HOUSE OF ASSEMBLY

Monday 16 February 2004

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

JOHNSON, Mr SEAN, DEATH

The SPEAKER: Order! Before I call on the Premier to move the condolence motion in relation to the Hon. Des Corcoran, I invite the assembly to reflect on the sudden untimely passing of Sean Johnson on 29 January at only 24 years of age. Sean had been a Legislative Council Messenger since May 1998, and was held in very high regard by all who experienced the courteous, friendly and efficient manner in which he performed his duties for members of both houses, his fellow officers and the public. Sean was a particular friend of many of his work mates and was liked and appreciated by all. The attendance of so many former and present members and former and present staff and colleagues at his funeral service was testament to the fact that he made a great impression on all who knew him here and that he will be sadly missed.

As Speaker, on behalf of all members and officers of the House of Assembly and as Chairman of the Joint Parliamentary Service Committee on behalf of all Joint Parliamentary Service officers, I am grateful for the eulogy delivered by the Deputy Clerk of the Legislative Council, Mr Trevor Blowes, at the service for Sean. I know that all of us would want to endorse those remarks and express our sincere condolences to Sean's parents (and we all acknowledge that his mother and brother are here with us today in the gallery), Trevor and Carol, to his brother Derek and to other family members and friends, and I ask the assembly to simply stand in memory of a servant of the parliament and the people and our friend, Sean Johnson.

Members stood in their places in silence.

The SPEAKER: I thank honourable members for their attention.

CORCORAN, Hon. J.D., DEATH

The Hon. M.D. RANN (Premier): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. J.D. Corcoran, former premier and member of the House of Assembly, and places on record its appreciation of his long and meritorious service, and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

Leave granted.

The Hon. M.D. RANN: Today we honour and celebrate the life of a good man, a committed parliamentarian and a great South Australian. The Hon. Des Corcoran, who was a member of this house for 20 years, died on 3 January this year after a long illness (Des was 75 years at the time of his death). Des Corcoran's story is known to many South Australians. He spent his childhood in Tantanoola, whose pub he helped make famous. The son of Jim Corcoran, a digger who served alongside Tom Playford in World War I, Des, of course, followed 'Big Jim' into parliament as the member for Millicent. He was a soldier and a war hero in Korea, putting his life on the line for his mates after deciding to enlist with his brother on the toss of a coin. Des proved himself in the military, rising to the rank of captain and serving in Korea, Japan, Malaya and New Guinea. He was twice mentioned in dispatches.

Of course, there was also the famous cliffhanger election in 1968 that he won by only one vote, and there are many stories about that night when Des discovered that one of his campaign managers who was a relative had forgotten to vote. I understand that resulted in a quick and vigorous exchange. Des was a hard-working country member for his beloved South-East, camping in Adelaide at the Earl of Aberdeen. His late-night, high-speed car rides to Millicent and back became legendary. He was a superb mimic and a relentless practical joker; he was also a tough and energetic minister of the Crown, Don Dunstan's deputy for many years and, of course, premier of South Australia in 1979.

But Des was much more than all that. He was one of the most colourful and much-loved characters in South Australia's post-war history. He was respected by all sides of politics. He used his great sense of humour to build bridges between people, to settle differences and to connect with people from all walks of life. There has been no politician better at the front bar or in a country town hall. I think Des on so many occasions showed he could mix it with anyone. To some, he was nicknamed 'Boxer' or 'Corky' but, to us, Des was always 'The Colonel' (and, of course, there is still 'Corky's Corner' in the parliamentary bar). Des was tough, bluff, plain-speaking and never afraid to make a decision—and, when he did so, he stuck to it. He told people what he thought; he gave his opponents hell (not just his opponents in other political parties); he swore like a trooper; and he then invited people around for a drink later. When his staff mucked up, he gave us a blast and then invited us for a drink or to the Ceylon Hut for a curry.

Des held many portfolios as a minister. As Minister for Works he covered the portfolio areas of water, electricity, marine and harbors and public buildings, lands and repatriation, immigration and ethnic affairs, tourism and the environment, and treasurer and premier. For his legacy as works minister, South Australians simply have to look around our state. But, of course, the massive expansion of water filtration is just one of his important legacies. Both junior and senior public servants loved and respected Des, because he was no-nonsense; he did not beat around the bush, did not vacillate or duck and weave, but listened, made up his mind and called it as he saw it. Des made the decisions, popular or unpopular. He shared the credit and took the blame.

I had the great privilege of working with Des when he was premier but also before that when I worked for Don Dunstan and Des was Don's deputy, and occasionally during that time he was acting premier. I learnt a lot from Des: I learnt a lot about loyalty and that common sense was the best policy, which was always Des's point. He said that a lot of people get fixated on ideology and on what experts tell them, but ultimately common sense was the best policy. He taught me a lot about government and the Public Service as well as the Labor Party he joined back as a 15-year old. He also taught me the importance of country South Australia to our state's history and future and, just as importantly, the importance of our country areas in helping to shape our values.

Much has been said about the difference between Don Dunstan and Des Corcoran. It is true that they were as different as chalk and cheese. They were vastly different in style, personality and interests. Don Dunstan once said of his deputy:

Des is one all round solid guy. The Labor government could not have achieved what it has without him.

Des enjoyed playing up the differences in style between himself and Dunstan, once mischievously reporting to a reporter, 'Everything Don is I isn't.' Des had a real admiration for Dunstan and took his role as deputy premier very seriously. On so many occasions when he was deputy premier, but also later after Don Dunstan had retired and Des was premier, Des often referred to Don Dunstan's extraordinary courage. Courage was a virtue that both Don and Des shared. *The Advertiser* editorialised at the time about their partnership:

> While Dunstan provides the style and direction of the state government, Des Corcoran provides the backbone and common sense.

That is why in my view they were so successful: it was a historic partnership not only in winning election after election but also in bringing about the most sustained period of activist as well as reformist government in our state's history. Don Dunstan could not have achieved all that he did without Des Corcoran. Don needed Des to manage the shop; to be his enforcer; to keep the troops in line; to keep the government in place; and to help stay in touch with the backbench, with the battlers and with the bush. They were the two sides of Labor's coin.

There are lots of Des stories, but one Corcoran myth is true, and I know that because I was there. The day Des became premier the wine was out of the fridge and West End Draught was in. There was no greater offence in our office than the three fridges not being stacked with cold beer. It had to be cold and all three fridges had to be permanently stacked in readiness.

After Des retired from parliament in 1979 he was active in community life. In 1983 he become the inaugural deputy chair of the Playford Trust, invited to the position by the then retiring Premier David Tonkin. The trust dedicates its work to perpetuating the memory of Sir Tom Playford and, of course, Jennifer Cashmore was the long-term chair and Des was her deputy. I understand they had a fantastic working relationship.

Des retired in 2002 as deputy chair of the Playford Trust after serving as deputy for his entire term of 19 years. At the time the retiring chair, Jennifer Cashmore, described him as a 'loyal and wise deputy'. She said that it was largely due to his efforts that the trust was able to raise more than $30 000 from local government donors in the South-East for the Playford Centenary Scholarship Appeal. On his retirement, she said:

> All trustees will miss his solid advice and the dry humour that has enlivened many a trust meeting.

But when I think of Des more than anything I think of family—a devout Catholic, a devoted husband to Carmel and father of eight children. Carmel's support sustained Des not only through his long career but also through many decades of pain and ill-health. Des extended his rich concept of family to friends and countless relatives, to his colleagues and staff and to the wider community. There was always a place at the table, there was always a beer on hand and there was always encouragement; and to so many people he was a mentor as well as a mate.

Last November, just before Des's 75th birthday and hearing that Des was very, very sick, I wrote to him to tell him what I had learned from him and how much we all cared for and loved him. A few weeks later, to my astonishment, I got a call in my office—Des was on the line. I was astonished because I had been told that Des was very gravely ill, and he was. His voice was not as strong but his spirit was. It was the same old Des: the humour, self-deprecation and encouragement, and that sense of family—and that is how I will remember him. He displayed the same courage in the face of illness that he showed in politics and also under fire in war. It was an honour to know him and to work with him. Again, I would like to pass on my sincerest condolences to Carmel, Des and Carmel's children, their grandchildren and to their vast extended family and friends.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party, it gives me pleasure to second the Premier's condolence motion and to express our regret at the passing of the Hon. James Desmond Corcoran AO. Mr Speaker, I ask that you convey to Mr Corcoran's family our deepest sympathies and gratitude for the role he played as a member of the South Australian parliament and the commendable contribution he made to the state over a number of years. Des Corcoran demonstrated great passion and commitment to the interests of South Australia as he served in this parliament for over two decades.

Des began his political career in 1962 to take over the seat of Millicent, which was previously held by his father. His ministerial appointments spanned a range of portfolios, including lands, repatriation and irrigation, where he displayed a particular concern for the benefits of the rural dwellers of this state, and also the portfolios of marine, immigration and environment. Des became deputy premier in 1968 and, in this position, he played a crucial role in the Labor government, with Don Dunstan himself stating that he could never have achieved what he had without him; and, certainly, the Premier has covered that role very well.

Des was also renowned for his accessibility and always being available to the people. This quality ensured his longevity in the political arena, and it is undoubtedly how his once marginal seat was rendered safe. Although I was elected to parliament 10 years after he ceased to be a member, we had several similar experiences: the origins of a marginal rural seat and those wonderful deputy premier experiences. We also have in common the wonderful opportunity to become a premier and face an election in a short time. I believe we also shared an ability to enjoy a beer on a hot day.

As the Premier already mentioned, I read with some amusement the story of Des, on becoming premier, quickly requesting the removal of chardonnay from his office and the installation of a decent-sized beer fridge, and more power to him for that. His no-nonsense character transcended into his leadership style when he was thrust into the role of premier at Don Dunstan's sudden resignation. He showed fearless determination as he reset the government's agenda, reshuffled his ministry and gave all that he had in an attempt to win an early election. It went down to the wire in the end—and I can certainly empathise with that, having experienced a similar thing 23 years later.

As I mentioned earlier, Des left parliament a decade before I arrived, and others are far more qualified to speak of his parliamentary contribution and his many qualities as an MP. I do know, however, that Des left both this place and this life highly respected within the community. He was always correctly perceived as down to earth. I had limited contact with Des but I had some contact, whilst I was the minister for primary industries, with the Playford Trust, of which Des was deputy chair (as the Premier pointed out). I worked with the Playford Trust on an aquaculture research project, and I was very impressed by Des and instantly felt a rapport with the

man. I also appreciated his efforts for the trust, which he did in a totally bipartisan way.

Yesterday, whilst preparing for this speech, I came across an interview that Des did with George Negus on the ABC about Des's time in the Korean War. Des and his brother were working their way around Australia. They were in Wollongong having a beer at the Harp Hotel when they saw a headline in the *Daily Mirror*, 'Volunteers for Korea now being accepted'. They decided, 'Heads we go, tails we don't.' The coin duly came up heads, and they headed off to Sydney and joined the next day. Des's honesty and humility was such that he said in the interview: 'It wasn't out of great loyalty to the country or the cause.' I think that says a lot about Des's sense of adventure and the courage that he then went ahead and showed in the service, and also a lot about his honesty.

Des Corcoran was obviously a pragmatic man. He made a long and significant contribution to this state and never forgot his roots. On behalf of the Liberal Party, I offer my sincere condolences to Des's family and his many close friends. He battled ill-health with great dignity in recent years, and this was typical of the courage and the nature of the man. Des Corcoran will always be remembered as a good man and a great contributor to both his state and his party.

Honourable members: Hear, hear!

The Hon. K.O. FOLEY (Deputy Premier): I, too, want to join in briefly with my condolences, not to repeat the excellent contributions by both the Premier and the Leader of the Opposition but to say that Des Corcoran was one of the very first (if not the first) person I met of political standing in this state. I was in the front bar of the Crown Inn hotel in Kingston in the South-East. I was a very young boy, 10 or 12—I was not drinking, I was underage; I was with my father. My father was drinking—trust me, he was drinking! My father's good mate owned the hotel. I recall Des in the bar at that time, and he spent quite a bit of time with my father and Harry Lawlor, the then owner of the hotel.

Over the years, Des was known to all of us in the Labor Party, and I had the opportunity on many occasions to be the beneficiary of advice from Des. He never imposed it upon me or in any way attempted to influence me, but would always take the opportunity, at the appropriate time, to give some advice, to give some suggestions as to how things should be handled, and I certainly always appreciated that.

We have seen in the Labor Party (as we have, of course, in the Liberal Party) some extraordinary characters, people who have contributed enormously to their respective parties and, tragically, we are losing many of them. I think, of course, of Mick Young in the Labor Party, Jack Wright, Des, Don. It is just a fact of life that, as they pass on, the memory of these great Labor (and, of course, Liberal) politicians lives with all of us, and I would like to acknowledge Des's contribution. I wish Carmel and the family the best in these very difficult times, and I pass on my condolences.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I support the motion put forward by the Premier, which was supported by other members, including the Leader of the Opposition. I want to say thank you for what Des Corcoran did for South Australia and for this parliament over a 20-year period. I was, I guess, privileged to be here as a younger member of parliament and to learn from a number of very experienced members of parliament, such as Des Corcoran and others, at the time.

I was here for 10 of the 20 years that Des was a member of this parliament. He was down to earth and, as everyone said, he was a good bloke. He was very pragmatic; he said what he thought. He was willing to listen to your case. As a young opposition member I would go across and sit down and argue with Des, or perhaps go and see him in the refreshment room or while he was playing snooker and argue what the constituents wanted. He would take a pretty tough line but, if it was a good argument, well thought through and well researched, invariably he would say yes. So, he was pragmatic: he looked at what was best for the community or the people involved and he made sure that they got the benefit of it.

He was very colourful in his language, as a number of us would know. I remember that they actually had to soundproof his office in the State Administration building because Des had a habit of saying to his staff what he thought of the next person waiting to come in to see him. In fact, I can recall sitting over there with Des when I had a constituent waiting to see him, and Des had asked me to come over to explain what it was about before he saw the person. On that occasion too—even in this chamber—his language was a little loud but very frank, and I know that the constituent involved heard what Des thought of him before he even got to see him. However, he kept a brave face and I think we succeeded in achieving what we wanted to achieve.

What is often not recognised is what Des Corcoran achieved for South Australia in so many different ways. In many ways he was the originator of water filtration within our state, and there were many other areas. He had a range of portfolios that looked at providing the basic services to our community, and I think that we should thank Des Corcoran for delivering many of those services to newly developed or developing suburbs during that period of the 1970s.

He was also a person of great compassion, and I was moved at his funeral to hear some of the stories. But I know of other stories as well. At the same time, very few people understood the personal pain that Des went through because of his arthritis. I remember one very memorable evening when I was suddenly paired out of the house. I went back into the bar, and Des was the only other person there at the time. He was at the end of the bar in his usual corner and he was in absolute agony. I remember talking to him at some length about what he did for his arthritis, the treatment, and how difficult it was each day to get out of bed and get going, how Carmel had to help him out of bed and into a shower, and how he had to stand under that hot shower for a very long period. Yet, you would never know that when you saw Des. In fact, he used to say, 'Look, mate, there's a whole heap of people down at West Terrace who would love to have the problems I've got.' And that is the attitude with which he took on life. He had his aches and pains and his difficulties, but he still lived life to the maximum.

I also want to acknowledge how the South-East loved him and how he loved the South-East. He was deeply revered by the people down there because of the hard work that he did for the local community. To Carmel, to his children and to his grandchildren: my condolences. But, most importantly, think through those very happy moments and what Des Corcoran has done for the family, for so many people within the community and for the state of South Australia.

Finally, I also support the comments made about Des' ongoing support for the Playford Trust, which showed that he was about what was best for South Australia and what could help continue the development of this state in specific

areas, such as the fishing industry and agriculture. Our condolences go to Carmel and the family and also today we remember a great contribution to the South Australian parliament.

The Hon. S.W. KEY (Minister for Social Justice): I am very sad to be participating in this debate, because I think that Des Corcoran was one of our true believers in the Labor Party. I was very privileged to have Des as my boss for a very brief period of time when I worked at the Working Women's Centre, which in those days was connected to the Premier's Department and to the Premier's Women's Adviser.

So, on meeting him, as the premier, he asked whether the Working Women's Centre would take its caravan (in those days we had a caravan that we would take to country areas) to talk to women in the paid workforce, particularly in the South-East. He was very keen for me to talk to women in that area about the availability of child care, noting that child care was very important, not only for women but also for working parents who continue to work. I was very impressed that this legend from the Labor party, who was the premier, had called me into his office to give me this task. As a young member of the Labor party, he also impressed me because he was always happy to talk, discuss and debate issues that people wanted to raise with him. He was very accessible as a member of parliament and also very accessible as the premier.

I did not have the privilege of getting to know Des Corcoran very well but I know from his friends and family that he really did have a commitment to his family. The old feminist adage that the personal is political could certainly be extended to him because he made it his business to make sure that his close family and extended family were supported. There are numerous stories that have been told about how he, as the patriarch of that family, made sure that people in need, whoever they were, would be supported. I know that his family are very sad that Des is no longer there, not only to head the family but also to extend his support and wisdom to them. I would like to extend my condolences to his family and his supporters, particularly those in the South-East.

Mrs HALL (Morialta): It is with great personal sadness that I rise to support this condolence motion for Des Corcoran. I was privileged, in my view, to have known Des at a personal and political level for many years. Like so many of my colleagues in this chamber, I attended his state funeral at St Francis Xavier's Cathedral on 8 January. As the Premier said, and as it has been said before, the service itself was very moving and the eulogies by family, Jennifer Cashmore and the Premier each told many stories of their personal relationships with Des Corcoran. They paid tribute to the man, the politician, and detailed a well-censored selection of the stories that they were able to tell in the cathedral.

I think it is fair to say that, for me, the first reading from Ecclesiastes said so much about the former premier because I can absolutely visualise him choosing that reading with a very wicked twinkle in his eye. For those of you who did not attend the service, it would be quite instructive to go back and read those words. The reading caused me to reflect on a couple of aspects of Des's life that I would like to share with the chamber. For example, there have been references to the famous Millicent election. That says to me how that content was relevant to two particular instances in Des Corcoran's life and his one-vote history. That is, the one-vote victory in Millicent and the one-vote loss in the leadership contest with Don Dunstan some years later, and the fascinating 'what ifs' that we could all ponder if there had been different results in either of those contests. The Millicent election in 1968 and his victory over a former colleague in the upper house, Martin Cameron, has seen many stories around bars and over dinner tables. I have actually been fortunate to hear those stories told from both Liberal and Labor perspectives. Not surprisingly, the laughter occurs in very different places. We all know the historical context of the then Dunstan government hanging on the fate of that election, and the prospect of a Hall government with a majority, who in the end turned out to be Tom Stott and not the member for Millicent. The Court of Disputed Returns is another entire segment by itself.

However, the story that can be told in this chamber is that there was much enthusiasm in the LCL at the time, knowing that the last vote that was going to be checked was that of a family member of Martin Cameron. I remember Des saying, 'That's it, it's all over. I've lost the damn thing,' and Martin's family member ringing and speaking very confidentially and enthusiastically to Martin saying, 'You mustn't worry dear. I gave you two votes and that Mr Corcoran only one.' I know that scholars of political history can but wonder at the consequences if that had been different.

Then, as the newly elected member for Millicent, Des Corcoran entered into a contest with Don Dunstan for the leadership of the Labor Party in opposition. As we know and I think as has been reported, my understanding is that there were two tied ballots and time was allowed overnight or a few hours' break was had in trying to decide what was going to happen with the third ballot. The stories have become embellished over the years about the person who changed their vote. However, Des lost the leadership and from that point on he supported Don Dunstan as leader absolutely, as has been said by the Premier and others. As we know, these two men formed an absolutely formidable political partnership. They were two men who had dramatically different personal views, they had different political priorities, but they shared a passionate commitment to the Australian Labor Party and, as has been said, they served their party and this state well for many years.

What have not been revealed are some of Des's nicknames for other people, and I do not know too many that I would dare repeat in this chamber. The Premier has mentioned a couple of names that referred to him, and some of Des's nicknames were well known in political and media circles. Some of them were funny and about 90 per cent of them were totally politically incorrect, but they were never intended to be hurtful.

I would like to share with the house the practical joker side of Des Corcoran. I was a journalist at the time and it would be fair comment to say that Des Corcoran as premier and deputy premier had a relationship with most members of the South Australian media that others would probably pay a fortune to share. Mention has been made thus far on his preference for beer over chardonnay—we all know about that—but he also had an almost childlike enthusiasm for practical jokes. I will give the house two examples about the new premier in 1979.

There was always a very competitive spirit across the media about how the various stations and newspapers could outdo each other on April Fools' Day and we all knew that Des would be in this one as long as no-one got hurt. Channel 2 ran a program that was called *This Day Tonight*, and the promo for the show announced an exclusive interview with the new premier, Des Corcoran, about South Australia's

involvement in a controversial new project. It went to air that night, with a straight-faced premier. The interviewer was Nigel Starck and Des was there to talk about the introduction of a new form of time, called 'Deca' time, and he outlined in very great detail how our clock faces were to be changed, with 12 going down to 10. It was causing great design problems but he knew they would be overcome with South Australian ingenuity. He talked about the necessary flow-ons in seconds and minutes and right through this he held such a straight face. He said how proud he was that South Australia had been chosen to be involved in such an exciting national pilot program.

He understood the likely cause for confusion and concern, but it was going to be very important to South Australia and absolutely great for industry and lead to new contracts. Obviously, because of our expertise, we were going to be national leaders. He had some graphics prepared that he shared with the viewers of the program and went on to talk about employment prospects for the state with this wonderful new initiative, and he said was very pleased to report to ABC viewers that, over coming months, he would provide regular updates on this project.

Members can imagine what happened afterwards. The Channel 2 switchboard blew up and the calls to the premier's office started at about 5 past 8 that evening. Afterwards, he used to tell the story, with the most amazing graphics, of the number of very entrepreneurial South Australian businesses that tried to speak to him that night to see how they could participate in this new project.

The other incident involved me. Some members may remember that at the time I was working at Channel 7. I had just participated in writing a book (which was not a best seller), co-authored by Professor Dean Jaensch, about non-Labor politics in South Australia through the 1960s and 1970s. A launch date was set and the publisher and media resolved to bring a friend and colleague, Laurie Oakes, from Canberra to conduct the launch. The date had been chosen well in advance, and happened to be 15 February 1979. For those members who do not recollect the significance of that date, I can tell them that the launch took a record-breaking time of about seven minutes because every media journalist in the state was on their way to Calvary Hospital to see and attend the news conference of the resignation of Don Dunstan.

The media coverage of the book was minimal and sales of the book sunk quite a way. But, several weeks later, along with other journalists, I received a handwritten invitation from premier Corcoran saying, essentially, that selected journalists had been asked to join him for a cold beer in the cabinet room, that no chardonnay would be served and would we please ensure that we got there. Naturally, we all did get there. It was an interesting afternoon and, later, the conversation got around to the book launch. He was suitably irreverent about the relevance of the book, in any case. However, the next day, everybody at the Channel 7 news room was excited because a hand-delivered letter came from the premier. The news editor naturally assumed it was for him and was somewhat miffed when it was delivered to me. Inside the handwritten letter (which I still have) was a note from the premier expressing concern that the Don Dunstan resignation had taken all the media coverage. He was very concerned that the book might not reach record sales, and he made a personal offer, given in true bipartisan manner, to relaunch the book with his endorsement.

I suppose that is enough of the stories about his practical jokes, because most of us who know many of them could not tell them for *Hansard*. I will not talk about the 1979 election because so much has been written and said about that over the years, much of which has now become political folklore. However, as a journalist who covered that campaign, I have no doubt that the result was devastating for then premier Corcoran. But what impressed many of us about him was his incredible capacity to move on and make another life. I kept in touch with Des on and off over the years. As the former member for the seats of Millicent, Coles and Hartley he gave me lots of advice when I became the member for Coles and told me what I had to do to maintain the seat, and he also made a couple of fairly impish suggestions and gave me some advice when it was changed to the seat of Morialta.

I conclude my remarks by saying I thought Des Corcoran was an extraordinarily good bloke. He was a devoted and loving family man. He valued and practised his religious beliefs. He was a formidable politician. He had a strong and energetic commitment to serving the community, as has been outlined and a colourful and expressive turn of phrase (most of which we could not repeat), and he endured personal and political hardship with enormous courage. His impressively long list of achievements through a fascinating and adventurous life will be stories for us all to enjoy in the future. To Carmel, the family and the Corcoran friends, I know you will always cherish and celebrate his life.

The Hon. M.J. WRIGHT (Minister for Transport): I will make a brief contribution. The members before me have certainly left me little to say as they have all spoken so eloquently and truly about a great individual. Des Corcoran was a great bloke. He was an individual who could fit in with anybody, irrespective of their background, politics or whatever else it might be. Des Corcoran was a Tantanoola boy and loved the Tiger Hotel. As people have said, he had many great sessions at that hotel, even after he had left the region. He was a keen footballer—a real grassroots member of the parliament and the community. Everyone will remember him for just that.

It would be fair to say that there are many adjectives one could use to describe Des Corcoran. The ones that stand out for me are courage, honesty and generosity; certainly he had all of those and many more. People have spoken about the political partnership of Dunstan and Corcoran. It would be fair to say that there have been some great political partnerships on both sides of politics, but perhaps none better than this one. It lasted for a long time and was very successful. We saw election victory after election victory but we also saw some real things being done in the parliament with legislation and in the community as well. He was a great mate of my father and mother, and dad kept in very close contact with Des Corcoran right up to the day he died.

In addition to some of the great things Des Corcoran did after he left the parliament, I acknowledge a couple of others. He was chair of the Greyhound Racing Control Board from February 1983 until 1994. That also provided membership of the South Australian TAB Board. He was also a member of the Racecourses Development Board. Like everything else he did, he was very successful and very good at this. It was a pleasure to know Des Corcoran. Certainly, I will remember him very fondly not only for what he did for all South Australians but also as a genuine, dinky-di Australian who really fitted in wherever he went. He was a great human being. I pass on my condolences to Mrs Corcoran and the

family. This is a very sad loss for all of us, but particularly for them. Des suffered a lot of pain for a long time. He suffered it strongly, but his wife in particular was a huge political and personal support to him for many years.

The Hon. G.M. GUNN (Stuart): I am pleased to be associated with the motion because, when I become a member of parliament many years ago as a young person, Des Corcoran gave me a great deal of assistance and I will always be grateful for the arrangements he made to allow me to have access to government charters. The member for Giles also now benefits from that far-sighted decision that Mr Corcoran took in ensuring that members who represent large electorates had the ability to travel around in a reasonable fashion. Also, when the electorate offices were established I had a vast electorate and he was most helpful in understanding my situation. I will not repeat the comments he made in relation to certain members of parliament and the difficulties they had caused him in establishing this process. He said that they were not all on one side of politics and he indicated that his purpose was to get the Bs out of Parliament House, and he was going to do that whether they liked it or not.

Also, he was notorious for his practical jokes. Some jokes you cannot repeat, but I am aware that one or two of them went slightly astray. He had the habit of arranging and ringing up members' spouses late at night and inquiring where they were. That went very well but, unfortunately, on one occasion, I am told, a member's spouse rang the police. Now, that did take some sorting out. We will not go any further with that. That did take a bit of sorting out. Of course, he was notoriously involved with after-hours activities with the former member for Unley Mr Langley. They had a great history.

Some of us will remember reading *The Advertiser* when Mr Langley was photographed with a mop on his head and the difficulties that caused the former member for Unley when his wife read the newspaper the next morning, but that is another story. I just want to say that Des did a lot of good things and he helped me; and, when I became Speaker, I was very pleased to be able to help him. He was involved with the War Memorial in Canberra and, due to his arthritis, he had great difficulty using the train to travel to Canberra. I took the view that he was the right person to represent South Australia on that particular organisation. He had all the right credentials.

I approved the parliament to provide him and his wife with some airfares. I was not quite sure whether I had the authority, but I did it because I believed it was right. It was not the first time we had made arbitrary decisions. It was the right decision, but it was a small recompense for the services he had given to South Australia and Australia. I was pleased to be able to repay him because he had helped me in the past. I would like to extend my condolences to his family and to his wife. Also, I want to thank him because he used to go to Cairns, I think, once a year in May for the winter holiday. I was one of those people who suffered with a bit of asthma, too, and my family did. He said to me, 'Look, if you want to get out of this place in the winter for a couple of weeks I can tell you the right motel with a decent swimming pool that your kids will enjoy.' I took his advice and, I must say, it was one of the happiest family holidays we have had.

Ms RANKINE (Wright): I would like to join members of this chamber in paying a tribute to Des Corcoran. He was a much loved character of the Labor Party and a much loved character of this place. Des was in power during one of the most interesting times of the Labor Party. He was very much a man of the people he represented. I remember well the great affection in which he was held by the quarry workers with whom my dad worked and by the E&WS workers of which my uncle was one. Des was always described as a good bloke. Those E&WS workers at the Ottoway depot loved the fact that Des always visited them at Christmas.

He was in his element joining them for a Christmas beer. He was not patronising: he genuinely cared for those who worked for him, and he genuinely loved those he represented. Des was, I believe, instrumental in ensuring that the massive social changes Don Dunstan wanted to implement were accepted by ordinary working men and women. Don had the flair, Des had his feet on the ground. People trusted Des Corcoran. Des came from a strong family with very strong values. Des loved his family and, even as his debilitating illness invaded his body further, he attended as many family gatherings as he possibly could.

I remember having a great chat with Des at his sister Betty's home as they celebrated her husband's (Leo Duigan) 70th birthday. Leo and Des were great mates and, sadly, the family also lost Leo a few months prior to Des's passing. The birthday party was, however, a great celebration of the coming together of the Duigan and Corcoran clans. Des was in his element, surrounded by brothers and sisters, nieces and nephews, great nieces and nephews, his children and grandchildren. Betty was his special favourite and Des was hers. They had a very special relationship. He was in his element talking politics and debating current events.

He had a very clear view on how he would do things and, I have to say, I had great fun listening to him tell me just how they should be done. As the Premier said, Des Corcoran was a great South Australian, he was a great member of parliament, he was a great family man, he was a good bloke, and it was a privilege to know him. He will be sadly missed, and I also offer my condolences to Mrs Corcoran, their children and grandchildren.

Ms CHAPMAN (Bragg): I join my colleagues in expressing our condolences and supporting the Premier's motion in respect of the Hon. Des Corcoran. Unlike my colleagues, I did not ever know Mr Corcoran as being such a man of mischief. Indeed, when I met him in 1972, (as best I can recall, I met him with the Hon. David Tonkin), I thought he was such a nice man that I just presumed he was one of ours. Over the following years, during which, for reasons irrelevant to today, I spent some time in this place, I truly learnt to appreciate and respect Mr Corcoran. I did not know him well at that time, and I do not wish to speak of that time, nor to diminish, indeed, the outstanding contribution that he made to this parliament. Subsequent to Mr Corcoran's service of some 20 years in this parliament, he gave a further nearly 20 years to the Playford Memorial Trust, and it is with respect to that service to South Australia that I wish to place on the record my appreciation and, indeed, that of the many South Australians who have benefited from it.

Those of you who were present at St Francis Xavier Cathedral for the funeral service for Mr Corcoran would appreciate that one of those who delivered a eulogy on that day was the Hon. Jennifer Cashmore. She had served some of her parliamentary time as the member for Coles, joining the member for Hartley, who, of course, had served with Mr Corcoran. I wish to place on the record a contribution which she made at the eulogy and which I think eloquently covers

both the personal contribution and the financial commitment that was made. The Hon. Jennifer Cashmore said:

> But the way I really came to know Des was when I was appointed Chair of the Playford Memorial Trust, succeeding Don Laidlaw in 1995. As Premier, David Tonkin had established the Trust to perpetuate the memory of Premier Playford after Sir Thomas's death in 1982. Knowing the friendship between Des's father, Jim Corcoran, and Tom Playford from the time they served in the trenches during World War I, David Tonkin appointed Des as Deputy Chair of the trust. He held this position until we both retired in 2002.
>
> For two decades, during a period when he was suffering intense chronic pain from arthritis, Des diligently fulfilled his role as a trustee. He recognised the importance of a bipartisan political approach when raising funds for research scholarships and he believed in the aims of the Trust, which are to conduct projects of practical use and benefit to South Australia. The boy from Tantanoola was never far from the surface with Des and his irreverent humour enlivened many a Trust meeting. He was an unerring judge of people and a source of very good advice to me.
>
> On a trip we made in 1996 with our spouses to the South-East to raise funds for the Playford Centenary Scholarship in Aquaculture, I soon discovered that Des was a more effective advocate for funds raised in Playford's name than any Liberal could be. In a two day dash around his old stamping ground we (he, really) raised more than $30 000 to help research into breeding King George whiting. Most of this money came from land-locked local governments where the mayors and CEOs were obviously helpless in the face of a combination of the Corcoran charm and the Corcoran habit of command.
>
> Des and I used to have regular telephone conversations about Trust business which would often veer off into stories of old times, outrageous remarks about former politicians and the latest news of his much loved children and grandchildren. He was incredibly proud of his family. During one of these talks, I suggested a fundraising idea to him. 'You always were a cunning old bugger,' said Des. I was somewhat affronted, and said, 'Des, no-one's ever called me that.' 'I'm sorry,' said Des, 'I suppose I shouldn't have said "old".'

I thank the Hon. Jennifer Cashmore for making that contribution on the day of Mr Corcoran's funeral. Like other members of the trust, I had the privilege of chairing the centenary appeal for whiting research, which raised some $500 000 for research in South Australia, and I saw Mr Corcoran's itineraries. The $30 000 trip to the South-East was one night and one day, but there were many others, and he made an outstanding contribution to that and the work of the trust, which continues in Port Augusta. I think it will certainly be of great benefit to South Australia in the future, and I wish to place my appreciation for him on the record.

Mr Corcoran mixed with everyone and, in relation to his political career, the event that is most poignant in my mind is that I think almost the entire surviving cabinet and shadow cabinet of his time as premier attended his funeral, along with many others who have served in this parliament. That is a great testament to him, but I also acknowledge those he served with on the Playford Memorial Trust, firstly as chair, and subsequently succeeded by the Hon. Jennifer Cashmore AO, Mr Don Laidlaw AO, Mr Richard England, Mr Douglas Bishop OAM, Mr David Elix AM, Dr Barbara Hardy AO, Mr Richard McKay, Mrs Mary Playford Snarskis, Mr Roy Woodall AO, Professor Eva Kotlarski, Mr Geoff Fry, the Hon. David Wotton, the Hon. Don Hopgood, Mr Graham French and Mr Robert Kidman. Many of those names will be known to many here in this parliament, and Mr Corcoran served with distinction and made yet another outstanding contribution.

I wish to convey my condolences to the Corcoran family, and thank them for the outstanding contribution that they have made in enabling and supporting Mr Corcoran to give such valuable service to this parliament and to South Australia.

Mr SCALZI (Hartley): I, too, rise on this important condolence motion on the passing of James Desmond Corcoran. Much has been said of Des Corcoran, and as the member for Hartley, and on behalf of my wife Julia, my family, staff, and—I am sure—the many constituents of Hartley, I wish to express my condolences to his wife, Carmel, and their eight children.

I got to know Des only briefly as a member of parliament, but I used to go and talk to him because I thought it was a great honour and privilege to follow such a man in the seat of Hartley. But I remember him in the 70s when he used to go to the 5 o'clock mass at the Annunciation Church at Hectorville. I had not joined the Liberal Party then, or planned for a political career, but I knew that the deputy premier, the member for the area, was a devout Catholic. I know that he stuck to his principles, and he was a great family man.

Much has been said about Don Dunstan and Des Corcoran. Apart from making sure that the reforms of Dunstan took place, I believe that in many ways Des Corcoran made sure that the reforms did not go too far. I believe South Australia owes him a lot. I am told by reliable sources that he worked very hard to incorporate the multicultural community and that he started one of the branches to make sure that they took part in politics, and the Hartley sub-branch had a significant proportion of Australians from Italian background.

As I said, he was loyal but he stuck to his moral issues and I am certain that he practised politics with principle. No-one can question Des Corcoran on that. I know that the Hon. Mario Feleppa, who lives in the area, held him in high regard and, I am sure that, if he were still a member, he would have made a great contribution today. He worked hard. I realise now why, at my office, the opening hours include appointments at evenings and weekends. That was instigated by the Hon. Des Corcoran. Much has been said about his love for beer. I am fortunate to still have his fridge in the office. It is an old fridge and, when we shifted office from Glynburn Road to Payneham Road, I made sure that we retained the fridge in his honour. I am told that he did not have time limits when constituents came to see him and he made sure that he heard all that they had to say. He took their problems seriously. He would also take his staff and members of the branch to the Glynde Hotel. Much has been said about how he was outspoken and would tell you what he thought, but at the same time he appreciated your contribution. I think that we have all been richer for having such a man who was loyal to his beliefs and who was a great family man and a devout Christian. He kept true to his values and we certainly need more people of that calibre in politics.

Some of you might remember my famous calendar of 2001, on which there was a misprint that had Des Corcoran as a Liberal premier. That was the first version. I apologised in a letter to *The Messenger* but, in hindsight, I think that we would have been honoured if he had been a Liberal premier. I am sure that all South Australians have been richer for the fact that he was South Australia's Labor premier but, most importantly, he was a great parliamentarian for all South Australians.

Mr KOUTSANTONIS (West Torrens): I met the former premier only twice since my involvement in the Labor party. The first time I was trying to convince him of the merits of one of our candidates in a local sub-branch election, at which

time he was not too impressed with me telling him who he should vote for.

Members interjecting:

Mr KOUTSANTONIS: No, he wasn't. The second time was at the Dunstan Memorial at the Festival Centre. I had given my ticket away to someone who was a very big Dunstan fan. I was sitting at the back of the Festival Theatre and saw Des Corcoran walk in and sit right down in the back row. I approached him and asked, 'Why are you sitting back here? Do you need a hand to get down to the front?' He said, 'I wasn't invited'. He had just turned up on his own. I was stunned by that, but it was a measure of the man that it did not bother him at all—not one bit. He was not interested in where he was seated or his position or protocol: he just turned up to remember an old mate. I was touched by that and thought that he was a remarkable person. At his funeral, I spoke to a few of my colleagues afterwards—people who were in Young Labor with me—and I thought, 'What a remarkable resume that man has. There probably are not too many people who will follow in his footsteps.'

It was all done before he was 50, as well, preceding us in the Labor Party. Men like that probably do not join the Labor Party any more, and that is our loss. Des Corcoran was a remarkable person and someone whom I wish I had known better. I express my deepest condolences to his wife, Carmel, and their family, who are very close-knit and loyal to each other.

Mr WILLIAMS (MacKillop): Being the proud representative of the seat of MacKillop which contains the town of Millicent and the township of Tantanoola, it gives me great pleasure to support this condolence motion. Des Corcoran won the seat of Millicent, following in his father's footsteps, in 1962. At the time I was a nine-year old schoolboy. I have taken the time to read his maiden speech in this place, and it taught me something and corrected a misconception that I had held all my life. Des Corcoran talked passionately about country issues in his maiden speech and that stood him well for his whole career in politics. He was always a passionate advocate for country people and country issues, and he said in his maiden speech that he believed that people in the country should be treated equally to their city cousins when it came to the delivery of services and the cost of delivering those services. It was a mark of the man that he was able to win that debate on many occasions as he sat around the cabinet table later in his political career.

The misconception I had comes from the early 1960s when a new high school was built in Millicent. It is a very fine building, it still stands and it serves the community well. In the 1960s, the community often asked why the school building was put alongside the road, unlike at Naracoorte, where a new school had been built some years earlier, and where the school buildings were placed behind the school ovals. It was and remains a very picturesque school. The story around town was that Des Corcoran insisted that the school be built next to the road so that the community knew what he had delivered for them. From reading Des's maiden speech, I realise that I owe him an apology, because it was probably his father who insisted that it be built there, given that the school was well and truly under way in 1962 when he won the seat.

My introduction to politics probably occurred in 1968, with the famous tied election for the seat of Millicent. History probably records that Des Corcoran won the election by one vote. A number of informal votes were in dispute and the Court of Disputed Returns subsequently overturned the election and another poll was held. The first poll was held on 2 March and the subsequent poll was held on 22 June. History shows that Des Corcoran won that second poll quite resoundingly, with a 4 per cent turnaround in his favour. His victory meant that the Steele Hall government became a minority government that remained in office with the support of the Independent, Tom Stott. Students of political history would not argue that that election changed the course of South Australian political history for the next 20 years.

In *The Sunday Mail* of 14 November 1982, a week after he retired from parliament, Des Corcoran said:

> Looking back over the 20-odd years I was in parliament, I guess the highlight of my career was in 1968 when I held on to Millicent by one vote and then won with a 4 per cent swing in the by-election a couple of months later.

At the end of his political life, he regarded that as a very important part of his career, and that was a very good summation. Des Corcoran went on to become Don Dunstan's deputy for 11 years, both in opposition and government, and then became premier from 15 February 1979 to 18 September 1979. I am absolutely certain that he was the only premier born in Tantanoola, and it may be some years before we have another premier born and raised in that place. I also quote from an editorial that was written on 27 April 1979, shortly after he became premier of the state. Referring to comments he made in a speech he delivered to the South Australian Institute of Management, it states:

> Mr Corcoran said that he might not go down in history as a great social visionary or political philosopher. He would, however, like to be remembered for his concern for sound management.

That reflects the man that Des Corcoran was and the memory that we have of him, as has been reflected by many members who have spoken here previously. He was a down-to-earth, honest and hard-working man. Most of all, he was affable. He was equally at ease in any front bar as he was in the corridors of power. That is where, how and why he won the respect of so many South Australians.

I think it was the Premier who alluded to his often speedy trips in the motor car to and from Millicent. Des gave as reasons for giving up the seat of Millicent and moving to a seat here in Adelaide (first to Coles and then to Hartley) the problems that he suffered with arthritis and the long trip to Millicent. I can certainly say—and I direct this particularly to the Minister for Transport—that it is still just as far to Millicent and that it is much more difficult to do it at high speed.

Des Corcoran will be sadly missed by his large family and circle of friends. His name will be heard, I am sure, for many years to come in the front bar of the 'Tant Tiger'. I also offer my condolences to his wife, Carmel, their children, grandchildren, extended family and friends, both personally and also on behalf of the people of Millicent and, more particularly, Tantanoola, where he will always be known as one of their favourite sons.

Ms CICCARELLO (Norwood): I support this condolence motion. I loved and admired Des very much. I feel as if I have known him for the greater part of my life. My family had a strong link with the Labor Party for many years and, obviously, with Don Dunstan and Des. I well remember the 1968 election when my father drove to Millicent to help with the election campaign and, later, the Court of Disputed Returns hearing, which we agonised over and lived through. More recently, when he became a member for a north eastern

electorate, he had links with the Italian community. Every time we met he said how much he enjoyed kissing me and that it certainly beat shaking hands.

Des was a wonderful example of someone who, with his great sense of humour and humility, showed that you can achieve a lot in politics without taking yourself too seriously. Much has been said about his achievements, but I pick up on what the member for West Torrens said about his humility and the fact that he was self-effacing. One of the last conversations I had with Des followed a request by Andrew Faulkner, one of the editors of the Messenger press publication the *Eastern Courier Messenger*. He had interviewed former premier Tonkin about his experience as premier and asked me whether I could put him in touch with Des to talk about his time in parliament. I was rather reluctant to give Des's telephone number to Andrew, respecting his privacy, so I rang Des and told him what Andrew wanted. There was a momentary pause and then a chuckle at the other end of the phone, and Des said, 'Well, that's very nice but you can tell him that I don't really think that it is very important to talk to me. When I'm dead they can write what they like, but newspapers these days aren't even used for wrapping fish and chips.' He thought that his actions would speak for themselves. He was a truly great individual. We loved him dearly and I give my condolences to Carmel and the family.

The SPEAKER: I, too, knew Des Corcoran, and in a particular way, because at the time that I was first endorsed and stood for parliament he was my principal opponent. The swing required was 10.8 per cent in Coles in 1975 and the swing achieved was 8.2 per cent. Notwithstanding that, at the declaration of the poll he took me aside and did not waste much time letting me know that he had no doubt whatever that he would always win and made the point that it was his intention from the outset, on learning that I was his opponent, to invite me to his victory celebrations, which he then immediately did. He spent his time (more of it than I thought I deserved) paying attention to me rather than his supporters in the Reservoir Hotel at Athelstone.

He made some choice remarks at the time which, if you did not know he had a cheek bigger than his tongue, you could have easily been offended by. However, I had known that because, in two separate contexts on earlier occasions, I had cause to deal with Des. He was, as all honourable members have pointed out, a man of his word. In any case, when I was a strawberry grower at Athelstone, I approached him seeking assistance in sorting out the mess that had been created by his pipeline blowing up in the middle of my strawberry patch. He said, 'And what are you here for? Do you think you are going to give me the pip?', because I had presented him with some punnets of strawberries, saying that these were the few that I was still able to produce and representative of the sample. He said, 'I don't eat fancy fruit.' In any case, he proceeded to munch his way through the strawberries that I had given him on that occasion. It was all to no avail. The advice he was getting from his Public Service was quite to the contrary of my desire.

More recently, still before I had become a member of this place yet after I had contested the election for Coles in 1975, I was secretary of the organisation known as the Australian Federation of Construction Contractors. That is the organisation which looks after the affairs of engineering companies and large construction companies. Des was the minister responsible, as has been pointed out. I had cause to call on him to make representations about the necessity to have standard forms of contract, making it therefore possible for all contractors to know what they had to comply with instead of the plethora of different forms of contract used by different state government agencies, most of which were under his control. With expletives deleted (and that is more than half the colour and point of the story), he more or less told me what I could do with my standard forms of contract. He said, more or less, that the people I represented as secretary of the AFCC had to have something to do with their time after winning the contracts the state government seemed compelled to award to them. In any case, I did not take him entirely seriously and, when he realised that I understood what he was up to, he invited me to join him afterwards for a drink. Again, as honourable members have pointed out, it is not possible to recount much of what he told you, because it might cause some people to feel offended.

I am also reminded of the fact that he made a great contribution to developing an understanding of the institution of parliament and the way in which it needed to interact with the wider community when, in earlier times, towards the end of a session parliament would suspend the sitting of the house whilst conferences were proceeding between the two houses to resolve differences between those houses over legislation which the government of the day, of either political persuasion, regarded as being very important. Des would hold court along with other people—the late 'Bud' Abbott and Bob Doherty amongst them—

Members interjecting:

The SPEAKER: Sorry, that is my mistake—the late Bob Doherty and 'Bud' Abbott—in offices telling members what had happened and how things got done by consultation and conversation rather than confrontation and, what is more, how parliament might work more effectively if people had time to talk to each other. He lamented that fact in more recent times on occasions when he was here in the house enjoying a bit of camaraderie before he became so uncomfortable that he could not come.

So, I, too, have fond memories; I, too, will miss Des Corcoran; I, too, respect the contribution that he made; and I offer Carmel, his wife, and all the children my condolences. I thank honourable members for their remarks and will ensure that they are passed on to the Corcoran family. I ask all honourable members to support the motion by standing in their places.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3.26 to 3.35 p.m.]

SHINE

A petition signed by 93 electors of South Australia, requesting the house to urge the government to immediately withdraw the trial of the Sexual Health and Relationships Education Program, developed by SHine, from all 14 participating schools, pending professional assessment and endorsement, was presented by the Hon. D.C. Kotz.

Petition received.

ABORIGINAL COMMUNITY

A petition signed by 28 members of the Aboriginal Community and parents and staff of Aboriginal Children's Centres, requesting the house to urge the government to prefer Aboriginal staff for employment in early Aboriginal

childhood centres; ensure support for Aboriginal Directors in all centres; where possible, include Aboriginal languages in the curriculum for Aboriginal children; and carry out an independent inquiry into why the Aboriginal Director of the Kalaya Children's Centre was removed, was presented by Ms Bedford.

Petition received.

CONSTITUTIONAL CONVENTION

A petition signed by 5 residents of South Australia, requesting the house to pass the recommended legislation coming from the Constitutional Convention to provide for a referendum, at the next election, to adopt or reject each of the Convention's proposals, was presented by Mr Snelling.

Petition received.

CONSTITUTIONAL CONVENTION, DELEGATES' REPORT

The SPEAKER: By leave, I lay on the table a report of the delegates of the first South Australian Constitutional Convention of 8 to 10 August 2003, prepared for parliament and the people by the spokesperson leaders of the workshop groups, adopted at a plenary session of the delegates in the House of Assembly chamber yesterday.

By way of explanation of that proceeding, I explain to honourable members that following the Constitutional Convention and the receipt of the report from the sociologists, Issues Deliberation Australia, led by Dr Pamela Ryan, the delegates themselves have had the opportunity, through the spokespersons or leaders of their various workshop groups, to prepare the report that has now been tabled, and yesterday, following a series of town and country meetings, I chaired those proceedings in this chamber, commencing at 11.15 a.m., at which point John Callaghan sang the Constitutional Convention song, which was very much appreciated by all of the delegates. Approximately 95 people were present during the proceedings.

As chair I pointed out that the purpose of the meeting was to determine whether the report and recommendations prepared by the workshop spokespersons group was an accurate reflection of what they believed occurred on the weekend of 8 to 10 August and that the recommendations and draft legislation complied with the spirit of the intention of that meeting.

Those town and country meetings, for the benefit of honourable members, began on 20 January 2004, with a meeting at Port Adelaide, followed by meetings at Dernancourt, Blackwood, Maitland, Loxton, Pinnaroo, Lameroo, Murray Bridge and Naracoorte, at all of which meetings the proposals contained in the draft report were endorsed without dissent by those attending. The meetings continued at Kingston. One person had reservations at that meeting about CIR. On 30 January at Mount Gambier, all people attending supported the draft legislation without dissent, likewise at Ceduna and Wudinna. At Port Lincoln, six people strongly supported CIR and made remarks accordingly. One person had reservations about two of the proposals.

At Port Augusta, all draft legislation was supported without dissent. At Cleve on 5 February, further clarification was sought about the implications of CIR. At Coober Pedy, clarification was sought on CIR, and discussion on the optional preferential voting system and the fact that this could mean first past the post in all elections ensued, but members of the public attending seemed satisfied. At Renmark and Peterborough on 10 February, there was strong support for full optional preferential voting and all other draft legislation was supported without dissent. At Balaklava on 11 February, reservations were expressed about four year terms for the Legislative Council to the effect that it might mean that all members of parliament could find themselves unseated and an entirely new parliament elected as a consequence.

The final meetings were at Victor Harbor and Salisbury, where strong support for all propositions was recorded. Members will be interested to learn that the remarks I then made to the convention were, to quote Aristotle:

> If liberty and equality, as is sought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in government to the utmost.

And, further, Katherine Helen Spence, who was largely instrumental in the course—

Members interjecting:

The SPEAKER: Order! I also quoted Katherine Helen Spence, who was largely instrumental in achieving public understanding of the desirability of having full adult suffrage and having women properly regarded as citizens rather than chattels, when she said:

> We want no paternal government to tell us what we ought to hear, do or say; we want no paternal press to decide for us what we would like to hear, and what consequently we had better not hear. Where the people is the governing powers, it must, like all other governing powers, occasionally hear what it does not like. We are not children to be coaxed and managed, but men and women fit to think and judge for ourselves.

The chairman drew attention to the march of history in the development of democratic processes of government through the Westminster system throughout history, pointing out that South Australia had adopted the Bill of Rights of 1688 and imported it to its constitutional arrangements in the Constitution Act of 1856. Moreover, South Australians and their parliament had contributed an enormous amount by way of innovations to the development of western democracies and civilisations since its establishment and since that time.

The motion moved by Mr Cliff Hignet and seconded by Mr Eric Stevenson, are, in the first instance:

> That the delegates attending this. . . Constitutional Convention resolved to:
>
> 1.1 Adopt the report and recommendations prepared and presented by the workshop spokespersons' group as an accurate description of the proceedings of the weekend of 8-10 August 2003.
>
> 1.2 Adopt the proposed legislation contained in the recommendations prepared on our behalf and on their instructions by parliamentary counsel which provides for:
>
> 1.2.1 Full optional preferential voting for all elections
>
> 1.2.2 Direct democracy CIR and provisions for a referendum on the question thereby leaving responsibility for its adoption or otherwise with the people themselves
>
> 1.2.3 Four year terms for the Legislative Council concurrent with the House of Assembly and provisions for a referendum on the question thereby leaving the responsibility for its adoption or otherwise with the people themselves
>
> 1.3 Urge the parliament to pass the proposed legislation embracing these proposals without delay and thereby enabling the community to begin serious debate of them in preparation for the referendum.

That was passed by a majority of 96 per cent.

Motion No. 2 moved by Mr Martin Coghlan and seconded by Mrs Glenys Smith was passed without dissent, namely:

> Thank the workshop spokespersons for their selfless, voluntary and untiring effort, as well as the parliament staff, the Parliamentary Counsel and all and any other people who have contributed to the

process enabling us to prepare our own report and provide the opportunity for public comment throughout the length and breadth of the state and otherwise then adopt the report with its recommendations at this meeting on 15 February 2002.

AUDITOR-GENERAL, SUPPLEMENTARY REPORT

The SPEAKER: I lay on the table a supplementary report of the Auditor-General entitled 'Department of Human Services—Some Matters of Importance to the Government and the Parliament'.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the report be published.

Motion carried.

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 2, 9, 14, 26, 34, 70, 75, 110, 112, 139, 141, 142, 159, 171, 177 to 180, 182 to 184, 186, 187, 191, 196, 198, 200, 203 to 211 and 214; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

SEX SLAVERY

In reply to **Mrs HALL** (10 November 2003).

The Hon. J.D. HILL (Acting Minister for Police): The Commonwealth has primary responsibility in the area of international human trafficking. Commonwealth laws covering immigration and related offences are enforced by the Department of Immigration Multicultural & Indigenous Affairs (DIMIA) and the Australian Federal Police (AFP).

States have primary responsibility for policing prostitution-related offences against State laws, including offences of sexual servitude as proscribed by sections 66 to 68 of the Criminal Law Consolidation Act. The SA prostitution industry is policed by SAPOL's Vice & Gaming Task Force (VGTF), a component of the Drug & Organised Crime Investigation Branch.

SAPOL and DIMIA enjoy an excellent working relationship and a DIMIA member often accompanies VGTF officers during their visits to brothels in order to detect offences against Commonwealth Immigration laws. The VGTF also supports DIMIA visits to premises when DIMIA suspect illegal immigrants to be present.

SAPOL and the Australian Federal Police (AFP) also have an excellent working relationship and existing agreements between those agencies provide the capacity for them to support each other and work together as required in the investigation of allegations of sexual slavery in this State.

As an example of that inter agency cooperation a member of the AFP recently worked with the SAPOL VGTF in an investigation into sexual servitude and slavery in South Australia. The investigation did not find any evidence of sexual servitude or people trafficking in SA.

SAPOL's difficulties in policing prostitution have been the subject of debate on previous occasions within Parliament. However, I am informed by the police that while some women from overseas are working in the sex industry in this State, current intelligence indicated that people trafficking for sexual slavery is not evident in South Australia at this time.

CAPITAL WORKS PROGRAM

In reply to **Hon. R.G. KERIN** (22 September 2003).

The Hon. K.O. FOLEY: The 2002-03 Budget Outcomes document shows that Gross Fixed Capital Formation in 2002-03 for the general government sector was $433 million, a decrease of $132 million from the estimate of $565 million provided at the time of the 2002-03 Budget. A variation of $145 million was estimated at the time of the 2003-04 Budget.

Gross Fixed Capital Formation comprises largely purchases of property, plant and equipment, which represent the capital works program of the Government as presented in Budget Paper 5, Capital Investment Statement.

In 2002-03 purchases of property, plant and equipment by the general government sector were $421 million, $183 million lower than the estimate of $604 million provided at the time of the 2002-03 Budget.

A significant component of this variation arises from accounting classification changes. Around $80 million of capital expenditure was reclassified as operating expenditure to meet Australian Accounting Standards.

The remaining $103 million is largely the result of delays in project expenditure from that estimated at the time of the 2002-03 Budget, partly offset by higher capital expenditures by some health units.

POPULATION POLICY

In reply to **Hon. I.F. EVANS** (23 October 2003).

The Hon. K.O. FOLEY: As recommended by the Economic Development Board in the *Framework for Economic Development in South Australia* a Population Policy Unit was recently established in the Federal/State Relations division of the Cabinet Office. The transfer of the business and skilled migration unit, currently located within the Department for Business, Manufacturing and Trade, is still under consideration.

The unit currently consists of three policy officers who are working across government through an Inter-Agency Reference Group, and consulting with individuals and organisations outside of government, to develop a population policy for South Australia.

The policy is due for completion in February 2004, after which time the ongoing role and resources of the unit will be reviewed.

BIKIE GANGS

In reply to **Mr BROKENSHIRE** (23 October 2003).

The Hon. K.O. FOLEY: The Acting Commissioner of Police advises that at this point in time it is inappropriate to name security companies that have been infiltrated by members of bikie gangs, as it would indicate police intelligence to those involved.

Such information may also compromise police operations currently being undertaken.

CFS BRIGADES, FUNDS TRANSFER

In reply to **Mr GOLDSWORTHY** (14 October 2003).

The Hon. P.F. CONLON: CFS Groups/Brigades budgets were finalised in June 2003 and notified to Groups at the commencement of the 2003-04 financial year.

CFS Groups/Brigades primarily expend budget funds by the use of approved ANZ Visa Cards or through the use of local purchase orders. Tax Invoices subsequently received from local suppliers are paid by CFS Groups/Brigades by drawing down on cash advances available within local bank accounts.

Finally, local bank accounts are reimbursed by ESAU's Finance Section on the receipt of "Cash Reimbursement Summaries" which detail the nature and amount of expenditures incurred. Generally, Cash Reimbursement Summaries are processed and local bank accounts reimbursed (by electronic funds transfer) within 7 working days.

Given that there a number of CFS Brigades within the electorate of Kavel, I am happy to investigate further subject to the receipt of a request that is more specific.

SEAGAS PIPELINE

In reply to **Hon. W.A. MATTHEW** (27 November 2003).

The Hon. P.F. CONLON: The SEAGas pipeline commenced operation on 2 January 2004 following successful commissioning of the pipeline through December 2003.

The importance of this vital piece of infrastructure to the State has been highlighted by the recent fire at Santos' Moomba gas processing facility and the ability of the foundation shippers on the SEAGas pipeline to provide Adelaide with alternate supplies of gas during the period of reduced output from Santos' plant.

The suggestion that BHP Billiton's delays at its Minera gas field have delayed commercial gas flows through the SEAGas pipeline is false. To date, gas has been sourced from the storage facility at Iona and from the Gippsland fields.

The SEAGas pipeline has also created opportunity to connect to and draw from alternate sources of gas as they become available in those regions serviced by the pipeline.

The SEAGas pipeline has ensured that South Australia is integrated both physically and commercially into the South Eastern markets and, along with the pipeline hub at Moomba.

LAND MANAGEMENT CORPORATION

In reply to **Hon. D.C. KOTZ** (12 November 2003).

The Hon. P.F. CONLON: As advised in my reply, the Land Management Corporation has already advised the Auditor-General that the suggestions for improvement raised by the Auditor will be complied with. The contract register has been reviewed to incorporate the suggestions of the Auditor-General. In August 2003 the Board approved arrangements to clarify that the authority to sign contracts and authorise documentation is restricted to the Chief Executive, a General Manager or Executive Director.

BUSHFIRE SEASON, TERINGIE

In reply to **Mrs HALL** (12 November 2003).

The Hon. P.F. CONLON: CFS has two processes in place:

- Community education and information programs.
- CFS brigade response planning.

Five Community Fire Safe groups have been established in the Teringie area and a number of meetings have been arranged with these groups for the coming season. It is unlikely that any new groups will be formed in the area because the existing five groups provide good coverage for the Teringie area.

CFS is planning to convene Bushfire Blitz meetings in the area in mid January 2004 and the establishment of Community Fire Safe groups in the first instance would provide the best model for behavioural change. The issues that will be focused on are the establishment of telephone trees to facilitate information flow, the development of Family Bushfire Action Plans and the provision of fire water signs with the assistance from the local CFS Brigade.

CFS Brigade Response Planning

The local CFS Group and Brigade are aware of the problems with reliability of electricity and water supply to the Teringie area. The Group and Brigade is equipped and experienced in management of fires in areas with no reticulated water and they have processes in place to provide water to sustain fire fighting operations in the Teringie area. CFS is able to deploy bulk water carriers with a capacity of 168 000 litres to the Teringie area within 20 minutes during summer.

Water for fire fighting operations is also available within a short distance of Teringie from a number of known bores in the area and from water mains on Magill Road. In addition to the local CFS Group and Brigade response, the National Aerial Fire Fighting Strategy has also provided a helicopter with a capacity of 2 400 litres for use in South Australia. This aircraft will primarily be used for asset protection in the Mt Lofty Ranges and would be deployed to the Teringie area if needed.

ANTA INFRASTRUCTURE

In reply to **Mr BRINDAL** (12 November 2003).

The Hon. J.D. LOMAX-SMITH: The 'ANTA Infrastructure Program' reflects disbursement of capital funding provided by the Australian National Training Authority to assist Registered Training Organisations establish or expand vocational training facilities. During 2002-03 payments totalling $4.612 million spanning 19 approved grant agreements were processed, and disbursed by the Minister of Employment, Training and Further Education.

OFFICE OF LOCAL GOVERNMENT

In reply to **Mr BRINDAL** (Estimates Committee B, 23 June 2003).

The Hon. R.J. McEWEN:

1. In the case of the Office of Local Government, there will be no underspend to budget for 2002-03.
2. For the Office of Local Government there are two positions meeting this criterion.
3. The number of positions meeting this criterion has increased by one.
4. In the case of the Office of Local Government there has been an increase in Employee Entitlement costs of $30 000, which reflects the cost of salary and overhead of a senior position being reclassified upwards due to an increase in the scope of responsibilities undertaken by the position.

In reply to **Mr BRINDAL** (Estimates Committee B, 23 June 2003).

The Hon. R.J. McEWEN: For the Office of Local Government:

1. In the interests of a comprehensive response, information is provided in relation to the Local Government Finance Authority. It should be noted, however, that the Local Government Finance Authority is not under the Minister for Local Government's direction and control. It is not an instrumentality of the Crown and the Public Corporations Act cannot be applied to it. It is a statutory authority in the local government sector with its own Act that is committed to the Minister for Local Government. The Local Government Finance Authority's primary accountability is to its membership which is composed of all South Australian Local Government Councils.
2. The Authority's financial statements for 2002-03 are not yet available and these will be supplied when available. However, figures for 2001-02 are attached.

Local Government Finance Authority
Extract from the Statement of Financial Performance
for the year ended 30 June 2002

	$000
Total Revenues from ordinary activities	34 954
Total Expenses from ordinary activities	-32 343
Profit from ordinary activities before Income Tax Expense	2 612
Income Tax Expense relating to ordinary activities	-784
Net Profit	1 828

In reply to **Mr BRINDAL** (Estimates Committee B, 23 June 2003).

The Hon. R.J. McEWEN: For the Office of Local Government:

1. There were no such examples.
2. There were no such examples.

CAPITAL CITY COMMITTEE

In reply to **Mr BRINDAL** (Estimates Committee B, 23 June 2003).

The Hon. R.J. McEWEN: The Capital City Committee (referred to by the honourable member as the City of Adelaide Committee) continues to operate, as provided for by the City of Adelaide Act 1998.

The Capital City Committee meets every month. The Committee's current membership is:

- Hon. Mike Rann
- Lord Mayor, Cr Harbison
- Cr Anne Moran
- Cr Judith Brine
- Hon. Jay Weatherill
- Hon. Jane Lomax-Smith

In 2002 the Capital City Committee adopted four strategic priority areas for the city. These are: developing Adelaide as:

- a green city
- an education and learning city
- a socially sustainable city
- a creative and ideas city.

Each of these priorities is being developed in partnership with the Council. Every second month the focus of the Capital City Committee meeting is on developing Adelaide as a green city and the Hon John Hill attends in addition to the regular members.

The Committee works with the Capital City Forum, a consultative and advisory body of city stakeholders, to assist it to achieve these priorities.

The state government is working with the new Lord Mayor and Adelaide City Council through the Capital City Committee in continuing to develop the city as a vital centre for the State.

SA AMBULANCE SERVICE

In reply to **Mr BROKENSHIRE** (12 November 2003).

The Hon. P.F. CONLON: As previously detailed in my response that was provided to Parliament on 10 October 2003 for tabling, in reply to a question asked by the Hon. Robert Brokenshire on 24 June 2003 during Estimates Committee B, I provide the following information again:

Funding of $6.13 million over four years was announced as part of the budget announcements to manage increased workloads of the SA Ambulance Service (SAAS).

The funding will enable the employment of 60 FTEs (primarily operational roles). A breakdown of the additional FTEs is as follows:

Role	Number of FTEs
3 Ambulance Transfer Service (ATS) Teams (Metropolitan)	10
2 Medical Transfer Service Teams (MTS) (Metropolitan)	22
Country Workload—Barossa/Woodside	10
Country Transfers—Upper Yorke Peninsula	7
Country Transfers—Murray Bridge	7
Ambulance Education Unit	3
Support Staff (HR)	1
Total	60

The details for regional areas are as follows:

- Conversion of the Woodside ambulance station from a primary on-call station to a 10/14 ambulance team providing a 24 hour 7 day ambulance response;
- Conversion of one ambulance team within the Barossa Valley from a primary
- on-call station to a 10/14 ambulance crew providing a 24 hour 7 day ambulance response;
- Introduction of a new ambulance team on the Upper Yorke Peninsula (April 2004); and
- Increasing resources at the Murray Bridge ambulance station (December 2003).

A separate submission for an additional 6 FTEs ($1.57 million over 4 years) to meet increased support workload was also approved as part of the bilateral process.

Details of these additional FTEs are:

Role	FTEs
Infection Control	1
Operational Rostering	1
Revenue Processing	2
Records Management	2
Total	6

All of these additional FTEs will enable SAAS to address increasing workload demands and begin to reduce the current level of overtime being worked by paramedics.

PERPETUAL LEASE WINDFALL

In reply to **Hon. I.F. EVANS** (11 November 2003).

The Hon. T.G. ROBERTS:

1. In my current capacity as Acting Minister for Environment and Conservation, I would like to advise that rent and other related income increased by $900 000 from $2.297 million in 2001-02 to $3.202 million in 2002-03.

The significant item that contributed to this increase was the revision of the accounting treatment of a former administered entity being the General Reserves Trust. From 1 July 2002, the financial activity of Trust has been accounted for in the Department's financial statements. This change in recognition resulted in revenue of $725 000 being reflected in Rent and other related income.

The rental income is received pursuant to a lease, licence or other agreement entered into in relation to a reserve for which the Trust is responsible. The major items include:

- $140 000 revenue received in relation to rental of residences;
- $325 000 other sundry revenue from rental; and
- $130 000 revenue received from other rental sites.

Other factors that contributed to the increase in rent and other related income include:

- 110 Interim licences were issued for shacks at Black Point, which resulted in additional rental income of $110 000; and
- An increase in the charges for Licence fees, which increase annually in accordance with Governments approved escalation factor.

Rentals for perpetual leases under the *Crown Lands Act 1929* were not increased during 2002-03.

SOUTHERN CROSS REPLICA

In reply to **Mr HAMILTON-SMITH** (23 October 2003).

The Hon. T.G. ROBERTS:

1. I have been advised (in my current capacity as Acting Minister Assisting the Premier in the Arts) by Arts SA that no information contained in the proposal documents of any of the four applicants has been provided by Arts SA to any of the other applicants. Arts SA has not divulged to any applicant the identity of the other applicants.

2. Additional time beyond the 8 July 2003 deadline was given to one of the tenders to provide its detailed proposal. This was because it interpreted the Expressions of Interest process as a preliminary process to a formal, more detailed Request for Proposal. This was noted by the Prudential Management Group, which reviewed the process to ensure it was fair and transparent.

OFFICE OF RECREATION AND SPORT

In reply to **Hon. D.C. KOTZ** (12 November 2003).

The Hon. M.J. WRIGHT: There are a total of three employees from the Office of Recreation and Sport whose remuneration falls within the reported bands. Details are as follows:

Remuneration Band	No of employees
$110 000—$119 999	2
$140 000—$149 999	1

TRANSPORT SERVICES

In reply to **Hon M.R. BUCKBY** (12 November 2003).

The Hon. M.J. WRIGHT: The contracts between Serco, Southlink, Torrens Transit, Transitplus and TransAdelaide contain 'Defective Service Adjustments' for services that were either late, early or missed, when compared to the services scheduled in the relevant timetables. Adjustments are not made if it is found that the instances of late running etc. were outside of the contractors' control.

The Defective Service Adjustments are not considered to be fines, and hence do not appear as an item under 'Revenue from Ordinary Activities'.

The total amount deducted from metropolitan contract payments for Defective Service Adjustments in the third contract year was $681 705.

There are no Defective Service Adjustments amounts outstanding.

In reply to **Hon. M.R. BUCKBY** (12 November 2003).

The Hon. M.J. WRIGHT: As outlined in my response of 12 November 2003, the increase in grants and subsidies provided for concessional travel in country route services and regional cities between 2001-02 and 2002-03 is due in part to the implementation of new services in the Murray Mallee, which have proven to be very successful.

Other factors contributing to this increase include:

- a significant rise in patronage in year two of the service between Mt Pleasant and Tea Tree Gully, through Birdwood, Gumeracha and Houghton;
- an increase in the number of students 15 years and over using services;
- an increase in patronage of the services provided by Transitplus in their country contract area (Adelaide Hills, Strathalbyn, etc); and
- an adjustment to the expenditure reported in 2000-01 was made in 2001-02 that had the effect of reducing the reported expenditure in 2001-02.

EDUCATION, GOVERNMENT UNDERSPEND

In reply to **Ms CHAPMAN** (12 November 2003).

The Hon. P.L. WHITE: I provided a response to this question at the time it was asked. I undertook to ascertain from my Department whether the information I gave was correct and it is.

FLINDERS MEDICAL CENTRE

In reply to **Hon. DEAN BROWN** (16 October 2003).

The Hon. L. STEVENS: I can assure the honourable member that every attempt is made to avoid the postponement of elective surgery.

There are significant pressures on the metropolitan hospital system for inpatient accommodation, particularly in the winter months, due to increases in viral infections. At all times, emergency treatment and care must have priority for admission, which unfortunately often delays elective admissions and elective surgery.

Booking lists for elective surgery have been put into place as a strategy to better manage elective demand. Patients are placed on waiting lists using three levels of clinical assessment: Urgent, Semi-

urgent and Non-urgent and all these categories have criteria advising the desirable admission timeframes. The placement of patients on the waiting list is a clinical decision and postponements occur with regard to that predetermined clinical need so that least urgent cases are cancelled before semi-urgent. Patients with severely complex or life threatening conditions are categorised as urgent and seldom postponed.

The case mentioned concerned a patient who was booked to undergo cardiac surgery at Flinders Medical Centre on 2 September 2003.

I have investigated the circumstance with Flinders Medical Centre and provide the following information. The lady concerned had obtained private health insurance approximately 12 months ago with Mutual Community. However, I have been advised that the recent events involving Mutual Community, and their quoted waiting time of two years for cardiac surgery, resulted in her approaching Flinders Medical Centre to manage her care. She first attended Flinders Medical Centre as an outpatient in March 2003 then again in June 2003. She saw a Flinders Medical Centre cardiologist in August 2003 and had an angiogram which is performed as a standard procedure prior to major cardiac surgery. She was then scheduled for cardiac surgery at Flinders Medical Centre on 2 September 2003. She was classified as semi-urgent (surgery within 90 days desirable).

Unfortunately, due to bed availability in the Intensive Care and Cardiac Unit (ICCU), her surgery was postponed. Due to the significant bed pressures at Flinders Medical Centre during this period, a further surgery date was not immediately arranged.

The lady concerned subsequently re-negotiated her private health insurance and joined another private health fund. She has recently had her surgery performed privately.

DEPARTMENT OF HUMAN SERVICES

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon. L. STEVENS: The total funds provided by government for DHS activities in 2002-03 excluding Administered Items are a combination of:

- appropriation (Note 6A to the financial statements);
- grants from other SA government agencies (Note 6c); and
- equity contribution (Note 2a and 6a).

The level of appropriation in 2002-03 is distorted by the requirement for accounting adjustment relating to the treatment of an equity contribution of $27.843 million in 2001-02, which, contrary to Treasurer's Instruction 3, was incorrectly reported as an appropriation. Accounting convention (Accounting Standard AASB1018) requires any adjustment for past years transactions to be reflected in the financial statements of the year being reported. The practical consequence of the accounting adjustment is that the appropriation in year ending 2002 is overstated by $27.843 million and the appropriation for year ending 2003 is understated by the corresponding amount. The total contribution from Government over the 2 years, had an accounting error not occurred, is summarised as follows:

	2003 $'000	2002 $'000
Total Government Appropriation (Note 6a)	1 420 460	1 414 148
Adjusted for impact of 2002 Equity Contribution	27 843	(27 843)
Adjusted Total Appropriation	1 448 303	1 386 305
Grants from other SA Government Agencies	34 515	29 623
Equity Contribution	60 879	27 843
Total Contribution from Government	1 543 697	1 443 771

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon. L. STEVENS: The state government has not closed any neonatal intensive care beds at Flinders Medical Centre (FMC) in the last year. The 11 per cent reduction in neonatal beds documented in the FMC 2002-03 annual report reflects a reduction in the overall number of intensive care beds utilised during the year. Requirements for beds can fluctuate according to demand and type of care and babies are no different to adults in their needs for differing levels of care. There has been no reduction in the capacity of the unit.

Bed numbers may be calculated in a variety of ways. FMC is currently reviewing its approach to ensure that data of this kind is presented in a manner less likely to cause confusion.

In reply to **Hon. DEAN BROWN** (24 November 2003).

The Hon. L. STEVENS: The Department of Human Services (DHS) produces monthly (rather than quarterly) MRSA reports. These reports suggest that in the area of MRSA, South Australian hospitals are becoming safer, in that the risk to patients of becoming infected with MRSA is decreasing.

Interpretation of the MRSA reports requires an explanation of the terminology used. The data is presented as rates rather than numbers. This is done to enable comparison of our state's performance over time and possibly future comparisons of our performance with that of other Australian states.

The September 2003 report summarises data collected since September 2001. Five charts are presented. Charts 1 and 2 refer to the rate of new hospital-acquired infections due to MRSA in South Australia. Chart 1 refers to infections occurring in Intensive Care wards and Chart 2 refers to infections occurring in all other hospital wards. These charts illustrate that there has been a dramatic decline in the rate of MRSA infections in South Australian hospitals (both in and out of ICU) since monitoring commenced two years ago. This decline is highly statistically significant (i.e. highly unlikely to have occurred by chance). More importantly, it is highly clinically significant in terms of patient safety. In effect, the risk to South Australian patients of acquiring an MRSA infection in hospital has halved over the past two years. The reasons for this improvement are still being investigated but it is likely that better hand hygiene is, at least in part, responsible. For example, alcohol-based hand-hygiene products have been widely introduced across South Australian hospitals in the past two years.

Charts 3 and 4 refer to the rate of new acquisitions of MRSA. Patients newly identified as colonised with MRSA (i.e. carrying MRSA on their skin) make up the bulk of this rate. The majority of these patients are not infected with MRSA but still represent a possible source of infection to other patients and therefore must be cared for using special precautions to prevent spread. As can be seen from Chart 3, the rate of new acquisition of MRSA has declined in ICUs (again, a clinically and statistically significant decline). Chart 4 shows an increase in the rate of MRSA new acquisition in other hospital wards. This increase can be attributed to an extensive program of increased skin screening for MRSA (as part of an MRSA control strategy) by one of the major public hospitals. This program commenced in February 2003 and has resulted in the identification of a number of patients carrying MRSA on their skin. These patients may have been carrying MRSA on their skin for many years but have only now been identified as colonised with MRSA and hence are included in the report.

Chart 5 refers to the burden that MRSA represents to the South Australian hospital system, for example the need for additional single rooms, additional staffing etc. The burden includes all patients colonised with MRSA and those infected with MRSA. The burden is not a reflection of the effectiveness of current infection control practices since many of these patients will have acquired MRSA previously. However, each of these patients represents a possible source of infection to other patients and requires additional precautions to prevent the spread of MRSA. The chart illustrates that the burden of MRSA in South Australian hospitals is steadily increasing. This is to be expected in an aging population with increasing requirements for complex medical care and recurrent hospital admissions. Therefore, it makes the achievement of South Australian hospitals all the more remarkable, that in the face of an increased MRSA burden they have achieved such substantial reductions in MRSA infections in their patients.

In reply to **Mr WILLIAMS** (13 November 2003).

The Hon. L. STEVENS: The Department of Human Services (DHS) allocates funding to country health regions, who are then responsible for allocating funding to their individual health units. The methodology used by regions to make these allocations is unique, reflecting the differing ways regional health boards strive to implement their strategic health plans. For example, some regions hold funds centrally to provide regional services, such as infrastructure, others devolve these functions and recharge for such services. Such factors need to be considered before comparing budgets between units and between periods.

Wage growth due to enterprise bargaining rate increases of 4 per cent from October 2003 and goods & services inflation of 2.5 per cent have been funded. These rates are consistent with 2002-03.

Regional budgets increased this year by an average of 4.83 per cent.

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon L. STEVENS: The source data supporting the performance graphs on pages 580 and 581 were provided by the Department of Human Services (DHS), then formatted by the Auditor-General to allow comparison across financial years. The following information, provided by the Auditor-General's department, compares activity between 2001-02 and 2002-03.

Graph 1: Patient Admissions

	2002	2003
Public Admissions		
Same Day Patients	138 804	143 215
O/Night Stay Admissions	151 494	153 317
	290 298	296 532
Private Admissions		
Same Day Patients	20 219	19 923
O/Night Stay Admissions	28 609	27 761
	48 828	47 684
Day Only Admissions		
Same Day Patients	159 023	163 138
Overnight Admissions		
O/Night Stay Admissions	180 103	181 078

Graph 2: Patient Mix and Activity (Unaudited)

	2002	2003
Public ODBs		
All Occupied Bed Days	1 125 408	1 111 851
Private ODBs		
All Occupied Bed Days	268 812	273 894
Total	1 394 220	1 385 745
Casualty and Outpatient		
Casualty Category	468 896	472 039
Outpatient Category	1 476 067	1 447 929
	1 944 963	1 919 968

Graph 3: Average Length of Overnight Hospital Stay (Unaudited)

	2002	2003
Average Length of Stay	7.74	7.65

Graph 4: Hospital Bed Utilisation (Unaudited)

Available Beds	
Country	1966.0
Metropolitan	2583.6
	4549.6
Average Occupied	
Country	1162.9
Metropolitan	2381.0
	3543.9

SOUTH AUSTRALIAN MUSEUM

In reply to **Mr HAMILTON-SMITH** (12 November 2003).

The Hon. M.D. RANN: I have been advised that in 2002-03, the State Government provided the Museum with an operating grant of $7 328 000, an increase of almost $500 000 on the previous year's grant. The 2002-03 grant included a wages increment relating to the 2001 Enterprise Agreement and an increase in superannuation charges, as well as funding to meet increases in whole-of-government charges due to the realignment of baseline electricity charges/supplementation and an increase in corporate service charges.

At the same time, in 2002-03, the Museum was required, as its contribution towards the State Government's agreed savings targets, to absorb a reduction in its operating grant of $100 000 and to forego any indexation for inflation.

In 2002-03, the Museum expended $522 000 on facilities maintenance, compared with $560 000 in 2001-02.

The facilities maintenance budget for the North Terrace public/heritage buildings is managed centrally by Arts SA. It is a tight budget, which is fully committed across the relevant agencies.

The allocation of this budget is determined after consideration of the competing maintenance priorities across the relevant agencies. Consequently, facilities maintenance expenditure on any one of the North Terrace agencies varies from year to year.

In reply to **Mr HAMILTON-SMITH** (12 November 2003).

The Hon. M.D. RANN: I have been advised:

1. Visitor numbers for 2002-03 were 668 045 as compared to 743 994 in 2001-02. An analysis of visitor attendances undertaken by the Museum identified the absence of an extended Summer Program of free activity ('Out of the Glass Case') as being the major cause of the decline.

In 2001-02, the Museum received additional once-off funding from Arts SA to run weekend programs of free activities as part of its 'Out of the Glass Case' program from mid-November 2001 to the end of March 2002. This appreciably contributed to the number of weekend visitors.

It is noteworthy that since the Museum's opening to the public in March 2000 following its redevelopment, over two million visitors have been recorded to the end of June 2003.

2. The South Australian Museum receives an annual grant allocation from the State Government through Arts SA. The Museum manages the expenditure of this grant and other income and expenditure according to priorities identified by the Museum Board. Any savings arising from the installation of solar energy fitments to the roof of the Museum are for the benefit of the Museum only, and are allocated by the Museum Board according to its identified priorities.

In reply to **Mr HAMILTON-SMITH** (2 December 2003).

The Hon. M.D. RANN: I have provided the following information in relation to this matter in response to your question asked on 12 November, 2003:

"In 2002-03, the State Government provided the Museum with an operating grant of $7 328 000, an increase of almost $500 000 on the previous year's grant. The 2002-03 grant included a wages increment relating to the 2001 Enterprise Agreement and an increase in superannuation charges, as well as funding to meet increases in whole-of-government charges due to the realignment of baseline electricity charges / supplementation and an increase in corporate service charges.

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The allocation of this budget is determined after consideration of the competing maintenance priorities across the relevant agencies. Consequently, facilities maintenance expenditure on any one of the North Terrace agencies varies from year to year.

In 2003-04, in addition to the Museum's annual grant allocation from the State Government through Arts SA, the Government has provided a once-off amount of $100 000 to the Museum for its operations (including the management of artefacts and infrastructure).

The Museum Board is responsible for the care and management of the Museum including the safe storage of its collections of artefacts, and the Board determines priorities for expenditure in light of its strategic objectives and available resources. Recently, it decided to create the position of Head of Collections to implement a centralised collections management system and develop a collections policy that will enable more effective management of the Museum's collections and artefacts.

Following the re-development of the Science Centre, facilities are currently being upgraded, at a cost of $850 000, to ensure the safe storage of the Museum's spirit collection. This work will optimise storage resources and ensure compliance with regulatory and legislative requirements associated with the safe storage of such materials.

DISABILITY PROGRAM

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon. S.W. KEY: In 2002-03, the SA Government appropriation associated with the Disability Program was $131 576 000. This is an increase of $6 215 000 from 2001-02 ($125 361 000).

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon. S.W. KEY: Again, I think it is important to be able to understand the contribution—quite an increased contribution, I might add—the state has made with regard to disability because of our concerns with regard to unmet need. We have been negotiating through the commonwealth, State and Territories Disability Agreement to try to come up with an appropriate funding not only through the federal government but also through the state government, and I again refer the deputy leader to page 566, the third list of statements

under 'K5', which says 'South Australian Government appropriations'.Again, I am more than happy to provide the deputy leader with further details about the disability budget. I am very proud of the increase and what I think are the innovative programs for the disabled we have in South Australia. That does not mean we will not have any unmet need; I am very aware of that.

With the age of our population as well as the fact that there are a number of people, particularly people who have taken on the responsibility of being carers in the disability area who are unable to do so any more, we have some real challenges in the disability area. Therefore, I would be very happy to provide that information and perhaps give the shadow minister an insight into the ways in which we are dealing with those very big problems.

In reply to **Hon. DEAN BROWN** (13 November 2003).

The Hon. S.W. KEY: Factors that contributed to the under spend in the status of women program in 2002-03 (K3) are:

- An accrual accounting adjustment for the over estimation of long service leave provision (non-cash) that existed in 2001-02. This is reflected in a reduction in long service leave expense of $136 000 in 2002-3.
- Expenditure was $35 000 below budget for supplies and services associated with printing, stationery, publishing and editing artwork.
- There were higher salary and wage recoveries, compared to budget of $43 000, due to unanticipated staff secondments to other areas with the Department of Human Services and delays in back-filling vacated positions.

OFFICE FOR WOMEN

In reply to **Ms CHAPMAN** (13 November 2003).

The Hon. S.W. KEY: There has not been any re-location of Office for Women (OfW) staff away from Roma Mitchell House. There has, however, been a re-location within the building, from level twelve to level three.

Neither I nor OfW initiated the move within Roma Mitchell House. It was suggested by the main government tenant of the building, the Department for Transport and Urban Planning (DTUP), to facilitate improved efficiency for that department.

OfW agreed to relocate to a smaller space on the third floor of the building to accommodate DTUP needs. The re-location costs were borne by DTUP and resulted in an annual rental saving for OfW.

A minor upgrade in telephone facilities was undertaken at the time of the move, at a cost of $1802.00. This is the only cost incurred by OfW.

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 Annual Reports of Local Councils for 2002-03:

- Adelaide City Council
- Adelaide Hills Council
- Barossa Council
- Berri Barmera Council
- Campbelltown City Council
- City of Burnside
- City of Charles Sturt
- City of Marion
- City of Norwood, Payneham & St Peters
- City of Playford
- City of Port Augusta
- City of Salisbury
- City of Victor Harbor
- City of West Torrens
- Corporation of the Town of Walkerville
- District Council of Cleve
- District Council of Copper Coast
- District Council of Elliston
- District Council of Kimba
- District Council of Lower Eyre Peninsula
- District Council of Peterborough
- District Council of Southern Mallee
- District Council of Streaky Bay
- District Council of Tatiara
- District Council of Tumby Bay
- Kangaroo Island Council
- Light Regional Council
- Mid Murray Council
- Naracoorte Lucindale Council
- Northern Areas Council
- Rural City of Murray Bridge
- Town of Gawler
- Wakefield Regional Council
- Wattle Range Council

By the Premier (Hon. M.D. Rann)—

- Public Sector Management Act 1995—Section 69—Appointments to the Ministers' Personal Staff
- Remuneration Tribunal—Determinations and Reports of:
  - Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Ombudsman—No. 7 of 2003
  - Country Resident Magistrates—No. 8 of 2003
  - Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner Commissioners of the Environment, Resource & Development Court—No. 9 of 2003
  - Ministers' of the Crown and Officers and Members of Parliament—No. 10 of 2003
  - Ministers of the Crown and Officers and Members of Parliament—No. 11 of 2003

By the Minister for the Arts (Hon. M. D. Rann)—

- Art Gallery of South Australia—Report 2002-03

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

- Dog Fence Board—Report 2002-03
- The Dog and Cat Management Board of South Australia—Report 2002-03

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

- Libraries Board of South Australia—Report 2002-03
- State Theatre Company of South Australia—Report 2002-03.

By the Minister for Gambling (Hon. J.W. Weatherill)—

- Independent Gambling Authority—
  - Codes of Practice—
    - Adelaide Casino Advertising
    - Licensed Racing Club Advertising
    - Name of Venue Advertising
    - SA TAB Advertising
    - State Lotteries Advertising
  - Inquiry into management of gaming machine numbers.

SITTINGS AND BUSINESS

The SPEAKER: Before I call on the Premier, I point out that I have a note from the Leader of Government Business in the House, the Minister for Infrastructure, that questions which would otherwise have been directed to him will be taken by the Deputy Premier.

GAMING MACHINES

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

Leave granted.

The Hon. M.D. RANN: On 20 June 2002, my government directed the Independent Gambling Authority (IGA) to conduct an inquiry into the management of gaming machine numbers. This inquiry was promised by the previous government but, I am advised, was never delivered. The IGA delivered its report on the management of gaming machine

numbers on 22 December last year after the most extensive inquiry into the effects of gaming machines since their introduction. The report makes a number of significant and far-reaching recommendations.

Its principal recommendation is for a reduction in the number of gaming machines by 20 per cent from around 15 000 machines to 12 000 machines. The IGA recommends that the initial reduction in gaming machines be implemented by requiring:

- gaming machine venues currently with 28 or more machines to be reduced by eight machines
- gaming venues currently with 21 to 27 machines to be reduced to 20 machines
- no changes in relation to venues with 20 machines or less

The IGA concluded that a reduction in the total number of gaming machines combined with other measures, such as public education campaigns through advertising, the adoption of a responsible gambling code of practice by the industry to be tabled today in this house by the Minister for Gambling, and measures proposed under the Problem Gambling Family Protection Order Bill (to be debated this week), may be sufficient to arrest the growth of problem gambling. These results would be monitored and reviewed after two years of the new system's being in place.

I have thought long and hard about the IGA's recommendations and have decided to support a 20 per cent reduction in the total number of poker machines in South Australia. This is, of course, a matter of conscience. All members on the government benches—ministers and backbenchers—will be free to exercise a conscience vote. However, collectively and individually, I will be urging them to support my decision to cut the number of poker machines. I will be asking opposition members and Independents to follow my lead. I am confident that this reduction will be effected by this parliament. When it was first proposed that pokies be introduced into South Australia, this parliament was persuaded through a conscience vote that it was in the state's interests to accept their introduction. Then in July 1997 we saw the previous premier, John Olsen, grab front page headlines, declaring that 'enough is enough' on poker machines. He said that the government would put an end to open slather approvals for poker machines. I have been told that, four years later, thousands of additional poker machines had been installed in pubs and clubs across the state.

The former government also promised in August 2001 that the Independent Gaming Authority would conduct an inquiry into rolling back the number of poker machines and then, I am told, it did nothing. It talked up its concerns and, in my view, delivered very little. This parliament now has a responsibility to ensure that the subsequent proliferation of gaming machines and associated harm caused by problem gambling is curbed. It is time for each and every one of us to say 'enough', but to actually take action rather than just saying it. I have asked the Minister for Gambling to introduce legislation to give effect to the IGA's recommendation to reduce the number of poker machines in this state by 3 000. Government business time will be set aside for this purpose. The existing freeze on pokie numbers, which is due to expire on 31 May, will be extended to cover the transition period, during which time the changes will be implemented. This will ensure that gaming machine numbers do not increase before the new controls and reductions take effect. Despite calls from the industry for compensation, I want to make it very clear now that no compensation will be paid by government for the loss of poker machine numbers in venues. Compensation is not justified.

The IGA makes a number of other significant recommendations. In conjunction with the proposed reduction in total gaming machine numbers, the IGA recommends the implementation of a trading system. It says the principal purpose of the trading system is to reduce the number of pokie venues throughout the state by giving incentives to smaller venues to get out of the poker machine industry without incurring losses. This scheme would be administered by an appropriate authority, and no venue will be allowed to exceed its cap of 40 machines. Other recommendations by the IGA include:

- that licences will be subject to review and renewal every five years, with renewal dependent on compliance with the code of practice;
- the establishment of a voluntary, non-profit body to own and operate machines in clubs that could benefit smaller venues;
- that applications for gaming machine licences at new sites be subject to stringent new tests.

The legislation to be introduced by the Minister for Gambling will also deal with these recommendations.

The IGA's report finds that 70 per cent of problem gambling relates to pokies. It finds that at least 2 per cent of the adult population are problem gamblers, and that this equates to at least 15 per cent of gamblers who spend 40 per cent of general gambling turnover. This parliament must now act, and I call on members of this house to support measures to address this serious problem in our community. I hope that every member will back the Independent Gambling Authority, which has carried out an inquiry, which is independent and which has made recommendations. Let us show them our support.

An honourable member interjecting:

The Hon. M.D. RANN: I am very confident that the Labor Party members will show overwhelming support to my leadership on this matter, and I hope you will join them.

Members interjecting:

The SPEAKER: Order!

SUPERANNUATION, MEMBERS OF PARLIAMENT

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

Leave granted.

The Hon. M.D. RANN: This morning state cabinet endorsed a submission from me that gave approval to draft amendments to the Parliamentary Superannuation Act 1974. The effect of these changes, should they pass the parliament, would be to close off the current scheme and bring the superannuation of members of parliament in line with those of broader community standards. And, given the recent statements of the federal Leader of the Opposition, the Prime Minister, and other state premiers, it will ensure that South Australia's scheme will be in line with federal parliament and those of other states when they enact similar legislation.

The taxpayer contribution to MP's superannuation will be reduced to 9 per cent in line with the superannuation guarantee. In line with the Triple S super scheme open to state public servants if, and only if, MPs contribute at least 4.5 per cent of their salary to the scheme, they will receive an extra 1 per cent taxpayer, or government, contribution taking it to 10 per cent. This is exactly in line with the public service

scheme. It is proposed that the new scheme will apply to all new members who join the parliament from the next election.

In 1995 the parliament made significant changes to the superannuation scheme to reduce benefits for new members and it did so in a bipartisan manner, which I am sure the Deputy Leader of the Opposition, as the premier at the time, will acknowledge. Those changes were important and showed that parliament was responding to the people. But since then community expectations have moved on. These schemes, originally conceived in another time and under different circumstances, are no longer acceptable to the people we represent and so we must move on. Once the bill has been drafted the government will consult with all parties and independents and release the bill for public comment before bringing it into parliament.

The Prime Minister has also raised the issue of judges' superannuation and has reportedly asked the states to examine a joint proposal for the judiciary. I have yet to see such a proposal but will certainly be delighted to consider it. Indeed, I intend to raise the matter of judges' superannuation when I next speak to the Chief Justice.

I applaud the new federal Opposition Leader, Mark Latham, for getting the ball rolling on this issue. I must, therefore, also commend the Prime Minister for responding so quickly. The Prime Minister has said that he has taken up the Latham plan to get a minor matter off the decks so that he can concentrate on the major issues. If that is so, I hope that he can look to federal Labor and the state governments and others, and respond just as quickly on these major issues. South Australians want to see the Prime Minister respond as fast on things such as more money for our public hospitals, rebuilding our health system, saving Medicare, more money for our state schools and our roads, and perhaps listening to the people of South Australia on the nuclear waste dump.

NEMER, Mr P.H.

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

The SPEAKER: I can tell the honourable Premier that if it contains any more rhetoric such as the last paragraph of the last statement, leave will be withdrawn.

Leave granted.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Last Friday the High Court of Australia refused an application by Paul Habib Nemer for leave to appeal against the decision of the full court of the Supreme Court of South Australia. As honourable members will be aware, the full court of the Supreme Court upheld the validity of a direction by the Attorney-General to appeal the sentence imposed on Nemer by a single judge of the Supreme Court. The sentence followed a plea bargain agreed to by the Director of Public Prosecutions, Mr Paul Rofe QC. Further, the full court allowed the appeal against sentence which was argued by the Solicitor-General. The full court imposed a custodial sentence on Nemer which he is currently serving.

The decision of the High Court to refuse leave to appeal against those decisions vindicates the decision of the then attorney-general, strongly supported by me, to direct an appeal in this case. It is now clear that the Attorney-General has the power to direct the DPP in particular cases. That is an important outcome for justice in this state, because it maintains the accountability of the criminal justice system ultimately to this Parliament. The Attorney-General is accountable for the administration of the criminal justice system to the Parliament. In those circumstances it is only right and proper that the Attorney-General should have the power to direct the DPP in exceptional circumstances and subject to the safeguards provided for in the Director of Public Prosecutions Act. The Solicitor General, Mr Chris Kourakis QC, and the officers of the Crown Solicitor's office who assisted him are to be commended for their work in this matter. I particularly want to acknowledge the courage and perseverance of Mr Williams, the innocent party in this crime. Mr Williams was grievously injured and disfigured, having lost an eye due to being shot at close range by Nemer. The High Court's decision was a victory for Mr Williams. It was also a victory for victims of crime around Australia. The government was bitterly criticised by some sections of the legal community. That is their right. However, the High Court decision shows that our intervention was right in terms of morality, right in terms of justice and right in terms of law. I am waiting to hear the next series of statements from the legal community.

The SPEAKER: Can I help the Premier and other members. We have just shown profound respect for an outstanding parliamentarian and member of this place. Despite the pain in his knees, when Des Corcoran was making a speech, the moment the chair intervened, he would sit. That is something that a few other members might note and emulate these days.

QUESTION TIME

UNEMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is for the Minister for Employment. Does the minister agree with the Premier's statement broadcast on Adelaide radio on 30 December that:

> We have got the lowest unemployment in South Australia in 25 years, the highest level of people in jobs in the history of the state.

The Hon. M.D. RANN (Premier): Isn't it interesting? It took the Leader of the Opposition the first day of the year to start the process of white-anting our economy. That is what he has been about. Let me just give him some figures.

Members interjecting:

The Hon. M.D. RANN: It is about time, because we have seen some of the statements made about tourism by another honourable member, but let us talk about the state of the state's economy because I think that it is really important for honourable members—

The Hon. R.G. KERIN: I rise on a point of order. I am very interested in what the Premier is saying but, on the point of relevance, my question was to the Minister for Employment about a statement made on employment.

The SPEAKER: I uphold the point of order. The member for Playford.

GAMBLING INQUIRY

Mr SNELLING (Playford): Can the Minister for Gambling explain the processes that led to, first, the establishment of codes of practice for the gambling industry and, secondly, the gaming machine numbers report?

The Hon. J.W. WEATHERILL (Minister for Gambling): The question concerned—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The question concerned the process that led to the formation of the gambling machine numbers inquiry report and the code of practice. It is a very good question and I note the honourable member's keen interest. He at least has an interest in the harm that is being caused to members of families and to the people of South Australia as a consequence of the proliferation of poker machines.

Members interjecting:

The Hon. J.W. WEATHERILL: Those opposite can pour scorn on this, but we all have to accept some responsibility for what we have unleashed on the community. There is massive harm—

Members interjecting:

The Hon. J.W. WEATHERILL: We fully accept our responsibilities. Massive harm is being caused in this community as a consequence of problem gambling. That is a fact. The reality is that we have responsibilities, and the Premier has called on all of us to accept those responsibilities. The code of practice is a very important outcome, that is, it sets out a range of important measures that put the onus on venues to ensure that, within their own venue, responsible gambling occurs. They are measures such as advertising, measures that deal with the responsible service of alcohol, measures dealing with the training of staff, and measures to protect children to make sure that they are not left unattended in circumstances where people have become obsessed with their gambling.

All of those measures, which are the first tranche of reforms under the code of practice, were the subject of an extraordinary amount of community consultation. I recall in this house people criticising the work of the Independent Gambling Authority, and a range of issues were raised about proposed changes to the Keno machine arrangements. I invited those members who raised those issues to put those points to the Independent Gambling Authority, and those points were listened to and there was a modification to that proposal.

It was an extensive process and many voices were heard, voices which have traditionally not been heard by any public official in relation to these matters. They were the voices of the people who deal with and have to care for the people who suffer the harm of problem gambling: voices from the concern sector, voices from the church sector, and voices from various welfare groups all telling their stories about the harm that is occurring at the family level because of the proliferation of poker machines.

Members interjecting:

The Hon. J.W. WEATHERILL: It may not be of any concern to those opposite, but the people who suffer as a consequence of this problem gambling issue suffer miserably, and that is documented in the report. It breaks down families, it causes massive harm in the community, and this government believes that it undermines our commitment to social inclusion, and that is why the Premier has taken the lead in relation to this question.

Up to this point, only lip-service had been paid. The former premier shouted last drinks on poker machines, everyone went out and bought them, and we had many more machines than we started with. Lip service was paid to analysing the effect of poker machines in this community. It was first mooted in 2000, but the previous government never got around to it through its entire term. It never bothered to commence an inquiry into the harm caused by problem gambling. One of the first steps that was taken by minister Hill, then minister for gambling, was to commence this inquiry, and a serious and detailed inquiry was had. As a consequence of that inquiry we have a very high quality piece of work, some codes of practice and also a numbers inquiry that charts the way forward for us to deal—

Members interjecting:

The SPEAKER: Order! The Attorney-General and the member for Unley may choose to converse, but not from opposite sides of the chamber. The minister has the call.

The Hon. J.W. WEATHERILL: As a consequence of this high quality process, we have been provided with a piece of work that charts the way forward in dealing with problem gambling. It talks about three major ways in which we can deal with this. First, we can ask the problem gamblers themselves to take some responsibility for their activities and assist them when they do that. Secondly, we can ask venues to take responsibility for the people who are suffering this harm in their midst. Thirdly, the numbers inquiry talks about gambling opportunities, looks at their proliferation, understands that there is a relationship between the density of gambling opportunities and problem gambling and asks us to wind that back. This is a high quality piece of work, and we should be grateful for the work of the Independent Gambling Authority.

EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Minister for Employment, Training and Further Education. How does the minister explain that, in trend terms, the total number of jobs in South Australia has fallen every month for the past seven months, despite the government's statements to the contrary? The latest figures released by the Australian Bureau of Statistics show that South Australia has lost jobs every month since June 2003, which is totally the reverse of the national situation, where nationally an extra 17 000 jobs in total have been created in the past seven months. South Australia has 4 200 fewer people in employment.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will hush. The minister.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the Leader of the Opposition for his question. I think he will recall, in fact, that around June last year the employment figures were extremely buoyant—they hit an all time high (the highest recorded level)—and there has been, if you like, a slowing of employment opportunities. But, having said that, the total employment growth has been 3.5 per cent in the period since the election. That has, in fact, resulted in the growth of over 24 000 jobs in South Australia. The full-time employment growth has been about 16 000 and part-time employment growth about 7 000 of those. Most importantly, members will note that in that figure there has been an increase in participation. One of the issues about participation rates (and our participation rate has risen about 0.8 per cent) is that participation is a reflection of optimism and confidence in the economy, and the more people in the job market the higher one generally expects unemployment rates to be.

The most depressing figures over the last seven months which the leader has not highlighted are, indeed, the youth unemployment figures, and this is a bad time of year to comment on these figures because, of course, there are more

young people in the job market as their academic year has ended. But, having said that, the youth unemployment figures are entirely unacceptable and too high. And what are they? They are a reflection of the years of Liberal government when our school retention figures fell dramatically, and if you do not keep young people in secondary education you cannot expect good youth employment figures. That is why we are working to retain young people in schools and find transitional programs to get them into employment. But, frankly, it is going to be a long haul to return those figures to national averages.

LICENSED PREMISES

Ms RANKINE (Wright): My question is to the Premier. What action does the government intend to take to ensure that underage children are not unlawfully admitted to licensed premises and served alcohol? As a result of some recent incidents, there has been considerable public disquiet about young people (those under 18 years) getting access to licensed premises. In one instance it has been reported that two girls aged only 15 years and two others aged 16 and 17 years were amongst five patrons at the Heaven nightclub who were rushed to hospital suffering from an apparent drug overdose. In a sting type of operation a newspaper arranged for two minors aged 15 years to attend a number of licensed premises in Adelaide, including nightclubs. It was reported that the minors were able to order alcoholic drinks in five venues without being asked for proof of age.

The Hon. M.D. RANN (Premier): I congratulate the newspaper and journalists involved on their investigation. The government takes this matter very seriously. Young people under 18 years should not be allowed into licensed clubs and should not be allowed to purchase or consume alcohol in any licensed premises. The law is quite clear about this. The industry operators of hotels and licensed clubs have a responsibility to prevent young people from entry when that is not permitted and from purchasing alcohol. As a government we intend to make hoteliers and operators of licensed clubs meet their responsibilities. We are constantly told by the hotel industry that they are in fact vigilant, but the problem continues and the *Sunday Mail* report highlights how slack some venues are.

Parents have a right to expect that those in the community who have been granted the privilege of a liquor licence are complying with the law and not giving children access to alcohol. I have convened a meeting for later today with the relevant ministers, representatives of the Australian Hotels Association, the Liquor Licensing Commissioner, the Commissioner of Police and the Department of Transport to discuss this matter. I will be very interested to hear from the AHA about what the industry intends to do to get its act together. I will make plain to the industry that licensed venues that continue to break the law and put young people at risk will be penalised. Repeat offenders should in my view lose their licences. What was exposed by the *Sunday Mail* report is simply a disgrace.

It is a disgrace that young people, appearing as young as they did, should easily be able to get access to so many venues without even being asked to show their ID cards. The industry must be made accountable. The government will ask the AHA what it believes we can do to assist it in meeting its responsibilities under the law and under their licences. If necessary we will change the law to keep young people out of licensed premises in appropriate circumstances and toughen up requirements to obtain identification. The government will also consider adopting a system of formal cautions and expiation notices for minors who break the licensing law.

Ms Chapman: About time.

The Hon. M.D. RANN: The honourable member says 'About time'. How long was her government in office and did absolutely nothing?

SOUTH AUSTRALIAN ECONOMY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment. How does the minister explain the differences between the South Australian economy and the national economy that has seen South Australia's unemployment trend running completely against the national trend over the past seven months? The Australian Bureau of Statistics national trend figures show that in July 2003 the South Australian unemployment level was at 6 per cent, equal to the national level, but since then, while the national figure has improved to 5.6 per cent, disappointingly the South Australian figure has increased to 6.5 per cent.

The Hon. M.D. RANN (Premier): Here are some facts for the Leader of the Opposition, who is determined to white ant our economic development on the eve of the Economic Summit revisited. Just listen to the facts. For the year to September 2003 our state final demand grew by 5.9 per cent, compared with 4.9 per cent.

The Hon. R.G. KERIN: On a point of order, Sir—

The Hon. M.D. RANN: He does not want to hear any good news.

The SPEAKER: Order!

The Hon. M.D. RANN: He has to be negative—

The SPEAKER: Order!

The Hon. M.D. RANN: —with all of the—

The SPEAKER: Order! I warn the Premier. The leader has a point of order.

The Hon. R.G. KERIN: My point of order is on relevance. The Premier is taking absolutely no notice of what questions are asked. He has some points he wants to make and he is totally disregarding the questions asked by the opposition.

The SPEAKER: The Premier will address the question.

The Hon. M.D. RANN: I am very happy to address the question in terms of employment, but one also has to look at the other economic indicators that support that.

I will not be censored by the Leader of the Opposition in how I answer a question. He does not want to hear good news, because he has been told by members opposite that he has to be more negative in order to keep his job. Okay, let me go through this. For the year to September 2003, South Australia's state final demand grew by 5.9 per cent compared with 4.9 per cent for Australia. This was driven by dwelling investment and private business investment.

The SPEAKER: Order! The member for Unley.

Mr BRINDAL: I rise on a point of order, sir. The Leader of the Opposition took a point of order and you, sir, quite clearly ruled on that point of order. The Premier is disregarding your ruling, and I ask whether he is flouting respect for the chair?

The SPEAKER: Can I help the member for Unley understand that in some other parliaments I have been in in recent times, in the circumstances, he would not have been recognised by the chair in attempting to call attention to

standing orders simply because of his own disobedience earlier. However, in the circumstances, that is a practice which, to date, has not been adopted in this place, though I let all members know that they are on notice. The Premier should remember what, two years ago, he committed to, that is, answering questions. The Premier.

The Hon. M.D. RANN: And I will answer questions fully and not be edited by members opposite who do not like the good news part of the reply. I noticed recently that the opposition seized upon an ABS report which says that we hardly grew at all over 2002-2003. But the ABS estimate is completely wrong and inconsistent with other data which shows that households were spending much more than the national average and that there was booming investment in the private sector, with almost all industry sectors growing except agriculture (because of the drought) and a strong labour market where employment grew by nearly 3 per cent over 2002-2003.

The ABS will certainly revise this estimate in the future, just as it has for 1999-2000 when the Liberals were in office. The ABS's first estimate for growth in that year (when the Liberals were in office) was 3.5 per cent. Do members remember them trumpeting that they had got 3.5 per cent growth? Well, now the ABS has revised that and said that it actually grew by only 0.2 per cent in that year. We do not see the Leader of the Opposition telling—

The SPEAKER: Order! There is a point of order.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier will resume his seat.

The Hon. R.G. KERIN: I rise on a point of order, sir. The Premier continues to flout your ruling. He is talking about 1999-2000. The point of great interest to the opposition and to the people of South Australia is the employment figures for the last six months.

The SPEAKER: I hear what the leader is saying. I am momentarily distracted. I will pay attention to the Premier's answer. It needs to be remembered, though, that remarks made in answer to a question have to be in context and relevant to the question itself. The Premier.

The Hon. M.D. RANN: Let me give members some facts and figures. In trend terms, private new capital expenditure in South Australia increased by 28.7 per cent through the year to September 2003 compared with only 11.9 per cent nationally; and recent surveys of strong business confidence suggest a continuation of a high level of business investment. In trend terms, total employment increased by 7 400 in the year to January 2004, and there is the nub. There has been a softening in the labour market, but forward indicators of employment growth, such as the ANZ job advertisement series and the Department of Employment and Workplace Relations' Skilled Vacancies Index, indicate a positive outlook for the first half of this year.

The Hon. R.G. Kerin interjecting:

The Hon. M.D. RANN: Are you saying that those figures are not right, are you? Well, that is what I am advised. That is what I have been advised. Employment, I am advised, increased from 6 per cent to 6.5 per cent during this period. This is largely explained by an increase in the participation rate from 61.3 per cent to 61.6 per cent. I am very happy to sit down with the Leader of the Opposition and explain what the participation rate is.

An honourable member interjecting:

The Hon. M.D. RANN: It is worsening? He is saying that it is worsening. What has happened to the participation rate reflects increased confidence in the labour market, with more people looking for work. Industrial disputation in South Australia was significantly lower than the rest of Australia in the 12 months to October 2003, with only 19 days lost per thousand employees compared to 50 per thousand nationally.

I have noted the comments of members of the opposition, and I am sure that the Minister for Tourism will deal with some of the bizarre things said by the shadow minister on the very day that we were launching to national and state press our festival series, including WOMAD and others. This is their policy. They have no ideas of their own. They are trying to sort out the leadership for the medium and long term, and they have decided to be negative—

Mr WILLIAMS: Sir, I rise on a point of order. My point of order again relates to the relevance of the answer that the Premier has been giving—and I think you have given him plenty of latitude. I think the Premier is starting to wind up his answer. He still has not addressed the nub of the question, which was comparing the poor performance in unemployment in South Australia relative to the other states—the relativity between the unemployment figures in South Australia, which have been going up, and nationally, where they have been going down.

Members interjecting:

The SPEAKER: Order! Does the house really want to go into grievance debate right now? If there is to be a question time, it will be orderly, otherwise we will dispense with it—or I will. The member for MacKillop has raised the point of order. It is my judgment that the material presented by the Premier was relevant in the context of employment factors affecting it. The standing orders allow that, as they are at present. Honourable members have the solution in their own hands, if they seek that question time be more explicit and directed. The member for Enfield.

CROWD CONTROL INDUSTRY

Mr RAU (Enfield): My question is directed to the Minister for Consumer Affairs. How does the government intend to clean up the crowd control industry in South Australia?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): The question is a good one. The Rann Labor Government will do whatever is necessary to clean up crowd controlling in South Australia. It has come to our attention through police intelligence that more than eight out of 10 crowd controlling firms in South Australia have links to outlaw motorcycle gangs. By 'gangs', I mean the Hell's Angels, the Finks and the Rebels. That crowd controlling and security and investigation agents in this state ended up with those kinds of links is not something that happened overnight. Obviously, it developed during eight years of Liberal government.

In contrast, this government—unlike the previous government—intends to do something about it. Quite recently, a memo on the question of licensed premises came to my attention (and, in particular, under age drinking), which went to the previous government getting on for something like four years ago. Yet what action was taken about it? It is a memorandum to the Attorney-General (that is, the Hon. K.T Griffin), 'Attention Lynne Stapylton' from the Liquor and Gambling Commissioner and it is dated 22 June 2000. It has been drawn to my attention in the past few days only because of its topicality, and it is interesting that it has been drawn to my attention in the sure and certain knowledge that the

previous government, the Liberal Party, did not act upon it. But that is another question.

Under the crowd-controlling system that we inherited from the Liberal government, a bouncer who has a conviction for assault can continue in the trade, a bouncer who has a conviction for drug possession can continue in the trade, and a crowd-controller who has a conviction for dishonesty can continue working in the trade. They are the Liberal Party's rules. The Rann Labor government will be giving the Commissioner for Consumer Affairs the authority to suspend someone's licence even if they have only been charged with an offence of assault.

South Australia Police have proposed the sensible idea of fingerprinting applicants for security licences, and I am well aware that some members opposite will whine about the erosion of civil liberties if we insist on fingerprinting applicants for security licences, but the government thinks that there is more than enough evidence of criminal involvement in this trade to justify fingerprinting. We also want crowd controllers to submit to random drug-testing, which by all accounts has been working well in Western Australia.

Links between amphetamine use and aggressive behaviour are well known, and neither I nor the Premier is prepared to let people who take these drugs work in the security business. Other measures that the government intends to introduce include a sophisticated data-matching process between the police and the Office of Consumer and Business Affairs, psychological screening of security licence applicants, and much greater training in conflict resolution and communication. We may even consider an age limit, because I think being a crowd controller requires enough maturity to walk away from provocation by patrons.

This government is not on a jihad against the crowd-controlling trade. We think it is an important and necessary trade. It is not so long ago that I was having a Friday night drink at the Crown and Sceptre Hotel when I was confronted by an intoxicated barrister associated with the Gang of 14, who reminded me and my entourage that this was 'his hotel'; this was the 'Gang of 14's hotel', and that we would not be welcome there. A crowd-controller took a different view of matters, and the barrister was—quite rightly—removed from the premises. The Premier and I are cracking the whip to get this legislation drafted. It is legislation that would be approved, I am sure, by the seventh century BC Athenian statesman Draco and I hope to introduce it to the house as soon as possible. I hope that members opposite will give us the support we need as a minority government to purge the crowd-controlling trade, liquor licensing and the security investigation agents of any criminal associations.

Mr BRINDAL: Mr Speaker, I rise on a point of order. Very early in your speakership you gave the house a lot of instruction concerning the tabling of documentation that purported to be official documentation. The Attorney, in his statement today, quoted a memo to the Hon. K.T. Griffin. Sir, could I ask that, in accordance with your ruling, you consider not only whether that memo should be tabled, but also the file from which the memo was taken. I believe the whole file should be tabled, in accordance with your ruling.

The SPEAKER: Is the Attorney quoting from such a document?

The Hon. M.J. ATKINSON: Yes. I am quoting from a memorandum to the Attorney-General, marked for the attention of Lynne Stapylton from the Liquor and Gaming Commission. I would be happy to share it with the house.

Members interjecting:

The Hon. M.J. ATKINSON: That is the whole file.

The SPEAKER: It is so ordered.

WOMEN, EMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment. Which are the major industry sectors that account for the huge loss of full-time employment for women in South Australia since the middle of 2003? What specific initiatives are in place to stem this decline? The ABS trend data shows that, since May last year, there has been a dramatic 12 200 drop in the number of women in full-time employment in South Australia and that women have overwhelmingly suffered the bulk of our job losses. With the numbers falling from 166 800 to 154 600, it means that there has been a loss of one full-time position for every 14 women in full-time employment, mid last year, in contrast to a strong increase in the national figures.

The SPEAKER: The explanation would find better place in a debate than in explanation to a question. I trust that the practice of incorporating such argument in the course of asking, and answering, questions will be more effectively and properly resolved and that the standing orders will be more responsibly observed.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the Leader of the Opposition for his question. I think it is important that he recognises that there is a trend across the country to move from full-time to part-time employment. We have been reversing in the short term, but it is a very difficult issue to address in the long term. We have looked at ways to fund re-employment and re-engagement in the workforce, particularly for middle-aged women and those of non English-speaking backgrounds. There is an issue with re-engagement that revolves around how one deals with community education programs and pathways to employment into certification. What we have been active in doing is securing commonwealth funds for an Australians Working Together project. We have reconfigured our ACE (Adult and Community Education) programs to link them more effectively with TAFE courses so that people who have literacy and numeracy issues can therefore re-engage in the formal certificated education program and finding pathways into employment for those people who have been disengaged.

Most importantly for mature age women who are disengaged are the issues of mature age re-employment, and that again relates to reconfiguring our employment programs to link them more effectively as training programs, rather than employment subsidies, and particularly to channelling the money, the funds and the activity into the regions. The most effective way to deal with regional unemployment, particularly with women and young people, is to engage local communities, businesses and councils in employment strategies, and the regional program will support women who are disengaged in the workforce.

The Hon. W.A. MATTHEW: Mr Speaker, on a point of order: the Leader of the Opposition asked a very clear question, and that was for the minister explain the industry sectors in which work had been lost to females in the workforce. There was no attempt made to answer that question.

NEMER, Mr P.H.

Mr O'BRIEN (Napier): My question is to the Attorney-General. What is the government's response to the outcome of Nemer's appeals to the High Court?

The Hon. M.J. ATKINSON (Attorney-General): Once more unto the breach, dear friends. The Nemer matter has been a difficult and controversial one, and there are many lessons to be learnt from the case. First and foremost, in my view, is that the case dispels the myth that law and the justice system are removed from the views of ordinary men and women. The system worked. The gang of 14 and their cronies were critical of the government's intervention in this matter. One of their cronies, of course, was the member for Heysen, but they have been proved wrong and the talkback callers have been proved right. Secondly, those who criticised the government on—

The Hon. M.D. Rann: The court of public opinion.

The Hon. M.J. ATKINSON: As the Premier says, the court of public opinion has prevailed.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: No, that was not before Harfleur: that was at Agincourt. Secondly, those who criticised the government on legal grounds have had those arguments rejected by the highest court in the land. Under section 9(2) of the Director of Public Prosecutions Act 1991, the Attorney-General's power to give a direction to the DPP has now been confirmed by the High Court of Australia sitting in Melbourne, when two justices refused to give special leave to appeal to Mr Nemer.

Ms Chapman interjecting:

The SPEAKER: Order! The nature of the exchange across the chamber is highly disorderly, and the member for Bragg knows that. The member for Bragg will no doubt seek the call shortly. I do not know what her chances are going to be. Her conduct will have an influence. The Attorney-General is equally out of order in encouraging such exchanges, and he can do better.

The Hon. M.J. ATKINSON: As a spokesman on the justice portfolio, the member for Bragg makes a very good divorce lawyer.

The Hon. DEAN BROWN: I take a point of order. The standing orders of this house require that, when the Speaker is making a statement, the honourable member resumes his seat, and I ask that you insist that that occur.

The SPEAKER: I will. The Attorney-General.

The Hon. M.J. ATKINSON: Those who, like the member for Heysen, offered their incorrect legal opinions to this chamber, should be a little more circumspect in the future. The Leader of the Opposition looks a little puzzled, but I quote the member for Heysen who said of the Attorney-General:

> He seems to have lost any comprehension, if he ever had any, of the fundamental concept of democratic government known as the separation of powers.

Mr BRINDAL: I rise on a point of order. I believe it is a longstanding tradition of this house that no member of the house may be criticised other than in a substantive motion and in debate.

The SPEAKER: The member for Unley is quite correct in that respect. However, there is no criticism. I understand that the Attorney-General is making observations about remarks. They are neither complimentary nor critical.

The Hon. M.J. ATKINSON: The member for Heysen does not seem to be familiar with the idea that prosecuting is a function of executive government. She goes on:

> In complete contravention of that basic concept, and quite possibly also in contravention of the Director of Public Prosecutions Act, which is there specifically to guarantee the independence of that office, he demands that the Director of Public Prosecutions appeal against a sentence imposed as a consequence of a plea-bargaining arrangement which the Director of Public Prosecutions entered into.

I then asked the member for Heysen, 'So you are against Lawson's position on Nemer?' She replied, 'Exactly.'

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens.

The Hon. M.J. ATKINSON: It would be a great pity if the Leader of the Opposition were considering installing the member for Heysen as the shadow attorney-general, because I notice that the current shadow attorney-general, active as he was on radio last year, dragged out of his bed late at night by my participation in talkback radio, so far this year has not put in a single call to radio at any time of the day or night, so perhaps he is in pre-retirement.

The SPEAKER: Notwithstanding the interesting observations, they are irrelevant to the question.

The Hon. M.J. ATKINSON: A further group who should reconsider their criticisms of the government's conduct in the Nemer case are those who objected on what they would consider moral or ethical grounds to the intervention. The group is full of much better lawyers than the other group that I have mentioned in that they conceded the correctness of the government's legal position but expressed concern at the appropriateness of intervening in a particular matter.

The government owes a great deal of thanks to the Solicitor-General, Chris Kourakis, whose 20-page report triggered the government's instruction to the Director of Public Prosecutions. The appeal was not a function of responding to public opinion (although that was part of it) but, once the public had objected to the suspending of the sentence in the Nemer case, the government, instead of just willy-nilly ordering the Director of Public Prosecutions to appeal in response to public opinion, commissioned a report from the Solicitor-General and, once that 20-page report was in, it made an incontrovertible case for appealing the sentence. Indeed, as the Leader of the Opposition and the Deputy Leader quite rightly pointed out, it converted me also.

That appeal, argued by the Solicitor-General himself, was successful and, indeed, the case made out was so compelling that in Melbourne when the High Court came to hear the grounds for special leave to appeal they did not need to call upon Mr Kourakis for further argument. It is noteworthy, of course, that this outstanding Solicitor-General, not long after he was appointed, was subject to a sleazy and scurrilous campaign of criticism by the member for Bragg and others. Perhaps if his name were Burkinshaw or Smithers and he went to the right school he would have met with the approval of the Opposition, but we now have a Greek-Australian Solicitor-General from a public school and he has done the office proud.

WOMEN, EMPLOYMENT

Ms CHAPMAN (Bragg): My question is to the Minister for the Status of Women. What initiatives has the minister put in place to arrest the decline in employment for women in South Australia from April 2003 until January 2004 of 12 200 full-time positions?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I rise to respond to the question from the member for Bragg because this falls within my portfolio and is almost identical to the previous question in response to which I described the initiatives in place to create employment.

SEWAGE SPILL

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Health. Why did the Health Commission and Environment Protection Authority fail to adequately warn the public of the health risks associated with yesterday's sewage spill at Hallett Cove, and can the minister advise what action anyone who has been swimming in the affected area should now take?

When inspecting the problem area yesterday afternoon, I noted there were no warning signs in part of the affected area known as Waterfall Creek, only red and white plastic tape (which served to attract attention to the area rather than deter entry), and further signs reading 'Beach Closed' with red and white tape around the affected beach area. There were no health warning signs and many people were simply ignoring the 'Beach Closed' signs and going onto the beach. I immediately called the Chief Executive Officer of the City of Marion who had his staff contact the Environment Protection Authority and health officials. However, in the interim, there has been avoidable further risk to public health.

The Hon. L. STEVENS (Minister for Health): I thank the member for Bright for his question. The Department of Human Services issued a media statement in relation to this matter at 11 p.m. on Saturday night following the discovery of the sewage spill, and I put that on the record. That media release, issued at 11 p.m. on Saturday 14 February, warned people to avoid contact with seawater in the vicinity of the Hallett Cove Conservation Park between Heron Way and South Avenue and also to avoid contact with water in Waterfall Creek between Capella Drive and the beach. The department contacted the local council and the council was requested, as is the procedure, to close the beach.

I am advised that signs indicating that the beach was closed and bunting were erected by the council by Sunday morning, but I am also advised that, unfortunately, some of those signs were then subsequently removed by persons unknown, which is very disappointing under the circumstances. Following complaints that the signs did not say why the beach was closed, I now understand that more information is being put up. This is a most unfortunate situation. I was pleased that the information was out by 11 p.m. on Saturday night and that the council had got on to that job early in the morning, but it is unfortunate that those signs were removed.

SCHOOL INVOICES

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Why were the parents of a child at Playford Primary School billed $47 for toilet paper and under what new guideline was it authorised?

The Hon. P.L. WHITE (Minister for Education and Children's Services): They were not.

Members interjecting:

The SPEAKER: Order! I think I heard the minister say they were not.

The Hon. P.L. WHITE: Yes, that is the answer to the question: they were not. For the first time my department has introduced clear guidelines as to what parents can be charged for in their school fee invoices and for the first time also that range of materials and services that government schools can charge parents for their child's schooling has been made clearer. Importantly, also for the first time, the department is undertaking an audit of all the invoices from all our public schools right across the state to make sure that schools do not charge parents inappropriately. So far only one school invoice has been brought to the attention of the department through that auditing process where there was an inappropriate charge for an amount of approximately $2 at the school indicated. The school took corrective action by notifying all parents, offering them a refund or stating that, if they did not want their $2-something back, it would be donated to another use at the school. This is part of an important new process that has been put in place whereby the school fee invoices for every state school in the state are audited.

REGIONAL AND NATURAL RESOURCE MANAGEMENT BOARDS

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Environment and Conservation. What initial response has been received to advertisements placed in South Australian newspapers calling for first nominations for what are described as 'suitably skilled persons' to serve as members of the proposed regional and natural resource management boards in South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the honourable member for his question. My advice is that we have had a very strong interest in relation to that first advertisement. It will not be the only one, but it is to get preliminary advice in relation to those boards. From memory, about 200 packs were requested over a couple of weeks. There may well have been additional requests for information since then, and there will be no appointments until the legislation is put through this parliament. Given the importance of this bill and the time frames associated with getting new boards in place, it was thought prudent to ask people in advance whether they were interested so that we could have a seamless transition process.

EDUCATION, FUNDING

Ms CHAPMAN (Bragg): My question is again to the Minister for Education and Children's Services. Will the minister inform the house how much state government funding is provided to support each student in South Australian public schools and private schools, that is, the amount per capita?

The Hon. P.L. WHITE (Minister for Education and Children's Services): It is interesting that the member for Bragg should raise this question as a point of discussion by the opposition because, quite frankly, a lot of attention has been put on the public education under funding by the commonwealth government. The fact is that by Brendan Nelson's own figures this state government has increased funding to our public schools by more than any other state in Australia. However, the increase in funding from the federal government to our public schools does not even keep up with the percentage increase in other states.

Ms CHAPMAN: Mr Speaker, I rise on a point of order, and it relates to the relevance of the answer. I have asked specifically about this state government's funding per capita for children in public schools and private schools.

The SPEAKER: I uphold the point of order.

The Hon. P.L. WHITE: My answer to that question is: clearly, as can be seen by the budget papers, the state government contributes just over $1.4 billion operationally to our public schools. The federal government contributes a measly $187 million approximately to our public schools. In

this coming financial year the state government will contribute around $98 million to our private schools and the federal government will contribute something in the order of $300 million.

The SPEAKER: Can I help the minister understand the meaning of the word 'per capita'? It means per person or per student.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. I ask that we get the appropriate information from the minister. If she does not have the per capita figures available, will she make that information available to the house as soon as possible?

The SPEAKER: It is hardly a point of order but a supplementary question.

The Hon. P.L. WHITE: Clearly, I have given the figures of total funding. I can give members the figure for the total student population and perhaps leave it to them to do the long division.

Ms CHAPMAN: I have a supplementary question. Will the minister agree, apart from giving the number of students in South Australia (which we already know), what her government gives per capita to students in public schools and private schools in this state? Will you give the information or won't you?

The SPEAKER: Order! I can't; the minister can.

The Hon. P.L. WHITE: I have just pointed out the total amount of funding to schools. I would also like to point out that there has been a significant increase in the per capita funding by this state government in the last financial year.

Mr BRINDAL: Mr Speaker, on a point of order: the minister is entitled to answer a question as she sees fit, but I do not believe she is entitled not to answer a question that has been specifically asked in this house, and I ask you to consider the matter overnight.

TOURISM

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Tourism. Does the minister stand by remarks she made to the media last week that since September 11, the collapse of Ansett, the SARS outbreak and the Iraq war, tourism in South Australia has experienced 'strong growth'; and can she name a single senior industry source that will agree with her comments?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): The member for Waite has an extraordinary point of view. He has criticised this government for not holding big enough parties—and we know how good they are at holding parties—and he is also the man who stood up in this house and encouraged our government to go to war in Iraq. He beat the drum about weapons of mass destruction and two months later he noticed—surprise, surprise—tourism numbers have fallen. Surprise, surprise. And now, after a couple of years, he has noticed that tourism numbers have fallen because of SARS—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order. My point of order relates to relevance. The question is specific. The minister made comments regarding strong growth in the tourism industry, I am asking her to stand by those comments. I ask you to draw her attention to the question.

The Hon. J.D. LOMAX-SMITH: Surprise, surprise, there has been a fall in international travellers and a fall in domestic travellers. In fact, the statistics show that international travel is down by 2 per cent and domestic travel is down by 2 per cent, but do members want to know what South Australia has done—and I do not expect the member for Waite to understand the numbers because he is incapable of understanding. We have had unremitting and remarkable success in adverse circumstances. We have had a war, SARS, terrorism, and even chicken flu; and at a time of a drop of 2 per cent in travel we have made more money. How? Because we have been smart and we have fixed and moved our marketing money to increase visitation length and domestic travel.

If I can just give members the numbers. At a time when there has been a 2 per cent drop in domestic travel to South Australia, we have had an increase in bed nights—fewer people but they have stayed longer. We cannot affect wars, SARS and terrorism, but what we can do is work harder to make the tourists we get stay longer—and the statistics are phenomenal. Under extraordinarily difficult circumstances we have managed to increase the number of bed nights. If the honourable member cannot understand that that means more money for the tourism sector, there is nothing I can do to explain it to him—because, frankly, we have had a 6 per cent increase overall in bed nights in the last year. We have also had an 11.5 per cent increase in interstate bed nights when there has only been a 7 per cent increase across the country, and that equates to a 10.7 million bed night year.

If members look at the internationals—and I have explained this to the honourable member slowly but it is difficult—there are fewer people, a 2 per cent drop in numbers, but as a result of smart marketing we have marketed for them to stay longer. We have written to convention visitors the year before they arrive saying, 'You are coming at the time of the Fringe or the Barossa' and, for the first time, we have bothered to market the Tour Down Under as a tourism opportunity instead of a bicycle race, and we have achieved a 3 per cent increase in bed nights during the last year. This is phenomenal because that 3 per cent in internationals is 120 000 extra bed nights. If an international visitor spends only $100—and that is very unlikely because most visitors would spend more—we are talking about a minimum increase of $12 million in turnover.

That is good news. The member for Waite cannot see it. The member for Waite is quoting fewer numbers of people, but we were smart, we knew the numbers would decrease and we put our marketing dollars into making them spend longer. It is not an accident: the bed night numbers went up because of specific marketing. We put in a program called 'Linger Longer' because we knew that Ansett had collapsed, tourism was down—which the honourable member ridiculed, I might add—and that has had an impact on bed nights. We recognised that we would have fewer international travellers, so we specifically marketed interstate drivers. I have to say that the member for Waite is intractable. He cannot understand more bed nights mean more profits which means more dollars across regional and rural South Australia. We have done it and he should be quoting us and being proud of what we have done.

GRIEVANCE DEBATE

LAND TAX

Mr SCALZI (Hartley): Last Wednesday on 11 February at Payneham Community Centre, I along with the Hon. Rob Lucas from another place, Vickie Chapman, the member for Bragg, Dorothy Kotz, the member for Newland—

The SPEAKER: Order! The member for Hartley knows that he does not name those people who have the honour and responsibility to represent electorates in this place other than by their title or electorate name.

Mr SCALZI: I apologise, Mr Speaker, but some of the names were listed on the agenda. The members for Morphett and Norwood attended the Land Tax Reform Association's public meeting at the Payneham Community Centre, Felixstow. I would like to commend the Hon. Nick Xenophon for chairing the meeting and the President of the association, John Darley, together with the other speakers. Also in attendance was the Minister for Infrastructure, who was representing the Treasurer and, from another place, the Hon. Rob Lucas representing the opposition. I have never seen a hall so packed with people in my electorate since before the last election. Over 400 people packed the hall on a hot night to express their outrage at the current land tax situation. Many small landlords are really finding it difficult to pay for the increases in land tax. Two motions were passed that evening: first, that there be a government review into land tax, which was unanimously passed except for one gentleman; and, secondly, that land tax be abolished. The number opposed to this motion is not known. However, a significant number of people were outraged at what is happening in this area.

Along with many other members, I have received a number of complaints related to the current year's land tax. Complaints have come from constituents experiencing a number of different situations. For example, an elderly couple on a fixed income have owned a family shack for many years and now see themselves with sharply increasing costs due to the increase in property values, and a community club is faced with a large land tax liability, which will impact on the viability of the club, which provides valuable social activities for an ageing Australian-Italian community. Other examples include a man whose primary residence is owned by a family trust questioning not that he must pay land tax but, rather, the disproportionate amount payable due to the fact that land tax thresholds have not been raised; and an individual with property investments in place of superannuation being forced to sell some property (land); and that commercial property will pass on increases to tenants. Let us not forget that this measure will affect the rental market. If this matter is not addressed it will affect those most vulnerable.

I am pleased that the Treasurer is listening, and I am sure that the Minister for Infrastructure briefed him on the outrage with which he was faced at that community meeting. A common problem for all was the fact that the land tax thresholds have not been increased in line with large property value increases, particularly in the last two years. This has led to bracket creep for many properties—not for the first $50 000, because that is exempt, but $50 001 to $300 000 attracts 35¢/$100; and over $300 000, $1.65/$100 up to $1 million. Today most properties significantly exceed the exempt threshold. Due to the increases, many taxpayers will now require the payment instalment option, which currently attracts interest rates of 12.89 per cent per annum, calculated pursuant to section 26 of the Taxation Administration Act 1996. How are constituents supposed to pay the increase and pay 12.89 per cent interest? I think that some bankcards are cheaper these days. The government must do something to address the problem of people who are on fixed incomes and who cannot possibly pay these increases.

Time expired.

PARLIAMENTARY SUPERANNUATION

Mr RAU (Enfield): It is always difficult to follow the member for Hartley. I want to address a few matters that arise from the Premier's ministerial statement today concerning changes to parliamentary superannuation and, in particular, the passage that states:

> The Prime Minister has also raised the issue of judges' superannuation and has reportedly asked the states to examine a joint proposal for the judiciary.

I have, as yet, seen no such proposal. I wish to address my remarks specifically to the point about the judiciary. I would like to remind members of this chamber that one of the pillars of our democracy is, in fact, an independent judiciary and the rule of law. It is impossible to over-estimate the importance of that. In fact, what separates us from places such as Upper Volta, Cambodia, Zimbabwe and other places is not just the fact that we have a wonderful room like this full of people like us: it is the fact, perhaps even more importantly, that we have an independent, reliable judiciary which applies the law irrespective of who it is who comes before the court, and that is the most important thing that we can possibly have in this country.

Of course, that independent judiciary should always be chosen upon two important grounds: first, they are qualified in legal practice and, secondly, they are chosen on merit. We want the best people for the job, not the only people who are prepared to put their hands up, or the only people who are left after everyone else has said that they are not interested.

The salary package that is offered to members of the judiciary must be seen as a total, and to take one element away will affect the way in which it is seen by the people we might like to attract into those positions. We are looking for the best that the legal profession has to offer. We do not want to be in a position where we have to ask law graduates whether they would like to be a judge. We want to be in a position where we have qualified people who are respected by the community and by their peers. It is no magic pudding; if you take one bit out, it needs to be adjusted.

This is an important question. I realise that the community regards the salaries paid to judges as being extremely high but, whether we like it or not, if these people were not occupying the position of a judge, the market in which they operate commands probably a much greater income for them than the one they receive as a judge. They are performing a very important function in our society.

As I have said before, in many respects this is what separates us from Zimbabwe and some of the other less attractive parts of the planet. When we start interfering with the entitlements of the judiciary, we should be very careful to ensure that we do not wind up turning it into a place where you will get only the odd eccentric millionaire who decides that it would not be a bad thing to do for a while, or some-

body who is not good enough to maintain a healthy life in practice.

We need to be very careful. The current rules have been there for a long time and have been there for a reason. It is an important issue. Everybody needs to think very carefully about it.

HOLDFAST SHORES DEVELOPMENT

Dr McFETRIDGE (Morphett): It gives me great pleasure to follow the member for Enfield. As usual, it was a good contribution from that member, and he should be on the front bench.

Early this afternoon, I was delighted to be on the front steps of this place to receive a petition from concerned residents of South Australia about the planned erection of yet another high rise on the beach front at Holdfast Shores. Stage 2B is mainly to finish off that development by removing Magic Mountain and replacing it with a brand new entertainment centre whilst maintaining the heritage merry-go-round and the other wonderful features that many children from all over South Australia have enjoyed. I keep saying 'South Australia' because it is not only people from Glenelg who want this. Of course they want it, but so do people from all over South Australia.

Initially, I was told that the petition I was presented today contained 12 000 signatures, but we kept counting and there were 13 500. We are still counting at the moment, and that is why I could not present it here today. We are now up to 14 500 signatures, but we will end up with nearly 15 000. That was in less than three weeks. There were nearly 15 000 signatures from all over South Australia. I understand that the Hon. Terry Roberts is now the minister responsible for guiding the decision through cabinet—and if I am wrong I will be happy to be corrected. I wish him luck with that, because minister Weatherill is on record defending the government's action, and I would like to cite a couple of quotes from him that have appeared in the media.

He admitted (like everyone has said), that you cannot knock down these buildings, but the question becomes what do we do to finish the project? I am delighted to see that cabinet did not rush through a decision this morning—although the Premier did call an impromptu press conference at 1.15 p.m., which was exactly the same time as my media gathering with the people of Holdfast Shores at the front of Parliament House. The Premier's press conference was initially scheduled for 1 p.m., but it was rescheduled for 1.15 p.m.—just a coincidence, I suppose. Cabinet still has to make its decision, so let us just hope that it listens to the people. In *The Advertiser* minister Weatherill said:

> It's clear that the community wants opens space, green areas and family picnic grounds.

He also said:

> It's about ruling out a large number of highrise and putting in place what the community wants.

Well, where have we heard that before? We have heard that from everyone down there, and everyone who signed the petition (nearly 15 000 people) is saying the same thing. Unfortunately, minister Weatherill, in a letter to the editor, also said:

> There will be a single residential building of no more than 130 apartments alongside the Ramada Pier Hotel.

To me, that statement sounds like it is a done deal, and I am really concerned that this is a done deal. I say it is a done deal because I was sent a glossy brochure for me to buy in to the Platinum Apartments down there. That is the last place where I would like to live. Glenelg is a fantastic place, but I do not want to live there in another highrise. I want to live in the Glenelg that many people are striving to preserve. It is the ultimate tourist destination in South Australia, and that is certainly verified by the fact that, on any weekend you like, 48 000 people are down the bay: 3 million visitors a year visit the bay. The Platinum Apartments look very nice in the brochure, but build them somewhere else.

We are seeing advertisements in *The Advertiser* for the commercial place that is down there. How can they promote these as positively and as attractively as they are if this has yet to be decided on? It is an awful gamble on behalf of the developers. But I suppose they can afford to take that gamble, because they also have a number of highrise developments proceeding down the bay. What is happening down there is a bit concerning, not only on the beach front but all over the place. We saw the drilling rigs down there in front of Magic Mountain taking soil samples. I hope this is not a done deal.

Glenelg is for all South Australians. I have put on the record before—and I will put it on the record again today—that I want the government of South Australia to listen to the people of South Australia, not to go ahead with the grandiose plans put together by Urban Construct and Baulderstones. I want them to listen to the Holdfast Bay council, to look at their proposal, and then pay for it with the money that they are receiving from their windfall in taxes.

I have just received an answer to a question on notice to the Treasurer about some of the income to the state from Holdfast Shores. In part, the answer states: 'Increased income in water, sewerage rates and land tax associated with the commercial development alone (that is just the commercial development, not the residential one) will be approximately $400 000 per annum.' So, that is year after year. But wait: it gets better. Based on information, Revenue SA was able to estimate that the following stamp duty would have been paid on properties sold within the development—and you add them up: just over $3 million from the Ramada Pier; a bit over $1 million from the Pier Apartments; a bit over $1 million from Marina East. The total stamp duty that has been paid is $6 889 862. Revenue SA advises that this information does not include the stamp duty paid on properties on-sold, and many of those, as we all know, have had significant capital gains. The government is reaping millions from down the bay: it is about time that it started putting some back.

AUSTRALIA DAY

Ms BEDFORD (Florey): Australia Day was celebrated during the break, and I would like to congratulate Ms Susan Caracoussis and the Australia Day Council for their continuing good work in celebrating all the things about Australia and being Australian.

On the evening of 26 January, ABC television broadcast a program devised to establish who has been the greatest Australian—not the most famous Australian but the person whose contribution to this country has been the greatest. I am delighted to inform the house that Howard Florey was recognised as such by that assembly.

The process on the evening was to divide endeavours into seven categories and they were: the arts, business, science and invention, military service, public service, popular culture and, of course, sport. The process then was for a learned

person from each of the fields to be chosen to select a candidate and establish an argument to defend their proposal. I am pleased to say that South Australia was very prominent and well-represented in all areas, not only in the broader list of names proposed early in the program but in the finalists who were actually considered for the award at the end of the evening.

Rupert Murdoch was put forward by Alan Fels in the business category, and I claim him here in this house because his empire was, of course, built on his initial foray into publishing the now lost Adelaide evening paper *The News*. One of the other areas was military service, where General Peter Cosgrove proposed Tom 'Diver' Derrick VC DCM, who was part of the 2/48 Battalion in the 9th Division AIF. He served not only in Tobruk as a rat, where he won the DCM, but he also went on to El Alamein and was later in action in 1943 in Sattelburg where he won the VC. His heroic and gallant activities on the field of war were just staggering. A lot of people would go a long way to read a bit more about 'Diver' Derrick.

He returned to Australia and was commissioned. He could have stayed in Australia, but he insisted on being returned to his troops who were in New Guinea by that stage. He was wounded and subsequently died in action—again in another gallant encounter with the enemy where he could have easily been awarded a further VC. 'Diver' Derrick is not a name that rolls off the lips of very many South Australians, but it was interesting yesterday at the Bangka Day ceremony that Donald Beard, who has served our troops well in Vietnam and other theatres of war, remembered being involved in the dedication of gates to 'Diver' Derrick in 1953 in the Riverland.

Another person mentioned in the field of public service—the nomination in the end being Henry Parkes, from Pru Goward—was Catherine Helen Spence. Her role in promoting suffrage for women and equal franchise is well-known in this house and, of course, we have a commemoration to her in this chamber. The reason I mention her in the lead-up to the description on Florey is that these two people—Florey and Catherine Helen Spence—have had electoral divisions named after them. While Spence has vanished, Florey is, of course, now also in danger of doing so.

Lord Florey was responsible for the perfection of the production of penicillin. While he, too, is probably not so well remembered, in 1998, the centenary of the year of his birth, the Australian Institute of Political Science auspiced a range of celebrations aimed at reviving and perpetuating his memory. The Tall Poppy Campaign was born, and I am wearing one of those pins today. The Tall Poppy Campaign was aimed at promoting recognition of academic excellence and achievement by Australian scientists and others within the general population and particularly by younger generations who may just end up having among their number the next Lord Florey. The emblem of the tall poppy was chosen to symbolise the campaign in an effort to invert the metaphor as Australians love sporting tall poppies but seem to cut down academic tall poppies.

So, Florey and his exploits made Australia's name in the field of science, when he went over to Oxford during the war years and fiercely promoted the benefits of penicillin, going on to find the money and the wherewithal to produce it to save millions and millions of lives. Clearly an outstanding achievement. The person who proposed him was Dr Clio Creswell, author of a book called *Mathematics and Sex*, an imaginative title and book that I imagine would be a must-read for all numbers people.

SOUTH AUSTRALIAN ECONOMY

Mr MEIER (Goyder): A lot has occurred since we last met here. I guess one of the key things has been some unfortunate bad news coming out of this state. The bad news includes that this government is the highest taxing government in South Australia's history, that our export figures are slumping and, as we heard during question time, that our employment rate is not going up. In fact, our unemployment rate is going up, and you might ask why. Well, it is pretty obvious even to the amateur political watchers: when the new government came in we had review after review; everything had to be reviewed. We had talkfests, we had more reviews, we had new appointees to further examine the situation, we had lots of spin—which we are still getting—but we had no action. And this inaction is catching up with this government. Anyone who has been in this house since the change of government knows that under the previous Liberal government our exports were going up at a very significant rate.

The Hon. J.D. Lomax-Smith: What about the drought?

Mr MEIER: That has affected the whole of Australia.

The Hon. J.D. Lomax-Smith: And South Australia.

Mr MEIER: And yet unemployment has come down in the whole of Australia but in South Australia it has gone up, so please do not give us those incorrect facts.

The position is highlighted, perhaps, in a recent article by the Hon. Nick Minchin, where he says that the federal government will now be delivering a further $4.2 billion for the car industry over the next two years. That is much more than the total State Bank collapse which almost bankrupted this state. It is a huge financial input into the car industry, and I hope that everyone here would say 'Hear, hear!' But I know one person who will not be saying that, and that is the state Treasurer, Kevin Foley, because he has made it very clear that he believes that incentives for industry will no longer occur in this state—it does not need them—that South Australia is big enough to attract industry itself and that industries are big enough to expand in their own right. So, I will be interested to hear what Kevin Foley has to say about the federal government putting $4.2 billion into the car industry to continue to help and promote it.

That is where things are going wrong. In so many areas of our economy, such as the wine industry and tourism—and my electorate benefited by about $3.5 million in three years from the tourism minister, and I do not think I have had anything other than normal running expenses since—all those things are not being applied now. It is rather hypocritical of the government to be saying that it wants to spend more money on health and education, but my question is: where is the money going to come from? If tourism is going down, if industry is going down, if exports are going down, where is the money going to come from? I am pleased the Treasurer is here, because he possibly heard me say that the federal government is contributing $4.2 billion to the car industry, but the Treasurer's policy is that he does not believe that incentives need to be given to industry to come to this state.

The Hon. K.O. Foley: I am a dry.

Mr MEIER: Yes; so, in other words you are totally opposed to what Nick Minchin has identified: that post-2005 the car industry will receive $4.2 billion from the federal

government over the next 10 years. No comment? Fair enough.

We now look at certain facts and figures. The Rann government is now the highest taxing in South Australian history, and you could say that that is simply because taxes have increased. But the truth is that since this Labor government took office we have had an increase in tax-based revenue of $459 million, or 21 per cent. That is absolutely incredible. Of course, we know where some of it has come from. Over the last two years property owners have been slugged with a massive $211 million increase in property taxes such as land tax, which the member for Hartley identified earlier, stamp duty and the emergency services levy. We recall that the then leader of the opposition and the then shadow treasurer, Mike Rann and Kevin Foley, promised no new or increased taxes prior to the state election. Well, that promise has certainly been broken.

SCHOOLS, PUBLIC

Mr CAICA (Mr Colton): Today I wish to talk about values. In particular, I wish to talk about and reflect upon the Prime Minister's comments about public schools and the fact that they do not teach the right values. In his view, state schools are too politically correct and values-neutral. I was outraged by this statement, which offended not only me but also students, teachers and parents and care givers who have students attending our outstanding public schools in South Australia. It also offended those attending private and independent schools. It is another example of the wedge politics that our Prime Minister wishes to play from time to time; in fact, quite often. He shows another prime example of his commitment to the politics of division.

The many schools in my electorate, including Kidman Park Primary, Henley Primary, Seaton Park Primary, Fulham North Primary, Fulham Gardens Primary, Grange Primary, Henley High, and Findon High schools all provide an outstanding foundation for students to learn and embrace the proper values to take with them beyond school life. That is the case at not only those schools but also at St Michaels, Star of the Sea and St Francis, schools within my electorate. The values that they teach and reinforce are those which all students should have instilled in them at home. Schools are not totally responsible for teaching and instilling values into students; they need to reinforce those provided to children at home.

Last week at Kidman Park Primary School I was lucky enough to be involved in the launch of the Premier's reading challenge. It was an outstanding morning. One of the focuses of that school is the eight values, including honesty, respect, equity and endeavour. They are the type of values that I want school students to have reinforced at every opportunity. It is not just at Kidman Park Primary School, but also the other schools mentioned. This morning at St Michaels College, the school reinforced those exact values that it seems the Prime Minister believes are value-neutral or politically correct. I believe he has done a disservice to the people of Australia, not just in public schools but also in private schools.

If the Prime Minister believes that these values are wrong, what does he want? What does he believe is correct? Does he believe that it is okay to lie about children overboard in the context of an election campaign? Does the Prime Minister believe that it is okay for a minister to allow his son to rack up $50 000 in phone card bills and for the minister then to get a government appointed job subsequent to parliament earning an enormous amount of money? Does the Prime Minister believe that it is okay for a minister for health to allow benefits on health machines to go to a favoured few and for that same minister to get a job within the industry with the peak body after his departure from parliament? Does the Prime Minister believe that the correct values for Australians include embracing the incarceration of women and children in detention camps in outback Australia? Does the Prime Minister believe that it is all right to go to war on a lie or for reasons that were unfounded at the time and today have been proven to be unfounded? Are these the values that he wishes Australians to embrace?

From my perspective I prefer the values of honesty, equity and endeavour that Kidman Park Primary, Henley Beach Primary, Grange Primary and St Michaels College and other schools in my electorate give to and reinforce in their students. I am very proud that I attended a public high school and I am very proud to send my children to public schools. I am proud of the values that that system is instilling into my children. It is the case for all people who send their children to public schools. I believe the Prime Minister has made a very bad mistake this time. I believe that his values are poor and that his valueless approach to our society will come back to bite him at the next election.

MINISTER'S RESPONSE TO QUESTION

Ms CHAPMAN (Bragg): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: Today in Question Time I asked the Minister for Education and Children's Services the following question: 'Why were the parents of a child at Playford Primary School billed $47 for toilet paper and under what guidelines was it authorised?' The minister then responded that it was not sent and, on further inquiry by the Speaker to repeat what she had said, she repeated that it had not been sent, and then proceeded to answer otherwise in relation to the question. I wish to place on the record that on 5 February 2004—

The Hon. K.O. FOLEY: Madam Acting Speaker, on a point of order: this is not a personal explanation. The member for Bragg is debating the issue. She has access to the grievance if she wishes to debate, otherwise she should make her explanation briefly.

The ACTING SPEAKER (Ms Thompson): I remind the member for Bragg that it is a brief explanation and I will be very vigilant as to the words used.

Ms CHAPMAN: On 5 February 2004, the minister was interviewed by Mr Paul Makin on 5AA in which—

The Hon. K.O. FOLEY: I rise on a point of order. A personal explanation is about the words and the contribution by the said member, not about the Minister for Education. If the member wishes to debate the matter, she has access to grievance. If she wishes to make an apology, clarification or withdrawal, she should do so about her remarks, not about the Minister for Education.

The ACTING SPEAKER: I uphold the point of order. The Treasurer has eloquently outlined what is required.

Ms CHAPMAN: Accordingly, on 5 February 2004, the minister indicated that the $47 complaint of a bill for toilet paper could not be right but that she would look into the matter. On 6 February 2004, Ms Chris Williams—

The Hon. K.O. FOLEY: Point of order, Madam Acting Speaker: the member for Bragg, who professes to be a

qualified, skilled and experienced practitioner of the law, makes a mess of this place when she comes in here and totally flouts the standing orders of this parliament. This is not a personal explanation. This is a debate. She should desist.

The ACTING SPEAKER: Order! I uphold the point of order, which itself was given in unnecessary length. Member for Bragg, it is a personal explanation. You are required to indicate how you personally were misrepresented.

Ms CHAPMAN: Well, indeed, I suggest that the misrepresentation is confirmed as follows. On 6 February 2004, Chris Williams of the education department was interviewed again by Mr Makin and was asked the question in relation to this, when she said, 'We have sorted it out through Trish White's department, that one parent had received a $47 bill for toilet paper.' That was one school, and in answer to the question Ms Williams said, 'That was the Playford Primary School.'

The Hon. K.O. FOLEY: Point of order, Madam Acting Speaker: if the allegation is that the minister has misled the parliament, she does so by substantive motion or she simply clarifies the record briefly. She is doing neither.

The ACTING SPEAKER: I uphold the point of order. Member for Bragg, you must briefly explain how you have been personally misrepresented. You have the opportunity to undertake a grievance on the matter, if you wish to debate the issue or you can give notice of a motion. It is a brief personal explanation and you have really stretched the bounds of acceptability.

Ms CHAPMAN: I rely on the quotes I have given and indicate that the minister has misled.

The Hon. K.O. FOLEY: Hang on, hang on. Madam Acting Speaker, the member for Bragg now has two choices: she either withdraws the allegation that the minister has misled this house or she moves a substantive motion at this moment. Two choices. I ask her to withdraw and apologise.

The ACTING SPEAKER: I upheld the point of order. The member for Bragg cannot make such an allegation and must withdraw.

Ms CHAPMAN: I am happy to withdraw the allegation of misleading the parliament on the basis that the statements I have given and the quotes to which I have referred indicate that I have been misrepresented in this parliament.

The ACTING SPEAKER: The member is entitled to indicate her misrepresentation, and I note the withdrawal.

MEMBER'S REMARKS

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

Leave granted.

The Hon. P.L. WHITE: In making her personal explanation, the member for Bragg claimed that I had said words in answer to her question that I did not say. I am sure that, on reflection, when she reads *Hansard*, she will realise her mistake and apologise to the house. The member claimed, as I heard when I was listening in my office, that, in answer to her question, I had said that the particular invoices were not sent. That is not what I said. Her question to me was: 'Why were parents charged $47 for toilet paper?' My answer was that they were not.

Ms Chapman: At the Playford Primary School?

The Hon. P.L. WHITE: Yes, at the Playford Primary School. My answer was that they were not, which is the case. I believe there was not a charge of $47 on that invoice. However, there was a charge (I believe it was for $27), but I believe it was for a number of items, one of which was toilet paper. The total of the inappropriately charged items came to $2, not $47 as the member claimed.

LAW REFORM (IPP RECOMMENDATIONS) BILL

Received from the Legislative Council and read a first time.

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill represents the second stage of the Government's legislative response to the crisis in the cost and availability of insurance. As Members recall, the first stage was completed in August last year, with legislation to apply to all personal-injury damages claims the same caps, thresholds and other limits as applied in motor accident claims, as well as legislation to permit structured settlements and legislation to provide for codes governing liability for injuries sustained in the course of risky recreations.

Those reforms included measures to restrict the size of awards of damages for personal injury, including a points scale for damages for non-economic loss, a cap on economic loss claims and like measures. This second stage implements the key liability recommendations of the Ipp Committee.

Members will be aware that, in July 2002, the Commonwealth Minister for Revenue and Assistant Treasurer, with the agreement of Treasurers nationally, appointed the Ipp Committee to report on comprehensive reforms to the law of negligence designed to reduce the cost of injury claims, and hence, the cost of insurance.

The Committee comprised the Honourable Justice Ipp, now of the Court of Appeal, Supreme Court of New South Wales and formerly of the Supreme Court of Western Australia; Professor Peter Cane, a professor of law at the Research School of Social Sciences, Australian National University; Associate Professor Dr Don Sheldon, Chairman of the Council of Procedural Specialists, and Mr Ian Macintosh, the Mayor of Bathurst City Council and Chairman of the New South Wales Country Mayors Association.

The Committee reported initially in August 2002 and, finally, on 30 September 2002. Its report made wide-ranging recommendations dealing with liability and damages for negligently-caused personal injury. The report covered medical negligence, amendments to the *Trade Practices Act*, limitation of time to bring injury claims, liability in negligence including standard of care, causation and foreseeability, contributory negligence, mental harm, liability of public authorities, proportionate liability and restrictions on damages.

The interim and final reports of the Ipp Committee have been considered by the Commonwealth Government and by Treasurers nationally. At a meeting on 15 November 2002, Treasurers agreed in principle on nationally consistent legislation to be enacted separately by each jurisdiction to implement the key recommendations of the Ipp Committee on liability for personal injury. Treasurers noted that, as to awards of damages, most jurisdictions had already legislated such measures as thresholds and caps. Since then, all jurisdictions have been working towards legislation.

New South Wales has already legislated to implement most of the Ipp recommendations on liability. The *Civil Liability Amendment (Personal Responsibility) Act 2002* passed the New South Wales Parliament in November 2002. It deals with duty of care, causation, obvious risks, contributory negligence, mental harm, proportionate liability, the liability of public authorities, and some matters on which South Australia has already legislated, for example, intoxication, claims by criminals, good Samaritans, volunteers' protection and apologies.

Queensland also legislated to implement most of the Ipp recommendations on liability. The *Civil Liability Act 2003* deals with, in particular, obvious risks, medical negligence, risky recreational activities, proportionate liability and the liability of public authorities. The Queensland Act also covers some measures already legislated in South Australia, such as a cap on general damages in injury cases, limits on liability for injuries to criminals, mandatory reductions in damages where the plaintiff was intoxicated and exclusion of interest on pre-judgment non-economic loss.

In Victoria, the *Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003* recently passed. That Act restricts damages for personal injury by setting thresholds for damages for non-economic loss and limiting damages for gratuitous attendant care. It provides for proportionate liability in claims for economic loss. It also adopts the Ipp recommendations for a new regime of limitation periods.

Tasmania has passed the *Civil Liability Act 2002*, based on the Ipp recommendations about the standard of care, causation, obvious risks, mental harm and liability of public authorities. It has also enacted restrictions on damages, and measures dealing with intoxication, recovery by criminals, structured settlements, volunteers' protection and apologies.

Western Australia has also introduced the *Civil Liability Amendment Bill 2003*, which deals with the principles of negligence, obvious risks of recreational activity, mental harm, public authorities and proportionate liability. It also covers some measures already legislated here, such as a presumption of contributory negligence in case of intoxication, protection for good Samaritans, and apologies.

The ACT has passed the *Civil Law (Wrongs) Amendment Act 2003*, which includes provisions dealing with general principles of negligence, mental harm, liability of public authorities, structured settlements, apologies, protection of good Samaritans and other matters.

The Government has undertaken extensive consultation in preparing this Bill. A discussion paper was published in February and attracted submissions from a wide range of groups representing the professions and business, the sporting and recreation sector, volunteer groups and others. Meetings were held with several interested parties. In general, the Government has been encouraged by the response. Some particular measures were criticised, and the Government has taken these criticisms into account, departing from its original intentions in some respects.

The chief purpose of the Bill is to amend the *Wrongs Act* to reform some aspects of the law of negligence in the expectation of moderating the cost of damages claims and, thus, the cost of insurance. The Bill does not attempt a complete codification of the law of negligence, which Members would recognise to be an immense task, but simply focuses on some specific aspects identified by the Ipp Committee as being in need of either restatement or reform.

The Bill proposes that these new laws are to apply to any claim for damages resulting from a breach of a duty of reasonable care or skill, regardless of whether the claim is brought in tort or contract, or under a statute. It does this by defining 'negligence' to include any failure to exercise reasonable care or skill, including a breach of a tortious, contractual or statutory duty of care. This accords with Ipp Recommendation 2, and is necessary because the same event might give rise to several different causes of action. For example, a patient might sue a doctor both in negligence and for a breach of a contractual duty of care. If the new laws were to apply to negligence alone, then it would be possible to evade them by the choice of the cause of action. If that happens, the desired benefit of reduced insurance premiums will be lost. Rather, the Bill is intended to apply to all claims for damages for failure to exercise reasonable care or skill, whether they are brought in tort, say, as a negligence claim or a claim for a breach of a non-delegable duty of care, or in contract as a breach of a contractual duty of care, or as an action for breach of a statutory duty or warranty of reasonable care.

The Bill applies to all kinds of harm, not just personal injury. This is the approach taken in New South Wales, Queensland and Tasmania, and proposed in Western Australia. The terms of reference of the Ipp Committee confined its report to personal injury claims, but it is desirable that the same basic principles of negligence, such as the rules about causation or standard of care, apply regardless of the type of damage claimed.

To some extent, the Ipp recommendations propose to codify the common law rather than to change it. Some of the provisions of the Bill, such as those dealing with causation, foreseeability and standard of care, are restatements of the law designed to bring clarity and to make more explicit the reasoning processes that courts should apply in reaching conclusions about liability.

The Bill also makes some important changes to the present law. By clause 27 (proposed new section 41) it adopts Ipp Recommendation 3 dealing with the liability of medical practitioners for professional negligence resulting in injury. Because the terms of reference of the Ipp Committee were limited to personal injury, its recommendation is focused on the medical profession. However, consistently with comment received from many sources, the Bill covers all professionals not just medical practitioners; there is no reason for a different standard of care to apply to doctors.

Under our current law, it is up to the court to determine whether a professional person has been negligent. The court hears evidence from other professionals and forms its own view as to whether the defendant has departed from the standard required of the reasonably competent practitioner. The Ipp Committee noted that the court is never required to defer to expert opinion although, in the normal course, it will. It found that '*a serious problem with this approach is that it gives no guidance as to circumstances in which a court would be justified in not deferring to medical opinion*'. As a solution, the Ipp Committee concluded that the test for determining the standard of care in treating patients should be that '*a medical practitioner is not negligent if the treatment provided was in accordance with an opinion widely held by a significant number of respected practitioners in the field, unless the court considers that the opinion was irrational*'.

Accordingly, proposed new section 41 would entitle a professional person to defend a negligence action by proving that there is a widely-accepted professional opinion that the action taken in the particular case was competent professional practice. The opinion must be widely accepted. A professional will not be able to avoid liability for a negligent choice of action or a negligently performed procedure by mustering a handful of friends to say that the action was acceptable. Rather, it will be necessary for the defendant to prove, on the balance of probabilities, that there is in Australia a substantial body of professional opinion that supports the action.

This is as it should be. If a practitioner has, in fact, acted in accordance with widely held professional opinion, then he or she has acted reasonably and so has not been negligent, even if the action taken has produced adverse results, and even if someone else might have acted differently. No-one can guarantee a perfect result from any professional procedure.

However, on Ipp's recommendation, the Bill recognises that, from time to time, an opinion might be widely held by respected practitioners and yet be irrational. If the court thinks that is the case, it may nonetheless find negligence.

Of course, this proposed defence is not the only defence available, and one can imagine many cases in which it will not be available. To use medical examples, there may be cases of mistake, for instance, where the wrong dose of a drug is given, where blood of the wrong type is transfused, or where the operation is performed on the wrong limb. The defence will be relevant chiefly in cases where it is alleged that the action chosen was unsuitable to the case, or was carried out in the wrong way. Note, in particular, that the defence will not be available in medical cases based on alleged failure to warn of risks. In those cases, the rule in *Rogers v Whitaker* will continue to apply.

The New South Wales, Queensland and Tasmanian Acts each incorporate similar provisions, though other jurisdictions have not as yet done so.

The Ipp Committee proposed by Recommendation 4 that in a negligence action against a person professing a particular skill, the standard of care should be stated to be what could reasonably be expected of a person professing that skill, in all the circumstances at the time. This in effect restates the common law. It is intended, particularly, to draw attention to the fact that courts must resist the temptation to be wise in hindsight. They are to determine what could reasonably have been expected of the professional person, given the circumstances prevailing at the time. Proposed new section 40 gives effect to this recommendation.

Based on submissions received, the Government has decided not to adopt Ipp Recommendations 5 to 7, dealing with doctors' duties to warn patients of risks of treatment. It appears that the present law is well understood by doctors and that a practice of warning patients using standard-form information, signed consents and other methods is in wide use. Neither New South Wales nor Victoria has adopted these recommendations, and neither does the Western Australian Bill propose to, although Queensland has done so.

On the topic of the liability of professionals and, in particular, doctors, I point out to Members a new addition to this Bill. In July this year the High Court handed down its decision in the case of *Cattanach v Melchior*, which attracted some attention. That decision held that a doctor whose negligence led to the conception of a child was liable to pay to the parents damages for the cost of raising that child. The Queensland Government immediately announced its intention to reverse the decision and there is legislation before the Queensland Parliament to this effect. This Government agrees with the Queensland Government that, in this case, the law of negligence

has gone too far. The Government does not believe most people would think it fair or reasonable that parents, who make a decision to keep their child and who, no doubt, love and treasure him or her, should be able to sue another person for the cost of raising the child, even if there has been negligence. The costs of raising the child are no doubt real and burdensome, but how can the law weigh these against the inestimable benefits that a child also confers? The law does not generally consider human life a loss or damage to be compensated but rather a value. Accordingly, the Bill includes a provision extinguishing this entitlement to damages. Note that this provision is not limited to cases of medical negligence. It extends to any case of negligence that leads to the conception of a child, as well as breaches of statutory warranties and statutory provisions about misleading conduct. This is because, logically, there is no reason to confine the provision to one kind of negligence only, and also because otherwise there is a risk that the provision could be circumvented by the choice of cause of action.

The provision does not change the law in the case where a child is born with a disability as a result of negligence. The common law has permitted the parents in that case to claim for the extra costs of the child's care and treatment necessitated by the disability. This provision does not change the common law on that point.

The Ipp Committee made a number of recommendations about legal liability where a person is harmed in the course of taking an obvious risk. Initially, the Government had proposed to adopt those recommendations. There is much to be said for the view that if a person chooses to engage in a dangerous recreation and is hurt when one of the obvious dangers comes to pass, he or she should not be able to blame others. However, the Government has been persuaded by submissions to abandon the proposal to enact Ipp Recommendation 11. The *Recreational Services (Limitation of Liability) Act 2002* already provides an avenue by which providers of dangerous recreations will be able to limit their liability. Also, more recent common law developments suggest that the pendulum has swung away from the extreme reached in the case of *Nagle v Rottnest Island Tourist Authority*. Further, the proposal could have had unintended effects in relieving providers of the duty to provide safe equipment and conditions. The Bill does not, therefore, make any provision about liability for the materialisation of obvious risks of recreational activities.

The Government still believes, however, that the Ipp Committee is right in recommending that the law specifically state that there is no liability for failure to warn of obvious risks in any context. The Bill so provides by clause 27 (proposed new section 38). It is important to understand that this is not limited to recreational services. It can apply to occupation of land, for example. If a risk is obvious, then it is reasonable to expect the plaintiff to detect it and to take reasonable care against it. In large part, this probably reflects the common law. In considering whether a person was negligent in failing to give a warning, the court will consider, among other things, whether, in the circumstances, the danger was so obvious that there was no duty to warn. For example, in *Romeo v Conservation Commissioner*, (1998) 192 CLR 431, Justice Kirby observed that "*where a risk is obvious to a person exercising reasonable care for his or her own safety, the notion that the occupier must warn the entrant about that risk is neither reasonable nor just*." This seems to the Government to be plain common sense. The more recent case of *Woods v Multi-Sport Holdings Pty Ltd* also illustrates this point. A statutory statement is, however, useful in sending a message.

Whether a risk is obvious is a matter for the court. It is to consider whether the risk would have been obvious in the circumstances to a reasonable person in the position of the person harmed. This is a 'reasonable person' test and so is objective. It is, however, intended to allow the court to consider the plaintiff's position, and so allows the court to take into account, for example, that the plaintiff is a child, or for example that he or she is blind or deaf, and so could not detect a danger that might have been obvious to sighted or hearing persons.

There are some important exceptions to this general principle. One is where there is an Act or regulation requiring a warning. Another is the duty of a heath-care practitioner to warn about the risk of injury from the provision of a health-care service. The effect of this exception is that no medical risk can be an obvious risk. This is reasonable because, in general, medical knowledge is needed to appreciate such risks. The other exception is where the plaintiff asks the defendant for information about the risk.

These recommendations have also been considered in the context of the sporting use of registered motor vehicles. At present, the CTP insurance scheme covers bodily injury sustained in the course of a race or rally on a road if the defaulting driver is driving a South Australian registered vehicle. This is so, even though the road has been closed off officially for the race and the road rules, including the speed limit, suspended. Consistently with the spirit of the Ipp recommendations, the Government believes that those who choose to participate in road races and rallies, knowing that the road rules will not apply, should not be able to claim on the CTP fund if they are injured as a result. Accordingly, the Bill would amend the *Motor Vehicles Act* to exclude coverage for this situation, and also for the situation where a registered vehicle is raced on a racetrack. Further, although CTP cover will still apply if a spectator is injured by a driver's negligence, the Bill would give the Motor Accident Commission a right of recovery against the race organisers.

The Bill also deals with some of the principles to be applied by the court in negligence cases. Here it closely follows the recommendations of the Ipp Committee about foreseeability, causation and remoteness of damage, and is similar to the measures taken in New South Wales, Queensland and Tasmania, and proposed in Western Australia.

Clause 27 (proposed new section 32) sets out how the court is to decide whether the defendant ought to have taken precautions to reduce or avoid a risk. This is based on Ipp Recommendation 28. The present law uses the concept of 'foreseeability'. If a risk is 'far-fetched or fanciful', then there is no duty to take action to reduce or avoid it (*Wyong Shire Council v Shirt*). If it is otherwise, then it may be that precautions should have been taken. The Bill proposes to codify the law by providing that the threshold for liability in respect of a risk is that the risk is 'not insignificant'. This is intended to set a standard higher than the present 'far-fetched or fanciful' rule and yet not as high as 'significant'. That is, the risk does not have to be a major or important risk before the defendant will be required to take it into account. However, this does not mean that a person must always take precautions against any risk that is 'not insignificant'. Instead, once the risk is so identified, the 'negligence calculus' applies. This involves an assessment of whether a reasonable person would have taken precautions against that risk, having regard to:

- the probability that the harm would occur if care were not taken
- the likely seriousness of that harm
- the burden of taking precautions to avoid the harm, and
- the social utility of the risk-creating activity,

amongst other things. The court is to weigh up all these factors in each case to decide whether the defendant should have taken action to reduce or avoid the risk.

Proposed new sections 34 and 35 deal with causation and are based on Ipp Recommendation 29. Again, what is proposed is, to some extent, a codification. It is provided that the plaintiff always bears the burden of proving any fact relevant to causation, and that the standard of proof is the balance of probabilities. The Bill goes further, however, and makes express the fact that, to some extent, when deciding questions of causation, courts make judgments about whether a defendant *should* be held liable. It does this by distinguishing 'factual causation' from 'scope of liability'.

'Factual causation' involves answering the question whether the negligence was a necessary condition of the occurrence of the harm. However, in addition, the court must consider 'scope of liability', that is, whether it is appropriate for the scope of the negligent person's liability to extend to the harm. Ipp proposes this test because he says that findings of causation involve a normative as well as a factual element. Ipp says that a finding that negligence was a necessary factual condition of the harm does not of itself support a finding of liability, and that courts in fact make judgments about when liability should be imposed. The reasoning behind these judgments, Ipp says, is not elucidated by terms such as 'common-sense causation' or 'effective cause'. He intends that courts should expressly consider in each case whether and why responsibility for harm should be imposed on the negligent party.

Ordinarily, factual causation must be established as a pre-condition for liability. However, the Bill proposes an exception for certain cases where factual causation cannot be established because it is not possible to prove which of several negligent acts was, in fact, causative. In that case, factual causation can nonetheless be found, but it will be necessary for the court to make a judgment as to whether and why a defendant is to be held responsible for the harm.

Proposed new Part 7 deals with contributory negligence and is based on Ipp Recommendation 30. It provides that the same rules should apply to determine whether the plaintiff was contributorily negligent as would apply to determining whether the defendant was negligent. Again, this re-states the common law. This general provision, of course, does not derogate from specific statutory provi-

sions about contributory negligence, such as the rule that a person who is intoxicated automatically loses at least 25% of his or her damages.

Proposed new section 37 deals with the defence of voluntary assumption of risk and is based on Ipp Recommendation 32. It is a defence to a negligence action that the plaintiff willingly chose to take a risk. He or she therefore cannot complain when the risk eventuates. The defence rarely succeeds. The court is more likely to deal with such a case by holding the plaintiff to be contributorily negligent. One reason why success is so rare, Ipp argues, is that courts are unwilling to find that the plaintiff actually knew about the risk so as to assume it. Another, he says, is that courts tend to define risks narrowly and at a high level of detail, and so require the defendant to prove that the plaintiff knew not only of the risk of bodily injury from the activity, but also of the risk of suffering injury in a particular way.

Accordingly, this clause would make it easier to establish a defence of voluntary assumption of risk by two means. First, where a risk is obvious, the plaintiff will be presumed to have known of it. That is, the defendant does not need to prove that the plaintiff actually knew, but only that the risk was obvious. It is, however, to be open to the plaintiff to show that, even though the risk was obvious, he or she did not in fact know of it. Second, the clause provides that it is not necessary to show that the plaintiff knew of the exact nature or manner of occurrence of the risk. It is enough to show that he or she knew of the type or kind of risk (or that a risk of this type or kind was obvious).

Proposed new sections 33 and 55 deal with liability for mental harm and relate to Ipp Recommendations 34 and 37. For the most part, they restate the existing law, but there is a departure. At present, if a person suffers bodily injury and, in consequence, also suffers mental harm, damages are payable for the effects of both, regardless of whether the mental harm amounts to a psychiatric illness or is merely mental distress. On the other hand, if the person suffers no bodily injury but only mental shock (for instance, as a bystander at an accident), there is no claim unless the shock can be diagnosed as a psychiatric illness. Ipp proposed that, in the case of consequential mental harm, damages for economic loss should be recoverable only if the mental harm amounted to a recognised psychiatric illness. Proposed new section 54 embodies this rule.

Proposed new section 42 deals with the liability of highway authorities. It is intended to restore the highway immunity rule. As is well known, the High Court in *Brodie v Singleton Shire Council* held that the former rule that protected highway authorities from liability for harm resulting from mere inaction was no longer good law. This decision overturned the legal basis on which highway authorities had, until 2001, made their risk management plans and arranged their road maintenance activity. The Government had proposed, in its discussion paper, to restore the highway immunity rule temporarily, but also to adopt the Ipp Recommendations 39 and 40 for a policy-decision defence for all public authorities. As a result of comment, and also of the High Court's decision in the case of *Ryan v Great Lakes Shire Council*, the Government has decided not to proceed with a policy-decision defence for public authorities. Accordingly, the highway immunity rule is to be restored indefinitely. In the longer term, however, it may come to be replaced by a defence based on adherence to objective road maintenance standards.

I would like to make clear that the intention of this provision is to restore the common law. In particular, as at common law, a structure associated with a road is to be considered part of the road. This is not a new concept. There is a body of well-established common law as to what are structures associated with a road, as distinct from artificial structures that are not part of the road. By using the term "structure associated with a road", the Bill intends to refer to and draw on the common law.

Some other jurisdictions have restored the rule. Under section 45 of the New South Wales Act, a road authority is not liable for failing to carry out or to consider carrying out road work unless the authority actually knows of the danger. The Queensland and Tasmanian provisions are similar. Victoria has also restored the immunity but only on a temporary basis until 1 January 2005. It intends that, in the meantime, road maintenance standards be devised. It has mooted legislation to provide that compliance with standards will be a defence to a negligence action. The Western Australian Bill would not, however, restore the rule. It deals with the liability of public authorities in accordance with the Ipp recommendations.

Previously, this Bill included a provision dealing with non-delegable duties. This followed Ipp Recommendation 43, the aim of which was to prevent the Bill being circumvented by the choice of this cause of action. This provision has been omitted from the present form of the Bill. The decision has been made that it is no longer necessary as a result of the High Court's decision in the case of *Lepore v State of New South Wales*. In that case, the High Court made it clear that a non-delegable duty is nonetheless a duty of reasonable care, not an automatic liability if a person comes to harm. The duty is not breached if reasonable care has been taken. Hence, the non-delegable duty will be a duty to take care or exercise skill within the meaning of this Bill and no special reference is needed.

The Bill also amends the *Limitation of Actions Act*. It does not adopt the recommendations of the Ipp report in this respect, although New South Wales and Victoria have done so. The Government was concerned that these were complex and difficult to apply. They also had the potential to prejudice the rights of children whose parents neglected to take action in time, and thus to lead to litigation between parents and children. Several submissions urged the Government not to adopt the Ipp recommendation that time should run against a minor. Further, there has not been national support for the Ipp recommendations dealing with limitation of actions. Instead, taking up suggestions presented in some submissions, the Bill makes three main reforms to the law relating to limitation of liability.

First, it amends section 48 of the *Limitation of Actions Act* to restrict extensions of time. Evidence presented in submissions suggested that extensions are, at present, readily available and that the necessary new material fact can readily be found, often in the form of a new medical report. The Government thinks it desirable to refocus the law so that extensions are not granted just because a new relevant fact has been discovered, but are only available if the plaintiff can show that the fact forms an essential element of the plaintiff's claim, or would have major significance on an assessment of the plaintiff's loss.

Second, the Bill provides that the parent or guardian of a child under 15 years of age is to give notice of the claim to the prospective defendant within six years after the accident. If a parent fails to give a notice, the child does not lose the right to sue—this still endures until the child turns 21. However, in that case, the cost of medical treatment and legal work incurred by the parents and the gratuitous services rendered by them before the date of commencement of the proceedings are not claimable from the defendant, unless the court finds that there was a good reason excusing the non-compliance with the notice requirement. This bears some analogy with the Queensland *Personal Injuries Proceedings Act*.

Once the prospective defendant is served with this notice, he or she is entitled to have access to the child's medical and other relevant records, such as school records, and to have the child medically examined at reasonable intervals at the defendant's expense.

Further, a defendant who has been served with a notice can require the child's parent or guardian to apply for a declaratory judgment on liability. After six years, it should be possible to deal with the issue of liability, even though final assessment of damages may need to await the child's maturity. The Government thinks this is fair, because of the risk that evidence relevant to liability may deteriorate with time. For example, if the case is one of birth injury, the hospital staff who were involved in the incident may leave, retire or die if the case is left too long. Records of what happened may be lost or destroyed. All of this reduces the chance of the court establishing whether there has been negligence, and by whom. It is fair that in this case the prospective defendant be able to ask the court to decide whether it is legally liable or not.

Note that the notice requirement does not apply if the defendant has intentionally harmed the child. In that, case insurance is unlikely to exist and there is no justification for notice. A third person who is liable for the actions of that wrongdoer, however, remains entitled to notice.

The amendments made by this Bill are intended to operate prospectively and thus if a cause of action is based wholly or partly on an event that occurred before the commencement of the legislation, the case will be determined as if these amendments had not been made. The transitional provision of the Bill is intended, in particular, to address the concerns of the Asbestos Victims Association about long-latency diseases. If the event that caused the illness has already occurred, then the case will not be affected by this Bill.

The Ipp Committee also made recommendations about damages awards, legal costs and other matters. For the most part, the Government considers that concerns about the quantum of damages claims have been adequately addressed by the amendments to the *Wrongs Act* that passed this Parliament last August. There are,

however, two measures that have been considered necessary to ensure that the law achieves its intended results. In a loss of dependency claim, the damages recoverable by the dependants are to be reduced for any contributory negligence of the deceased. Further, the cap imposed on damages for economic loss also applies to those claims. There is no reason why they should be treated differently from other claims.

The Government believes this Bill strikes a fair balance between the interests, on the one hand, of defendants and their insurers and, on the other, of plaintiffs who have legitimate and proper claims. It is important to protect the rights of persons injured through the wrongdoing of others. Equally, it must be recognised that those rights may be worth very little, in many cases, if the wrongdoer is not insured. I hope that all Members will recognise this practical reality and will understand the need to balance these competing interests.

I commend the Bill to the House.

Explanation of clauses

General explanation

The main purpose of this Bill is to bring the law in South Australia relating to civil liability into line with the national Ipp Review of the Law of Negligence. As a result of adopting certain recommendations, the *Wrongs Act 1936* is to be renamed as the *Civil Liability Act 1936* and the Act is to be-ordered. Over the years, the *Wrongs Act* has been amended numerous times and this opportunity has been taken to simplify the numbering and to put the Act and all of its amendments into a logical sequence.

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Wrongs Act 1936

Clause 4: Insertion of heading

This clause inserts the heading "Part 1—Preliminary" before section 1 of the *Wrongs Act 1936* (in Part 2 of the explanation of clauses referred to as the principal Act).

Clause 5: Substitution of section 1

1.Short title

The name of the principal Act is to be changed to the *Civil Liability Act 1936*.

Clause 6: Substitution of section 2

2.Act to bind the Crown

The principal Act binds the Crown.

Clause 7: Repeal of section 3

This section has been enacted in section 2 (*see* clause 6).

Clause 8: Amendment and redesignation of section 3A—Interpretation

Definitions formerly enacted just for the purposes of that Part of the principal Act dealing with personal injuries have been re-enacted here so that they apply for the purposes of the whole of the principal Act. A number of new definitions have also been inserted and the section is to be redesignated as section 3.

Clause 9: Insertion of section 4

4.Application of this Act

This Act applies to the exclusion of inconsistent laws of any other place to the determination of liability and the assessment of damages for harm arising from an accident occurring in this State but does not derogate from the *Recreational Services (Limitation of Liability) Act 2002* or affect a right to compensation under the *Workers Rehabilitation and Compensation Act 1986*.

Clause 10: Substitution of heading to Part 1

What was formerly designated as Part 1 of the principal Act will be designated as Part 2 (but this Part will still deal with defamation). No substantive changes are proposed to this Part.

Clause 11: Substitution of heading to Part 1A

What was formerly designated as Part 1A of the principal Act will be designated as Part 3 (but this Part will still deal with liability for animals). No substantive changes are proposed to this Part.

Clause 12: Redesignation of section 17A—Liability for animals

This section is to redesignated as section 18.

Clause 13: Substitution of heading to Part 1B

What was formerly designated as Part 1B of the principal Act will be designated as Part 4 (but this Part will still deal with occupiers liability). No substantive changes are proposed to this Part.

Clause 14: Redesignation of section 17B—Interpretation

Clause 15: Redesignation of section 17C—Occupier's duty of care

Clause 16: Redesignation of section 17D—Landlord's liability limited to breach of duty to repair

Clause 17: Redesignation of section 17E—Exclusion of conflicting common law principles

These sections (all contained in the Part dealing with occupiers liability) are to be redesignated as sections 19 to 22 respectively.

Clause 18: Substitution of heading to Part 2

What was formerly designated as Part 2 of the principal Act will be designated as Part 5 (but this Part will still deal with wrongful acts or neglect).

Clause 19: Redesignation of section 19—Liability for death caused wrongfully

Clause 20: Amendment and redesignation of section 20—Effect and mode of bringing action, awarding of damages for funeral expenses etc

Clause 21: Redesignation of section 21—Restriction of actions and time of commencement

Clause 22: Redesignation of section 22—Particulars of person for whom damages claimed

Clause 23: Amendment and redesignation of section 23—Provision where no executor or administrator or action not commenced within 6 months

Clause 24: Redesignation of section 23A—Liability to parents of person wrongfully killed

Clause 25: Redesignation of section 23B—Liability to surviving spouse of person wrongfully killed

Clause 26: Amendment and redesignation of section 23C—Further provision as to solatium etc

These sections are to be redesignated as sections 23 to 30 respectively. The amendments proposed to these sections are consequential only.

Clause 27: Insertion of Part 6

Part 6—Negligence

Division 1—Duty of care

31.Standard of care

For determining whether a person (the defendant) was negligent, the standard of care required is that of a reasonable person in the defendant's position who was in possession of all information that the defendant either had, or ought reasonably to have had, at the time of the incident out of which the harm arose.

32.Precautions against risk

A person is not negligent in failing to take precautions against a risk of harm unless—

- the risk was foreseeable (that is, it is a risk of which the person knew or ought to have known); and
- the risk was not insignificant; and
- in the circumstances, a reasonable person in the person's position would have taken those precautions.

33.Mental harm—duty of care

A person (the defendant) does not owe a duty to another person (the plaintiff) to take care not to cause the plaintiff mental harm unless a reasonable person in the defendant's position would have foreseen that a person of normal fortitude in the plaintiff's position might, in the circumstances of the case, suffer a psychiatric illness. This proposed section does not affect the duty of care of a person (the defendant) to another (the plaintiff) if the defendant knows, or ought reasonably to know, that the plaintiff is a person of less than normal fortitude.

Division 2—Causation

34.General principles

A determination that negligence caused particular harm comprises the following elements:

- that the negligence was a necessary condition of the occurrence of the harm (factual causation); and
- that it is appropriate for the scope of the negligent person's liability to extend to the harm so caused (scope of liability).

35.Burden of proof

In determining liability for negligence, the plaintiff always bears the burden of proving, on the balance of probabilities, any fact relevant to the issue of causation.

Division 3—Assumption of risk

36.Meaning of obvious risk

An obvious risk to a person who suffers harm is a risk that, in the circumstances, would have been obvious to a reasonable person in the position of that person. A risk can be an obvious risk even if the risk (or a condition or circumstance that gives rise to the risk) is not prominent, conspicuous or physically observable.

37.Injured persons presumed to be aware of obvious risks

If, in an action for damages for negligence, a defence of voluntary assumption of risk (*volenti non fit injuria*) is raised by the defendant and the risk is an obvious risk, the plaintiff is taken to have been aware of the risk unless the plaintiff proves, on the balance of probabilities, that he or she was not aware of the risk.

38.No duty to warn of obvious risk

A person (the defendant) does not owe a duty of care to another person (the plaintiff) to warn of an obvious risk to the plaintiff. This does not apply if—

- the plaintiff has requested advice or information about the risk from the defendant; or
- the defendant is required to warn the plaintiff of the risk—
  —by a written law; or
  —by an applicable code of practice in force under the *Recreational Services (Limitation of Liability) Act 2002*; or
- the risk is a risk of death or of personal injury to the plaintiff from the provision of a health care service by the defendant.

39.No liability for materialisation of inherent risk

A person is not liable in negligence for harm suffered by another person as a result of the materialisation of an inherent risk (that is, a risk of something occurring that cannot be avoided by the exercise of reasonable care and skill). This does not operate to exclude liability in connection with a duty to warn of a risk.

Division 4—Negligence on the part of persons professing to have a particular skill

40.Standard of care to be expected of persons professing to have a particular skill

In a case involving an allegation of negligence against a person (the defendant) who holds himself or herself out as possessing a particular skill, the standard to be applied by a court in determining whether the defendant acted with due care and skill is (subject to proposed Division 4) to be determined by reference to—

- what could reasonably be expected of a person professing that skill; and
- the relevant circumstances as at the date of the alleged negligence and not a later date.

41.Standard of care for professionals

A person who provides a professional service incurs no liability in negligence arising from the service if it is established that the provider acted in a manner that (at the time the service was provided) was widely accepted in Australia by members of the same profession as competent professional practice.

Division 5—Liability of road authorities

42.Liability of road authorities

A road authority is not liable in negligence for a failure—

- to maintain, repair or renew a public road; or
- to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew a public road.

Division 6—Exclusion of liability for criminal conduct

43.Exclusion of liability for criminal conduct

This is the re-enactment of current section 24I with an addition as a consequence of relocating the section from the Part dealing with personal injuries to the Part dealing generally with negligence.

Part 7—Contributory negligence

44.Standard of contributory negligence

The principles that are applicable in determining whether a person has been negligent also apply in determining whether a person who suffered harm (the plaintiff) has been contributorily negligent. This proposed section is not to derogate from any provision for reduction of damages on account of contributory negligence.

45.Contributory negligence in cases brought on behalf of dependants of deceased person

In a claim for damages brought on behalf of the dependants of a deceased person, the court is to have regard to any contributory negligence on the part of the deceased person.

Clause 28: Substitution of heading to Part 2A

What was formerly designated as Part 2A of the principal Act will be designated as Part 8 (but this Part will still deal with personal injuries) but will no longer be divided into Divisions.

Clause 29: Repeal of heading to Part 2A Division 1

This heading is otiose.

Clause 30: Repeal of section 24

The definitions set out in this section have been re-enacted in the redesignated section 3.

Clause 31: Redesignation of section 24A—Application of this Part

This section is to be redesignated as section 51.

Clause 32: Repeal of heading to Part 2A Division 2

This heading is otiose.

Clause 33: Redesignation of section 24B—Damages for non-economic loss

This section is to be redesignated as section 52.

Clause 34: Substitution of section 24C

53.Damages for mental harm

The substituted provision uses the previous provision as a basis but amends it in keeping with the Ipp recommendations. Damages may only be awarded for mental harm if the injured person—

- was physically injured in the accident or was present at the scene of the accident when the accident occurred; or
- is a parent, spouse or child of a person killed, injured or endangered in the accident.

Damages may only be awarded for pure mental harm if the harm consists of a recognised psychiatric illness and damages may only be awarded for economic loss resulting from consequential mental harm if the harm consists of a recognised psychiatric illness.

Clause 35: Amendment and redesignation of section 24D—Damages for loss of earning capacity

This section as amended is to be redesignated as section 54. The amendment provides that in an action brought for the benefit of the dependants of a deceased person, the total amount awarded to compensate economic loss resulting from the death of the deceased person (apart from expenses actually incurred as a result of the death) cannot exceed the prescribed maximum and if before the date of death the deceased person received damages to compensate loss of earning capacity, the limit is to be reduced by the amount of those damages.

Clause 36: Redesignation of section 24E—Lump sum compensation for future losses

Clause 37: Redesignation of section 24F—Exclusion of interest on damages compensating non-economic loss or future loss

Clause 38: Redesignation of section 24G—Exclusion of damages for cost of management or investment

Clause 39: Redesignation of section 24H—Damages in respect of gratuitous services

These sections are to be redesignated as sections 55 to 58 respectively.

Clause 40: Repeal of heading to Part 2A Division 3

This heading is otiose.

Clause 41: Repeal of section 24I

See new section 43.

Clause 42: Relocation of sections 24J to 24N

These sections are to be redesignated as sections 46 to 50 respectively and relocated so that they follow section 45 in Part 7 (*see* clause 27).

Clause 43: Repeal of Part 2A Division 4

This section is otiose as the substance of the provision is now set out in section 4.

Clause 44: Substitution of heading to Part 3

What was formerly designated as Part 3 of the principal Act will be designated as Part 9 (but this Part will still deal with miscellaneous matters).

Clause 45: Substitution of heading to Part 3 Division 3

Clause 46: Redesignation of section 27C—Rights as between employer and employee

Clause 47: Repeal of Part 3 Division 4

Clause 48: Redesignation of heading to Part 3 Division 5—Remedies against certain shipowners

Clause 49: Redesignation of section 29—Remedy against shipowners and others for injuries

Clause 50: Redesignation of heading to Part 3 Division 6—Damage by aircraft

Clause 51: Redesignation of section 29A—Damage by aircraft

Clause 52: Redesignation of section 29B—Exclusion of liability for trespass or nuisance

Clause 53: Redesignation of heading to Part 3 Division 7—Abolition of rule of common employment

Clause 54: Redesignation of section 30—Abolition of rule of common employment

Clause 55: Redesignation of heading to Part 3 Division 8—Actions in tort relating to husband and wife

Clause 56: Redesignation of section 32—Abolition of rule as to unity of spouses

Clause 57: Redesignation of section 33—Wife may claim for loss or impairment of consortium

Clause 58: Redesignation of section 34—Damages where injured spouse participated in a business

Clauses 45 to 58 are "house-keeping" provisions. They redesignate the Divisions and sections so that they follow sequentially from the previous Part.

Clause 59: Insertion of new Division

The new Division 6 (Limitation on the award of damages for the costs of raising a child—new section 67) provides that in an action to which this section applies, no damages are to be awarded to cover the ordinary costs of raising a child. The *ordinary costs of raising a child* include all costs associated with the child's care, upbringing, education and advancement in life except, in the case of a child who is mentally or physically disabled, any amount by which those costs would reasonably exceed what would be incurred if the child were not disabled. New section 67 applies to—

(a) an action for negligence resulting in the unintended conception of a child; or

(b) an action for negligence resulting in the failure of an attempted abortion; or

(c) an action for negligence resulting in the birth of a child from a pregnancy that would have been aborted but for the negligence; or

(d) an action for innocent misrepresentation resulting in—

(i) the unintended conception of a child; or

(ii) the birth of a child from a pregnancy that would have been aborted but for the misrepresentation; or

(e) an action for damages for breach of a statutory or implied warranty of merchantable quality, or fitness for purposes, in a case where a child is conceived as a result of the failure of a contraceptive device.

Clause 60: Redesignation of heading to Part 3 Division 9—Abolition of actions of seduction, enticement and harbouring

Clause 61: Redesignation of section 35—Abolition of actions for enticement, seduction and harbouring

Clause 62: Redesignation of heading to Part 3 Division 10A—Unreasonable delay in resolution of claim

Clause 63: Redesignation of section 35B—Definitions

Clause 64: Redesignation of section 35C—Damages for unreasonable delay in resolution of a claim

Clause 65: Redesignation of section 35D—Regulations

Clause 66: Redesignation of heading to Part 3 Division 11—Liability for perjury in civil actions

Clause 67: Redesignation of section 36—Liability for perjury in civil actions

Clause 68: Redesignation of heading to Part 3 Division 12—Racial victimisation

Clause 69: Redesignation of section 37—Racial victimisation

Clause 70: Redesignation of heading to Part 3 Division 13—Good samaritans

Clause 71: Redesignation of section 38—Good samaritans

Clause 72: Redesignation of heading to Part 3 Division 14—Expressions of regret

Clause 73: Redesignation of section 39—Expressions of regret

Clauses 60 to 73 are also "house-keeping" provisions.

Part 3—Amendment of Limitation of Actions Act 1936

Clause 74: Amendment of section 3—Interpretation

This amendment inserts a definition of child.

Clause 75: Amendment of section 45—Persons under legal disability

This is consequential on the insertion of the definition of child.

Clause 76: Insertion of section 45A

45A.Special provision regarding children

If a child (the plaintiff) suffers personal injury and the time for bringing an action for damages is extended by the *Limitation of Actions Act* to more than 6 years from the date of the incident out of which the injury arose (the relevant date), notice of an intended action must be given within 6 years after the relevant date by, or on behalf of, the child to the person(s) alleged to be liable in damages (the defendant). An exception to this rule is if the injury arises from an intentional tort.

The defendant may, by written notice, require the plaintiff, within 6 months after the date of the notice, to bring an action so that the claim may be judicially determined (in relation to liability and/or assessment of damages, as the court thinks appropriate).

The effect of non-compliance with a requirement of this proposed section on the part of a plaintiff is that, unless the court is satisfied that there is good reason to excuse the non-compliance, damages will not be allowed in such an action to compensate or allow for medical, legal or gratuitous services provided before the date the action was commenced.

Clause 77: Amendment of section 48—General power to extend periods of limitation

This amendment describes what is to be regarded as a material fact.

Part 4—Amendment of Motor Vehicles Act 1959

Clause 78: Amendment of section 99—Interpretation

This clause inserts definitions of participant and road race.

Clause 79: Amendment of section 104—Requirements if policy is to comply with this Part

A new subsection is proposed that provides that a policy of insurance complies with this Part even though it contains an exclusion of liability of the nature and extent prescribed by clause 4 of Schedule 4.

Clause 80: Amendment of section 124A—Recovery by insurer

This provides that where an insured person incurs, as a participant in a road race, a liability against which he or she is insured under Part 4 of the *Motor Vehicles Act*, the insurer may, by action in a court of competent jurisdiction, recover from the organiser of the road race the amount of the liability and the reasonable costs incurred by the insurer in respect of that liability.

Clause 81: Amendment of Schedule 4—Policy of insurance

This amendment provides that the policy of insurance set out in Schedule 4 does not extend to liability arising from death of, or bodily injury to, a participant in a road race caused by the act or omission of another participant in the road race.

Schedule 1—Transitional provision

This provides that the amendments made by this measure are intended to apply only prospectively.

Mr MEIER secured the adjournment of the debate.

SELECT COMMITTEE ON THE STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

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

That the time for bringing up the report of the select committee be extended until Tuesday 23 March.

Motion carried.

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

That the select committee have leave to sit during the sitting of the house on Wednesday 18 February.

Motion carried.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

SUMMARY OFFENCES (CONSUMPTION OF DOGS AND CATS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 466.)

Ms CHAPMAN (Bragg): This bill was introduced into the House of Assembly by the Attorney-General on 15 October 2003. It seeks to amend the Summary Offences Act 1953 and, in particular, to insert a provision that, if a person knowingly kills or otherwise processes a dog or cat for the purpose of human consumption, or supplies to another person a dog or cat whether alive or not, or meat from a dog or cat for the purpose of human consumption, or consumes meat from a dog or cat, they are guilty of an offence. The maximum penalty is prescribed at $1 250. The bill includes

definitions of 'dog', 'cat' and 'meat', which is to be defined to mean a whole or part of a killed animal.

When I listened carefully to the Attorney-General's description to the house of the history of this legislation and the purpose for its being introduced, I was interested to note the following:

> The practice of eating dog or cat meat is common in several Asian countries, most notably China, Vietnam and Korea. The government is not aware of any evidence that this is common or occurs at all in this state or even in Australia. The matter was raised last year as a result of a reported incident in Victoria. Given the acceptance of the practice in some countries, it cannot be ruled out that a small number of people might eat cat or dog meat despite a high level of public opposition in Australia.

When I heard that, I wondered whether there are other practices in other countries (in particular, China, Vietnam or Korea) which might cause us to receive future legislation, especially when these practices are not only uncommon in Australia but in fact there is no known case to justify the introduction of this legislation. If I might be so bold as to say—and I am happy to do so—why on earth are we wasting the parliament's time with this legislation? I do not suggest for one moment that the practice of eating dogs or cats is something on which I would embark, and I am sure that most people in Australia would have no desire to do so. This legislation clearly arose out of a statement by the Premier on radio last year. He heard of an incident in Victoria where it was asserted that someone might have eaten a dog or a cat or a part thereof, so he immediately announced that eating dog or cat would be banned in South Australia. On the evidence of a phone call about this possibly having occurred in Victoria, this legislation was rushed into our parliament—even though we have all sorts of other priorities at this stage—to introduce a penalty of $1 250 for anyone who might partake in the practice of consuming cat or dog on even a one-off occasion.

This situation becomes even more curious when we understand that already there are significant laws which assist in deterring the consumption of dogs or cats. In particular, I refer to the fact that dog or cat meat cannot legally be served in a restaurant or a takeaway facility or sold in a butchers shop. So, already in South Australia you cannot legally sell it, and it is also illegal to commercially process dog or cat meat. The Attorney-General explains in his second reading explanation that that legislation does not prevent someone from killing a cat or a dog in their backyard and making it available for someone to eat. I do not dispute the fact that that is possible, but we have not one scintilla of evidence, one single example, to demonstrate why we need to introduce legislation specifically to make it illegal for people to consume dogs or cats.

I also note there is no definition of 'consumption' in the bill. Presumably it means that you can chew and spit out bits of dog or cat but not actually swallow it. What is going to happen next? Will the government again waste the time of this house and present to us legislation prohibiting the chewing of dog or cat meat? It goes from the extreme to the ridiculous that we have this situation where the Attorney-General has introduced such absurd legislation in the face of not one single piece of evidence that there is any such problem in South Australia, let alone that it has even taken place.

This is all based on the fact that there are certain practices in China, Korea or Vietnam against which we have to protect ourselves. This is the most bizarre piece of legislation that I have ever seen. I am quite happy to indicate, as I have, that I do not intend to eat dog or cat meat. I am sure that other people will come to this parliament and plead for some relief because they do not want to have their pet tortoise or budgie eaten.

We continue to open up the most ridiculous pieces of legislation when we already have protection against the commercial killing of these animals. They are clearly protected from being processed and nobody can sell them in a restaurant, take-away shop or butcher shop. Now we are not allowed to actually swallow them. I will be interested to see whether anybody is ever prosecuted under this legislation because, as I say, it is not only ridiculous but it is also completely uncalled for, and I ask the Attorney-General when he next introduces a bill to this house to bring in something useful and productive for South Australia by way of crime prevention.

Mr HANNA (Mitchell): On behalf of the Greens I cannot promote the eating of meat as such because many of our members are vegetarian and, of course, that preference is respected. But there is a different issue when this proposal to ban the eating of furry animals such as cats and dogs is considered, and that is the issue of cultural relativity. This is meant to be a multicultural nation, and I suspect the only reason the Premier and, with him, the Labor Party, is bringing this proposal to parliament is that a lot of Australians have a suspicious and probably racist sentiment about those who might eat cats and dogs as part of their cultural practice. I cannot see any evidence that demands that this proposal should be accepted. Like the official opposition, I can see no evidence that has been brought to this place warranting the passing of this bill. Unlike the opposition, I will vote in accordance with the reasons I put forward. If the member for Bragg, after her contribution, does not vote against this bill, she is a hypocrite and loses the respect of any rational person following debates in this place.

To finish on a humorous note, the only reason one could put forward for banning the eating of cats and dogs, as I said, is a populist one. I do not say that because it is anticipated that cats and dogs will vote for the government: they, of course, have been known to vote only in internal ALP preselection ballots.

Dr McFETRIDGE secured the adjournment of the debate.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

The Hon. G.M. GUNN (Stuart): I am pleased to be back and I want to say a few words and talk about—

The Hon. M.J. Atkinson: Not long to go now, Gunnie—only a couple of years.

The Hon. G.M. GUNN: For the benefit of the honourable member who likes to try to distract me, he and his mates spent their money last time and they can spend it again and they would get the same result. Let us talk about the injustices which have been inflicted upon my long-suffering constituents by this government in regard to the Murray River and the Murray River tax.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: On the foreshore? It was Diana Laidlaw who put the money into the foreshore.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: You should have been there. The honourable member should have been there when the passenger train came into Port Augusta and the mayor publicly thanked the Olsen government—even though the mayor was treated with such discourtesy that she was not even given a ride on the train from Adelaide to Port Augusta because the train was full of all the other freeloaders who had done nothing.

The Hon. M.J. Atkinson: John Olsen and Rob Kerin.

The Hon. G.M. GUNN: They had something to do with the project.

The Hon. M.J. Atkinson: Didn't they ask you?

The Hon. G.M. GUNN: No, they didn't, and I would not have gone on their train. They would not even let me on the railway platform. But you had your Labor Party stooge and mate there. But we will talk about that in a couple of days.

The Hon. M.J. Atkinson interjecting:

The Hon. G.M. GUNN: That is wishful thinking again. After all the disruptions from the Attorney-General, who should know better, I want to talk about what is happening to my constituents. I will read from just a few dot points they gave me, as follows:

> What has happened to user pays? We live nowhere near the Murray and we use none of its water. We have a bore, which is very saline. It's hard to grow any plants. The salinity of the soil after rain usually kills what we have been able to grow. Where is the help to get us better water? Who's going to help us? It's not possible to drink this bore water. This water has had an effect on all household appliances—

Then it lists evaporative airconditioners, hot water services and pumping systems. It continues:

> The water almost halves the life of normal appliances. To get repairs done to any of these appliances there are no service people in the town and they have to travel long distances. Once again, country people are paying. Freight to bring in replacements is expensive and with tradespeople no-one wants to travel on dirt roads. We currently have 80 kilometres unsealed [the road from Lyndhurst to Marree] or 220 kilometres from Roxby Downs.

As an aside, if the Liberal government had stayed in power the road to Marree would have been sealed by now. It has been stopped by this ungrateful government. I continue:

> SA Water fees are charged even if you are not connected to the main. To be connected to the main that goes past your place requires another $1 500, and a River Murray levy on top of this is an added insult. Will the River Murray levy pay for water to be carted to Marree when our tanks are dry, instead of the community having to buy truckloads of water to pay for something that we have no access to or use? It is unfair, and more unfair for non-residential properties. The Marree Progress Association Inc. is struggling to raise funds for the town's facilities. Marree is out of council area, so to have what facilities council areas have we have to raise funds to get these services. The community hall and barbecue area are classified as non-residential. With water accounts the Marree Progress Association Inc. has had to pay an extra $360 a year. How unfair is this on our isolated community struggling already to raise funds? This is just an example of one association.
>
> Other clubs and many householders are in the same predicament. Before laws and levies are introduced, politicians need to get out and have a look at the effects they will have on these struggling outback communities. To raise funds continually just to have the basics is approximately $10 000 a year, for street lights, insurance, barbecue area, airstrip, community hall. It is very difficult when the majority of people are on government support of some kind for their income. The income does not go far as the cost of supply locally is very expensive. Bread is $3.40 a loaf. It does not leave much over for fundraising for improvements or ongoing repairs to the community, but we keep on struggling and the government keeps on making it harder and harder to survive. Who in the government will pay these expenses when we can't raise enough money to survive, or we let the community suffer and save the river?

This particular group has been unfairly targeted, as have a number of other of my small communities that are not connected to the River Murray. People are being charged when they are not connected to the water, when they are using their own water. What has happened to the people at Marree, Hawker and Lyndhurst and other areas is grossly unfair, and I call on the minister to do something about it. They should be exempt. I give another example of how unfair it is and what is happening. I have a letter from Yunta, headed 'Re: Water Quality, Yunta', and stating:

> Once again I wish to express my concern and anger at the deplorable state of the Yunta water supply. We have been here two years and have complained four times, but have been told to put up with it. Water started to smell on the 18th of November and it was putrid by the 29th.

The Hon. M.J. Atkinson: What did you do about it?

The Hon. G.M. GUNN: I will tell you later. The letter continues:

> Three school children have become ill. We have a half a million dollar food and petrol business, creating employment for local people. The smell comes through the air conditioner and customers are offended by the odour when it comes into the restaurant. Regular commercial drivers need showers, but when they smell the water they decide to leave and give Yunta a miss. This is a cost to small business Yunta can ill afford. When we purchased the business we were not informed of these problems. Why is South Australia lagging behind Victoria and New South Wales?

The letter goes on to state:

> We have a 'Yes, minister' syndrome. I am sick of being told, 'You choose to live there'. If these problems existed in Adelaide it would be fixed. We have contacted Minister Weatherill in the past and do not want another letter like the one attached. It is worth noting that water has not been carted to Yunta for 14 years.

SA Water did not want anything to do with the dams in the north-east. It was to the credit of former deputy premier Corcoran, whom we honoured today. At the time Australian National pulled out, after representations to myself and the local community, he directed the then Engineering and Water Supply Department to take over maintaining the dams and supplying the water. It vigorously opposed it and the people in the department still do not want to be associated with it. At the end of the day these people are entitled to a little common sense and fairness.

The final issue I will raise in this discussion is that I have been interested in recent times to notice police cars sitting on the side of roads at night with their lights off. I placed a question on notice in relation to this matter at one location at Crystal Brook, because in a democracy it is a rather unnecessary and unwise course of action. We are told that police presence and police surveillance are road safety matters. It is also happening at Orroroo and in that area. At the end of the day, what is the purpose of these exercises? I have an interesting answer that came back from the Acting Minister for Police, and I give the author full marks for compiling a Sir Humphrey answer, but at the end of the day it does not address the real issue. Do we live in a sensible society or one where we want to make life as difficult as we can?

Do we want to unreasonably police people or get ourselves involved with surveillance activities? I think the community of South Australia does not want that but wants common sense. If the police want to enforce speed restrictions they should do it in the open so everyone can see and not hide police cars behind bushes. Wherever people see one of these vehicles they should take the number and write to the

Commissioner of Police, because it is unnecessary, really silly and taking policing to an unacceptable level. Police vehicles should be visible.

Ms Breuer: Have you been booked lately?

The Hon. G.M. GUNN: No, I have not—I have only been booked twice in my life. The honourable member has probably been booked since I have been.

The Hon. M.J. Atkinson: But you have been named once.

The Hon. G.M. GUNN: But I have never been suspended like the honourable member.

The Hon. M.J. Atkinson interjecting:

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

Motion carried.

ADJOURNMENT

At 6.10 p.m. the house adjourned until Tuesday 17 February at 2 p.m.