HOUSE OF ASSEMBLY

Wednesday 30 June 2004

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

CHILD ABUSE

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

Leave granted.

The Hon. J.W. WEATHERILL: Today, I am announcing that the government intends to set up a commission of inquiry into the way in which complaints of sexual abuse were dealt with towards children who were, at the time, in state care. This is part of the state government's comprehensive child protection policy which it has been developing and been rolling out since the first few weeks of government. Tomorrow, I will introduce legislation, with terms of reference, into parliament that will set up an inquiry similar to that established by the Anglican Church into the way in which it handled complaints of sexual abuse of children in the church's care.

The inquiry's terms of reference will centre around whether there were any cover-ups or mishandling of allegations or reports of sex abuse involving children under the guardianship of the state. As children under the care of the state, we have an ongoing duty to ensure that, if they were sexually abused, their complaints were handled adequately and appropriately by the government. We want to learn from this inquiry. If the inquiry shows that we can improve the way in which children under the guardianship of the minister are cared for within foster care or within institutions, then we will. And if the inquiry can bring justice or consolation to victims of sexual abuse while in state care, it will have achieved a positive outcome for them.

The inquiry is likely to be either a former judge or an eminent QC. It will be totally independent and it will have legislative powers to summons witnesses to appear before it to give evidence or produce documents and to examine witnesses on oath. The legislation will make it an offence for anyone who refuses or fails without reasonable excuse to comply with the summons, make an oath, or answer questions. The commissioner will have all the protections, privileges and immunities as a judge of the Supreme Court, and witnesses will have the same protections, privileges and immunities as witnesses before the Supreme Court. The commissioner will be required to report within six months of the act coming into force. The report will be tabled in parliament within 12 sitting days after receiving it.

It is important that those who want to give evidence to the inquiry can do so without fear of being identified as a victim of sexual abuse and without prejudicing current inquiries by the Police Paedophile Task Force. Our first inquiry into child protection was announced within three weeks of coming to government, when we commissioned Robyn Layton QC to undertake a far-reaching inquiry into child protection in this state. Since Ms Layton's report was handed down, we have devoted more than $200 million of extra funding for child protection, and we have expressed a willingness to do whatever we can to improve the way in which children are cared for and protected in South Australia.

It is an enormous, important and complex task that has been neglected for too many years in this state. On 2 June this year the Attorney-General (Hon. Michael Atkinson) told parliament that this government was considering an inquiry into children in state care. Even though this is not a royal commission (as the opposition has previously called for), I hope that it will receive bipartisan support in this parliament. Next month the government will also establish a help line for adult survivors of sexual abuse and their families, which will provide information, counselling and referral to appropriate legal avenues to pursue civil and/or criminal action.

It will also provide face-to-face counselling, case management and link survivors to specialist counselling. I also remind the house that the police Paedophile Task Force has also been very active in its pursuit of sex offenders, and, in the past few weeks, has arrested or reported nine men in relation to alleged offences dating back many years—some prior to 1982. The state government has done more to address the whole issue of child protection than any previous government in the history of South Australia. The extra $148 million for child protection announced in the May state budget includes far-reaching reforms to the Department for Families and Communities, including the appointment of an additional 186 staff, including child and youth workers, psychologists and social workers. We have also:

- created a Director of Foster Care Relations
- established a guardian for children and young people
- established an independent Child Death and Serious Injury Review Committee to examine the circumstances surrounding the death or serious injury of a child and recommended systems improvements where appropriate
- set up a special investigations unit within the department with a brief to investigate cases of alleged abuse of children in alternative care and children with disabilities.

We are also waiting for the final report of the Senate Community Affairs References Committee inquiry into children in institutional care, which took evidence in Adelaide in November last year concerning many of the allegations that are presently being raised by the state opposition. This inquiry is due to report to the Senate soon.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 25th report of the committee.

Report received.

QUESTION TIME

INFANT HOMICIDE

The Hon. R.G. KERIN (Leader of the Opposition): Will the minister representing the Minister for Police inform the house whether the Police Commissioner's decision to have Superintendent Paul Schramm conduct another review into allegations by a former state ward was the Commissioner's and not the government's decision?

The Hon. P.F. CONLON (Minister for Infrastructure): As I understand it, that is the case. I am not the minister but, as I understand it, that was the decision of the Commissioner. If that is incorrect I will try to let the leader know before the end of question time, but that is my understanding.

METROPOLITAN HEALTH SERVICE

Mr O'BRIEN (Napier): Will the Minister for Health outline the new governance arrangements for a metropolitan health service that will come into effect tomorrow, 1 July 2004?

The Hon. L. STEVENS (Minister for Health): I certainly thank the honourable member for his question, because the most significant reforms to our metropolitan health system governance in 30 years will come into effect tomorrow. Members will recall that, on 22 March this year, I advised the house that on 26 February 2004 Her Excellency the Governor, in Executive Council, signed proclamations for the dissolution of the boards of most metropolitan based public hospitals and health services and the establishment of three new health services to take over the running of these health services by 1 July 2004.

Twelve boards are being dissolved, namely: the Adelaide Central Community Health Service Board; the South Australian Dental Service Board; the Modbury Hospital Board; the Royal Adelaide Hospital Board; the North Western Adelaide Health Service Board; the Northern Metropolitan Community Health Service Board; the Women's and Children's Hospital Board; the Child and Youth Health Services Board; the Flinders Medical Centre Board; the Noarlunga Health Services Board; and the Drug and Alcohol Services Council Board. I can now also report to the house that the board of St Margaret's Hospital has agreed to dissolve and join the new regional arrangements, and this will also take effect from 1 July.

I thank current and past members of those boards for their work over many years. They have dedicated much of their time in running these large and complex organisations. They certainly have acted as leaders in health and health care. However, perhaps the greatest act of leadership has been their agreement with the government for their organisations to enter into new regional arrangements to give the community greater access to a range of integrated services.

As I previously informed the house, these boards will be replaced by three new regional boards: the Southern Adelaide Health Service, chaired by Mr Basil Scarsella; the Central Northern Adelaide Health Service Board, chaired by Mr Ray Grigg; and the Child, Youth and Women's Health Service Board, chaired by the Hon. Carolyn Pickles. Applications for the regional chief executives for these health services are being processed, and interim management arrangements are already in place. I expect a smooth transition to new governance. These reforms will fundamentally change the way we deliver our health services. South Australia is moving from service provision through individual health units, operating as stand-alone organisations, to a system of integrated care and service delivery.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Given the government's statement yesterday that it was the Police Commissioner who instigated the Schramm inquiry, why did the Minister for Families and Communities not only claim that it was the Minister for Police who instigated the inquiry but went further to detail why the government had acted? Yesterday, on Radio 5AA said, 'The Police Minister has asked for the matter to be looked at afresh.' He also said: Whenever we hear allegations of this sort, especially now in circumstances where we've removed the statute of limitations for the prosecution of people for criminal offences before a particular date, we certainly pursue those investigations.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I answered that question on the basis of what I had heard in the house that very day, or the day before. The Police Commissioner—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: No; it was not. I answered that question on the basis of what I heard in the house. If the Police Commissioner initiated that inquiry, so be it. All I know is what I heard in this house, and that is what I said on the radio.

TOURISM, OUTBACK

Ms BREUER (Giles): My question is to the Minister for Tourism.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Infrastructure will enable the chair at least to hear the member for Giles.

Ms BREUER: Thank you, Mr Speaker.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The minister will not defy the chair immediately it calls the member for Giles by continuing to interject.

Ms BREUER: What significant tourism infrastructure projects are planned for the towns of Cooper Pedy and Oodnadatta to assist in promoting tourism in Outback South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Giles for her question. We are planning major infrastructure investment in Oodnadatta and Coober Pedy, the towns that she discussed. Firstly, in Oodnadatta, we are working at the Oodnadatta racecourse with an additional grant of $120 000 allocated to upgrade visitor facilities in the way of toilets and showers. The project has already commenced and is expected to be completed very shortly. It will also involve total spending on this project of $150 000 by this government.

Secondly, in addition to the work at the racecourse, in a joint project with the Dunjibar Community and the Oodnadatta Progress Association, the SATC is to establish a cultural and business centre which will incorporate a museum and new public lavatories. This will not only provide a service to visitors to Oodnadatta, but will also make the trip along the Old Ghan Railway Heritage Trail more instructive, because there will be interpretive materials within the museum. It will also support the people in the township who will have much needed services at this site.

In Coober Pedy, by the end of 2004, we will have an accredited visitor information centre with the announcement that the SATC is to provide $230 000 to renovate the existing Coober Pedy council building to accommodate and fit out a new visitor information centre. The centre, when completed, will be open seven days a week and provide visitor information services to visitors to Coober Pedy which is, after all, the opal capital of the world. The project is expected to be completed in 2004.

The addition of the Coober Pedy visitor information centre to a diverse network of centres across the state will see a total of accredited visitor information centres reaching 45. All of these are provided with annual financial support by the SA Tourism Commission. They provide an invaluable

network for visitors travelling around the state, providing information not only for the region in which they are located, but also for adjacent areas and across the state to encourage further visitation by people travelling by road.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Families and Communities. Why did the minister just tell the house that he based his statements on who called the Schramm inquiry on what he heard in the house, when he was actually on radio before the house sat yesterday, and it was only announced yesterday?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I have not consulted the precise chronology of events, but I can tell you this: I have no knowledge about these matters except what I have learnt in the house. That is the only basis—

The Hon. R.G. Kerin interjecting:

The Hon. J.W. WEATHERILL: Okay. There is apparently some statement that has been issued by the—

Members interjecting:

The Hon. J.W. WEATHERILL: It is the only personal information I have about it. I have no knowledge of what the Minister for Police has done about these matters, except from the public pronouncements. If I have inaccurately summarised what those announcements are, I apologise, but I think the real issue here is to get to the bottom of precisely what it is that the Commissioner did, or the Minister for Police did, and we have already suggested that we will come back to the house with an answer about that.

The Hon. R.G. KERIN: I have a supplementary question to the minister. How could you go ahead and argue about—

The SPEAKER: Order! The leader will address the question through the chair.

The Hon. R.G. KERIN: I am sorry, sir. I have a supplementary question to the Minister for Families and Communities. Given what the minister has now said, and if he had not spoken to the police minister, how could he go ahead and argue as to why, because he put an argument as to why the police minister had asked Paul Schramm to do the investigation?

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The honourable the Minister for Infrastructure is highly disorderly for yet the second time.

The Hon. J.W. WEATHERILL: It may be some surprise to the honourable member, but when one goes on talkback radio one does not always have a complete transcript of precisely what it is we are going to be asked before we are asked a question. I was asked a question about this topic. I tried to answer from the best of my recollection. I am not entirely sure where I got this information from now. The opposition has been suggesting that the parliamentary proceeding occurred after the interview, so clearly it could not have been from that. However, it was from some public awareness, because I have had no discussion with the minister about it. I gave that information. I was trying to be helpful to the program and the listeners.

The point of the matter, I think, is that some contention was being made about the adequacy of a police investigation. What needs to be borne in mind is that there is now going to be a review of that police investigation. I would have thought that those opposite would be pleased with that sort of response from a government. Whether it was initiated by the minister or the Commissioner of Police, the point of the matter is that the proper outcome has been arrived at.

HOMELESSNESS

Ms CICCARELLO (Norwood): My question is to the Minister for Housing. What projects has the government initiated to reduce homelessness in South Australia?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. Today I also released Counting the Homeless 2001, a report which is the best available data about the amount of homelessness that exists within the South Australian community. Those figures are alarming; they indicate that between 800 and 900 people are sleeping rough, and that there are about 7 500 people in secondary and tertiary forms of homelessness. They are figures that were taken at the last census. There was a snapshot in the winter of 2001 and they vindicate this government's commitment to targeting, through social inclusion, initiatives to reduce homelessness. I am pleased to announce today the first of these major projects, the Supported Tenancies Program.

We have learned that much homelessness is not simply about having a place to be; it is whether people can successfully live within either private or public rental. This $655 000 project will be rolled out to support families and households living in both public housing and private rental who are at risk of homelessness. Tenders have been awarded to deliver programs in the suburbs of Elizabeth, Salisbury, Modbury, Adelaide, Port Adelaide, The Parks, Marion, Noarlunga, and in northern country areas and southern country areas.

It will also help to cut the amount of disruptive behaviour that occurs from the behaviour of these tenants. We know that it involves providing better living skills and support for families, and this might be mental health issues, questions about managing the household budget, and gambling may come into it. These sorts of things can cause a family to spiral into debt and then eventually eviction, and it is the beginning of the homeless problem. So, if we can intervene early and keep these people in their homes we will do a massive amount to address this question of homelessness. This comes on top of $12 million in the last budget, and $8 million in this budget directed at the question of homelessness initiatives.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: I hear the plaintive voice of the member for Bragg in the distance who I think is drawing attention to the fact that under the previous regime 10 000 public houses disappeared.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Will the minister assure the house and former state wards that the Child Abuse Helpline is independent and at arm's length from the government? The minister has claimed that the hotline is independent. The opposition has been approached by a number of ex-state wards who have rejected the idea of a helpline as being too close to government that they hold in mistrust because of past events. Further, despite claims of independence from the government, the minister during estimates stated, 'We will carefully monitor our hotline,' and, further, 'The government will sympathetically listen to their calls,' and further still, 'The government also will case manage them through a process.'

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I must say that I thought we were getting somewhere in this debate. I thought we were moving towards a bipartisan position about taking seriously the adult survivors of child sexual abuse. The honourable member is keen to quote from *Hansard*, but I remind him of what else I said on that occasion, to provide a background for what I now say, and that is that, 'We do not want to make this abuse worse by subjecting them, that is, the adult survivors, to an ill thought through public inquiry. We are open minded about the need for some form of inquiry but we are very concerned about the nature and the scope of such an inquiry. It has the potential to damage people who could be dragged through unsubstantiated allegations. We do not want to turn this into a witch-hunt. I share the sentiments expressed by the member for Unley. A crucial part of the healing process involves the truth being told. We need to find a sensible bipartisan way in which this can be done.' This is an opportunity for some bipartisanship about a very important issue. I call on those opposite, when they receive these concerns by adult survivors about whether the hotline will be independent and provide assistance to them, to have faith in that hotline.

Members interjecting:

The Hon. J.W. WEATHERILL: They ask why should they! We offer a hand in the spirit of bipartisanship by going to an organisation that is at arm's length from the state government and asking it to design the nature of the service, and all we ask from members opposite is to speak to those whom they claim to represent and provide them with some sensible advice. That is all we ask. We ask them not to take that advice but to proffer that sensible advice. We have set this up at arm's length from the government. We provide this assurance—

The Hon. DEAN BROWN: On a point of order, the question was very specific indeed, namely, the minister was asked whether the hotline would be independent, and he has not specifically answered that point.

The SPEAKER: The minister should heed the fact that it is not debate required in answer but rather facts.

The Hon. J.W. WEATHERILL: I was addressing the fact that we have gone to Relationships Australia, an organisation that is commonwealth funded. We deliberately chose an organisation that did not sit within the state government umbrella of helping agencies, such as Yarrow Place, which is providing assistance to the Anglican victims in much the same way that the Anglican Church was not prepared to use one of its own agencies. It approached the state government and asked us to provide the services of Yarrow Place. In much the same way, we then went to another organisation that could be said to be at arm's length from the state government and asked it to design an appropriate system.

The quotes the honourable member makes from *Hansard* during estimates concerning the way in which we will learn from that material are an entirely different matter from whether we are independent from that process. If things are learnt from the helpline, or there are matters that we should attend to, we would seek to learn from that process. It may be that some of the matters concern claims for compensation against the state, which would naturally be referred back to us to be dealt with in an appropriate fashion. It may be that they refer matters of criminal conduct, which should properly be investigated by the police and the paedophile task force. The police force is a state instrumentality.

At some point in this process a role needs to be played by all members of parliament in trying to restore all citizens' faith in public institutions. We cannot operate in an environment that is otherwise. That is why we have chosen these three ways in which people can obtain justice. They can go and seek justice from the criminal courts, they can take advantage of the inquiry we have set up and they can see the helpline. We are doing everything we can possibly do in a sensible fashion to assist the adult survivors of child sexual abuse. I seek from members opposite, in the spirit of bipartisanship, an attempt to really move beyond what has been a very damaging and unhelpful debate.

MURRAY RIVER

Mr RAU (Enfield): My question is to the Minister for the River Murray. Has the federal government provided any assurance that a further 1 000 gigalitres will be returned over the longer term to the River Murray in addition to the 500 gigalitres agreed to by our Premier and the Prime Minister at COAG?

The Hon. J.D. HILL (Minister for the River Murray): I thank the member for this important question. As all members would know, last Friday's historic water deal at COAG was a breakthrough for the River Murray, particularly for South Australia, and it is fair to say that South Australia will be the main beneficiary of the agreements that were reached. We also had the most to lose if those agreements had not been reached, and I guess that is why our Premier was the first of the premiers to sign up to both the agreements in Canberra and also to encourage other premiers to sign the agreements. It is important to note that all the premiers of the Murray-Darling Basin states eventually agreed.

After a decade of debate and bickering, the nation's leaders have agreed to let the money and the water flow. $500 million will be allocated to achieve 500 gigalitres in environmental flow for the River Murray over the next five years. This is a welcome decision, as I am sure all members will agree. It has been a very long time coming, but it is very much the first step. The South Australian government will not stop until 1 500 gigalitres in extra water flow is achieved for the river, because that is the amount that the most eminent scientists say is needed for a healthy, working river. I believe that is the view of the majority in this house, and I recognise the bipartisan support for this 1 500 gigalitre figure. So, as a state we want to achieve at least 1 500 gigalitres.

Over the past year or so, I and members on this side have been lobbying for the federal opposition to support this position, and I am pleased that the federal opposition leader, Mark Latham, has come out publicly in support of the 1 500 gigalitres. The challenge now is to get the federal government over the line. It agrees that 500 gigalitres is the first step but is yet to commit to the extra 1 000 gigalitres that is required. So, I appeal to those opposite to put pressure on their colleagues in Canberra to match what Mark Latham has said and go to the next election with a policy of 1 500 gigalitres so that we can have bipartisanship not only at a state level but also at the federal level.

PRISON POPULATION

Ms CHAPMAN (Bragg): My question is to the Attorney-General. Given the government's rhetoric on law and order, will the minister explain why the daily prison population increased by only seven prisoners over the last year and why the projected prisoner numbers are predicted to go up by only two prisoners in the next year?

The Hon. M.J. ATKINSON (Attorney-General): We are locking up prisoners for longer, and that is one of the features. The length of the average sentence has increased. Also, through our DNA program (which was so vigorously opposed when he was in office by the Hon. K.T. Griffin, of blessed memory), we have now matched many prisoners to crime scenes, and they are being charged while in prison with further offences.

We know that the member for Bragg does not want to DNA test Bevan Spencer Von Einem. She is on the record saying that, which I must say I find bizarre and I think the public finds bizarre. But, to draw the conclusions—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I am sorry? The member for Bragg would like to know what Bevan Spencer Von Einem was charged with. He was charged with murder, actually.

The Hon. P.F. Conlon: And convicted!

The Hon. M.J. ATKINSON: And convicted.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I think the member for Bragg ought to give up on interjections. They are not really helpful to her or her party. To draw the conclusions the member for Bragg draws from such gross or ballpark statistics I think is unjustified.

Ms CHAPMAN: I have a supplementary question. How does the minister explain South Australia's modest prison population growth compared with other Australian states, which also have DNA testing, whose growth has been as high as 30 per cent, and does the minister believe that South Australia's growth in prisoner numbers indicates that the current government's stance on law and order is simply not working?

The SPEAKER: The honourable Attorney-General.

Members interjecting:

The SPEAKER: Order! The member for Bright is out of order.

Mr Goldsworthy interjecting:

The SPEAKER: Order! The member for Kavel! The Attorney has the call.

The Hon. M.J. ATKINSON: According to the recent crime statistics, some crimes in South Australia were up, some were down, but overall the crime rate was down a little bit. The member for Bragg seems to be most disappointed.

YOUTH CONSERVATION CORPS

Ms THOMPSON (Reynell): My question is directed to the Minister for Employment, Training and Further Education. What role is the Youth Conservation Corps playing in restoring the Chapel Hill and Jupiter Creek goldfields?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Reynell for her question and I acknowledge her keen interest in, and support for, the activities of the Youth Corps. I am told that Echunga in the Adelaide Hills is the site of Australia's first gold rush. It is exciting to note that 10 young people from the state government's Youth Conservation Corps will begin work today on a project to restore the heritage and biodiversity of the former Chapel Hill and Jupiter Creek goldmining fields. The Echunga goldfields heritage and biodiversity project will continue until December 2004. This area is widely promoted as a regional attraction and used by bushwalkers, fossickers, birdwatchers and many others. I am sure the member for Heysen would be well aware of this area (as am I) as a bushwalker in the area.

There is also an important heritage mining site, and the flora and fauna of these reserves is unique. I guess an analogy would be to some of the cemeteries in country areas where we have unique flora and fauna—as well as the Cowandilla Primary School, I might add. There has been minimal disturbance to the vegetation since the end of mining in this area in the 1930s, and there have been no agricultural activities or grazing on this site. This project is designed to improve visitor safety, protection and the interpretation of this significant mining heritage and also to maintain the high biodiversity values of both reserves. These are the two most challenging components of the project. I am sure it will also provide a wonderful opportunity to young people to contribute their skills to the community and also to gain other skills and contacts with the aim of securing employment.

The participants will be involved in the construction of trails, correcting erosion, building railway sleeper footbridges across the creeks, and erecting and maintaining interpretive and safety signage as well as fencing around the mine shafts. They will map and control weeds in the reserves using minimum disturbance techniques, develop trail maps, and undertake flora and fauna research and bird surveys for promotional material. They will also have an opportunity to pan for gold, with prospectors being on hand to show them how the old techniques worked.

The Conservation Corps members will also facilitate a public forum to research and develop a visitor action plan and liaise with users of the site to keep them up to date with the work as it progresses. I am sure that many members of this house would want to be part of that. I believe this is a tremendous multi-faceted opportunity which will involve young people in formal training in conservation and land management, business, occupational health, safety and welfare, communication, team building and senior first aid. The 10 Youth Conservation Corps members are contracted through Conservation Volunteers Australia who will provide supervision of the staff, and Primary Industries and Resources SA will supply the resources and provide direction for this project.

PRISONERS, SEXUAL OFFENDERS PROGRAM

Mr BRINDAL (Unley): My question is to the Attorney-General. Attorney, why has there been a 16-month—

The SPEAKER: Order! The member for Unley knows that he addresses questions to the chair, not to the Attorney or any other minister.

Mr BRINDAL: Sorry. My question through you to the Attorney, sir, is: why has there been a 16-month delay in introducing and implementing treatment programs for sexual offenders in prison? The submission for a treatment program for sex offenders in prisons was with the minister in October 2002. According to the Australian Institute of Criminology, sex offenders who undergo effective treatment in prisons are significantly less likely to reoffend upon release, and this finding has been backed up by a number of UK and US studies, which I will make available to members of the house if they want to know and they can look it up for themselves.

The Hon. M.J. ATKINSON (Attorney-General): I am not the minister responsible for the correctional services department, but I will obtain a report on the matter for the member for Unley as swiftly as possible.

STATE ELECTORAL OFFICE

Mr KOUTSANTONIS (West Torrens): My question is to the Attorney-General. How has the State Electoral Office been fulfilling its duty to provide information on electoral matters to teachers and students?

Ms Chapman interjecting:

The Hon. M.J. ATKINSON (Attorney-General): I do have responsibility for the State Electoral Office and, contrary to what the member for Bragg says, we do a lot more than print pamphlets, although we print them in many different languages, languages that I am sure the member for Bragg does not come across in her electorate, such as Tigrinya, Amharic and Somali.

Mr Scalzi interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: With a federal election coming up, it is important that 17-year olds avail themselves of a reform to the electoral law made by the late Mick Young, which allows 17-year olds to enrol provisionally so that—

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley has asked his question. Should he desire to participate in the rest of the day's proceedings, he will leave it to the Attorney to answer the question asked by other members.

The Hon. M.J. ATKINSON: The value of provisional enrolment is that a person who is 17 years old at the time the rolls close but is 18 by election day can vote. That was a reform introduced under the Hawke Labor government, and I think it is one that 17-year olds should avail themselves of as this is a federal election year. After negotiations with the Senior Secondary Assessment Board of South Australia, every year 12 student in 2003 received an enrolment form and reply paid envelope with their results package.

Members interjecting:

The SPEAKER: Order! The Attorney has the call.

The Hon. M.J. ATKINSON: The member for Bragg's interjections never cease to astound me. She now wants to track down and prosecute those who might have given provisional enrolment forms to 16-year old year 12 students. I know that the federal Liberal Party does not like the idea of universal franchise and people having the right to vote. Indeed, as you know, Mr Speaker, the federal Liberal Party is currently in the midst of trying to stop people changing their enrolment after the election is called because they have this neurosis that, upon a federal election being called, tens of thousands of Australians change their enrolment into marginal seats to vote Labor.

Mr MEIER: Mr Speaker, I rise on a point of order. I cannot have been paying sufficient attention because I did not think the question related to the answer being given.

The SPEAKER: Indeed it did not.

The Hon. M.J. ATKINSON: SSABSA also published an electoral advertisement promoting electoral enrolment in the accompanying results booklet, which I am sure the member for Bragg is right in saying went to some 16-year olds. Shock, horror! So far, about 2 100 students have enrolled to vote on the forms provided.

State Electoral Office staff have supported the Constitutional Centenary Foundation's secondary schools program since 1995. The convention is convened annually during September in the House of Assembly chamber. These conventions were devised nationally as part of developing an awareness and understanding of the Australian constitution. The conventions—

Mr Scalzi interjecting:

The Hon. M.J. ATKINSON: The member for Hartley interjects about dual citizenship. I am not sure why. I am surprised that he is not interjecting about same sex unions. The conventions are supported by state and federal members of parliament and political commentators. Staff from the State Electoral Office and the Australian Electoral Commission attend university orientation days to promote student enrolment and to give information about electoral matters. Information packs, maps and brochures are made available to students and teachers attending the Electoral Education Centre, and I have had the pleasure to accompany secondary school students to that centre.

Illustrative state-specific software programs can also be accessed in the interactive area of the centre. The State Electoral Office web site also contains a 'resources for teachers' selection that includes a student workbook and extensive historical data. I will make one concession to the member for Morialta: yes, the Liberal Party supports universal franchise these days; when I was at high school, it did not.

POLICE, FORMER OFFICERS

Mr BROKENSHIRE (Mawson): Is the Premier aware of any cases where experienced ex-police officers with unblemished work records are attempting to re-enter the South Australia Police Force and are not being admitted due to financial constraints within SAPOL?

The Hon. M.D. RANN (Premier): I will get a report from the police minister who, I guess, would then ask the Police Commissioner who, as the honourable member knows as a former junior minister, has responsibility in those areas.

ENVESTRA

The Hon. W.A. MATTHEW (Bright): Will the Minister for Energy explain the justification for his government's today paying $54.6 million of taxpayers' money to gas pipeline company Envestra, and can he explain to South Australians without access to gas why their taxes should be used for this purpose?

The Hon. P.F. CONLON (Minister for Energy): I am more than happy to do so. Let me explain the origin of the costs, because then members will understand the government's position with respect to the origin of the capital costs of introducing competition in gas. Now, why do we have to introduce competition in gas? It is because the previous government committed us to enter competition in electricity. What everyone around the world can tell you (and, apparently everyone did understand except the previous government) is that if you are going to go to competition in electricity it is necessary also to go to competition in gas. What the previous government also did was to put us into a system where competition was supposed to provide—

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Speaker.

The Hon. P.F. Conlon: If you want to know why we have to do it, I will tell you, son.

The SPEAKER: Order! The member for Bright.

The Hon. W.A. MATTHEW: I asked a very specific question of the minister, that is, why South Australian taxpayers are paying $54.6 million to company Envestra, and how does the minister justify that to South Australians paying

this money who do not have access to gas? The minister has not yet attempted to answer the question.

The Hon. P.F. CONLON: I am happy to explain exactly why I believe it is justified. You cannot ask a question and then not want the explanation. I am happy to say why we believe it is justified. As I said, that is the cost of introducing competition in gas. Why do we have to introduce competition in gas? Because the previous government introduced competition in electricity. What happened when they did it—and this is the reason we have to introduce competition in gas—is that they left people in South Australia with their only hope of getting a decent deal in electricity being through competition. But, when they did so, they sold to a single retailer; that is, they said that we will get cheaper deals by competition, but there will be only one retailer. That would be like going to the Olympics and finding out that only Greece is competing.

We had to ensure that South Australians could get some benefit from competition. We had to introduce some retailers and, to do so, we had to introduce competition in gas. We know that, when you introduce competition in gas, certain capital costs are accrued. We took the decision that, after the terrible thumping and drubbing the Liberals gave people on electricity, they should not take a further drubbing with gas. We said that, given that we were forced into it (and, hence, we were forcing South Australians into it), we thought it fair that we should pay those capital costs. We were able to do so through good government and good management. However, with the Liberals' dreadful thumping on electricity, we were not able to subsidise those prices to make them go away. That is impossible, because they cranked up the price of the assets to get bigger returns and lock in higher prices.

We said that—and I will stand by this—if we are forced into competition, and if that is the only way we can move forward and get out of the mess created by the Liberals, we did not believe we should impose all the burden on the taxpayer and that we are happy, as the government, to pick up some of that burden ourselves. I will stand by that, because I think it is wise. It means that, on 28 July, unlike the actions of the Liberals in relation to electricity, gas customers will not get an absolute drubbing and pasting from an ill-advised entry into competition.

The Hon. W.A. MATTHEW: I have a supplementary question. In view of the minister's answer, at the time his government agreed to pay $54.6 million to Investra was he aware that this would simply avoid a cost increase in gas by 50¢ a week to each gas consumer for a period of five years? After the government's announcement of the subsidy being provided to Envestra, Envestra released a public statement which revealed that the subsidy being provided to it by the South Australian government would avoid its having to pass on an annual increase of $26 per household consumer, or 50¢ each week.

The Hon. P.F. CONLON: I do not know where the member for Bright gets his figures; I certainly do not accept them.

The Hon. W.A. Matthew: From Envestra.

The Hon. P.F. CONLON: He gets them from Envestra; that is right. The honourable member believes anything anyone tells him, that is for sure. The modelling done by the microeconomic reform unit of Treasury, for which I have a lot of respect, states that, if we were to pass on over five years the capital costs of full retail competition, it would result in an increase of a further 10 to 12 per cent in gas prices over the normal annual increase.

The member for Bright wants us to do what he did with electricity: he wants us to give them a big whack. He wants a further 12 per cent on whatever the annual increase will be. He can want that all he likes—and the public will understand what they want with electricity—but we are not prepared to do it.

The Hon. DEAN BROWN: I rise on a point of order, sir. Clearly, the minister has stepped entirely outside the bounds of answering the question and should be brought back on an order from the Speaker under standing order 98.

The SPEAKER: It is beginning to sound a little like *The Mikado.*

NATIONAL WATER INITIATIVE

Mr GOLDSWORTHY (Kavel): Will the Premier rule out price increases for household water supplies in consequence of last Friday's agreement? The communique released by the COAG leaders states that the national water initiative will result in 'continued implementation of full cost recovery pricing in both urban and rural sectors'.

The Hon. M.D. RANN (Premier): I will make a suggestion to the honourable member—

Members interjecting:

The Hon. M.D. RANN: Yes; I am answering the question. The Prime Minister of Australia, the Hon. John Howard, is coming to Adelaide next week. I will see whether we can line up a meeting for you so that he can explain it to you.

BARLEY MARKETING

Mr WILLIAMS (MacKillop): Is the Minister for Agriculture, Food and Fisheries aware that proceeding with the new barley marketing legislation before the ABB-Ausbulk merger is completed could cost South Australian barley producers $16 million in lost synergies between the companies? ABB (Australian Barley Board) has had legal advice that the proposed barley marketing legislation will trigger a shareholder vote within ABB that could result in growers losing control of the company and jeopardise the proposed merger between ABB and Ausbulk. The proposed merger between ABB and Ausbulk has been reported in the media as having the potential to provide $16 million worth of benefits to South Australian barley producers.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): That is not the advice that I was given directly by the industry.

BAROSSA VALLEY HEALTH SERVICES

Mr VENNING (Schubert): Will the Minister for Health assure the house that the Barossa area will continue to have health and hospital services and will she categorically rule out Barossa residents being forced to travel to Gawler for medical care? A letter from the minister, dated 9 June states:

> The ageing of the existing hospital buildings in Angaston and Tanunda is acknowledged.

The letter further states:

> Determining the clinical relationship between the Barossa and Gawler districts is a key issue and the country division of the DHS has commenced discussions with the Wakefield Regional Health Service.

During the estimates committee, the minister said that the Barossa area health facilities would not be downgraded in favour of improved facilities at Gawler under the government's Generational Health Review.

The Hon. L. STEVENS (Minister for Health): I thank the member for Schubert for this question. Certainly I can guarantee that the people in the Barossa will have access to health services in the Barossa. I would also like to say that I cannot give a categorical guarantee that people will not have to travel at any time to Gawler or any other area in the vicinity of a health service. The member for Schubert may or may not know that Gawler Hospital has joined the Wakefield region, and the Barossa, of course, is part of the Wakefield region.

In way that we are organising our health services in our country regions and in our metropolitan health regions, hospitals and health units will no longer work on an individual basis. They will work together to provide services and it will be the responsibility of regional boards to spread those services throughout the region in a way that best meets the needs of all the people within those geographical boundaries. That is what will occur in relation to the hospitals in the Barossa and Gawler and all the other hospitals and health units and providers in that region.

GOVERNMENT CONTRACTS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Administrative Services. Will the government respond to industry calls to lift the tendering limit for IT and other communications technologies goods and services contracts from $20 000 to $100 000? The cost to small business when tendering for a government contract can be as much as $10 000, the value of which contract may be as little as $20 000 to $30 000.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Waite through you, sir, for his question. I will take it on notice and bring back an answer from the minister when he is able to do so.

AMBULANCE FEES

Mrs HALL (Morialta): My question is to the Minister for Multicultural Affairs. What specific measures does the government have in place, or will put in place, to ensure that people of non-English speaking backgrounds are made aware of, and understand, their obligations and the costs involved before signing release forms for ambulance transfers between hospitals? A constituent from within the electorate of Morialta contacted me to express his concern after incurring a charge of $433 to be transported from the Wakefield Hospital to the Royal Adelaide Hospital. My constituent is of non-English speaking background and was unaware that he was going to be charged for the transfer.

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): The question is a fair one and I will ask for advice about that. We provide a 24-hour interpreting service through Multicultural SA but I will check on that matter if the member for Morialta cares to share the details of the constituent case with me.

PATAWALONGA

Dr McFETRIDGE (Morphett): My question is to the Minister for the Environment and Conservation. What protocols are currently in place to monitor water levels in the Patawalonga Lake, and can the minister assure residents they will not be at risk of a repeat of last year's flooding incident? Last Friday, 25 June, Glenelg North residents were once again alarmed at very high water levels in the Patawalonga Lake.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his question and I share his residents' concerns about potential flooding events in that area. I can assure him that, during the recent heavy rains, my department paid extra attention to the issue and ensured that there were a whole range of protocols in place. I have not got the details of that with me at the moment but I will certainly make those available to him. As the member would know we are investing extra money into upgrading that facility to try and make sure that it does not occur again, and I will give him some details of that as well.

MALE AGEING STUDY

Dr McFETRIDGE (Morphett): My question is to the Minister for Health. What strategies will the government undertake to reduce the prevalence of disease in men due to obesity and low levels of physical activity as outlined in the Male Ageing Study undertaken by the University of Adelaide and recently launched by the minister?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for the question. I remember the occasion on which I launched the report and the member was present at the Port Adelaide Football Club some weeks ago. The question of obesity as it relates to men's health is a very serious one. The Male Ageing Study revealed some very disturbing results in terms of obesity levels in men in the group that were surveyed. They were very concerning levels indeed. I must say that not only are these levels concerning in men but levels of obesity are of concern right across the population, even to the extent of being a concern in preschoolers in our community. However, the government has a policy in relation to men's health and it will be looking at a whole range of strategies.

The two basic issues with obesity are diet and exercise, which are lifestyle issues, and we will be looking to promote and promulgate a whole range of strategies. My colleague the Minister for Recreation, Sport and Racing heads the government's Physical Activity Council and that council is looking at a whole range of strategies to improve levels of physical activity across communities in South Australia. The Department of Human Services, the Minister for Education and Children's Services and the Minister for Urban Development and Planning are joining the Minister for Recreation, Sport and Racing on that council, and a whole range of strategies will come forward for the community in general.

In terms of nutrition, my department is about to start work on a state obesity task force and that also will look at a whole range of primary health care strategies in relation to diet. In terms of men's health and obesity, perhaps the single most important issue for men and their health is that they realise that they have to take responsibility for themselves and make sure that they tune the engine regularly. This is the difference between women and their approach to their own health and the health of their families and relatives. Women tend to take

responsibility for managing their own health and that of their families. Women are more inclined to be open and talk with each other about issues in relation to their health, but that is not the case, I understand and from my experience, with men.

All members, particularly those of the masculine gender in this place, could take a lead in their approach to their health. I would be very pleased to hear from any member who is interested in being part of encouraging and promoting men's health, in particular, innovative approaches to dealing with health and fitness for a better lifestyle and a longer and more productive life.

RING CYCLE

Mr HAMILTON-SMITH (Waite): My question is to the Minister Assisting the Premier in the Arts. Is it possible that the blow-out for SA Opera's *Ring* Cycle could exceed $4 million if the $7.8 million anticipated non-Arts SA revenue falls short? If that funding falls short, could South Australian taxpayers be required to make up the gap?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I thank the honourable member for the question. As my colleague said, this was a Liberal Party initiative. I am asked whether it is possible that something could happen. I suppose it is possible that a whole range of things might happen, but the best advice we have, from experts we have brought into this project and who have been employed for some time, following the failure by the former government to set up a proper management structure, is that it is a tight budget but it will be managed appropriately. Who can say what unforeseen events might occur that would interfere with that? The advisers believe that all the issues have been brought to book and that they are on course to come in at the new budget level.

Hypothetically, who can say what might happen if something were to go wrong? We believe it is on track, but this program was initiated by the former Liberal Minister for the Arts, Diana Laidlaw. It was done without any proper budgeting procedures or due consideration being given to the issues that would have to be faced. Since we have been in government we have brought it back on track.

SENIORS' FUNDING

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Families and Communities. Will the minister advise the house of changes that he has made to the eligibility criteria for grants for seniors' funding to allow $20 000 to be allocated by the government to write a union history and a further $20 000 to be allocated through the program to a gay and lesbian group, and advise the house how this will assist the wellbeing of aged people in South Australia?

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright!

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

Ms Rankine interjecting:

The SPEAKER: Order, the member for Wright, for the second time!

The Hon. J.W. WEATHERILL (Minister for Families and Communities): It is unfortunate that there is an element of homophobia and an element of red baiting implicit in the question. It is very sad. I will look at the criteria that that have been established. The criteria set down for this first emerged from the federal government and are applied through a state committee that provides advice about the criteria for how these grants ought to be put in place. It is at arm's length from government. I know it causes those opposite to turn puce when anybody who has anything to do with the trade union movement comes anywhere near any public money, especially a gay and lesbian group. Gay and lesbian people actually age as well, unsurprisingly: there may be those opposite who might want to terminate them at a certain age and not allow them to achieve that ripe old age. It is an absurd question and betrays an appalling prejudice on the part of those opposite, and it is no surprise that it emerges from the lips of the member for not-so-Bright.

The SPEAKER: Order! The honourable the minister will not reflect upon the member for Bright in that manner, and I direct him to withdraw and apologise.

The Hon. J.W. WEATHERILL: I withdraw that remark, sir. I refer to the member by his proper name, that is, the member for Bright.

STATUTES AMENDMENT (BUDGET 2004) BILL

The Legislative Council agreed to the bill without any amendment.

GRIEVANCE DEBATE

CHILD ABUSE

Mr BRINDAL (Unley): Former premier Olsen, as every member on this side of the house would know, had a saying, 'Never complain, never explain, never apologise.' In starting this grievance about the statement of the minister, I owe an explanation and apology to *The Advertiser* newspaper. When this debate was at its height, I made some comments about *The Advertiser* that were probably intemperate, because I feel—

The Hon. M.J. Atkinson interjecting:

Mr BRINDAL: I have only five minutes. I feel this issue passionately, as everyone in this chamber knows, and I was most upset at a time when an editorial was written which I do not think reflected fairly what was happening in this chamber. But I know that a couple of the journalists at *The Advertiser* were professionally (and personally, I think) a little upset and, in so far as I caused them some angst, I am sorry.

In the context of where we are today after the Premier's announcement to hold an inquiry, *The Advertiser* and some other media outlets have a degree of thanks due to them. *The Advertiser* was good enough to publish an opinion piece (a letter that I wrote) and follow it up with a number of articles, as have a lot of other media outlets. I think the government's acquiescing to an inquiry today is due in no small measure to yourself, sir; the leader; a number of members of this house; and also the willingness of the media to see finally that it was a problem and take it up.

In his statement today the minister announced an inquiry, and this is a very important step forward for this parliament and for this government. It is a matter that has concerned us and has been the subject of a number of questions asked in this house. I think you will accept, sir, that they are grave questions, and questions that must be answered. I say this

constructively before tomorrow or whenever we debate the terms of reference, because I note from the minister's statements that he is talking about how complaints of sexual abuse of children were dealt with when they were in the care of the state, whether there were cover-ups or mishandlings of allegations or reports of sexual abuse and whether complaints were handled adequately or appropriately by the government.

This house must look very carefully at the terms of reference because we need to establish not only whether those who complained were treated adequately but also whether those in the care of the state who did not complain were, in fact, sexually abused. A lot of sexual abuse maybe was not reported at the time. If we take the program *Today Tonight* as an example, there are people who at the time did not feel they had the power or the influence and did not feel their voice would be heard and therefore did not complain. Sometimes they put up with 10 years of sexual abuse, and now, as adults, they have the courage to complain. These people's stories need to be told.

There is a question on notice which the minister has promised to answer (and which I trust he will): how many wards of the state went missing, and in whose care were they when they went missing? If some children disappeared and maybe ended up dead, they have no voice, but they still deserve justice. As a parliament, we must ensure that the terms of this inquiry cover all aspects of sexual abuse, all people who are either wards of the state or for whom the state is responsible, but it must not be too big; because if we put too much in our mouth at once we will get egg all over our face. However, the bite must be an appropriate size.

I accept (as, I hope, will all South Australians) at this point of time the bona fides of this government in coming forward and doing something, albeit late. The terms of reference for this inquiry will be critical. I believe that the Independent members—who, after all, hold the balance of power—and this opposition will carefully scrutinise these terms of reference word by word, comma by comma, because, if we are going to have an inquiry after all the angst that we have been through to get to this inquiry, we should get it right. Let us not have another Salem witch-hunt; let us give those people who have been dumb a voice, and let us give the people of South Australia who have been blind eyes to see. To quote the member for Mitchell, you cannot move forward unless you first learn from your past mistakes. I do not think that is an original quote, but it is a good one. We need to move forward, but we cannot unless we acknowledge the mistakes of the past, and this inquiry will enable us to do that properly.

FAMILY BONUS

Mrs GERAGHTY (Torrens): I take this opportunity today to condemn the Howard government for its instruction to Centrelink staff not to recover overpayments of the family bonus. A leaked Centrelink email which was reported in both *The Australian* and *The Age* yesterday (29 June) notified all debt recovery teams with customers who have received a second family payment of $600 per child not to recover this money except in the case of fraud. This certainly reflects a government which prefers to adopt a sneaky and cynical approach over one which substantially addresses the day-to-day needs of those in receipt of Centrelink benefits.

The email also states that Centrelink officers would be required to refuse any money that customers who believe they have been overpaid try to return as they are legally entitled to the payment. In my opinion and that of many others, this is simply blatant hypocrisy on the part of the Howard government, which has developed a culture of fear and paranoia amongst Centrelink benefit recipients. It has pursued and harassed those who have incurred a debt as a result of a miscalculation of their income, and now it has the audacity not to pursue the results of its maladministration in what can only be termed as a pre-election sweetener.

After years of relentlessly pursuing these people whom the government has unfairly and unflatteringly termed 'welfare cheats', it is obvious that the Howard government is demonstrably committing real welfare fraud. Indeed, it is the unflinching and unsympathetic pursuit by Centrelink of families that have innocently occurred debt as a result of overpayments over the last three years which shows up the government's current approach as what I think can be fairly termed outrageous. I cannot recall how many visits to my office and telephone calls there have been from people who have been completely traumatised by Centrelink because of the large debts that they suddenly discovered were bearing down on them. Calls made to Centrelink on their behalf generally yielded an answer which could only be summarised as follows: 'Nothing can be done about this: it is the policy.' I have no doubt that those people were placed in that awful position as a result of the Howard government's policy and that they will certainly see this cynical vote buying attempt for what it is really worth.

An elderly woman who visited my office had a debt of some $30 000 simply because Centrelink did not do its job properly. She was from a non-English speaking background and they gave her no assistance at all, even when she showed them documents that would have stopped the payment. She has now been put in an exceptionally difficult financial position. As I said, the refusal to accept money from those who are wishing to repay the overpayment is a slap in the face to people such as the constituent to whom I have just referred and who are honest and genuine recipients of Centrelink benefits.

It is simply unacceptable to have a contradictory approach to the administration of benefits, and it is particularly so when the motive is for a short-term electoral advantage. John Howard's government has a well-established history of giving with one hand—generally leading up to an election—and then taking with the other, and this one is certainly no different. John Howard knows that the least well off in our society are hurting. The government knows that many struggle to make ends meet every week. One would think that this would call for a considered approach based on a sound public policy and a genuine understanding of the needs of people in the community. Instead, what we see is a last minute attempt to soothe a part of the electorate which has borne the brunt of its welfare agenda and it has done so with a callous disregard for the difficulties that people have endured in the process. There is no doubt that this extra money would have been most welcomed by the families who received it. However, the ongoing needs of families should be met in a fair and equitable manner and not just in an election year.

CARRICK HILL

Mr HAMILTON-SMITH (Waite): The Carrick Hill Trust and Carrick Hill estate are at risk. They are at risk because the government is planning to swallow Carrick Hill

into the History Trust. Not only is Carrick Hill at risk but also the very process suggests that the government is going about this in an underhanded way. Although the minister has foreshadowed his intention to introduce legislation in this respect, he gave assurances, indeed made promises, that he would consult with the Friends of Carrick Hill, the stakeholders of Carrick Hill and the community before drafting and introducing legislation. That promise has not been honoured.

The minister acknowledged that promise during budget estimates on 16 June, when he said: 'I promise the board and the friends an opportunity to have a look at it,' and he was referring to the legislation. It was revealed during budget estimates that the minister has proceeded to have legislation drafted, and he has selectively (and I would say secretly) sent that legislation to certain unnamed individuals for comment.

I understand that some of those individuals may be members of the board, but I am advised by persons on the board that the matter has not been the subject of a formal resolution by the board of Carrick Hill and, in fact, some members of the board have not seen copies of the draft legislation. The Friends of Carrick Hill and the Carrick Hill Foundation have also made it very clear that they are also in the dark on the government's plans. Neither body has been given a copy of the legislation, despite the minister suggesting in parliament that he has done so. He was very clever on 16 June when he was exposed as having drafted this legislation and that he had secretly and selectively sent it out for comment when he said, 'I have provided it to the board for its consideration.' Well, I have revealed that some members of the board are yet to see it. But then the minister goes on, 'and I think the friends group has also been given a copy'. The friends assure me and are on the public record as confirming that they have not received a copy.

The minister said on 16 June that he would give me a copy so that I could ensure that there was consultation. Here we are, two weeks later, and I have not been provided with copies of the legislation. I have called the minister's office. I have written to the minister and hand delivered a letter. I have asked him to stand by his word and give me the legislation and, two weeks on, I am yet to receive it. Why is there this secrecy? As members would know, the Carrick Hill Trust was given to the people of South Australia and it was an accepted gift.

The minister is now planning to repeal the Carrick Hill Act—this secret legislation proposes to do that. We are assured that new provisions will be provided in the History Trust Act to protect Carrick Hill, yet we are being denied an opportunity to see the legislation. This is not open and accountable government: it is some sort of secret machination the object of which can only be guessed at. It was in 1986 that the former Labor government suggested the sale of land around Carrick Hill. Indeed, that was looked at by the former Liberal government. The matter was sent to a parliamentary committee and the former Liberal government dismissed the idea.

Labor, as has been reported in *The Advertiser*, has had a long-held agenda to sell land at Carrick Hill. Now we find that secret legislation is being drafted which, despite requests and assurances, has not been provided either to the opposition or to the stakeholders at Carrick Hill, and the intent of which is of great concern. I call on the government to stand by its promises and to advise the Friends of Carrick Hill and the Carrick Hill Trust of its intentions. I call on the government to stand by its word and to give the opposition copies of the legislation. Stop this secrecy; stop this selective consultation; be open and be accountable and tell us what the real agenda is for Carrick Hill, because, as both the shadow minister for the arts and the local member, I will ensure that the government is held to account.

FAMILY BONUS

Mr RAU (Enfield): It is always marvellous to be able to get up and say a few words in these grievances, even though you never quite know, in some cases, what you will say until you get up, and today—

An honourable member interjecting:

Mr RAU: For me, today is one of those days. We have just heard about a conspiracy theory from the member for Waite. It is something like an Oliver Stone film. I will wait for that one to come out. The member for West Torrens was talking about the money that was being paid to constituents by the federal government in lumps of $600. I was talking to the member for Colton and, on behalf of both of us, I would like to make a plea to the Prime Minister that he extend the payment of that $600 to everyone in our respective electorates who has not got it yet so that they, too, can be asked to hand it back.

What a contrast between the way in which the people who have been given this election bribe of $600 have been told, first, 'Do not bother to pay it back' and, secondly, 'Well, you can pay it back if you like' to the way in which the elderly pensioners who have come to see me over the last couple of years have been victimised when there has been a perfectly innocent (on their part, anyway) overpayment, perhaps of a few hundred dollars over the course of several years. They are being persecuted mercilessly by the department of social security, or whatever it calls itself.

And, yet, because this is part of the election strategy and because it is very close to an election, these people who are getting the free kicks of $600 are not being asked to pay it back. I wonder whether, if the member for Colton and I decide that we will have another offspring after 1 July, we might be able to collect $3 000 and not have to pay that back as well, but that is something we will work on later. Perhaps we will adopt one another's children and see what happens there.

However, that is not really why I got up today. I want to talk today about something much more important. Some of the newer members of our community in this state, namely, people who come from religious backgrounds that are not Christian, are faced with a big problem because their communities hold land which may or may not be in the form of a church, a temple or a meeting place but which, more often than not, comes under the provisions of the Associations Incorporations Act. As you might be aware, Mr Speaker, that act is generally designed for things like sporting clubs—tennis clubs, football clubs and so forth.

I am sure that all members here have community groups in their own electorates that are made a corporate entity by virtue of the Associations Incorporation Act provisions. The problem is that some of the newer communities in South Australia have tremendous trouble and legal problems in trying to vest their religious property in the Associations Incorporation Act format, and these problems come from two main sources: the first is that many of these communities are not aware of the provisions of the act. Therefore, they do not comply with the provisions of the act, and often they do not have rules at all or, if they do, they ignore them. This is not because they deliberately wish to flout the law: it is because

they do not understand the provisions of our law in relation to the Associations Incorporation Act.

In many countries from which these people come, temples, mosques or other religious institutions are owned by the whole community, in a sense, and the need to put the title in the name of an individual or a company does not exist, but in this country it has to be owned by somebody. The problem is that the Associations Incorporation Act vehicle is not a very good one. As I said, the first reason, which is not a good one, is that many of the committees of management of these groups are ill-equipped to deal with the purely legal formalities of complying with the act. They are not aware of the rules in their associations, which they have either by implication or by design, and they do not comply with them. This means that those organisations perpetually act illegally, in a sense, through ignorance and not by any design on their part.

The second problem is that, because the Associations Incorporation Act provisions have membership as their base—that is, a certain number of people are members of the association and, therefore, are entitled to vote, become members of the committee of management and so forth—these people must have members who may or may not also be members of the religious community. For instance, a temple may have 100 people who worship there. How many of those are members of the association that owns the temple? How many of them ever filled in an application form? How many of them even know that they have an application form to fill in? How many have current membership? More often than not, you find that none of the formalities has been complied with, and this causes tremendous difficulty.

I know of at least two communities in South Australia that have been driven apart by schisms inside them (I will not mention them, because I do not wish to go into the details in this place), where the provisions of this act have been used to assault other groups, in effect, within that community. We need to do something for these people similar to that which has been done for the established Christian churches, namely, legislation that enables them to vest their property in a perpetual trust so that it can be held away from this sort of trouble. The issue of ownership of these religious properties is then taken out of the field of internal political conflicts and becomes a matter they can all ignore, because it is safely tied up in a trust, and they can get on with their business of worship, religious observance, or community activity. This issue is very important, because more and more of these communities are coming here. They do not understand our law, and it needs to change to accommodate them.

BARLEY MARKETING

Mr WILLIAMS (MacKillop): Today, I will take a few minutes to talk about how we have arrived at a position where the government intends to change the barley marketing regime in South Australia. It is interesting that I follow the member for Enfield, because he has been very vocal on this issue. He would have us believe that the problem we face in South Australia (and we are facing a problem) has been caused in Canberra—but it has been caused much closer to home. The member for Enfield would have us all believe that he has the barley growers at heart when he speaks on this issue, but I think his eyes are much more fixed on the upcoming federal election. That is what he is concerned about, and that is what his colleagues over there are concerned about. It seems that the Independent member for Mount Gambier is fiercely concerned about—

Ms BREUER: I rise on a point of order, Mr Speaker. I would like some clarification on whether the honourable member has a conflict of interest. I think he should declare whether he is a barley grower.

The SPEAKER: There is no point of order. Whether or not the honourable member grows barley, no proposition is at present before the house that would require him to declare an interest of that kind. Whilst the honourable member may sincerely believe that there was a risk that an advocacy for the benefit of the member for MacKillop and anyone else who may be affected by the subject matter might accrue from the remarks, that is not the case in this instance. This is a grievance debate and not about any particular proposition. The honourable member for MacKillop's time will recommence now.

Mr WILLIAMS: Thank you, Mr Speaker. I feel like I am in some sort of game show. For the benefit of the member opposite, let me say that I would love to be a barley grower. I have tried to be a barley grower, but with limited success. I would love to be a barley grower and I have told the house before that I do dabble a little bit, and my son, who manages a property that I have an interest in, does grow a bit of barley. I am not trying to hide from that.

The member for Enfield continues to blame the federal government. He blames the federal government because of the NCC policy, and I just want to bring to his attention why the federal government has come to the conclusion that it has. It is because the South Australian government has put a submission to the NCC about the barley marketing regime here in South Australia. That submission, as the minister said in answer to a question from me yesterday, is basically the Round review. It is just that; it is a review, it is not a full report. It is a review of some earlier work. Let me quote a few passages from the review, as follows:

> The panel was asked in its terms of reference to determine the adequacy of the current debate on the single desk marketing by updating the Centre for International Economics 1997 and the ECONTECH 2000 reports. Due to severe budgetary restrictions, funding for an update on both of these models was unavailable.

The then minister for agriculture, the honourable member in another place, put up a review panel and asked them through the terms of reference to review those two economic reports, but would not fund them to do it. He then used the recommendations from that report to try to make South Australia's case to the NCC. Let me go on and read a little bit more from this report:

> The panel has concluded that the ECONTECH estimates have a high degree of uncertainty attached to them which cannot be quantified in any normal statistical sense. . . A future net public benefit from the continued operation of the single desk, while not certain, is likely to be relatively small. When this is added to the absence of any comparative cost bench marking of ABB and the large number of non-quantifiable benefits, the costs associated with the single desk, the panel believes that the test established by clause 5 of the CPA has not been met in full.

Clause 5 says that there has to be a net public benefit. It goes on to say:

> While the panel has doubts about the extent to which the single desk meets the first part of the test, that is the net public benefit part, it is prepared to accept that a small amount of net public benefit to the overall Australian community currently exists.

Hello! There is a small net public benefit. So in one sense it says we do not know that it meets the net public benefit test; yet in the next sentence it says that it does, albeit in a small way. It goes on:

It has not been presented with any positive proof that these benefits could or could not be achieved under some other form of market environment, or that they can be sustained into the future.

So the Round review gave the minister of the day, the honourable member in another place, a set of recommendations based on that. The minister now uses these recommendations to form the basis of the South Australian submission to the NCC. The recommendations are that we change the legislation, based on what I have just read out.

I contend that this is a nonsense. The problem is that the government of South Australia has not stood behind the barley growers of South Australia, has failed to make a worthwhile submission to the NCC, in fact recommended to the NCC that we change the barley legislation in South Australia.

The Hon. G.M. Gunn: Hear, hear!

The ACTING SPEAKER (Mr Rau): I note the interjection of the member for Stuart. The member for Giles.

BIG BROTHER

Ms BREUER: Today I want to talk about a program that is on television each night of the week, I think, called 'Big Brother'. It is a very interesting program to watch. I must admit that I am not a fan it; however, my daughter is and at times I am made to watch it, whether I want to or not. It is quite interesting. You sit there for an hour and you watch them talk and all sorts of things happen. For anyone who is an insomniac, you can watch them late at night when they go to bed, and you can watch them doze off and chat amongst themselves at night. It is a bit like watching paint dry but I can recommend it for insomniacs, because it does send you to sleep.

Big Brother is very popular and is watched by hundreds of thousands of young people throughout Australia who send in SMS messages to evict a person each week. Recently I got an SMS message from my daughter—she was in Adelaide and I was in Whyalla—saying, 'Mum, quick, turn on *Big Brother*.' I did, and I was amazed to see a young man who had been evicted that night making a protest about refugees in Australia, and this was seen by all the young people throughout Australia. I would like to congratulate that young man on having the guts to do what he did because it was a very brave move. It certainly got a lot of young people and other Australians talking about this issue. The young man is Merlin Luck. He is only 24 years old and he had been in the household for some weeks. For those people who do not watch *Big Brother*, let me explain that they stay there for a while and eventually they get voted out and the last person remaining wins a million dollars. So, it is quite a popular competition to be involved in.

When they are evicted, they are expected to go up on stage with the woman who runs the program, Gretel Killeen, and talk to her about how they felt in the house, and then they are presented with a new car and off they go. On the night this young man was evicted, he chose to put masking tape over his mouth and he came out holding a sign which said 'Free the Refugees'. He sat down and did not say another word, to the consternation of all those involved in the program. It was a silent protest but it was very powerful. Gretel Killeen did not know what to do; she is usually, apparently, quite unflappable. She went to pieces a little bit, and she certainly let people know that she was not happy. She said, 'Personally I found his stance aggressive,' and made a snide remark suggesting that he should give his prize car, a Mitsubishi Lancer, to charity, which he did at a later date.

I thought it was a very powerful message to get across and, of course, it got talkback radio really going. Calls came in from everywhere saying what a ridiculous protest it was. Merlin was accused of staging a publicity stunt, but I think it was a very brave move. He said that he did it to coincide with World Refugee Day, and he said that it was to get the message across—particularly to young people, who are not really aware of what is going on in the detention centres. He said, 'Unlike me, refugees in detention centres are locked up in a "Big Brother" that they may never be evicted from.'

I was interested to read a letter in *The Advertiser* today from a person in Whyalla who had recently visited Baxter Detention Centre. It is very close to Whyalla and a lot of our residents visit there each week. He said that the most outstanding thing about the centre is that the residents do not get to see the outside world. They can only see the sky but they cannot see their surroundings, and he felt quite claustrophobic after an hour or so, so how must they feel when they are there for months and years? I think that this is the message that Merlin was trying to get through too, and I think that he did an excellent job. Then he gave up his car, which was worth a considerable amount of money to him. So, it was not just a publicity stunt, it was a genuine effort to get that message out to his young fellow Australians, and to Australians all over the world, about how important this issue is. We must do something about those detention centres. We must let those people out.

Today, there was a wonderful picture on the front page of *The Advertiser* with the Bakhtiyari children who are now reunited with their mother because they have decided to give up the fight to stay in Australia. That is a very sad comment on our society. I am pleased that the minister, Amanda Vanstone, has given them a go, and allowed them to stay with their mother, and I urge the minister to do something to give these people the opportunity to stay in Australia. How they could ever harm Australia I do not know. We have got the message across to the rest of the world that we do not welcome refugees here. Give these people a go and let them stay. They will make wonderful Australians.

CONSTITUTION (OATH OF ALLEGIANCE) AMENDMENT BILL

In committee.

(Continued from 26 May. Page 2234.)

Clause 4.

Ms CHAPMAN: I move:

Page 2, after line 10—
Insert:
(a1) Section 42(1)—delete 'the following oath' and substitute: one of the following oaths (at the option of the member)

The effect of my amendment is to provide an option in relation to an oath available, first, to make provision for an extended oath, that is, a commitment to bear faithful and true allegiance to the crown, together with the extension in addition to 'well and truly serve the people of South Australia, to faithfully', and so on.

The second alternative effectively is to retain what is currently available, namely, to swear true allegiance to the Crown. I understand, having spoken to parliamentary counsel, that it was to redraft it in the correct form. I am happy to speak to it on the basis that it is on its way, but it appears that we have not yet received it.

Essentially, the member for Mitchell has presented a bill to change the oath of allegiance and replace it. The government has moved an amendment to the original bill so that you can do either; that is, you can have a commitment to the Queen or you can provide a commitment to faithfully serve the people of South Australia, and so on. Our amendment is intended effectively to allow the retention of the current oath of allegiance to the Crown and additionally to give the expanded version, that is, the Crown in addition, the sentiment of which the member for Mitchell is proposing.

In providing an alternative oath, the government option, it is a constitutional nonsense. All members should make the same formal commitment of allegiance, and that is consistent in the proposal we present. Moreover, whilst Australia remains a constitutional monarchy we should continue to acknowledge the role of the monarch as representing the state of the people and the symbolic apex of our system. However, it would be possible to extend the existing oath of allegiance, as I have indicated, by adding the additional words, which is similar to what Queensland has done. Its oath states:

I,—

and the name of the member—

do solemnly promise and swear—

or, for affirmation, 'do sincerely promise and affirm'—

that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II as lawful sovereign of Australia and to her heirs and successors, according to law; and I will well and truly serve the people of Queensland and faithfully perform the duties and responsibilities of a member of the Legislative Assembly to the best of my ability and according to law. So help me God.

So they have a complete combination.

One of the anomalies of our parliament is that MPs do not make any public commitment to serve the people of South Australia: they only take an oath of allegiance. In this respect, MPs are different to others. I refer to ministers who, on their appointment, also take an oath of fidelity, and I will not repeat it because it is clear in the legislation. All judges are required to take a judicial oath in the following form:

I will do right to all manner of people after the laws and usages of this state without fear or favour, affection or ill will.

Official office holders also swear an official oath. Upon admission to the bar, all legal practitioners are required to take a similar oath in relation to their duties. Many private organisations, schools and associations require new members to make a formal acknowledgment of a commitment to the ideals or objects of the group. So, this really supports the member for Mitchell's position. Under the commonwealth Citizenship Act a new Australian citizen is required to make an oath in the following terms:

From this day forward, under God, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.

In the light of all this, it seems anomalous that MPs are not required to make some additional comment. That is supported in the sentiment which the member for Mitchell is presenting. We acknowledge the merit of what the member for Mitchell is putting (that is, that there be an extension of obligation but that we should retain the option for members simply to provide their oath of allegiance as is currently required under the constitution), and submit this amendment for consideration, and I urge the committee to support it.

The CHAIRMAN: I will clarify it because it is a bit like a Chinese restaurant in that there are many combinations. As I understand it, the member for Mitchell's proposal is to commit to the people of South Australia only, the government's proposal is to commit to the Queen or South Australia, and the opposition's proposal is to commit to the Queen and South Australia.

Ms CHAPMAN: The Queen and South Australia, or just the Queen. So, under our proposal, there will be the expanded oath as follows:

I, [blank], swear that I will be faithful and bear true allegiance to [insert title of the Sovereign, His/Her] Heirs and Successors, according to law; and that I will well and truly serve the people of South Australia and faithfully perform the duties and responsibilities of a member of the South Australian Parliament to the best of my ability and according to law. So help me God.

In the alternative, which is consistent with the current constitutional obligation, the oath will read:

I, [blank], swear that I will be faithful and bear true allegiance to [insert title of the Sovereign, His/Her] Heirs and Successors, according to law. So help me God.

I hope I have made that clear by reading it into *Hansard*. I am reading from the amendment which was prepared by parliamentary counsel and which is now being distributed.

The Hon. J.D. LOMAX-SMITH: I seek clarification because I am confused. The draft of the member for Bragg's amendment has a floating bracket. It has one half of a set of brackets, not two halves, and there is an inconsistency in that it allows an oath of allegiance but says 'So help me God'.

Ms CHAPMAN: I am happy to answer that. As members will know, under the Constitution Act 1934 we do not actually need to identify whether or not we wish to make an affirmation, and section 42(3) of the Oaths Act states:

Nothing in this section shall be deemed to affect the operation of the Oaths Act 1936, as amended, which entitles any person to make an affirmation in lieu of taking any oath required by this act.

That option is available in any event throughout the document and under the Oaths Act.

The CHAIRMAN: To clarify the situation, we are dealing with amendment No. 1 on 54(2) moved by the minister to clause 4 which is to 'delete the following oath and substitute one of the following oaths at the option of the member'.

Mr HANNA: I am happy to make a contribution to clarify the situation. Essentially, I am putting forward a proposal that members say that they will serve the people of South Australia. The government's view represented by the minister's amendments is that there should be a choice for incoming members to either bear allegiance to the Queen or say that they will serve the people of South Australia. The opposition's amendments suggest a combination of the two which would be compulsory for all members. Even though there appears to have been an administrative error, we are clear that there is a government view, my view and an opposition view. As all members of the major parties have made up their mind, I think we can proceed.

The CHAIRMAN: To make this quite clear, the member for Mitchell's position is to have an oath relevant to South Australia, not the Queen. The government's position is to have an oath to the Queen or South Australia. The opposition's position is to have an oath to the Queen and South Australia, or just the Queen.

Ms CHAPMAN: I also have another government option as presented by the Attorney-General to which he started to speak. So, there is a fourth option, which is a second government option. I ask the Attorney whether he is proceeding with that.

Mr SNELLING: I have a question for the member for Bragg about her amendment. Why is she offering an option for a new member to make an oath of allegiance to the Queen or an oath of allegiance to the Queen and the people of South Australia? I understand why some members for whatever reason would not want to make an oath to the Queen, but I cannot understand why any members would object to making an oath that includes the people of South Australia. I am interested to know why the member for Bragg is offering the choice in her amendment.

Ms CHAPMAN: Perhaps the honourable member did not hear my reasons. First, whatever commitment a new member makes, it should include the Queen while she remains the sovereign and Queen of Australia, and we say that is required. Secondly, we say that the member for Mitchell's proposal to make an additional commitment to the people of South Australia has merit and ought to be considered. Therefore, we provide that extended commitment by a new member which would cover that position, but we also retain the right to simply make that to the Queen, if the member elected to do so.

I cannot imagine for one moment why a new member would not make a commitment to the people of South Australia. I certainly would if I had my time again, but maybe that is something that they are not prepared to do. What we want to ensure is that the sovereignty remains, and should a new member be persuaded by the member for Mitchell's argument, which has some merit, then they have that option.

The Hon. M.J. ATKINSON: Allegiance is the tie of loyalty and obedience that binds each citizen of this country to the Queen of Australia and the Crown as an institution representing and protecting the rule of law and all the institutions of government under which our democracy flourishes, as it unites each individual in society to the system that governs and protects all. Allegiance is the formal expression of what unites us all as fellow citizens within society. It has a counterpart in the duty of the sovereign to protect us by maintaining the rule of law, a duty that finds formal expression in the coronation oath taken by Her Majesty.

These reciprocal obligations compose the compact that constitutes us as an organised civil state and forms the foundation of our society. It has been traditionally thought appropriate to require individuals, on certain occasions, such as entry into parliament, to reaffirm their commitment to the system by taking an oath of allegiance, but the duty of fidelity that the oath embodies is not the special burden of office-bearers: it is a duty that all Australian citizens owe in common from the cradle to the grave.

We owe fidelity to the system because it is a good system. We offer our oath to the Crown because the Crown embodies the system. We do not owe fidelity to our fellow citizens or to the people as an abstract mass because it is not they who ensure our freedom and protect our rights: it is the system. One of the great tragedies of the French Revolution was the misapplication of democracy through the naive belief that the will of the people sufficed for the protection of freedom and that the vote of an assembly was superior to the rule of law. The proposed new oath—

Mr Hamilton-Smith interjecting:

The CHAIRMAN: Order! The Attorney has the call.

Mr Scalzi interjecting:

The CHAIRMAN: The member for Hartley does not have the call.

The Hon. M.J. ATKINSON: If the member for Waite had had the privilege I had to be educated extensively in the history of the French Revolution, he would know that it was a proposition of the French revolutionaries, particularly the sans culottes of Paris, that the vote of an assembly was superior to the rule of law. Does the member for Waite still quibble with my proposition?

The CHAIRMAN: Order! The member for Waite is not on trial. The Attorney has the call.

The Hon. M.J. ATKINSON: Well, he should be, sir.

The CHAIRMAN: The Attorney should return to the substance.

The Hon. M.J. ATKINSON: He should be if we had a committee of public safety!

Mr Hanna interjecting:

The CHAIRMAN: Order! Do not encourage the Attorney; he does not need any encouragement.

The Hon. M.J. ATKINSON: The proposed new oath bears the stamp of this naive and mischievous conception of democracy and, at the same time, impairs our ability to appreciate the true basis of our Constitution at its most elemental level. What is worse is that, since there is not a counterpart to the proposed new oath, since the people en masse do not swear to protect the individual citizen by maintaining the rule of law and, indeed, are legally incapable of doing so, there is no sense of that reciprocity that is the whole point of the oath. As a result, the new oath is devoid of effective content—a motherhood gesture and a meaningless sentiment sounded in a void. The fad of substituting glib and modish alternatives for constitutional practices that, however ritualistic, have the merit of coherent meaning and the charm of long tradition is, in my view, incompatible with the dignity of parliament and the seriousness of our responsibility.

In a referendum in 1999, the people of this state expressed themselves to be overwhelmingly against such a constitutional innovation. It is a verdict that this government at least I hope intends to respect. For as long as we have a system of constitutional monarchy, the existing oath is the most appropriate one. However, I can understand that some members might think themselves to be in an invidious position when they have been elected to parliament but cannot take their place in parliament until they have sworn an oath to which they have a conscientious objection.

This was a tremendous problem in Ireland at the time of my father's birth. Irishmen were killing one another in large numbers over the oath of allegiance, and then, within a few years, of course, De Valera and his minions managed to take the oath to get their salaries for sitting in the Dail and subsequently formed a government.

The Hon. G.M. Gunn interjecting:

The Hon. M.J. ATKINSON: Is the member for Stuart endorsing the Black and Tans?

The Hon. G.M. Gunn: No, certainly not.

The Hon. M.J. ATKINSON: Not. Good. I am pleased to hear that he is not an Auxie.

Mr HANNA: I rise on a point of order, Mr Chairman. I understood that contributions to clauses in committee were limited to five minutes.

The Hon. M.J. Atkinson: No, 15 minutes.

Mr HANNA: Fifteen minutes. I will have to remember that for the next government bill.

The Hon. M.J. ATKINSON: I support the amendment moved by the member for Adelaide to allow members a choice of swearing the traditional existing oath to be faithful and bear true allegiance to the Queen, her heirs and successors according to the law or to swear the alternative oath as proposed by the member for Mitchell. I urge all members to support the amendment.

The CHAIRMAN: This amendment is really the mechanism to allow for any change to the oath, which is consistent across the amendments.

Amendment carried.

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

Page 2, line 11—
Delete 'delete the oath appearing in quotation marks and substitute' and substitute: after the oath appearing in quotation marks (now to be designated as paragraph (a)) insert

Amendment carried.

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

Page 2, line 12—
Before 'I,' insert:
(b)

Amendment carried.

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

Page 2, line 15—
Delete subclause (2) and substitute:
(2) Section 42(2)—delete 'herein' and substitute: in subsection (1)(a)

Amendment carried.

The CHAIRMAN: I take it that by supporting those amendments the other amendments will not be proceeded with. They become redundant.

Ms Chapman interjecting:

The CHAIRMAN: Only if they do not duplicate or cover this. The government amendment is 'the Queen or South Australia' and the member for Bragg's amendment is 'the Queen and South Australia' or just 'the Queen'.

Ms CHAPMAN: That is correct.

Mr HANNA: I would suggest that the member for Bragg's amendments are in direct opposition to the minister's amendments. You cannot have both.

The CHAIRMAN: I think that to say 'the Queen or South Australia' is in conflict with 'the Queen and South Australia' or just 'the Queen'. I think that they are contradictory.

Mr HANNA: I would make just one brief contribution at the conclusion of dealing with this clause. The fact is that we will not be dealing with the third reading today, although we hope to conclude the committee stage of this bill very shortly. I make this contribution so that the Labor Party members in the house, particularly, can take this into account when they come to vote on the third reading on a later day. It has come to my attention that, since I brought this proposal into the house, the New South Wales parliament, the Labor government, has moved a Constitution Amendment (Pledge of Loyalty) Bill.

That bill proposes a new pledge of loyalty for New South Wales members of parliament as they take their seats in the parliament. In particular, the pledge is of loyalty to Australia and to the people of New South Wales, and the amendment to the New South Wales constitution states:

A member is not required, despite any other act or law, to swear allegiance to Her Majesty Queen Elizabeth II or her heirs and successors before sitting or voting in the Legislative Council or the Legislative Assembly.

Although the same intention can be met with the government's amendment, obviously, the proposal I originally brought into the place is a more pure reflection of that which is being enacted in New South Wales. Nonetheless, I thank the Minister for Education and Children's Services for her dedication to reform in this area, and I am glad that a suitable compromise position has been arrived at.

Clause as amended passed.

Title passed.

Bill reported with amendments.

Mr HANNA (Mitchell): I move:

That the third reading be taken into account as an order of the day for Wednesday 21 July.

Motion carried.

LAND AGENTS (INDEMNITY FUND-GROWDEN DEFAULT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2411.)

The Hon. I.F. EVANS (Davenport): In closing the second reading debate, I place on record the events of the last couple of weeks. Since this matter was last debated, the Attorney, to his credit, called a meeting of Independent and minor party members in the lower house and me. We all attended, and a compromise was reached. It is important that the house know that some effort was made by all Independent members, particularly the National Party member (the member for Chaffey), the members for Fisher, Mount Gambier and Mitchell and the Speaker. I understand that the Attorney will table amendments to clarify some matters in the bill, and the opposition will accept those.

I want to thank all members involved in that meeting for the spirit in which they approached this matter. I take this opportunity to place on record my thanks to Judy Hughes, the Deputy Commissioner, for her work in relation to this matter, and I know it has been a complicated one for that office. I also thank her officers for their work on this issue. I thank members for their contributions to the second reading debate.

Bill read a second time.

The Hon. I.F. EVANS (Davenport): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without reference to a select committee.

Motion carried.

In committee.

The CHAIRMAN: There are amendments standing on file in my name, and I indicate that I withdraw those because I am agreeable to the new arrangements.

Clause 1 passed.

New clause 1A.

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

Page 2, after line 4—Insert:
1A—Commencement
This Act will come into operation on 1 September 2004.

This amendment fixes a commencement date for the legislation. It will allow sufficient time for the Commissioner for Consumer Affairs to prepare advertisements for national and local newspapers; to make administrative arrangements to prepare for the influx of claims that will follow; and to ensure

that the public is aware that the three-month claim period is about to commence.

New clause inserted.

Clause 2 passed.

Clause 3.

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

Page 2, lines 14 to 19, page 3, lines 1 to 3—
Delete paragraphs (a) and (b) and substitute:
(a) one part, Part A, is to consist of the balance of the indemnity fund at any particular time, less the amount of standing to the credit of Part B at that time;
(b) one part, Part B, is to consist of $13.5 million, as credited to this part of the fund on the commencement of this section, then less any amounts paid from time to time in accordance with the scheme set out in Schedule 2A.

The Agents Indemnity Fund now has about $30 million standing to its credit. That is raised from land agents and from land brokers. The amendment retains the notional separation of the fund into two parts. However, Part B, from which most of the payments will be made, will have a maximum of $13.5 million in it.

This amendment ensures that the balance of the fund, Part A, which is not quarantined for Growden's payments, is not limited to $15 million whilst Growden's payments are outstanding. It therefore protects the fund from being excessively depleted by Growden's claims, leaving most of the fund for the payment of other claims, namely, traditional, what is understood by the law to be fiduciary default, and meeting the other functions of that fund under the Land Agents Act.

The Hon. I.F. EVANS: We support the amendment.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

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

Page 3, line 31—
After 'qualifying date' insert:
and less than any other amount that the eligible claimant has received or may reasonably be expected to recover (apart from this Schedule) in reduction of the eligible claimant's pecuniary loss

This amendment is necessary to ensure that claimants only receive by way of compensation an amount that does not exceed the original capital investment. Most of these mortgages contained hefty penalty clauses requiring up to 22 per cent interest to be paid for any payments that were not paid promptly under the mortgage. By the time the property is sold, these interest entitlements amounted to many thousands of dollars.

Investors are also entitled under the Land Agents Act 1994 to interest at a rate of 5 per cent on any compensation that is ultimately paid after the commissioner has had the claim for one year. It is not intended that investors should be able to recover these types of interest as part of their compensation payments.

Some investors also received money from the sale of the property and from a class action that Growden's investors ran in the District Court against Growden's insurers. These amounts will be deducted from any payment to be made under the bill. This amendment is to ensure as far as possible that as many investors receive back as much as possible of their original capital investment but that investors do not receive a windfall at the fund's expense by double dipping or receiving interest payments at rates that do not reflect today's rates.

The Hon. I.F. EVANS: I appreciate the Attorney's efforts to provide to the house an explanation of this clause that he provided to the members who were involved in the meeting. I mentioned in my second reading contribution last night a letter that sought to explain this amendment and indeed the next amendment, which is to some extent dependent on this amendment.

As the Attorney knows, and as the members of the house know, I have been receiving some legal advice from Lynch Myer, one of the companies that have been involved with some of the claimants. I have been speaking to Steve Palyga, who has given excellent advice, providing me with advice at no cost in this matter to try to assist the claimants. It is unclear to me, as I speak at the moment, what is the exact effect of the amendment. I think it may be that the claimants after 1 June 1995, under this amendment, will be treated slightly differently to some claimants prior to June 1995. I am aware of that.

I thank the officers for their briefing over the phone this afternoon. I am going to accept the amendment, and indeed the next one, and I will look at it between houses. It may well be that the nature of the effect is not major on those claimants. Given the huge amount of work done over a number of years to get the bill to this point, I do not intend to put it at risk today over that issue. I will accept the amendment today but will take some more advice between houses; I just flag that issue.

Amendment carried.

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

Page 4, line 2—
Delete 'investment a capital' and substitute:
loss an

This amendment supports amendment No. 3. It, too, is required to ensure that only capital losses are recovered.

Amendment carried.

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

Page 4, lines 11 and 12—
Delete the definition of *prescribed period* and substitute:
prescribed period means the period commencing on the day on which this Schedule comes into operation and ending on 21 December 2004;

The prescribed period of three months in the bill is maintained. The amendment reflects the insertion of a starting date of 1 September 2004. The commissioner must advertise for claimants during a three week period after the commencement of the act, and investors will then have three months in which to lodge claims. The claim period will end on 21 December 2004.

Amendment carried.

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

Page 4, after line 26—
Insert:
, but does not include any investment or reinvestment of money that constitutes trust money to which clause 2 of Schedule 2 of the *Conveyancers Act 1994* applies (by virtue of the operation of clause 2(3) of that Schedule).

The amendment is required to deal with an overlap in the bill. Under the Land Agents Act investors are eligible to claim if they invested money with Growdens before 1 June 1995 or if their money was a first rollover investment of money after that date. The bill treats all persons who invested after 1 June 1995 as new investors, ignoring the class of investor in the first rollover category. This would make them eligible under both sets of provisions whilst other provisions in the bill clearly state that they can be compensated only once. The

amendment ensures that first rollover investors continue to be treated as if they were investors under the existing provisions. This is the most generous way of dealing with these investors, as it allows them to be compensated from Part A of the fund and their claims will not be subject to the $13.5 million dollar cap. It puts them on a par with first rollover investors who have already been paid compensation.

Amendment carried.

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

Page 5, after line 11—
Insert:
(3) To avoid doubt, an eligible claimant is not prevented from making a claim under this Schedule by virtue only of the fact that he or she has made a claim under clause 2 of Schedule 2 of the *Conveyancers Act 1994* (but recognising that a claim that gives rise to an entitlement under that clause cannot be the subject of a successful claim under this Schedule.

The amendment makes it clear that investors who have already submitted claims and had them determined by the Commissioner for Consumer Affairs will be entitled to submit new claims. This is necessary to avoid unfairness to those whose claims have been rejected or partially rejected but who would now be eligible under the new criteria. The intention is to ensure so far as possible that investors are treated equally. However, investors who have already recovered all of their compensation will not be able to be paid twice.

Amendment carried.

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

Page 6, line 17—
Leave out 'the State' and substitute:
Australia

The Commissioner for Consumer Affairs advises that some investors reside interstate or have since moved interstate. The government will advertise nationally to ensure that all claimants are notified of the new compensation scheme.

Amendment carried.

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

Page 6, lines 15 to 29—
Delete subsection (2) and substitute:
(2) Unless the Fund is sufficient to pay all eligible capital losses of all persons whose claims have been accepted, the Commissioner must establish a scheme for the payment of compensation under which payments are made according to the relative amount of each entitlement.

If the total value of claims for investors who invested after 1 June 1995 exceeds $13.5 million, each claim will be reduced pro rata such that each investor receives the same percentage of the value of their claim. It is not possible until the advertising has occurred and all the claims have been received to determine whether $13.5 million will be enough to pay 100 per cent of each claim for a post 1 June 1995 investment. This is because no-one knows how many of those investments went bad and, if so, how bad they went. Some have estimated that the worse case scenario is $25 million in losses for this period, which would mean that claimants will receive about half of their money back. It is unlikely to be so bad, but an exact figure will be known only once the claims are in. The sum of $13.5 million represents a reasonable compromise between the need to preserve the Agents Indemnity Fund and to compensate Growden's investors.

Amendment carried.

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

Page 6, line 34—
After 'the payment is made' insert:
(and any amount recovered under this right of subrogation must be credited to the Fund)

This amendment makes it clear that if the commissioner is able to recover through his rights of subrogation any amounts that he has paid to Growden's investors those amounts will be repaid into the fund. Although G.C. Growden Pty Ltd is in liquidation, it is possible that some amounts may be able to be recovered from the borrowers.

Amendment carried; clause as amended passed.

Clause 7.

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

Page 7, lines 37 to 40—Delete all words in these lines and substitute:
Schedule 2, after clause 2—insert:
3—Special provisions relating to Growden Investments
(1) A failure on the part of Growden Investments to disclose material facts with respect to the investment of trust money to which clause 2 applies will be taken to be a fiduciary default for the purposes of Part 4.
(2) Subclause (1) applies with respect to any such failure on the part of Growden Investments (and accordingly the Commissioner must, to the extent that a relevant claim based on a failure on the part of Growden Investments to disclose material facts has been rejected, on application by the claimant, reassess the claim).
(3) Despite clause 2(4) no interest is payable under section 39(2) with respect to an entitlement to compensation arising from fiduciary default on the part of Growden Investments.
(4) In this clause—
Growden Investments means G.C. Growden Pty. Ltd. and includes any associate of G.C. Growden Pty. Ltd.(as in existence at any time).
(5) For the purposes of this clause, a person is an associate of G.C. Growden Pty. Ltd. if the person would be an associate of that person under clause 2 (assuming (if necessary for the purposes of this provision) the continued existence of that person and that company).

A new clause is inserted to tie the provisions of the bill more closely with the Conveyancers Act 1994. New subclause (1) restates the equivalent provision in the member for Davenport's bill in a new format. New subclause (2) confirms that the commissioner must reconsider claims that were rejected under the old provisions and pay them if they are eligible under the new provisions. New subclause (3) removes for claimants under the new provisions an entitlement to the statutory interest of 5 per cent that is payable under the act for claims that have been outstanding for more than one year.

Some claims have been outstanding for more than a year, although none has been outstanding for more than two years, because of delays brought about by the uncertainty of the court decisions last year and the preparation of the bill. The commissioner understandably held on to these claims while these matters were sorted out to avoid, where possible, having to decide claims twice. These claimants will not be paid statutory interest on their claims because of delays that were not the fault of the commissioner.

New subclause (4) imports the definition of Growden's investments into the Conveyancers Act 1994 in the same manner that the member for Davenport's bill inserts it into the Land Agents Act 1994. New subclause (5) reproduces the definition of mortgage financier and associate that the bill inserts into the Land Agents Act 1994 and into the Conveyancers Act 1994.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

The Hon. I.F. EVANS (Davenport): I move:

That this bill be now read a third time.

In so doing I thank the members for Chaffey and Mitchell for their support in this matter.

Ms Breuer interjecting:

The Hon. I.F. EVANS: I will come to the government in a minute. They offered a lot of support behind the scenes, particularly with time tabling in the chamber, and I sincerely appreciate their efforts in that regard. I also thank the members for Mount Gambier, Hammond and Fisher for their support in this matter. It was a negotiated settlement, but certainly if the bill goes through the other place in its current format it is better than getting no result, which is what the people would face for 10 years. I also thank Steve Palyga from Lynch Meyer for his untiring efforts and access to him by me and the claimants at all hours of the day and night in an effort to try to resolve this matter. His efforts are greatly appreciated.

Also I take the opportunity to thank my party room for their indulgence in this matter, as I think they got sick to death of my talking about it over the years. I thank my party colleagues for their support. I previously thanked the office of Judy Hughes, the Deputy Commissioner, but forgot to mention her boss, Mark Bodycoat, who was subjected to a lot of questioning from the Economic and Finance Committee on this matter. I thank him for his efforts and again reinforce my thanks to Judy Hughes for her efforts.

Although the Attorney was totally opposed to this bill, I am courteous enough to thank him for working with the opposition once he realised that the numbers were totally against him. He then made his officers available and called a meeting: other ministers might not have gone down that path, but at least when the Attorney new the numbers were against him he facilitated a meeting and moved amendments to make the bill more tidy for the house to consider. I also thank Terry Cameron, a member of another place, who has worked tirelessly on this bill and who will be handling it in another place. I thank the house for its support.

The Hon. M.J. ATKINSON (Attorney-General): Many Growden's claimants will now get compensation after nearly a decade of pleading unsuccessfully with Liberal and Labor governments for change. Although I spoke strongly in parliament earlier this year against artificially deeming more Growden's mortgage losses to be fiduciary default, pressure from Independent MPs, particularly the member for Chaffey, and as a result of pressure from some Liberal MPs, particularly the members for Davenport and Unley, as well as pressure from my Labor colleagues too numerous to mention, who badgered me mercilessly for these changes over two years, these changes were made.

Mrs Geraghty interjecting:

The Hon. M.J. ATKINSON: I would be happy to mention the members for Norwood, Torrens, Wright, Elizabeth, Ashford, Kaurna, Enfield, Colton, West Torrens and Cheltenham, in particular, for their lobbying of me on this matter. I am pleased to cooperate with the opposition and the Independents to get this measure through parliament after 10 long years of denial, most of it by the Hon. K.T. Griffin of blessed memory.

Bill read a third time and passed.

STANDING ORDERS SUSPENSION

Mr VENNING (Schubert): I move:

That standing and sessional orders be so far suspended as to enable Order of the Day: Private Members Business Bills/Committees/Regulations No. 2 to be taken into consideration forthwith.

The DEPUTY SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

The house divided on the motion:

AYES (19)

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

NOES (23)

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

PAIR(S)

Majority of 4 for the noes.

Motion thus negatived.

PARENTAL RESPONSIBILITY BILL

The Hon. G.M. GUNN (Stuart) obtained leave and introduced a bill for an act to impose criminal liability on parents for offences committed by their children; to give the police power to remove children from public places; to make related amendments to the Young Offenders Act 1993; and for other purposes. Read a first time.

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

That this bill be now read a second time.

I would briefly like to inform the house of my reasons for introducing this bill. I have introduced this bill to the parliament on previous occasions. This particular proposal is designed to give the police power to remove children who are at risk, who are in public places late at night and who are not under parental supervision and take them to their homes. If the parents are unwilling or unable to control them, or keep them at home, then the police will have the power to ensure that they are placed in safe surroundings.

This matter has not been brought before this house lately, but, Mr Speaker, as you would know, unfortunately throughout South Australia there are small groups of children who have inadequate parental supervision and who are at risk of

getting into trouble and ending up in the correctional services institutions of this state, which is an expensive course of action, and they will commence a life of crime. If we can prevent that taking place, it is in the long-term public interest and in the interest of these young people. This bill ought to be supported and put into effect as soon as possible.

If one looks at the provisions of various laws which have been passed in the United Kingdom, one will see that this is a rather modest measure compared to other provisions which they have operating. There is a provision which deals with parents who, if unwilling to manage their children, will commit an offence. That is the least desirable aspect of the legislation and it is a last resort.

Unfortunately, in my constituency and other constituencies we have groups of young children in the streets at 2, 3 and 4 o'clock in the morning, and their very presence is not only disturbing to the neighbourhood but, in many cases, the activities in which they are engaged are criminal and therefore the public needs to be protected.

All members are aware that this measure has been before this parliament previously. It has had a considerable amount of public debate and discussion. There is no need for me to say any more but commend it to the house. I look forward to the support of this house and the other place so that we can put it into effect as soon as possible and, as a result, take positive action to give the police suitable powers to intervene before people get into trouble, and thus, keep them out of prison, save the taxpayers money, protect the long-suffering law-abiding citizens and ensure that people who are lawfully living in their neighbourhoods are protected. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

ROAD TRAFFIC (HIGHWAY SPEED LIMIT) AMENDMENT BILL

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

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

That this bill be now read a second time.

This bill sets out to create a number of roads in South Australia on which the speed limit is increased to 130 km/h, and those particular roads are: the Stuart Highway between Port Augusta and the Northern Territory border; the Eyre Highway between Port Augusta and Western Australia; road No. 3400; the Barrier Highway between Hallett and the New South Wales border; and the Hawker to Lyndhurst road between the towns of Hawker and Lyndhurst.

This measure has been before the parliament on a number of occasions. Most of the roads which I have mentioned have been constructed by the Department of Transport to carry vehicles at those speeds. I am advocating a maximum speed, not a minimum speed. This measure gives the police plenty of latitude to take necessary action if people are driving in a manner dangerous to the public, whether they are doing 50, 90 or 130 km/h. This measure has been before the parliament. It is long overdue. It will test the government. It will test other people in this building who tell me in the corridors that they support me. It will prove that the government is not using the police department only as a revenue-raising machine. I am strongly of the view that this particular proposal is long overdue. It needs urgent attention. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

CONSTITUTION (BASIC DEMOCRATIC PRINCIPLES) AMENDMENT BILL

The Hon. G.M. GUNN (Stuart) obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

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

That this bill be now read a second time.

I wish to explain to the house that this bill will create a situation similar to that which applies in the basic German law, that is, that all votes in the parliament are based on one's conscience. Therefore, clause 4 provides:

Basic democratic principles
(1) The members of Parliament are to be elected on a democratic basis.
(2) They are representatives of all people resident in their respective electorates and, in exercising their parliamentary functions—
  (a) are not bound by orders or instructions; and
  (b) are subject only to their conscience.
(3) The electoral system must—
  (a) allow for participation by all adult residents of the State in the electoral process on a free and equal basis; and
  (b) provide for the direct election of parliamentary representatives by the electors; and
  (c) provide for a system of voting in which the elector votes secretly and cannot be required to disclose his or her vote.

This measure is the hallmark and basis of democracy. People are elected to this place by the broad community and, therefore, are answerable on a regular basis to their constituents. They should be free from intimidation, threats of disendorsement or other sanctions in relation to how they exercise their vote in this chamber. If it is good enough in Germany, which has suffered under tyranny and is one of the newest and most successful democratic systems in the world, it is good enough for the people of South Australia, who have a long history of being leaders in the field of democracy. We should not stop because of our past successes, but we should continue down that path. We should not under any circumstances allow organisations or individuals to intimidate, threaten or otherwise direct people on how they should exercise their vote in this chamber.

Why should we have the member for Playford standing in this chamber and indicating to the house that he was totally opposed to opening hotels on Good Friday morning but being compelled to vote along the party line?

The Hon. M.J. Atkinson: Shame!

The Hon. G.M. GUNN: That is right; it was a shame. The Attorney-General—

The Hon. M.J. Atkinson: I was the minister who introduced the bill.

The Hon. G.M. GUNN: Yes; it was an absolute shame, and he has admitted it. By way of another example, earlier this week the member for Giles rose with considerable indignation in relation to the wise counsel and decision of the Deputy Premier in introducing legislation to the parliament to help resolve some of the unfortunate happenings on the Pitjantjatjara lands. When she complained bitterly and did not want to vote for the measure, she was compelled to do so. These are two examples from recent times.

So, let us take some positive steps to enhance and improve the democratic process in this state. I believe that the

overwhelming majority of the citizens in this state would support this measure. When you ask people, 'Do you believe that your member of parliament should vote in accordance with his conscience and what he or she believes to be in the best interests of their constituents?', of course they will agree. It is good enough in a country such as Germany, which has a healthy political system with more than two political parties freely operating in a very large lower house, and it works successfully. It was originally in the West German constitution and, when Germany unified, it was again placed into basic law. After all their experience, it has been successful, so why not here? Therefore, I commend the bill and look forward with anticipation to this house taking another positive first step down the democratic road by inserting this into our Constitution Act and, once and for all, freeing people from being stood over by those who do little deals in backrooms.

Another issue comes to mind, namely, what happened to Mario Feleppa in the upper house. At the time of the—

Mr Goldsworthy: The casino.

The Hon. G.M. GUNN: No—the poker machines. As a matter of principle, he was opposed to those wretched things, but he was heavied mercilessly by the backroom bovver boys of the Labor Party.

The Hon. M.J. Atkinson: It wasn't the backroom bovver boys who did it.

The Hon. G.M. GUNN: I was being kind to the Attorney-General.

The Hon. M.J. Atkinson: No; it was one of my predecessors.

The Hon. G.M. GUNN: They know who they were. They were walking the corridors, and the boards were creaking. Nevertheless, this measure will put an end to that unsavoury practice once and for all. The people of South Australia will know that their members cannot be intimidated, hindered or harassed by these bully boys and that democracy can prevail. I commend the bill to the house, Mr Acting Speaker, and look forward to your support and that of all honourable members. No matter what happens on this occasion, the bill will be brought back to the parliament and be debated until we are successful.

Members interjecting:

The ACTING SPEAKER (Mr Rau): Order! Does the member for Stuart have a point of order?

The Hon. G.M. GUNN: I will in a moment, sir!

Mrs GERAGHTY secured the adjournment of the debate.

MEMBER'S REMARKS

The Hon. G.M. GUNN (Stuart): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.M. GUNN: Sir, the Attorney-General made the improper assertion across the chamber that, on a previous occasion, I had allowed a member of parliament to open people's mail. I took no such action and gave no such permission. It is a grave reflection upon me and my integrity and upon the other member in question. I ask the Attorney-General to withdraw the comment and, in future, stick to the facts and not make assertions that are not based on any fact.

The ACTING SPEAKER (Mr Rau): I did not actually hear the remarks, but I do not believe that you would frivolously raise a point of order. Did the Attorney say anything vaguely along the lines suggested by the member for Stuart?

The Hon. M.J. ATKINSON: Sir, I would be happy to withdraw and reformulate the allegation on another occasion.

The ACTING SPEAKER: Is the member for Stuart satisfied with that comment?

The Hon. G.M. GUNN: No, the Attorney-General has to withdraw without qualification or equivocation. Therefore I seek that action.

The ACTING SPEAKER: I have considered that matter and it appears that merely the foreshadowing of a substantive motion by the Attorney cannot be the subject of criticism by another point of order, and I think that is what he was doing. He did withdraw, as I understand it, and I think the honourable member's honour should be satisfied with that.

NURSES

The Hon. R.B. SUCH (Fisher): I move:

That this house establish a select committee to examine and report upon—

(a) the adequacy and appropriateness of education and training of nurses in South Australia;
(b) the adequacy of current enrolment numbers and the projected need for nurses;
(c) issues affecting the drop-out rate of nurses whilst in training and education, and subsequent employment; and
(d) any other relevant matter.

Motion carried.

The Hon. R.B. SUCH: I move:

That a committee be appointed consisting of the Hon. D.C. Brown, Ms Geraghty, Mr Scalzi, the Hon. R.B. Such and Ms Thompson.

Motion carried.

The Hon. R.B. SUCH: I move:

That the committee have power to send for persons, papers and records and to adjourn from place to place and that the committee report on 21 July.

Motion carried.

The Hon. R.B. SUCH: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it sees fit of any evidence presented to the committee prior to such evidence being reported to the house.

The ACTING SPEAKER: There not being an absolute majority present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

CHILDCARE WORKERS

Ms CHAPMAN (Bragg): I move:

That this house establish a select committee to examine and report upon—

(a) the adequacy and appropriateness of education and training of childcare workers in South Australia;
(b) the adequacy of current numbers and the projected numbers of people in childcare education and training;
(c) issues affecting the drop-out rate of childcare workers whilst in training and education, and subsequent employment; and
(d) any other relevant matter.

I move this because, after two years in this place, it has become evident to me that there is a clear shortage of people in the childcare industry. It is important to note that this area of provision of service in the community for the care of our children, who are primarily in the 0 to 4 age group, is sadly deficient. It is a matter which bears no reflection in relation to governments. I raise this on the basis that we do need to look at this issue. We hear time and again of the shortage of

childcare workers and also concerns raised as to their drop-out rate, having completed their training. Shortly after their training has concluded they join the workforce and then, sadly, decide to move on.

This raises a number of issues in relation to the childcare industry and for those who undertake this work, which is very important for the future development of our children. Obviously there is a level of training which is important to achieve, to ensure that we have qualified people and raise the security, safety and quality of the childcare provided. Probably everybody in this chamber understands the importance of providing a high level service. Over a number of years we have expanded the types of childcare provided and, in South Australia, that is available to families either through independent or individual childcare providers. Sometimes that occurs in their own homes under the Family Day Care provision, which is supervised and regulated by the Department of Education and Children's Services; sometimes that is in childcare centres, whether they be integrated, community or private; and sometimes the care is provided on a private basis under nanny systems which complement the need in this regard.

Those who operate childcare centres are necessarily required to comply with formulas of ratios of qualified childcare providers to the number of young children, depending on whether they are under two years or over two years of age. Because of the shortage, a number of exemptions have had to be obtained, and I am sure that the minister in the previous government and the minister in this government have both been called upon to provide exemptions to enable the facilities to continue. Why? Because of the high demand for childcare. Therefore, we need to consider how we can ensure an increased number of people coming into the programs for the purpose of qualification.

The other disturbing aspect is that a number of childcare workers undertake their training and then, on starting work, drop out. Why do they drop out? Do they drop out because the pay is not very good? Do they drop out because the work is too hard? Do they drop out because they simply have not had a real appreciation or understanding of what is involved in the care, supervision and development of very young children? If the trainee childcare worker has not had the care and responsibility of their own children or others in an extended family situation in their past, this can be a very new and challenging experience.

I have no doubt that these are just a number of factors which affect the drop-out rate, but I think that it is important that a select committee of this house has the opportunity to clearly look at this. Anecdotally, I am informed that over the past two years the drop-out rate has had a very significant relationship with the fact that childcare workers have had no experience, or very little, before they hit the childcare centre. Most of these trainees are young and they are mostly women, and it is important to note that 98 per cent of the providers of service in child care in South Australia are women, so we are talking about a feminised industry. One of the things that has been submitted to me by the proprietors of childcare centres and those who are working in the childcare industry is that sometimes their new trainees or young graduates have had no real experience. When they hit the childcare centre, the hours involved in having to provide supervision and care comes as a shock to them, and they are deterred from remaining in that industry.

That suggests that we need to reintroduce into the training of our young graduates to be, the people who are going to undertake a career in this field, a genuine experience before they graduate. Even as a preliminary, I think it would be of merit—and I am sure that the select committee would need to look at this as well—to encourage people in this area to undertake work experience for a reasonable period of say, six weeks, before they even commence their training, so that they are properly apprised of the serious and sometimes exhausting responsibility that they are going to undertake.

I am sure that many people who work in the childcare industry love their job, they do a tremendous job and they provide an excellent service to families in South Australia, and we appreciate the work that they do. Let us try and work out why it is that so many who start this course are dropping out, which is a waste of resources, a waste of money, and a waste of time. We need to move forward and ensure that we have a qualified and adequate team of people to provide this service. It will only get worse unless we do something about it soon. Clearly the demand for childcare in the areas that I have referred to, principally in the zero to four age group, is increasing in demand. It is not unique to South Australia, it is a phenomenon that occurs in the western world, and we need to be able to address that and ensure that we provide a good service for future families as they seek the assistance of childcare centres and in private care.

I ask the house to give favourable consideration to the select committee. I indicate that I have drafted it principally in terms similar to the select committee proposed (which this house has agreed to establish) by the Hon. R.B. Such into the future education and training of nurses in South Australia. That is also a critical area. I would hope to have the government's support in this, and indicate that, if the house accepts this motion, the member for Waite and myself as member for Bragg would be very happy to serve on that committee, and would invite the government to nominate its representatives.

Mr HAMILTON-SMITH (Waite): I commend the motion to the house. I appeal to the female members of the government on this proposition because I speak not only as the member for Waite but also as a person from a business background owning and operating private childcare centres. I have had extensive involvement in this industry. I was state president of one of the childcare industry associations, national secretary of the Australian Confederation of Child Care and was heavily involved in lobbying the Keating government under then minister Rosemary Crowley on childcare issues and later a series of Liberal or coalition ministers on the same subject. I was involved in the drafting of the state regulations and a range of other issues and committees to do with this very matter brought before us by the member for Bragg.

There is a crisis in the availability of qualified childcare workers in this state. There is a desperate and dire shortage of qualified workers, particularly in regional South Australia, but also within the metropolitan area. As my colleague opposite points out, one of the reasons for that is to do with pay and conditions. There is a case before the commissioner as we speak. It is also to do with the qualifications and skills one needs to acquire in order to be deemed qualified for increases in pay and conditions.

As members opposite well know, the unions are about, quite rightly, constructing their arguments for remuneration around the qualification and skill of workers. It underpins the whole process of wage negotiations. Without the qualifications and skills it is hard to argue for the wages, so the two go hand in hand, hence the need for the house to support this

select committee. At one stage we wrote 120 group certificates for childcare workers in my business alone. They are a terrific group of highly motivated Australians. Many are unqualified workers earnestly wanting to become qualified. Many could not became qualified because of the inflexibility of the TAFE training system. In fact, I had a number of staff who had to go off to Whyalla TAFE to do their childcare qualification, their associate diploma in childcare, simply because no TAFE in Adelaide would offer part-time TAFE training for them to work through their associate diploma. The only offerings were full-time or part-time, which was not acceptable to a working, unqualified worker in the childcare industry. They need an opportunity to train on the job.

If one thing is really under recognised in this debate it is the value of on-the-job training. Some TAFEs have acknowledged and have more sophisticated systems for recognising prior learning. That needs to be reviewed, refined and made more readily available. There is a problem with the delivery of this training, part-time and full-time, and also, as my colleague the member for Bragg pointed out, a problem with whom we attract. A lot of graduates go into this thinking they would like to be a childcare worker. They finish their training, get out, try it and decide it is not for them and get into a totally unrelated field and the money, time and effort put into their TAFE training is completely wasted. The people we ought to be targeting for this training are those who are already employed as unqualified childcare workers. They are in the industry, highly motivated and making a living from it: they need to be given an opportunity to get involved.

The Hon. P.F. Conlon interjecting:

Mr HAMILTON-SMITH: The Minister for Infrastructure asks whether I have declared an interest. If he were well informed he would know that long ago I advised the house that I no longer have an interest, that I sold my interests about four years ago, as did my family, who are no longer involved in operating childcare centres. Even if that was the case I would be making the same contribution while declaring my interest, as it is something about which I feel very strongly.

We need to look at who takes up the training, at who finishes it and acknowledge the question of whether or not the school graduates we are selecting for the training are the right people, as in many cases they are not. We need to look at the issues associated with nurses training. I draw to the attention of the member for Fisher the fact that it was once the case that nurses could be recognised after a given period as being qualified for the purpose of the childcare centre regulations, but that was removed with changes to those regulations.

We have a silly situation where we can have a fully qualified nurse, who might be a mature aged worker with two or three children of her own, having worked in the childcare industry for 10 years and with a copious amount of experience, who is not deemed to be qualified as a childcare worker. Yet, you get some 19-year old graduate fresh out of school with her diploma training, wet behind the ears, bossing around the mature worker and occupying a level 4 position in a childcare centre above this highly experienced, well-qualified person. It is an absolute nonsense. It is one of the things that needs to be reviewed.

Certainly the unions need to be called before the select committee to offer their advice and give their assistance and guidance. Employer groups need to be brought forward and their knowledge also needs to be tapped. Child care in this state is in a mess. Why is that so? Because state governments—and I have to admit that the former state government was equally guilty—have completely ignored the COAG agreement, which simply says that child care is the financial responsibility of the commonwealth. It is not the financial responsibility of the states, yet we have this government and the former government, most recently announcing millions of dollars of new initiatives to open four community based childcare centres in the north of the city. The government is putting in millions of dollars when, if it was smart, it could get the federal government to fund it through the childcare assistance system.

Debate adjourned.

BARLEY EXPORTING BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill relating to the exporting of barley; to repeal the Barley Marketing Act 1993; and for other purposes. Read a first time.

The Hon. R.J. McEWEN: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to introduce new barley marketing arrangements with a view to proclaiming the amending provisions on 1 July 2005 and repealing the *Barley Marketing Act 1993* when the amending Act is proclaimed.

The reason for bringing this Bill to Parliament is to avoid a competition policy payment penalty of $2.93 million from the 2003 assessment. To avoid this penalty, it is necessary to pass new legislation to establish a barley export market licensing scheme to commence on 1 July 2005 to meet the requirements of National Competition Policy (***NCP***).

The Government has deliberately delayed the commencement of the Act until the 2005-06 season so as to give industry time for the merger between ABB Grain Pty Ltd and Ausbulk Ltd to be settled, and to enable new arrangements to incorporate key findings from the reviews of the Grain Licensing Authority, the Wheat Export Authority, and the Productivity Commissions review of the NCP.

The *Barley Marketing Act 1993* has served South Australia well, and has provided the State with the orderly "single desk" marketing system that has allowed the barley industry to flourish. This Government has no desire to see the end of a system that has served us so well, but the Federal Treasurer, on the advice of the NCC, will not change his mind, so we have no choice but to legislate the changes within the time frame he has set.

The "single desk" marketing system was an arrangement that operated in both Victoria and this State until Victoria decided to deregulate its barley market several years ago. Victoria had mirror legislation to the *Barley Marketing Act 1993* and those Acts provided a head of power for the Australian Barley Board (***ABB***) and, through acquisition powers, gave ABB the exclusive right (i.e. the single desk right) to export barley grown in both South Australia and Victoria. Under these arrangements, no-one other than ABB Grain Export Ltd could export barley other than in containers not capable of holding more than 50 tonnes of barley. ABB Grain Export Ltd therefore both marketed export barley and determined the circumstances under which anyone else could export barley.

Members will recall that, in June 1997, the South Australian and Victorian Governments jointly commissioned the Centre for International Economics (CIE) to undertake a review of the *Barley Marketing Act 1993*, as required by the NCP.

The CIE review recommended deregulation of barley marketing (i.e. abolition of single desk status for ABB) in both States. In response to the CIE review recommendation, Victoria repealed its Act in 2001.

In mid 2000, ABB commissioned its own study of the Act. This study, undertaken by Econtech, was completed in September 2000. Study modelling results indicated that there was a $15m gain to national economic welfare from the export price premiums received from the operation of a single desk for the export of barley.

The National Competition Council (***NCC***) in its August 2002 assessment of South Australia's compliance with NCP guidelines found that the case made by the 2000 Econtech report contained

several important flaws. The NCC also found that Econtech compared ABB Grain Export Ltd's cost efficiencies with two other grain export monopolies, rather than with United States and Canadian marketing bodies. In NCC's view, the Econtech report did not consider alternative, less restrictive marketing arrangements such as full deregulation or only licensing ABB Grain Export Ltd to export to Japan.

Econtech's study was instrumental in the State Government's decision in November 2000 to extend indefinitely the single desk for exports of South Australian barley and to introduce amendments to the Act that would achieve this result.

Accordingly, amendments to the *Barley Marketing Act 1993* were passed in November 2000 to extend the single desk export powers of ABB Grain Export Ltd indefinitely, with no sunset clause. However, in dealing with the amending Bill, Parliament agreed to several Opposition amendments, including a clause requiring the Minister to review the operation of export marketing and the single desk after two years from its commencement in November 2000.

In November 2002, the Government appointed Professor David Round of Adelaide University to chair a review of export marketing and the export single desk, as required by the 2000 amendments. The Round Review concluded that South Australia should retain the export single desk, but improve accountability and transparency and be open to competitive challenge.

Further, the Round Review recommended that South Australia give careful consideration to the principles of the Western Australian *Grain Marketing Act 2002* as a model for introducing contestability into the South Australian export barley market.

In June 2003, Cabinet considered and gave in- principle support to the recommendations contained in the Round Review, but requested further advice on implementation options.

The 2003 NCC assessment found that export marketing restrictions in the South Australian *Barley Marketing Act 1993* are not in the public interest. The NCC recommended a deduction of 5% ($2.93 million for 2003-4) from the total South Australian competition payment as a suspended payment penalty, pending implementation by the State of recommended export barley marketing reforms by 30 June 2004.

South Australia appealed this assessment in 2003, on the basis that the State required more time to consider the results of the review conducted by Professor Round in 2003, and to negotiate and settle a reform package with the South Australian barley industry.

On 8 December 2003, the Federal Treasurer announced that he had accepted recommendations from the NCC regarding the imposition of a suspended payment penalty for export barley marketing, with the result that, in the absence of legislative change by 30 June 2004 to effect the required changes, the payment penalty of $2.93 million would be made.

The NCC Secretariat has recently confirmed that South Australia must have legislated to make the required changes by 30 June 2004.

The NCC recommended that South Australia give consideration to the principles of the Western Australian *Grain Marketing Act 2002* as a basis for introducing contestability into the South Australian export barley market. The NCC's view is consistent with the findings of the South Australian review undertaken by Professor Round.

The barley industry (through meetings and prominently reported media statements) has been informed of the intention to introduce legislation to effect the necessary legislative changes in the event that the industry is not prepared to meet the cost of current and ongoing annual competition payment penalties, commencing with the 2003/04 payment penalty.

There is no indication that the South Australian Farmers' Federation (***SAFF***), ABB or any other section of the barley industry in the State is prepared to make a payment that would reimburse the State for competition payment penalties.

As a consequence, this Bill is being introduced with a view to its commencing in 2005-06. It is proposed that the *Barley Marketing Act 1993* will only be repealed when the Act is proclaimed.

The Bill has been drafted taking into account the principles underlying the WA model and will establish a South Australian barley exporting licensing scheme. An authority will be established or nominated to consider applications for export licences. The details of the structure and operations of the authority are to be specified in regulations and it is the Government's intention to consult with stakeholders on those details. Barley growers and SAFF have asked that ample opportunity be provided to examine and discuss the options for the operation of the authority and the Government will ensure that consultation is adequate. The Minister will appoint an advisory panel with expertise spanning the supply chain from production to export marketing to assist in developing the South Australian model. The findings of relevant reviews, for example, of the WA Grain Licencing Authority, will inform the process of establishing the authority.

Under this model, ABB Grain Export Ltd would be granted the first main export licence (a similar role to that taken by Grain Pool Pty Ltd in Western Australia), thereby retaining a "single desk" for those producers who do not wish to change their current relationship with ABB Grain Export Ltd. The export licensing scheme also allows for the grant of special export licences to be assessed on their merits while ensuring that such licences do not impact on returns to growers from the holder of the main export licence (the ***main exporter***). The onus will be on the main exporter to demonstrate a loss of premium in its market.

The Bill will grant the main export licence to ABB Grain Export Ltd. It also provides for conditions to be attached to the licence and for those conditions to be varied or revoked.

Special export licences will provide a mechanism for industry to capture opportunities outside the single desk system while maintaining the benefits for grain growers that flow from that system. The export of barley in bulk will be prohibited except by the main export licence holder or the holder of a special export licence.

Applicants for a special export licence will be required to meet a number of conditions for the barley to be exported, including the payment of fees, which will be specified in the licence requirements. The licensing authority will require information from the applicant to ensure that it can assess the likely effect of the grant of the licence in accordance with the Act. Both the main export licencee and special export licencees will have to report on the activities authorised by a licence. The industry's need for improved accountability and reporting can be met by requiring licence holders to provide information specified in conditions attached to licences. The authority itself will be expected to produce an annual report of its operations and to publish the report to inform stakeholders on the applications received, analyses conducted and the outcomes of the activities of licencees.

Because of the continuation of ABB Grain Export Ltd as the main exporter, no significant negative social or environmental impacts are anticipated from the creation of a barley exporting licensing scheme. Growers who choose to maintain their existing trading relationship with ABB Grain Export Ltd will not be directly affected and ABB Grain Export Ltd will continue to purchase all barley delivered to it. Returns to other licensees under the reformed arrangements will reflect their success in the market place.

Members will be aware that significant sections of South Australia's barley industry are opposed to change from the current single desk arrangements. However, there is evidence that a growing number of industry participants do support the opportunities that would arise from increased contestability. SAFF itself has acknowledged that opinion is shifting in favour of more contestability and transparency of export barley marketing in this State. Given the NCC attitude and the circumstances faced by the Government, this Bill provides a way forward that protects a barley grower's choice to deal with ABB Grain Export Ltd in much the same way as they always have done while satisfying NCP requirements.

The Government is conscious of the need to provide surety in marketing for the barley crop currently being planted. All of the important decisions regarding the 2004-05 season have already been made and it would be highly disruptive to now change marketing arrangement for 2005.

I recommend to the House that to avoid a competition policy payment penalty of $2.93 million from the 2003 assessment, that the Bill be passed in order to be able to establish licencing arrangements for the exporting of barley to operate for the 2005-06 season.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that this measure will come into operation on a day to be fixed by proclamation. Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this measure.

3—Interpretation

This clause contains definitions of words and phrases for the purposes of this measure.

4—Application of this Act

This measure will apply in relation to the export of barley from a port in SA to a destination outside Australia. It will not apply to the delivery or export of barley that is packed in a bag or container capable of holding not more than 50 tonnes of barley.

Part 2—Controls over exporting barley

Division 1—Controlled activities

5—Obligation of barley exporters to be licensed

A person must not export barley except as authorised by a licence issued under Part 2. The penalty for a first offence is $500 000 and for a subsequent offence, $1 million.

Division 2—Export controls

Subdivision 1—Classes of licences

6—Classes of licences

Provision is made for a main export licence and special export licences for the purposes of this measure.

Subdivision 2—Main export licence

7—Grant of main export licence

The first grant of a main export licence will be to ABB Grain Export Ltd with effect from the commencement of this clause. There may not be more than one main export licence in force at any one time. The main export licence authorises the holder of the licence to export barley.

8—Term of main export licence

This clause provides for the term of a main export licence.

9—Conditions of main export licence

The licensing authority may grant a main export licence subject to any conditions that the licensing authority thinks appropriate, and may vary or revoke a condition.

10—Property in barley passes to main exporter on delivery

The main exporter must accept delivery of barley if the barley meets standards determined by the main exporter and is delivered to the main exporter in accordance with conditions determined by the main exporter.

On delivery of barley to the main exporter, the property immediately passes to the main exporter unless otherwise agreed.

11—Declaration of season

A person who delivers barley to the main exporter after the declared day for a particular season must give the main exporter a declaration stating the season during which the barley was harvested.

Subdivision 3—Special export licence

12—Grant of special export licence

Subject to this clause, the licensing authority may grant a special export licence authorising the holder of the licence to export the barley specified in the licence to a market specified in the licence.

The licensing authority may not grant a special export licence to an applicant without first inquiring as to whether the main exporter exports barley to the market for which the special export licence is sought and, if so, deciding whether the price at which the main exporter so exports the barley incorporates a premium resulting from the exercise by it of its market power as the main exporter.

If the licensing authority reaches the opinion that the price set by the main exporter incorporates such a premium, the licensing authority—

(a) must consult the main exporter before granting the special export licence; and

(b) must not grant the special export licence if to do so would be likely to affect the premium to an extent that the licensing authority considers to be significant.

13—Term of special export licence

The term may be for any term that the licensing authority thinks appropriate.

14—Conditions of special export licence

The licensing authority may grant a special export licence subject to any conditions that the licensing authority thinks appropriate.

15—Matters to be specified in special export licence

A special export licence must specify the term of the licence, the quantity of barley to which it applies, the market to which it applies and any licence conditions.

16—Publication of information about special export licences

The licensing authority must publish information about special export licences at the end of each season.

Subdivision 4—General licensing provisions

17—Licences not transferable

A licence is not transferable.

18—Applications for licences

A licence application must be made to the licensing authority in a manner and form approved by the authority and be accompanied by the appropriate fee.

19—Appeals

A person aggrieved by a decision to refuse to grant a licence, cancel a licence or vary or impose a condition on a licence may appeal to the Administrative and Disciplinary Division of the District Court.

Part 3—Miscellaneous

20—Licensing authority must take advice into account

The Minister may establish an advisory committee to advise the Minister on matters arising from this measure and the licensing authority must, when exercising its functions, take into account any advice given by the committee and referred to the authority by the Minister.

21—Annual report

The main exporter must give to the licensing authority a copy of its annual report under the *Corporations Act 2001* of the Commonwealth together with such information about the operations of the main exporter as the licensing authority requires.

22—Regulations

The Governor may make regulations for the purposes of this measure.

Schedule 1—Repeal of *Barley Marketing Act 1993* and transitional provision

Provision is made for the repeal of the *Barley Marketing Act 1993*.

Mr VENNING secured the adjournment of the debate.

CHICKEN MEAT INDUSTRY (ARBITRATION) AMENDMENT BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Chicken Meat Industry Act 2003. Read a first time.

The Hon. R.J. McEWEN: 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 amends the *Chicken Meat Industry Act 2003* (the ***current Act***) to achieve compliancy with National Competition Policy. The current Act has been assessed by the National Competition Council (***NCC***) as non-compliant, resulting in a 5 percent permanent annual reduction in competition payments, with the amount for 2003-2004 being $2.93 million.

Parliament passed the *Chicken Meat Industry Bill* on 16 July 2003 to repeal the *Poultry Meat Industry Act 1969* and offer growers a choice between collective or individual bargaining with processors. Collective bargaining under the Bill was supported by compulsory mediation and arbitration as disciplines to negotiation.

The basis for the development of the current Act was to address concern about the significant imbalance in bargaining power between growers and processors and, consequently, the power imbalance in the contractual and other on-going relationships between those 2 sectors of the industry. That this imbalance exists is not in debate. The case for addressing the imbalance of power in negotiation between growers and processors of chicken meat clearly has been established and accepted, including by the NCC.

As part of the development of the original Bill, a broad program of consultation was undertaken with all parties. Negotiations with NCC officers during the early development of the original Bill led South Australian government officers to believe that compliance was possible. The Act was proclaimed to come into operation on 21 August 2003, with suspension of nearly all but the transitional

provision initially, pending a decision by the NCC on the compliance of the Act and, later, on the outcome of the State's appeal to the Federal Treasurer on the penalty imposed.

The November 2003 assessment of the NCC found that the Act was not compliant. Reasons given for non-compliance included likely higher transaction costs arising from compulsory arbitration for negotiating contracts, higher growing fees making South Australia less attractive for processor investment, and the prospect of similar or more restrictive arrangements being introduced in jurisdictions that earlier opened their markets to greater competition.

The South Australian Government subsequently lodged an appeal with the Federal Treasurer against the NCC assessment and was notified on 8 December 2003 that its appeal had been unsuccessful.

The Minister met with the President of the NCC in March to seek resolution of the situation following correspondence and approaches initiated by the previous Minister to establish an earlier meeting. The NCC suggested that to achieve compliance the South Australian legislation needed to be amended.

Some concessions by the NCC have been made but their core objection continues to be against compulsory arbitration in relation to resolving disputes during negotiations for new or renewed contracts.

The current Act makes several references to mediation and arbitration with both being available to resolve disputes arising from a contract in progress, and the exclusion of a grower from a collective negotiating group. For resolving disputes arising from negotiating growing agreements, arbitration can be sought by either party. The effective date for access to the mediation and arbitration provisions was set by the initial proclamation of the Act on 21 August 2003.

It is now clear that the NCC will not change its view on the current Act with the main offending part narrowed down to the availability of arbitration when growers and a processor cannot agree on a contract (ie Part 5, Section 21). Other provisions appear to be acceptable to the NCC, provided that arbitration as a possibility in current Part 5 is replaced by mediation.

A competition payment penalty will result from the NCC's 2004 assessment if the Act is not amended by June 30 2004.

The replacement of arbitration by mediation in the Act on disputes relating to collective negotiations for growing agreements may be seen as a change from the original intent of Parliament. However, the Act with this amendment still imposes significant disciplines on both processors and growers and, in particular, obligates processors to negotiate with groups of growers in a way that has not previously been available to growers in this State. Significant mediation and arbitration provisions still continue to be available, unchanged by the proposed amendments.

Without testing the effectiveness of these provisions and the role of the Registrar in maintaining these processes to resolve disputes between growers and processors, we will not be able to convince the NCC of the need for compulsory arbitration for contract negotiation. Growers may see these amendments as changing the balance of power in favour of processors but, even with this concession to the NCC, the negotiation power of growers operating under the Act will be much improved in comparison to recent experience.

The NCC also argued that access to arbitration, following notice from a processor that a grower is to be excluded from a negotiation group and therefore a future contract, should be limited to growers who were in the industry prior to 1996. It argued that later entrants would have been aware that the industry was not to be regulated following the introduction of the 1996 Bill to repeal the *Poultry Meat Industry Act 1969*.

The Government's view, however, is that there is no basis for the NCC's position on the 1996 cut-off and, indeed, the growers' demands for regulation and their expectations were higher after the Repeal Bill failed to pass through Parliament than previously.

The Bill amends the Act to restrict access to compulsory mediation/arbitration provisions to growers who are participants in the industry prior to the Act taking full effect after Proclamation.

If the Government fails to make the changes to the legislation required by the NCC by 30 June 2004, State competition payments received in 2005-06 from the 2004 assessment would be reduced by another 5 percent ($2.93m in 2003-04).

The Government will carefully monitor the operation of the amended *Chicken Meat Industry Act 2003* to ensure that mediation on contract negotiation is effective and to ensure that it facilitates the orderly adjustment of the industry through better negotiating processes. In the end, South Australia must strive to be competitive, and become competitive, with growers in other States if we are to maintain our industry. This Act is intended to support that principle.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Chicken Meat Industry Act 2003*

4—Amendment of section 5—Intention of Act

This amendment is consequential on the removal of the right to seek arbitration in relation to disputes under Part 5.

5—Amendment of section 9—Registrar's obligation to preserve confidentiality

This proposed amendment will allow for the Registrar to provide a mediator mediating a dispute under the Act with information that would otherwise be confidential.

6—Amendment of section 21—Mediation

The proposed amendments to this section will remove the right to seek arbitration if a negotiating group fails to agree a growing agreement within a certain period and instead provide for such a dispute to be referred to mediation.

7—Amendment of section 28—Interpretation and application

The proposed amendments will restrict the application of Part 8 to disputes relating to the exclusion from collective negotiations for a further growing agreement of growers to those growers who were, immediately before the commencement of Part 8, party to a growing agreement collectively negotiated with the processor, or party to such an agreement when it expired.

8—Amendment of Schedule 2—Arbitration

This amendment is consequential.

Mr VENNING secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (CRIMINAL NEGLECT) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

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

That this bill be now read a second time.

The bill is designed to attribute criminal liability to carers of children and vulnerable adults when the child or adult dies or is seriously harmed as a result of an unlawful act while in their care. The bill is not concerned with cases where the accused can be shown to have committed the act that killed or seriously harmed the victim or can be shown to have been complicit in that act. In these cases, the accused is guilty of the offence of homicide or causing serious harm.

The bill is aimed at a different kind of case where the accused is someone who owes the victim a duty of care and has failed to protect the victim from harm that he or she should have anticipated. It covers two kinds of cases: the first is where there is no suggestion that it was the accused who actually killed or seriously harmed the victim; the second is where the accused is one of several people who had the exclusive opportunity to kill or seriously harm the victim and where, because no member of the group can be eliminated as the principal offender, no principal offender can be identified, with the result that neither the accused nor any other member of the group can be convicted either as a principal offender or accomplice. These acquittals often come about because the only people who know what happened are the suspects themselves and each says nothing or tells a story that

conflicts with the stories of the other suspects. The courts have held that a jury that is unable to determine whom to believe should acquit all accused.

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

Leave granted.

The South Australian case of *Macaskill* in 2003 demonstrates how the law works now. In that case, a three-month-old baby, Crystal, died as a result of non-accidental injury while in the care of her parents. The prosecution case against the mother was circumstantial, there being no direct evidence of who inflicted the fatal injury. The mother's defence was that there was a reasonable possibility that the father inflicted that injury. Neither she nor the father admitted to the act. The mother did not give evidence at the trial, but made a statement to police to the effect that only she and the father were with Crystal at the relevant time. The father gave evidence that, if accepted, would have exculpated him and, as a matter of logic, incriminated the mother. His evidence was found to be unreliable for a number of reasons. This left the Crown case dependent on the medical evidence. That evidence could not establish which parent inflicted the fatal injury. The prosecution being unable to exclude as a reasonable possibility that the father was the person who inflicted the injury upon Crystal, the mother was acquitted, although the court found that either her father or her mother must have killed Crystal.

Each parent was responsible for the care of this baby. The court inferred from the parents' exclusive access to her at the relevant time that one of them killed her, but could not tell which. This meant the court could not determine whether the mother was directly responsible for her child's death, whether she was complicit in it, whether she had nothing to do with it, whether she was aware or should have been aware of what was going on but could do nothing to prevent it, or whether, although not actively involved, she stood by and let the baby be killed when she could have prevented it (had the father been on trial, similar considerations would have applied to him).

Some courts have tried to resolve the problem by recourse to the law of omissions. The law of omissions allows a person who had a duty to intervene in a given situation and who stood by and did nothing when a criminal act was being committed to be convicted of the offence relating to that criminal act.

An example is the New Zealand case of *Waitka* in 1993, in which the court held that a person would be guilty of an offence where he or she was under a duty to intervene in a given situation, did not perform that duty, by this failure encouraged or assisted another to commit the criminal act, and intended that the other person be so encouraged.

The problem with this approach is in having to prove an intention to encourage or assist another to commit the criminal act. There are situations where a person's inaction may be culpable even though the person had no intention to encourage or assist another person to commit the act. And there remains the central problem of establishing who committed the criminal act.

Publicity has mostly been given to cases of infants killed or seriously injured by carers or parents, because in these cases the victim is so utterly at the mercy of the person who causes their death or injury. Initially, the Government looked only at these cases in considering reform of this law. A consultation draft proposing a special alternative verdict in a trial of parents or carers jointly charged with causing an infant's death or serious harm was sent to interest groups and experts in South Australia and other States and Territories, including members of the Model Criminal Code Officers Committee and Directors of Public Prosecutions.

Consultation on that draft and consideration of a Bill recently introduced in the UK have persuaded the Government that this new law can and should apply more broadly. It should apply to a person who assumes responsibility for the care of a child, whether an infant or not, or for the care of an adult whose ability to protect him or herself from an unlawful act that might cause serious harm or death is significantly impaired. It should be capable of being charged on its own (irrespective of whether the accused or anyone else is also charged with homicide or an offence of causing serious harm). It should also be capable of being charged as an alternative to homicide or an offence of causing serious harm.

The *Criminal Law Consolidation Act (Criminal Neglect) Amendment Bill* creates a new offence of criminal neglect that does not depend on proof of the identity of the main offender.

The offence applies to a person who, at the time of the offence, has a duty of care to the victim. A victim, for the purposes of this Bill, is a child under 16 years of age or a vulnerable adult. A vulnerable adult is a person of 16 years or more whose ability to protect him or herself from an unlawful act is significantly impaired through physical or mental disability, illness or infirmity (the Bill assumes that children under the age of 16 years are less able to protect themselves from harm than adults. Other laws make the same assumption - for example criminal laws prohibiting sexual activity with children under 16, child protection laws saying a child under 16 may not give consent to a voluntary custody arrangement, and compensation laws exempting a child under 16 who is injured in a car accident from the presumption that, as a passenger, the child contributed to the injury by agreeing to travel in the car with an intoxicated driver).

A person has a duty of care to a victim (whether a child or vulnerable adult) if the person is a parent or guardian of the victim or has assumed responsibility for the victim's care. In cases where the accused is not a parent or guardian, it must be proved beyond reasonable doubt that he or she actually assumed responsibility for the care of the victim.

It does not matter that the parent is a child. Parents are not absolved of responsibility for the care of their children just because they are children themselves. Even if a guardian is appointed, we still expect a child-parent to assume the day-to-day care and protection of the child. Equally, it does not matter that the person who has assumed responsibility for the care of a child or a vulnerable adult is a child. In either case, establishing a duty of care to the victim is only the first step in establishing liability, and, as will be explained, this offence has other elements that allow a court to recognise the difference in awareness and power between children and adults.

There are four elements that must be established beyond reasonable doubt before a person may be found guilty of the offence of criminal neglect.

The first element is that a child or vulnerable adult has died or suffered serious harm as a result of an unlawful act (for example because the death or injury cannot be attributed to natural causes or accident). The prosecution does not have to prove who committed that unlawful act. Responsibility for that act is not relevant to this offence.

The second element is that the accused, at the time of that act, had a duty of care to the victim. A duty of care is owed by a parent or guardian of the victim or by a person who had assumed responsibility for the victim's care.

The third element is that the accused was or ought to have been aware that there was an appreciable risk that serious harm would be caused to the victim by the unlawful act. This is the common law test for criminal negligence for manslaughter by unlawful and dangerous act. The jury need not find that the accused foresaw the particular unlawful act that killed or harmed the victim. The charge of criminal neglect will stand even though the death was caused by an unlawful act of a different kind from any that had occurred before of which the accused should have been aware. The charge will stand even though there is no evidence of previous unlawful acts, if it is clear that the act that killed or harmed the victim was one that the accused appreciated or should have appreciated, posed an objective risk of serious harm and was an act from which the accused could and should have tried to protect the victim.

The final element, inextricably linked with the previous element, is that the accused failed to take steps that he or she could reasonably be expected to have taken in the circumstances to protect the victim from harm and the accused's failure to do so was, in the circumstances, so serious that a criminal penalty is warranted. Unless there is credible evidence to contradict it, a jury may infer inaction in a situation where a reasonable person would anticipate that, without intervention, the victim was at risk of harm, and may infer that the accused's inaction contributed to the harm inflicted on this occasion. An excuse that an accused did not realise that by intervening he or she could have averted the danger is unlikely to succeed. A person can fall short of the standard of care required by the criminal law by not perceiving the need to take action to avert danger to others.

As mentioned, the offence of criminal neglect may be charged on its own or as an alternative to a charge of the causative offence (that is, murder, manslaughter or any other offence of which the gravamen is that the defendant caused or was a party to causing the death of, or serious harm to, the victim).

When a person is charged with criminal neglect, the assumption is that the unlawful act that killed or harmed the victim was committed by someone else. In cases where it is impossible to tell which of two or more people killed or harmed the victim, but it is clear that one of them did, it would be possible for both people to escape conviction for criminal neglect by repudiating that assump-

tion. The accused could simply point to the reasonable possibility that it was he or she, and not someone else, who killed or harmed the victim. To prevent this perverse outcome, the Bill makes it clear that a person accused of criminal neglect cannot escape conviction by saying there was a reasonable possibility that he or she was the author or the unlawful act.

The maximum penalty for the offence of criminal neglect that causes death is imprisonment for 15 years. This is the same as the maximum penalty for recklessly endangering life. The equivalence is due to the fact that advertent recklessness is an aggravating feature - but life is only endangered, not lost, in the former offence, whereas in the latter offence, there is lesser fault (criminal negligence) - but life is actually lost.

The maximum penalty for criminal neglect that causes serious harm is 5 years. This is the same as the maximum penalty proposed for the new offence of causing serious harm by criminal negligence in the *Statutes Amendment and Repeal (Aggravated Offences) Bill 2004*, now before Parliament - an offence introduced to bring South Australia into line with the Model Criminal Code and the criminal law in most other Australian States and Territories.

A person accused of criminal neglect may defend the charge in more than one way.

One defence might be that the accused did not owe the victim the requisite duty of care. This will depend on the circumstances in each case. It will not be available to a parent or guardian of a child or vulnerable adult, because that person is deemed to owe the victim a duty of care.

Another defence might be that, although a duty of care existed, the accused was not aware of an appreciable risk of serious harm to the victim, and ought not to have been so aware. This may be a defence used by a child-defendant.

Another defence might be that, although aware of that risk, the accused did take steps to protect the victim that were reasonable in the circumstances. A defence like this for a child-accused may be that although the steps taken by the accused might not seem appropriate by adult standards, they are perfectly reasonable for a child of the accused's age and circumstances.

Another defence might be that, although aware of the risk, it would have been unreasonable to expect the accused to take any steps to protect the victim. This might be because the accused was under duress, for example in circumstances of extreme domestic violence. It might be because the accused is a child and the other suspect an adult who exerted authority over that child.

These examples may help explain how this law is intended to work.

Bear in mind that this law will allow the prosecution several charging options in cases like these. The choice will depend on the facts of each case. One or both suspects may be charged with both the causative offence and the offence of criminal neglect in the alternative, or either offence on its own. In some cases, only one suspect may be charged.

Example 1

A six-year-old girl dies at home late one evening. The medical evidence shows that she died as a result of a severe beating to the head and torso. Post-mortem examination shows signs of past physical abuse. The only two people with the opportunity to kill the child are her mother and her mother's current boyfriend, who is not her father. He does not live at the house, but was staying overnight when the child died. He has stayed overnight about 20 times in the past six months. The mother and the boyfriend both say the death resulted from injuries the child suffered when she fell down the stairs. Each denies witnessing the fall and says the other brought the child's injuries to his or her attention. The boyfriend says he has never assumed responsibility for the care of the child and the evidence about this is ambiguous.

There is no evidence to show whether the boyfriend, the mother or both of them administered the beating that killed the child. The only people who can say what happened are the mother and her boyfriend, but each has denied involvement while implicating the other.

This example is one in which it is not clear whether one of the suspects owes the requisite duty of care to the victim. In most cases, like *Macaskill*, each suspect owes the victim a duty of care by a direct relationship of parent or guardian, or by a clear, if temporary, assumption of responsibility for the care of the victim.

In this example, both suspects have every chance of being acquitted of homicide, because neither can be shown to be the principal offender. Knowing this, there is no incentive for either suspect to tell what happened.

But the mother is more vulnerable to a charge of criminal neglect than the boyfriend, because there is no doubt that she owed the victim a duty of care. The boyfriend has a greater chance of acquittal because of the difficulty in establishing a duty of care. Knowing this, it is in his interests to say nothing about what happened and to let the mother take the rap. The mother has every incentive to tell what happened if the boyfriend actually killed the child, once she appreciates that she is likely to take the blame for the child's death with a conviction for criminal neglect while he gets off scot-free. It is intended that the Bill will create an incentive for at least one of the suspects to say what happened.

Example 2

In the same fact situation, each suspect is a parent of the child and therefore has the necessary duty of care. Again, a conviction for homicide is unlikely because it can't be established who was the principal offender. But this time each suspect has an equal chance of being convicted of criminal neglect. Assuming the act was not committed by them both, the one who did not commit the act has an incentive to say what really happened (if he or she knows it) to reduce the chance of a conviction, but only if the truth would show that he or she could not have been aware of the risk to the child or could not have protected her even if aware of the risk.

The Bill does not change the current law about the right to silence. But it is important to recognise that the right to silence does not affect the principle that where the relevant facts are peculiarly within the knowledge of the accused, his or her failure to give evidence enables an inference of guilt to be more readily drawn. Also, a court may take an accused's failure to give evidence into account when evaluating the evidence against him or her where there are matters that explain or contradict that evidence and which are within his or her sole knowledge and unavailable from any other source. But it is true that the incentive to tell what happened is crucial to this new offence. The reason joint caregivers are often acquitted for homicide is not that neither of them killed the victim, but because they are the only ones who know what happened and they choose not to tell.

Example 3

In this example, assume that the wheelchair-bound victim dies as a result of injuries received when she was tipped from her wheelchair down the stairs. The story given by each suspect is that the other found her at the bottom of the stairs. Apart from being wheelchair-bound, the victim had severe Alzheimers. The suspects are brother and sister, grandchildren of the victim, who live in the victim's house with her. The grandson is a 20-year-old junkie who spends much of the day at home. The granddaughter is a 15-year-old schoolgirl who is away from home during the day but generally home after school hours. Both deny any assumption of responsibility for their grandmother. Each says that responsibility was assumed by the other, to the extent that it was not also assumed by their aunt, who lived nearby, visited regularly and organised the victim's home nursing and medical care, or by their parents, who live at the family farm.

Both suspects are likely to be acquitted of homicide, because it will be difficult to prove beyond reasonable doubt who tipped the victim down the stairs.

Neither suspect being a parent nor guardian of the victim, their respective liability for criminal neglect will depend on whether they owed a duty of care to the victim. The court will look at any responsibility assumed in the past and the circumstances in the household at the time of the victim's death.

If a duty of care is established for one of them, and that person did not kill the victim, there is every incentive for him or her to say what happened in order to increase the chance of an acquittal for criminal neglect and, possibly, to make the charge of homicide stick to the other.

Example 4

In this example, the victims are young children, a boy and a girl. They are passengers in a four-wheel drive vehicle being driven along a remote highway at dusk. The only other occupants are their parents. Neither child is restrained by a seatbelt. The car swerves, overruns an embankment at the side of the road and rolls. Both children are thrown from it. The boy dies when crushed by the car and the girl is severely physically and intellectually disabled from her injuries. The parents receive minor cuts and bruises and the mother is so severely concussed that she has no memory of the accident or the journey. The father won't say what happened or who was driving. The only other eyewitness is the little girl, but she is no longer able to speak or understand questions. There is independent

evidence that the car was being driven at a high speed just before the accident happened.

Both parents could be charged with dangerous driving causing death, dangerous driving causing serious harm and criminal neglect. The dangerous driving charges are unlikely to stick in the absence of proof of the identity of the driver. The only other possible causative offence is manslaughter by unlawful and dangerous act, that act being a failure to restrain the boy by a seatbelt. The charge is also unlikely to stick unless it can be shown who failed to restrain the children.

If the father maintains his silence (and only the father can say what happened, because the mother has no memory of the journey or the accident), both parents risk being convicted of criminal neglect. They each have the relevant duty of care, would be expected to be aware of the high risk of serious harm that a lack of seatbelt restraint poses, and have apparently not taken steps that might reasonably have been taken to protect each child from harm.

The incentive in this case is for the father to concoct a story that places one parent in the driver's seat and the other asleep throughout the journey, including that the driver stopped the car to let the children stretch their legs and did not put their seatbelts on when they got back in. If believed, this will place only one parent, instead of two, at risk of a criminal conviction and imprisonment, leaving the other to look after the surviving child. But that incentive is so obvious that the prosecutor is likely to alert the jury to it and ask them to take the father's initial refusal to say what happened into account when testing his evidence. There is no real risk of a miscarriage of justice in these circumstances.

Since March 2004, the House of Commons has had before it a Bill that, among other things, would create a new offence of causing or allowing the death of a child or vulnerable adult. Under the UK *Domestic Violence, Crime and Victims Bill*, this offence would apply where such a person dies as a result of unlawful conduct; where a member of the household caused the death; where the death occurred in anticipated circumstances; and the accused was or should have been aware that the victim was at risk but either caused the death or did not take all reasonable steps to prevent the death. It would not be necessary to show which member or members of the household caused the death and which failed to prevent it. All members of the household, subject to restrictions about age and mental capacity, would be liable for the offence if they meet the criteria. The maximum penalty would be imprisonment for 14 years or a fine or both.

The main differences in approach between the UK Bill and this Bill are these:

- The offence in this Bill is in respect of unlawful death or serious harm, while the proposed UK offence is confined to unlawful death. The Government is of the view that, as a matter of principle, the duty of care should extend to protecting the victim from serious harm as well as from death, and the offence should reflect this.
- The UK Bill does not refer overtly to a duty of care, but implies it between a person who is member of the victim's household and had frequent contact with the victim if that victim is a child or vulnerable adult. This Bill spells out when a duty of care exists, but does not deem a duty of care to exist in a person who is not a parent or guardian of the victim. It recognises that it is possible to share a household with a child or vulnerable adult, especially for short periods of time or limited purposes, without actually assuming any responsibility for that child or adult.
- The UK Bill is limited to domestic relationships. This Bill goes further and includes relationships that are not confined to households. It contemplates situations where a duty of care is created by an assumption of responsibility between people who do not share a household (as when two adults assume responsibility for the care of their child's school friend for the day, and that friend dies or suffers serious harm while in their care).

This law breaks new legal ground. It may not satisfy everyone. Some may wish a carer in the examples I have given to be guilty of intentionally or recklessly causing death or serious harm. The Government is not prepared to go that far, because that would be to deem an intention or recklessness where none can be proved. But what can be proved is that the unlawful act that caused the death or serious harm involved such a high risk that death or serious harm would follow, and that the accused's failure to protect the victim from it involved such a great falling short of the standard of care that a reasonable person in his or her position should be expected to exercise, that the failure merits criminal punishment.

Some might say that people should not be held criminally responsible for their negligence. But they forget that the law already holds people criminally responsible for their negligence in the offence of manslaughter. In every other Australian jurisdiction, there are non-fatal offences against the person that require only negligence (to a criminal standard). The Government has introduced the *Statutes Amendment and Repeal (Aggravated Offences) Bill 2003*, which will create a similar liability in the offence of causing serious harm by criminal negligence.

The offence of criminal neglect is important to prevent people escaping criminal liability altogether when they fail to protect someone for whose welfare they have assumed responsibility and, as a result, that person dies or suffers serious harm.

People should expect criminal penalties not only for harming those in their care, or for helping or encouraging others to cause that harm, but also for standing by and letting that harm happen.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Insertion of Division 1A

This clause inserts a new Division in the *Criminal Law Consolidation Act 1935*. The new Division creates an offence of "criminal neglect" which occurs where—

- a child under the age of 16 or a vulnerable adult (which is defined as person over 16 years of age whose ability to protect himself or herself is significantly impaired through physical or mental disability, illness or infirmity) suffers serious harm as a result of an unlawful act; and
- the defendant had a duty of care to the victim (ie. was the victim's parent or guardian or assumed responsibility for the victim's care); and
- the defendant was (or should have been) aware that there was an appreciable risk of serious harm to the victim by the unlawful act; and
- the defendant failed to take steps that could reasonably have been expected to protect the victim and that failure was, in the circumstances, so serious that a criminal penalty is warranted.

The maximum penalty for the offence is imprisonment for 15 years if the victim dies, or 5 years in any other case.

The provision also provides for the conviction of a person for this new offence in a situation where there would otherwise be a reasonable doubt as to guilt of this offence because the relevant unlawful act may have actually been committed by the defendant. This will operate where the relevant unlawful act could only have been committed by the defendant or some other person and, if it were some other person, then all the elements of this new offence of criminal neglect would be established against the defendant.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

PODIATRY PRACTICE BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to protect the health and safety of the public by providing for the registration of podiatrists and podiatry students; to regulate the provision of podiatric treatment for the purpose of maintaining high standards of competence and conduct by the persons who provide it; to repeal the Chiropodists Act 1950; and for other purposes. Read a first time.

The Hon. L. STEVENS: I move:

That this bill be now read a second time.

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

Leave granted.

The Podiatry Practice Bill will replace the *Chiropodists Act 1950*. It is 54 years since the Chiropodists Act came into force and there have been significant changes in podiatry practice and in the broader society during that time. This Bill, which has as its primary aim the protection of the health and safety of the public, will modernise the regulation of the podiatry profession in South Australia.

This Bill is one of a number of Bills relating to the regulation of health professionals in South Australia and it, like the other Bills to be introduced, is based on the *Medical Practice Bill 2004*. I would like to point out to the House therefore that the other Bills to be introduced later this year will be very similar and for the most part identical to this Bill.

In introducing this Bill I acknowledge the role played by my predecessor, the Hon Dean Brown MP and his staff in the development of this legislation. At the time I was supportive of the Bill and recognised the need for the 1950 Act to be revamped to accommodate the many changes which have occurred over the previous years.

The Chiropody Board of South Australia (to be known as the Podiatry Practice Board of South Australia under the new legislation) has identified the deficiencies of the current legislation for some time now and has been very supportive of new legislation to address the problems with the Act.

I said, when introducing the Medical Practice Bill into the House, that we live in a world which is more demanding of its professionals than in the past and consumers are demanding a different relationship with professionals. By and large consumers today want a service based on a partnership model of care where both the practitioner and the consumer are active participants in that care. I believe that this is just as true for this Bill.

Increasingly, consumers are becoming more informed about their health and have higher expectations of the services available to them. On the other hand, podiatrists also provide care for a large number of older people who may not be so well informed and trust in the care and information provided by their podiatrist.

Overall in society there has been a shift in, or greater articulation of, expectations and standards regarding professional conduct and competence. There has also been a greater demand for transparency and accountability of individual practitioners and of those through whom a service is provided such as a small business or larger corporate provider. Changed standards and expectations in regard to transparency and accountability are now much more explicit than in the past and the *Statutes Amendment (Honesty and Accountability in Government) Act 2003* provides a clear framework for the operation of the public sector, including the Podiatry Practice Board of South Australia.

A clear principle underpinning the Bill emphasises the need for transparency and accountability in the delivery of services not only by the individual podiatrist, but also by the service providers that provide podiatry.

The Bill ensures that the Board cannot restrict the access of a service provider to the market of podiatry. However, other provisions in the Bill protect the public by ensuring that organisations which provide pediatric services must make their existence known to the Board. It also makes service providers subject to the Act and therefore disciplinary procedures before the Board. In this way, the Board can ensure that services are provided in a manner consistent with a professional code of conduct and the interests of the public are protected. The Bill also ensures that the individual podiatrist is not subject to influences by a service provider that may conflict with his or her professional judgements and conduct.

While consumers have higher expectations of their health practitioners, Governments also have higher expectations of all professionals and those who occupy public office. As a society, we have higher expectations of the health system as a whole. The podiatry profession also reflects this change in expectations. For example, the Australasian Podiatry Council states that the role of a podiatrist is:

> To improve mobility and enhance the independence of individuals by the prevention and management of pathological foot problems and associated morbidity. This is achieved by providing advice on foot health, assessment and diagnosis of foot pathology, identification of treatment and other requirements, referral to other disciplines as appropriate, formulation of care plans, and provision of direct care as deemed appropriate and agreed to by the individual.
>
> To establish collaborative relationships with other health care providers. To promote the skills of the podiatrist and provide information regarding foot care and appropriate support to other health professionals and carers.
>
> To be a primary source of information for the community in all matters relating to the foot.
>
> To ensure podiatry is conducted in a manner consistent with registration acts in each State and Territory and the Code of Ethics of the Australian Podiatry Association.
>
> To practise in accordance with developments in clinical practice, research and technology.
>
> To ensure that communication with patients is respected and remains confidential.

As is clear from this description, podiatry is described in very modern terms and is consistent with the role of podiatry as having a significant role in primary health care. It is clear that protecting and supporting mobility as much as possible is crucial to a person's health and well-being. It is also clear that podiatrists work in a range of practice settings. These vary from individual practitioners, practitioners working collaboratively with a range of other health professionals and working as salaried professionals in the government and non-government sectors.

This Bill, which is supported by the Chiropody Board of South Australia, reflects the modern role of podiatrists and their relationship with consumers and other health professionals.

The Bill, like the Medical Practice Bill, has provisions regarding the medical fitness of the podiatrist and requires that where a determination is made of a person's fitness to provide treatment, due regard is given to the person's ability to provide treatment without endangering a patient's health or safety. This can include consideration of communicable infections.

This is particularly relevant to the area of surgical podiatry where the provisions recognise that there is a considerable difference between a surgical podiatrist with a communicable disease such as Hepatitis C or HIV, and a psychologist with a similar disease, in relation to the danger they may present to their patients.

This approach was agreed to by all the major medical and infection control stakeholders when developing the provisions for the Medical Practice Bill and is in line with the way in which these matters are handled in other jurisdictions, and across the world. It is therefore appropriate that similar provisions be used in the Podiatry Practice Bill.

I indicated in my speech when tabling the Medical Practice Bill that my preference was to have members of the Board representing the professions to be taken from all eligible members, and elected by them, rather than being restricted to representatives of a professional association. My approach is consistent with that adopted in the *Nurses Act 1999* and the *Dental Practice Act 2001* where no particular association is privileged by being specifically named in the Act. This is the approach I have adopted with the Podiatry Practice Bill.

Provision is made for 3 elected podiatrists on the Board, and 1 podiatrist selected by me from a panel of 3 podiatrists nominated by the Council of the University of South Australia. The membership of the Board also includes a legal practitioner, a registered professional who is not a podiatrist and 2 persons who are neither legal practitioners nor podiatrists. This ensures there is a balance on the Board between podiatrists and non-podiatrists.

In addition I have introduced a provision that will restrict the length of time which any one member of the Board can serve to 3 consecutive 3 year terms. This is to ensure that the Board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after 3 terms, or 9 years, they will have to have a break.

I have also made some changes to the process used by the Board in hearing complaints to ensure that the person with the complaint will always be involved in the proceedings and has a right to this. As the previous Bill was drafted, only a party to the proceedings had a right to be present during the hearing of the proceedings. Most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board for fear of having costs awarded against them and because they are not a party to the proceedings, they do not legally have a right to be present during the hearing of those proceedings. This is obviously an unsatisfactory situation and I have had the relevant provisions of the Medical Practice Bill mirrored in this Bill to provide a right for the complainant to be present at the hearing of the proceedings. This ensures that proceedings are transparent from the perspective of the person making the complaint.

New to the Podiatry Practice Bill is the registration of students. This provision is support by the Chiropody Board and the University of South Australia, which is the provider for education of podiatry students.

The codes of professional conduct developed by the Board will need to be approved by me. This is to ensure that codes do not contain measures that can be used to restrict competition but rather, focus on public protection. In addition, podiatrists and pediatric services providers will be required to have insurance cover that is approved by the Board to protect against civil liabilities. This is to ensure that there is adequate protection for the public should circumstances arise where this is necessary.

This Bill balances the needs of the public with those of the profession and services providers. It also ensures a more modern approach in accountability and standards of care. As I stated in the beginning, this Bill is one of a number of bills that regulate registered health professionals and the standards and expectations established in this Bill will be consistently applied to the other bills to be introduced later in the year. This will ensure that South Australia has consistent standards across all services provided by registered health practitioners.

I believe this Bill will provide a much-improved system for regulating the podiatry profession in South Australia and I commend it to all members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Medical fitness to provide pediatric treatment

This clause provides that in making a determination as to a person's medical fitness to provide pediatric treatment, regard must be given to the question of whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety.

Part 2—Podiatry Practice Board of South Australia

Division 1—Establishment of Board

5—Establishment of Board

This clause establishes the Podiatry Practice Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

Division 2—Board's membership

6—Composition of Board

This clause provides for the Board to consist of 8 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 1 member of the Board nominated by the Minister to be a woman and 1 to be a man.

7—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It also allows members whose terms have expired, or who have resigned, to continue to act as members to hear part-heard proceedings under Part 4.

8—Presiding member

This clause requires the Minister, after consultation with the Board, to appoint a podiatrist member of the Board to be the presiding member of the Board.

9—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

10—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

Division 3—Registrar and staff of Board

11—Registrar of Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

12—Other staff of Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

Division 4—General functions and powers

13—Functions of Board

This clause sets out the functions of the Board and requires it to exercise its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of pediatric treatment in South Australia.

14—Committees

This clause empowers the Board to establish committees to advise the Board or the Registrar or assist the Board to carry out its functions.

15—Delegations

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

Division 5—Board's procedures

16—Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

17—Conflict of interest etc under Public Sector Management Act

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with the public, podiatrists generally or a substantial section of the public or of podiatrists in this State.

18—Powers of Board in relation to witnesses etc

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

19—Principles governing hearings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

20—Representation at proceedings before Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

21—Costs

This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs fixed by the Board.

Division 6—Accounts, audit and annual report

22—Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

23—Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

Part 3—Registration and practice

Division 1—Registers

24—Registers

This clause requires the Registrar to keep certain registers and specifies the information required to be included in

each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.

25—Authority conferred by registration on register

This clause sets out the kind of pediatric treatment that registration on each particular register authorises a registered person to provide.

Division 2—Registration

26—Registration of natural persons on general or specialist register

This clause provides for full and limited registration of natural persons on the general register or the specialist register.

27—Registration of podiatry students

This clause requires persons to register as podiatry students before undertaking a course of study that provides qualifications for registration on the general register and provides for full or limited registration of podiatry students.

28—Application for registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide pediatric treatment or to obtain additional qualifications or experience before determining an application.

29—Removal from register or specialty

This clause requires the Registrar to remove a person from a register or a specialty on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

30—Reinstatement on register or in specialty

This clause makes provision for reinstatement of a person on a register or in a specialty. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide pediatric treatment or to obtain additional qualifications or experience before determining an application.

31—Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their practice of podiatry, continuing education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.

Division 3—Special provisions relating to pediatric services providers

32—Information to be given to Board by pediatric services providers

This clause requires a pediatric services provider to notify the Board of the provider's name and address, the name and address of the podiatrists through the instrumentality of whom the provider is providing pediatric treatment and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.

Division 4—Restrictions on the provision of pediatric treatment

33—Illegal holding out as registered person

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

34—Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

35—Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

36—Prohibition on provision of pediatric treatment by unqualified persons

This clause makes it an offence to provide pediatric treatment for fee or reward unless the person is a qualified person or provides the treatment through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for 6 months is fixed for the offence. However, these provisions do not apply to pediatric treatment provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of $50 000 to contravene or fail to comply with a condition of an exemption.

37—Board's approval required where podiatrist or podiatry student has not practised for 5 years

This clause prohibits a registered person who has not provided pediatric treatment of a kind authorised by their registration for 5 years or more from providing such treatment for fee or reward without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Part 4—Investigations and proceedings

Division 1—Preliminary

38—Interpretation

This clause provides that in this Part the terms ***occupier of a position of authority***, ***pediatric services provider*** and ***registered person*** includes a person who is not but who was, at the relevant time, an occupier of a position of authority, a pediatric services provider, or a registered person.

39—Cause for disciplinary action

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a pediatric services provider or a person occupying a position of authority in a corporate or trustee pediatric services provider.

Division 2—Investigations

40—Powers of inspectors

This clause sets out the powers of an inspector to investigate certain matters.

41—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Division 3—Proceedings before Board

42—Obligation to report medical unfitness of podiatrist or podiatry student

This clause requires certain classes of persons to report to the Board if of the opinion that a podiatrist or podiatry student is or may be medically unfit to provide podiatry treatment. A maximum penalty of $10 000 is fixed for

non-compliance. The Board must cause a report to be investigated.

43—Medical fitness of podiatrist or podiatry student

This clause empowers the Board to suspend the registration of a podiatrist or podiatry student, impose conditions on registration restricting the right to provide pediatric treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 42, and after due inquiry, the Board is satisfied that the podiatrist or pediatric student is medically unfit to provide pediatric treatment and that it is desirable in the public interest to take such action.

44—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $10 000 or prohibit the person from carrying on business as a pediatric services provider or from occupying a position of authority in a corporate or trustee pediatric services provider. If the person is registered, the Board may impose conditions on the person's right to provide pediatric treatment, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered. If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

45—Contravention of prohibition order

This clause makes it an offence to contravene a prohibition order made by the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

46—Register of prohibition orders

This clause requires the Registrar to keep a register of prohibition orders made by the Board. The register must be kept available for inspection at the office of the Registrar and may be made available to the public electronically.

47—Variation or revocation of conditions imposed by Board

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

48—Constitution of Board for purpose of proceedings

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 4.

49—Provisions as to proceedings before Board

This clause deals with the conduct of proceedings by the Board under Part 4.

Part 5—Appeals

50—Right of appeal to District Court

This clause provides a right of appeal to the District Court against certain acts and decisions of the Board.

51—Operation of order may be suspended

This clause empowers the Board or the Court to suspend the operation of an order made by the Board where an appeal is instituted or intended to be instituted.

52—Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

Part 6—Miscellaneous

53—Interpretation

This clause defines terms used in Part 6.

54—Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for six months.

55—Podiatrist etc must declare interest in prescribed business

This clause requires a podiatrist or prescribed relative of a podiatrist who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a podiatrist from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the podiatrist has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a podiatrist to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

56—Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

(a) for any person to give or offer to give a podiatrist or prescribed relative of a podiatrist a benefit as an inducement, consideration or reward for the podiatrist referring, recommending or prescribing a health service or health product provided, sold, etc. by the person; or

(b) for a podiatrist or prescribed relative of a podiatrist to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed for a contravention.

57—Improper directions to podiatrists or podiatry students

This clause makes it an offence for a person who provides pediatric treatment through the instrumentality of a podiatrist or podiatry student to direct or pressure the podiatrist or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee pediatric services provider to direct or pressure a podiatrist or pediatric student through whom the provider provides pediatric treatment to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

58—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

59—Statutory declarations

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

60—False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

61—Podiatrist or podiatry student must report his or her medical unfitness to Board

This clause requires a podiatrist or podiatry student who becomes aware that he or she is or may be medically unfit to provide pediatric treatment to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

62—Educational institution must report cessation of student's enrolment

This clause requires the person in charge of an educational institution to notify the Board that a podiatry student has ceased to be enrolled at that institution in a course of study providing qualifications for registration on the general register. A maximum penalty of $5 000 is fixed for non-compliance.

63—Registered persons and pediatric services providers to be indemnified against loss
This clause prohibits registered persons and pediatric services providers from providing pediatric treatment for fee or reward unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of such treatment. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.
64—Information relating to claim against registered person or pediatric services provider to be provided
This clause requires a registered person to provide the Board with prescribed information about any claim made against the registered person or another person for alleged negligence committed by the registered person in the course of providing pediatric treatment. It also requires a pediatric services provider to provide the Board with prescribed information about any claim made against the provider for alleged negligence by the provider in connection with the provision of pediatric treatment. The clause fixes a maximum penalty of $10 000 for non-compliance.
65—Victimisation
This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.
66—Self-incrimination
This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.
67—Punishment of conduct that constitutes an offence
This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.
68—Vicarious liability for offences
This clause provides that if a corporate or trustee pediatric services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.
69—Application of fines
This clause provides that fines imposed for offences against the measure must be paid to the Board.
70—Board may require medical examination or report
This clause empowers the Board to require a registered person or a person applying for registration or reinstatement of registration to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.
71—Ministerial review of decisions relating to courses
This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.
72—Confidentiality
This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Chiropodists Act 1950*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide pediatric treatment, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.
73—Service
This clause sets out the methods by which notices and other documents may be served.
74—Evidentiary provision
This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 4.
75—Regulations
This clause empowers the Governor to make regulations.
Schedule 1—Repeal and transitional provisions
This Schedule repeals the *Chiropodists Act 1950* and makes transitional provisions with respect to the Board and registrations.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

FIRE AND EMERGENCY SERVICES BILL

Adjourned debate on second reading.
(Continued from 26 May. Page 2240.)

The Hon. W.A. MATTHEW (Bright): I rise to speak to this bill as the lead speaker for the opposition. In so doing, I offer the opposition's conditional support for this bill, and I will elaborate on the details behind that conditional support during my address to the chamber, as will many of my colleagues during the many addresses to this bill that I expect will take place.

Essentially, the opposition's conditional support centres around an amendment that is necessary to retain the Country Fire Service Board. We see the retention of that board as essential. Its retention is dependent upon our support for the passage of this bill for reasons that I will detail during my address.

This bill has a long history but, in relation to this government, on 14 May 2003 the government tabled in the parliament a report on the review of the emergency service agencies which was undertaken by the Hon. John Dawkins AO, the Hon. Stephen Baker and Mr Richard McKay. Effectively, the review examined the extent to which the Country Fire Service, the South Australian Metropolitan Fire Service, the State Emergency Service and the Emergency Service Administrative Unit are meeting community expectations in relation to emergency services, the suitability of the current governance arrangements, and whether the administration and support provided to the emergency services organisations is consistent with best practice, avoids unnecessary duplication, and is cost-efficient and cost-effective.

The review team made a number of recommendations relating to the restructuring of the emergency services sector. In particular, it recommended the establishment of a fire and emergency services commission. The opposition does not disagree that such reviews are always the prerogative of government, even a government that has reviewed everything that moves and everything that does not move ad nauseam as this one has. Reviews are the right of government, and the review team did find some areas of concern that require redress.

On 17 July the government tabled in this place its response to the review. It is fair to say that the government supported most of the recommendations of the review team. The purpose of this bill is to establish the legislative framework that the government believes is necessary to implement those recommendations of the review team which were supported by this government.

The bill will establish the South Australian fire and emergency services commission and articulates in some detail its functions and powers. Broadly speaking, the government intends that the commission will be responsible for overseeing the management of the emergency services agencies except for the Ambulance Service—and I will come back to that in a moment—and provide strategic direction and organisational and administrative support to the emergency services organisations. The Ambulance Service has recently been transferred to the Human Services Department.

I put on the record today—and I will continue to put on the record—that the opposition remains strongly opposed to this move and that at our first opportunity on being re-elected to government we will, in our restructure of government, transfer the Ambulance Service back out of the bowels of the human services bureaucracy.

This is almost a case of deja vu, because the Ambulance Service was transferred out of the bowels of the health department when the Liberal Party won the 1993 state election. We did that, in part, to salvage what was left of an ailing, once proud service, a service that once was able to brag about its extensive volunteer network which was providing a very fine ambulance service for our state. As best we could, we had to retain the volunteer element of the service, particularly in regional South Australia, where a very fine volunteer ambulance service is provided and, at the same time, ensure that the professionally paid part of the service, which was largely in the Adelaide metropolitan area and major regional centres, received appropriate training and education and the appropriate opportunity to advance through a much more professional instruction service.

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

The Hon. W.A. MATTHEW: Before the dinner break, I commenced my second reading contribution and indicated that I am the lead speaker for the opposition and, in so doing, offered the conditional support of the opposition to the bill, that conditional support being dependent upon the passage of a variety of amendments to the bill, the principle series of amendments in relation to the retention of the CFS board. I commenced to outline the intent of the bill and was speaking about emergency services other than the ambulance service.

As I indicated, the opposition is strongly opposed to what the government has initiated, that is, to move the ambulance service into the bowels of the human services department. There is no doubt that it will be relegated to the same dismal situation that prevailed under the previous Labor government, after which the Ambulance Service had to be rescued out of the bowels of the then Health Commission.

The Ambulance Service has been transferred into the human services department, after a consultancy report was undertaken into the service. I have detailed to this house on other occasions some of the findings of that consultancy report, which were not particularly flattering about some managerial aspects of the Ambulance Service. That report by a group that has the rather unusual name of Lizard Drinking had eight recommendations. The eighth of those recommendations was the transfer of the Ambulance Service into the human services department. That particular recommendation was not in keeping with the flow of the document, and appeared to have been added after the main body of the document was written. However, during the questioning of the minister in relation to this bill, the opposition will also be seeking to determine the reasons for not including the Ambulance Service as part of this bill, as we would contend that it is very much an emergency service.

As a consequence, the bill before us will have a board which will manage and administer the commission, and the government intends that the board will consist of the chief officer of each of the remaining emergency service organisations under their definition. The government tells us that the members of this board will have the ability to vote on any matter arising for decision by the board. The board will also consist of two people with knowledge or experience in fields such as commerce, finance, economics, accounting, or public administration; that one will be a Public Service employee from a relevant government department and, at present, it is suggested by the minister that that person will be an employee in the justice portfolio, but that neither of these two members will have a voting rights. The chair of the board will be the chief executive of the commission, and the government tells us that the commission will be staffed to carry out the service functions of the commission.

To enable this structure to be established, the bill repeals the South Australian Metropolitan Fire Service Act, the Country Fires Act and the State Emergency Service Act, and the government tell us that all three of those organisations, at least initially, will continue with their independent existence under the auspices of this new legislation. Each of the emergency service organisations will be headed by a chief officer, who will be responsible for the management and administration of the organisation, in accordance with the strategic framework developed by the commission for the emergency services sector. Here is the first part of the variation to the way in which the services presently operate.

At this time, the Metropolitan Fire Service is a corporation and the minister is the body corporate. We also have a State Emergency Service, but the Country Fire Service is at present

managed by a board. The important thing is that that particular board appoints the chief executive officer of the Country Fire Service. That is a very important measure that occurs at present, when one looks at the composition of the existing board of the Country Fire Service.

The existing board of the Country Fire Service comprises seven representatives, and those seven representatives are comprised in such a way that the majority of those representatives are volunteers in their own right. Those volunteers are appointed as follows: two are appointed by the volunteer Country Fire Service organisation, and they are appointed by submitting a list of five names to the minister; and the South Australian Volunteer Fire Brigade Association submits that group to the minister and he or she chooses two people from that list of five.

In a similar vein, the Local Government Association also submits five names for a choice of two, and, under the existing Country Fires Act, those two members must be people who are drawn from rural or regional councils. That means that, regardless of what happens, four of the seven members of that board are volunteers who, with their combined vote, will always ensure that the will of the volunteer services prevail and who will always be the protectors and custodians of the importance of volunteers in the service and ensure that their role is in no way eroded.

The other three members of the board under the existing legislation include the chief executive of the Country Fire Service who is appointed by the board, so you have further strength; and the other two representatives are nominated for their experience, one being a person with land management experience and the other person, from memory, being a person with a financial background. That board has worked particularly well for many years. That board has been called upon before to ensure that the rights of volunteers are supported in this community.

It is important that I stress that the opposition believes that, whatever bill passes this parliament, it must entrench certainty for volunteers in our emergency services in this state. We have some very fine emergency services in this state, be they paid or volunteer personnel. But I know that, having served for three years as the emergency services minister, the state of South Australia could not possibly pay for the quality and diversity of experience and the effort that is provided on a voluntary basis to our community at a time of need.

It is fair to say that, during my time as emergency services minister, I felt privileged to meet people whom I regarded as genuine heroes. Many of those people were appropriately decorated for their valour and their long service to their community, and the way in which that decoration is received by those individuals is by way of humility. They do not regard what they have done as particularly special: they just did it because they needed to do it. The opposition does not want, in any way, shape or form, to lose that which we have at present. Many people may say, 'Well, with such fabulous emergency service organisations, why would anyone at all be concerned in any way, shape or form that they would be touched, for to touch them would surely be foolish.'

Ms Breuer interjecting:

The Hon. W.A. MATTHEW: As the member for Giles objects, 'Absolutely.'

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order! The chair has a problem with people interjecting, including the member for Giles. The member for Bright.

The Hon. W.A. MATTHEW: I can remember when the same things were said about the involvement of St John volunteers in our state's fine Ambulance Service. I can remember when St John volunteers had to take to the streets in order to keep their involvement in that service, and I can remember when St John volunteers were done over by organised union thuggery.

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order! We will not have any shouting in the chamber because members of Hansard, who are conscripts, do not want to have their ears melted down. The member for Bright.

The Hon. W.A. MATTHEW: Sir, I certainly appreciate your protection from the ferocity of the attack by the member for Giles, and I will try not to raise my voice above her interjections. I can well remember those days because they were not long ago. I can remember the days when stickers were placed on ambulance vehicles, when patients who were receiving treatment were confronted with union messages on ambulance vehicles and when they were confronted with messages to save the volunteers. That was an Ambulance Service with volunteer input, and why would any government attack that? It made no sense.

When I was elected to parliament in 1989, standing at the polling booths in my electorate were St John volunteers in uniform. They were handing out St John volunteer how-to-vote cards. They were advocating that people vote to save the St John volunteers. They advocated in my electorate to vote for me to assist in the effort to save those St John volunteers. I never approached the St John organisation or any St John volunteers with a request that they did that. In fact, they came to me and asked whether I would have an objection if they were to do that, and my reply was simply that this is a democratic society and that they were free to do what they believed was necessary to save their organisation.

Those volunteers turned out in significant numbers, because they knew the consequences of the tyranny of a further four years of a Labor government and what would happen to their service. Regrettably, they were correct, for we saw the St John volunteers driven out of our city Ambulance Service. When I became the minister for emergency services in December 1993, we had an Ambulance Service in crisis, and it was in crisis on a number of fronts. Volunteers had left in droves because they were frustrated, and the St John organisation was frustrated over its treatment.

We had paid ambulance officers who felt that they were being shunned by large sectors of the community because of the way in which members of the community had reacted to the union message. We did not have a very happy camp at all, and I had the unenviable task of endeavouring to restore harmony within that organisation. A matter of days after I became minister in 1993, I made an offer to the St John organisation to put in place whatever legislation was necessary to protect their involvement in their Ambulance Service. They asked for time to go away and determine what their organisation believed that involvement should be—

The Hon. P.F. CONLON: I rise on a point of order, Mr Deputy Speaker. With great patience I have listened to this contribution. The former minister's glory days with ambulance volunteers may be interesting to him, but I do not know how they are relevant to the bill before the house. Honestly, can we get back to the bill before the house?

The DEPUTY SPEAKER: I uphold the point of order. The honourable member needs to come back to the substance of the bill.

Ms Breuer interjecting:

The DEPUTY SPEAKER: And the member for Giles needs just to listen.

The Hon. W.A. MATTHEW: On a point of order, Mr Deputy Speaker, of course, the chair is always right and you have the right to rule as you see fit, but I put to the chamber that the case that I am outlining is particularly relevant to this bill because it is but the start of what has occurred for this bill to be drafted. I see it as absolutely essential that these things be put on the record for the community so that they can see what has gone into the drafting of this bill. These events are very much related.

The DEPUTY SPEAKER: Order! The honourable member can make a point but, in terms of continuing to make the point, I think that he exceeds the levels of reasonable debate. The honourable member is entitled to make the point but not ad infinitum.

The Hon. W.A. MATTHEW: It is certainly not my desire to be here all night, but I will cross-reference and await your verdict on my words as they unfold. Essentially, we saw the St John organisation finish its involvement not only in the city Ambulance Service but also in many regional centres. That occurred against the express wishes of the volunteers involved. We now have a different service, where volunteers are involved in country ambulance (and doing a fine job), and we have paid officers who now have a new way of being trained in gaining qualification and how to provide a professional service.

What has happened is that the cost of ambulance carriers has risen enormously, and one of the reasons for this is that volunteer labour is able to provide a community service without that cost, and we see that with the Country Fire Service and the State Emergency Service. The enormous value put into the community through volunteer effort, without the type of funding required to have full-time officers in those positions at call 24 hours a day, is an important consideration for the debate on this bill.

This measure is about the Country Fire Service and the State Emergency Service. I wish to share briefly with the house what occurred in relation to the Country Fire Service, the Metropolitan Fire Service and the State Emergency Service under the last Labor government and continues with its determined will and resolve to this very day. There is no doubt—and it has been proven in this parliament before—that the previous Labor government resolved to amalgamate the Metropolitan Fire Service, the Country Fire Service and the State Emergency Service into one organisation. That was originally denied by the former Labor government—and it was very good at denying these sorts of things, as it tried to massage their change through. When questions were raised previously, they were denied.

The previous government also undertook a review (just as this government has), namely, the Bruce report. That was a particularly difficult document to obtain and, at the end of the day, it was never actually released to the parliament, if my memory serves me correctly. It was certainly requested on many occasions and, in budget estimates in 1992, I asked the then Labor government emergency services minister why he would not release the Bruce report into the Country Fire Service and the Metropolitan Fire Service. The response of the minister (Hon. John Klunder) was interesting. He stated:

> At the time the report was written, it was very voluminous. It contained data which dealt with the current financial situation of both services and, at the time, I did not think it was appropriate to release it. Instead, we produced a subreport, or a precis of the report, which gave all the appropriate information.

In other words, the last Labor government would not release the full report of what it wanted to do to the MFS and the CFS. All it was prepared to do was release a subreport so that the real detail of what it wanted to do remained hidden from the emergency services. All emergency services personnel would well remember what occurred on that occasion.

The Hon. P.F. CONLON: I rise on a point of order, Mr Deputy Speaker. Is the shadow minister accusing us of hiding a report from him? If he is, what does he think it is?

Mr Williams interjecting:

The DEPUTY SPEAKER: Order! The member for MacKillop does not have any point of order or anything else to offer at the moment, because he is out of order. The member for Bright needs to relate his comments to the substance of the bill in making a point, rather than simply reciting history. That may be interesting, but it needs to be relevant to the bill, and that is the point of order.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I put to you that this is very relevant, for this mob has form.

The Hon. P.F. CONLON: I rise on a point of order again, sir. The member is imputing improper motives to the government and to me as the minister. If he believes there is a hidden report, let him say it. Let us not trawl back over 12 years and try to impute to me something he says happened then.

The DEPUTY SPEAKER: Order!

The Hon. P.F. CONLON: If the member believes something is hidden, let him say so, because I tell him that this has been a report by those people—not by you, not by me—who do the job.

The DEPUTY SPEAKER: Order! The minister will have the opportunity to rebut any comments made by the member for Bright. As I have said on several occasions, the member for Bright's remarks must be relevant to the substance of the bill, rather than his simply engaging in peripheral debate which is not relevant to the matter before us.

The Hon. W.A. MATTHEW: This is very much related to the substance of the bill, and it is for that reason that the minister keeps standing up and raising points of order—because he knows what is coming next and he does not want me to put it on the record. I understand why he does not want me to do so.

The Hon. P.F. Conlon: All I want you to do is tell the truth.

The Hon. W.A. MATTHEW: The minister asks for the truth to be told. Let us look at the truth as the Labor Party told it.

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order, member for Giles!

The Hon. W.A. MATTHEW: The Bruce report was not the only report the previous government would not release. We then found there were other secret reports, as—

The Hon. P.F. CONLON: I rise on a point of order again, sir. Unless the shadow minister thinks I have a secret report, which he is not prepared to say because he knows it is not true, can we stop trawling through history?

The DEPUTY SPEAKER: Order! The minister can refute the allegation or claim. I think the member for Bright is providing what he sees as history, much of which is not relevant to the key issue. He is not making the point—

The Hon. W.A. MATTHEW: It is very relevant.

The Hon. P.F. Conlon: I will provide you with more recent history.

The DEPUTY SPEAKER: Order!

The Hon. W.A. MATTHEW: I rise on a point of order, sir.

The DEPUTY SPEAKER: Order! The chair is making a ruling, and it will not have people talking over the chair. The matter before the house must be debated in a way that is relevant to the substance, namely, the bill before us. Otherwise, we could have endless debates about any peripheral matter. It must be relevant to the substance of the bill. The member for Bright needs to make points which are concise in terms of being relevant to the matter before us. Otherwise, we have simply a lesson in history, which might be interesting but does not contribute specifically to the relevance of the matter before us.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I put to you that in this chamber lessons in history are lessons from which we should learn. In every debate that occurs in this chamber, there is regular historical reference. If we do not listen to the lessons of history, we do not advance. The reason I raised a point of order before, and I stand to raise it again, is that the minister threatened me across the chamber, as is his way, and I ask him to withdraw that threat.

The Hon. P.F. CONLON: If the rather tremulous shadow minister—who I think is called Lord Salisbury and is no more than a shiver looking for a spine to run up—could explain what the threat was, I will withdraw it.

The DEPUTY SPEAKER: Order! I did not hear any threat made across the chamber, but I make the point that the member for Bright must relate his matters and be relevant to the bill. I am not sure what point the member is making in terms of the current issue before us, other than to say that in a previous situation something happened. The matter before the house is a bill which the member for Bright should address in a relevant way.

The Hon. W.A. MATTHEW: Thank you, sir. I request your indulgence. If I am allowed to get this onto the record, sir, you will find that its relevance is significant to the bill that we have today. The previous Labor government told us it had no plans to amalgamate the CFS and the MFS, but the opposition was able to find a document that proved conclusively otherwise. That document was prepared by the then department of housing and construction and in detail contained the plans for the rebuilding of the Metropolitan Fire Service headquarters on Wakefield Street—

Members interjecting:

The Hon. W.A. MATTHEW: I know you do not want me to get this on the record—

Members interjecting:

The DEPUTY SPEAKER: Order! The minister has a point of order.

The Hon. P.F. CONLON: This is not relevant, but it will be relevant if the shadow minister is alleging that is what we are doing now. If he wants to say that, he should have the courage to do so. If he thinks we have a secret plan, put it up.

The DEPUTY SPEAKER: Order! Points of order are not time for debate. I have made the point several times that the member for Bright's remarks should be relevant to the current bill. I believe that, whilst there is some latitude in canvassing historical events, they must be relevant to the current bill before the house, otherwise I believe it is outside the ambit of our standing orders.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I put to you that this is very relevant to the bill that is before this house. The previous government, despite its assurances—similar to this time—denied it had plans to amalgamate the services and demonstrated that it did. The minister asked me to put on the record whether the opposition believes the South Australian Labor government plans to amalgamate the Country Fire Service, the State Emergency Service and the Metropolitan Fire Service: yes, indeed we do.

We very strongly believe that that is its intent. That was its intent last time; that, we believe, is its ultimate intent this time. That is what I will detail on the record, and if the minister will stop taking points of order and allow me to continue, I will do so. If he then wishes to take issue with what I have to say, and refute it, that is up to him to refute. I know full well why he is angry.

Members interjecting:

The DEPUTY SPEAKER: Order! The house will come to order. The minister should hear the contribution of the member for Bright without interjection. For the umpteenth time, the chair points out that matters before the house should be relevant to the issue, which is the bill. The member for Bright is entitled to make the points, but they must be related to the current matter before the house, which is the bill. The minister should not try to use points of order as a debating tool. That is out of order.

The Hon. W.A. MATTHEW: As I have repeatedly indicated, this matter is relevant and if the minister desists from taking points of order, I will be able to explain how the relevance is there. Sir, I believe that, as I do, you will see the relevance of the points that I am endeavouring to put forward. You may have been preoccupied taking advice when I indicated to the house that the minister wants to know if the opposition believes that this government, through this bill, just as it did before, has a secret agenda to amalgamate the Country Fire Service, the State Emergency Service and the Metropolitan Fire Service. Yes, we do. The reasons we do are through historical evidence and other details that I will put on the record as I continue to work through this bill.

The Hon. P.F. Conlon: Let us hear the details.

The DEPUTY SPEAKER: That is a relevant debating point. The minister will hear it and then he can respond at the appropriate time.

The Hon. W.A. MATTHEW: Thank you, Mr Deputy Speaker. On the last occasion where denials, such as those being yelled across the chamber, occurred in this place, it was revealed conclusively that there was intent—

The Hon. P.F. CONLON: I rise on a point of order again. We were promised some relevance to the debate. He said he has further detail other than 12-year old history. Can we hear it?

Mr Williams: You don't like it, do you?

The Hon. P.F. CONLON: No, I don't like it because it is dishonest. I don't like it because this was drafted by those people, not by me, and it is dishonest. I would like a little honesty. I do not like dishonesty. I do not like lies.

The DEPUTY SPEAKER: Order!

Mr Williams: That is unparliamentary.

The Hon. P.F. CONLON: I don't care.

Mr WILLIAMS: I rise on a point of order.

The DEPUTY SPEAKER: Order! There is no point of order. There will be no debate at all in a minute, because the parliament will find itself unable to continue. Despite the many times I have indicated from the chair that members should not shout for the sake of the Hansard reporters, people seem to disregard that. We are getting to a point where members will be warned and, if they continue, they will be

named. They are defying the chair, defying the standing orders and bringing the debate into a point where it is becoming disgraceful. Members will get back to the substance. The member for Bright will address the issues which he is entitled to do in terms of relevance and the minister will hear him without interjecting or taking points of order simply to interrupt the debate.

The Hon. W.A. MATTHEW: Thank you, Mr Deputy Speaker. As I indicated, the last time on which this Labor move occurred, we proved in this parliament that that Labor government had every intent of amalgamating the services. Such was the level of detail of the work that was undertaken that plans were completed by SACON for the total refitting of the Wakefield Street headquarters for the Metropolitan Fire Service to accommodate the staff from the CFS and the MFS to make them one organisation. When that government was confronted with that, after the change in government, it continued. On 23 August 1993, I asked in this house of the then new minister for emergency services, the Hon. Kym Mayes, whether it was his intent to amalgamate the Country Fire Service and the State Emergency Service. In doing that, I quoted an article from *The Advertiser* of 9 August 1993, which said in part:

> I would imagine the Country Fire Service would likely be the predominant emergency service in the country. It would take over the SES facilities, assets and volunteers.

That is what the Labor government minister for emergency services in the last Labor government said. To those of us who support volunteering, who support the SES, and who support the CFS, this made no sense. There was a lot of anxiety between the volunteer services and the paid services, and we do not want to see that anxiety restored, and that is part of the import of the history—

Members interjecting:

The DEPUTY SPEAKER: Order, members for McKillop, Hartley and Giles!

The Hon. W.A. MATTHEW: That is, in part, the import of the history in relation to this bill because what occurred in those days must not be repeated. We had enormous aggravation between the Metropolitan Fire Service and the Country Fire Service; between the State Emergency Service and the Country Fire Service. I do not believe that the previous government was concerned about that aggravation, because if you are able to fragment those organisations it makes amalgamation far simpler. Perhaps that is what they believed in their wisdom of the day. I do not believe that that was wise, but I can only wonder whether that is what they believed at that time. That is the case, and if members of the Labor Party choose to deny it, I suggest that they go back to the *Hansard* addresses of that day, and that they look at what actually occurred at that time, and that they understand what occurred at that time.

We even saw that the board of the Country Fire Service was told to accept the recommendations of that controversial last Labor government report, the Bruce Report, and they could not even see it. When members of the Country Fire Service board—

The Hon. P.F. CONLON: On a point of order, Mr Deputy Speaker, you have made about seven rulings on this, but again: can the shadow minister address something that has happened in the last 10 years? Could we have that in a debate on the bill?

The DEPUTY SPEAKER: The member for Bright needs to relate it to the current bill. I believe I understand where he is heading but he needs to make quite clear his connection with the current matter before the house. He has some latitude but I think that he has extended that somewhat, in making the connection with the current proposal before the house, and that is what he needs to do.

The Hon. W.A. MATTHEW: The connection is in part simple. I am a great believer that the leopard never changes its spots. I do not believe the leopard of the Labor Party on this occasion has changed its spots, either. The Opposition is very mindful of the close association between the United Firefighters Union and the Labor Party—a very strong association. The United Firefighters Union has representatives on the Labor Party State Council and is a significant donor to the Labor Party from the union dues paid by its membership. The United Firefighters Union—

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order, member for Giles!

The Hon. W.A. MATTHEW: The United Firefighters Union is also in a position where they have some influence, as a consequence, in relation to the operations of the Labor Party outside of this parliament. The United Firefighters Union has an executive who is also in an executive position in the Labor Party. It is often joked by members of the Metropolitan Fire Service that—and I am sure it is a half-hearted joke but there is some relevance here—that they run the Labor Party. That is certainly what some of them joke about. There is an interesting reason for that. A number of questions were asked in this parliament by my colleague the member for Mawson in relation to the Metropolitan Fire Service. They were asked of the minister, and the minister quite rightly indicated that he would get information and bring back a response, or he would give a response and leave it at that.

The thing that intrigues the Opposition is that the day that those questions were asked, on each occasion, members of the United Firefighters Union, who are associated with the Labor Party, got phone calls from the minister. We have people who witnessed those phone calls being received, not hearing the minister's voice but hearing the people indicating that they were talking to the minister, getting information about matters that were raised in the house. That is a very interesting connection between that union and the Labor Party. It is a matter of fact that the United Firefighters Union are donors to the Labor Party. It is a matter of fact that as a union they are entitled to delegates to the Labor Party State Council. It is a matter of fact that the more trade unionists there are contributing to union membership of the United Firefighters Union—

The Hon. P.F. CONLON: On a point of order: I would like the shadow minister to repeat the allegations about me and the Firefighters Union in terms of ringing them about questions, so that I can consider a matter of privilege, because I do not like dishonesty, Sir.

The DEPUTY SPEAKER: Order! If the member for Bright is alleging improper conduct or something—

The Hon. P.F. Conlon: Let's hear it again.

The Hon. W.A. Matthew interjecting:

The Hon. P.F. Conlon: No; let's hear it again, because I want to rise on a matter of privilege once I understand.

The DEPUTY SPEAKER: Order! The minister does not have the call. If the member for Bright is alleging improper behaviour or impugning the motive of the minister he needs to be very careful in what he says and how he goes about it.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, if you have the chance to review my words you will see that I am simply drawing to the attention of the house information that

was relayed to the Opposition, as is the import of this parliament. There was no allegation that the minister was undertaking anything improper; simply reflecting on the way in which the minister obtains his information. It was simply an observation. If the minister chooses to obtain his information in that way, that is his right. When I was a minister I used to talk to the Metropolitan Fire Service.

The Hon. P.F. CONLON: I ask him to clarify what he says I have done wrong, as there was some criticism.

The DEPUTY SPEAKER: We need to get back to the debate. We are seeing a good case for not having a dinner break, but the member for Bright needs to come back to the matter and address the substance of the bill. Some people might want to be here all night, but the chair does not.

The Hon. W.A. MATTHEW: Sir, I ask you to read the context of my comments and, as you found on reflection of some of my other comments, they are indeed very relevant to the bill before the house. We are endeavouring to show the house that there is a strong relationship between the United Firefighters Union and the Labor Party, and the more members there are of that union the more members there are to contribute to the Labor Party. That gives reason for motive. What other reason could there be?

The Hon. P.F. CONLON: I do take a point of order. There has been no clearer impugning of improper motive than for the shadow minister to say that that is the reason for this bill. This bill is clear and plain. It has been prepared by the people who do the service for the year. For the shadow minister to impugn that the motive for this bill by me is to get more donations from the United Firefighters Union is not only wrong but impugns improper motives, which is contrary to standing orders.

The DEPUTY SPEAKER: The member for Bright is close to infringing that standing order. He must not impugn improper motive in the way he has. He can make a point about the firefighters union having an association, but he must not suggest there is some corrupt practice, unless he wishes to do it in the proper way.

The Hon. W.A. MATTHEW: I have not used those words, sir, but I have made my point and I move on.

The Hon. P.F. Conlon: Do you have any honesty or integrity at all?

The Hon. W.A. MATTHEW: The minister again interjects and asks if I have any honesty or integrity at all. It has been going on all night and I ask that he withdraw.

The Hon. P.F. CONLON: If he withdraws the imputation of improper motives, I will withdraw.

The DEPUTY SPEAKER: We do not trade in that way, but if the minister said something that gave offence he should withdraw. Likewise, the member for Bright should do the same if he gave offence. However, we do not trade—it is not a marketplace. I ask the minister to withdraw if the member took offence and, likewise, the honourable member should do the same if he has offended the minister. I cannot make you withdraw.

The Hon. W.A. MATTHEW: We will just continue then.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: What I object to and have always objected to during my time in politics is governments that try to con people. I have always objected to that. Over time we have seen some dreadful cons placed on the people of South Australia. It is well known in the business of politics that there are those who have been fairly successful initially in winning over the viewpoint of people by the way in which they cleverly manipulate. If the government had the intent of amalgamating the Country Fire Service, the Metropolitan Fire Service and the State Emergency Service, armed with the knowledge of the problems it caused on the previous occasion, armed with the experience of what occurred when the St John Ambulance Service was disembowelled in the way that it was, they would rethink their strategy. The way to engage the new strategy is to take people with them. The credible way to do that is to get people on side, to consult, to give people something to hang on, to work them, manipulate them and say they have consulted with everybody, to put in a government bill, and one, two or three years later those people realised too late what was done to them, just as the former St John Ambulance volunteers wish they had realised what was being done to them much earlier than it was.

This bill provides the government with enormous opportunity. As I indicated before, what intervened before in the government's plans was very much the strength of the number of Country Fire Service volunteers, the number of State Emergency Service volunteers and the protection afforded for the Country Fire Service volunteers by the Country Fire Service Board. That board, some may argue, is an unwieldy structure. Any chief executive of an organisation with a board above them would probably argue—

The Hon. P.F. Conlon: Would you abolish it?

The Hon. W.A. MATTHEW: No—that a board above them is an unwieldy structure and could cause them some difficulty in their management. It means that the chief executive has to go to meetings of the board and has to negotiate with members of the board. It means that the chief executive has to work with members of that board. It is no secret that when I was minister I looked at a whole range of changes to the emergency services. I was responsible during my time as minister for three different chief executives of the Country Fire Service.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: Yes, indeed there was.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: That is right—three different chief executives of the Country Fire Service board during my time there. Each of those chief executives at times had some concerns with aspects of board decisions, and it is fair to say that they said they had their good and bad days. On balance, that system of governance delivered a good result for the Country Fire Service. But it did not provide the flexibility that was needed for better sharing of resources with the State Emergency Service and the Country Fire Service.

During my time as minister initially, the State Emergency Service was part of the police department, and an investigation undertaken by our government into the way in which the administration funds were being spent by the State Emergency Service showed that they were not being used to best value and they were probably paying the police department more than they ought. I made the Police Commissioner aware of the situation and he agreed with the government's concerns. At that time, if my memory serves me correctly, something like $140 000 in administration and accommodation fees was reduced fairly significantly to about $80 000 as we worked through the next changes that had to occur. As minister, I introduced amendments to this house to the State Emergency Services Act to move the State Emergency Service outside the police department so it would become a volunteer service in its own right. That is where it sits today, as a volunteer service in its own right.

I believe that the State Emergency Service, as a result of that move, was given greater independence and also greater

financial autonomy, but there was still much more that needed to be done. I will not stand in this house and tell the house that the present situation is perfect and does not need to be changed, because it does need to be changed. The minister knows that I support change because we have discussed it: he knows that I am a supporter of change. The changes that occurred in the latter part of the term of the last government put in place the Emergency Services Administrative Unit (ESAU), which oversees the emergency service agencies. It is fair to say that that unit has not worked as it was intended and, to this day, does not work as it was intended; and it is fair to say that many emergency service volunteers and many emergency service paid professional staff are not satisfied with the operation of that organisation. So, there is no argument that change needs to be made.

But consider this. If you have a situation where change needs to be made and people are advocating change and you then organise roadshows and opportunities for input into a process, people willing for change, given something that looks better, are likely to seize that something that looks better. As I understand it, those in the emergency service organisations who support the way in which this bill has been framed talk about the advisory body that is to be established to provide the minister with advice, and that advisory body will enable the emergency service agencies to provide the minister with advice. Further, the bill provides that, where a report is submitted to the minister, the minister must, within I think six parliamentary sitting days, table such report to the parliament.

The group sees that as a good thing, and there is no doubting that it gives the impression of being a good thing. Advice can be given to a minister, the minister can be given a report, and the minister must read the report and table it in the parliament. The report is a public document because it is in the parliamentary forum and, therefore, it gives volunteer agencies a say and an ability to hold the government to account. But it does not give the volunteers in the emergency services and the emergency service agencies managerial input and oversight of any emergency service agency in the same way that the Country Fire Service board has. It does not have that particular provision.

What is more, the members of this advisory body to the minister are not detailed in the act. None of them is detailed in the act. There is no detail as to who will make up that body, and that is of concern; there is no guarantee who they might be. For all the members of this house know, they could be half a dozen card-carrying members of the Labor Party who are going to give the minister advice. The potential is there for that to occur. I am not saying that is what the minister will do, but the potential is there for that to happen. Also, the minister who is minister today will not necessarily be the minister in five years' time. There will be another minister.

The Hon. P.F. Conlon: You were a minister in 1998, were you not?

The Hon. W.A. MATTHEW: The minister interjects that I was minister in 1998. No, I was not the minister for emergency services in 1998.

The Hon. P.F. Conlon: But you were a minister in 1998. You were in cabinet, were you not?

The Hon. W.A. MATTHEW: I was the minister for emergency services from 1993—

The Hon. P.F. Conlon: Can we get it on the record that you were in cabinet in 1998?

The Hon. W.A. MATTHEW: —to 1996 inclusive.

The DEPUTY SPEAKER: The member for Bright has the call and the minister will listen.

The Hon. W.A. MATTHEW: Thank you, Mr Deputy Speaker. As I was saying, there is no provision in the bill as to whom those people may be. The fact is that volunteers have put their time into this bill and made suggestions as to how this bill should be framed and, indeed, have seen changes made in accordance with their suggestions. I understand that in earlier drafts of the bill—the opposition did not see them—the State Emergency Service was not given a voice and that voice has been added since. I understand that, in early drafts of the bill, the Chief Executive of the State Emergency Service was not included as one of the commissioners but now is. The government has said to that organisation, 'You have had a say, your input has occurred and we have listened to you. Therefore, your organisation will be given the protection that it desires.' In my experience, that is a very simple way of winning over people's confidence. You put out a bill that is unsatisfactory, give people—

Members interjecting:

The DEPUTY SPEAKER: Order! I do not know where the moon is tonight but it seems to be having an effect on some members. The member for Mawson.

Mr BROKENSHIRE: I rise on a point of order. I take that remark as offensive. This is a serious bill. We are dealing with volunteers and it is unparliamentary to make such a comment when a member is simply raising a point and we know what the government's real agenda is.

The DEPUTY SPEAKER: Order! The member will have a chance to contribute to the debate shortly.

Mr Caica interjecting:

The DEPUTY SPEAKER: Order! The member for Colton! The chair's comment is not specifically directed at the member for Mawson but at many members.

Mr Caica interjecting:

The DEPUTY SPEAKER: Order! The chair is making the point that the behaviour since the dinner break has been unusual. I just wonder whether the moon is in an unusual position. The member for Bright has the call.

The Hon. W.A. MATTHEW: This is a very simple ploy. They put out a bill that requires obvious amendment so that people will focus on those areas of obvious amendment, get those obvious amendments through and feel that they have had a victory, and then they are placated by that victory. The reality is that this bill does not give any emergency service agency any authority over the running of any emergency service organisation. This bill takes away the say that many volunteers presently have in the running of our services.

For example, the Country Fire Service is administered by a board and, as I indicated earlier, that board comprises seven people, at least four of whom are volunteers from the Volunteer Fire Brigade Association and the Local Government Association. That board appoints the chief executive of the Country Fire Service. The chief executive is accountable to that board. The chief executive is accountable to those volunteers. The volunteers of the Country Fire Service of South Australia, through their representatives, run the CFS. The paid staff of the Country Fire Service are accountable to the volunteers. The paid staff of the Country Fire Service are there to facilitate the efforts of the volunteers on the ground in providing this fabulous fire and emergency rescue service. The paid staff are accountable to the volunteers.

Not under this bill! It all turns around the other way. Under this bill, the minister appoints the chief executive of the Country Fire Service. The chief executive of the Country

Fire Service is then accountable through this bill to the minister. He is no longer accountable to a board and no longer accountable to the volunteers. The paid staff of the Country Fire Service are accountable to the chief executive and to the minister. That enables a whole series of things to occur which today simply would not be possible. Let me cite an example that I think ought to be farcical. I refer to a near-Adelaide area where there are CFS and SES brigades. One of my favourite SES brigades is at Happy Valley, sir, and I think you are particularly familiar with it.

Dr McFetridge interjecting:

The Hon. W.A. MATTHEW: As is my esteemed colleague the member for Morphett. There are also a number of very good Hills and CFS brigades at Eden Hills and Coromandel Valley and surrounding areas. What if the government of the day—

An honourable member interjecting:

The Hon. W.A. MATTHEW: It does not have to be this government. What if a minister who is sworn in next year decides that the time has come and they want to change the way in which those emergency services are delivered. They say, 'Let's just have a look at the way the Adelaide metropolitan area has been developing.' At O'Halloran Hill, Hallett Cove, Sheidow Park and Trott Park there is hilly terrain, housing, open areas of farmland. They have a Metropolitan Fire Service station. I might add that these are competent and dedicated officers. They could well ask: why could not a Metropolitan Fire Service station be placed in the Hills area to pick up the work of the CFS and the accident rescue work of the SES unit? They could do that. There is nothing in this bill to stop that occurring.

Further, this bill would facilitate that, because you have a commission of three people who could start systematically eliminating various brigades and units around the state and replacing them with paid personnel. That is what could occur. They could systematically eliminate them. At the moment—

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: The minister interjects: am I off my rocker. That is exactly the point that many members of the Liberal party made when the Labor Party did the same thing to the St John Ambulance Service. They did just that.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: The minister says that was 12 years ago, but a leopard does not change its spots.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: I understand why the minister is anxious. It is because he does not like these things being put on the record. We are going to continue to put these things on the record, not only me but other members of the opposition as well, because we have long and accurate memories. We have witnessed the decimation of volunteers under successive Labor governments, and the leopard has not changed its spots in respect of this bill. Every member of the opposition would be abandoning their duty and responsibilities and the expectations of their electors if they did not rise in their places and express the concern they have in relation to this bill based on what we have witnessed before and what we are witnessing now in terms of how this bill is unravelling. Regardless of the assurances that have been given by the government, regardless of the fact that some of the volunteers may have said that they think this is a positive move forward—

Ms Breuer interjecting:

The Hon. W.A. MATTHEW: I will come to that in a minute. The fact is that this bill does not provide the powers that may have been promised to many volunteers. I encourage volunteers to read this bill. Members of the opposition will ensure that this bill is circulated far and wide to places where it has not gone already.

Ms BREUER: On a point of order, Mr Deputy Speaker, I refer to standing order 128—irrelevance or repetition. The member for Henny Penny (the sky is falling in) is repeating himself ad nauseam. I am sick of hearing this. Can we get on with the bill and get on with the debate?

The DEPUTY SPEAKER: Order! Members should be addressed by their electorate or title. In relation to the point of relevance, I think the member for Bright has been more in tune with that standing order in the last 20 minutes or so.

The Hon. W.A. MATTHEW: Thank you for your protection, Mr Deputy Speaker. As I was about to say before the member interrupted (and it is not a topic that I have covered before), the process of consultation, while involving a number of brigades and units around the state, in many areas was not detailed consultation. I raised this very point less than 48 hours ago in my office in this building with two representatives of the Volunteer Fire Brigade Association, namely, the president and the executive officer. I put to them that I was concerned that, in relation to the volunteers to whom I have spoken, there is a widespread lack of understanding of what is intended by this bill, and in many cases many volunteers were not aware of its existence at all. I put to them that that was as a result not just of my consultation but that of my colleagues.

When one looks at the make-up of this house and the location of volunteer brigades around the state, one sees that far more volunteer brigades are represented by members on this side of house than on the other side of the house. I have not done a brigade unit count, but I think it is fair to say that probably more than 75 per cent of the brigades and units around the state would be represented by members on this side of the house. Consult with those people my colleagues will. On raising those concerns with the VFBA representatives, they acknowledged them to be valid. Further, the executive officer acknowledged that they do not have a mandate—important words, I remember them well—to speak on behalf of all volunteers through the consultation process, but rather are acting on what they believe to be their best interests. A very noble cause, but I am concerned that much of this consultation has occurred at perhaps the brigade captain level and it has not filtered down lower.

That means that many people simply do not know that this government wants to abolish the Country Fire Service board and simply do not know that this government wants to remove the volunteer guarantee of accountability of the paid staff of the Country Fire Service, because they have not been consulted. I am not for one minute trying to imply that it is a simple task to consult with 22 000 volunteers around the state. Of course, it is not a simple task: it is a difficult task. Many of those volunteers are spread in remote locations, but they have a right to be consulted. It is absolutely vital that every one of the 22 000 volunteers has an opportunity to be consulted. In my view, they should have each received information in relation to what is about to occur.

The simple fact is that the introduction of an advisory committee to the minister does not even have its membership name within the bill; it can only provide advice which may or may not be listened to; and, if it provides a report, it has to be tabled in parliament, and that provides protection. Well, it does not—

Ms Breuer interjecting:

The DEPUTY SPEAKER: Order! The member for Giles will come to order!

The Hon. W.A. MATTHEW: Mr Deputy Speaker, you and I have both been a member of this place for almost 15 years, and we have both seen many reports tabled during that time. It is fair to say that many reports have been tabled by ministers in this place that may have provided opinion or advice on something, and many reports of that nature have been ignored because the minister's duty is completed. The minister's duty, in accordance with the act, is to table the report. The minister stands up in the parliament at any time of the sitting of parliament—most reports are tabled at the start but it could be at 2 o'clock in the morning after a long sitting—and simply says, 'Mr Speaker, as Minister for Emergency Services, I table a report provided to me by the Emergency Services Advisory Committee,' and it is done. That is the extent of the influence: no say, no managerial influence, just the tabling of a report.

At the moment, if the minister wants something to be done by the Country Fire Service through government policy, and the board has an issue with that, they can intervene. In my experience, that has not been something that has happened—

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: The minister asks whether I would have ever abolished the board. During my time as minister for emergency services, we looked at making a whole range of changes to the organisation, and I put on the record that the viability of the CFS board was examined. However, what I found are the things that I am putting forward tonight. As a consequence, I have always defended the import of that board. If the minister wants to know whether any consideration was given at any time, a whole range of things were considered but, at the end of the day, that board—

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order! The minister will come to order!

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I am sure the minister will enjoy his time when he has a chance to wrap up. The minister has never been short of a word or 10 both during his time and outside of it, and I simply ask, sir, whether he could be held to account to give me time to have my say now. The minister will have his say afterwards, I am sure. The opposition advised the government of our concern in relation to the CFS board. As I indicated at the beginning of my contribution, we indicated that a number of amendments were necessary. In the discussions that I put to the minister, I have indicated that I believe that change is needed to ensure that we have a more viable management situation than that which is presently afforded by the Emergency Services Administrative Unit.

I have indicated to the minister that the present ESAU does not have legislation in place to direct its way of governance, and I believe that is necessary. The opposition is not decrying the need to introduce legislation to this house. I have also indicated to the minister and put on the record in this house that it is my view that every step needs to be taken to ensure that the end product of the debate in this house is a workable, viable bill. However, the opposition is of the view that the only way in which we can get that product is the retention of the board of the Country Fire Service. The minister has indicated that he wishes to have the time to be able to work through the opposition's amendments in advance of the committee stage of this bill and to determine the viability of the governance that will result from it. I have indicated to the minister that the opposition is very comfortable with that approach. I formally put that on the record so that there can be no misunderstanding, no misinterpretation, of that situation.

We are very comfortable with that having occurred, for we want to ensure that we finish up with a better situation than that which we have today. If the minister and his colleagues are as genuine as they protest they are (and we take that on face value), then the opposition is happy to work with the government outside of this chamber to ensure that we come up with a product that is acceptable. I am happy to do that, and that has never been in question. Members of this parliament who have worked with me over the years know that, regularly outside this chamber, I have negotiated amendments to bills, both during my time as a minister and outside that time.

In fact, I referred earlier to the bill that amended the State Emergency Services Act that took the state emergency services out of the police department. In those days the shadow spokesman for the Labor Party was a man for whom I have a great deal of respect, Mr John Quirke. Regrettably, Mr Quirke is no longer a member of parliament, but he was the shadow spokesperson for the Labor Party. I was happy to provide him with a copy of the bill. He went through that bill, he provided his feedback, he consulted with volunteers and there was an agreed position before the bill came into the chamber and the bill went through.

The thing that has troubled members of the opposition is the consultation in relation to this bill which, for us, has been virtually non-existent until about two weeks ago. The opposition received a briefing on this bill from the minister's advisers, and they indicated that they wanted it to go through fast. My immediate reaction was, 'Well, we appreciate the briefing, and we—

The Hon. P.F. Conlon: From the minister's advisers?

The Hon. W.A. MATTHEW: From the minister's advisers.

The Hon. P.F. Conlon: And who else?

The Hon. W.A. MATTHEW: And from the Acting Chief Executive of ESAU, as I understand it.

The Hon. P.F. Conlon: And? Is that it?

The Hon. W.A. MATTHEW: That's right.

The Hon. P.F. Conlon: You don't think it was important to include that? No? Of course not. You are about as honest as the rest of them.

The Hon. W.A. MATTHEW: That briefing was provided, and—

An honourable member interjecting:

The Hon. W.A. MATTHEW: I do not know where the minister is going here. The minister does not strike me as being a particularly sensitive, thin-skinned soul. The minister is a fairly robust individual. I would have thought that he would allow me to continue this debate without interjection. He is not a particularly thin-skinned individual, I would have thought. That briefing was given to about 12 members of the opposition. Because we had not seen the bill—some members had not seen it in any form at all, some had heard about it and others had seen a couple of earlier drafts but only for a scant view—the members had many questions of the people providing that briefing.

At the start of that briefing there was no fixed view amongst the members of the opposition about that bill because we had not seen it. At the end of that briefing, to a member we all had concerns about it, and the minister would have known that when he received a report of that meeting.

To a member we had concerns about it. It is from that point that my colleagues started to contact some of the brigades and units in their areas, and it was then that they found out that, while there had been across the board consultation on the bill, there had not been top down consultation, and it was then that we started to become more concerned.

I would have thought that the way to legislate effectively on important matters—and this is a very important matter—is to consult with the elected members and to give adequate time for elected members to then ensure that those people who had claimed to have been contacted had been contacted and to ensure that those people who had claimed to have had input had done that. There is no doubt in my mind that there was an attempt to rail the opposition and to rail this bill, for why else would we be given such little time? We have heard that consultation on this bill with emergency agencies has been ongoing for some two years.

As I said, there was no detailed consultation down the chain but across the top echelons, and certainly not with other members of parliament. Many members of the other house still have not been consulted. Many paid personnel have been consulted. Rank and file members have been consulted, but the consultation needs to go down through the ranks.

Ms Rankine interjecting:

The DEPUTY SPEAKER: The member for Wright will come to order.

The Hon. W.A. MATTHEW: The opposition is troubled by the fact that that consultation was so last minute and so scant. Again, it would be remiss of us not to put that on the record, because we believe that the emergency services volunteers deserve and need to understand the process that has occurred in relation to this bill. I wrote to the main emergency services bodies as soon as I had had my briefing. They know full well when that was because they have not had the letter for very long at all, just a couple of weeks.

That was the maximum amount of time we had to give them for them to pass comment back to us. Indeed, one group informally said to me that they would have liked more time to respond. I replied that I would have liked to have been able to ask them earlier but, regrettably, as my colleagues and I had not seen the bill until that time, we were using every available piece of consultative time.

The Hon. P.F. Conlon interjecting:

The Hon. W.A. MATTHEW: The minister keeps interjecting.

The DEPUTY SPEAKER: Perhaps the member for Bright could ignore interjections and the minister not interject. The member for Bright.

The Hon. W.A. MATTHEW: That gave us a very short period of time to get the amendments in place on this bill. At this stage some 80, or thereabouts, amendments (there might be a few more than that) have been circulated in my name and in the name of my esteemed colleague the member for Stuart who, for many years, has had a great deal of respect and association with the CFS and the SES. Those amendments have been put in place, and the government was probably a little surprised at their number, but we believe they are necessary to effect change. The amendments are not as severe as they would appear on first reading, as some 74 of them relate to the retention of the Country Fire Service Board, and many of those are as simple as deleting from the bill the words 'Chief Executive', in reference to the Country Fire Service, and replacing them with 'the South Australian Country Fire Service Board'. There are a number of those references, and we have simply sought to put those amendments in that way.

Having put those amendments together, and advising the government of them yesterday, I was initially surprised (although perhaps I should not have been) that the minister was able to pass to me in the chamber a letter of support he had been given, with yesterday's date, from the Presiding Member of the Country Fire Service Board saying that it supported this bill. This is the letter to which the member for Giles referred. It is dated 29 June and is addressed to the Minister for Emergency Services. It states:

> The Board of the SA Country Fire Service supports the settled Fire and Emergency Services Bill that has been introduced to the Parliament.
>
> The Board has considered and provided significant input for successive drafts of the Bill.
>
> The Board recognises there has been extensive consultation with the stakeholders, including CFS and SES volunteers, in the drafting of the Bill. CFS volunteers, through the SA Volunteer Fire Brigades Association, have also been involved with, and have provided substantial meaningful input into numerous working parties that have developed the structure and framework for the proposed SA Fire and Services Commission.
>
> The Board is of the view the proposed governance arrangements, in conjunction with the proposed Advisory Board (which will have the power to provide direct advice to the Minister), coupled with an appropriate transition procedure, provides sufficient and appropriate protection and representation to volunteers.
>
> The Board would like to express its appreciation to the Minister for the opportunity to make comment on these important matters.
>
> This letter represents the unanimous view of the Board.
>
> On behalf of the CFS Board,
>
> Yours sincerely,
>
> Ray Dundon.

Mr Dundon is the Presiding Member of the Country Fire Service Board. The minister passed that letter to me so that the opposition would be informed of the view of the Country Fire Service Board—a view, I might add, that was formulated without the board meeting with a representative of the opposition (other than the members of the Volunteer Fire Brigades Association I was able to speak to on that day); without having seen the amendments we put together; and without having the opportunity to hear why that was done. That letter was put forward, and I smelled a rat. When a letter is turned around that quickly and whipped into this chamber in that way, I smell a rat.

The Hon. P.F. CONLON: I rise on a point of order, Mr Deputy Speaker. The fellow can impugn me all he likes, but when he suggests that somehow either the chair or the board are being dishonest, I think that is going a bit far. They are not here. That is a disgrace.

The DEPUTY SPEAKER: Order! That phrase is an indirect reflection, not a direct reflection. It is the member's choice of words.

The Hon. P.F. CONLON: Let the member explain what he means by smelling a rat.

The DEPUTY SPEAKER: Order! It is not question time.

Mr WILLIAMS: I rise on a point of order, Mr Deputy Speaker. I believe that the practice of the house is that it does not stand for frivolous points of order. The minister will have his opportunity to rebut any points made in the debate.

The DEPUTY SPEAKER: Order! That is for the chair. The minister will have his opportunity.

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order! The minister does not have the call. It is up to member for Bright, and he can use that phrase; it is his choice. However, it is not a direct reflection.

The Hon. W.A. MATTHEW: Thank you again, Mr Deputy Speaker, for your protection. The turnaround of that letter was such that I expect that it was clearly given to the minister to try to get the opposition to cease in its resolve. Had the board heard from the opposition the communication that opposition members had received from volunteers, I would be very surprised if at least some of the members of the board (if not all of them) would have come to such a viewpoint. I expect that the board members of the CFS would have believed that the opposition had been briefed, kept informed of the progress and had full details of who had been consulted and were comfortable with that happening. If the board had known the way in which the consultation process really occurred, I doubt that it would have so hastily put together such a letter. Certainly, in the intervening period between the time I suspect the debate on this bill could well be adjourned and when it resumes, there will be the opportunity for opposition members to discuss those aspects.

As I indicated from the outset, the opposition's concern is that we do not want to see a recreation of the animosity that occurred before. Shortly after I became minister, we had the dreadful situation of the bushfires in New South Wales. South Australian volunteers and paid officers were called upon by New South Wales to contribute to that effort. There is no doubt that the unified call to assist, responded to by volunteers from our state, went an enormous way to allaying some of the angst that had occurred in our volunteer services during the previous Labor government. Such was the mending that something quite amazing occurred. Many of the CFS officers who came back—

The DEPUTY SPEAKER: Order! The member for Bright is not allowed to display—

The Hon. W.A. MATTHEW: I am not putting it out for display, sir.

The DEPUTY SPEAKER: Order! The member is not allowed to display objects in the chamber.

The Hon. W.A. MATTHEW: I know I am not allowed to display—

The DEPUTY SPEAKER: Order! The member will be named if he defies the chair.

The Hon. W.A. MATTHEW: I will put it behind me, sir.

The DEPUTY SPEAKER: And no other member will display it, either.

The Hon. W.A. MATTHEW: Such was the camaraderie that developed between the Metropolitan Fire Service officers and the Country Fire Service officers that a number of them had both patches on their arm when they came back. They had worked together, and they developed a very healthy respect for each other's abilities. Paid Metropolitan Fire Service operators, who may not have seen Country Fire Service officers in action, had the experience of some of the high grass and other bushfires that occur. The Country Fire Service volunteers saw the experience of the Metropolitan Fire Service officers, particularly in their combating of structural fires.

Those who went and responded to that call developed a very strong camaraderie. We were pleased to see the way in which they worked together on that. We saw the ability realised to develop mutual response plans that had not been there before. Those mutual response plans were always difficult to work through because we had territorial arguments that were occurring between the Metropolitan Fire Service and the Country Fire Service, and often between other organisations and the SES.

That is not to pretend that they have gone away today, but the situation is greatly improved compared to the way it was. That occurred because of cooperation. We saw the upheaval that had occurred during the Bannon Labor government, under ministers such as the Hon. John Klunder and the Hon. Kym Mayes, and we do not want to see this bill recreate that mayhem. I would hope that no member of this house wants to see that mayhem recreated.

The Hon. P.F. Conlon: Oh, you do. You do. It's your only desire. You only like bad news.

The Hon. W.A. MATTHEW: Mr Deputy Speaker, I ask that you require the minister to withdraw that slur.

Members interjecting:

The DEPUTY SPEAKER: Order, the member for Giles and the minister! The member for Bright has the call.

The Hon. W.A. MATTHEW: Thank you, Mr Deputy Speaker. I can understand why emotions are running high on this bill, because it affects very important things about our community. This bill affects the way in which emergencies are responded to, in which fire and rescue are responded to. This bill affects the paid and volunteer staff who respond to such emergencies, particularly the volunteer personnel. It reduces the influence that those volunteer services have over the organisations that run their communities.

Through all of this, the opposition acknowledges that there is a group who have not been afforded the opportunity, the protection, that the Country Fire Service has in the past, and that has been the State Emergency Service. For many years, the State Emergency Service has been regarded as the poor relation. As I indicated earlier, it was the previous Labor government's view that the State Emergency Service would simply become part of the Country Fire Service and that, of course, they would amalgamate that with the Metropolitan Fire Service.

That had always been the difficulty. The Liberal government moved the SES out of the Police Department, and the introduction of the emergency services levy, as controversial as it was—and a levy that was opposed by the Labor party—was to ensure that those groups that had received poor treatment in the past received better treatment in the future. Groups like the State Emergency Service—

Ms BREUER: I rise on a point of order. I am sick to death of hearing this member. I have been sitting here for an hour and a half, listening to this repetition—

The DEPUTY SPEAKER: Order, member for Giles! The standing orders allow the lead speaker unlimited time. If members do not like the standing orders, it is up to them to change them.

The Hon. W.A. MATTHEW: Thank you again, sir, for your protection.

The Hon. P.F. Conlon: I'm terrified, Gunny—bloody terrified!

The Hon. W.A. MATTHEW: Groups like—

Members interjecting:

The Hon. W.A. MATTHEW: If the minister has finished with his profanities, can I continue?

The Hon. P.F. CONLON: I rise on a point of order, sir. The shadow minister has just suggested that I have been using profanities, when I said, 'I am terrified'. It is completely dishonest to try to get in *Hansard* his accusing me of profanity when I have not done any such thing.

The DEPUTY SPEAKER: Order!

Mr Williams interjecting:

The DEPUTY SPEAKER: Order! The member for MacKillop does not have the call. The member for MacKillop will resume his seat.

Members interjecting:

The Hon. P.F. CONLON: I seek leave to make a personal explanation, sir.

The DEPUTY SPEAKER: Order! The chair will not call anyone until the house comes to order and settles down.

The Hon. P.F. Conlon: I mean, get the bloke to tell the truth!

The DEPUTY SPEAKER: Order, Minister! The house will come to order. Members will just calm down and address the issue before us.

The Hon. P.F. Conlon: Well, get the bloke to tell the truth.

The DEPUTY SPEAKER: The member for Bright.

The Hon. W.A. MATTHEW: On a point of order, I object to the minister's yelling across the chamber to me that I should tell the truth, sir. The minister did utter a profanity. It was heard by me; it was heard by others in this chamber. He did so.

The DEPUTY SPEAKER: Order!

The Hon. P.F. Conlon: Gunny, did I utter a profanity?

The DEPUTY SPEAKER: Order! The minister will resume his seat.

The Hon. P.F. CONLON: I tell you, sir: I can't say this arises out of a matter of privilege, because he is not telling the truth.

The DEPUTY SPEAKER: The house will come to order. The house might have to wait a while until people calm down. Members need to remind themselves of the purpose for which they have been elected here and they should reflect on that, because the members of the public would be disgusted with some of the behaviour that goes on in here.

The Hon. P.F. Conlon: Tell the truth, Wayne!

The Hon. W.A. MATTHEW: Sir, I object to the language that the minister used, and I object to his continuing to utter that across the chamber. I will continue. I can understand—

Mrs GERAGHTY: I rise on a point of order. I have not really participated in this, but I have to say that the minister—and I am sitting right behind him and I would hear everything that he has said—has not offered any profanity to the member opposite.

The DEPUTY SPEAKER: Order! That is not a point of order. Members just need to settle down. The member for Bright should address the substance of the bill and move on.

The Hon. W.A. MATTHEW: Thank you, sir. As I was indicating, the intent of the emergency services levy was, as well as ensuring that all services were adequately funded, to ensure that those organisations that had classified themselves as the poor relations—organisations such as the State Emergency Service, the Surf Life Saving Association, and the various sea rescue groups around the state—would be better funded. And, sir, better funded they indeed have been.

Having said that, it is fair to say that the State Emergency Service, in particular, deservedly looks for greater recognition in legislative form. Again, the opposition does not disagree with that. There is no doubting that this legislation provides for some of that greater recognition. It is fair to say that the government's ability to include, although reluctantly—the government as I understand in earlier drafts did not do this—in the end agreed that the State Emergency Service would have the opportunity to contribute to the advisory committee, to provide advice to the minister, and would have the opportunity to participate in the writing of any report that went to the minister that would be tabled, and gave them more than they have at present.

It is true to say that that does give the State Emergency Service more than it has at present. That is not disputed, and it is therefore understandable that members of the SES would say that that is better than the status quo in that part. What is not better than the status quo is the abolition of the Country Fire Service Board. The Country Fire Service members lose their ability to manage the paid staff of the Country Fire Service, and they lose the ability to tell the minister if they disagree with a directive that it will not occur. This act will provide the minister with the ability to direct the Chief Executive of the Country Fire Service, a power that the minister does not have today; that power will be conferred if this passes through.

The opposition is troubled by that change, that taking away of power, responsibility and authority, from Country Fire Service volunteers. For that reason we are indicating that we are comfortable with the fact that we need a bill to ensure that an appropriate emergency services agency is in place. We are comfortable with the fact that there would be changes made to the existing emergency services management arrangements because those arrangements are flawed. We are comfortable with the fact that the bill provides a greater opportunity for the State Emergency Service than that which they have at the moment. However, we are most uncomfortable with the treatment of the state's 20 000 CFS volunteers by this bill, for they will lose out, and it is their significant strength and that of the board, which protected the CFS volunteers and the CFS from its amalgamation with the Metropolitan Fire Service under the last government. That occurred under that government, as I detailed to the house earlier, despite the minister's persistent attempts to stop me putting on the record what the last Labor government tried to do to the CFS and the MFS.

In those days, the union representative of the Metropolitan Fire Service, the United Firefighters Union, was Mr Paul Caica, who is now the member for Colton. He is a man over the years for whom I have had a high regard.

Mr Caica interjecting:

The Hon. W.A. MATTHEW: Indeed. As the member indicates, he and I would often speak. I am aware of the member's view at that time, and I would be interested to know whether the member's view has changed. I would be very interested to listen to the contribution from the member for Colton but he and I know what his view was in those days and I look forward to seeing if the member's view has changed. I hope it has, and if it has, that would be extremely encouraging, and I am sure that many people will be listening to find out if it has. At the end of all of this, very important services are at stake. They are services for all South Australians. South Australians want to have an efficient, reliable, emergency service response, and they get that, and they get that in areas of high volume through paid officers.

We have a fine Metropolitan Fire Service, and my concerns about union involvement are not concerns about the members of the firefighting service, for many of them are union members simply because the money has always come out of their pay. They are not necessarily heavy participants in the union. They are simply members and they are not the people who are involved in the manipulation of the past, and they are not the people who are likely to be involved in the manipulation of the future. Our volunteers are dedicated and they want to know that the government has the legislative

protection in place so that they will not be subjected to unfair pressure, so that they will not have people trying to take away their responsibilities, and so that when an emergency is on, they can just do it.

What this parliament ought to be about is making sure that they have that opportunity—having in place legislation where they know that they are protected and they can get out there and do it. The Opposition's intent with this bill is to ensure that we have in place a bill that enables that. The offer is there to the government to negotiate this, as should have been done further, outside of the sessions of this parliament, so that we can get legislation in place that is appropriate and allow our volunteers to do what they want to do and get on with the job.

The Hon. P.F. CONLON secured the adjournment of the debate.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The Legislative Council, having considered the recommendations of the conference, agreed to the same.

Consideration in committee of the recommendations of the conference.

The Hon. L. STEVENS: I move:

That the recommendations of the conference be agreed to.

I am very happy to see that we now have reached what I trust will be a common position between the two houses on this bill. I wish to note some of the areas where there has been resolution between the deadlock conference managers. For example, the conference managers propose that the House of Assembly no longer insists on the name 'ombudsman' but accepts the view of the other place to designate the position as commissioner. We also propose that the house agree to the position on conciliation being a feature of the entire bill rather than just one part. Very importantly, a resolution was reached in conference that clarifies the position of volunteers; that is, the commissioner must give particular attention to the position of volunteers and to their value in providing services and not unnecessarily involve them in any proceedings under this legislation. The bill now also expressly exempts volunteers from the coercive powers as described under part 6, division II of the bill.

These measures give very clear protection to volunteers whilst still preserving the capacity of the commissioner to examine any complaint which might involve the alleged actions or inaction of volunteers. This is a workable and effective compromise. The overall position agreed to at conference regarding the application of the act, the removal of 4A, means that the integrity and scope of the legislation is preserved, whilst making sound provisions for the protection of volunteers.

I also note that by agreement there has been a clarification of the interplay between this Health and Community Services Complaints Commissioner and the State Ombudsman. I am sure this clarification will add to the efficacy of this legislation and greatly assist the work of both officers in the administration of the legislation.

I am sure the house is aware that matters discussed in conference are to remain confidential. However, an agreement was reached, and at the request of the opposition I wish to make further comments about clause 26 and the opposition's view of this clause. Clause 26 as agreed to in conference remains the same; that is, the period of time in which a person may make a complaint after which they became aware of a problem is two years in the normal course of events. The opposition had wanted this time period to be reduced to one year and had successfully moved an amendment in another place to that effect.

This house continued to assert the need to retain the two-year period on the basis that, whilst it was desirable that complaints be investigated as soon as possible, there are circumstances in which health and community service consumers find themselves which make it difficult for them to meet a one year deadline. This could be due to ongoing illness or continuing effects of mental illness, recovery from trauma or grief reactions. For that reason the government always was of the view that two years was the appropriate time. I acknowledge without reservation that the opposition's only motive in seeking the shorter period was not to make it more difficult for people to make a complaint but rather to encourage consumers to come forward sooner and thus have a greater chance of getting earlier resolution. This is a sentiment with which I am sure we all agree.

A further matter I have agreed to mention concerns clause 83, subclauses(2)(b) and (c), (3) and (4). These clauses refer to the capacity to set an annual fee for registered service providers. I have undertaken to describe some principles by which such fees will be set, which I now so do. First, the Health and Community Services Complaints Commissioner will provide advice on the proposed prescribed fee and the scheme under which registration authorities may pay towards the costs associated with the administration of this act. Secondly, in preparing the advice the commissioner will consult with registration authorities and have regard to what are reasonable contributions from registered providers, the differences in average incomes across the registered professions and the current level of investigation work undertaken by registration authorities that would be transferred to the Health and Community Services Complaints Commissioner.

I believe the report from the conference managers provides us with a workable piece of legislation that retains the integrity of its original purpose. It is now time for this parliament to close the long debate on this matter and move forward to offer better protection to both consumers and providers of our health and community services. I commend the bill and the report to the committee.

The Hon. DEAN BROWN: As you, Mr Chairman, would know, as you were a member of the deadlock conference, we reached a resolution and it was a good example of how effective deadlock conferences can be. I have often been an advocate of getting something into a deadlock conference and getting a resolution because on numerous occasions I have seen it work reasonably effectively. We often argue at great length in the house, but we could save some of that argument for the deadlock conference.

The important thing is, first, that we have legislation through the upper house and it will go through this house with the support of both sides of the house in its final resolution. We will have health and community services complaint legislation in place. There will now be a mechanism whereby people who have complaints, either in the health area or in the community services area, will be able to action those complaints and have them resolved in I hope a reasonably quick and effective way involving mediation. That is very important.

It is important that both sides of both houses of parliament take credit for the way they have worked towards reaching a resolution on this issue. I have always been a keen support-

er of this type of legislation—I introduced it originally. It did not get through the upper house before the election and then the present minister introduced legislation. It has taken two and a quarter years to get to this stage, so in total we have now spent as a parliament some three and a half years approximately, perhaps even four years, getting the legislation to the stage where there will now be agreement.

I will highlight some of the key features of the resolution. First, the deadlock conference has recommended to both houses of parliament that the phrase 'ombudsman' be dropped and that the position be called Health and Community Services Complaints Commissioner. That now will be adopted. So that takes up a significant number of the amendments that we are currently looking at. My original bill included a commissioner and I argued for that during the debate, and I am pleased that that has been the outcome. It will remove what otherwise would have been a confusion, I believe.

It does not in any way lessen the powers or the effect of the legislation, and I want to stress that. The commissioner has exactly the same powers as proposed for the ombudsman but it removes any confusion over title, and I believe that will be good. We will be able to talk about the Ombudsman and refer to the state Ombudsman and we will be able to talk about the health and community services complaints commissioner and make that clear distinction. I think that is also important because, for the first time, we effectively have legislation that deals with private providers. I can recall when the term 'ombudsman' was first introduced into this parliament. An ombudsman was someone who looked at administrative decisions within government and decided whether or not an inappropriate administrative decision had been made. I think the role of the commissioner in this case is quite different to that, and certainly deals with the private sector as well as the public sector.

The second issue is that we have tightened up in terms of the powers of the minister. This is interesting, because the original draft of the bill that I had raised with various outside groups some issues of real concern about the powers of the minister, and we picked up on exactly those points here. In the original bill that was introduced I had agreed to reduce the powers of the minister, and we see that adopted here in at least one or two of the amendments. I stress the fact that, when it comes to issues of broad public safety, public interest and public importance, the minister has power to direct the commissioner, and that is appropriate. In talking through this—and I think there was genuine desire on both sides of parliament to reach agreement on this—we saw there was a role for the minister when it came to a broad issue of public safety interest or importance. So, one of the recommendations we are now dealing with is to adopt that.

Another issue was whether the legislation would apply for two years or one year. There was an exception (an 'out', if you like) so that, if there was a justifiable reason, the commissioner could still investigate the matter. It was agreed by the deadlock conference that it should be two years, and I accept that. My reason for moving the amendment for one year originally was to try to bring issues on for resolution as quickly as possible. Often, with complaints such as this, people say, 'We have a two year period in which to lodge a complaint so we will wait for two years,' whereas, if they had one year within which to lodge the complaint, they would lodge it within one year. I personally think the sooner the complaint is looked at, the better it is in terms of getting a resolution to the complaint; and certainly it is better for the patient involved or the recipient of the service because they are able to work through their problems quicker. It is also better for the service provider, whether it is a health service or a community service, because I think the circumstances around the delivery of the service are fresher in the minds of all the parties involved.

The deadlock conference has agreed to two years, and I accept that, because it was not an attempt to restrict in any way the number of applications being heard: it was only an attempt to try to get them on quickly. But I accept the decision of the deadlock conference. I think we ought to try to monitor that and see how it goes. I hope that people use this mechanism, and use it as early as possible, rather than sit back and wait for the two year maximum period. However, I stress the fact that the legislation (and everyone accepted this) contains an 'out' whereby the commissioner can hear cases even after two years: therefore, if someone finds that their complaint does not become apparent for two, three or four years after the delivery of the service, they will still be able to be heard by the commissioner.

We managed to resolve the issue of professional mentors, and that will be agreed to now as part of these amendments.

One of the important amendments that was dealt with related to volunteers. This was a matter in which a number of outside groups took an interest, and certainly there was a lot of debate in this house. The Legislative Council no longer insisted upon its amendments but, instead, some new amendments were looked at, and I think they give significant protection to volunteers. The first amendment reads:

> The commissioner must, in acting under this act, give particular attention to the position of volunteers and to their value in providing health and community services within the community and should not unnecessarily involve them in any proceedings under this act.

That sets the standard which the commissioner will apply. The commissioner clearly has to take account of the fact that a service was provided by volunteers and therefore should appreciate the fact that it has been done by someone with goodwill and make an assessment on that basis. But there is a further protection for the volunteer, and the second amendment states:

> . . . and the volunteer cannot be required to participate in any proceedings under this act and in particular cannot be subject to the exercise of any power under Part 6 Division 2.

That is the part of the act that provides for formal hearings requiring people to lodge documents, and significant penalties. That was always my concern. Putting a volunteer through that process I believe would have been traumatic for them, particularly as many tend to be slightly older people or, in some cases, inexperienced. I think it was inappropriate to have that requirement.

This gives protection to volunteers, something which I was keen to achieve. I am delighted with this agreement which both sides worked hard to achieve. It provides the type of protection for volunteers that I was looking for and, at the same time, it does not diminish the value of the legislation and, therefore, the role of the commissioner in the future. If, for example, there is a complaint about an organisation such as Meals on Wheels which uses volunteers, at the end of the day the volunteers are protected, but the complaint against the service can be investigated by the commissioner.

Clause 75 provides the power for specified classes of returns to be given to the commissioner. The original legislation required an individual provider to list all complaints and provide them to the commissioner. I objected strongly to that. The deadlock conference has agreed that

mandatory reporting can only apply to specific classes of complaints, as prescribed. We deleted the words 'specified classes of complaints' and substituted the words 'prescribed classes'. So, it is done by prescription. It provides: 'prescribed classes of complaints relating to matters of public safety, interest or importance'. This raises the act to a much higher level in an area where I believe providers will not have any objection.

My concern related to issues such as picking on a particular provider and requiring them to document all complaints, even the trivial ones. This now protects a provider from that, and again I think it is a reasonable solution to the problem. The bill otherwise requires it to be in the broad public interest or to be a matter of public safety or importance. We said that there had to be a designated health or community services provider. The bill now provides:

> A health or community service provider, or a health or community service provider of a class designated by the regulations for the purpose of this section.

So, we have given added protection by requiring this to be done by way of regulation. I think the original legislation allowed the health complaints ombudsman almost to make a unilateral decision. That is now not possible.

Regarding the other amendments, we have protected providers by not allowing the commissioner to make unreasonable demands on them. The commissioner must, in making any decision on a complaint under this act, take into account the level of resources reasonably available to the health or community service provider. This is one of the issues that I picked up during the debate in this house. I said that it is unreasonable to expect a provider to provide a level of service for which they were never paid. It may have been a physiotherapy service or something like that or some other broader program. We have now put some restriction on that.

We have also allowed the State Ombudsman to review the process under which the health complaints commissioner has made a determination or recommendation. If there is found to be a fault with the process, the State Ombudsman can overturn the decision but cannot investigate the complaint. That is appropriate. What we are saying is that clearly it goes back to the complaints commissioner. If the complaints commissioner has heard this complaint and used undue process, it will be important for that commissioner to delegate their powers under the law to enable someone else to go through the same process. The same powers which the health complaints commissioner has will be used, but obviously a different party will do the investigation and try to remediate or come to a determination or recommendation. It provides a chance for the correct process to be implemented.

Another area on which I was not entirely happy with the outcome relates to the levy of a fee on professional groups to help pay for this. I do not believe there should be a fee levied on professional groups. I argued the case as hard as I could, as did members of the upper house, but, at the end of the day, we did not win that argument. Therefore, there will be a prescribed fee. I think the minister is going to give us an outline of the nature of the fee that will be imposed. Overall, I think this has been a very good outcome, and I am delighted that now this legislation can go through and we can have an effective complaints mechanism for both health and community services within this state.

The Hon. L. STEVENS: This legislation has been a long time coming, and it is the only bill of this type that has passed through both houses and made it to this point. Calls for this legislation have come from the community since the mid-1980s, so it is a long time. Other states and territories in Australia progressively established their complaints authorities from the 1980s onwards. We could have also done that.

The Hon. Martyn Evans when minister for health prior to the 1993 election prepared a draft bill and public consultation paper. However, Labor lost that election and the issue dropped off the radar screen of the incoming government. Labor, with the Democrats, attempted to introduce amendments to the then Liberal government's Health Services Amendment Bill, but that bill did not make it and was withdrawn by the then government, from memory, in a deadlock conference. The then minister for health (Hon. Michael Armitage) established a small unit in the state Ombudsman's office in 1996, after several years of no action, but this office only had jurisdiction over the public sector.

I introduced a private member's bill in 1998 to amend the State Ombudsman's Act to increase the jurisdiction to the private sector. The member for Kaurna also introduced a similar bill at about this time. In March 2000 and again in December 2000, I introduced the Health and Community Services Complaints Bill as a private member's bill, and it was the direct forerunner of this legislation.

This bill, which we are finalising today, was first introduced in July 2002, fulfilling a specific election policy of the incoming Labor government. As I said, it has been a long time coming. I have said consistently throughout all the debates that this bill was always about resolution, not prosecution or persecution. It is about solving problems and helping to make sure that we do our best to ensure that problems do not occur or recur. This bill has grown out of the government's determination for ensuring consumer rights in health and community services, but it is also true that this bill has grown out of a widespread community movement.

Consumers, health providers, community service providers, the non-government sector, the volunteer sector, unions, professional associations and many others have all supported and engaged in advocating for this bill: it truly belongs to them. I am sure that members would have noticed their interest by the large amount of mail and direct representation which they would have received about this bill. This parliament was being closely watched by a strong and positive movement which expected us all to pass this bill.

There are many people to thank and whose contribution was vital to the progress of this legislation, and I would particularly include Ms Nicki Dantalis and her departmental staff. I would also like to acknowledge the long-term work of parliamentary counsellor Richard Dennis, who really followed this progression of bills from those early days.

When attempting to mention all those who have contributed, inevitably someone is left out, so I will save my thanks to people for another time. However, I do believe it is well-deserved to single out the great contribution of Ms Pam Moore, who through her positions in health rights and community action and latterly as chair of the Health Consumers Alliance has provided consistent and strong advocacy for this legislation over many years. Her own personal story is testament to the need for such a complaints mechanism, and I thank her for her personal courage, her determination and her support.

Motion carried.

CONVEYANCERS (CORPORATE STRUCTURES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 2177.)

Dr McFETRIDGE (Morphett): I indicate that the opposition will be supporting this bill without further amendment. The original conveyancers bill was introduced by the then minister for consumer affairs (Hon. K.T. Griffin—of blessed memory) in August 1994. In October 2000, the then minister introduced amendments in response to the national competition policy agreements put in place by the Council of Australian Governments on 11 April 1995. The bill lapsed upon the calling of the election in 2001. The Labor government is now reintroducing the bill.

This bill was introduced into the house in May 2004 by the minister, and the bill seeks to carry out the government's obligations under the national competition policy to reform the ownership restrictions in the Conveyancers Act of 1994. The bill makes amendments to the present ownership restrictions in the Conveyancers Act. It removes the present ownership restrictions but precludes land agents or financial institutions, and others who finance land purchasers, from owning or being directors of conveyancing companies.

The bill modifies the present requirements that all directors of incorporated conveyances must be registered conveyancers such that only a majority of the directors need to registered conveyancers, with the businesses to be managed by a registered conveyancer. I indicate opposition support for this bill without any further amendment.

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

SITTINGS AND BUSINESS

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I move:

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

Motion carried.

FIRE AND EMERGENCY SERVICES BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2645.)

The Hon. G.M. GUNN (Stuart): This measure is particularly important because it lays out a framework for the management of our emergency services and those people who provide those services. When legislating in this field, it is terribly important that we do nothing which discourages volunteers to make themselves available to provide what is an essential service for the people of South Australia. It is a service that could not be provided if the government of South Australia had to pay for it. People have provided services for a long time in organisations such as the Country Fire Service, which is on a very similar plateau to the Royal Flying Doctor Service.

It is held in the highest regard, and people have been happy to give not only their time but also their money to support it. Unfortunately, this particular measure has a number of consequences which, in my view, would not benefit the provision of emergency services, nor will it encourage people to volunteer their service to become members. A number of changes have affected the Country Fire Service and emergency services of recent years. We had the establishment of the ESAU arrangement which, in my view, was unnecessary and unwise. I made those views known at the time, and I think that some of us have been proved absolutely right.

It was another layer of bureaucracy. At the time of the introduction of the emergency services levy we had the basic exclusion of local government involvement in the Country Fire Service which, in itself, was another mistake which ought to be rectified in the future. In the past it has played a very important role because it has the equipment, the organisational ability and the communications. Certainly, it can assist in many ways and it should be included. They are local people assisting local volunteers. The nub of this proposal is simple: if you take away the rights of these volunteers to be represented at board level, you will take away their enthusiasm and their desire to participate.

What has been put forward may have been put forward with the best intentions in the world but, certainly, it is a retrograde step. One of the greatest threats to democracy is bureaucracy. Unfortunately, as well meaning as bureaucracy is it always has unintended consequences. Those consequences normally create difficulties, they make decision making more difficult, they create circumstances which people never imagined and, at the end of the day, they clutter up the arrangements and cause frustration. I think that I should make it clear. I want to add to what the member for Bright had to say.

No matter the end result of this parliamentary process of this legislation, if it is not in a satisfactory form, and if the Country Fire Service Board is not maintained and those communities have an ability to be representative, it will be a high priority of an incoming Liberal government to rectify it, to change it and to fix the problems, and we make that very clear. The attempt to put in train this process, as you know, Mr Speaker, is unwise.

One unfortunate aspect of legislation of this nature is that the volunteers who do all this good work are sincere people. They are trusting and they always take at face value what is being put to them. However, in many cases they do not realise that the proposition that is put to them may, at first glance, be acceptable, but when the whole process is explained to them they realise that they have stepped on to a slippery rug, and the rug will be pulled out from under them. It is not satisfactory. I put to you, Mr Speaker, that I wonder how many volunteers have read this document. How many volunteers have had it explained to them?

I was very surprised and disappointed to receive a copy of a letter signed by the Presiding Member of the Country Fire Service Board. In my experience, the board has not been involved in political controversy before, but this letter has done just that. In my judgment, it was unwise to send this letter, and I do not know who the architect was. It has not had any effect on the opposition—but it has created a great deal of concern. It has raised a number of suspicions and, at the end of the day, I think it has been a most unproductive exercise. I was absolutely astounded when a copy was handed to me. I do not believe that the volunteers agree with this letter, or accept it at face value, because they have not read the document that this parliament has been asked to consider tonight.

It is unfortunate that, during the debate so far, tempers have been frayed. It has been a rather unseemly process this

evening, and I do not think that people present would have been particularly impressed, because we are dealing with important issues. A large section of this bill is a direct lift-out, and I do not have any problem with that. It comprises some 90 pages, and I ask: how many volunteers have read it? The first difficulty arises on page 12, clause 7(1), which provides:

> The Commission is subject to the control and direction of the Minister.

In itself, that is quite wrong and we totally oppose it. In relation to the advisory board and committees (which are referred to on pages 17 and 18 of the bill), nowhere is there any indication of who will make up this advisory board. Who are they? Where will they be selected from? Will they come from the Mallee area in your constituency, Mr Speaker? We would anticipate that that would be so, because it is a fire-prone area. Will they come from the Flinders Ranges in the Far North of the state? One would hope so, because that too is a fire-prone area. Who will select these people? Who will vet them? What skills do they have? Have they had any experience with burning off? Have they had any experience in the CFS or land management?

We are not talking about a group of people sitting around having a cup of coffee and a cosy chat. We do not want professional meeting attendees. We do not want people who are compliant: we want people who have the courage of their convictions and can make a contribution. We are talking about a group that will be a toothless tiger, comprising people who the minister or his advisers think will probably cause them the least trouble. I am amazed at why any individual who has had any experience in these matters would put forward such a daft idea.

You cannot believe that this provision will encourage people to volunteer: it will have the opposite effect. Do you think volunteers will give their time and effort and disrupt their lives if they do not have any representation on a board or a commission? I know that senior officials do not like ordinary citizens being involved in supervising them—but that is democracy. The perfect solution for those officials would be to have not even a parliament but just appoint some people. However, you and I know that is a nonsense, but we see it elsewhere. The smaller the group, the more inward looking it is, the cosier it gets and the more isolated from reality and the real world it becomes. In itself, that is a very dangerous concept.

In my view, one person should represent the pastoral areas of the state and a couple of people should be nominated from the Farmers Federation (and they need to be practical farmers, because we do not want Rundle Street jockeys). In addition, we want a couple of elected people from local government and a range of other people but, if we are not careful, the executive officer from local government or someone from the Local Government Association will become a member, but we will not wear any of that sort of humbug. We want the Country Fire Service Board to be maintained or expanded, if necessary, to ensure that it is more representative. There will be committees, and clause 19(2) provides:

> (2) Subject to any direction of the Minister, the membership of the committee will be determined by the Commission.

These committees will be determined by the commission, that is, the chief officers. We will not wear that under any circumstances. I have only just touched upon these issues. I do not intend to debate or discuss the Metropolitan Fire Service: I will leave that to those whose electorate it covers. I think one or two Metropolitan Fire Service units are in my area, but there are a very large number of Country Fire Service personnel who give outstanding service. I strongly support the concept that, wherever possible, emergency services are all collocated. So, you can have good headquarters, a good depot or base for them to operate from. I am all in favour of having effective and good vehicles to carry out difficult tasks. Some of these new vehicles, all-wheel drives which operate in hilly conditions in my electorate, do an outstanding job. Some of them are built in your electorate, Mr Speaker. I hope that are not in the future painted red. I hope they continue to be painted white.

If we look at other provisions in this bill, why is it necessary to have ministerial control of this matter? It states:

> If the minister gives a direction under this section the commission must cause a statement of the fact that the direction was given to be published in the next annual report.

That could be eight or nine months away. At the very minimum, it ought to be tabled in parliament within 14 sitting days. I find some of the provisions in this particular document disappointing, because, as I said earlier, the Country Fire Service and the SES have been manned by conscientious, good South Australian citizens, and the organisations have been supported and held in the highest regard. These sort of silly provisions, which will only create more bureaucracy and downgrade the role, are unwise, unnecessary and insupportable, and if by a faint chance become law will be changed in the future as a very high priority.

I therefore look forward to the committee stage and I hope the minister will understand quite clearly that, if he wants to have early passage of this legislation, he needs to accept the well-considered and thought-out amendments that some of us are putting forward. I am putting forward some amendments to improve the ability of the director of the Country Fire Service to deal with the foolishness of the native vegetation operators, particularly since the new chairman appears to be an anti-rural, anti-farmer person. I will have more to say about that person and one or two others, because of their conduct and their disgraceful attempt to prosecute innocent people and to defy the Country Fire Service Act.

The chairman must accept a very heavy responsibility for those outrages against decent people and for attacking the volunteers in the Country Fire Service. I believe that those responsible for certain prosecutions—and I want to know if the director of the department of the environment was involved—should be censured or dismissed. Mr Speaker, your friend Mr Whisson, should be included in that. I therefore look forward to the continuation of the debate in the committee stage.

Dr McFETRIDGE (Morphett): I, like the shadow minister, give conditional support for this bill. I am not going to give a history lesson on the MFS, the SAFB, the EFS, the FBU and other groups that have supported and represented both metropolitan and Country Fire Service personnel over the years. However, I will just say that my father was in the Metropolitan Fire Service for many years and he was one of the founding organisers of the fire brigades union. I am wearing his lapel badge tonight.

My father was a very strong supporter of the South Australian fire brigade which later became the MFS, but he was also very cognisant of the vital role that the EFS, now the CFS, plays in South Australia, not just knowing it as now in the country regions, but also the peri-urban regions. My father used to say, 'Look, you should really get rid of the CFS and put the MFS in there.

Ms Bedford: Was your father always right?

Dr McFETRIDGE: Always right. I say that because shortly before he died, we had a long chat about this, and I am very disappointed that he is not here tonight to offer me counsel on this, because he had changed his mind completely. He said the worse thing you could do is amalgamate the MFS and the CFS. I am very pleased to read in this bill that there are clauses to say that the CFS is going to continue and the MFS is going to continue in their own right.

I was in the Country Fire Service for 14 years. I was the captain of the Happy Valley CFS for almost a year, until I realised the toll it was having on my business. I was spending many hours there. I realise the burden that is on CFS volunteers. I realise the support they need, and that is why many members of the opposition will be speaking very strongly in support of CFS volunteers. As shadow minister for volunteers, I will be adding to that. However, the bill provides that the CFS will continue and that the Volunteer Fire Brigades Association (VBFA) will be there supporting the volunteers. I will be watching very carefully to see how this bill is dealt with.

The shadow minister mentioned a letter to the minister from Mr Ray Dundon, the Presiding Member of the South Australian Country Fire Service Board that was received yesterday, 29 June. In that letter, Mr Dundon says the board recognises that there has been extensive consultation with all stakeholders including the CFS and SES volunteers. CFS volunteers, through the SA Volunteer Fire Brigades Association, have also been involved with and have provided substantial and meaningful input. I have made it my duty in the last 24 hours to phone a number of the brigades I have been associated with and with other brigades that I have friends in. I have spoken to employed members of the CFS and they have all agreed without exception there was a reasonable amount of information provided to them, but there was no consultation going back up the tree.

I asked a number of them, 'Do you understand what is going on?' and they did not understand the full ramifications. They have almost blind faith in Mr Monterola. I hope that, as in the letter from the presiding member of the South Australian Country Fire Service board, the board is of the view that 'the proposed government arrangements provide sufficient and appropriate protection and representation of volunteers'. This letter will be kept by us, and it will come back to haunt the members of the board and the VFBA if the volunteers are let down in any way by this bill, because without the volunteers in the Country Fire Service South Australia would be in tremendous peril—as indeed it would be without all our volunteers, because we have one of the highest levels of voluntarism in all of Australia, with about 480 000 volunteers contributing about $5 billion to the economy.

The VFBA will represent the volunteers, and represent them very strongly, and I will be doing all I can as shadow minister for volunteers to make sure that they get as much support as they can from the Office of Volunteers, as well as from the Emergency Services Minister and the shadow minister.

The UFU is being held up as the bogey man here, and we hear that they run the Labor Party. I am not so sure that is the case, but they certainly contribute significantly, and the member for Colton is evidence of that; he is a very active member, I understand. He would not be here if it was not for the (I heard, and correct me if I am wrong—I am sure that the member for Colton will) $110 000 that was put towards his campaign by the UFU. They are a good union, and my father was one of those that started this union. They made this a very strong union, and good luck to them if members opposite can gather that support.

The UFU has made some comments on this bill, and I understand that the its new secretary, Mr Phil Harrison, has had some dialogue with the government on this matter. The only evidence that I have at this stage is that the UFU would like to see the inclusion of 'rescue' in clauses where it refers to 'providing efficient and responsive services in fire districts for the purposes of firefighting or dealing with other emergencies'. They would like to add the words 'such as rescue' there.

Yesterday in this place I spoke on another bill, when I said that it was my opinion that the South Australian Metropolitan Fire Service and the South Australian Country Fire Service should have their names changed to the Metropolitan Fire and Rescue Service and the Country Fire and Rescue Service respectively. That would be consistent with what is happening interstate, and it would also be consistent with what is happening in South Australia with the airport fire and rescue services.

This bill has been introduced with the best of intent to streamline the governance of the Metropolitan Fire Service, the South Australian Country Fire Service, and the SES. The bill contains clauses for the continuation of the MFS. I refer to clause 24, which provides that 'the South Australian Metropolitan Fire Service (SAMFS) continues in existence.' Similarly, clause 57 provides that 'the South Australian Fire Service continues in existence as the South Australian Country Fire Service (SACFS).' There is another clause later, namely, clause 106, relating to continuation of service, which provides that 'the State Emergency Service continues in existence as the South Australian State Emergency Service.'

While we hear a lot about the CFS in discussion on this bill, we must not forget the SES, which did a fantastic job in my electorate when we had the Glenelg floods; they were there working their hearts out. We also see them on far more pleasant occasions during the Glenelg Christmas Pageant and many of the other events that take place down at Glenelg. The SES are a vital part of the emergency services. I understand that they have a little bit of angst with the inclusion of rescue in the title of the MFS and the CFS, but I think that is a minor issue. The elimination of the CFS board and the formation of the commission, which will be managed by a board, is something about which we on this side have concerns, because we do not want the volunteers to be dudded in any way.

One of the rumours I have heard is that Moore Engineering at Murray Bridge is building 21 new 14 quick attack vehicles. I am not sure whether they are going to be red or white. The other rumours that we are hearing is that there will be paid CFS officers in some of the peri-urban brigades, and indeed that some of the peri-urban brigades will disappear. I would love to see the reaction out at the Salisbury CFS if you said that they were going.

When I was a child, the Salisbury consolidated primary school was right next door to the Salisbury EFS, and the siren would go and we would know that there would be a fire somewhere. They have been there for many years—and I am not going to say how long ago I was at the Salisbury Primary School—and the EFS, now the CFS, has been there on that location and doing a fantastic job backing up the Salisbury MFS, where my father was the first officer.

So, I know how MFS and CFS interrelate. I know the history of the CFS. I know how the baggy pants, and I also know how the rank and file there think. They do not really understand what is going on. Their hearts are in the right place. They are true, loyal, dedicated volunteers and I just hope that the government is not going to dud them in any way because, if that is the case, as shadow minister for volunteers and a one-time member of the CFS, I will be shouting loud and long about that.

The commission will have a new board, and the members of the board will be the chief officer of the SAMFS, the chief officer of the South Australian CFS, the chief officer of the SASES, and two members appointed by the Governor (and they will have knowledge and experience in commerce, economics, finance, accounting law or public administration), one of whom under that particular subsection will be also a member of the Public Service. One member must be a woman and one must be a man. I am not one of these people in the area of emergency services who worries about gender balance. We need the best person for the job. If they are all women, great. If they are all blokes, well—the best person for the job. Unfortunately, it is a fact of life that most men are physically stronger than most women, and viva la difference! If we need to have a gender balance clause put in there, that is something I will not enter into.

Once this commission is established, the chief executive will be appointed by the minister and must be a person with experience in the provision of fire or emergency services. You would hope that is the case because the role this commissioner will have to undertake will be very arduous. The board through the commission may delegate a power or function under this or any other act. That is a fairly extensive power. Unlike many other bills that have been introduced to this place, the minister seems to dip out on having the ultimate power. In many bills that have come in here the minister seems to have extraordinary power, and the River Murray Act is one of those we need to worry about.

Part 3, division 1, clause 24, provides for the South Australian Metropolitan Fire Service to continue in existence. It talks about its being a body corporate. We strongly encourage that. The UFU did get its way here and in division 2, functions and powers, clause 26(1) provides:

(1) SAMFS has the following functions:
(b) to provide efficient and responsive services in any fire district for the purpose of fighting fires, dealing with other emergencies or undertaking any rescue;

Hence my urging of the government to look at changing the name to 'fire and rescue service' for both the country and metropolitan fire and rescue service as distinct organisations. I do not think the CYST should be at all threatened by any of that description because we are all in it for the same job and, having been out there in the CFS, having worked with the MFS and the CYST, the bottom line is that we are there to do the job and to protect life and property above all else, and the volunteers and professionals in the MFS do it without question.

If we look at surveys around the place, who are the most respected professionals? I wish it was politicians, but unfortunately it is not. It is the fireys.

Members interjecting:

Dr McFETRIDGE: For some reason vets are not mentioned as being up there, but I am sure we would be. Firefighters are right up the top and so they should be. They do a fantastic job. You only have to look at the charity work they do.

I refer to clause 55, which mentions the UFU and provides:

The associations comprising UFU are recognised as associations that represent the interests of career firefighters.

I assume by 'career' they mean professional, paid firefighters because there are some very dedicated volunteers for whom the CFS is their life and almost their career. The UFU has its role and good luck to it. My father was involved in the establishment of the union here in South Australia when it was the FBU.

Part 4 provides that the Country Fire Service continue in existence as the South Australian Country Fire Service—the SACFS. That is the one we are watching carefully. Of course the volunteers out there are very worried. We have assurances from the minister and I will not continue to raise angst with the volunteers other than to say, 'Watch this space.' I am very concerned about the lack of clarity of understanding of the ramifications of this bill among the baggy pants—the rank and file of the brigades out there—as well as among some of the paid officers.

The bill is extensive and talks about the UFU being a significant part of a panel to assist the District Court in disciplinary matters with the MFS. That panel seems to be dominated by UFU members. I trust that, like all the fireys who make up the UFU, they are honourable people. The South Australian Volunteer Fire Brigades Association certainly has worked very hard in the past to represent volunteers and, as clause 69 in the bill says:

(1) The South Australian Volunteer Fire-Brigades Association is recognised as an association that represents the interests of members of the SACFS organisations.
(2) The association may take such steps as may be reasonably available to it to advance the interest of members of SACFS organisations.

Subclause (2) provides that 'the association may take such steps as may be reasonably available to it to advance the interests of the members of the SACFS organisations' and is straight out of the responsibilities of the CFS Board under the old act. It has been shifted across from the board to the Volunteer Fire Brigades Association. While I have every faith in the Volunteer Fire Brigades Association, it is probably a good indication of why the CFS Board needs to be retained.

Another thing I should mention as shadow minister for local government and as a CFS member who years ago went out to fires, is that the National Parks and Wildlife officers and council officers would get in your way and would say that you cannot do this or that. If you followed what they said you were putting lives and property at risk because some of the things you wanted to do were to cut down trees, cut through fences and put in fire breaks and they were not what the national parks officers or some of the council officers would have wanted to do. Under this act I hope the brigade officers get that power.

The other small issue is that clause 129 gives the power to provide sirens and states:

An emergency service organisation or a council may erect a siren in a suitable place for the purpose of giving warning of the outbreak or threat of fire or the occurrence or threat of an emergency, and may test and use the siren.

We are getting a lot of complaints from periurban areas about CFS brigades testing their sirens, never mind using them during emergencies.

Ms Chapman interjecting:

Dr McFETRIDGE: If I can give one message out there to the people who are protected by CFS: it is better to live

than die, as the member for Bragg says. It is better to know there is a fire out there: it may not be right next to your property, but once the brigade is out there and doing its job obviously somebody is suffering. It may not be you, but you should be aware of it and be out there looking to protect not only your own property but also that of your neighbours. So I am glad to see that is in the act.

A review of the act will be undertaken after the second anniversary of the commencement of the act, and a report will be submitted to the minister within six months. I hope the MFS, CFS and SES will be served well by this bill. The opposition will put a number of amendments, and certainly I would like to see the review of the act sooner than in two years' time. The fireys—the guys and girls in the SES, CFS and MFS—deserve the very best that this parliament can give them because they give the very best to this state.

Ms CHAPMAN (Bragg): At first blush, this bill, which establishes the South Australian Fire and Emergency Services Commission and provides for the continuation of the services colloquially abbreviated to the MFS, CFS and SES, would appear to have merit. However, tonight I wish to traverse some aspects which have raised some concern for me, and I am heartened to hear that our lead speaker (the member for Bright) has foreshadowed a number of amendments which I think will help to secure, at least from my point of view, some protection against potential abuse which may occur with the passing of this bill into legislation.

My electorate of Bragg is very ably serviced by the Burnside Country Fire Service, which this year celebrates its 70th year of service to the community, and it is a service of which I am very proud. As I have said to the house before, in that eastern area we do not have a public hospital, a police station, an SES facility—

Ms Ciccarello: There is one at Norwood.

Ms CHAPMAN: In my area, my electorate. Whilst we have some state schools, the only other service we have is the CFS. It is an important and respected service, and I would not be the only one to say that it would be removed or tampered with only over my dead body. But, in addition to spending some considerable time attending emergency incidents, it spends considerable hours educating other organisations and community groups in fire safety and awareness. It has a commitment to schools, scouts and other youth organisations which assist the broader community—and will, indeed, continue to do so in future years.

For those in the house who may be interested, the area spans from the corner of Glen Osmond Road and Greenhill Road across to Portrush Road and Magill Road, up to west of Old Norton Summit Road, and along the foothills to the South-Eastern Freeway and Eagle on the Hill. Members will be well aware of, and I do not think I need to elaborate on, the area of significant fire hazard within that boundary. In the last 21 years since the Ash Wednesday bushfire, urban development has extended into what is densely wooded area, native parkland and stretches of scrubland, which create a very dangerous combination if there is fire, wind and warmth all at the same time.

Of course, in addition to attending bush, scrub and grass fires, the CFS also attends what they now call structure fires, both domestic or industrial. It also attends hazardous chemical spillages, road accident rescues, flood and storm damage, and search and rescue incidents. Using the Burnside CFS as an example, one can see that the areas of responsibility and activities of the MFS and SES overlap in terms of their powers as defined in the new bill and, indeed, as outlined in the previous separate bills. So, as I said, at first blush, the bill would seem to have merit by consolidating, restructuring and providing a more streamlined governance for these services.

In relation to amalgamation of the CFS and MFS, we have heard comments such as: 'merging both operations will destroy a skilled and dedicated volunteer service'; 'there is some joint training for the MFS and CFS services, and some communication facilities could be shared to achieve cost savings'; 'no justification in one body controlling fires in Adelaide's outlying areas, particularly the hills'; 'by merging the two operations there is also the danger that the majority of funds could be channelled by the Labor government into the bigger MFS operation to maintain services in key electorates'; and 'the CFS could become run down and equipment and morale will suffer. This of course will jeopardise people in the hills and other areas on the city outskirts.'

I have mentioned those in particular not because they are contemporaneous: they are statements made on 4 August 1992 which, as this house would know, was at a time of a previous consideration of the amalgamation of these two important services. But, frankly, in the time that this issue has been out in the public in the last 12 months or so, the sentiments have not changed, and the concerns are still there. I think at this stage the government has not actually made out a case to allay sufficiently some of those fears.

Let me give an example of where the amalgamation may cause some disquiet in the long term, and that relates to the question of how volunteers can be expected to survive a grouping such as this. The position that is advocated in relation to this structure is that it will give an opportunity for a sharing of training and an opportunity for core training for all of the MFS, CFS and SES personnel.

From that point on, they could add on special skills. In other words, training could be undertaken across the board for all of the volunteer work force, and they could become multiskilled. They would be able to put out a bushfire, remove a person from a flood or a motor vehicle that has been involved in an accident, or deal with a chemical spill. They would be sufficiently skilled to be able to attend a multitude of different emergencies. The problem with that is that the level of training needed to do that would be quite extensive, and I suggest that it would have the effect of raising the question of time and availability for someone to undertake this training on a voluntary basis.

If you formalised, professionalised, multiskilled and raised the level of training, effectively you could cause a committed volunteer to have to rethink whether they have the time and commitment to be able to train and qualify to make the contribution which they would otherwise as a dedicated volunteer wish to make and, indirectly, you could be undermining the volunteer service which underpins both the SES and the CFS. So, I raise this as an example of my concern in relation to the loss of volunteers.

The other matter that I wish to raise relates to the composition of the commission itself. One way to re-establish the pecking order would be to introduce a new tier in the composition, voting power and membership of a board, commission or executive and realign its obligation to report and the way in which it does that. Under this bill, the proposed commission will report and be accountable to the minister. It will have direct communication and access with the minister and, I suggest, it will be under the complete and absolute control of the minister. Although the major bodies

(the CFS, the MFS and the SES) will have a representative on this commission, if you can count up to seven, you do not need to be an Einstein to realise that, with the number of members of the commission and a casting vote, the individual players will not be able to defend themselves against any major imposition on the power, organisation and operation of their individual enterprises. This raises serious concern.

As I have said, I am pleased that the member for Bright has foreshadowed an amendment to re-establish a separate board for the CFS. I think that is particularly important. Sometimes independent organisations in a combined operation can be threatened by a change of power. For example, section 14A of the Education Act ensures that certain processes have to be undertaken if a school is to be closed or its services significantly reduced. A process of review must be undertaken. That is now entrenched in the legislation as a protective mechanism against the arbitrary removal or closure of schools. That is an important protective mechanism in that legislation. There is no similar protection in this bill. Therefore, it is important that we get this right.

It does not surprise me that there have been no demonstrations in the streets by volunteers of the CFS or SES against this bill, claiming that the control of their operations may be impeded in any way if this legislation goes through, because we do not know what else has been offered to them. A letter to the minister from Mr Ray Dundon of 29 June 2004 begins with the words 'My dear minister', and it then appears to go on in complete compliance with whatever the minister wants. So, one must wonder about the independence of this. I do not know Mr Dundon, and I make no personal reflection on him, but it does raise questions about this situation.

When I read the press release relating to the CFS budget for the year 2004-05, which is published on the web site of the Country Fire Service Volunteers Association, I became equally concerned at the flowery and extensive compliment paid to the government for what is, on the face of it, a fairly small extra contribution which is years away. I have to wonder whether this body truly reflects any consideration for the protection of its members and whether it is actually acting in their interests and not being bought off to accept this arrangement. I may be wrong. It may be that there has been full and frank disclosure of the reality of this bill and what it will mean to volunteers but, if the member for Bright's amendments are not accepted by this house, with the advent of time I think we will see decay setting in.

The government has the opportunity, the capacity and, I think, the motive (which can be elements of criminal intent), if it wants to have a grab at power, and it concerns me that we are giving such an opportunity wholesale approval. The detailing of the powers and the fines for the purposes of compliance with officers in each of the services are fairly similar, and I do not wish to traverse those because other members of the committee have done so.

However, I refer to an aspect of this bill in relation to the constitution of the board, that is, clause 15, conflict of interest. In a number of bills that have come before this house in the past two years, we have seen this desire on the part of the government to impose a web of control and penalty regimes in relation to persons who may act in a manner which results in a conflict of interest. We have all sorts of laws which protect against fraud, acting in an illegal manner and in relation to theft and larceny of information and ideas. We have all sorts of protective mechanisms to deal with people who act in a dishonest manner.

I bring to the attention of the house clause 15, which contains what I call a fairly draconian penalty, in addition to what the criminal law provides. Clause 15 provides:

> A member of the board who has a direct or indirect personal pecuniary interest in a matter decided or under consideration by the board—
>
> (a) must, as soon as reasonably practicable, disclose in writing to the board full and accurate details of the interest; and
> (b) must not take part in any discussion by the board. . .
> (c) must not vote in relation to the matter; and
> (d) must be absent from the meeting room when any such discussion or voting is taking place.

On the face of it, that may not seem to be terribly arduous. I think it does stretch the obligations in relation to conflict of interest. Certainly, there is an obligation to disclose. If we have a conflict of interest in this house, for example, we are expected and under an obligation to disclose that in the course of the debate, but that does not prohibit us from then entering into the debate or voting.

In this instance, we see that there is a penalty of $20 000 for a breach of any part of this disclosure process. Again, let us assume we live with that. Clause 15(2) contains a concerning component of this new procedure. Subclause (2) provides:

> Without limiting the effect of this section, a member will be taken to have an interest in a matter for the purposes of this section if an associate of the member has an interest in the matter.

Usually in this type of legislation, at the very least, there is a definition clause concerning what an associate is. That is completely absent from this bill. The minister is not present in the chamber but I would hope that he is listening intently to this request. Will the minister give some indication in his reply as to how we can possibly identify 'associate'? Many of us have different views, at first blush, as to what an associate may be, but I am at a complete loss in relation to this piece of legislation as to what it may be. Is it a friend, someone you know as a neighbour, a spouse, an heir, a successor, a person who may be a cousin, or whatever? There seems to be a very generous description by introducing the word 'associate'.

The reason for my raising this is the same reason that I have raised it in other areas. For example, in the disclosure that we as members of parliament have in our register of interest, we are expected to provide a list of our assets and liabilities and where we have an interest. As I have said before, I do not think that is the important part. I think that the important part is what debt a person has because that is important for the purposes of whether someone might be corrupt. Whilst we may view a conflict of interest as being a situation where a person or a member of their family may have some personal or commercial benefit arising out of a decision of that person, who might sit on this board and who might be able to make decisions that will acquire that benefit, the reality is that the board will authorise services to do other things, including deliberately destroying property.

There is a flip side to that; that is whether someone might gain a direct or personal benefit from a decision when it comes to the authorising or condoning of the destruction of property, whether that might be burning a street of homes to protect a whole suburb, or whether it might be the destruction of stock to enable access to a property for the purpose of protecting against a flood or otherwise. There could be all sorts of examples where these bodies will have a power to destroy. If someone has a conflict of interest arising out of an associate receiving indirect or direct personal or pecuniary interest, that will apply to someone who benefits from having an asset of an enemy or competitor destroyed.

Time expired.

Mr VENNING (Schubert): I rise at a fairly late hour to add some comments. I certainly support the main thrust and principle of the bill, except for one part, that is, the retention of the Board of the Country Fire Service. I will be very frank in my discussion this evening because many people know my opinions about these matters and I do not intend to play party politics with it at all because my views are well known both when I was in government and now in opposition. I certainly will do all I can to retain the Board of the Country Fire Service. I have had long discussions with Mr Vince Monterola and I certainly commend him—I do not see him here tonight—for his diligence and professionalism in trying to bring about change because we all agree that we certainly need it, particularly since 1993. Mr Monterola is not only respected by MPs but also by all the emergency services at large, particularly the CFS volunteers.

When one assesses what we are doing this evening, this bill should be about, first, supplying the best possible emergency services that we can to the people of South Australia. That is the bottom line. Secondly, to use the levies that we all pay most efficiently, that is, you spend it where the action is; that is out in the field, not in headquarters as has been the wont in recent times. Thirdly, to support all volunteers and paid officers in their role in the field, and to do all we can to help them to cooperate, to keep them safe and to give them a sense of belonging that the work that they do is appreciated by us all.

Fourthly, to assist our CFS volunteers in the vital roles they play in country communities, a role that is often overlooked. We must provide an activity that educates and encourages young men and women when often there is no other activity in these towns. They get a sense of belonging and they learn so many new skills, and the most important skill is the skill of teamwork—belonging and being part of a team. I know that that is also a part of the professional fire service. I notice that the member for Colton is present. Certainly, the MFS is the same. I have not had a lot to do with the MFS in my time as a member. I have two MFS brigades in my electorate (at Kapunda and Tanunda), but that is it.

I have always had concerns about some of the bureaucracies which we put in the way of our services and which usually hinder, particularly our volunteers. I welcome the introduction of legislation to correct the funding of our emergency services introduced by the previous government, but I was always opposed to the establishment of the Emergency Services Administration Unit (ESAU). The shadow minister knows my thoughts about this because, many times, I told him what I thought about it.

How did we create this massive, ever-burgeoning bureaucracy that soaks up the vital emergency services dollars? I am pleased that, if nothing else, this legislation will fix that. I am lucky to have some of the best CFS services in South Australia, particularly at Kapunda, Angaston, Nuriootpa and Tanunda. I could think of at least another dozen top smaller brigades.

Mr Caica interjecting:

Mr VENNING: I do not know of a poor one. Certainly, they give great support to the community. They have given me great support, too. I think that it is fantastic, and I appreciate it. I have great people acting as volunteers. I know that it is dangerous but I will name two: Mr Jim Mitchell and Mr Brian Atze. They keep me well informed of what is happening in these brigades. I certainly appreciate that support. I was cross that, when the previous government introduced the current legislation, we got it wrong. I often wonder how we got it so wrong. Mr Speaker, as you know, I always believe in saying how it is, and I will do it again this evening.

I believe that, at that time, the councils and the Local Government Association should have been more involved with respect to the collection of the emergency services levy (via the rate database which, of course, they already have), and at a fraction of the cost that ESAU was doing it. They could have then supervised the spending of those funds. In other words, they could have organised where the money needed to be spent and then, of course, made sure that they got value for the money when they spent it. It worked well in the past and the councils did a great job.

I served for 10 years on council. Some of my most interesting work as a councillor was with the local CFS and the SES. I just wonder why we made this change to go to the central body. Of course, ESAU, that monstrous body, was the result. I pay tribute to the member for Bright. I have not often done that in my parliamentary career, but I pay tribute to him. One reflects back on one's time in government, and the member for Bright had the guts and courage of his convictions. I have to say that four other ministers did not have the same conviction.

I had a few problems—and the honourable member knows what I am talking about—with duplication of service, and we agreed that we would fix this problem. I do not think that I need to go any further. Certainly, we need to rationalise the services. When the member for Bright was the minister we did address these problems. I only regret that he did not serve longer, and he knows what I am talking about. If he had served another six months in the job we would have solved a few more problems. I do not want to be any more explicit than that, but I think that people know what I am talking about.

I have always found this duplication of service difficult, particularly in country communities. Again, I believe that this bill will address some of these things, because the duplication of services in some country towns has caused inherent confusion. The delineation of responsibility was always a problem. If there were two well-equipped brigades in the same town and there was a call-out, it was always confusing which brigade should attend, particularly when, in some instances, one brigade would deliberately not tell the other what was going on. I found that particularly distressing.

I must say that, in recent years, it has been much better. I still have CFS and MFS brigades in both Kapunda and Tanunda. I believe that we need to collocate the MFS and CFS in Tanunda into the excellent MFS station situated on Murray Street, Tanunda. We acquired the land alongside the station when we were in government. Everything was ready to extend that lovely station to house the Tanunda CFS which is currently housed in an old shed, which is totally unsatisfactory. It would have been smarter and more economic to collocate them together. Of course, the ambulance is already there, but it did not happen. I do not know what happened about that and the question will always remain in my mind because I thought that it was all approved.

I support this bill. I hope that we can amend the legislation to retain the Board of the Country Fire Service. I cannot see why we cannot keep it. I have heard Mr Monterola and the minister via the briefings. Certainly, as a result of the Dawkins report, I appreciate their efforts to streamline not

only the process but also the chain of command from the top because, as a volunteer in the field, there is nothing worse than having all these bureaucratic lines above you. I did two years in the army and I know what a chain of command is like. It can be very confusing. It is difficult, particularly if you need to be on the parade ground at nine o'clock. You end up being out there at seven o'clock because, every time somebody gives an order, it gets quarter of an hour earlier when everybody has exaggerated the time and added a few more minutes—and eight chains of command result in your being two hours early.

I can understand how some of the volunteers get upset and frustrated at the chain of command. A lot of our people can be accused of being Vic Morrows on the field, namely, they drive around in flash vehicles, with flashing lights, bells and alarms, and with pips all over their shoulders and peaked caps. However, I believe it is essential that we have responsibility on the fire field, in the emergency services and in the SES. As I drive a lot of kilometres on the road, I have come across some pretty horrific accidents in my time. I think I am pretty rough and tough, and I have seen my share of blood and guts in relation to animals and so on, but I do not have the courage to walk outside my vehicle at the scene of these accidents. I will stay in the comfort of my own car, express sympathy and keep going. The CFS and SES volunteers pick up the deceased people and the mess. They pick the car up off the road and, most importantly, screen it from the public.

These people must take home a heavy burden, and I take my hat off to them, because I could not do it. However, somebody always has to, and I pay them the highest tribute, particularly because most of them do it for love and as a service to the community. Indeed, some pay a high price, particularly those who are employed because, when they are called out, they suffer loss of income. In the same way, I pay tribute to those who employ the volunteers and allow them to go when the alarm is sounded but still pay them their full entitlement as though they had never left work.

I support this bill, hoping that we can amend it to retain the Country Fire Service Board, because I do not see why we cannot. I was to have had a discussion with Mr Monterola earlier in the week, but I was not able to do so. I hope that we will be able to protect the interests of our volunteers because, if we do not, I will be the first to hear of it. I pay the highest tribute to all three services, namely, the CFS, the SES and the MFS. I have a lot to do with the Kapunda CFS, and I have much pleasure and satisfaction representing them. We have had lots of battles, and we have won most of them, particularly having Kapunda recognised as a two-unit brigade. We are now hoping to retain the small four-wheel drive Holden Drover, or to obtain a replacement Toyota diesel Landcruiser, even if it is second-hand. It is very handy to have a small four-wheel drive in the field and to be able to take people out. They paid for the vehicle themselves, but it has come of age. They are not really entitled to it, so it will be taken away.

I recognise that the minister visited the Kapunda CFS a few weeks ago and made a commitment. I hope that is forthcoming, because the members would appreciate it and, without elaborating in great detail, it certainly made the refreshment in the office a few minutes earlier worth while. I hope we can keep that vehicle. My brigades do a fantastic job, and the community certainly appreciate their efforts, as do I.

Mr WILLIAMS (MacKillop): I was not going to contribute to the debate on this bill until I experienced the goings-on in the house earlier this evening. I am somewhat disappointed that the minister is not in the chamber, because that is normal practice for government ministers when members are discussing their bill, and it is disappointing that he is not.

An honourable member: He can read it in *Hansard*.

Mr WILLIAMS: As the honourable member interjects, the minister can read it in *Hansard*, but I doubt whether he will—and there is the subtle difference.

The Hon. S.W. Key: I am listening.

Mr WILLIAMS: Good on you, Steph. I am sure you are, and I hope you will learn something. When a minister, through frivolous interjections and points of order, tries to bamboozle somebody speaking against his bill or making some points about a controversial matter in it, I always question the motive. Tonight, I thought I saw the most small-minded approach to the debate on the third reading of a bill that I have seen in my seven years in this place. If the minister has a good argument and a good bill, I suggest that he will not interject across the house to the shadow minister with comments such as, 'Were you in the cabinet? Were you making the tea and scones?' It is only when a minister is not sure of his or her ground that they will resort to those small-minded, childish tactics. That is what we saw tonight, and that is what made me decide to take a second look at this measure.

I have every confidence in the shadow minister's ability to bring the concerns of the Liberal Party to the attention of the house. I have many concerns about the governance of our CFS. This is an organisation I have had long involvement with, both as a volunteer and with not only a business perspective but also a life and limb perspective. For many years I have relied on that service and those volunteers to provide a service to us, and they are the comments I want to make.

I will restrict my comments largely to the CFS, but it encompasses the other volunteer services. We have in South Australia, and I am sure in other states as well, a situation where we provide a volunteer emergency service where we basically help each other. We help each other in times of emergency, whether it be those functions provided by the SES—and some of them have been out, I am sure in the last week or so, with the storms that have hit across the state—helping people to secure their homes and their property, to clear fallen trees and in some instances even power lines.

Natural disasters impact extremely on individuals, families and homes, and I have personal experience of that. I lost my family home to a bushfire in the 1983 Ash Wednesday bushfires. I know what it is like. If there is any threat whatsoever to the work that the volunteers do to protect themselves, their neighbours, their community—and that is what they are doing—I will stand up and question that threat and I will stand up and fight for the volunteers.

I say all power to the volunteers. Let us give the volunteers everything they need to do the work they do. Let us be very careful about putting them offside. In my electorate, which is largely a rural electorate, there are some sizeable towns, but there are no MFS brigades. The whole of my electorate is protected from bushfire, house fire, any sort of fire, by the Country Fire Service. My entire electorate is protected from other emergencies, whether it be road vehicle accident, storm, flood or whatever, by the SES—all volunteers.

Even in the time that I have been the representative for the seat of MacKillop in this place, that large area of the South-

East of the state, I have noticed the difficulty in encouraging community members to be active in the emergency services. It is a real problem. People are not willing to go to training once a week, even once a month. People are not willing to put their neck out, to protect what is after all their own property or their neighbour's property or even that of somebody that they do not know. Traditionally, this has been the Australian way of life and I think we should do everything we can to protect that.

I cast my mind back to the events that occurred in my district on Ash Wednesday, over 20 years ago now, and some of my neighbours were on our local fire truck that particular day and the largest percentage of those who lost their homes that day were those who were actively involved in trying to save other peoples' lives and properties. That is something I will never forget. I do not know what the percentages are but if 2 or 3 per cent, or even a point of 1 per cent of people lost their homes, of the people on our local fire truck that day, half of them lost their homes. We all lost property, all of us in the farming community lost livestock, but that did not deter those people from doing what they believed was right. As people said in days following that event, we would still rather be fighting the fire on the neighbour's farm before it got to our farm.

That is what makes these people go out and volunteer and do what they have to do. They will not put up with rubbish, they will not put up with red tape, they will not put up with the sort of thing which bogs them down and discourages them from doing what they need to do to protect themselves and their neighbours. They do not want to be involved in an organisation that is overburdened with red tape and bureaucracy. They do not want that. They just want to get out and do their job.

They want to be provided with two things. They want to be provided with very good equipment and the knowledge that their equipment will not fail them in their hour of need, and that happens from time to time. They want to have confidence that, when they hop on the fire truck, pull it out of the local shed and go to a fire, they will not be failed by that equipment, and they will be able to do their job and they will be able to do it in relative safety. The other thing that they want to know is that, when they have finished their job and they have done what they believed they had to do at the time, they will not be subject to litigation in the future. They want to know that they can go out and do what they honestly believed in a practical sense was the best thing to do at the time and in the situation and not be confronted with years of court cases. As an aside, might I say that I have experienced that, also.

So, the opposition seriously questions the effect that it would have on the CFS if they no longer have a board which they are responsible to and which is responsible for their functions. I think that is the most important thing that the opposition wants to say about this piece of legislation. As other members have said before me, nobody from this side of the house is suggesting that the existing legislative framework is perfect (you cannot say that about any statute), but we have concerns about how far we are going with this.

I have talked about the CFS because I have an intimate knowledge of its workings. I have had considerable experience with the relationship between the CFS and some of the other emergency services. Over the years, I will freely admit that that relationship has not always been as cordial or as workmanlike as it should be, and there has been some antipathy between the various emergency services. I think in recent years, probably over the last 10 years, most of that—not all of it—has been ameliorated.

I am very concerned that we do not fall into the trap of accepting the lowest common denominator with regard to our emergency services. I really do not think that we should say, when some of our emergency services do not have a board of their own, that we will therefore bring the others down to their level. I say that we should maintain the highest level of accountability with those emergency services that already have a very high level of accountability and bring the others up to that standard. That is where I think the opposition is coming from, and that is what I think the shadow minister was saying to the house earlier tonight.

I know that the SES has cried, and I do not mind saying it, because since I have been the local member for MacKillop many people from the SES have come to me and indicated that they felt that they were the poor cousins in the emergency services. Well, if they are the poor cousins, they are very important poor cousins; I have tried to convey that to them, and I think I have been successful in most instances.

An honourable member interjecting:

Mr WILLIAMS: The ESL has helped and, despite what the now government member said about the ESL when they were in opposition, it has presented real benefits to the delivery of emergency services in this state. The emergency services levy has, largely, delivered equipment that can be relied upon in an emergency. That is one of the issues, and I was involved in local government 20 and 30 years ago, throughout most of the 1980's, and the real headache that we had in local government spheres all through that period was how we were going to fund the emergency services, the CFS and the SES, because local government had a big input into the funding of those organisations.

To be quite honest, it was beyond local government, and the services were not adequately funded. I do not think you could level that criticism today, and that is purely because of the ESL. We have the funds, and what we need to do is make sure that we use those funds appropriately, that we get value for dollar and that we ensure that where we put our emphasis, both at a management level and at an investment level, namely, those volunteers who are on the ground doing the work, as I say, looking after themselves and their community.

One of the things that encourages people to volunteer is that they know that they are looking after themselves. It is another form of insurance. They know that they are looking after their property, their loved ones, and their homes. A lot of them possibly would not do it if they thought about it from a purely altruistic viewpoint—if they thought that they were only diong it for their neighbour. However, they are doing it for themselves. What they want back from the legislative framework is the knowledge that they will be provided with good equipment and that they are going to be protected when they go out and do their job.

The opposition believes that that will best be delivered if we retain a board which is specifically responsible for CFS matters. Hopefully, we would move from that position to having a board specifically aimed at providing for the SES and their function. I do not believe we will increase the service on the ground to any of the emergency services by reducing the number of boards or by amalgamating boards. I know that the government has this thing about the number of boards in South Australia, and I know that the Economic Development Board suggests that this is part of our lack of economic activity, and our lack of economic development—that we have too many boards. I do not accept that.

I think that in a lot of instances, by devolving power and devolving responsibility back to the grass roots, you actually encourage people to become involved—no more so than in organisations like the SES and the CFS. When volunteers know that they are doing excellent work on the ground protecting their communities, their own property and their own loved ones, and when they know that they have a say in the way that they go about that business, in the way that they are organised, and the equipment that they have to deal with, and when they have an active role in that, as they do by having their own board to look after the CFS, it encourages people to volunteer. That is what we need to do, because the number of volunteers in our emergency services today is considerably less than what it was 20 years ago; it is considerably less than what is was 10 years ago; and it will continue to decline.

As the shadow minister pointed out, we must look at history, and those of us who do not learn from history continue to make the same mistakes. One of the things that really disappointed me about the minister tonight is that he wanted to stop the Opposition from looking at history. I say to the minister, 'Go down that road and you will continue to make the same mistakes that you and your people have made time and again.' We need to look at history and, when we look at history in South Australia with regard to volunteer emergency services, the prime example is what happened to the South Australian Ambulance Service: it was an absolute crying shame for everybody involved in the demise of a fantastic volunteer service. Every South Australian today pays dearly for those mistakes.

Unfortunately, through the operation of government, South Australians as individuals do not fully understand how much that has cost them, but it is a lot of money. We have people whinge and complain about electricity or gas prices or the fact that pensions have not gone up enough. If they knew how much more they were paying to provide an ambulance service in South Australia than they would have been paying had we maintained a volunteer service, some of the other issues they complain about on a daily basis would pale into insignificance. That is why the opposition is crying caution on this measure. That is why we want to question the minister about his motives.

It is not just churlish of the minister to be upset with some of the points put by the opposition. It is outrageous that the minister (and I take this from his attitude earlier and the fact that he has not been in the house since our lead speaker spoke) will not even address the matters that have been raised by the opposition. The minister has obviously made up his mind and, to his credit, he gave us a piece of correspondence that came from the Chairman of the CFS Board to say that he thinks it is all fine. I find that piece of correspondence quite amazing and would doubt very much whether the volunteers I know and have represented for the past seven years would agree with that. I think the volunteers on the ground deserve better. We should retain the CFS Board and look after the volunteers in all of our emergency services much better than this piece of legislation will.

Mr GOLDSWORTHY (Kavel): I rise this evening to raise some quite significant concerns, as have a number of my colleagues previously, with this proposed legislation. I understand that the CFS Board currently comprises seven people: four volunteers, two ministerial appointments and the CEO. Of those four volunteers, two are nominated from the CFS and two from the local government area. It is also my understanding that the CFS Board appoints the CEO. As a consequences of that structure, the board is accountable to the volunteers—those people who give their time and energy in a selfless, highly motivated, dedicated manner. The volunteers essentially run the CFS and the SES in this state. The paid staff, the people who form part of the administration, are accountable to those volunteers. Volunteers carry out the work of the CFS and the SES—the emergency services.

It is my clear understanding that this bill proposes that the minister and not the board now appoint the chief executive officer. As a consequence, the chief executive officer is accountable to the minister and, as a consequences of that appointment, the paid staff are accountable to the minister and not to the volunteers. As a result of that change you could argue that a 180 degree turnaround will occur. The dynamics of the structure of the board, administration and management of the CFS and SES are fundamentally changed. Instead of volunteers running the CFS, under this legislation the paid staff will run the CFS. The CFS board will be abolished. I and all of my colleagues on this side of the house believe that that it is an extremely unwise move.

People involved at the senior levels of the CFS advise me that some administrative and training efficiencies can be achieved as a result of this proposed legislation. I do not think any of us have an issue with that. We are all well aware that improved efficiencies need to be achieved, but this proposed legislation is going too far with its repercussions.

We have all spoken in this place on many occasions about the value of the contributions that volunteers in this state make. Only recently we celebrated Volunteers Day with a lovely concert in the Adelaide Festival Centre. I know that you, sir, attended with your good wife. That was a celebration—an acknowledgment of the tremendous and outstanding contribution volunteers make to this state. I invited a number of people from various organisations in the electorate and ensured that I invited some senior people in some of the CFS brigades to attend the concert. We all enjoyed the event: it was a great morning, with lovely music, an entertaining MC and the like. It was in recognition of the importance of the CFS, the SES and all the other volunteers who do an outstanding job for our state.

In addition, last year in discussion with the then Minister for Emergency Services, the member for Mawson, I held a meeting at Woodside, the geographically central town in the electorate of Kavel, and I invited captains and officers from all the CFS and SES brigades in the electorate. They ranged from Kersbrook and Birdwood in the north to Mount Barker, Littlehampton and Callington in the south of the electorate. So, all the towns from the north to the south of the electorate received an invitation. It was a good meeting: approximately 20 people attended. The then shadow minister outlined the proposals and what the legislation entailed as we knew it at that time. It was fairly evident that the members of the brigades who attended were quite unaware of what the government was proposing. A full and frank discussion took place on quite a number of issues relating to CFS and SES matters. A number of concerns were raised and it was a very worthwhile meeting. But, as I said, it became evident that the senior officers in the brigades (captains and other officers) were not aware of what the government was proposing. I think I am not overstating the situation when I say that they were rather shocked at what was presented to them.

I have also visited quite a number of brigades in the electorate and spoken to people who constitute those brigades—not only the captains and senior officers, but the

people who staff the emergency service units and go out to incidents as they occur. I have visited the Mount Barker emergency service brigades. The town has an individual CFS brigade and an SES brigade. Obviously, the SES carries out its work and the CFS carries out its work. I attended an evening at the Mount Barker CFS brigade, and was taken to an old commercial property and shown an exercise. The level of training and skill that the volunteers in the CFS brigade showed that evening was quite special. Some people might not understand how well resourced and trained they are. I saw a very difficult exercise undertaken that night. It was carried out in complete darkness as if it was a totally smoke-filled old factory. They had to go in and locate people who were overcome by the fire and extricate them and bring them to a safe area. They exhibited a very high level of skill and training.

Other members have touched on this next point. The emergency services levy, which was highly criticised by government members who were in opposition when it was introduced by the previous Liberal government, has provided the resources to adequately equip the CFS and SES brigades of this state. The previous speaker touched on the fact that the CFS was administered and maintained by local government. I was told (and this is only anecdotal evidence) that one of the brigades in the Mount Lofty Ranges did not have enough diesel fuel in its trucks to take all the trucks to an incident. They could take only one of the units and had to leave the rest in the station because the local council was not able to afford to give them enough fuel to drive all their vehicles. That was the parlous situation in which the CFS found itself when it was under the control of local government. I do not need to go over history, but the responsibility was taken away from local government and the state government assumed that responsibility. The previous Liberal government fixed up the shambles it was left in by the Labor government. I understand the CFS was in debt for $12 million and, if not for the ESL, arguably it would still be in the same shocking mess.

The volunteers within the SES and CFS are ordinary, everyday folk who potentially put their lives on the line when they attend incidents such as road trauma and fires (house fires, fires in commercial properties and bushfires). They are prepared to leave their families morning, noon and night; in rain, hail or shine. In any weather conditions and at any time of the day they go out and make a significant and vital contribution to the community.

I visit the brigades and talk to these people and I believe what they say. I grew up with some of the people who staff the SES and CFS and I know them personally. I can tell you that, if the government pushes the line that paid officers will direct volunteers in how they carry out their duties, those volunteers will walk away. If the paid officers are going to give them direction in how they run their affairs, they will walk away. The government will ignore that at their peril. I trust that this will not occur, because it would destroy the community.

The CFS and the SES are vital to the community, particularly in the Adelaide Hills. I have spoken at reasonable length in the house about this issue. Fire safety and prevention and the ability to combat fires is absolutely essential. Without that the community will not exist. This is a very serious issue. If the government gets it wrong, we will all be in for a very bleak future. I trust that the amendments foreshadowed by the shadow minister will be carried to improve what is a poor piece of legislation as it stands.

Mrs GERAGHTY secured the adjournment of the debate.

MOTOR VEHICLES (EMERGENCY CONTACT DETAILS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.26 p.m. the house adjourned until Thursday 1 July at 10.30 a.m.