for this year. It has been a difficult year. It has been a long year. There has been plenty of work and, in a parliament where no-one has a majority in either house, it is often unpredictable for those who work here. I would like, as is traditional, to thank all those who help make the parliament work for us: the Clerk and all the table staff and the attendants; the support services staff; the *Hansard* staff; the library staff; catering; the cellar master; the finance manager and staff; the building services staff; the government publishers; Parliamentary Counsel; police security; drivers; electorate officers; ministerial staff; the people who staff our offices and, once again, in particular, our partners, who suffer a great deal while we spend so many hours in this place. Please forgive me for any whom I have not mentioned, but sincere thanks on behalf of the government to all those.

Can I mention in particular two staff members who will be leaving us as of today, I think: Helen Printer, who has had 16 years in *Hansard* and John Mitchell, who I understand has had 14 years. Thank you very much. The *Hansard* staff are a unique breed, more artist than scientist, because they do truly draw order out of chaos. They make us sound far more coherent and lucid than often we are, and we are very grateful for that. Of course, I speak not for myself but for those less gifted than I am! I thank all those members who, although differing from us in political views, deal with us honourably. There are very many honourable people on both sides of the house, and I thank them for the sincerity with which they do their work.

I thank my own staff who work very hard, particularly Mel Bailey, who has the parliamentary job that is akin to herding cats: she organises government business in a minority government; always an entertaining prospect. I thank the Deputy Leader of the Opposition for his assistance through the year.

Finally, can I wish all those people I have thanked, to the opposition, to the members of minor parties in this place: a very merry Christmas, a safe and happy period, and may you get some fishing in—I certainly hope I do. When I next see you I will be a married man, so I have an adventure in front of me. But I wish the very best to all, a very merry Christmas, and pass on all our thanks. Thank you very much. I now call on the Deputy Leader of the Opposition.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): It is with great pleasure that I rise to support what the minister has said, because I think that at this time of the year members are always pleased to see the sittings of the house finish, and I see nodding heads opposite. I fully endorse our appreciation as members of parliament—and I do so particularly on behalf of my leader, Rob Kerin, and all the Liberal members—and I think it is fair to say thank you on behalf of all members of this house, to the staff, to the clerks, to the attendants and messengers who work so hard in and around this chamber, and to the *Hansard* staff whom we greatly appreciate, and I endorse what the minister has said about the skill with which they convert what we say into reality—

Ms Redmond: Even songs.

The Hon. DEAN BROWN: Well, they were lucky that I didn't sing earlier. In particular, to the two retiring members of *Hansard*, Helen Printer and John Mitchell, our personal thanks indeed. You have sat there, you have listened to millions of words during that period. I am always a great admirer of *Hansard* and the dedication and hard work they put into that, so I wish them both all the very best indeed for their future beyond this parliament. And thank you to the catering staff, to the library staff and to the security staff—and I appreciate the fact that because of circumstances we have seen an increasing number of security staff. They often do a thankless job wandering this place, keeping their ears and eyes open, and I thank the drivers, the cleaners and all the support staff. I also thank the personal staff. I think it is appropriate that we include in this all those staff who have come with members of parliament, whether they are ministers or non-ministers, and who work in this place maybe for short periods each day or maybe for much longer periods. They are very much a part of this parliament, and we wish all of those people, as well, our very best Christmas greetings.

To members of parliament on both sides of the house and in both houses of the parliament and their families: as the minister has indicated—

Ms Bedford: And their dogs.

The Hon. DEAN BROWN: Well, the dogs are celebrating this year, because they now know—well, the legislation is not quite through. I thank the families as well. I appreciate the support given to me by my family, and I know that every other member appreciates the support that they get. In many ways, because of the long hours in this house, the families are the ones who suffer at night, because we do not live normal lives. Everyone understands that. Any effort to try to make it more normal still has not occurred, and that has been going on for decades in this place. We probably do sit shorter hours than we did, certainly back in 1973, which was probably the worst year I think I can recall in this place, because we sat every week.

We have, however, the extra strain of sitting four days now, and I think that is an impost on families, because it means yet another night of the week where they are expecting us to be sitting in parliament—whether we do or not; I know

that some weeks we do not. But they have that anticipation that we will not be there, and if we are there, it tends to be a bit of a bonus, and unplanned for, and you arrive home and say, 'Where is dinner?' So, it is probably not welcomed at any rate at that stage.

I also thank Leslee Robb. Melissa and Leslee between the two of them have done an excellent job in liaising and making sure that the proceedings of the house do in fact run smoothly, and I thank them both, but particularly from our side, Leslee Robb. I wish everyone a very happy and holy Christmas, a relaxing break. To the minister—congratulations on the forthcoming wedding. When we next formally see you in this house we understand that you will be married. May it mellow the minister in answers in the parliament. I guess, if we all had a wish for the new year, that would be the wish that we would have. Very best wishes to everyone for the new year, and enjoy that period with your family and friends.

The ACTING SPEAKER: Given that the Speaker is not here, I suppose it falls on me to thank everyone who has helped the Speaker. They are obviously the Hansard staff and the other staff who work in the parliament, and, of course, the two Whips who work tirelessly to keep the house in order. There are also, of course, the two clerks—the Sergeant-at-Arms and the Clerk of the House of Assembly. I am sure the Speaker would want me to thank all those people and everyone on the JPSC, who work with the Speaker very closely.

The SPEAKER: I am pleased to add my remarks in support of those that have already been made by other members, to thank the staff who work in this place and who have done so, perhaps more so during the course of the last 12 months, with a greater measure of dedication than they have been required to in the past. Members have mentioned the library, the catering division, Hansard, the table officers, staff serving the House of Assembly, the professional staff serving the committees and the cleaners—at least I will mention them, too—and anyone at all who contributes.

I especially draw attention to the fact that we have had a number of conferences in this chamber during the course of this year, and members may not realise the enormous effort that goes into shifting furniture to enable us to do that. It has been something which I have appreciated and which I now place on the record, in gratitude for the effort that was made by the Clerk and everyone down through the ranks to enable us to conduct those conferences with the kind of decorum in which we were able to conduct them. The erection of the big screen, wiring the place properly, getting tables out of the dining room and stacking them up, putting chairs in here to make it possible to accommodate the numbers of people, and fitting out other rooms around the place with the necessary equipment and facilities to ensure that those conferences functioned as well as they did was quite remarkable to me. Most outstanding amongst them, of course, have been the government's economic summit on 11 April and the other one, dear to my heart and very important, ranking at least equal in importance to the economic summit, was the Constitutional Convention, which had a greater number of people attending at the parliament than at any other time in the history of the institution.

During the course of the year I have had cause to mention not only my own staff in my electorate office in Murray Bridge and here in Parliament House, but also those people who worked to make the Constitutional Convention the success that it has been to date. I reassure all members that the group spokespersons or leaders from each of the workshop groups of the Constitutional Convention have been meeting; they have had five meetings. With the assistance of Ms Janette Barnes, they have now drafted a report, separate from that which was written by the social scientist Dr Pam Ryan; and they have also applied themselves to the work of carefully analysing and instructing parliamentary counsel to draft legislation for us to consider in the new year. That will be tabled in the chamber after Christmas on the first day of sitting in February.

I say to members that I believe that throughout the year there has been a more conscious commitment and understanding developed by members of the role and function of parliament in society, and it has probably had something to do with the Constitutional Convention itself. I have appreciated that. I think we have become more respectful of each other and of our respective roles as members of this place than perhaps we were in recent times. I look forward to working with you all as members next year to see whether we can achieve even better outcomes, greater benefit to the public and far greater understanding of what goes on here.

I am sure that in the next few months, in the early part of 2004, we will be able to install remote control cameras in this chamber which will enable us to record *Hansard* so that deaf people will be able to read it and see it happening finally, with very little time lag. In the first instance that will go on video disc, in the same way as is the case in Western Australia and New South Wales. The written record will appear on one side of the screen. After doing a keyword search on the internet, any member of the general public—and members, of course—will be able to search by keyword, come up with the speech they wish to see, and be able to see that speech made by the honourable member in replay, rather than read it in the record of *Hansard*, such has been the case here for over 100 years. I think that will be quite a substantial improvement in the way in which this chamber projects itself. I will not be imposing—and I am sure no other member would want the Speaker to impose—or attempt to impose on the Legislative Council in that respect. It is not the intention of the chair to do so. It is simply a matter of moving on with the times and making it possible for the public to have that kind of access. It will also mean, of course, that the public will be able to watch on the internet parliament in session, as it virtually happens, by dialling up the appropriate number, going in on the web site and clicking on to the proceedings.

Having made that explanation, we have the means by which we can do that at very much less expense than was incurred in either the federal parliament or any other state. The costs to us, I know, can be kept down to a few hundred thousand dollars, whereas in the federal parliament it was millions. It was much the same when we changed over from the way we used to produce *Hansard* in the days of lino typesetting, and so on, at the Government Printer, to the way in which we did it, and still do it now, by using information technology, computers, and the digitised record of the captured key strokes that give us *Hansard* so quickly, accurately and inexpensively these days. In South Australia, we did that in an industrially sensible and sensitive fashion to the extent that what cost millions to do in Canberra cost us a few hundred thousand dollars to do here in South Australia. We did it sooner than they had done it in Canberra.

Altogether, it is Christmas, which is always a remarkable time for me. I have memories of Christmas in Australia and elsewhere. I think we are fortunate to have been born into a nation which has Judaeo-Christian law as the basis of all law governing the conduct of people in society. Those fundamen-

tal tenets are vital, in my judgment, to the creation of a civilised society; and by example other societies have followed us, those societies which have democracies based on Judaeo-Christian law, and they will continue to do so because they see the success which can be achieved by such societies and the fairness and equity. Notwithstanding fairness and equity, there is also inspiration, which is an essential component of what we do, which is part of what was taught by Jesus Christ when he was alive and which we now celebrate as we approach the accepted occasion for the anniversary of his birth, that mass called Christmas. I thank all members for their attention, and I thank the staff again, and I trust we can continue to make this place even more relevant and functional next year than it has been in the past year. God bless you all.

ADJOURNMENT

At 5.59 p.m. the house adjourned until Monday 6 February at 2.15 p.m.

HOUSE OF ASSEMBLY

Monday 1 December 2003

QUESTIONS ON NOTICE

AUSTRALIAN MAJOR EVENTS

21. **Mr HAMILTON-SMITH:** Which events will be included on the Australian Major Events calendar for 2003-04 and which events will be delisted?

The Hon. J.D. LOMAX-SMITH: In 2003-04 Australian Major Events will sponsor and manage the following events:

- International Soccer Challenge 7 – 17 Aug 2003
- Sensational Adelaide International Police Tattoo 17 – 20 Sep 2003
- Tasting Australia 3 – 12 Oct 2003
- World Solar Challenge 19 – 28 Oct 2003
- Bartercard Glenelg Jazz Festival 24 – 26 Oct 2003
- Rugby World Cup fixtures 25 – 26 Oct 2003
- Mitsubishi Adelaide International Horse Trials 7 – 9 Nov 2003
- Credit Union Christmas Pageant 8 Nov 2003
- Sensational Adelaide Classic Adelaide Rally 19 – 23 Nov 2003
- APT Tennis Championships 5 – 11 Jan 2004
- Jacob's Creek Tour Down Under 20 – 25 Jan 2004
- Jacob's Creek Open Championships 19 – 22 Feb 2004
- WOMADelaide 5 – 7 March 2004
- Australian BMX Championships 9 – 12 April 2004
- Professional World Aerobic Championships 21 – 30 May 2004

ADELAIDE INTERNATIONAL FILM FESTIVAL

58. **Mr HAMILTON-SMITH:**

1. What were the attendances of each Adelaide International Film Festival screening in 2003, how many were paying customers and what contributions were made by sponsors of the Festival?

2. What WorkCover arrangements were in place by venue staff not directly employed by the Festival organisers and were WorkCover payments made by the substantive employers considered to be part of any sponsorship?

The Hon. M.D. RANN: I am advised that the list of attendances of each 2003 Adelaide International Film Festival screening session with indication of how many were paying customers is attached.

Like many other of Adelaide's outstanding festivals, the 2003 Adelaide International Film Festival had a program mix of free events, including a deck chair cinema in the east parklands, forums, presentations, installations and exhibitions, as well as ticketed screenings. This program of free and paying events allowed for a broad mix of South Australians to attend the Festival including regional South Australians with a touring program and an adjunct screening program held in Mount Barker. Total attendances at the Festival were 30 785.

The Adelaide International Film Festival lists sponsorship for 2003 as $186 000.

I am advised that all the venues used by the Adelaide International Film Festival in 2003 were hired under standard commercial hire arrangements and these arrangements included the provision by these venues of their own staff. These venues as the substantive employers were responsible for the payment of WorkCover for their staff. Any contractors or sub-contractors used by the venues were required to provide their own WorkCover as per the Risk Management Plan implemented by the Adelaide International Film Festival. There were no sponsorship arrangements related to any WorkCover payments.

Attendances at the 2003 Adelaide International Film Festival screening program by session

Screening*	Session	Total	Purchased**
11' 09 "01	6 March: 5.30 pm	197	151
13th House/Roy Hollsdotter live	4 March : 5.45 pm	195	120
13th House/Roy Hollsdotter live	7 March: 2.25 pm	111	91
Abouna	1 March: 4.15 pm	87	63
Abouna	7 March: 2.30 pm	52	42
Artangel—Battle of Orgreave	4 March: 1.15 pm	38	24
Baader	2 March: 5.00 pm	81	58
Badder	6 March: 3.00 pm	190	138
Beautiful Cyborg 2	6 March: 9.30 pm	151	105
Best of Mirrorball	1 March: 8.15 pm	91	57
Biggie and Tupac	2 March: 9.30 pm	228	182
Big Girl/Cold Turkey	3 March: 6.00 pm	84	49
Blue Gate Crossing	1 March: 11.00 am	55	29
Blue Gate Crossing	4 March: 10.15 pm	70	41
Bounce	1 March: 10.45 am	50	30
Breathe Control	1 March: 9.15 pm	214	159
Breathe Control	6 March: 6.00 pm	130	98
Calle 54	5 March: 3.00 pm	108	80
City of God	1 March: 8.15 pm	194	151
Clay Bird	2 March: 7.00 pm	193	115
Cuckoo—Opening Night	28 Feb: 7.30 pm	950	156
Cuckoo	7 March: 12.15 pm	79	68
Day I Will Never Forget	5 March: 1 pm	44	29
Damn Right I'm a Cowboy	5 March: 7.45 pm	189	160
Deep Red	4 March: 3.30 pm	31	18
Derrida	3 March: 5.30 pm	116	85
Derrida	6 March: 1.15 pm	194	167
Detained	1 March: 12.30 pm	62	28
Detained	4 March: 3.15 pm	55	40
Fellini	2 March: 1.00 pm	104	70
Freestyle: Art of Rhyme	3 March: 9.45 pm	195	143
Freestyle:Art of Rhyme	6 March: 8.15 pm	131	108
Freestyle: Art of Rhyme	7 March: 4.15 pm	171	139
Game of Their Lives	4 March: 1.30 pm	40	22
Ge-Ge	4 March: 7.45 pm	79	33

Good, The Bad and The Ugly	1 March: 7.15 pm	777	469
Marlene Dietrich: Her Own Song	2 March: 4.00 pm	465	147
Here to Where:	1 March: 12.45 pm	51	34
Here to Where:	6 March: 3.30 pm	61	40
Hoover Street Revival	2 March: 11 am	100	61
Hoover Street Revival	6 March: 9.45 pm	182	119
Horror Sleepover	1 March: 11.30 pm	102	84
How to Draw a Bunny	1 March: 6.00 pm	53	32
How to Draw a Bunny	3 March: 3.15 pm	52	29
Hukkle	2 March: 10.45 am	68	40
Hukkle	3 March: 7.45 pm	113	87
Indig Docs	3 March: 3.45 pm	107	68
Indig Docs: Me & You; Little Voice	1 March: 6.465 pm	81	32
Intacto	2 March: 9.00 pm	172	126
Japon	4 March: 2.45 pm	79	55
Japon	5 March: 9.30 pm	118	108
Just One Look	6 March: 1.00 pm	32	22
Kids Animation	1 March: 10.30 am	22	13
Kids Animation	2 March: 10.30 am	69	56
Kid Stakes	5 March: 7.30 pm	450	214
La Cienaga	2 March: 12.00 pm	47	34
La Cienaga	3 March: 9.30 pm	104	82
Leigh Bowery	2 March: 9.45 pm	59	35
Leigh Bowery	5 March: 8.00 pm	88	74
Lensflare	1 March: 2.45 pm	43	30
Magdalene Sisters	2 March: 7.15 pm	148	115
Making Venus	4 March: 10.00 pm	90	68
Man Without A Past	3 March: 10.00 pm	154	103
Marooned in Iraq	5 March: 1.15 pm	102	64
Marooned in Iraq	5 March: 7.30 pm	239	186
Marooned in Iraq	7 March: 2.15 pm	119	102
Mirrorball: Dilly Gent	3 March: 7.30 pm	103	53
Mirrorball: Fabrique	2 March: 7.30 pm	125	84
Mike Stubbs: One Degree	4 March: 6.00	61	42
Minor Mishaps	6 March: 6.00 pm	127	106
Mirrorball: New Work	4 March: 9.45 pm	130	80
Morvern Callar	5 March: 9.45 pm	240	149
Mother V, It Kinda Scares Me	3 March: 12.45 pm	60	40
My Life as McDull	4 March: 8.15 pm	65	45
My Life as McDull	6 March: 10.00pm	76	50
Nowhere in Africa	4 March: 5.30 pm	180	144
Nowhere in Africa	7 March: 12.00 pm	54	42
Old Believers	5 March: 3.45 pm	35	25
Old Man Who Read Love Stories	1 March: 1.45 pm	204	128
Old Man Who Read Love Stories	7 March: 4.45 pm	166	147
Once Upon a time in the West	2 March: 7.15 pm	485	204
Open Hearts	2 March: 2.00 pm	176	144
Open Hearts	3 March: 3.30 pm	143	110
Out of Control	1 March: 7.00 pm	126	86
Out of Control	5 March: 3.30 pm	144	74
Out of Control	7 March: 4.15 pm	55	44
Paradise Found	3 March: 8.00 pm	237	121
Periscope	5 March: 6.00 pm	34	27
Pistol Opera	3 March: 5.45 pm	134	90
Russian Ark	1 March: 4.45 pm	233	189
Russian Ark	1 March: 4.45 pm	124	106
Screenplay Reading	5 March: 5.30 pm	100	78
See What Happens	1 March: 2.45 pm	52	27
See What Happens	6 March: 3.15 pm	58	39
Seeing is Believing	1 March: 12.00 pm	56	36
Senorita Extraviada	2 March: 12.30 pm	51	31
Sleeping Rough	5 March: 5.45 pm	152	118
So Close	4 March: 8.00 pm	208	133
Storm Boy	6 March: 1.30 pm	27	20
Story of a Prostitute	1 March: 9.45 pm	43	19
Sweet Sixteen	6 March: 7.15 pm	244	175
Teesh & Trude	3 March: 1.00 pm	79	28
Ten	2 March: 3.00 pm	232	165
Ten	2 March: 3.00 pm	53	47
The Eye of the Day	2 March: 5.15 pm	39	30
The Lease	4 March: 1.00 pm	217	192
The Tracker	5 March: 1.30 pm	126	93

Tokyo Drifter	6 March: 8.00 pm	112	58
Town Bloody Hall	3 March: 1.15 pm	72	43
Town Bloody Hall	7 March: 12.30 pm	35	26
Voyage to Italy	1 March: 2.00 pm	321	66
Wattstax	5 March: 10.00 pm	123	90
Willie Nelson	2 March: 4.45 pm	143	102

* These figures also do not include free screening programs such as the Deck Chair Cinema (estimated 1600 attendances) or programs occurring under the umbrella of the Film Festival such as the regional touring program, the Mt. Barker screenings etc.
** Note these purchased ticket figures do not include sold VIP passes as there is not sufficient detail available on these passes to separate purchased VIP passes (estimated at 475 paid tickets) and those provided to artists, sponsors, etc.

ARTERIAL PHOTOGRAPHY

68. **Mr HAMILTON-SMITH:** Were discussions held with the Minister for Environment and Conservation regarding the loss of the State's aerial photography and mapping program, if so what are the details?

The Hon. J.D. LOMAX-SMITH: Decisions in relation to the 2003-04 budget were made by Cabinet.

However for your information details of this program were tabled on 18 September 2003 by way of a reply to a question asked by the Hon. Caroline Schaeffer MLC.

INFORMATION ECONOMY POLICY

69. **Mr HAMILTON-SMITH:** What are the details of any operation review of the Information Economy Policy Office since March 2002?

The Hon. J.D. LOMAX-SMITH: A review of the Information Economy Policy Office (IEPO) was completed in May 2002 by the consultancy firm, Lizard Drinking Pty Ltd.

The methodology included stakeholder consultation, consideration of IEPO's outcomes and effectiveness in its then current configuration, a literature review and a comparison with corresponding arrangements in other jurisdictions.

The Review found, inter alia, that the functions, priorities and achievements of IEPO had not been well understood either within sections of government or more generally across the information economy and information technology communities.

The Review noted that the lack of understanding may be attributed to the manner in which tasks and responsibilities had been previously been allocated and by the communication constraints that had been imposed.

The Review noted that in difficult circumstances, IEPO had delivered some substantial benefits to the Government and the State, including amongst other things its role in negotiating Telecommunications Services Agreement, delivering the NetWorks For You program across regional South Australia and support for the South Australian Consortium for Information Technology and Telecommunications (SACITT).

Consistent with all other functional areas in DFEEST the initial review has been followed up by internal discussions, including staff consultations, to finalise the staffing and functions for the Science, Technology, Innovation Directorate.

INVESTIGATOR SCIENCE AND TECHNOLOGY CENTRE

72. **Mr HAMILTON-SMITH:** How much government funding will be provided the Investigator Science and Technology Centre over the next four years and is it intended to relocate the centre and if so, to where and at what cost?

The Hon. J.D. LOMAX-SMITH: The Investigator Science and Technology Centre has, and will, continue to receive payments of the DETE grant of $560 000 per annum to June 2006 from the DFEEST operating budget. Additional funding of $70 000 is to be provided for the 2003-04 financial year to address balance sheet shortfalls and upgrade exhibition resources in line with future requirements.

In response to the deteriorating financial position of the centre at the Adelaide Showgrounds location, the centre's board has accepted the offer from the Department of Further Education, Employment, Science and Technology to move the Investigator Science and Technology Centre to rent-free accommodation at the Regency Park campus of TAFE.

There will be costs associated with the refurbishment of the Regency TAFE facilities to a standard acceptable to the Investigator and these arrangements are currently being finalised.

SCHOOLS, SOUTHERN FLEURIEU

87. **Ms CHAPMAN:** What are the timetables and budget allocations for the proposed $4.5 million capital works program for Southern Fleurieu schools in 2003-04 and 2004-05?

The Hon. P.L. WHITE: On 29 May 2003, the government announced a $4.5 million Southern Fleurieu Schools project. That followed the announcement of a project to upgrade facilities at Victor Harbor Primary School.

The Victor Harbor High School Special Education facility is the first stage of the Southern Fleurieu Schools project. That project is currently at the tender stage.

Subsequent to the announcement of this project, and in response to the school's request to develop staff facilities and toilet facilities during the construction of the Special Education facilities, additional expenditure has been approved. That additional work has been included in the current tender.

The construction of the Special Education Unit is expected to be complete by the end of September 2004.

However, the construction at Victor Harbor Primary School is currently ahead of schedule.

Acquisition of a parcel of land for the construction of the Port Elliott Primary School is currently underway. The planning and design process for the school is anticipated to take the usual 12 to 18 months, after which time construction will commence.

ADMINISTRATIVE SAVINGS

101. **Ms CHAPMAN:** How will the proposed $800 000 administrative savings be achieved by the Senior Secondary Assessment Board of South Australia from 2003-04 and will this include job loss and if so, what are the details?

The Hon. P.L. WHITE: The advice provided to me by the Senior Secondary Assessment Board of South Australia is that they expect to be able to accommodate the savings target of $800 000 by using existing cash reserves.

In addition, they advise that their responsibilities for 2003-04 will be fully discharged through the combination of recurrent allocations and accumulated reserves.

BIOSCIENCE INCUBATOR

163. **Mr HAMILTON-SMITH:** Will a dedicated Bioscience Incubator at the Thebarton Bioscience Precinct be funded and if so what are the details?

The Hon. J.D. LOMAX-SMITH: The establishment of a bioscience incubator facility at Thebarton is being considered.

PREMIER'S SCIENCE AND RESEARCH COUNCIL

168. **Mr HAMILTON-SMITH:**

1. When will the Premier's Science Research Council release its strategic plan?

2. How many Council meetings have been held, how many were attended by the Premier or the Minister and what has been achieved?

The Hon. J.D. LOMAX-SMITH:

1. The Department of Further Education, Employment, Science and Technology is currently working with the Premier's Science and Research Council to finalise its 10 Year Vision for Science, Technology and Innovation in South Australia. The Vision is expected to be publicly released early in the New Year.

2. Refer to QON 66 response tabled 24 November 2003.

FUNERAL ASSISTANCE PROGRAM

176. **The Hon. DEAN BROWN:** How many government funded funerals occurred in each year 1999-2000 to 2002-03 and what were the respective total costs for each of these years?

The Hon. S.W. KEY: The Funeral Assistance Program is designed to assist families and individuals who cannot meet funeral expenses or to provide a dignified funeral for an unclaimed person with an estate valued at under $3000. The program provides two types of assistance, A Full Contract Funeral or an After the Event grant of $625.

Funerals funded through the Government's 'Funeral Assistance Program' in the years 1999-00 to 2002-03 are listed below:

1999-2000	
Full Contract Funerals	434
After The Event	116
2000-01	
Full Contract Funerals	408
After The Event	136
2001-02	
Full Contract Funerals	274
After The Event	54
2002-03	
Full Contract Funerals	294
After The Event	44
Total Funerals:	
Full Contract Funerals	1410
Reimbursement of Funeral Costs	350
	1760

Total expenditure on funerals for the years 1999-2000 to 2002-03 was as follows:

1999-2000	$597 184.13
2000-2001	$563 993.85
2001-2002	$491 958.59
2002-2003	$488 995.69
	$2 142 132.26