HOUSE OF ASSEMBLY

Monday 6 December 2004

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

INFANT HEARING SCREENING

A petition signed by 104 residents of South Australia, requesting the house to urge the government to implement a screening program to detect permanent hearing impairment in infants by the age of two months and adopt the recommendations of the evaluation report into the newborn screening and assessment pilot program conducted in 2003-04, was presented by the Hon. D.C. Kotz.

Petition received.

SCHOOL BUS SERVICE

A petition signed by 401 electors from South Australia, requesting the house to urge the government to continue the school bus service from Lobethal to the Oakbank Area School, was presented by Mr Goldsworthy.

Petition received.

CRIME PREVENTION FUNDING

A petition signed by 200 residents of South Australia, requesting the house to urge the government to reinstate crime prevention funding to local councils and locate a 24-hour police station in a prominent position in Moseley Square, was presented by Dr McFetridge.

Petition received.

AUDITOR-GENERAL: AGENCY AUDIT REPORT

The SPEAKER: I lay on the table a supplementary report of the Auditor-General entitled 'Agency Audit Report'.

Report received and ordered to be published.

QUESTIONS, REPLIES

The SPEAKER: I direct that the written answer to question No. 216 on the *Notice Paper* be distributed and printed in *Hansard*.

ADELAIDE FILM FESTIVAL CORPORATION

216. **Mr HAMILTON-SMITH:**

1. When will the Adelaide Film Festival Corporation table its annual report?

2. What guidelines or directions have been given by the government in respect of investments undertaken by the corporation?

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

1. The accounts of the Adelaide Film Festival (AFF) are audited by the Auditor-General's Department which was expected to finalise the audit by mid November 2004. Following this, Arts SA will promptly organise for the AFF's 2003-4 accounts to be tabled in Parliament.

2. The Adelaide Film Festival Investment Fund (AFFIF) guidelines (attached) were developed by the Board of the Adelaide Film Festival in negotiation with the Department of Trade and Economic Development with this process overseen by Arts SA. The guideline stipulate that the decisive factors in the selection process will be:

- CREATIVE: Projects displaying bold and innovative story telling, a striking use of screen language and a strong creative team will have a distinct advantage in the selection process;
- CULTURAL: Projects will need to demonstrate the short and long term benefits for the SA film industry and broader community—e.g. creative and development opportunities for individuals and organisations, branding opportunities, partnerships with national and international organisations and events and the ability of the project to raise the profile of SA; and
- ECONOMIC: Projects must demonstrate measurable economic development outcomes for South Australia, such as direct and indirect expenditure in South Australia and employment of local cast, crew and businesses and the potential for direct financial return from the equity investment.

Projects will be given preference if they:

- Demonstrate a net economic benefit to South Australia;
- Are produced and/or post-produced in South Australia; and
- Use SA crew, cast and facilities, where possible and appropriate.

ATTACHMENT

The Adelaide Film Festival Investment Fund Guidelines

The Adelaide Film Festival, in partnership with the South Australian Film Corporation, through the Government of South Australia, has established a fund for equity investment in Australian films of $500 000 per year for two years [2003-5].

The Adelaide Film Festival Investment Fund is primarily focused on the support of feature films and feature length documentary projects. Short films, animation and new media projects may be considered from time to time.

Projects will be selected subject to the approval of the Adelaide Film Festival Board, following their recommendation by the Festival Director and will have their premiere screening as part of the 2005 Adelaide Film Festival program.

The decisive factors in the selection process will be:

CREATIVE: Projects displaying bold and innovative story telling, a striking use of screen language and a strong creative team will have a distinct advantage in the selection process.

CULTURAL: Projects will need to demonstrate the short and long term benefits for the SA film industry and broader community—e.g. creative and development opportunities for individuals and organisations, branding opportunities, partnerships with national and international organisations and events and the ability of the project to raise the profile of SA.

ECONOMIC: Projects must demonstrate measurable economic development outcomes for South Australia, such as direct and indirect expenditure in South Australia and employment of local cast, crew and businesses and the potential for direct financial return from the equity investment.

Feature Film:

The AFFIF's anticipated investment is generally 10% of the total production investment or $200K—whichever is the lesser. Investment above or below this level is at the discretion of the Board.

Projects must:

- Be an Australian feature film for theatrical release to premiere at the 2005 Adelaide Film Festival
- Be demonstrably at an advanced stage of financing through recognised market attachments, with financing to be complete by 31 December 2003.

Projects will be given preference if they:

- Demonstrate a net economic benefit to South Australia
- Are produced and/or post produced in South Australia
- Use South Australian crew, cast and facilities where possible and appropriate

The producers must agree for the feature film to be completed by November 30 2004 and delivered to the AFF by 5 January 2005 in time to have its world or Australian premiere at the 2005 Adelaide Film Festival. This would not exclude the film from screening at other non-Australian film festivals prior to the 2005 AFF, pending approval by the Fund.

Documentary Film:

The AFFIF's anticipated investment is up to $100K. The AFFIF may use its discretion to increase this level for productions of significant benefit to the SA industry.

Projects must:

- Be an Australian creative, feature length documentary with theatrical and/or broadcast potential to premiere at the 2005 Adelaide Film Festival
- Provide a fully developed financial plan which along with the creative component of the project will form the basis of the recommendation to the Board
- Be fully financed no later than 30 June 2004
- Be produced and/or post produced in South Australia

Projects will be given preference if they:

· Use South Australian crew and facilities where possible and appropriate
· Demonstrate a net economic benefit to South Australia

The producers must agree to complete the film by 30 November 2004 and deliver the film to the AFF by 5 January 2005 for its world premiere at the 2005 Adelaide Film Festival. This would not exclude the film from screening at other non-Australian film festivals prior to the 2005 AFF, pending approval by the Fund.

Terms & Conditions

Applicants must:

· Be residents of Australia and/or Australian citizens
· Not be in default of any contractual arrangements to the South Australian Government including the SA Film Corporation
· Hold the appropriate rights to the work

The AFFIF will not make public its reason for funding decisions. The decision of the AFFIF with respect to any application is absolute and final and not subject to appeal.

The SPEAKER: I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

CHIEF FINANCIAL OFFICER, DWLBC

In reply to **Hon. DEAN BROWN** (11 November).

The Hon. J.D. HILL: I am advised that:

The former Chief Financial Officer of DWLBC was removed from this position due to performance issues associated with the management of DWLBC's budget, including the $5 million transaction.

The officer was subsequently reassigned to undertake the facilities management role in the Department at the same level of remuneration.

Following an assessment of the facilities management position, it was determined that the appropriate level of remuneration was considerably lower than the remuneration that the officer was receiving. The officer's contract was terminated, as the Department did not have a role for the officer commensurate with the remuneration being received under his contract appointment terms.

PLEA BARGAINING

In reply to **Ms CHAPMAN** (5 May).

The Hon. M.J. ATKINSON: The Solicitor-General has no objection to the tabling in Parliament or otherwise making public the written submissions to which he refers in his report. The Solicitor-General sees no reason to make available the working notes he made in the course of taking oral submissions. The Solicitor-General has summarised those submissions in his report.

The Commissioner of Police did not make written submissions. The Solicitor-General consulted him. The summary of his position appears in the report. The Commissioner later wrote to the Solicitor-General to inform him of a proposal he was developing for police prosecutors. That however was not a submission for the purposes of the report. The Solicitor-General consulted the Commissioner about that letter and the request by the Member for Bragg and the Solicitor-General does not propose to make it available.

The Solicitor-General did not receive any written submission from the Legal Services Commission.

The Solicitor-General received written submissions from the Office of the Director of Public Prosecutions. The Acting Director of Public Prosecutions has advised the Solicitor-General that she objects to his providing copies of the DPP's submissions and the Solicitor-General has declined to do so.

The Solicitor-General did receive a copy of a letter that Mr Michael Dawson sent to the DPP after he had seen extracts of the last draft of the report. The Solicitor-General consulted Mr Dawson and he does not propose to make that letter available.

I table copies of the written submissions received from the Law Society. The Solicitor-General has consulted them and they do not object to the public release of those submissions.

SEX OFFENDERS PROGRAM

In reply to **Mr BRINDAL** (30 June).

The Hon. M.J. ATKINSON: I have received this advice from the Minister for Correctional Services:

In opposition, this Government recognised the importance of an in-prison sex offender treatment program and, since its appointment, has been actively pursuing the establishment of such a program in South Australia.

In 2003, this Government allocated funding to the Department for Correctional Services to enable officers of the Department to research the in-prison sex offender programs provided in overseas and interstate correctional jurisdictions, and to identify the program that would best suit South Australian conditions.

As a result of their research, the Department's officers determined that the most suitable program for South Australia was one currently operating in Canada. Under this program, suitable prisoners will be required to attend daily intervention sessions over a minimum six-month period with group work supported by individual sessions for each participant.

Negotiations have been successfully undertaken with the Correctional Service of Canada and the Department for Correctional Services has just completed an extensive recruitment campaign to select the professional staff required to manage the program. These staff are currently in training to ensure that they are able to expertly apply the program within the prison system.

There has not been a delay in the introduction of this program. An appropriate period of time has simply been taken to ensure the selection of the program that best suits South Australian conditions and the recruitment of professional staff that have the necessary skills and experience to make it work effectively.

SEX OFFENDERS PROGRAM

In reply to **Ms CHAPMAN** (19 July).

The Hon. M.J. ATKINSON: I have received this advice from the Minister for Correctional Services:

Only one psychologist, who previously worked in the Community Corrections area, applied for and was selected on merit for the Department's new in-prison sex offender program.

The department is currently filling the resultant vacancy.

There are currently three psychologists in Community Corrections available to counsel Community Corrections' clients, which include parolees.

COURT FEES

In reply to **Hon. D.C. KOTZ** (29 March).

The Hon. M.J. ATKINSON: In answer to the honourable member's question on court fee increases, I advise her to read the *Hansard* of 30 March 2004, and my ministerial statement made in the House of Assembly.

COUNCIL REPORTS

The SPEAKER: Pursuant to section 131 of the Local Government Act 1999, I lay on the table the following reports of local councils for 2003-04, as listed in schedule 1, which I now provide for incorporation in *Hansard*:

Adelaide Hills Council—Report 2003-04
Ceduna, District Council of—Report 2003-04
Clare and Gilbert Valleys Council—Report 2003-04
Elliston, District Council of—Report 2003-04
Flinders Ranges Council—Report 2003-04
Kangaroo Island Council—Report 2003-04
Karoonda East Murray, District Council of—Report 2003-04
Light Regional Council—Report 2003-04
Mitcham, City of—Report 2003-04
Mount Barker, District Council of—Report 2003-04
Mount Gambier, City of—Report 2003-04
Prospect, City of—Report 2003-04
Renmark Paringa Council—Report 2003-04
Roxby Downs Council—Report 2003-04
Salisbury, City of—Report 2003-04
Streaky Bay, District Council of—Report 2003-04
Unley, City of—Report 2003-04
Walkerville, Town of—Report 2003-04

The house may wish to note that this is a departure from the practice of the past where the Speaker has detailed the councils which have their reports being tabled.

PARLIAMENTARY REMUNERATION

The SPEAKER: I also lay on the table an opinion from learned counsel in the matter of parliamentary remuneration and section 59 of the Constitution, and the relationship with the Auditor-General of South Australia. In doing so, I draw attention to the act of 1974 and, for honourable members' interest and benefit, pages 854 and 882 in Erskine May which they may be pleased to examine.

ALCOHOL INTERLOCK SCHEME

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: The Alcohol Interlock Scheme allows drivers disqualified from holding or obtaining a driver's licence for six months or more for a relevant drink driving offence to apply to the Registrar of Motor Vehicles for an Alcohol Interlock Licence at any time after the half-way point in the period of that disqualification. An alcohol interlock is a small breath-testing device which can be fitted to a motor vehicle. It requires drivers to pass a breath alcohol test before they can start their vehicle or continue to operate the vehicle, allowing them to drive legally but preventing them from driving after drinking. Participation in the scheme is voluntary and drivers bear all costs in relation to installation, monthly rental, servicing and removal of the alcohol interlock device.

On entering the scheme, the person is issued with a driver's licence that is subject to specific conditions relevant to using the device. A participant's licence is subjected to the conditions of the scheme for twice the number of days left in the period of disqualification for the relevant drink driving offence. If the participant ceases to hold the licence before the time on the scheme is finished, section 52 of the act requires that any subsequent licence issued will be subject to the scheme conditions for the period of time that would have remained.

It is not possible for a person exiting the scheme to revert to the original licence disqualification and serve the remainder of that disqualification. This was done to prevent individuals from repeatedly entering and exiting the scheme, thus subverting the scheme's primary goal of behaviour modification. Since the inception of the scheme on 16 October 2001, a number of people have entered and then a short time later sought to exit and resume the original period of disqualification for reasons of health or that their financial circumstances have changed (for example, inability to pay the rental for the device as a result of loss of employment and income).

A few months ago, the member for Bright wrote to me to plead the case of a constituent of his who, through a unique set of circumstances, found that on entering the scheme she was physically unable to use the equipment. Certain modifications subsequently allowed her to continue, but the matter raised the broader issue that I believe should be addressed. Currently, the Registrar of Motor Vehicles has no legislative power to allow an individual to withdraw from the scheme. Consequently, I advise the house that a regulation has been drafted which will give the Registrar the power to allow participants to withdraw from the scheme for any reason and revert to the original licence disqualification. This will mean serving the remainder of the period of disqualification that was not served before the person entered the scheme. This regulation will address the problems associated with section 52 without diluting the original intention of the section. Furthermore, as the person has been afforded the privilege of driving whilst on the scheme, the requirement that the person serve the full remaining period of the original disqualification with no remission for time spent on the scheme is not unreasonable.

Because a person who has passed the halfway point of their alcohol interlock licence may be disadvantaged by this proposal because the time on the scheme will not be deducted from the original licence disqualification period, the Registrar will advise applicants of this fact and inform them that they would be better off having the interlock device, and keeping the licence but not driving, rather than withdrawing from the scheme and serving the remaining unserved period of the original disqualification. Participants on the scheme will be notified of the possibility of this exemption by letter, and information will be provided to new applicants.

PAPER TABLED

The following paper was laid on the table:

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

Native Vegetation Council—Report 2003-04.

QUESTION TIME

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Was the Crown Solicitor's Trust Account listed as an item on the agenda at any of his regular meetings with former Chief Executive Officer Kate Lennon?

The Hon. M.J. ATKINSON (Attorney-General): After this issue was raised, my staff went back through all the agenda items of our meetings. Those meetings were attended by Kate Lennon and her deputy and by me and my Chief of Staff, Mr Andrew Lamb. They were held on Monday afternoons after cabinet, and again on Thursday afternoon. I asked my staff to go back through all the agendas of the meetings, and they have reported to me that the question of the Crown Solicitor's Trust Account was not listed on the agenda. However, what was listed quite commonly was the Crown Solicitor's office. The reason why the Crown Solicitor's office was often listed is that it was running at a serious deficit, and I believed action needed to be taken to overcome that deficit and to allow the Crown Solicitor's office to employ new employees.

The Hon. R.G. KERIN: Sir, I have a supplementary question. Given the importance of this issue, has the Attorney himself sighted those agendas?

The Hon. M.J. ATKINSON: I will certainly undertake to have a look through those agendas that were provided by the Chief Executive. I will look through them personally.

ELECTRICITY PRICES

Mr CAICA (Colton): Can the Minister for Energy advise the house whether the state government made a submission to the ESCOSA inquiry into the price that AGL will be allowed to charge standing contract consumers for electricity,

and is the minister aware of any other organisations that made submissions to this inquiry?

The Hon. P.F. CONLON (Minister for Energy): The government did indeed make a submission to the inquiry. One of the very important things we said to the inquiry (because we have very grave concerns about the privatisation deal that gave such a high return to the distribution company) was that we believed there should be a rebalancing of tariffs to give more relief to residential customers, albeit at the cost of business consumers. That, in conjunction with taking away the privatisation sweetheart deal, meant we could take something like 12 per cent off the distribution component, which translates to a 6 per cent reduction for ordinary residential consumers. We were very pleased that the commission accepted the government's submission in that regard and did, in fact, apply that rebalancing.

Because this was the most comprehensive ever ground up review of electricity prices, a number of other parties contributed: AGL, of course, the Energy Retailers Association of Australia, NRG Flinders, Origin, SACOSS, the Western Region Energy Action Group, TXU, UnitingCare Wesley, the Energy Consumers Commission and ETSA Utilities all made very important contributions and argued a number of different things. At the end of the day, as I said, it was the most comprehensive ground up review.

On the day it was released, given that the member for Bright had been out there repeatedly in the media saying the price was not justified in the past and that it should come down 10 per cent (and he had the information about why it should come down 10 per cent), I asked the Regulator how he dealt with the Liberal opposition's—you know, the alternative government's—submission, because they had been whacking on about the 10 per cent. He asked, 'What submission?'. I said, 'You know, the one where it comes down 10 per cent.' He said, 'I never even had a phone call.' So there you are, sir. There is the other mob out there telling everyone that the price should be down 10 per cent but they would not tell the Regulator and they would not tell him how.

Sir, as you are a great student of history you will appreciate the fact that the Liberal opposition's secret 10 per cent reduction reminds me of the prospectus for the South Sea Bubble, if people remember that. It was a company to carry on an undertaking of great advantage, but no-one was to know what it was. The credibility of the people who hold themselves out as the alternative government, who said that they knew the price was too high and that we had been taken for a ride—is totally in shreds. They said that the Regulator was wrong, and they went out of their way to explain to him just how he was going to achieve that, did they not? What a bunch of frauds!

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): My question is to the Attorney-General. Given that the Attorney-General has stated in the media that he is prepared to give evidence about his knowledge of the existence of the Crown Solicitor's Trust Account before a privileges committee, the Economic and Finance Committee, and the select committee of the Legislative Council, why will he not support the establishment of an independent judicial inquiry into the Crown Solicitor's Trust Account so that he could give evidence before that inquiry?

The Hon. M.J. ATKINSON (Attorney-General): I am the subject of the inquiry, so it does not seem appropriate for me to determine the manner in which the inquiry is conducted. That is for others.

ELECTRICITY PRICES

Mr CAICA (Colton): My question is to the Minister for Energy. In the light of the persistent claims from the member for Bright that electricity prices should be cut by 10 per cent, will the minister inform the house what advice the government received on the likely impact of full retail competition on the price of electricity to residential consumers?

The Hon. P.F. CONLON (Minister for Energy): That is a very good question, and I thank the honourable member for asking it. There was some advice which came to hand recently in a rather peculiar way. We were doing a bit of housekeeping in the office recently and the staff found a large pile of documents. They turned out to be the previous government's cabinet submissions, and the member for Bright had been hoarding them, among other documents, for some reason. I found that extremely surprising. I do not know, and I am not going to speculate on, why the member for Bright was keeping those cabinet submissions, but I think some of his colleagues—

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: I rise on a point of order. Ministers are required to address the substance of the question, and the minister is not responsible for the housekeeping of the member for Bright.

Members interjecting:

The SPEAKER: Order! Whomever it is that may regard themselves as responsible for the housekeeping of the member for Bright, it is clear that the honourable minister is not, and I note that he has said that he is not. He will move to the substance of the inquiry made by the member for Colton.

The Hon. P.F. CONLON: I must say that I know it was the member for Bright because he had a habit of making some notes in the margin—and he did not always think well of his colleagues, I can tell you. But I will come back to that at some other time.

I do not think people should be hanging onto cabinet submissions, and I have sent all of them back to the cabinet office with a minute. But in order to discern what they were I had to read a few of them, and I read a submission from the former treasurer in about December 2001 about what was going to happen to electricity prices at full retail competition. Remember, the member for Bright has been saying that they should be coming down 10 per cent—it never would have happened. He says that we bungled it; he says I am fabricating this answer—I bet he will not say that again on the record.

The former treasurer went on to put the best complexion on what they thought would occur. It went on to say that what occurred in the second to last tranche of competition was that, for businesses, prices went up on an average of 35 per cent. It was, indeed, an average of 45 per cent if you included government sites which kept artificially low, and they acknowledged that some increases were up to 80 per cent. They said that they did not know exactly what would happen, but that there was no reason to believe that the same thing would not happen to residential customers.

They threw in some dodgy modelling to make it as low as possible, and then a paragraph said that prices for residential customers could increase by perhaps 9 to 23 per cent. No

wonder they did not make a submission—they knew it was a fraud all along; they knew what was happening all along. Then, the really good bit—they got to the bit where one of the three options which they did not take, AGL offered for them to defer retail competition for two to three years to stage in gentler increases.

An honourable member interjecting:

The Hon. P.F. CONLON: They refused to do that. Do you know why? They were worried about the competition payments. Of course, the deal had been done, so what option did they take? They said, 'It's going to go up a lot; not for us; send it over to Lew Owens and let him set a price, and it will all apply from then.' That is what they decided; that is what they knew would happen. They knew was going to happen to South Australians, and they went right ahead with it. They knew that privatisation would cost us. They have known all along when they are out there saying that it should be 10 per cent lower that they are perpetrating a fraud on the people of South Australia. They have no credibility. I look forward to discussing our documents later.

Members interjecting:

The SPEAKER: Order!

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): Will the Attorney-General today table the transcript of the evidence he gave under oath to the Auditor-General regarding the existence of the Crown Solicitor's trust account? On 28 October, the Attorney-General, when asked to release the transcript said, 'I will take advice on that matter.' On the weekend, a spokesperson for the Attorney said that he was still taking advice on the matter, nearly six weeks later.

The Hon. M.J. ATKINSON (Attorney-General): I have taken advice on the matter, and I will be releasing it to parliament this week.

INSURANCE, PUBLIC LIABILITY

Ms RANKINE (Wright): My question is to the Treasurer. Have there been any recent movements with regards to the affordability of public liability insurance in South Australia?

The Hon. M.J. Atkinson interjecting:

The Hon. K.O. FOLEY (Treasurer): The Attorney-General just said that he wanted this question. I think that the reason state treasurers were given this job is because state attorneys around the nation were not, perhaps, advancing this cause.

Members interjecting:

The Hon. K.O. FOLEY: No; that's a generic comment about Labor and Liberal attorneys around the nation when John Howard gave this work to treasurers. In fact, it was the opposition's attorney-general at the time, Trevor Griffin, when it was moved to treasurers—from my understanding; I stand to be corrected. I can inform the house that a major insurer in Australia, the CGU Group, announced a 10 per cent reduction in public liability premiums from 1 February 2005. People to benefit from this reduction will include community groups, not-for-profit organisations and, of course, thousands of South Australian businesses. As I said, the government, together with all state governments, and particularly the commonwealth, under the chair of Helen Coonan, who was an outstanding chair of this working group, pushed through some reforms. Many people in this house had to accept some reforms that they were not personally particularly keen on, and that goes for members on both sides of the house. But in the end the house and both major political parties, together with a number of Independents, made a decision that important reform would be necessary.

As we know, in 2002 public liability insurance premiums rose 44 per cent, according to the ACCC. In response to that, this house passed a number of pieces of legislation, in particular, the Statutes Amendment (Structured Settlements) Act; the Recreational Services (Limitation of Liability) Act; the Wrongs (Liability and Damages for Personal Injury) Amendment Act; and the Volunteers Protection Act. Various law reforms required by the Ipp recommendations and professional standards have also passed the parliament and, hopefully, shortly, proportionate liability will enter the house. CGU in its release has made the point that without tort reform such premium reductions would not have been possible, and states:

> 'The rate reductions have been made possible by the legislative frameworks created by state, territory and federal governments for personal injury compensation, which we believe will deliver greater certainty for all involved,' said CGU CEO Mr Mario Pirone.

I welcome this news and today, as I am sure my colleagues interstate and the federal assistant Treasurer would be doing, strongly urge other insurance companies to follow suit. I thought it important to bring this matter to the attention of the house, because this legislation was a difficult piece for various party rooms to accept, a very difficult process for the parliament to go through, and I think it is worthy in a non-political, bipartisan sense to acknowledge that the house should be made aware and the house should feel jointly and as a whole satisfied that, when we do reforms such as that, there is real effect in terms of the cost of premiums to the public.

I think that more needs to be done, and I have made no secret of my view that insurance companies have yet to pass on the price reductions to the full extent possible. Ministers are meeting again early next year, and I hope from that will follow some very tough action that will ensure that we continue to maintain the pressure on the insurance companies.

Ms Chapman: There could be stamp duty relief in the meantime.

The Hon. K.O. FOLEY: 'Stamp duty relief in the meantime.' The old parrot in the pet shop always has a comment about everything. At the end of the day, this is good reform. I was attempting to be bipartisan but, of course, that will never work with the parrot in the pet shop. However, in general, the parliament can feel well satisfied with the reform we have undertaken.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): Can the Premier guarantee that Kate Lennon did not inform the Attorney-General about the existence, use or operations of the Crown Solicitor's Trust Account?

The Hon. M.D. RANN (Premier): Can I just say this: I have great confidence in the Attorney-General and I also have great confidence in the Auditor-General of this state, who took evidence from a number of people, and I believe the Auditor-General's version of the efforts. And he had a witness. Someone changed their story. It appears to be Ms Lennon.

VOLUNTEERS

Mr SNELLING (Playford): My question is to the Premier—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The honourable member for Davenport will come to order. The honourable member for Playford has the call.

Mr SNELLING: My question is to the Premier and Minister for Volunteers. What recent measures designed to advance volunteering in South Australia have been put forward by the government?

The Hon. M.D. RANN (Premier): The state government has undertaken a number of new initiatives designed to make volunteering more attractive in South Australia. These arise from the state government's multifaceted work with volunteers over the past two years and coincide with yesterday's highly successful third annual State Volunteer Congress. Since 2002, the government has been doing everything possible to recognise and reward volunteers and to provide them with practical day-to-day assistance. My parliamentary secretary, the member for Wright, has given me valuable assistance in this work and I commend her for her outstanding efforts over the past year and beyond. I am sure that those efforts are recognised from all sides of the house.

The government's commitment to the vital field of volunteering was formalised in last year's signing with the volunteer sector of a partnership agreement called 'Advancing the Community Together'. Members will recall—and some members opposite were there—a ceremony at the Adelaide Festival Centre. Many of the goals set out in that document are being pursued by the Volunteer Ministerial Advisory Group, which I established to give volunteers a direct voice to government.

South Australia is already setting the pace nationally when it comes to volunteering. The work carried out by our volunteers has been valued at $5 billion annually, and nearly four out of every 10 South Australians do some kind of voluntary or service work, which is higher than the national average. Still we are keen to increase that participation rate. We have made volunteering a key part of South Australia's strategic plan. We have a specific target in the plan to boost the level of volunteering in South Australia from 38 per cent in 2000 to 50 per cent by 2010.

Nearly 300 attendees at yesterday's State Volunteer Congress were told of three major initiatives that will help volunteers and volunteering groups alike in practical ways. First, we are streamlining the grants process, specifically making it much easier to apply for, and administer, a grant worth up to $5 000. For some time volunteers have been telling us that applying for a grant is needlessly difficult. With the complex application forms, the volume of related material that needs to be submitted and the ongoing acquittal procedures, in many cases all this work is simply not worth the trouble. Clearly that is not the point of having grants. So we decided to lift from $1 000 to $5 000 the threshold relating to grant conditions. This means that, while maintaining sufficient accountability of taxpayers' money, the less onerous conditions currently relating to grants of up to $1 000 will now apply to those worth up to $5 000. That is about 80 per cent of community grants.

In the second initiative, the release of the 'Volunteer Partnership and Action Resource Information Booklet' improves the quality and flow of information to the state's volunteer sector. It provides a great deal of valuable information such as information on the costs, advantages and implications of volunteer groups incorporating, on the taking out of insurance and on how to obtain commercial sponsorship.

The third initiative I want to mention will save people money and therefore make them more likely to become volunteers. The government has decided to pay the cost (currently $49) of volunteers undergoing police background checks as part of their volunteering responsibilities. This benefit will apply to those volunteers who work for community organisations that care for the most vulnerable in our community, such as with children or people with a disability. This is one measure to help protect our most vulnerable and also to protect the integrity of our volunteers. It is not fair that these volunteers should have to pay good money to make such a vital contribution to the social good. That is why the government has stepped in to pay the fee.

All the measures I have outlined today will make volunteering more attractive to enter and much easier and a less expensive endeavour to carry out. It is vital that we continue to provide incentives to volunteering, especially for our young people.

Members interjecting:

The Hon. M.D. RANN: I am disappointed that I am not getting support from members opposite on this. After all, we need to make sure that successive generations of new volunteers keep coming through the ranks.

I am confident that ultimately the new measures will help us build a stronger sense of community in South Australia and to create opportunity. Volunteers are the glue of our community. They are vitally important in making sure that our community works in so many areas not only serving us but also saving us through people putting their lives on the line. Volunteers are making a difference in countless ways.

CHILD PROTECTION, SPECIAL INVESTIGATIONS UNIT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Will the minister explain in which department a special investigations unit into matters within the Department of Families and Communities currently operates and to which chief executive officer it reports? The Layton report specifically recommended that this specially trained unit should be independent of the Department of Families and Communities. On 3 April 2003, the former minister told the house:

> Having FAYS in a position of both investigating and reviewing its own decisions leaves it specifically open to criticism of bias and/or cover up.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. There is one small difficulty with the narrative to the question. He said that the Layton Report recommended that it should not sit with the Department for Families and Communities—well, of course, the Department for Families and Communities did not exist at the time that the Layton Report existed. The point—

Members interjecting:

The Hon. J.W. WEATHERILL: If you listen you will understand the sense of this. The Department of Families and Communities did not exist at that time, and the remarks that were made at that time applied to FAYS, and the point was—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Do you want to hear the answer? It is pretty simple and you will even be able to follow it if you listen.

The SPEAKER: The honourable minister can be reassured that the chair is listening.

The Hon. J.W. WEATHERILL: The Layton recommendations were that this Special Investigations Unit should not sit within FAYS, but rather within the Department of Human Services. It is precisely the same relationship that the new Department of CYFS has with the Department for Families and Communities. So, in that sense, the Special Investigations Unit sits in an appropriately removed position from the agency that it seeks—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order, honourable member for Newland!

The Hon. J.W. WEATHERILL: I have got to say that the Special Investigations Unit was established by our government to investigate claims of abuse in care. It took our government to set up this organisation.

Members interjecting:

The Hon. J.W. WEATHERILL: That is the truth of the matter. I know that those opposite might be encouraged—

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.W. WEATHERILL: —by some recent headlines to join in this debate about the Special Investigations Unit, but can I say this: when the Special Investigations Unit finds evidence of wrongdoing and hands those matters to the police, and people get charged, the people who are charged get upset. They also go to lawyers and they ask those lawyers to run cases on behalf of them.

The Hon. R.G. KERIN: Point of order, sir, on relevance: the question was quite clear about which department and to which chief executive the unit reports.

The Hon. J.W. WEATHERILL: I have just told the house that, but I was explaining that—

Members interjecting:

The Hon. J.W. WEATHERILL: I will go over it again. The Layton recommendations occurred at a time in history when there was a department of human services—

The Hon. R.G. KERIN: Point of order, sir: I do not think it was all that hard. All I am looking for is: is it departmental and the name of its CEO.

The Hon. J.W. WEATHERILL: I will give the answer, sir, and I will do it in the fashion that I consider appropriate to give a full answer to the house. At the time the Layton Report was set up there was a department of human services and a family and youth services division within that department. Now there is a Department for Family and Community Services, and a Child, Youth and Family Services Division, and in the same way as was recommended under the Layton Report the Special Investigations Unit reports to the Chief Executive Officer of the Department for Families and Communities. As I began to say to the house, and I think it is a matter worthy of some warning to those opposite, there are matters before the courts concerning people who have been uncovered by this unit. They are agitating their cases, they are agitating their arguments, both in the courts and publicly, and it would be very unwise of this house to be participating in a debate in a way which jeopardises those prosecutions. We have people facing accountability before the courts in these matters. Those opposite should be very careful about coming into this place and unwittingly doing their bidding.

SMOKING RESTRICTIONS

Ms THOMPSON (Reynell): My question is to the Minister for Health. How is the government working with hospitality, industry and business to achieve a smooth introduction of new restrictions on smoking in hospitality venues and workplaces that come into force today?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for Reynell for her question, and acknowledge the work that she put into the legislation that has now come into effect today. As members will be aware, the new laws imposing restrictions on smoking in pubs, clubs and the casino, and banning it altogether in all other enclosed workplaces and enclosed public spaces, are effective from today.

More than 2 500 hospitality venues have been sent signage and information by the health department to assist with the implementation of the new laws, while a state government funded business advisory service has been assisting hospitality venues with implementation advice. Employers and employees in non-hospitality venues can access an information line, booklet and web site to help them with the new laws. Copies of the booklet, 'Your smoke-free workplace', and further information about the new laws, can be obtained by calling the Department of Health information line on 1300 363 703 or by visiting the web site at www.tobaccolaws.sa.gov.au.

The new laws present South Australians with an opportunity to reflect on the costs of smoking in our community. Some 30 South Australians die each week from diseases caused by smoking tobacco, and smoking-related diseases account for 75 000 hospital bed days in the state each year. Smoking is the single largest preventable cause of death in Australia, and tobacco use has been estimated to cost Australia $21 billion a year in health care, lost productive life and other social costs.

Passive smoking is an occupational health and safety hazard and public health risk: it is not an issue of comfort or choice. The new restrictions are about achieving change, and we will be working cooperatively with businesses, venues and individuals over the first few months, in particular, to teach them about the new laws and to help them to comply. While people or businesses cannot wilfully ignore the laws, there will be a commonsense and educative approach by the health department over the first few months.

CHILD PROTECTION, SPECIAL INVESTIGATIONS UNIT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Who is responsible for the decision as to which matters and individuals are referred to the Special Investigations Unit for investigation?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): They remain the responsibility of the Chief Executive of the Department for Families and Communities, as one would expect. It is a unit which comes within the province of that department.

FRAIL, AGED AND DISABLED PEOPLE

Ms BEDFORD (Florey): Will the Minister for Families and Communities inform the house about the most recent

initiatives to help frail, aged and disabled people living at home?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I have great pleasure in informing the house that a one-off injection of $706 000 will be spread across the state in seven key projects in this important area. This one-off boost to a number of programs will occur in the areas of domestic assistance, personal care, meals delivered to homes, modifications to homes and general assistance to people with disabilities and their carers. This comes out of the vital HACC program, which helps older South Australians, disabled people and their carers live independently in the community. They can stay in their home near their family and friends and crucially remain connected to their communities, which is an essential part of their wellbeing. It also avoids, of course, an early stay in an aged-care home.

The extra money will go to seven projects. The City of Port Adelaide Enfield will receive $250 000 to develop a western regional social support project to help people living in supported residential facilities in the western suburbs. The Mid North Regional Health Service will receive $116 250 to establish a Mid North Indigenous HACC program to provide culturally appropriate HACC services to Aboriginal people in the region. The Riverland Health Authority will receive $30 000 for the appointment of a liaison officer to assist eligible non-English speaking residents in the Riverland. The Latvian Association of South Australia will receive $100 000 for services to older Latvian people. The Federation of Polish Organisations in South Australia will receive $68 750 to provide meals to older Polish people. The Alexandrina council will receive $66 000 to help establish Milang and Clayton Community Care to help older people living in the Milang-Clayton area. Finally, the Aged Care and Housing Group will receive $75 000 for a short-term service to help older people move from acute care into the community.

CHILD PROTECTION, SPECIAL INVESTIGATIONS UNIT

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Families and Communities. When did the minister become aware that the Special Investigations Unit was not authorised to carry out certain investigations that it was undertaking, and what immediate action did he take?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): The warning that I gave earlier clearly has not been heeded. Implicit in the question—in fact, expressed in the question—was the opposition's citing with approval a legal argument that we fully expect to be run in a criminal court within a few weeks' time.

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. My question was quite specific and the minister is trying to impugn improper motives to me.

The SPEAKER: I uphold the point of order. The minister simply needs to address the inquiry made about administrative arrangements.

The Hon. J.W. WEATHERILL: Certainly, sir.

Ms Chapman interjecting:

The SPEAKER: The honourable member for Bragg is out of order.

The Hon. J.W. WEATHERILL: It is very important that I place this in context, sir, because it may bear on whether you wish to hear me further in relation to this matter. It concerns a matter that is presently before the criminal courts. Somebody who is accused—

Members interjecting:

The Hon. J.W. WEATHERILL: Do you want to hear the complete answer? Somebody who is accused before our criminal courts of one of the most heinous crimes in our community, that is, a paedophile with children in their care—

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. The question was quite simple. The minister is impugning improper motives to me and I ask him to apologise.

The SPEAKER: The honourable the minister will do better to address the explicit inquiry put by the leader about when he became aware that the inquiry being undertaken was inappropriately located.

The Hon. J.W. WEATHERILL: Sir, the contention that it is inappropriately located is one that is being placed by one of the parties in a legal cause. It is one of the—

The Hon. R.G. KERIN: I rise on another point of order, sir. That was not the question. Could I repeat the question so the minister cannot misrepresent it? The question clearly was: when did the minister become aware that the Special Investigations Unit was not—

The Hon. K.O. FOLEY: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! I already have a point of order before the chair and it is being expressed. The honourable the Deputy Premier—

The Hon. K.O. FOLEY: He cannot read a question twice.

The SPEAKER: Order! The Deputy Premier will resume his seat. I am listening to the Leader of the Opposition.

The Hon. R.G. KERIN: Thank you, sir. When did the minister become aware that the Special Investigations Unit was not authorised to carry out certain investigations it was undertaking, and what immediate action did he take?

The Hon. J.W. WEATHERILL: We do not accept the premise that this body was set up in a fashion which was erroneous—

Ms Chapman interjecting:

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

The Hon. J.W. WEATHERILL: The language that is used is the language that will be advanced by one of the competing parties in the court. We do not accept that. The prosecutor will be in the criminal courts presumably trying to get a conviction against a paedophile. I will not come here and assist the defence cause and comment favourably on that case. This is an outrage. What are those on the opposite side doing? They come in here trotting out the arguments of people who are accused—

The Hon. R.G. KERIN: I rise on a further point of order, sir. The minister is impugning improper motives. The question had nothing to do with what he is saying, and I ask him to apologise.

The SPEAKER: No apology is required. The minister has answered the question: he does not hold the view that any case has been discovered that it is being inappropriately conducted. The honourable member for Torrens.

SACE CERTIFICATION

Mrs GERAGHTY (Torrens): My question is to the Minister for Education and Children's Services. What is the

government doing to recognise the learning that young people acquire outside of school?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Through you, sir, I thank the member for her question about children obtaining SACE certification for non-academic subjects. Members will know that we have invested considerable sums of money ($28.4 million) in a school retention program which endeavours to encourage young people to remain in formal education and training until year 12. One of the major planks of this is to make sure that they are encouraged to stay by having courses which are relevant and which offer them opportunities in ongoing employment.

The area that we have particularly looked at is giving credit towards their SACE certificate for non-academic subjects with which they are involved outside school. We have now started a program where year 11 and year 12 students can count up to eight units of their SACE certificate as part of volunteering in community-based activities that give them particular skills in terms of employability, showing that they are persistent, hard working and committed to voluntary or community services. These particularly encourage them also to have interpersonal skills and are the sorts of measures that allow employers to recognise them as good potential employees.

The subjects with which they can be involved are lifesaving with the Royal Life Saving Society, fire fighting through the Country Fire Service, and even piano studies, as well as the Duke of Edinburgh's Award and being Queen's scouts or Queen's guides. These sorts of activities are a way by which the social inclusion initiative can encourage young people to stay in training. At the moment, only 10 programs have been included in this scheme, but it is a great way of allowing non-formal training and other kinds of learning that occur outside formal academic surroundings to be counted for young people, not only in valuing and encouraging their activities but also in allowing them to become involved in community activities through volunteering. Not only will it help to make them good citizens but also it will certainly encourage them to stay at school and allow them to demonstrate to future employers their capacities and their employability skills. I would commend the Senior Secondary Assessment Board of South Australia for its oversight of this program and the opportunities it brings for so many young people in terms of recognising their achievements.

Mr BRINDAL: I rise on a point of order, Mr Speaker, under standing order 125. The leader complained of offensive words used by another member. That standing order also refers to standing order 137. Can you, sir, explain latterly to the house why the chair makes the rulings it does in that matter?

The SPEAKER: The short answer is that standing orders require someone to make such rulings, and the chair is the obvious party to do it. The longer answer is that the chair has to make rulings, in any event. Members may choose to differ from them. The chair does not have to give reasons.

ENVIRONMENT OUTCOMES

Ms CICCARELLO (Norwood): My question is to the Minister for Environment and Conservation. What assistance is available to assist and encourage businesses to achieve better outcomes for the environment?

The Hon. J.D. HILL (Minister for Environment and Conservation): As members would know, the EPA, of course, is the state's environmental watchdog, but it is also developing a reputation for working proactively with business to raise the bar in environmental performance. The Greener Business Alliance project helps businesses to increase efficiency—

Members interjecting:

The Hon. J.D. HILL: —it is interesting: members opposite criticise the EPA—but from both positions, from both the left and the right. The member for Bright criticises the EPA for not doing enough and the member for Mawson criticises it for doing too much. So, it is probably on the money. The Greener Business Alliance project helps business to increase efficiency, prevent pollution and decrease waste and resource usage. This new partnership program has already saved money for businesses and paid dividends to the environment.

A pilot project commenced in 2001, with Yalumba and 10 of its suppliers signing an eco-efficiency agreement with the EPA. Together, the EPA, Yalumba and its suppliers have had excellent results, with savings of more than $85 000 a year, or a total of $430 000 over five years. They have saved money, so there have been business benefits, but there also have been environmental benefits because there has been a reduction in water and energy use, better recycling, less waste going to landfill and less chemical spraying. As one example, Yalumba has decreased its energy use by a massive $30 000 each year through changes to refrigeration practices and equipment.

Meanwhile, one of its suppliers, Jeffries, is on track to save $20 000 a year through better composting of spent marc and reducing freight and dumping costs—this, of course, means better profits for both Jeffries and Yalumba. So I congratulate Yalumba and its suppliers—ASA, Collotype, JBM Juvenal, Jeffries, Tarac and Thornborough Estates—on achieving both environmental and financial efficiency.

Following the success of the program's first round, I am pleased to announce that the EPA is now offering more funding for new projects, and applications are available by searching the EPA's web site at www.epa.sa.gov.au.

CROWN SOLICITOR'S TRUST ACCOUNT

Mrs REDMOND (Heysen): My question is to the Minister for Families and Communities. Did the minister intervene in the proposal by several senior officers in his department to transfer all unspent alternative care funds into the Crown Solicitor's Trust Account prior to 30 June 2004? The opposition has received a copy of an email from the Manager, Financial Services, of the department which advises seven other officers in the alternative care unit that it has been arranged:

> For an account to be established with the Crown Solicitor, to deposit any unspent Alternative Care funds as at 30 June 2004.

It continues:

> This relates to all Alternative Care funding including:
> · Emergency Management Placement response for Children and Young People Requiring Alternative Care (ie purchase of 10 houses, etc;
> · SOS Village; and
> · Funding provided through cost centre 8731.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): No, sir.

Mrs REDMOND: Will the minister then advise what happened to more than $6 million unspent alternative care

funds that were not transferred into the Crown Solicitor's Trust Account?

The Hon. J.W. WEATHERILL: I do not quite understand that question. I did not think I was saying no to whether or not it had been transferred into one account—

The SPEAKER: The honourable member's microphone is not switched on.

The Hon. J.W. WEATHERILL: I was asked whether I had any knowledge of any of these transactions. I am unaware of those transactions and I will undertake to find out the nature of the—

Members interjecting:

The Hon. J.W. WEATHERILL: If there were any unspent funds at the end of the financial year, I expect that they were dealt with in accordance with the proper processes that are in place. I am unaware of any contention to the contrary, and I am certainly unaware of any finding of such by any relevant authority or anyone who has looked into the matter. But I undertake to take this inquiry away and find out the answer.

YOUTH MEDIA AWARDS

Mr O'BRIEN (Napier): My question is to the Minister for Youth. What has the government done to encourage the positive portrayal of young people and their stories in the media?

The Hon. S.W. KEY (Minister for Youth): I thank the honourable member for his question. I know that many members in this chamber have actually been ministers for youth, and I think it was the member for Fisher, the Deputy Speaker, who was the initiator of the Youth Media Awards, which have been a fantastic way of raising the profile of young people in our community. I also know that the member for Unley was a big supporter of the Youth Media Awards as well.

I have to say that it is one of the events in my calendar that I look forward to, because so often the media portrays young people in a negative way, and a negative portrayal can make young people actually look at themselves and react quite negatively as well. It is therefore important, I believe, to continue to make sure that the young peoples' issues and stories that are portrayed in the media are done in a balanced, professional and positive way.

As I said, one of the excellent events in our calendar is the Youth Media Awards. They are organised by the Office for Youth, and encourage excellence in journalism by young journalists in the early stages of their careers and also excellence in reporting on youth issues by all journalists. Last week, I was very pleased to announce the winners of the ninth annual awards. This year we had a record 240 entries—70 more than last year. This shows that this is a very positive award. The judging panel commented on the high standard of entries and the very difficult task of picking this year's winners. There is one winner in particular whom I would like to mention. SAFM's Andrew Costello, known as Cosi, has been named the 2004 Young Journalist of the Year. He won this prestigious award with his depictions of youth homelessness in a series of reports that he prepared in June. Andrew prepared the report after hitting the streets of Adelaide with nothing more than a blanket and very little money. The quality of this series bears testimony to his first-hand gutsy approach to the issue of homelessness.

I am also pleased to see that investigative journalism is being encouraged by commercial youth-oriented music radio, and I hope that there is much more of this. I would also like to mention the judging panel and, in particular, Don Riddell, who is the chair, and to say how indebted we are to him for spending his time. This is the ninth year that he has been involved in the Youth Media Awards, with this event and putting in all the time and effort that he has. There are many sponsors which support the Youth Media Awards, and the Office for Youth is working very well in putting on such a high-quality event. I would like to thank all people who bothered to support the Youth Media Awards, particularly the sponsors and, obviously, the entrants. It is important that they continue to do so.

CROWN SOLICITOR'S TRUST ACCOUNT

Mrs REDMOND (Heysen): My question is again to the Minister for Families and Communities. Does the minister support his department's end of year financial contingency plan to spend as much as possible up until the deadline of 30 June, and then to transfer any underspent funds into the Crown Solicitor's Trust Account? The opposition has received a copy of an internal departmental email from the department's Manager, Financial Services, which advises seven other offices in the Alternative Care Unit that the transfer of funds to the Crown Solicitor's Trust Account was:

> . . . a contingency plan for any money that cannot be spent by 30 June. People should continue to spend whatever they can up to the deadline for transferring any underspent funds.

The Hon. K.O. FOLEY (Deputy Premier): Talk about flogging a dead horse! The whole issue here was that the very practice was against Treasurer's Instructions; it was an inappropriate set of transactions. The matter was brought to the attention of the government by the new Head of the Department of Justice, Mr Mark Johns; it referred to the Auditor-General; and it is totally open, accountable and transparent. Should it have happened? No. Do I deserve to be criticised as Treasurer for it happening on my watch? Yes. However, the point is that we moved swiftly to correct this inappropriate action by public servants.

To keep circulating the same stories and trying to make it sound as though it is a new story is unfortunate. I will certainly check *Hansard* and ensure that, if any new facts have been provided to the house today, they are investigated and reported upon. However, on my listening to the questions here today, it is nothing more than circulating the same material. Perhaps these are the questions that are written by the PSA, and perhaps it is part of the PSA/Liberal Party assault on the government—the cheer squad for various public servants; I do not know.

This issue is being flogged like a dead horse. We have acted correctly, appropriately and diligently, and we have been fully open and accountable and, yes, we have deserved criticism; I have never said that we should not be criticised for it. I say to members opposite that that they might have to get some new questions, and not rely on the PSA to write them all for them.

BRIGHTON SAND DUNES

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Environment and Conservation. Following the destruction of sensitive coastal sand dunes at Brighton last week, will the minister personally contact and apologise to all volunteers who have repaired dune fencing, and who have propagated seed stock to plant the dunes with native grasses

and vegetation? Will he explain to the house what will now be done to repair the damage that has occurred? For up to 20 years, volunteers have been propagating seed stock of native grasses and plants, which have been planted by them on sand dunes at Brighton.

Recently, the work was assisted by a federal government heritage grant of $15 000. Volunteers from the local Rotary Club have also been maintaining fencing to retain the sand dunes. However, one week ago, I am advised, without any consultation, the Coast Protection Board buried the revegetated dunes with thousands of tonnes of dirty sand from the Glenelg Magic Mountain site. Upset volunteers who have spoken to me advise that they are so devastated by this event that they no longer wish to volunteer their time.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the honourable member for his question, because it gives me an opportunity to correct some of the misstatements that have been made in the media, in particular by the federal member covering that area, the member for Boothby. I am advised that the Brighton-Seacliff Beach Replenishment Program for 2004-05 involves recycling sand from central to southern beaches supplemented by sand from Mount Compass. In addition, approximately 20 000 cubic metres of sand is being carted from the Baulderstone Hornibrook site at Holdfast Shores, formerly the Magic Mountain complex. Sand from that site is a mixture of good white sand, some grey-brown sand and some yellow-orange.

The Hon. W.A. MATTHEW: On a point of order, I asked the minister a very specific question, and my point of order is in relation to relevance. I asked the minister if he would apologise to the volunteers and what would be done to rectify the damage. Instead, the minister is quoting from a memo dated 25 November from the Coast Protection Branch, signed by the head of that branch. I have seen that memo: that is not what my question was about.

The SPEAKER: Order! The member for Bright focused attention upon the explicit inquiry the honourable member made, yet the chair distinctly heard the member's explanation, which went beyond that, thereby inviting, as I have pointed out in the past, an inappropriate approach to the debate that has to be taken to balance the arrangement. It is not appropriate for that to be undertaken in question time. It is the chair's very strong view that such debates ought to be given more opportunity in a balanced fashion for a greater period of time after question time has been shortened to provide the opportunity for explicit inquiries and answers to those inquiries. The minister, in the opinion of the chair, does not go beyond the realms of the need to address the topics raised in consequence of the explanation given by the honourable member. The honourable Minister.

The Hon. J.D. HILL: I thank you, Mr Speaker, because the honourable member asked a question based on a number of false hypotheses and I am going through the process of explaining what the facts are and then I can tell him what the government is in fact doing. I was informing the house that the sand that the honourable member has described as being dirty is in fact a mixture of good white beach sand, some grey-brown sand and some yellow-orange sand. As a consequence, the colour of the resultant mixture is a pale greyish brown. Nevertheless, the sand is still suitable for beach replenishment, and an independent size analysis by SA Water indicates that, although fine, this sand falls within the common size range of metro coastal sand.

The Construction Environment Management Plan for the Holdfast Shores Stage 2B project—and who could ever forget that great project that those opposite initiated—requires suitable sand from this site to be returned to the beach at no cost to the government. This is a condition applied by the Coast Protection Board to all development involving excavation of sand on the coast line. Prior to last week, this valuable resource was being dumped elsewhere, including Wingfield and Kooyonga. On 22 November, Baulderstone Hornibrook were instructed to deliver all the sand excavated from Holdfast Shores to the Edwards Street, Brighton, dumping platform.

Due to the discolouration of the sand, it was decided to place it at the rear of the sand dunes rather than on the immediate beachfront. Drift fencing and sprinklers will be installed immediately upon completion of carting and levelling, and revegetation will be undertaken early in the New Year at a more suitable time for planting and plant propagation. The area of dune affected by this dumping is about 200 metres by 40 metres, compared with the total length of vegetated dune at Brighton-Seacliff of about 1½ kilometres.

The main area of concern appears to be the lack of community consultation on the relocation of the sand. I am advised the sand was being dumped elsewhere than on the beach because it was erroneously considered by the construction contractors to be unsuitable for beach replenishment.

The manager of the Coastal Protection Branch took the immediate decision to require all sand to be delivered to the dune area, where the discoloured sand would not impair the colour of the beach. The construction could not be delayed, and to place the sand in a holding area would have incurred a cost to government of retransporting the sand, at a cost of around $70 000 for the volume involved over the week it was placed at Brighton.

The point that needs to be made is that the total value of the sand to government, if we had not put that sand in that place, would have been about $500 000. The member for Bright is saying that the government should have wasted $500 000 worth of sand because of the minor works that had been done on that site. That would be a foolish position to hold. Further sand from this site is expected to be lighter in colour as the excavation moves seaward (as has been the case for the previous construction at Holdfast Shores), and this will be placed on the beach at North Glenelg.

The SPEAKER: Order! The minister took the liberty of debating the matter, no more or less than the member for Bright, in a way which demeans question time. The chair sees no point in retaining the fiction that question time is for inquiry and provision of information to the chamber. It is a ridiculous position.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move a motion without notice forthwith in regard to establishing an independent judicial inquiry into the Crown Solicitor's Trust Account.

The SPEAKER: Is the motion seconded?

Members interjecting:

The SPEAKER: Order! It occurs to the chair that the member for Davenport is contemplating something probably under standing order 398, which states:

> In cases of urgent necessity, any Standing Order or Sessional Order may be suspended on motion without notice, provided that the motion has the concurrence of an absolute majority of all the Members of the Assembly.

Whilst the chair accepts the motion in this instance, it should not be taken as a precedent to enable matters to be debated which might be more sensibly addressed under no-confidence motions or under urgency motions provisions within standing orders on subsequent occasions. But the chair will give consideration to that and allow the motion, if that is the will of the chamber.

The Hon. I.F. EVANS: This is a procedural motion to suspend standing orders so that the house can debate a motion calling on the government to establish an independent judicial inquiry into the Crown Solicitor's Trust Account. The motion we seek to debate if standing orders are suspended is as follows:

> That this house calls on the government to establish an independent judicial inquiry into the Attorney-General's knowledge, and actions, in relation to the existence, use and operations of the Crown Solicitor's Trust Account.

The reason we seek to suspend standing orders today is that it gives the parliament a very clear opportunity to clear up this stashed cash affair at the earliest possible time.

There is now clear conflicting evidence between the Attorney-General and the former CEO of his department. By moving the suspension of standing orders today, we are giving the government the earliest possible opportunity to clear up this matter. If legislation is required to get this inquiry in place (if we suspend standing orders and the motion is successful), the government has three days left in this sitting period before Christmas to bring back legislation so that we can deal with this inquiry this side of Christmas.

So, the reason that we move to suspend standing orders as a matter of some urgency today is because of the timing issue and the parliamentary sittings between now and Christmas. Of course, there is now conflicting evidence clearly between what the Attorney-General says are the facts and what the former CEO of his department says are the facts. The Attorney says he never knew of the Crown Solicitor's Trust Account. There is that famous quote on radio where he said, 'Crikey! I did not know there was a fund called the Crown Solicitor's Trust Account.' He then wants us to believe—

The Hon. P.F. CONLON: On a point of order, Mr Speaker: I am not wishing to constrain things too much but it seems to me that we should be debating the suspension of standing orders and not the substantive motion. Naturally one will lead into the other, but this is clearly a debate on the merits of the substantive motion and not the suspension.

The SPEAKER: I understand the point being taken by the Leader of Government Business and uphold the point of order. The honourable member for Davenport will need to maintain the line of argument that the remarks made are in support of suspension of standing orders to enable that debate, not the debate itself.

The Hon. I.F. EVANS: It is the opportunity that the parliament has to investigate what the Attorney knew and what Ms Lennon knows in relation to this matter. The reason that it is important to suspend standing orders now and have the parliament debate the motion that we have given evidence of is so that the claims made by the Attorney, that he did not know it was in the annual report, that he did not know it was in the Auditor-General's Report and that he did not know it was in his briefing notes, can be tested by a full independent judicial inquiry. Timing is of the essence here because we know that there are other inquiries in place, and already the Attorney-General has been out undermining the select committee, calling it a kangaroo court. Already that has occurred. We know there is an inquiry before the Economic and Finance Committee, which is government controlled, but the only way we will get to the bottom of this as a parliament is to have a full, independent judicial inquiry.

We have three days to do that between now and Christmas—just three days—and if the government wishes to do it in the next three days they have ample opportunity, because if the government has nothing to hide, why would you not have a full, independent judicial inquiry, why would you not take the opportunity over the next three days to set up a full, independent judicial inquiry? If they have nothing to hide and there is no reason why they would not support that. Already the government is out there undermining the independence of the select committee in the other place. The Attorney says he is happy to give evidence to a kangaroo court. So already the undermining is happening in regard to the Attorney and the select committee in the other place.

The Hon. K.O. FOLEY: Point of order, sir: the member for Davenport has accused the Attorney-General of undermining the select committee by calling it a kangaroo court, but the member for Bright said here in this house before that the committee is not impartial. It is the member for Bright who was the one that said that the committee was not impartial.

Members interjecting:

The SPEAKER: Order! There is no point of order.

The Hon. I.F. EVANS: It is important that we take the opportunity to suspend standing orders today so that this debate can be brought on. We all know in this chamber that we now have clear conflicting advice given to us as the representatives within this chamber. Ms Lennon says in her letter, that is public, that the Attorney knows—

The SPEAKER: Order! The honourable member for Davenport must stick to the reasons why the house should suspend its standing orders, not go to the merits of whether or not the house should support the proposition, which can be debated if standing orders are suspended.

The Hon. I.F. EVANS: There is clear, conflicting evidence—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The honourable the Attorney-General will get his go later.

The Hon. I.F. EVANS: There is clear conflicting evidence between the Attorney and Ms Lennon's evidence. The reason it is important we suspend standing orders today is so that we can get to the nub and the truth of the matter. If we do not deal with this matter today, this matter will fester over many months over the Christmas period and it will undermine the public confidence in the role and office of the Attorney-General. This Attorney-General has already stood down once in relation to a matter when integrity was questioned. The effect of his own quote is that when his integrity is questioned he stands down.

It is important from a timing perspective, as far as the opposition is concerned, that the Attorney-General and the government support the suspension of standing orders so that we can deal with the timing issue and the matter does not fester over the Christmas period and so that the public knows

the truth. If the government has nothing to hide on this matter, there is no reason why they would not support the suspension of standing orders and establish a full judicial, independent inquiry this week so that the public knows the truth.

The Hon. P.F. CONLON (Minister for Infrastructure): Naturally, we oppose the suspension of standing orders because we have some serious business to do. I did note that Private Pike is back to being Private Pike: Iain Evans has taken over again.

The SPEAKER: Order!

The Hon. P.F. CONLON: Sir, they were being rude.

The SPEAKER: Order! The chair reminds all members that it is not appropriate to reflect on members who have served their country's interests through the military forces. That was bedded down in the practices of parliaments of our construction following the Napoleonic Wars, especially during the period when Wellington was prime minister and, indeed, it was seen as heinous to refer in a disparaging way to anyone who had served their country in that way.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! Notwithstanding the interjection, which is highly disorderly, from the Attorney-General, the simple fact is that we owe a great deal as citizens, leaders and representatives of the community in which we live to those other citizens who are prepared to put their life on the line, accept their duty and the orders they are given in the course of executing that duty to protect the very system which we now enjoy; that gives us the freedoms of speech, freedoms of association, equality before the law and equal opportunities that would not otherwise be part of our society were it not for the fact that parliament was here—and is still here—only because their defence of this society was effective and successful.

The practice of making disparaging remarks about former servicemen and women in the parliament is not something that is even considered these days as warranting explicit statement in standing orders in any parliament. It is simply such an important part of democracy. The chair will name anyone who makes any disparaging illusion to any person who has ever served this country militarily, whether or not members of this chamber.

Mr HAMILTON-SMITH: I rise on a point of order, sir. In relation to your remarks to the chamber, I draw to your attention comments to which I object made on Remembrance Day 11 November in the chamber by the Premier, the Deputy Premier and the Minister for Government Enterprises.

The SPEAKER: Order! The member for Waite will resume his seat. At the time those remarks were made was the time to take that point and exception to it. It is what will happen henceforth to which I am referring.

Before I resume my seat and allow debate to continue, let me make it plain that I have received a number of letters, both from the Returned & Services League and other servicemen and women, and had remarks made to me in my own branch of the RSL and other branches about the remarks which have been permitted in this chamber. That has caused me to make the statement I did today—it was not out of self-interest or self-service. I think it is improper for us, as a chamber, to go further down that path. Let us put it behind us and show that we are adults, at least.

The Hon. P.F. CONLON: I am more than happy to apologise to the member. I certainly have the highest possible regard for his service to his country. It is the stuff which happens in here that I do not like.

The proposition of the opposition is that they will help us out by suspending standing orders so that we can have the inquiry and get it finished—within three days, apparently. Apparently, they will have a judicial inquiry started, run and finished before Thursday. On the basis of that proposition, we will not be appointing Justice Mullighan again: we will have to appoint Carl Lewis. How could a judicial inquiry run its full ambit in three days? It probably could, because there is nothing in it. I will not debate the substance, but you could probably do it in three days because there is nothing in it—and everyone knows that. What we hear today is the thwack of leather on a deceased horse. That is what is going on.

We have serious business to do in this chamber. The opposition has its inquiry in another place. It has been acknowledged by the member for Bright not to be impartial. At least we have an argument between the Attorney-General and the member for Bright—it is not an impartial inquiry. It is an inquiry; it is a select committee; and there is a standing committee of the house. Apparently we need to suspend standing orders. It is urgent to get it on, have another inquiry today and have it finished in three days' time.

The argument simply holds no water. I will not deal with the substance of the matter but, if I were to do that, I would tell members that it has no substance whatsoever. This is a pretty average opposition looking continually average. But do not forget what is at the bottom of this. Do not forget whom the select committee is really after. It is not the Attorney-General—it is the Auditor-General. The Liberals were after the Auditor-General when they were in government (they never left him alone); we had to introduce laws to protect him from some of them; and they are still after the Auditor-General. This unnecessarily besmirches the reputation of that fine individual. We are opposed to it.

The Hon. I.F. EVANS (Davenport): In using my right of reply—

Members interjecting:

The Hon. I.F. EVANS: Yes, I have three minutes if I need it.

The SPEAKER: There seems to be some disquiet in the chamber. Let me point out to all honourable members that the full amount of time available for debate is 10 minutes. The honourable member for Davenport resumed his seat after approximately six minutes and therefore has four minutes to use, should it be his desire to use them. The honourable member for Davenport has the call.

The Hon. I.F. EVANS: Thank you, Mr Speaker. I make these points in using my right of reply. The Leader of Government Business in the house tries to give to the chamber the impression that I argued that the judicial inquiry would be all over within three days. The facts are that we are moving suspension of standing orders so that the government has three days to set it up—not to complete it—and then it can take its natural course.

The minister says that there is nothing in it. Well, if there is nothing in it, set up the inquiry and the inquiry will prove that. If you have nothing to fear, the inquiry will prove that. The minister says there is no substance to the matter. There is so much substance to the matter that we already have two inquiries established—one of which was on the government's own motion—to look at it. The minister says that the government has serious business to consider. Well, there is nothing more serious than trying to establish whether a

minister has told parliament the truth, and that is why the standing orders should be suspended today so that we can get on with the independent judicial inquiry.

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. (teller)
Goldsworthy, R. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (24)

Atkinson, M. J.	Bedford, F. E.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	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.
White, P. L.	Wright, M. J.

Majority of 5 for the noes.

Motion thus negatived.

GRIEVANCE DEBATE

HOSPITALS, COUNTRY

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to take up the issue of today's announcement by the Rann government—

The SPEAKER: Order! The deputy leader knows that he must not refer to—

The Hon. DEAN BROWN: —by the Labor government—that it intends to put $71.5 million over what it said was 4½ years into country hospitals. In fact, the reality is that they are putting this money in over a five-year period. The money being put in this year is $10.3 million, but at the time the country hospitals were allocated their budget they were short-changed by $12.2 million—and we know that because I have a copy of two leaked letters from the chair of the country health regions which has the minister saying that her own department has acknowledged that country hospitals have been short-changed $10 million, and then on top of that another $2.3 million under-funding of extra nurses within the hospitals as part of an industrial agreement. Therefore, country hospitals are currently underfunded by $12.2 million just to maintain the same level of activity as they had last year. Today, the government is putting $10.3 million back in, which means that country hospitals are still underfunded by about $2 million just to maintain the same level of activity as they did last year.

This is the third year in a row that country hospitals in South Australia have had to cut services to balance their budgets. As result of that, we know that there are now 59 fewer beds in country hospitals than there were under the former Liberal government. And if you look at the level of surgery or activity in the hospitals (that is, same day and overnight admissions), you see that there were 101 fewer total admissions to hospitals last year than there were in the final year under the Liberal government. Those figures have come from the annual report of the Department of Human Services, and this is, therefore, absolute proof that this government, for the third year in a row, has forced country hospitals to cut their funding so that they can balance their budgets. Today's announcement is no more than putting a huge spin on the fact that here is some money to make up the shortfall that has already occurred in the country hospitals.

I understand from the media that the new Labor minister, the member for Chaffey, was very pleased with the extra $1.1 million for the Riverland region. Well, I point out that the briefing paper done by the general manager of the Riverland Health Authority on the budget for this year shows that the funding pressures in the Riverland are actually $2.6 million—and I have a copy of the relevant page which shows the extent to which they are $2.6 million with cost pressures, to maintain the same level of activity as last year. If that is the case, $1.1 million will not even go halfway towards making up their shortfall.

We know that at Wallaroo they are closing the hospital for eight weeks so that they can try to patch up their budget. We know that in my area surgery at the South Coast hospital is being delayed or deferred until next financial year because there are not enough funds. And, equally, we know that in a number of other country hospitals they are having to cut services simply to make their budgets match this year. So the government should be red-faced indeed trying to claim hero status for putting back some of the money that it has taken away from country hospitals, because they are still under-funding country hospitals just to maintain the level of activity compared to last year—let alone the fact that they have cut that level quite substantially compared to what it was under the previous Liberal government.

Time expired.

GREENWITH INCIDENT

Ms RANKINE (Wright): Today I want to take a few minutes to talk about a policing issue out in my area. Today, very unfortunately, we had quite a distressing incident at Greenwith. It was a domestic situation involving a person with a sawn-off shotgun. I want to pay tribute to our police in the handling of this situation, and also to our local schools and kindergarten which acted very swiftly in securing their sites and ensuring the protection and safety of the children in their care. This incident was happening in very close proximity to Greenwith Primary School, Our Lady of Hope Primary School, and the Greenwith Kindergarten. Situations like this are extremely stressful but, once again, our South Australian Police Force displayed its very incredible professionalism and skill.

I visited early this afternoon the Greenwith Community Centre, which was the command centre for the police and emergency services out there, and I spoke with police and other emergency services on the site. I was assured that the schools and the kindy were secure, the children were safe, and those parents that wanted to collect their children were able to do so. I spoke with Superintendent Bronwyn Killmier and, at that time, police negotiators were still speaking with the person involved, and were working hard to convince him to give up his weapon and to not cause himself any harm. I visited Greenwith kindy, as I said, and also Golden Grove

Primary and Our Lady of Hope schools. The kindy staff were calm and in control. They had a band of happy children in their care who were quite oblivious to the concerns their parents may have had. Indeed, the children were told that they may have to stay there for lunch, which was quite different, and I am told that one little boy, when mum turned up to take him home, was quite distressed because he wanted to stay at the kindy for lunch, so he clearly had no concerns.

At Golden Grove Primary and Our Lady of Hope, which are on a shared campus, the children were secured within the school and calmly going about their normal lessons. Again, some parents wanted to take the their little ones home, and I absolutely understand their concerns. If I had had children at the school I am sure that I, too, would have wanted to have them securely within my grasp. However, they were safe, happy and protected. As the local member I want to congratulate and register my appreciation to Superintendent Killmier and her team, including those highly skilled negotiators, who I am pleased to say were able to convince the person involved to give up his weapon up and to give himself up. All this happened while I was there, and it was a great relief to all those involved.

It was pleasing—and I know that the parents are pleased—to hear the announcement late last week that the new police patrol base is going to be built to service the Tea Tree Gully area and will be located in Golden Grove. It is sad to see some of the petulance that has been shown by members opposite. I know the former minister for police was a bit distressed about it and was a bit cranky that we had not honoured the promise that he had given two and half years ago. Well, what we are delivering out there for the people is far in excess of his promise of a shopfront. It is a 24-hour, around the clock, seven-day week police patrol base and police station. I perhaps should not have diverted on to that issue, but it was a bit sad to hear his comments, nevertheless.

I want to congratulate the kindergarten coordinator, Annette Mazzeo and her wonderful staff who, on a daily basis, give such great care to our tiny tots, and today was no different; to Steve Portlock, the Principal of Greenwith Primary School, and Greg Parker, Acting Principal of Our Lady of Hope, and their staff, who also managed what could have been a very difficult situation with great calm, efficiency and professionalism. Today's incident highlights that the confidence we have in our great schools, public and private, is clearly justified. Our children do get the best possible care.

ADOPTION, AGE CRITERIA

Mr WILLIAMS (MacKillop): Today I want to bring to the attention of the house an issue regarding the age criteria for adoptive parents in South Australia and, in particular, the way that the government and the current minister are handling this—or mishandling this. I want to run through a chronology of things that have happened. About 18 months ago, a couple of my constituents adopted a small child from rural China under the Overseas Adoption Program, and they were delighted to be able to offer this child a life far removed from what she would have expected in her native land. The problem is that they now wish to adopt a second child but, because the husband in this family is 45 years old, he falls foul of the regulations under the Adoption Act in South Australia.

Those regulations say that no adoptive parent can be more than 45 years older than the child. I contend that those regulations are out of date with modern practices and modern families. I wrote to the Minister for Social Justice on 9 February this year pointing out the regulations and why and how I thought they should have been changed, and I met with and had a very good meeting with the minister. Unfortunately, just after that there was a cabinet reshuffle and a new Minister for Families and Communities, the member for Cheltenham. The honourable member wrote to me on 28 April this year, and in that letter the minister said that the interests of the child are of paramount consideration and that adoption is a service for children needing families, not a service for adults wishing to acquire the care of a child. He stated:

> Nevertheless, I am satisfied that the age criteria as they stand are best at meeting the needs of the many children who are placed for adoption in this state.

I replied to the minister, disputing some of the comments that he made and pointing out that the interests of the children, particularly children from China, were met much better by them being adopted to Australian families who would love and care for them and bring them up in a manner that they could not hope for in an orphanage in rural China. On 6 August this year, the Queensland government made significant changes, and on that date issued a press release headed 'Adoption age limits dropped.' I point out that Queensland and South Australia are two of the states that at that stage had these adoptive age limits. If my constituents lived 30 to 40 miles to the east, they would be in Victoria and would not have this problem.

On 8 August, the *Sunday* TV program ran a program on this issue, pointing out the absurdity of what happens in South Australia. This is where the story gets interesting, because the minister wrote to the executive producer of that program on 10 August this year, saying:

> Your story, which aired last Sunday, 8 August, concerning in part the South Australian government's position on age limits for those wishing to adopt, was not correct. Although South Australia does not currently have strict age criteria limiting adoption, your journalist's information was based on material written in April. Had your journalists called my office, they would have learned that this criterion has been under review since May. A correction to your story and a reminder to journalists to call and check facts would protect your program's reputation as a leader in national affairs reporting.

On 26 August I received a letter from my constituents seeking some information about the review the minister said he instituted back in May. I wrote to the minister seeking the terms of reference, who was holding the review, and how my constituents could have input into that. Indeed, I got a letter from the minister dated 23 August saying that he had been holding this review back in May. The most amazing thing is that more recently I got a letter from the minister, after making inquiries on how my constituents might have some input into this review, dated 11 October this year, saying amongst other things:

> It appears that an impression has been given that there is a committee or a formal review dealing with age criteria. This is not the case. However, there will be opportunities for interested parties to contribute their views through a public consultation process, which will be held in the near future.

Why would the minister write to a national television program saying that if they contact his office he would have told them that a review started in May, yet he writes to me on 11 October saying that there will be a public consultation process in the future? My constituents are still writing to me trying to find out how they can involve themselves in this review or public consultation process. I think it is time the

minister came clean with the parliament on this. It is time he came in here and explained why he is writing letters to a TV program saying one thing and six months later denying all knowledge of that in a letter to me.

Time expired.

WEST LAKES READING CINEMAS

Ms BEDFORD (Florey): Coming into Christmas and the holiday time of the year, family recreation pursuits are obviously high on the list of many people. In that vein it was my pleasure to represent the Premier last evening at the opening of the new cinema complex at West Lakes by the Reading Entertainment Group. We were lucky on the evening to have the Chairman of Reading Entertainment, Jim Cotter, come from California to be with us for the opening ceremony. I was welcomed by the Executive Director of Reading Cinemas here in Australia, Mr Wayne Smith. The complex is outstanding. It was a great pleasure to stand in for Mike Rann who, as we all know, has an absolute passion for film. His not being able to attend was very lucky for me because it meant that I was able to be involved in the first presentation at the complex.

Film in various forms has been a very important part of South Australia's history. We have a rich history of film-making by the South Australian Film Corporation going back to the 1970s. Many of us will remember movies such as *Storm Boy* and *My Brilliant Career*, among the many that were turned out at that time.

About 750 000 South Australians aged 18 and over go to the cinema at least once a year, and I know that I make up for a great many of those who do not attend by going more than once in that period. That 750 000 people represents 66 per cent of South Australians in that age group, so it is a major contributor to the recreational pastimes of this state.

In addition, the second Adelaide International Film Festival will be held in February and March next year. That innovation has been led with great passion by our Premier and by the Minister Assisting the Premier in the Arts.

The state government was pleased to see Reading come to South Australia. It is a large company that operates 18 cinemas across Australia and eight in New Zealand, which I understand makes it the largest cinema operator in that country. The West Lakes complex has seven cinemas, all of which are beautifully appointed with their colour schemes and attention to detail. I cannot give you the thickness of the cushioning seat but people just sink into them. A cocktail lounge is part of the cinema complex where people are able to meet before and after the movies. It had an executive lounge at the back of the cinema, as well as a crying room to which parents can take their children and which is almost better than the actual movie cinema itself.

Ms Rankine interjecting:

Ms BEDFORD: My word you can. If you are an adult and it is a very sad movie, you can take yourself off there and make a complete fool of yourself. The seven cinemas all have digital surround sound, luxury stadium seating (the formal name for the lounges) and big screens. The big screens are, of course, very important for the large action movies to get the full feel of it all. It is all the latest design and best quality, and it is a wonderful venue to go to.

It is fantastic that Reading has shown so much confidence and optimism about our future through this investment in South Australia. It is a huge investment and should be applauded not only because the complex is conveniently located in a shopping precinct but also because it recognises the population in the wider north-west region of Adelaide. Although that is not my particular area, there is some talk of Reading looking to invest in an additional complex to the north of the city. So, I am hoping for the same sort of standard. Also within the complex is a smaller theatre which will be used for art-house movies and which can be hired for conventions or workplace functions.

Additionally, it is important to know that Reading is committed not only to becoming a significant provider of recreational cinema experiences but also to being involved with the community. It will be rolling out a number of community involvement programs, including fundraising for local schools. That is a very nice way for them to be involved with our community.

Ms Rankine: A good corporate citizen.

Ms BEDFORD: A very good corporate citizen. Reading is part of the general buoyant atmosphere here in South Australia at the moment. More people are working than ever before and unemployment is at a 26-year low. Reading's complex will be creating 40 ongoing jobs for local residents. South Australia has regained its AAA credit rating and has become an attractive destination for overseas investment.

The West Lakes shopping redevelopment is just one of 140 big projects happening throughout South Australia, involving some $14 billion worth of investment. This is part of the South Australian government's Strategic Plan which targets this sort of investment as a contribution to economic prosperity.

Time expired.

DRUG DRIVING

Mr VENNING (Schubert): Today I ask whether this government is serious about addressing the serious issue of drug driving. As there is legislation before the house, I will be very careful with my words. Last week the AAMI 2004 Young Driver Index was issued with a press statement entitled, 'One in four young men use drugs and drive'. I make these comments because I am very concerned about the government's inactivity.

This is a serious issue, and I have been raising it in this place for over two years. I make these comments today because, as I said, I am concerned that we do not appear to be doing anything about it, and it is a problem that is now recognised by the community. On 26 June 2003 I had the following motion before the house:

> This house calls on the government to examine the feasibility of adopting random drug testing of drivers and, if feasible, to implement such testing in conjunction with random breath testing for excessive alcohol consumption.

My colleagues the members for Light and Fisher were the only two speakers to contribute to that debate. No government spokesperson made a contribution and there was no offer of assistance or encouragement. It was clear to me that this motion was going nowhere, so on 24 November 2003 I introduced a bill, the Road Traffic (Drug Tests) Amendment Bill, the aim of which was to give back to police the power they had to drug test drivers, particularly in relation to a blood test, which is not provided for in the current legislation.

It may have given police greater power than they had before the Forensic Procedures Act took it away in 1996, but I believe that the severity of the problem overrode that concern, and I was quite happy to give the police that privilege. After all, I trust the police to use that power wisely,

and put in place a deterrent for a young people to stop taking drugs and driving. I was asked to hold off the debate on this bill as the previous minister wanted to go to the Magic Millions races.

The next opportunity to debate the bill saw the new minister, the current minister. She asked them not to debate the bill as she was new and wanted to bone up on the subject. So, on 21 July 2004, Minister White started off by saying that she rose to oppose this bill. She went on to say that Transport SA had been talking with VicRoads, the Victorian transport department, regarding Victoria's saliva drug testing, and the option of gaining access to their data and the experience that they have gathered in their tests. The Victorians have started these tests now, and road testing is actually happening as we speak. The minister went on to say:

> This government will be moving further down this path. In fact, we are currently looking at this particular technology and others in order to address this point. However, it is the position of the South Australian government that we will move forward in a considered way, rather than jumping into random detection by blood testing our citizens as a first point. We need a more considered approach than this.

Again, a lack of activity. Well, minister, you have had time to consider. Meanwhile, accidents are happening and people are losing their lives because of drug drivers. Minister, when will this government move to introduce random drug testing? I realise that I must be careful here. However, I do not intend to discuss the merits of the legislation that I put before the house last week.

I do not understand why the government would not like to amend the measure that I have before the house. I am happy for that to happen—and I will be happy with anything that will come up with a result. The bottom line here is saving lives, and I call on the government to stop playing politics with South Australian lives.

My bill is there, Madam Acting Speaker, and I was very cross that I was doing a radio interview at 8.30 last Monday morning, talking about the bill before the house the previous week, and the Premier came out at nine o'clock and said that the government would introduce this legislation to come into effect in September next year. There is no real reason at all, Madam Acting Speaker, why we could not agree to amend my legislation and have it in place by February 2005. Surely it is commonsense, and we all know that by doing that we are going to save lives—valuable lives—and, as it is a big issue, I urge the government to forget the politics and address the issue.

POLICE, PARA HILLS STATION

Mr SNELLING (Playford): I welcome the building of a brand new police station at Para Hills, which was announced by the Minister for Administrative Services on Friday. The Para Hills Police Station was threatened with closure by the previous government, which wanted to close it and establish in its place a shopfront. After a very strong, local, grassroots campaign in my electorate that decision was reversed. The Tea Tree Gully patrol base was transferred to the Para Hills Police Station, and the Para Hills Police Station has run in that capacity since that time.

Naturally, it was not going to last forever. It was unsustainable to have the Tea Tree Gully patrol base located in the Elizabeth local service area, so it has always been on the cards that a proper patrol base would be established in the Tea Tree Gully local service area and that the Para Hills Police Station would no longer serve that role. The danger was that when that happened the Para Hills Police Station would either close or be severely downgraded. I am pleased to say that has not happened. The government announced on Friday that a new Para Hills Police Station would be built. The existing police station is a rather ramshackle building; I visited it a number of times—

Ms Bedford interjecting:

Mr SNELLING: As the member for Florey points out, it is almost heritage. It consists of a number of buildings linked together and it is not really serviceable as a police station. The government will build a brand new police station in the Para Hills area, which is most welcome, and that Para Hills Police Station will service the policing needs of my electorate. I am told it will continue with exactly the same hours of operation as the existing Para Hills Police Station, so my constituents will receive exactly the same amount of police resourcing as in the past.

I congratulate the minister and the government on this decision. I welcome the new police station. My electorate does have its fair share of law and order problems. We are very fortunate in that we have a good number of active Neighbourhood Watch groups. They do fantastic work and it will be excellent to have them backed up by the brand new police station.

CONTROLLED SUBSTANCES (REPEAL OF SUNSET PROVISION) BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 563.)

The Hon. DEAN BROWN (Deputy Leader of the Opposition): The Liberal Party will support this bill, which carries on the initiative of the previous Liberal government. Interestingly, I think it was the Labor Party that amended this measure in the upper house—or certainly it supported the amendment in the upper house when the Liberal government brought it into place and insisted that there be a sunset provision. Now the government has been caught by its own smartness, because the drug diversion program, which involves the drug panels, has been operating illegally since October this year. That is when the sunset clause ran out. The federal government originally put down a funding agreement. We supported this initiative on the basis that both the federal and state governments very strongly supported the proposal to have his diversion program, which involved the police, set up. We pointed out at the time that we already had drug assessment panels. Certainly, that was a diversion program, but this was set up as a separate program. We strongly supported this new initiative, which was backed up with commonwealth funding.

The government has said that the commonwealth government has a new funding arrangement from 2004 to 2007—and I welcome that. Suddenly, the government wants to carry on the program. This police drug diversion initiative should have been carried on by the previous government. In fact, I put to the minister: why was this legislation not introduced into this parliament some six to eight months ago, knowing there was a sunset provision, and the police drug diversion initiative, if it has operated in this interim period, has operated illegally? Perhaps the minister might be able to tell

us whether or not it has operated in this period. Certainly, my understanding is that the provision of the legislation did not operate after October.

Certainly, I support the proposal, because it is all about rehabilitating illicit drug users. For a long time I have been a very strong supporter of the idea that it is better to cure the problem than simply to put people in prison, release them and then find that, as a result of their release, they reoffend. They simply go through a cycle of going into prison and coming out, going onto drugs and going back into prison. That costs the taxpayers and government a great deal and does nothing to assist the offenders involved.

This was specifically designed to establish a rehabilitation program and force those people with a drug addiction who are illicit drug users to agree to that rehabilitation program as part of this police drug diversion initiative. As a result of that, they would be kept out of the prison system and, hopefully, their addiction would be completely overcome on a permanent basis, and that would be a win for the individual involved and their families and friends, and also a significant win for the broader community.

I am pleased that the federal government, which has always shown strong support for drug initiatives, has backed it for a further three years (until 2007). I am pleased that this government seems to have seen the error of its ways previously and now wants this sunset clause removed to allow the drug diversion initiative to continue unabated. I support the legislation very strongly, having been one of those who supported it under the previous Liberal government when it was introduced in October 2001.

I support the legislation and would like to see it passed as quickly as possible, but I would appreciate the minister's giving an indication as to what has happened in the interim period since the sunset provision operated. Have there been any diversions during that period and, if so, under what authority have they been done? And why did the minister not bring in the legislation six or nine months ago? Once again, we find that this minister and this government is not well planned in regard to its legislation: it is rushed in at the last moment.

The legislative program of this government, quite frankly, is in tatters when you look at the broader program and the hours we have had to sit. The government said it was going to try to stop late night sittings. Look at the last few weeks that we have sat. We have sat ever-increasing hours and ever-increasing hours past 10 p.m., when we have to move to allow the house to sit beyond 10 p.m. So, I would appreciate answers to that. But, certainly, we support the legislation and hope that it continues as planned by the previous government.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for the support of the Liberal opposition in this matter. The member asked a number of questions. The first was in relation to what has been going on over the last six months or so. I want to refer to the second reading speech where this was mentioned. It stated:

> Substantial amendments to the Controlled Substances Act are in the process of development for the consideration of government and, in due course, the parliament, and these amendments had included the repeal of the sunset clause, but the complexity of the other amendments under development led to delays and hence the unintended expiry of the division.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Yes, and we will come back with the other amendments in due course once those complexities have been resolved in the Controlled Substances Act. But, in the meantime, obviously the sunset clause expired, hence the reason for this bill.

The other queries related to the illegality of the section. I again refer back to my second reading speech. It stated:

> While the effect of the sunset clause is that this division is no longer operational, SA Police has available to it a range of options that it can use in the community interest including diversion of suspected offenders where appropriate. What may be in question is whether action can be taken against persons who do not comply with a diversion notice issued since this sunset date.

Of course, this was why we have brought this forward as a matter of urgency, and retrospectively to 30 September 2004.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. DEAN BROWN: As I pointed out, the very fact that this bill is retrospective to 30 September shows that, clearly, activity was carried on that the government believes may be shown to be illegal and it is looking for legal backing. Normally, any legislation of a retrospective nature would not be supported by the Liberal Party, and I certainly would not support it. In this case, because of the huge potential benefits to the community of the drug diversion program, I am certainly willing to support it. But I think the minister owes this house some greater detail about the number of cases that have been dealt with between 1 October and when this legislation might go through—and I note that the government hopes it will be through by the end of this week and, therefore, proclaimed, no doubt, some time next week or the week thereafter.

I would like to know how many specific cases there are where, in fact, there may be some question if someone challenged it—even if we could just know how many people have been put through under the program. I understand that it may only be over whether or not they have complied with the rehabilitation program, but we need to know by the time we pass this legislation how many diversions there have been in this period of October, November and halfway through December.

The Hon. L. STEVENS: My advice is that in the two months since the expiry—October and November—the estimate is that about 40 people would have been diverted; it is about 20 a month. We can obtain the exact number for the other place. The issue would have been simply that, if they did not comply with their drug diversion requirements, they ordinarily could have been referred to the court, and that is the part that was not in operation. I can find out for the upper house whether there have been any in that category.

The Hon. DEAN BROWN: I would like to clarify that point. The real problem is that, if someone has been put into the rehabilitation program and fails to comply, of that number of approximately 40 (and I would appreciate the number simply so that I can get some idea of the sort of use of the program on a monthly basis, because it is a good program), the biggest risk we face is the fact that you cannot then refer people to the court for non-compliance. As a result, obviously, they can walk away from the rehabilitation program and any penalty through the courts, and they would have to reoffend before they were caught and put through the system again. Is my understanding correct, in terms of what the implication of this would be if the legislation was not made retrospective to 30 September?

The Hon. L. STEVENS: That is correct, and that is the reason for making it retrospective to 30 September.

Clause passed.

Remaining clauses (3 and 4) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

TEACHERS REGISTRATION AND STANDARDS BILL

Adjourned debate on second reading.

(Continued from 25 November. Page 1133.)

Ms CHAPMAN (Bragg): On the previous occasion this matter was dealt with in the house I commenced a contribution in relation to the Teachers Registration and Standards Bill. The situation is that there are some 35 735 teachers registered in South Australia as at 31 December 2003. It is interesting to note that at the same time in 2002 that figure was 36 199. There appears, therefore, to have been a reduction. Is also interesting to note that 15 777 of those who are registered teachers in South Australia are employees under the Education Act. As you would expect, the overwhelming majority of those—in fact, it is estimated some 70 per cent—are employed by the education department in public education, or government schools as they are commonly known in this state. I understand (although it is not recorded in the annual report) that of that total base there are approximately 3 000 full-time equivalent teachers working in independent schools and, quite possibly, there is a similar number employed in our Catholic education system.

So, there is a significant percentage of the population of teachers in this state who are not actually currently employed or active in our schools, and there are a number of reasons for that. This is a status and qualification that is obtained after tertiary education, and there are many reasons why it is important for those who have attained that qualification to retain registration because, of course, it is a prerequisite to actually being able to teach. Some leave the work force temporarily; some—a good number, no doubt—are employed in other fields but wish to retain their qualification and status requirements which registration attracts; there are those who are unemployed and who may be seeking employment either in other fields or in the teaching fraternity; and there are many others who take up positions or study interstate—nevertheless it is important for them that they retain that professional qualification.

The other thing that is important to note is that there is an overall diminishing number of children in our state. That is reflected in the population growth or stagnation—whichever way you wish to view it—in relation to the fertility rate and/or immigration of persons under the age of 18 years into our state. Tragically, we are now seeing—probably significantly as a consequence, I think, of that—a reduction of some 2 000 students a year who are enrolled in government schools and the public education system in this state. I think it is fair to say that that is primarily a result of the population issue, although it needs to be noted that there is small but not insignificant number who continue to exit the public education system—parents are making decisions to enrol their children in the independent or Catholic sector. They are matters for another debate, but I think it is important to highlight the fact that this raises some questions regarding the importance of recognising the need to keep a high standard in relation to our teachers for their qualification and entitlement to enter the classroom, most particularly, and to ensure that this flow is somewhat stemmed in our government schools.

The primary function of this legislation is somewhat different to what has prevailed, and the current clause 7 identifies this issue. The Teachers Registration Board has, historically, had a primary function related to teachers' standards and ensuring fit and proper persons are registered. That has been clearly outlined in part 4 of the Education Act. This bill moves this to the board, and it is a somewhat changed function and certainly a changed emphasis; that is, that the board:

> must have the. . . best interests of children as its primary consideration in the performance of its functions.

There is no doubt that the change of emphasis is a reflection of the inclusion and expansion of the child protection matters which were raised by the Teachers Registration Board—which I have previously detailed—and which have been incorporated in the minister's contribution in this house regarding the weight the government places on the significance of these matters, and on this she will have no objection from the opposition, because quite clearly it is important to consider the paramountcy of children's interests, and their protection is a very important aspect of that. It also raises the importance of the Teachers Registration Board as being an absolutely independent body.

Under the current act, which has the primary function that I have referred to, even without the additional role as a regulator in relation to child protection matters, but to deal with the teacher's standard and the quality upon which the teaching profession aspires and is registered and determined by, it is important, I suggest, to note that, even in those circumstances, this is not a function that was carried out historically by the Department of Education or any hybrid combination of the responsibility covering education in primary and secondary schools.

For as long as the Teachers Registration Board has existed which, I understand, dates back to 1972, it has always been a separate board to the department. Why is that necessary? I suggest that it is a very important independent function because the Department of Education or minister for education at the time is the principal employer of most of the teachers who are working in schools in this state. That has always been the case, and that is something we expect will continue. I have indicated the numbers of teachers in the public education, independent and Catholic sectors. Therefore, it has been very important that the Department of Education and/or minister, who is the employer of the overwhelming majority of practising professional teachers, is not also the regulator.

The Teachers Registration Board has a very important responsibility as the regulator. For the reasons I have explained for child protection matters, that responsibility will, in fact, be broadened and enhanced. In fact, the Teachers Registration Board will have significantly increased areas of responsibility, and it will have the power to impose significantly greater penalties. The consequences and breadth of the decisions which it will inherit under this bill will expand significantly. I raise a concern at this point, when we look at the question of the minister's involvement in the supervision and/or nomination of membership of the board, which historically has been independent, and for a good reason. We therefore raise some questions in relation to that. Therefore, if we start from the premise that it is very important that that

independence be retained because of the potential conflict of interest as both employer and regulator, we must then ensure that whatever legislation is before the house it maintains that independence.

It is also important—and I make the point at this stage—that, whilst the best interests of children is to be the new primary consideration of its performance and function, we should not overlook the significance of the other parties and, probably, the most significant other parties in this case are, of course, the teachers themselves. If we are talking about their standards and their professional qualification, the academic achievements which they should have obtained to qualify, the conduct which they should undertake, and their general fitness for office, then we must take that into account in relation to their rights and entitlements, both in their contractual employment arrangements, but also in the relationship between them and, indeed, other leadership members of the school, whether that be principals, leadership groups within the staffing arrangements, governing councils, parent bodies and, indeed, additionally, in their relationship to students.

I raise this because only in the last week we saw an example of a situation which arose in a classroom where a student took action against a teacher, of some longstanding, in a South Australian school, accusing the teacher of exercising conduct toward him, in particular to physically touching and ordering the child, in the process of requiring him to leave the classroom. I will not traverse the details of that case but, suffice to say, the young male student in a secondary school environment refused to undertake the instruction. The teacher had made a reasonable request in relation to the observation of the student's work. It had been refused, and the student decided that he would express his disquiet and displeasure at the teacher's request, and shouted apparently obscene words at the teacher. Upon being requested to leave he initially refused. The teacher physically touched the student and, I think it is fair to say, physically assisted the student from the class.

I think it is important to record that Magistrate Grasso, who had heard this case had, to use the colloquial description, thrown it out of court, and clearly made a finding that the student's swearing and conduct in the classroom caused an entitlement to arise of the teacher to enable him to have the right to terminate the student's right to remain in the classroom. That was clearly supported. I think it is a shame that, whilst these are rare and extreme cases that reach a courtroom, this had not been nipped in the bud at an earlier stage. Not surprisingly, we hear that the teacher in question is under considerable stress as a result of some 18 months of litigation, and that that placed considerable pressure on the teacher both in being able to undertake his other duties during that time and also in being able to restore the confidence and respect to return to the class room.

It is, I highlight, one of the more extreme examples of where a situation has arisen, but I raise it to illustrate the fact that, whilst students are under the age of 18 years and therefore we presume them to be more vulnerable in the community than adult teachers, for obvious reasons, we also need to appreciate that circumstances arise where teachers themselves deserve a safe environment in which to work and also a safe environment in which they protect other students from any unruly behaviour or from the students witnessing any conduct by any other person in the classroom, including other students.

It is important to remember that, whilst the new bill proposes to redefine the primary function of the Teachers Registration Board, it does not mean that this is to be to such an extent that other important functions of the board are overlooked. On the question of the independence of this board, I was concerned to note that initially, in the draft bill that was circulated for consideration, the minister was inviting comment from stakeholders and general members of the public in relation to a new power that would give the minister power to give general directions to the Teachers Registration Board. It was then qualified to be on any occasion when it appeared to the minister 'to be necessary in the public interest.'

Not surprisingly, that elicited considerable controversy and concern amongst those consulted, because this is a requirement that, whilst it has been floated and incorporated in some legislation interstate (to which I will refer in a moment), does introduce a level of unprecedented political control. The reason why that is so important in relation to the powers and obligations that are the responsibility of this board is because the minister is the regulator and the principal employer. That should never be overlooked. The minister, in presenting the bill to the house, and I think to her credit, has apparently listened to some of the concerns raised and accordingly has introduced a provision under clause 8 that now qualifies the power of a direction by subclause (2), which provides:

The minister—

(a) may not give a direction that relates to—

(i) a particular person; or

(ii) a particular application or inquiry; or

(iii) the performance by the Teachers Registration Board of its function of determining qualifications or experience for registration;

and it must do two other things: it must consult with the Teachers Registration Board before it gives a direction and, secondly, it must within three sitting days of that direction cause a copy of that to be laid before each house of parliament. On the face of it, that would perhaps invite some agreement that at least fits more comfortably with the provisions that apply in other states where it has been introduced by other parliaments. However, in the absence of the minister's being able to explain any possible circumstance in which she would justify the implementation of this power that she would deem to be necessary in the public interest that would not cover those exclusions, I would be very interested to hear that, particularly as I have had the opportunity of two briefings on this matter.

I thank those from the minister's office and other advisers who have provided that but, in a nutshell, they were unable to identify any possible circumstance in which the minister would be wanting to exercise that direction as a ministerial power. Therefore, it is important that I call upon the minister to identify where she might justify the use of that power, particularly as it seems that her advisers are bereft of any example and, in the absence of that, I will move that that power under the new clause 8 should be deleted altogether. But it is appropriate that I tell the full story in relation to other states.

In Queensland, the minister under similar provisions may give the board a written direction if it is satisfied that it is in the public interest and, furthermore, must comply with certain policies in relation to their legislation. So, there is some limited qualification but the power has been granted. The Victorian Institute of Teaching provides for the minister to

be able to give advice. In that case it is not a direction of the minister but a requirement of the institute, which is the equivalent of our registration board, to have due regard to any advice given by the minister.

In Tasmania, the minister may give written direction, and the qualification again is public interest. In Western Australia, the college (which is equivalent to the registration board here) must give due regard to any advice given by the minister, and the particulars of any written advice must be included in the annual report. In New South Wales, their equivalent is subject to the direction and control of the minister except in the preparation and content of any report or recommendation made by the institute to the minister. So we have a bit of mixed bag in the other states in relation to their obligations, but probably only Tasmania provides a direction power anywhere near the extent of what is proposed here in South Australia. As I have said, not one example has been given as to why that is necessary, given these exclusions. Accordingly, we propose to move that amendment.

I turn to the second aspect that is important in considering the independence of the board and the reason why it has been able to maintain its independence in the past. Currently this board physically sits outside the Education Department with its own office and its own staff at a separate geographic location—indeed, a separate street within the metropolitan area of Adelaide. It is all part of the significance of keeping this body independent of the Department of Education and the minister.

The second aspect relates to the membership of the Teachers Registration Board. The board currently comprises 14 members. It is proposed under this legislation that the board will expand to 16 members. That in itself would not raise any opposition concern. There has been some change to the proportions of representation from certain bodies, but it is essentially to include a legal practitioner and a person to represent the community interest.

The current composition under part 4 of the Education Act provides for the following: a chairman appointed by the minister; two persons appointed on the nomination of the Director-General, which is effectively from the Department of Education; six persons (one of whom must be from a non-government school) nominated by the Institute of Teachers, which is effectively the Australian Education Union (SA Branch); one person nominated by the South Australian Independent Schools Board of Headmasters and Headmistresses Incorporated, which is our independent schools body; one person from the South Australian Commission for Catholic Schools, which is now Catholic Education; one person from the Association of Teachers in Independent Schools after holding an election; one person from the tertiary education industry—I am paraphrasing the provision—to ensure there is representation on that board in relation to the courses of instruction for teachers; and one person from the Office of the Director of Children's Services. That is the current composition of the board under the Education Act.

The bill proposes the extension of the board to include a legal practitioner and a person to represent community interests that I have referred to. However, the other important change to the membership of the Teachers Registration Board is that it will comprise persons selected (some from nominated panels but selected nonetheless) and appointed by the minister. Whilst the relevant stakeholders—that is, union representation for the teachers themselves, the independent schools association, Catholic Education and the tertiary institutions—are all still given some role, the significant feature of the change in the composition of the board is that it is now the minister who selects them.

I will quickly summarise the position under clause 9 of the bill: the minister will choose the chair (the presiding member) of the board; the chief executive of the department nominates five employees and the minister selects two from that; the Catholic Education Office still nominates three and then the minister selects the successful person; the independent schools association nominates three and again the minister selects; 11 practising registered teachers are nominated by the Australian Education Union (SA Branch) of which the minister selects five; the Independent Education Union nominates a panel of five of which two are selected; and the universities nominate a panel of three from which the minister selects one. The important aspect here is that we now have the whole board being either selected or nominated by the minister.

To try to present this board now as anything other than under the effective control of the minister would be a nonsense. It almost seems ridiculous to have the charade of keeping it physically independent from the Department of Education because it clearly is not. That raises concerns, and I would be interested to hear the minister's view as to how she suggests that this will remain independent, which is an important qualification. If not, I indicate that the opposition will oppose the introduction of this new membership regime, and that we should retain the current composition and selection provisions as apply under the Education Act 1972.

Again, I think that it is always prudent and fair to consider the position that applies in other states. Not always everything that is done interstate is necessarily a good guide, but it is important to at least note that if there have been significant changes interstate then that needs to be given some consideration. In Tasmania, importantly, it is the relevant stakeholders and organisations, in a similar composition to that which I have referred, that are appointed by those bodies. They nominate the person as their representatives; they do not have a panel system. In Western Australia, again, the relevant bodies (and it is a much more expanded board there) select their own and, interestingly, both the vice chancellor and chief executives at the principal universities, Curtin, Edith Cowan, Murdoch, the University of Notre Dame, and the University of Western Australia, all have specifically made provision to ensure that they have an active role in the selection of their nominees.

If we look to the Northern Territory, they have some uniqueness, and it is no doubt very important for the Northern Territory. They specifically have the provision that one of the teachers who is appointed by the Northern Territory branch of the Australian Education Union must be an indigenous teacher, at a government school, and that is a person to be nominated by their chief executive. Otherwise, again, their stakeholders and representative bodies nominate the person to go on this board. They do not provide a panel, and they do not have interference by whoever is the prevailing minister in that regard. We move to Queensland and they, too, have retained the independence of the selection and appointment of their board by having nominees who are representatives from the stakeholders. There is a significant number of representatives but, again, in a similar structure, both representing teachers and the non-government sector. Interestingly, in Queensland they also have a feature of specifically having a nominee entitlement in which the Parents and Friends Association, the Queensland Council of Parents and Citizens Association, and the Independent

Parents and Friends Council are specifically provided for to have a nomination in relation to a representative.

In relation to Victoria they have, again, given specific recognition to parents, and I think that that is very important. It does not specifically apply to the South Australian act or the proposed amendment, although one would hope that the person to represent the community interest may well be a parent of a child who is currently in the education system. They have significant other requirements in Victoria for their council, which consists of not more than 20 members, and they also have requirements as to experience and expertise qualifications, in addition to representatives from various bodies.

In New South Wales they have a board which has direct nomination and representation from the relevant stakeholders, complemented by, usually in all of these cases, the chair being appointed by the minister, and the minister and/or his or her department having direct representation on the board. Without exception, the other states have not gone down the line of pretending that the Teachers Registration Board is and remains an independent body. Unless the minister can give some valid explanation as to why we should move in this direction and also why that independence should be shattered, then that will be opposed by the opposition.

I move to the committee and delegation powers of the board, which are in the proposed clauses 16 and 17 of the bill. I make the point here that there are currently committees of the board and, as I detailed earlier in my contribution to the house, they do not conduct or have any role in the hearings and inquiries, which, of course, have the most important affect in this legislation, to either refuse to register or de-register teachers. So their role is more in relation to professional advice and the like, as I have referred to. Therefore, it is important that, if there are to be committees, they have very strict requirements in relation to what business they can conduct, and what the membership of those committees should be in the event that they are delegated a specific function or power of the whole board. Again, I note that there is significant amendment between the draft bill and the bill that entered this house.

It is important to note that the minister has identified—and, accordingly, this attracts the support of the opposition—that the Teachers Registration Board may only delegate the holding of an inquiry under part 7 to a committee of the board that is comprised of not fewer than three members of the board, including a member who is a legal practitioner and a member who is a practising teacher. In relation to the whole board's not being independent of the minister, that still leaves a concern about the general composition of the board.

Also, there is provision that the delegation must be by instrument in writing and may be absolute or conditional. However, it does not derogate from the power of the Teachers Registration Board to act in any matter, and it is revocable at will. It is also important to note, as is outlined in the annual report requirements, that details of any delegation of a function or power of the Teachers Registration Board is referred to in that report.

The annual report, while it was informative and useful in the past—and I am sure will be again in the future—takes on an extra responsibility in requiring the minister in tendering that report to the parliament to ensure that it does incorporate not only the audited accounts (as it has done in the past) but also the delegation powers that have operated during the relevant financial year. At least in those circumstances, if disclosed and relied upon, it will be something that is brought to the attention of the house.

I think it is fair to say, although I do not recall this being explicit in the minister's second reading explanation, that, in relation to the extra obligations imposed on the teaching community, the criminal record checks (commonly known as police checks), the extra obligations to undertake mandatory reporting training (which is a course of instruction that currently applies for the registration of teachers and which is extended to refresher courses necessarily being undertaken to be eligible for re-registration) to be imposed in relation to the fit and proper circumstances and conduct regarding teachers themselves and their obligations to report in a number of cases, and the significant extra obligation on employers to report, whether that be the Education Department or other bodies such as Catholic Education and/or Independent Schools, will undoubtedly mean an extraordinary amount of extra work to be undertaken by the board. Accordingly, I cannot see any other way of this being managed and undertaken unless the board has a power to establish committees to undertake those specific purposes, including inquiries and hearings, and delegated authority to do so. For those reasons, with the sensible amendments that have been incorporated in the bill that is before the house, the opposition will support it.

Regarding the massive increase in workload that is anticipated—there is no way that this can be avoided—I hope there is sufficient funding. The minister will need to explain to the house what provision will be made because, although in various press releases the minister announced in July, and particularly August this year, that the government will provide $700 000 to fund the cost of police or criminal record checks (to which I have referred) in public and private school sectors, there will be a massively increased workload in respect of the regulation of this act. For example, we will now have a register containing the criminal records of all teachers and a new process which will allow people or bodies to apply to view this register.

In addition, the board will now have enormously expanded powers to impose conditions in relation to registrations. So, with the complexity of the detail of what will be recorded of these checks on top of the small amount of information that is to be disclosed on a web site, clearly there will be an extensive extra burden for not just the Teachers Registration Board but also those who will be undertaking, for example, mandatory reporting training.

As I understand it, in January or February next year about 18 000 teachers will need to be qualified to be eligible for re-registration. So, an enormous number of teachers will need to undertake the mandatory reporting training refresher course. I am advised that the initial course takes about a day and the refresher course, for which the new format is still being drafted, is expected to take half a day. So, there will be two massive areas of cost: first, for the provision of training for all these teachers which will need to be urgently attended to; and, secondly, for providing extra teachers in our schools while these teachers are undertaking training.

Another concern which has been raised, and which in this case comes from the independent sector, relates to the fact that mandatory reporting training must be undertaken within 12 months prior to registration. Unless the teacher in question is employed in the education system in South Australia during the preceding 12 months, one of the difficulties that could arise by imposing that requirement is that a person who makes an application for a teaching position in South

Australia—to come onto the roll, so to speak—may well be prejudiced in being able to commence their employment if they have been asked to take up the position within the forthcoming few months. It is a small complication, and I am sure there will be some way of remedying it, but it seems to me that one option for dealing with the issue would be to allow someone taking up a position in those circumstances to be registered on the condition that they undertake and complete mandatory reporting training within, say, the first term following the commencement of their employment in the school.

Perhaps this is erroneous, I do not know (and I hope it is wrong) but, having visited a number of schools in South Australia, I am told that, whilst the training of teachers for mandatory reporting and having refreshers in relation to that is something that is generally considered to be quite important, no current specific effort is being made to deal with ensuring that the training has been undertaken. As I say, whilst there is an issue in relation to new principals, exchange teachers and interstate transfers (the complication I have referred to), there is also the fact that it appears, unfortunately, that the training in this area has not been regularly checked by the employing party in all school sites. I think that raises some concern.

I turn to the action to deal with unprofessional conduct. I referred earlier to the request by the Teachers Registration Board in its 2003 report to provide a new definition, and provision is made in clause 37 of the new bill which significantly tidies up and reflects the requests of and advice given by the Teachers Registration Board itself. The new definition of 'unprofessional conduct' means contravention of the act or of a condition of registration, gross incompetence, or disgraceful or improper conduct—again, I am generally paraphrasing. There is also a substantial increase in the powers to conduct investigations and inquiries, to be determined on the balance of probability.

The penalties for a failure to comply with a direction go from $500 to $10 000, or imprisonment for one year. The disciplinary measures now include a reprimand; a fine of up to $5 000; the capacity to impose conditions; suspension or cancellation of a registration; or disqualification of the entitlement to practise as a registered teacher. So, there is quite an expansion of both penalty and also definition, and the Teachers Registration Board again had specifically requested that they have expanded options to deal with those who might fall short of the standards that are required—and, quite sensibly, the government has given that due recognition, and the opposition supports it.

There is a whole raft of amendments in this new bill which impose obligations on employers. In relation to the child protection issue, perhaps the most far-reaching (and certainly beyond any provision in the current act) is that, in addition to having powers to suspend or revoke the capacity to be registered and therefore the right to teach, the employer is now subject to clause 38, which provides that the employer should report to the Teachers Registration Board in the event that a teacher is dismissed from a school or where they have resigned in the face of an allegation. This is to stop the practice that has been described as 'teacher school hopping', and it is important to deal with it as part of the child protection issue. Regarding this aspect, the fact that the minister again appears to have listened to sensible contributions also places an obligation on the employer to inform the Teachers Registration Board if those allegations are withdrawn. Again, in those circumstances, the opposition accepts that.

The action to deal with incapacity is contained in clauses 37, 38 and 39. I simply make the point here that there has been an expansion of power in this area. In the case of a mental or physical illness or disability, the teacher may be required to undergo a medical examination and provide medical information, and the board can impose conditions or suspend or cancel registration. That is an important element. We do not raise any issue with respect to this but, again, it is important to remember that the education department is an employer in this situation. Given what we would call ministerial interference in the appointment of the board, not surprisingly, union representatives have raised the concern of the employer possibly using this power to avoid WorkCover obligations.

I ask the minister to indicate how the government expects the employer to identify when they consider that someone has an incapacity and what obligation they have, including whether they are obliged to obtain medical reports, or whether they are simply to make that report if there is a suspicion. I am told that some guidelines are being prepared, and I hope the minister will make those available during the course of this debate, if they have been completed, so that we have some understanding of what the obligations are.

There is also the question of police information. We will be moving an amendment. The proposal under clause 49 is that the Teachers Registration Board, the department of public prosecutions and the Commissioner of Police must establish an arrangement for reports to be made in relation to setting out the offences that will result in deregistration, or registration not being granted. I am concerned about this matter, and the opposition has raised this concern as well. Amendments will be moved in that respect because, unless the particulars of that information are clarified before we go into the debate, the proper course is to ensure that we have the power of those determinations by regulation and, accordingly, under the scrutiny of the government.

An issue has been raised in relation to clause 56, which deals with self-incrimination. Because such harsh and extensive penalties are now to apply—principally to teachers but some to employers—obviously, concerns have been raised. Interestingly, in this bill the usual right to silence has been eroded, and a person who would normally have had that right is, in fact, required to provide information and answer questions even if that would incriminate him or her. Not uncommonly, when this power is employed (and I do not necessarily think it is one that needed to be employed here, but if it is to be), it is important to identify here that, as has been included, any information or material in those circumstances that is provided or produced in the protest circumstances that are referred to is not allowed to be admissible in evidence against that person in any subsequent proceedings with respect to the offence. So, whilst there have been questions of procedural fairness, it is an issue that I think is adequately covered. But I would like some reassurance from the minister in relation to that issue.

I note that, with respect to the cost of all these things, to which I have referred, the registration fee will be doubled. It will now be $180, according to the draft regulations that I have viewed. I suppose that poses a question as to how the cost will be picked up for this process, and that will come from the 35 700-odd teachers who will be paying a lot more money to have the privilege of registration.

There is only one other area to which I wish to refer in particular. Clause 20 is a very much more tight provision to impose the requirement to be registered. It is only a require-

ment to be registered, but it is put in the negative: a person must not undertake employment unless the person is a registered teacher; and a person must not employ another person unless the person is a registered teacher. These have penalties of $5 000 and $10 000 respectively—so we are not pussyfooting around here; it is quite a serious penalty. Thirdly:

A person must not employ another person in the course of a business to provide primary or secondary education unless the other person is a registered teacher.

Maximum penalty: $10 000.

The issue here is quite simply this: whilst the bill makes provision under clause 30 for special authority for unregistered persons to teach, that is obviously designed for short, one-off circumstances which sometimes arise and it would be appropriate for the Teachers Registration Board to allow that to happen. For example, if a specific subject was to be taught and there was a shortage for a term or for half an academic year in a particular subject it may be necessary to grant approval—if, for instance, a specific language was being taught and the teacher became ill or died and it was necessary to have a replacement.

What we are facing here, and what has been raised particularly by those in the independent school sector, concerns all the people who might be operating their schooling services—not only the professional teachers on their staff but also parents and other non-qualified teachers in the school, who might be coming in to assist with music lessons or to undertake reading or to coach a sports team (and these are all areas where voluntary persons are often employed, although it is sometimes on a paid basis if they have a specific skill or area of expertise)—where the school makes a decision to bring that expertise into the school environment to provide that service to their students. On the face of it, and I would like some clarification from the minister, it seems that clause 20(3) will specifically prohibit this.

Obviously, in those circumstances that will manifest itself as an extraordinary cost and burden to schools who elect to bring in persons in that category, because it is not defined simply as tuition but it is in the course of a business to provide primary and secondary education. That very extensive broadening raises questions, and the only options in those circumstances—which is not a real option for these schools, because they want and welcome the voluntary contribution of others—is to make an application for special authority to teach. Of course, this may be rejected, and there will be a cost and delay associated with that. Clearly, that is not the mechanism that was set up and designed to do that for the extraordinary circumstances I referred to.

Finally, I mention the independent criminal checks. It has been raised that the independent police checks will not only be undertaken by the Department of Education and Children's Services. There is electronic access to this information, and I understand that the minister will ensure that there are funds available (which I have referred to) to allow the Teachers Registration Board to get these police check records, and it will be able to keep that information at the board's premises. However, in addition to that there is nothing in the bill that prohibits independent employers of teachers doing a second check or, in fact, doing a check of specific information they want. For example, let us assume that an independent school is about to employ someone. It contacts the Teachers Registration Board, which says that it conducted a police check on that person eight months ago and everything was clear, the registration is in place, and that there is no problem.

However, the school may want to make an inquiry of its own to check whether, in fact, there was any criminal record that the Teachers Registration Board—in its wisdom—thought ought not prejudice the opportunity for them to teach but that may well influence the standards and sensitive issues that could apply in relation to the community and/or the religious obligations and requirements of that school environment. Some have raised a concern that it is inappropriate for other employers to have the opportunity to do that; that is, to have a second check system. Nothing prohibits that. Given the circumstances of the standards which other schools may wish to impose for reasons of particular sensitivity in their community, that ought not to be interfered with. However, it has been raised and accordingly I raise it today. I indicate that, other than the amendments which I have foreshadowed and which have been tabled, the opposition will be supporting the bill.

The Hon. M.R. BUCKBY (Light): I will not cover all the areas within the bill because the shadow minister (the member for Bragg) has done so very adequately. The Teachers Registration Board plays a very important role in education in South Australia, particularly in the area of the standards within our classrooms and ensuring that those standards are upheld and advanced. It is an area in which the Teachers Registration Board could even play a greater role than what it currently does, and particularly in terms of discussions with universities, for instance, on practices and also future needs in terms of the teaching fraternity. Certainly during my time as minister I was very satisfied with the role the Teachers Registration Board played and with the way in which it carried out its duties.

A couple of areas in this bill do concern me, and it will be of no surprise to the minister that I have an issue with clause 8—'Directions by the minister'. Under what circumstances does she believe that it would be necessary in the public interest to give direction to the board? It is a very broad and sweeping statement to have within a bill because it basically gives any minister (whether it be this minister or a future minister) carte blanche, so to speak, in terms of when he or she may decide to interfere with or direct the proceedings of the board. I can understand that, if there was a recalcitrant board, for instance, a minister may want some sort of power, but that was not my experience with the Teachers Registration Board, and in fact I found it to be very careful and conservative in making its decisions rather than being too extreme.

I question the need for that. However, if that clause is passed and the minister has that power, I question whether when the Teachers Registration Board is making decisions it will be looking over its shoulder all the time and wondering whether or not this will be acceptable to the government or the minister, and whether that may well hamper it somewhat in the way in which it undertakes its business. I note that the clause says that the minister must consult with the Teachers Registration Board before giving it a direction, and that is perfectly sensible. Certainly I found that, if I had any questions about what was being proposed or actions which were being undertaken, this was always sorted out by discussion. As I said, the board is not one which has been outrageous or extreme in its decisions. As I said, I really do question the need for that power. I will be interested in the minister's answer, particularly about the circumstances under which she would be required to give directions to the board, and exactly how strong those directions would be.

I notice that this power is continued into section 9, under which the minister will select one person from the three nominated by the Catholic Education Office and the Association of Independent Schools of South Australia Incorporated. Again, I would have thought it is a matter—and I support the fact—that those two offices know best who is qualified to serve on this board. I question why the minister requires the nomination of three names. Surely, if the Catholic Education Office says that Mrs Smith or Mr Hall is the right person for the job, that should be acceptable to the minister, given that it is the body seeking representation on the board.

Section E deals with the person nominated by the minister to represent the community interest. Is the minister looking for a parent to represent the community interest? Will it be somebody from the industry representing the community interest? Will that person be a teacher and, if so, will the teacher be a member of the union or will they be a non-union member? What does the minister want to achieve from this? They are the questions that should be raised in the committee stage of this bill. What qualifications does the minister seek in this person? Should they have some educational qualifications? Assuming that we are dealing with the registration and standards of teachers, one would think it must be somebody who is in some way involved in education for them to be able to accurately assess and have knowledge of the various arguments and discussions that will come up from time to time in the board.

I support the balance in this board that is suggested. I notice that the AEU wants equal representation of practising teachers, but I think the balance in this board is about right in terms of those from within the industry, in the children's services area and those who represent teachers. The question that I would put to the minister—and I might have missed this, but I do not think it is anywhere in this bill—is: what happens if a board member becomes bankrupt? Is the board member still eligible to serve on that board, or are they not? There is no mention of whether or not they can continue to serve. In terms of delegating a matter to the committee, I assume that the terms of reference for that committee will be set by the board.

The shadow minister has mentioned the extra workload that would appear to be coming on to these committees; what is going to happen? By serving on those committees and being given a reference by the board, will the board member also be remunerated for the committee work? Under clauses 16 and 17 the committees will certainly have a lot more work than they have had previously. I will be interested to hear in the minister's summary about areas currently not addressed by the committees; what issues she envisages will be delegated to those committees; and whether the terms of reference, conditions and guidelines (and who sets them) for those committees to operate will be in the regulations of the bill.

As I said, this is an important area of our education system. The Teachers Registration Board has a very great responsibility to ensure that the teachers in our classrooms are fit and able. I agree with the direction of this bill in that it is angled towards the child, so that the best outcome will be achieved through the teacher, who has the control of and responsibility for the children in the classroom. When I was minister, a couple of teachers were dismissed for paedophilia, which is a most serious concern. This bill tries to ensure that the i's are dotted and the t's are crossed in order to eliminate that possibility and to ensure that information is transferred between the employer and the board so that knowledge of any such occurrence is gained as quickly as possible, thereby enabling that person to be charged, or struck off the register, or the necessary action taken by the board

Mr Brindal: Are there enough safeguards?

The Hon. M.R. BUCKBY: I think that the answer is yes, particularly in terms of the responsibility of the employer to ensure that any act of which it becomes aware is reported. The power to summons is set out in the bill quite explicitly as well. I commend the Teachers Registration Board for its work. As I say, my concern about this bill relates to ministerial interference, which I believe is not necessary and will place a restriction on the board that is not required.

Mr HANNA (Mitchell): I speak on this bill on behalf of the Greens. I support it in principle, and I will move at least one amendment, which will be dealt with later. Obviously, a system for proper accreditation of teachers is needed—one that ensures that only people of sufficient competency and character deal with our children. Next to parents, teachers in South Australia probably have a more significant role than anyone else in shaping the future of the state. This is so because of the important role they play in not only providing knowledge, and the means to acquire knowledge, to our young people but also in rounding out their character and in promoting their maturity through the manner of teaching in the classroom. I know so many teachers who do that so well.

I am very thankful to a small number of people within the Greens Party for their analysis of the bill and their helpful comments. They may prefer me not to name them individually, given the view of political activity held by some people in the department. This bill has many good aspects.

It is pleasing to see that the primary functions of the Teachers Registration Board will be the welfare and the best interests of children. I do not think anyone could dispute that that should be the primary consideration in the performance of the board. It is also pleasing to see that, among the functions of the Teachers Registration Board, it is spelt out that the board is to promote the teaching profession and professional standards for teachers. We have an excellent teaching profession in South Australia but it can always be made better. It is also important for there to be a body seen as independent of both employers and unions to promote the welfare and standing of teachers in the community.

There will be times when governments—and I am not referring to this current minister—will play political games with the teaching profession or issues that arise for teachers, the funding of schools etc., and there will be times when the union has to take a strong advocacy role for its members. It is important that there is another sector, that is, the Teachers Registration Board, which is able to independently promote the teaching profession. I suppose that the great difficulty that the Teachers Registration and Standards Bill faces is a balance between ensuring that our children are protected and well-educated, on the one hand and, on the other hand, ensuring that there is justice for teachers who are either facing the registration process or facing any disciplinary process arising from their duties, or any allegations.

I want to bring to the house two examples to highlight the balancing act. On the one hand, I was informed recently of a case of alleged child abuse that took place in a Lutheran school at Mount Gambier, where the response of the school leadership, upon hearing the allegations from parents after they had been raised independently and voluntarily by several children in a particular classroom, was to call a meeting and advise parents not to take it outside the school because the

reputation of the school was at stake. Subsequently, to cut a long story short, a number of the children concerned were interviewed. They were not in a fit state to repeat the allegations they had separately and voluntarily raised with their parents depicting the child abuse that allegedly took place inside the classroom, and the police therefore decided, since it was a matter of dealing with seven-year-old children, that it simply was not worth taking the matter to court.

There were, however, Teachers Registration Board proceedings and the person was acquitted; that is, there was no finding of proof of misbehaviour. Interestingly, neither the parents nor the children were informed of the Teachers Registration Board proceedings, so they had no opportunity to influence the outcome in any way. They did not have the opportunity to give evidence of what had happened inside the classroom. Another difficulty arises, because neither those parents nor any other parents are able to ascertain where that suspect teacher is now teaching, whether in the public or private system. So, those parents are left with a certain amount of anguish.

They have had stories of abuse from their children, apparently very graphic and sincere accounts matched by the accounts of other children from the same classroom, stories that were told independently at different times in different circumstances without any apparent collusion. Yet, the system has failed those children if, indeed, that abuse took place.

I had an interesting comment from one of the teachers in the public school system whom I have a great deal of respect for which was, 'This could not happen in the state system, because there would have been a prompt investigation. The police would have been called in earlier and there would have been a formal process taking place much more quickly without the same delay caused by alleged concern for the reputation of the school.' The reputation of that school will always be blackened in my mind after hearing the story of how that particular investigation took place.

On the one hand, I believe that, as a consequence of that example, our current system is failing children and that we need to tighten up our ability to investigate those sorts of allegations. On the other hand, examples exist where teachers are hard done by. I recall the Craigmore Five—the five teachers at Craigmore High School who, in my interpretation, were hounded out of their school. They have not asked me to raise this matter in relation to this bill at all in any way—I am only relying on the material publicly available. However, it seems to me that the department can set its mind to effectively punish teachers if they are seen as overly strong advocates for the union and their fellow teachers. Obviously there has to be a fair balance between employer and employee in the circumstances, and I am not sure that that balance was actually achieved in that Craigmore Five example. I raise those two examples in the context of this debate because they illustrate the difficulties and the dangers either way.

I am pleased to see a number of safeguards built in for teachers in the bill. There is a commitment to natural justice and a commitment to the right not to incriminate oneself. There is an appeal to the District Court, if need be. So, there are some safeguards built in, and it is pleasing to see that those ancient principles have been maintained. I have a couple of concerns about the bill which I will deal with briefly because I am sure that when we go into consideration of the bill in detail we can discuss them at greater length.

One concern is in relation to the ministerial power of direction which is new in this piece of proposed legislation. I am glad to see that the direction power is not framed in such general terms as are set out in the Director of Public Prosecutions Act. A prohibition on directions applies to a particular person or a particular inquiry. So, there are some safeguards there, but I will have some questions to ask about that. Secondly, I have concerns about the composition of the Teachers Registration Board itself. I do not say that it should be composed entirely of teachers, because there is a real advantage in having an outside perspective, so to speak, but I think it is also extremely important that members of the teaching profession itself are well represented on the board. I would like to see a majority of teachers on the board, and that is the current situation; I believe it should be maintained. Therefore, I will be moving an amendment which effectively retains the status quo in relation to the composition of the board.

That is all I have to say at this point. On behalf of the Greens, I will be supporting the bill. For those people whom I have consulted, I thank them for their contributions to assist me to debate the bill. I also want to recognise how cooperative and helpful the minister and her staff have been in analysing the bill and discussing possible amendments with me.

Mr HAMILTON-SMITH (Waite): I rise to indicate that in principle I will be supporting the bill. However, I have some serious concerns about some of the definitions used in the bill, about the construction of the board and also about how this bill will be implemented on the ground, should it become an act in its present form.

As we heard from my friend the member for Bragg earlier, the bill covers a range of things including the following: primary functions of the board under clause 7; general directions by the minister under clause 8; membership of the board under clause 9; committees and delegations under clauses 16 and 17; and actions prescribed to deal with unprofessional conduct under clause 37.

I flag for the committee stage debate that I have some concerns about how this bill will apply. Under part 1, clause 3 'Interpretation', in particular I am interested in the definition of 'recognised kindergarten' on page 4. I see the advisers over there smiling away. They might not be surprised that I am concerned about that, because they would know that I have a long history of headlocking the department on the issue of what is and is not a kindergarten. If we turn to part 4, we see that clause 20(1) provides:

> A person must not—
> (a) undertake employment as a teacher, principal or director at a school or recognised kindergarten. . .
> unless the person is a registered teacher.

My concern is if that definition of 'recognised kindergarten' is accepted, we could be in a situation where a childcare centre is deemed to be a recognised kindergarten. I would seek some assurance from the minister later that that definition of 'recognised kindergarten' does not mean that the childcare centre as we know it, whether it is community-based or private, will be picked up by that definition. The definition actually reads:

> recognised kindergarten means—
> (a) a kindergarten registered as a Children's Services Centre under Part 3 Division 4. . .

I gather that the childcare centres are registered as children's services centres. So I presume that the regulations that flow from this bill will be administered by officers of the department on the basis that a kindergarten might be described as

how a service presents itself, how it advertises itself in its marketing materials and how it appears in the *Yellow Pages*. We might have a situation where officers are arguing that the director must be a teacher paid in accordance with the teachers award, and that the kindy teacher must be a teacher paid in accordance with the teachers award, because they are a kindergarten when in fact they are not: they are a childcare centre offering some kindergarten services.

The minister will know from her officers that there has been a longstanding argument between the childcare sector and the department about what is and is not a childcare service and what is and is not a kindergarten service. They will be aware that the kindergarten sector competes with the childcare sector and that the officers of the department who run the kindergarten sector then administer this act. Therefore, they are the regulators as well as being a competitor in the industry. That is a serious concern.

I am very interested in obtaining from the minister an assurance that this is not some sort of indirect way of placing an impost on childcare centres that they must hire people at teachers award rates, because all that will simply do is push up the costs of child care and make it more expensive for families. If a teacher wants to work under the childcare award, they should be free to do so if that work is more acceptable to them. I used to hire a lot of teachers who were more than happy to work under the childcare award because of the flexibility which it offered and which suited their lifestyle at that point. I see that as a serious concern with this bill.

I put the bill out to each of the schools in my electorate and had some interesting responses both from private schools and from state government operated schools. I remind the house that, as the member for Waite, I have a high ratio of private schools in my electorate. I am a champion of the private school system, even though I was not fortunate enough to benefit from it myself during my education. From my involvement in the education sector, I know that the private sector has a right to be and to operate, and it has a right to free itself of unnecessary regulation. I know very well that the department sees the private sector as a competitor. Indeed, there are people within the government sector who see the private education sector as an evil they would like to get rid of. The fact is that those people are out there, and they do not like the private sector.

We recently had the federal Labor Party running an election campaign on the basis of penalising the private sector. Frankly, they came up with a formula which clearly demonstrates that there are people out there who believe that there is no place for any private sector within the education system. I know the minister will not agree with me, because her children attend a private school, and I know that a number of members opposite send their kids to private schools. However, there are people in the department who would be quite happy if the world opened up tomorrow and swallowed the private sector and it was no more, with all those resources going into the government system.

That is why I was interested in the response from several of the private schools in my electorate—in particular, the response from both Cabra and St John's Grammar, but particularly St John's Grammar. It expressed some concern about the construction of the Teachers Registration Board under this act, where there is only one nominee from the Independent Schools Association on a board of 16. I am also intrigued that there is this complicated process of the private sector having to put up three nominees, from which the minister will select one. The private sector should have a right to say who they want to be on that board. If the private sector wants a senior person from its association to be on that board, it should have that right. I think this construction of giving the minister the right to pick and choose is a bit of an issue, so I am very concerned about that. I think that the private sector, which, after all, provides virtually 30 per cent of education to kids, ought to be more prominently represented on this board.

I agree with the objects of the bill; any regulation that provides protection to children and teachers, particularly from child abuse and such travesties, ought to be upheld. However, we need to make sure that it is fair on both the private and public sectors. We also need to make sure that we are not creating a network of red tape that will simply make the job of running a school, whether it be private or public, more difficult. So, I am inherently sceptical about rules, regulations and acts I suspect are not completely necessary, or that may be more complicated than they need to be.

All the schools in my electorate support the protections this bill suggests it will offer to children and teachers. However, I remind the minister—as schools keep reminding me—that we have a terrible problem at the moment attracting male teachers into this profession. We have to be careful, as we administer this bill, that we do not send the wrong message to both potential and present teachers that males are not welcome. I think we have to be very careful about that. I know that is not what the bill says or does, but we need to be careful that there are not unintended consequences in the way in which the bill is constructed and implemented, when the regulations flow from it.

I support the bill, but I am concerned about its impact on the private school sector and on the private childcare sector, and I am concerned that it may have some unintended consequences in regard to requiring teachers to be employed at award rates in childcare centres. However, I am equally concerned about representation on the board from the private sector. I will be going through the bill, in the committee stage, looking for areas where this will unnecessarily intervene in the conduct of affairs at private schools. I think they have a right to be left to get on with their business, with a minimum of government regulation. I am inherently aware that the people who constructed and wrote this bill—the people who run the department—are competitors with the private sector. I know, officially, that that may not seem important, but it is.

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

Mr SCALZI (Hartley): I also wish to make a contribution on this very important bill, and I would like to refer to the chairperson's report in the November edition of the Teachers Registration Board of SA newsletter. I have this newsletter as I am a registered teacher, and it was sent as a reminder regarding my wife's registration. In this newsletter, No. 21, the Chairperson, Carmel Kerin, says:

> As I write this report the proposed teachers registration standards bill 2004 has been introduced to parliament. The bill was released for public consultation in August and was the subject of much debate within the education community. This is a timely piece of legislation. The Teachers Registration Board (TRB) in 1994 released a Proposals for Change document which identified issues for review. Many of these issues, which focus on improvements, modernisation, and alignment with the regulation of other professions, are incorporated in the proposed bill. Although it is fair to say that issues relating to child protection have given impetus to the proposed legislation, the bill is also concerned with promoting the profession and develop-

ment standards to embrace the status of the teaching profession. These challenges create new opportunities for collaboration within the range of education stakeholders. The legislation enables the TRB to retain its independence whilst remaining responsible to the Minister for Education and Children's Services who, in the final analysis, is accountable to the parliament. I encourage all registered teachers to consider the legislation as it will have implications for us all.

I am considering the legislation not only as a teacher but also in the privileged position as the member for Hartley, and as opposition spokesman on education policy. I also commend the board for all the work that it does on behalf of the teaching profession, the education community, the interests of children and the wellbeing of the community.

It is fair to say that this bill has had some controversy, as members have outlined, and also that, although the Australian Education Union (AEU) welcomes the bill—as indeed we all welcome the bill and its emphasis on child protection—as the member for Mitchell said, we must however do an important balancing act. We have to protect children but at the same time we have to ensure that the principle of innocent until proven guilty is also adhered to with respect to the teaching profession. I am pleased to say, as the member for Mitchell and others have acknowledged, that that protection is there. The AEU's major concern is that the minister has more power than otherwise is the case.

The member for Bragg has gone through the bill, so I will not do that. But, in reference to the composition of the board—and I will be dealing with that in much more detail—when we consider the other states there is no question that in South Australia there are more directions from the minister. In relation to the composition of boards in the other states, they do not have the panels from which the minister chooses, and the bodies tend to appoint the members of the board more directly than is the case in South Australia.

The report of the board indicates that reform has been long overdue in this area since 1995. I have had communication with the major stakeholders, and I refer to employers and Business SA in particular, but I also thank the AEU, the independent union and, indeed, the teachers to whom I have spoken for their input. I am in continuous communication with the teaching profession, and I, as do many members who have spoken before me, believe that teaching is a noble profession. The contribution to our community that is provided by the teaching profession, and indeed the whole education sector, must never be underestimated.

In changing and demanding times, given the emphasis the government has put on retention rates—the school leaving age has been raised to 16, and it is proposed to raise it to 17—we need to have flexible programs to maintain and improve retention, but we will not do that unless we maintain the attention of students. In order to do that we must have flexible courses. I commend the minister's announcement today, which acknowledged outside courses in the SACE program, but that also brings with it new challenges. The Teachers Registration Board, and in particular this bill, in the future will have to address issues which will arise out of the flexibility that is needed to provide a relevant education to our young people. I look forward to those challenges being addressed. Indeed, there was a proposal to amend the Education Act years ago under the previous government, and, no doubt, the need will arise as we face these new challenges.

The Minister for Education and Children's Services in a press release dated 18 July headed 'New measures to strengthen child protection in schools'—as has been said time and again—states:

The State's 35 700 registered teachers will undergo criminal history checks as part of a proposal to go before Parliament this year to strengthen child protection measures in South Australian schools.

She goes on to state that the checks are proposed in a new teacher registration and standards act, and we welcome that. Whilst I welcome these checks and important measures to ensure the safety of teachers and students, as the member for Mitchell said, we must also ensure justice for the profession—and that will be the case. The act will allow the board to initiate criminal history checks at renewal of registration and as part of investigations at any point in time. It will be an obligation for all teachers to have training in mandatory reporting of child abuse before registration. It will give the board greater ability to screen, monitor and make decisions on the suitability of people to work with children in the school environment. It will also make sure that critical information about teachers can be shared between boards in other states to stop movement of child abusers between states.

Under the existing legislation, only teachers who started practising after 1997 have undergone a criminal history check. This means that a lot of teachers have not been checked, and this bill will enable that to take place. We must bear in mind that this will not be a panacea for all the problems associated with child protection, but it is an important reform. As the Chairperson of the Teachers Registration Board has said, and as has been outlined by the member for Bragg, other states have gone down this path. There is no question that we also need to have this reform. Given the flexibility that we have with VET programs and the involvement of TAFE and other private providers, I am concerned that the definition of 'secondary education' might create some difficulties for some employers. I can illustrate that best by reading a letter from Business SA dated 17 November, which states:

Business SA is the peak employers' body in South Australia representing many thousands of businesses across all industry sectors ranging in size from micro-business to large multi-nationals. In recognising the value of vocational training and its importance in enabling a smooth transition from secondary education to the work force, we are well placed to represent the business community on this matter.

Business SA recognises that the Bill forms part of the government's *Keeping Them Safe* child protection reforms, and we are fully cognisant and supportive of issues relating to child protection. Our primary concern lies with the ambiguity and scope of part 4, section 20 of the Bill which impacts on employers and on Vocational Education and Training providers, both of whom form part of Business SA's membership.

This section of the bill prescribes that any person who provides primary or secondary education, any person employed by another person as a teacher, or any person employed by another person in the course of a business to provide education, must be registered with the Teachers Registration Board. The board, by way of teacher registration, will also have the authority to require 'appropriate' qualifications and experience, criminal history checks and current training in mandatory reporting of suspected child abuse, all prior to registration and renewal.

Through lack of definition and defined parameters of 'secondary education', this section is open to application to all vocational education and training providers, businesses that host work experience students or work placements, on-the-job traineeships or school based new apprenticeship providers, where this is part of the school curriculum.

The letter continues:

There is a perhaps unintended consequence of this, which is the potential of unnecessary impacts on all businesses involved in providing workplace experience, vocational training programs or school based apprenticeships. These businesses appear to be required to hold 'appropriate' qualifications and experience, to undergo police checks and training in mandatory reporting and to be registered with the Teachers Registration Board.

The letter goes on as follows:

> This has the potential to result in the alienation of the employer community and discouraging of small to medium businesses from taking on students in VET placements.

I think this area needs to be looked at very closely, and I look forward to the minister's response because, at the end of the day, as I have said, we want to encourage businesses to provide input into general education. We want businesses to be prepared to collaborate with secondary schools and, unless we do that, with the increase in the school leaving age to 16 years and possibly 17 years of age, we will discourage the very experience that is necessary to provide young people for the work force.

The Hon. J.D. Lomax-Smith interjecting:

Mr SCALZI: The minister says 'no' but, as business people have pointed out to me, a small business could have three young people who are 17 years of age—one working as an apprentice, one working full-time of their own accord and the other doing work experience—and they will be required to be in that workplace under three different classifications. What are the requirements of the supervisors in each of those cases?

Mrs Geraghty: That is really bizarre!

Mr SCALZI: Members opposite say it is bizarre. Members opposite will have the opportunity to assure the business community that there will not be a problem in this area, and I look forward to being reassured. The member for Bragg has outlined the areas in which we will have amendments but, in reference to this particular area, I want a reassurance from the minister that businesses will not be disadvantaged and will be encouraged to participate in this process of widening the education of young people to prepare them for the work force. So, I support the bill. I will look at it carefully in the committee stage and I look forward to discussion of the amendments which are important to clarify this bill.

The Hon. R.B. SUCH (Fisher): I would like to make a brief contribution, having spent a good part of my life training teachers—or trying to do so. I apologise to those out there who had to endure my lectures and tutes! I guess, to summarise this measure, you would have to say that it is a sad but necessary development. It is increasingly bureaucratic in terms of the format, but it is necessary because parents, and the children themselves, are entitled to be protected. The parents are entitled to know that their children are in safe hands and that the teachers who are responsible for their tuition are people of the highest character.

I think it needs to be said at the outset that, of the more than 30 000 teachers in South Australia, the number who offend by way of misuse of their position, whether it be child abuse or any other malpractice, is extremely small. I think that is highlighted by the fact that there is publicity when a teacher is mentioned in the media for having offended against the normal standards of behaviour that are expected of a teacher, particularly in relation to child abuse. I think that we need to keep this whole issue of the protection of children in perspective and not get carried away and suggest that child abuse in the classrooms of our state is rampant and widespread. It is not. I do not believe that one would find many teachers—and, hopefully, almost none and, preferably, none—who would do anything to harm a child.

As I said, unfortunately, the bill before us is rather bureaucratic. It seems to be the way our society is going—more and more controls, regulation and measures to prevent people from doing things or to control people who seek to do things. I am not trying to be flippant, but I doubt whether Jesus and the Apostles would qualify for registration under the requirements that are contained in this bill—and one could apply that to other famous people in history who probably would not qualify, either. But the reality is that we live in a different era, a different world.

I wish to make a few points. In terms of teacher trainees (and this has always puzzled me, and the same applies for nurse trainees), we do not interview them. There is no process whereby people who want to become a teacher are interviewed to see whether they have the necessary attributes. It seems strange to me, because if you want to do fine art you are interviewed: you have to demonstrate your commitment, capacity and longstanding involvement in art to get into art school. However, if you want to be a nurse or a teacher you do not. I have always found that rather strange, because teachers and nurses, by the very nature of their profession, are dealing with human beings far more so than in the case of, say, an artist, no matter how reputable or involved the artist may be.

I do not believe that the bill before us addresses some of the issues relating to non-performing teachers. A principal of a large high school (and I will not identify the high school, for obvious reasons) said to me recently that they want to get rid of some of the teachers because they do not care about the children in the school. That is a pretty damning statement to come from the principal of a school. But I have great respect for that principal. The principal said, 'I want to get rid of some of these people because they do not care about the children, and the children know it.' That highlights a couple of things. It is not easy to get rid of teachers who not only do not care about children but do not perform.

The other thing is that we do not give enough authority to our principals to deal with some of these aspects. There has been a reluctance—I think a false notion of democracy—in the school system which says that you cannot give too much authority to a principal because they will start getting carried away with their authority. I think that, in simple terms, if you look at a good school usually you will find that you have a good principal. The principal can do things only if he or she has the authority to act.

Whilst this bill looks at measures designed to make our schools safe, it does not really deal with issues of making our schools good in the sense of places of teaching excellence and places where people—the teachers and other para-professionals—have a commitment to the children in their charge. I am not suggesting that this bill could deal with everything: I am just saying that it does not deal with some of the key issues. The qualifications of teachers is another interesting point. I think that in Australia and South Australia we are pretty gullible with respect to people's qualifications. I remember when I was lecturing we had people who put after their name 'Ph.D. (Cand.)', and people thought, 'Oh, Canada', but, no, that person was a candidate doing a Ph.D.

People here fall for that. There is a character in the eastern suburbs who claims to have all sorts of degrees. He does not have even a certificate other than, I think, probably year 12. We are gullible in this community. We do not check like they do in America. In America they want to know from where you got your qualification, not just what you claim to have. I think that we ought to be looking more at the quality of the qualification that someone purports to have rather than simply take at face value what is alleged to be held up as a qualifica-

tion. The issue of competence and skill level of the teachers I do not think is addressed in this bill.

I would be interested to hear the minister's response but, as I said earlier, not for a moment do I think that one bill will deal with every aspect of education. It is important that children are safe in schools and that parents, as I said earlier, have that confidence. I believe that they can now because the overwhelming majority of our teachers (almost 100 per cent) are dedicated, committed people who want to do the right thing and who have an ongoing care for children. One of the issues, though, in terms of this focus of preventing child abuse, keeping children safe, is that we must be careful that we do not create in the school environment something that is cold and clinical, and where we have all these automatons, robotic-type creatures, who lack compassion and feeling in a way that prevents them, for example, picking up a young child who has fallen over in the playground.

Despite assurances to the contrary, I still believe that that culture is promulgated in DECS at the moment: let the kid get up. I think that that is a pretty callous approach. If members are frank and honest about our society they would have to agree that our Anglo-Celtic tradition is a pretty cold one, where people are reluctant to show physical affection for fear that someone will label them in a derogatory and negative light. I trust that, in the quest to protect children, we do not create another monster which is the cold, clinical approach and which denies the very essence of humanity and the necessity to sometimes put one's arm around a child in an appropriate way.

You do not have to be a Rhodes scholar to realise that sometimes, particularly at the junior primary level, it is quite appropriate to put your arm around a child. It is the same with an adult: you do not put your arm around someone—certainly not of the opposite sex—in an inappropriate location, but there are times in a school environment where it is necessary. When you go into a school, you will see teachers interacting in an appropriate non-sexual way with children physically, and I see that as appropriate. I hope that we do not send out a message that that element of humanity should be crushed or stopped.

I think this bill has a lot of interesting provisions. The intent is to make it independent, although I notice that the minister does keep some power of intervention. It is always a grey area. South Australia has traditionally had a situation where the CEO in education determines the curriculum and the minister cannot interfere. I have thought about that long and hard and I think, on balance, that is probably a pretty good provision, but there will be occasions when the minister may, in the public interest, have to take some action—although I guess it would be fairly rare for that to actually occur.

The matter of school support officers and people who come within the category of 'other workers' in the school environment is not addressed in this bill, and I would be interested to hear from the minister in respect of that. I am not reflecting on SSOs, who do a great job, but if you think about it an SSO who is with a child in the sick room is in a potentially more compromising situation than a teacher in probably almost any other situation. As I say, I am not suggesting that our SSOs would engage in abuse of a child but, nevertheless, I think it would be wise to look at that issue down the track—not just for SSOs but for the whole range of people involved in schools, including volunteers, canteen workers, and so on.

If members think about it, the two girls who were murdered in the UK were murdered not by a teacher but actually by a so-called caretaker. I think the label caretaker was probably used a bit loosely there—it sounded to me like he was a scoundrel who did not really deserve to be called a caretaker, and it is probably a slight on the decent caretakers in our community to call that person by the same title. But I make the point that, as happens in hospitals—and I know that people working in schools as SSOs are still subject to mandatory reporting—there is still the issue of whether or not they themselves, and all the other workers and volunteers, should not be subject to a whole range of checks to make sure that they are the appropriate and right people to be working there.

I have canvassed a range of issues and, as I said at the start, I think that in general the bill is a step in the right direction. It is unfortunate that we have to have this sort of bureaucratic requirement because I would like to see teachers, in a sense, be independent professionals. In a way this bill actually takes us further back from that because teaching, as a profession (and if you like it is the mother of professions), really needs to develop in a way which has an independent status about it in regard to the way in which teachers operate and conduct themselves, and so on. Sadly, I think steps such as this bill actually turn the clock back and away from the possibility of teachers being seen as independent professionals acting according to the highest possible standards.

I conclude by saying that I support the bill overall, despite some reservations and some imperfections. I notice that there is a range of amendments and I will look at those on their merits. I think all of us are concerned to make sure that teachers are not wrongly accused or wrongly labelled but, importantly, that the children in our schools are protected and can go about their education free from the threat of even a tiny minority of teachers who may wish to abuse their position of trust. I will be supporting the bill but in the committee stage I will be looking at some possible modifications.

Mr Snelling: Turn your phone off, Mark.

Mr BRINDAL (Unley): Madam Acting Chair, the member for Playford should know that it only rings when members of the government staff see that I am on my feet and try to ring me, but I am watching, Mr Crafter.

The ACTING SPEAKER (Ms Rankine): The member for Unley should not have his phone on in the chamber and he well knows that. He is very lucky that the Speaker is not here.

Mr BRINDAL: Yes, indeed I am. I am very lucky that you are such an understanding person.

The ACTING SPEAKER: That's right.

Mr BRINDAL: I find this bill rather difficult, and I do acknowledge the cooperation of the minister and minister's staff in offering to me and members of the opposition benches—and I presume to Independent members—a full and thorough briefing on this matter. I have listened carefully to the debate and, frankly, most of what I have heard does not really worry me. I think that we in this place are inclined to chase minutiae that do not need to be chased. However, the member for Fisher raises some interesting points. As the minister knows, my specific problem with this legislation is more philosophic than what is proposed in terms of statute law, and it touches on some of the things to which the member for Fisher alluded.

I start by commending him for what he said. One of the problems is that it does not matter what law or what set of regulations we bring in: a good teacher is a good teacher is a good teacher, and you cannot compel good teaching practice or good teaching standards. Unfortunately, neither through this bill nor through any other means I have seen made available are you able to remove from the government system a person who is just not fitted to teach; that is, a person who is earning their money and who does not particularly like kids or the job but it happens to be a good way of making $40 000, $50 000 or $60 000 a year and getting good holidays by putting in not much effort. I am not suggesting that (as so far this state has not been able to solve that problem for 150-odd years) this minister should gallop in here with some wonderful solution that will solve the problem overnight.

However, the member for Fisher alluded to the fact (and I fully support him) that the real danger for our children and teaching system is not those very few people whom this bill addresses, that is, those who predate on children or commit criminal activities—they have always been, thank God, a very small selection of the teachers in the teaching force in South Australia, and I hope any state in Australia—but those who are not fitted to teach and those who do not do their job quite as well as they should. Unfortunately, they tend to be a larger group and often they are the last ones to leave. I think it started in the 1980s but certainly, in my very unfortunate experience, the 1990s, when all sorts of government departments were right sizing, downsizing and doing all the other sorts of sizing that they did, was when some of the best teachers were the quickest to leave.

I well remember in my office (and I think I discussed this with the member for Fisher) a very competent local teacher asking me to help them obtain a package. That teacher was not able to get a package because the department was saying, 'No, you are a good teacher.' I said to the teacher, 'You are my elector and therefore I will help with what you request but, quite frankly, if I was the minister, you would never get a package, because packages should be available to those teachers with less competency and fewer skills, the sort of teachers whom the education department is quite happy to see become supervisors in Coles Myer or something else and, quite frankly, you are not one of those teachers. So, if you leave this profession, I think the profession is the loser for it.' I did help that teacher, because she was an elector and that is what she asked me to do, and I think subsequently she left the teaching profession, which was the profession's great loss. I think that, too often in the past, when we have sought to change the size or structure of the teaching profession, it is not the teachers of least competency that we sometimes lost; it was the teachers of great competency and skill, the ones who were prepared to try something new, and the very ones that we maybe should have kept in our system. This bill does not address this, and I frankly do not know how we can.

The point that the member for Fisher makes very well, I think, lies at the philosophic nub of this bill. Child protection is now an issue foremost in our minds, and I know that the minister and previous minister were grappling with the issues of teacher registration. In a sense, for this minister and this government, it is fortuitous that the matter of teacher registration and child protection coalesce at a point in time, and this government has, therefore, decided to introduce, under the teachers registration provision, a standards provision which tightens the suitability of people to teach through the Teachers Registration Board. Again, the member for Fisher makes a very good point—and I hope the member for Fisher will correct me in committee if I am misquoting him, but I do not think I am—that the nub of the question is this: is this the best way to deal with non-performing teachers and non-professional conduct?

It is a system's response. It is a way that the system can look at all of its teachers and guarantee some sort of competency standards across the entire profession—across 30 000 teachers in the state. The question is: are some of those matters best dealt with at a school level and at a competent principal level, rather than at this amorphous board level which is, by its very nature, more bureaucratic and judicial? I think, as I understood the member for Fisher, he was arguing, as I would argue, that if we gave more authority to principals for the employment of competent teachers within school structures, some of these measure might not, in fact, be necessary.

The other thing that really worries me is whether a professional body is the right body also to be a disciplinary body. I will listen very carefully in the course of the debate, because the medical and legal professions have competency boards which meet about whole matters according to the professional standards of the profession. Teaching might not be dissimilar, but it strikes me that it is not an exact replica of either of those two professions, nor is this board an exact replica of what they have. I can accept the argument that, if it is this parliament's wish that teachers, being respected and highly competent professionals, should order their own affairs and see that the standard of their profession is maintained, then this bill should contain provisions to make teachers registration in many ways autonomous from the minister and the executive government of the state of South Australia. I do not think that, in the case of disciplinary boards that are legal or medical boards, this parliament would other than enable the facilitation of the sort of body that could then be elected, and could oversee and run these things.

This is a very directed board, as the member for Fisher again pointed out, that comes into being at the minister's will and, in many ways, seeks to impose the minister's imprimatur, and that is a little bit different. I think that the fare that we are being fed is a bit confused. As I believe I said to the minister and the minister's staff in a briefing, I can accept a board, that is, professionally competent people, judging each other under the imprimatur of this parliament. I can accept a minister who, under the aegis of the entire bureaucracy that she has at her disposal, turns around and says, 'Well, this is my authority, and I am going to exert it because I am the Minister for Education responsible for the Education Act and the education of children.' To me, this is some sort of hybrid. While I am not minded to vote against the bill, I am very interested to hear what the minister says, because I do not think that this is the entire answer. Indeed, the minister will acknowledge that I made submissions to that effect when the bill was first discussed and when, in fact, we discussed it at the briefing.

If this board were to be a professionally competent body, administered and judged by the profession, I think that its composition should vary. I have some reservations about the reliance on the AEU, given the number of teachers at present who are members of that union. I will check this, but I believe that the minister has done something already about another of my worries, namely, a lack of specificity in the type of teacher on the board. A board such as this must comprise representatives of pre-primary and junior primary education, and there must be representatives of primary

teaching and secondary teaching, especially when it might hear a case involving teachers at that level.

It is very difficult for a junior primary teacher, teaching children who come up to their waist in height and dealing with the problems associated with children at that stage, to sit easily in judgment on a teacher who is being judged on their actions towards a 17 year old boy, who is six foot three and rather burly and truculent. I put to the minister that the five year old child might be easier to deal with physically than the 17 year old boy. Indeed, we have all read about the problems of young adolescents in Victoria and about the things they go through, and I think that those issues are better left to people, such as my brother, who teach secondary school children, rather than my mother, who used to teach junior primary and primary school children. So, in terms of the elected composition of the board, if I had my way I would rather see teachers electing its members fairly directly, rather than the way it is constituted.

Another worry relates to a philosophical issue. Teachers are responsible professionals who are given a very special position in our society. For that, they perhaps must have a standard that may not be expected of the rest of the community, because we entrust our young people to their care. The Education Act asks parents to surrender their children to the state, or the competent authority, for X hours a day, five days a week, until they are aged 16, so that they can get an education. In so doing, in very old societies they take the place of the reasonable parents. In return, parents have a right to expect from the government a degree of professionalism and competency such that the act and this bill demand.

I am also mindful that teachers are ordinary citizens and are subject to the law. I worry a little that this bill might, if you like, give teachers a double jeopardy situation under the law. I notice that one of the provisions of the bill is that everything must be reported for offences of a prescribed kind. The minister is a reasonable person who came to this place following the great light of Don Dunstan, so obviously she will not do this sort of thing, but if, at some time in the future, some right-wing, draconian goose became minister and said that everyone who gets a parking fine, or who is late with their bank statements, is not a fit and proper person to be a registered teacher, how would natural justice be afforded to those people?

Could you then penalise a teacher unfairly for something that was not considered unreasonable for anyone else? Is that type of provision open to criticism? More importantly, in the committee stage and between the debates in both houses we must carefully examine some of the legal ramifications. I know that much of this bill is about the protection of children, and it is a matter that has entertained not a small part of your mind and representations made to you over the past few years, Mr Speaker, as well as to me and other members of this chamber. We must protect our young people. I note some of the matters that are required to be reported from the police to the Teachers Registration Board, as indeed they should be.

I put to the minister what, then, and when are we going to sort out the problems associated with that jurisdiction known as the Family Court of Australia and what is going to be the status of allegations of a criminal nature made in the Family Court? You know more than most people, Mr Speaker, that one of the messes we currently have in this state and every state in the commonwealth of Australia is that the most outrageous allegations are sometimes made in terms of marital break-up in the Family Court of Australia. They are heinous and criminal in nature, yet somehow or other they never seem to get to any competent authority for prosecution. I have yet to hear of anyone in the Family Court who has ever been prosecuted for that simple little offence called perjury.

People seem to be able to come in and make any allegation they want about a parent and sexual abuse and then walk away as if the courts are idiots and you can say what you like and get away with it. I say that from the background of: what of the Family Court of Australia? What is going to happen if the sorts of allegations that the minister and the board must take seriously are made in the Family Court of Australia? Will they be referred to the Teachers Registration Board and, if not, why not? And this is the problem. It is not the minister's problem with this act but a problem with our system.

We have a court system that is basically stuffed because, if people are going to come into court and make allegations about parents, they should be real allegations and, if they are real allegations, they should be followed up by the police and the people responsible prosecuted to the absolute and full extent of the law. If they are false allegations, the people should be prosecuted by the courts to the absolute and full extent of the law. We seem to have a jurisdiction in this country where you can come in, accuse anyone of anything and get away with it, without any problem. It is germane to this act and it may well affect the operation of this act, so I ask the minister to answer in the committee stage how she will deal with that great mishmash of stupidity called the Family Court of Australia and see that it does not damage this act or further damage the integrity of the legal system of this state, and maybe it can be made to act in a way that is more conducive to the welfare of children in this state.

I do not fully support the bill, as the minister knows, but it is a valid attempt to do something. Whilst I do not necessarily agree with the direction the minister has taken, I have no intention of opposing it. I will listen carefully to what she says, and I do hope that she will take on board the remarks of myself and the member for Fisher and some of the other more intelligent contributors to the debate and amend the bill accordingly.

Mrs GERAGHTY (Torrens): I will be brief, but I would like to take the opportunity to speak on what I believe is an important bill. This new bill will establish the board as a regulatory body whose role is to ensure that the teaching profession in South Australia is a closely monitored, carefully regulated and high quality professional body. Unlike previous approaches, the creation of a new teachers registration and standards act signals the importance of the work undertaken by the board and its role in the future social and economic wellbeing of the state. This bill establishes the Teachers Registration Board as an independent statutory authority with the powers of a body corporate. This autonomy is balanced with a limited power for the minister to give written direction to the board after consultation with the board when it can be demonstrated to be in the public interest.

The board is being afforded greater responsibility to establish and maintain a regulatory system including the development of professional standards for the profession. The board will also have greater powers to screen, monitor and make decisions on the suitability of people to work with children in the school environment. This bill accords significant and appropriate controls to the Teachers Registration Board, recognising the expertise of its membership and long experience of its staff. The professional standards of

teachers, which include issues of fitness and propriety, are not taken lightly in this legislation, with controls of both being placed in the hands of this independent authority.

The ability to police check all teachers on the register, including those who registered before 1997 and were forgotten by the previous government, is a feature of this legislation; and, given the community's concerns right now, it is a very important feature. However, while this bill will allow retrospective criminal history checks, checks upon renewal of teacher registration and in the course of inquiries, the function of conducting these checks is not new to the board or to its registrar. Since 1997, over 11 000 checks have been completed pursuant to a memorandum of understanding with South Australia Police. Over time, strict protocols and procedures have been determined in the assessment of criminal record checks and a high degree of expertise, uniformity and consistency has been achieved.

I think that it is also important to note the need for legislation in this area that is flexible and able to reflect the changing settings of education. The school environment has changed dramatically with many alternative learning pathways designed to ensure that young people gain valuable skills and training that often go beyond the traditional classroom. In my electorate there are many examples of schools where students are being taught in a variety of methods and by instructors from diverse backgrounds—Windsor Gardens, Ross Smith and Hampstead Gardens, to name a few. Importantly, this bill recognises the contribution of vocational education and training providers and the need for proper screening of this group of people but does not expect them to become registered teachers; instead, the board can grant a special authority to other individuals who may not have the qualifications required for teachers but who do provide education in a particular area.

The determination of who will require an authority is ultimately up to the board as the body that regulates and monitors the registration of teachers and of those who teach in our schools. I am informed that the basis for this determination is likely to include considerations of the context of teaching, contribution to curriculum and whether or not an instructor is supervised by a registered teacher. When this has been further developed and ratified by the new board, the determination will be made widely available on the Teachers Registration Board web site.

While these providers of education have always been covered under the existing Education Act, the enhanced child protection mechanisms in the bill will also cover their fitness and propriety. I am informed that all those covered under a special authority will also undergo a police check and mandatory notification training.

The inclusion of VET providers is important, given the changing nature of education and the involvement of various people in delivery of curriculum and in one-on-one involvement with young people in the classroom. Again, determinations on who should require an authority to teach is best made by the board, as this allows for flexibility over time to accommodate the changing environments, where definitions of teaching and teachers modify.

I am pleased that this bill will be responsive to the changing and evolving needs of a modern education system and will cover all teachers and those who provide education in the schooling environment. I am quite happy to support this bill, as do others who work in the education system and as do parents and children who grow up in a system we are elected to provide in the safest way we can. I believe that is exactly what we are doing in this bill.

Mr SNELLING (Playford): I am pleased this evening to speak on the Teachers Registration and Standards Bill 2004 and in particular to acknowledge the excellent collaboration that has occurred between the school sectors on this legislation.

I am aware that Catholic Education SA has represented Catholic schools on various reference groups to advance child protection mechanisms in conjunction with the government. The involvement of Catholic Education SA throughout the process of developing this legislation—from work under the previous Minister for Education in late 2003 to be continued, and from close work with the current minister—has ensured that strategies that are already in place in Catholic schools to strengthen child protection mechanisms are being enhanced and not duplicated through this legislation. I understand that the close involvement of representatives of Catholic schools, among others, has enabled sound amendments to be made throughout the drafting process that have greatly contributed to the refinement of this bill.

Importantly, this bill remedies an inadequacy left by the previous government that is shared across all sectors of schooling: adequate, consistent screening of all teachers in our schools who have the most defined duty of care to children and students. Most particularly, it covers those registered prior to 1997 who have not been screened to date. This bill is a vital component of broader initiatives occurring in South Australia and at a national level. It is an example of how we can best develop processes to protect the children in all our schools, in conjunction with other states, with careful consideration.

A cornerstone of this legislation is the screening of the whole teaching register, which is being funded by the government in all schools—Catholic, independent and government. This, coupled with a range of other mechanisms, will raise the protection afforded to students and children.

A key point I would like to highlight is the importance of now having a legislative basis for what has been developing over time between schooling sectors. This legislation ensures that critical information about teachers can be shared between the board, employers in all schooling sectors, the police and boards in other states to stop movement of child abusers between schools and states. This is a vital initiative contained in this legislation, because all members would be familiar with instances of child abusers moving between systems and between states in order to avoid detection.

I have been informed that, of the 22 or more groups who responded to the consultation on the bill, over 90 per cent strongly supported its intent. Catholic Education stated in its response that the bill was:

> . . . a significant and much-needed improvement on the current provisions in the Education Act, particularly the contribution to the protection of children.

And the Association of Independent Schools 'strongly supports objectives for reforming teacher registration arrangements'. Respondents considered it timely for the powers of the Teachers Registration Board to be reconsidered, particularly in light of current cases of abuse. The need for the public to have confidence in our teachers was affirmed, through the consultation feedback, as a guiding impetus for change. I also note that this bill is but one example of the state government's work with all school sectors in the vital area of child protection.

DECS, Catholic Education South Australia and the Association of Independent Schools South Australia formed an agreement in late 2003 to work collaboratively on child protection initiatives to ensure consistency of child protection standards. Since that time, an intersectoral reference group, bringing together the three school sectors, the chairs of the Ethnic Schools Board and the Non-government Schools Board, the Registrar of the Teachers Registration Board and the Manager of the School Care Centre, has been working to pursue key child protection measures, including the development of agreed standards for the provision of mandatory notification training (this includes all of the children's services areas—child care, out of school hours care and family day care); development of agreed standards of responding to abuse allegations made against staff, including improvement of screening, training and investigation of staff; and cross-sectoral collaboration on this government's overhaul of the 20-year child protection curriculum. I understand that Catholic Education South Australia has been closely involved with the department on this project and is involving teachers in the trial of the materials.

The state government has been working for some time with all school sectors on a range of child protection measures to ensure that our schools are safe and secure. This legislative change builds on and strengthens the agreed standards in government and non-government schools that have been established recently for responding to allegations of sexual abuse made against staff, volunteers or students. I am pleased to hear that these cross-sectoral consultative structures established by the government are meeting regularly and will be continuing to oversee the implementation of key commitments of the government's Keeping Them Safe reform agenda. I commend the bill to the house.

Ms THOMPSON (Reynell): I, too, rise to commend the minister for bringing forward this comprehensive bill. It not only addresses important issues of child protection, as outlined in Keeping Them Safe, but it also brings South Australia up to standard in terms of qualifications for the registration of teachers. We have for some time been lagging behind other states, and this bill now addresses that issue and ensures that our teachers are also up to the standard required for mutual recognition of qualifications between all states and with New Zealand. Broadly, the bill provides the board with the legislative capacity to seek information from teachers upon renewal of registration, which would include notification of dismissal, criminal convictions, or any other change in the information currently recorded, and to have it appropriately witnessed through a statutory declaration.

Improvements have been made in the obligation to report requirements for employees and teachers. It establishes arrangements between SAPOL and the DDP to notify the board of any criminal conviction or finding of guilt; it enables the board to exchange agreed fair and reasonable information, including notification of cancellation of registration to like authorities interstate; it enables the board to set preconditions to an application for registration; and it enables the board to continue or commence an inquiry into a teacher whose registration has lapsed or been cancelled or revoked. This was a way in which many teachers escaped investigation in the past. When their contract was brought under scrutiny, they just simply disappeared. This bill addresses that issue, and it also enables the board to delegate hearings or inquiries under the board's disciplinary powers to an appropriately constituted subcommittee of the board.

This is indeed an important bill, and the consultation that has gone into its production must be commended. I was invited to comment, and I know that questions asked in the house enabled the minister to invite comment from far and wide. When I visited schools and asked them if they were going to make a submission, they all looked a little bamboozled but they welcomed the fact that they were invited to comment. I made it clear to each of the schools I visited that, if the staff had something to say that they wanted to pass on to me rather than through any channels that they thought might filter them, I was very happy to receive them. No such comments were received.

I raised a couple of points with staff in discussion and they seemed to consider that the provisions that I outlined were fair enough in today's circumstances, and that included the fact that they were going to have to pay a lot more for their annual registration fee. They knew that, compared with a number of other professions, their fee was very cheap and saw the increase in fees as being a necessary change. I am not speaking on behalf of any organisation, these were individual staff members who I talked with in schools in my area and at parties, another great source of information.

I would like to comment on a couple of matters raised by members opposite. One is the issue of the composition of the board, and the requirement for various organisations to contribute names for a panel from which the minister would select. It seemed to be suggested by some members opposite that this was giving the minister undue powers and removing the independence of the board. The implication from members opposite seemed to be that, while the board was being given increased powers, this was going to be diminished by the provision that the minister would select from a panel.

I am a bit concerned that members opposite are not aware of what is going on within their own ranks. I have an extract from the Government Boards and Committees Guidelines, which states:

> In March 1995, the government adopted a policy covering membership of government boards for 'representative' organisations required/invited to provide a nomination for a member for a board.

In 1995 it certainly was not this minister who was putting this policy forward. It continues:

> The key elements of this policy for 'representative' members are:
> - Ministers request a panel of at least three nominees from the nominating body, one of whom must be female and one of whom must be male, except where there are practical reasons for not doing so.
> - Ministers advise the nominating body in advance of the requirement for a panel and the essential and desirable characteristics for nominees for a particular board or committee.
> - 'Representative' board membership is reviewed when the relevant legislation is being amended.
>
> The aim of these initiatives is to ensure the appointment of suitable, qualified women who can contribute to the board's operations and accept accountability for results.

In addition, the proposed amendments to the Acts Interpretation (Gender Balance) Amendment Bill, which was introduced into parliament on 24 November 2004, will entrench nomination of government board members via panels, irrespective of whether it is a requirement of the legislation.

In the other place recently, in relation to the Medical Practice Bill, the Hon. Angus Redford successfully moved an amendment to delete from clause 6(1)(a) subparagraphs (i) to (iii) (inclusive) and substitute:

> (i) 1 is to be nominated by the Minister; and
> (ii) 1 is to be selected by the Minister from a panel of 3 medical practitioners jointly nominated by the Councils

of the University of Adelaide and the Flinders University of South Australia or, if the Councils are unable to agree as to the persons to be nominated, from panels of 3 medical practitioners nominated by each Council; and

(iii) 2 are to be selected by the Minister from a panel of 5 medical practitioners nominated by the Australian Medical Association (South Australia) Incorporated.

The Hon. Angus Redford sponsored a further amendment which was adopted by the other place and which relates to the requirement for membership of the board to include, as far as practicable:

(a) at least 1 medical practitioner who works in the public health system; and
(b) at least 1 medical practitioner who works in the private health system; and
(c) at least 1 medical practitioner who is registered on the general register. . . ; and
(d) at least 4 medical practitioners who are currently practising medicine.

It is the provision of nominating a panel which allows the minister to take into account a range of desirable attributes to be found in the overall composition of any board. Gender is one of the more obvious ones. At times there may be a need to include an indigenous person without separate representation and persons of various cultural and language diversity. Some members opposite—and some members on this side, the member for Giles in particular—would be most insistent to ensure that there was a representative of country schools. I am most insistent to ensure there is someone who is very familiar with the difficulties experienced in outer metropolitan schools. In my view, outer metropolitan schools encounter particular issues, and I would like to see someone on the board who has expertise in that area. I will be encouraging the minister, when she considers the panel, to look for this sort of expertise. The member for Fisher has already indicated that he would like to see persons with experience in preschool, and so on.

There are many ways of approaching a balanced board. If a limited pool of people is available to the board, often there can be considerable gaps. The Hon. Angus Redford has recognised that in relation to medical practitioners, and the minister has provided the mechanism in this bill for it to be recognised in relation to teachers and the great variety of expertise that they have. Different perspectives need to be part of the Teachers Registration Board, just as the community needs to have a voice on the board; and that has also been ensured by the new board composition proposed by the minister.

Another issue that received attention from members opposite was whether the minister has increased powers. It seems to me in a close examination of the provisions of the bill that it can be very readily argued that the powers of the minister are diminished and the accountability of the minister is increased. The powers of the board are very clearly enumerated now. Whereas previously the board was a statutory authority, it is now a body corporate. It will have the ability to act in an independent legal capacity with powers such as the making of contracts in its own name, the right to sue and be sued, and the ability to hold assets in its own name. At the moment the minister undertakes these functions on the board's behalf. Giving the board that legal credibility gives it its own identity separate from the minister.

The other issue is in relation to the minister's direction. The new provision for the minister to give a general direction is very carefully circumscribed. The provisions in a number of bills interstate enable a direction to be given, and the 2001 draft legislation empowered the minister to direct the board in the public interest. However, this was limited to directions as to qualifications or requirements for registration. A copy of any directions enforced during a financial year were to be included in the board's annual report, which is a fairly standard provision in relation to a number of statutory authorities where a minister gives a direction.

However, in the light of the Layton review, simply allowing the minister to make directions in relation to qualifications is far too limited. The public expects the minister to look after the interests of all children being educated in South Australia, and at such time the minister may be required to give the board a much more general direction. However, in order to ensure the minister is not riding rampant over the board—which is something I could never imagine from this minister in any case—the provisions ensure that the minister must consult with the board prior to giving a direction and then advise parliament within three days if a direction is given.

This power is required, given the increased powers and functions of the board under the proposed bill, but the minister has the responsibility for the provision of education in South Australia, so the quality of teachers and the requirements to teach as well as any of the circumstances which might from time to time unfortunately arise in a school must be able to be influenced by the minister. The minister's being able to require the board to take certain actions in the full light of day is something that I believe my constituents would welcome and, indeed, expect. They would probably be overwhelmed to discover that the minister cannot do it now.

Another matter that I think is highly commendable in the bill is the provisions relating to the sharing of information. As we look more carefully into both the issues of child protection in the narrower sense of where somebody is known to be offending against children as well as in the broader sense of where children are experiencing difficulties in a range of areas, we are currently extraordinarily hampered by provisions in relation to secrecy. I recognise that a number of professions regard professional confidentiality as absolutely paramount, but we have to look at in whose interest this professional confidentiality is being exercised. There are many times when a child is in trouble where sharing of information more widely than currently happens between various organisations and professionals would be very much in the child's interests.

In this case, we are looking at the sharing of information between relevant jurisdictions to ensure that a person who has a consistent record of offending against children (whether proven or suspected) cannot move from place to place, from one school system to another (whether within this state or between states) with nobody knowing, so that suddenly you have members of the public saying, 'How on earth could this happen? Why didn't they see that this person went from school A to school B to school Z, etc.? How did they get away with it? Who is looking after the interests of my children?'. This provision about sharing information will go a long way towards preventing such avoidance of responsibility in the future and will take great steps to ensure the protection of our children.

Unfortunately, we cannot be with every child at all times, but we can set up systems, structures, training and accountabilities which act in the best interests of our children. I am confident that the bill brought before us today by the minister does that in terms of both protection from people who might offend against them and ensuring that our children are taught

by teachers of the highest possible standards, that teachers are required to keep their training current, and that there is excellent scrutiny in terms of the professionalism of our teachers. I commend the bill to the house.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank members for their comments and the clear indication that many of them have given that they support the thrust of this bill. We recognise that these are measures that should have been enacted some years ago, but they take the Keeping Them Safe initiative and the Child Protection Reform Program that the government has put in place and shine the spotlight on some areas where this state has fallen behind in child protection and the provision of registration requirements for teachers.

I also reiterate that, of course, many of these measures do not affect the majority of teachers, the vast majority of whom are professional, reliable and trustworthy in all regards. This bill has really taken shape following the recommendations of Keeping Them Safe but has also been informed by the many comments of members of the public. There has been enormous consultation and, as the member for Reynell said, we have taken on board many of the suggestions. The intent has been to strike a balance between rigorous protection of children and procedural fairness in the treatment of individual teachers and, in doing this, it has obviously been quite difficult to ensure that we have not introduced any draconian or offensive measures, and all comments have been taken in the light in which they have been given in order to improve this bill, clarify areas where there was some fear or concern and come up with a selection of provisions which has gained the broad support of Catholic, independent and government schools, all of whom have had representation on working parties in order to develop the best legislation possible.

There was, in fact, considerable support from members opposite. I know the members for Heysen and Unley both had significant consultations and discussion once the bill was settled in order to clarify the issues that were raised. There are still, however, some areas of confusion and I would like to clarify those because I think people have merely got the wrong end of the stick—not through any malice on their part but sometimes it is possible to bark up the wrong tree and even, mysteriously, to try to bark up two wrong trees simultaneously.

The issue of cost was raised and whether or not the system is sustainable. Members opposite will notice that the cost of registration has risen from $69 to $180. The increase in fee brings registration in line with other professional bodies. It is significantly less than many and is about on par with the nursing profession, so there is an increase in the user pay capacity within this bill. But, on top of that, there have been questions about the sitting fees. Clearly, the matter of sitting fees is decided by the Office of the Commissioner for Public Employment who is assessing the workload for this board and will set clear guidelines for the fees provided.

In the matter of the burden on employers and schools, clearly, there is a cost of doing business and there is a cost of having mandatory reporting training, and that is part of the running costs of any school. As a matter of goodwill, the government has provided $700 000 to provide police checks on all those teachers who, to date, have been unchecked because the provisions brought in by the previous government in 1997 left some two-thirds of teachers having never had a police check and having never been through any suitable processes that one would expect in a modern education system.

The matters that have produced considerable debate opposite have related to the minister's powers to direct, and I support the member for Reynell in her comments, but I also point out that, mysteriously (and in no way do I blame the member for Bragg because she was not a member of the government when the previous bill was discussed in 2001), in the bill put forward by then minister Buckby there were indeed powers to direct the board, so it is interesting now there has been a change in direction—a bit of a flip flop over there—and that it was an acceptable provision in 2001 but it is no longer acceptable. That is a pity, because the bill and the provisions have been significantly improved in the meantime because, of course, public opinion, community expectations and the general environment for these types of measures have changed dramatically over time.

The matter of selection of members of the board would not, of course, put any particular extra power in the hands of the minister and, as has been said, the previous government had a system of selecting three members for a position by representative bodies, and that was in order to have at least one man and at least one woman, and our government has continued this process and, as the member for Fisher has suggested, there would of course be a mixture of skill sets in selecting those members of the board so that the most skilled, representative and balanced board could be put into place.

The issues that have been raised about the matter of whether one appoints new teachers coming into South Australia is not one that should produce too much difficulty, because with the new provisions we are able to conditionally register an interstate teacher or a new teacher who has not worked or received mandatory reporting training. Once they arrive within our schooling system, we can then give them time within which they must complete that training. This power to have conditional registration is a very useful one under the circumstances where someone may have conditions that are required to be placed upon their working environment because of an inquiry or something of that sort, but it will also operate where a new teacher takes up a position in South Australia.

I can understand that the WorkCover issues were of concern, but an employer would not remove a teacher from their employment because they would have to provide the grounds on which the belief that they were unable to fulfil their duties was based—they would have to reveal that to the board—so they could not sack someone from employment and use their deregistration as an excuse just because they were unwell. Clearly, the WorkCover and equal opportunity provisions in other acts would take precedence over that decision making.

I think the member for Unley mentioned criminal offences, and he was concerned, perhaps, that it would be possible to have some draconian provisions. The reason we do not list the offences that would preclude registration as a teacher is that, if we included all the offences that could be judged in our state and all the states around Australia, apparently, we might get over 11 000 offences that could preclude registration. It is unworkable to have that sort of list. We would hope to use the same system that is in place now, whereby the Teachers Registration Board has operated since 1997, examining police records and using judgment to decide which ones would preclude registration. Quite rightly, the member for Bragg pointed out that, under some circumstances, some schools might have their own criteria for

employment and they could adopt those as they saw fit. Those criteria should not in any way affect the general capacity for registration under normal circumstances.

There was also some discussion about the employers clauses. There is some confusion about how an employer who is teaching or supervising VET subjects would be interpreted under this bill. It is a matter of having got the wrong end of the stick, and I can assure members opposite that TAFE and private training providers would be covered under the special authority in part 6, where the qualifications required of registered teachers are not applied. That means they would have an exclusion. The determination of who will require an authority is ultimately up to the board, as the body that regulates and monitors the registration of teachers and those who teach in our schools.

Interestingly enough, this provision was already within the previous act but has been honoured in the breach, and now people have recognised it is there but, clearly, there has to be a method of exempting people teaching in vocational courses. Considerable thought has gone into this provision in order not to catch unintentionally people working in other institutions—in training organisations—where they do not have a duty of care. Having said that, I understand the recognition that some small businesses may have been concerned, but we have gone to great lengths to reassure Business SA, and we have written, and documented meetings. I am bemused that there still seems to be some confusion about this matter, because I think it is a matter that should not cause consternation.

In relation to the member for Waite's concern about childcare centres (and I understand his special interest in this area), there are two distinct capacities under which childcare centres can operate as a kindergarten: a private childcare centre or service calling itself a kindergarten may apply to be a registered child services centre. This is entirely voluntary; and I suppose that it would not do so unless it could fulfil the requirements for employing the correct sorts of staff. A childcare centre, however, must be licensed under the Children's Services Act (section 25), which has qualification requirements and screening attached to it.

There is no intent to catch childcare centres in these provisions. In fact, the definitions that appear at the front of the bill are somewhat contorted specifically to exclude childcare centres. That is the intent completely, and crown law advice to us is that we have in fact excluded childcare centres. I can assure the member for Waite that childcare centres will not be inconvenienced; they will not have demands made upon them; and, I believe, they will not experience any inconvenience with this bill. Those are the general provisions that have been commented upon. I look forward to debate in committee on these matters.

However, I make one other point, namely, that I think that there is a justifiable concern about other individuals who are involved in school activities. I am very pleased to say that the Minister for Families and Communities is acting and developing a new child protection act. The reason that the other employees or volunteers and other people associated with schools should not be trapped within the Teachers Registration Board legislation is that we need a more comprehensive broad structure that will take on volunteers in a range of sporting organisations, voluntary activities and groups, and that is best done within the Child Protection Act.

We would seek not to incorporate too many other roles within the Teachers Registration Board because clearly that would only muddy the water and make the role of the Teachers Registration Board more complex. Having said that we will be dealing with those matters in the Child Protection Act, I am afraid that I am unable to deal with the Family Court matters raised by the member for Unley because that is beyond the scope of this bill. I think that the intent of this bill is to be fair to teachers, but there is only one overriding goal—to protect children. I am confident that members opposite would also seek to achieve this goal with us because they are mindful of the risks of being inactive, of not dealing with this problem and being seen by the community to be obstructive of what is, after all, a good step forward in child protection.

Bill read a second time.

The SPEAKER: If the house will allow me, I would like to make a couple of remarks now that the bill has passed the second reading. In general I support the thrust of the legislation as almost everyone I have heard speak does. I share the concerns expressed by the member for Mitchell about the composition of the board. I know that this minister would not intentionally destroy the balance that is presently to be found with this board.

However, no minister is minister forever and any future minister may not be so inclined as to ensure that the balance is there as legislators. It is our duty to determine what that balance ought to be, and whether or not the mechanism proposed in the bill is adequate in that respect is a matter for every member to decide and, in my judgment, it is not. I have more sympathy for the notions of the member for Mitchell and the selection of board members against the background of the organisations commonly referred to as stakeholders so long as they are not seen to be representing those organisations to the exclusion of their overriding responsibility to serve the interests of children and schools which, of course, would not exist unless there were children. Indeed, woe betide the species if there were never any children; our prospects of a future would be pretty poor indeed. I state the obvious without meaning to be entirely facetious in doing so.

The other aspects that this legislation could have, and perhaps has not, addressed that I would like to see addressed is that the object of teaching as a profession ought not to be to satisfy the desires of a bureaucracy—that is, the department—which, in its hierarchical structure, is at once a career path for teachers and a line of command in the opposite direction. In my judgment, teachers ought not to be employed on a departmentally-based arrangement but rather they ought to be employed by the schools in which they work. The only impediment to that at the present time in the public sector is the development of a structure of governance within the school that ensures there is adequate competence in the array of people elected to that board or council or whatever it is that you, as legislators, wish to describe it as being.

Presently that is happening—in my judgment it is, unfortunately, not happening quickly enough. I saw the initiative taken by the member for Light when he was minister in pursuing that direction and, whilst the direction being taken at the present time may have a different emphasis, I am still well satisfied that the community's assessment of the matter will be best served in the committee's opinion, as I have heard it expressed, if we head more quickly in the direction of enabling schools to be far more autonomous in their recruitment of staff and in the determination of the rate of pay they would give to that staff member through the process of negotiation.

At present, teachers cannot be rewarded for the competence, commitment and energy they may display or be willing to contribute to the education of their children and the institution of the school in which they work. They are simply stuck within the salary range and it is as if one size fits all rather than as is the case of the private sector, and as it has been for the last couple of decades—and not just restricted to education so much as in other businesses—to pay what it is worth to have someone of outstanding ability doing the job at the rate the market requires to attract and hold the person in that position.

My views about such promotion opportunities and the restructuring of the manner in which we employ teachers come from my observations of what happens elsewhere in the study tours I have undertaken in other countries as well as by comparison with other enterprises. I do not see that teaching is necessarily distinctly different from any other profession, and it ought to be recognised as a profession in which the individual can seek out the rewards for the level of commitment they are prepared to make and do so on a sort of contracted basis for the term that is agreed between themselves and the school boards, if you like, as their employers.

In any such structure of school boards there are a number of models—it does not have to be one board per school. It can be, as is developing in the district around Strathalbyn in the electorate which I have the honour and responsibility to represent, departmentally driven. It is the Eastern Fleurieu School, and there are a number of campuses in different communities that are all affiliated with one another. The administration costs are thereby reduced and there is a greater benefit to be derived, I think, from having multi-campus institutions.

Finally, on that point, when the community regards schools as being the places to which children go to develop their intellectual capacities and skill levels to the point where they are all satisfied that they have done their best, according to their own lights, to prepare themselves for employment and adult life, without it being the responsibility of the minister to do other than ensure that the process is properly audited through the department itself, and that there is no difference between a private school and a public school in that they are all virtually private anyway, then we will have achieved something great.

I do not see that there is greater merit in the quality of education that is to be derived from a well administered public school as compared with a private school, and I think that it is wedge politics of the worse kind to focus attention upon the difference of the origin of the school and its corporate structure and the mechanism by which it obtains the finance to provide the education services to the children who are enrolled there by the adults who are responsible for their care and residency (commonly referred to as parents but not necessarily in this day and age—they may be stepfather, stepmother or any combination of an array of such things). Equally, I go on to say that, to the extent that children are made safe, I commend the government for the steps it has already taken in that direction and that this bill proposes to take, but believe we have to go even further. I am gratified to hear the minister say that the Child Protection Act is probably the mechanism through which checks can be made on ancillary staff members (other than teachers) as to their suitability, reliability and trustworthiness, rather than complicate the profession of teaching with an incongruous addendum to its legislation.

There are other matters upon which I would like to have remarked, but due to the lateness of the hour and the anxiety of most members to progress this measure through to completion, perhaps I shall leave that to a better day, with a final rejoinder, however, that it is obviously in future no longer going to be necessary to have a warm, living, breathing teacher standing in front of children in order for them to learn.

The innovations which are readily and cheaply available and which I saw being trialled 20 years ago in the Houston Independent Schools District around Houston in Texas are being used by children in remote areas. They do work. They do not deprive the child of anything, so long as they do have someone who can be their counsellor (other than their parents) in the process of education in which they are engaged and to whom as an adult and a role model those children can go to discuss the problems they are having perhaps not only in relation to the formality of their education and what that entails but also in their development as young people.

To a greater extent than is presently the case, I see the future roles of teachers as being generalists who supervise and counsel, providing pastoral care to the students once they have been enrolled in the school, enabling them however to pick up their specific skills using information and communications technology to spread the efforts of a smaller number of very outstanding teachers across a greater number of children in the process and thereby enable a far greater benefit to be derived from those brilliant minds that are more particularly gifted; and, as I have said, leaving the role of counselling to what has been referred to in the past as a class teacher and now a home class supervisor to ensure that the whole thing hangs together at a human level. I thank the house for its attention.

STATUES AMENDMENT (MISUSE OF MOTOR VEHICLES) BILL

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

No. 1 Page 4, line 29 (clause 6)—After '(1)(b)' insert: or subsection (4).

No. 2 Page 4, line 30 (clause 6)—After 'subsection (1)(b)' insert: or subsection (4).

TEACHERS REGISTRATION AND STANDARDS BILL

In committee.

Clause 1.

Ms CHAPMAN: I had proposed to move that there be a suspension of standing orders. By way of explanation, let me say that two of the amendments that I have tabled—amendments 5 and 6—relate to the proposal for the inclusion of non-teachers in compulsory criminal record checks. Given the minister's response to the house and the commitment she has given on behalf of the Department for Families and Communities that there will be attention given to that issue, to be taken into account by the house at a later date—hopefully, that will be in a relatively short time—I will not hold the house further. I indicate that I will be withdrawing amendments 5 and 6 in expectation of the minister's comments.

Clause passed.

Clause 2 passed.

Clause 3.

Mr HAMILTON-SMITH: I would like to thank the minister for her explanation regarding childcare centres. To get it on the record and to seek clarification, I am reading the definition of recognised kindergarten in conjunction with clause 20—the requirement to be registered. My concern is that clause 20 provides:

> a person must not undertake employment as a teacher, principal or director at a school or recognised kindergarten. . . unless the person is a registered teacher.

My concern is that, somehow, that might capture childcare centres. As the minister explained, that is not the case. I seek to ask the minister about the case where, for example, a private school may have a high school and primary school operation but, in addition to that, it may have a preschool and, in addition to that, it may have a childcare centre operation (I know of at least one such school in my electorate). The umbrella institution is a private school, but it actually operates a childcare centre as part of its operations, which I assume is registered separately as a childcare centre. I seek to clarify that, if it chose to, that school could still employ a non-teacher as the director and that, in that case, it would not be bound by this clause.

The Hon. J.D. LOMAX-SMITH: Under the circumstances of a conglomerate of school parts, the childcare centre would be registered as a childcare centre and would be separate from this bill entirely. The honourable member may find the definitions relevant, as they go some way to defining those issues. They provide:

> 'pre-school education' means the provision of courses of education, training and instruction to children under the age of 5 years.

The point of using the word 'education' is to exclude childcare centres, because the definitions also state:

> 'recognised kindergarten' means—
>
> (a) a kindergarten registered as a Children's Services Centre under Part 3 Division 4 of the Children's Services Act 1985; or
>
> (b) a pre-school education centre is established by the Minister under the Education Act 1972.

These were defined specifically to exclude the case outlined by the honourable member, because we could see that 'pre-school' is a bad phrase, if you like, because it implies something that happens before the age of five. We put in these definitions to keep childcare centres out.

Mr HAMILTON-SMITH: I thank the minister for her very good answer. I want to tie this up a little further and get it on the record. It is the practice of some childcare centres to run an early learning centre, or to run what they loosely describe to parents as a 'kindy group'. As the minister is aware, some childcare centres advertise a kindy program as part of their operation. Sometimes they employ a teacher under the Child Care Workers Award, and sometimes they run a kindy group without a teacher, but the customers understand that arrangement. I seek an assurance that the regulations that might flow from this act could not be misinterpreted in such a way as to encourage an officer to assume that it is a kindy.

The Hon. J.D. LOMAX-SMITH: We were mindful of this complex issue because of the nomenclature associated with this age group. In fact, my children went to a childcare centre and never attended a government pre-school, because they always attended the kindy in the childcare centre. Under the definitions, if a childcare centre chooses not to get registration and become a Children's Services Centre, it does not come within this act. However, there are mandatory reporting issues and police checks in place, because it is a licensed childcare centre. So, we would not try to alter the pay rates or move them into a different employment category. The precise answer is that they may apply to become a kindergarten as a registered Children's Services Centre, but they do not have to; it is voluntary. However, they must be a licensed childcare centre under the Children's Services Act.

Mr HAMILTON-SMITH: I thank the minister for that very thorough reply. Is there any chance that, if a childcare centre chooses not to seek registration as a Children's Services Centre, and therefore not be subject to the act, an officer may say, 'In the light of the fact that you have not registered, you cannot have anything that purports to be a kindergarten or a kindergarten operation'? The minister has probably already answered this question.

The Hon. J.D. LOMAX-SMITH: I understand that this is a very important question, because a business venture is behind the question, and you have to get it precisely right. They are allowed to call themselves a kindergarten, or a kindy, or whatever, because the word is not specific. We would not be empowered to enter and make them comply with the act—that is not our intention, and that is not within the act—because they are not a 'recognised kindergarten'.

Clause passed.

Clauses 4 to 7 passed.

Clause 8.

Ms CHAPMAN: This is the directions power of the minister. The minister advised the house in her response that she considered it unusual that this would be causing some controversy because of the provisions, which I think she was saying were pre-2001, because under the current Education Act there is not a directional power. In fact, although the minister was not here at that time, she may be aware that for some two years during 2000 and 2001 there had been an extensive education inquiry by a parliamentary committee of this house, of which I think you, Mr Chairman, were a member. Most important was the considerable dispute at the time about the minister's intervention in anything, particularly including the curriculum that was to apply, and the very clear provision in the act that the chief executive officer would have areas of responsibility to the exclusion of the minister.

So, the introduction of this directions power is concerning for two reasons. Whilst it has been watered down considerably from the original draft, rather than being a bald directions power and having some qualifications, the first thing that gives me concern is that, with the two requests for advice as to in what circumstances this power would be implemented, not one single circumstance has been provided. So, where is the justification and need for this in the first place? Secondly, not in any submission I have received nor on any inquiry made by me has anyone or any body or any representative agency indicated that they have requested of the government that, in the review of child protection provisions under this act, they were calling for the minister to have this directional power. Who has requested that this power be introduced?

The Hon. J.D. LOMAX-SMITH: What I was attempting to explain was that in the review of the Education Act 2001 by the former minister, the provision was that the minister could direct the board in the public interest—this relates to the Teachers Registration Board—but limited it to directions as to the qualifications or requirements for registration. At

that stage, any directions were included in the board's annual report and the minister was also able to assign functions to the board. That was the proposal that, as I understood it, had been widely consulted upon. In our consultation, there was considerable concern that a minister for no more reason than whimsy could attack an individual or a particular application or be involved in an inquiry or interfere specifically with the determination or qualifications or experience.

For instance, it was stated that a malicious minister might, if there were a shortage of teachers, suddenly decide that you should register someone as a qualified teacher after one year of teachers' training instead of a four-year course. Currently, the legislation requires three years for a teachers' training course, which does not actually apply any more because they are all four years, so we are actually operating under outdated and outmoded regulations. But there was a fear that a minister might say that there is a shortage of teachers, we will push through some second-rate teachers with a one-year or 18-month course.

In order to make clear that this was not the intent, we put in a whole series of protections. They are: may not direct related to a particular person, a particular application or inquiry or the performance of an inquiry or investigation, or the performance of the board or its function, in determining the qualifications or experience for registration. They were specific responses to the concerns from the community, but the reason that we left in directions was that we are working collaboratively with MCEETYA. We are trying to align our processes with best practice across the country and have equivalent standards throughout all states. We might well direct the Teachers Registration Board to be mindful of job applicants from another country, other than New Zealand, if there were a rush of recruitment.

We might well ask them to collaborate with an American or United States teachers' registration police checking system that, to date, they have not had a relationship with. We might ask them to particularly exchange information with another organisation if we thought our teachers were going somewhere else, because we do know of teachers with dubious records going to teach in other countries. We might request, for instance, that they review professional standards or introduce a change in standards or consider something that was a change in standards in relation to a MCEETYA or a federal government directive. In fact, there are very restricted powers now; we can do very little. It is done intentionally. We will present any directions to parliament within three days. The directions are very narrow because, at the moment, we just want to have an option should a situation occur or arise. In fact, we are taking on, but restricting, the proposal put forward by the previous minister in 2001.

Ms CHAPMAN: I appreciate the response, but it did not answer the question as to who put a submission to actually ask there be a directional power at all. Whilst the minister has adequately explained why she has qualified and restricted it, no explanation has been given to the house as to who asked for it in the first place.

The Hon. J.D. LOMAX-SMITH: I do not have the benefit of that, because it was put in the bill in 2001 as a result of a huge consultation that was bigger than Ben Hur. It was a decision made by the previous minister. In producing this bill, we took the best and a consensus from the bills around the country. We took the information that had been worked and consulted on, and we worked with the Catholic and independent schools sectors in order to get a consensus, because we knew we had a problem. There is clearly an issue here and we just want to try to sort it out in the best way we can for the community. But I honestly cannot give you the name of the individual who suggested the matter first.

Ms CHAPMAN: Given that the independent schools and other representative bodies have indicated to me that they have not asked for this at all and, given that it does not in any way reflect the proposed directional power which was to be provided under the 2001 review and which was specifically proposed to be confined to the qualifications standards, is it not the case that this is something that has emanated either from the minister or her office?

The Hon. J.D. LOMAX-SMITH: I do not think you heard what I said before. This was in the 2001 bill—a power to direct in the public interest. The power to direct in the public interest is in all the other states. The power is absolutely unfettered in Tasmania without conditions or restrictions, and in 2001 I was not the minister, but it was included in the draft bill in 2001. This whole bill has been the result of extraordinary consultation. The independent schools executive director has said that they are very pleased with the restrictions on the power in the revised bill. These powers exist in the Dental Practice Act, the Nurses Act and the Water Resources Act; they are very common in everything from the Veterinary Practice Act to the Correctional Services Act. They all have the power to direct the board on matters of public interest.

Ms CHAPMAN: With respect to the minister, my note is that the 2001 review proposed that there be a directional power of the minister in the public interest, but it was specifically limited in relation to qualifications. In this case, it is a general directional power which has been limited to exclude specific cases for the reasons the minister has explained. So, in the circumstances, I move:

Page 6—
Delete the clause

I move this amendment for the reasons that I detailed in my submission to the house.

Amendment negatived; clause passed.

Clause 9.

Mr HANNA: I move:

Pages 6 and 7—
Delete subclause (1) and substitute:

(1) The Teachers Registration Board consists of 14 members appointed by the Governor of whom—

(a) 1 must be a person nominated by the Minister, who will be the presiding member of the Board; and

(b) 2 must be persons nominated by the person holding or acting in the office of Chief Executive of the Department; and

(c) 6 must be persons (at least 1 of whom is a practising teacher employed in a non-Government school) nominated by the Australian Education Union (S.A. Branch) after the holding of an election in accordance with the regulations; and

(d) 1 must be a person nominated by the Association of Independent Schools of South Australia Incorporated after the holding of an election in accordance with the regulations; and

(e) 1 must be a person nominated by the Catholic Education Office; and

(f) 1 must be a person nominated by the Independent Education Union (S.A. Branch) after the holding of an election in accordance with the regulations; and

(g) 1 must be a person employed in the field of teacher education nominated jointly by the universities in the State; and

(h) 1 must be a person nominated by the person holding or acting in the office of Director of Children's Services.

After consulting members of the teaching profession on this bill, there was a very clear view that the Teachers Registration Board should continue to have a majority of teachers on the board and that the influence of the minister should be no greater than the current position. Therefore, I have prepared an amendment which essentially reiterates the position in the existing act but simply modernises the language.

In the amendment there is no reference to the Director-General; there is a reference to the Chief Executive. The various union organisations have changed their name over time as well. So it was certainly time to upgrade the provision in the Education Act, and I have done so, but I have retained the current position in terms of the composition of the board. I do not believe the case for change has been made out.

The Hon. J.D. LOMAX-SMITH: If I could speak against going back to the old board structure. In part it picks up the member for Waite's complaint about the change in mix of schooling and also the comments of the member for Bragg about the relative size of the private school sector these days. One of the changes that we have made in this bill is for an increase in the number of union representatives from the private school sector. It seemed an unfair balance to have five AEU members and one private school teacher representative. So I increased the number of representatives from the private school sector as a matter of equity and fairness for those union representatives.

I have also increased the numbers of people on the board. While there is generally some disquiet about having large boards, I think it is important to have a mix of skills and particularly legal skills. Many of the decisions and options open to the board will be the subject of professional advice. I think there is a real advantage in having non-professional representation on these sorts of boards.

The number of teachers on the board is still quite high. Seven out of 16 representatives will be teachers. There will also be six employer representatives, which is quite a large number. The expansion of the board was to take into account the changing nature of the education system and also the need to have wide representation. One of the complaints about our proposal is that there are not enough teachers. Under the current arrangements there need only have been one practising teacher on the whole board; whereas under our provision half of the teachers will be practising.

The CHAIRMAN: Under your proposal you have discretion to choose from quite a number of people. But there is no prescription about the range of representation, which was a point made in the second reading debate, with people coming from junior primary, primary, secondary, and so on.

The Hon. J.D. LOMAX-SMITH: I think that was a valid comment, and one can indeed write to them and ask for that. The reason for having the three nominations, as the member for Reynell said, is that it was a provision employed by the previous government in having a number of choices so that we can have a gender balance. We have continued and extended that practice with the Acts Interpretation (Gender Balance) Amendment Bill, which was introduced by the Minister for the Status of Women. I would expect there to be a balance. If you have three or five nominations from each representative body, you do have an opportunity to pick a balance of skills. I would be very happy to nominate that those primary and secondary choices be a balance within the nominations.

The CHAIRMAN: The point is that, whilst it says 'practising', that could be people at various levels of seniority. It would be good to have some undertaking that it could perhaps include some younger teachers who are not in senior promotional positions, as well as those who are in senior promotional positions.

The Hon. J.D. LOMAX-SMITH: I would normally be very keen to have fewer old people on boards and have a youth representative, but I think these matters do require life experiences and some expertise. I think that asking for inexperienced teachers might not entirely be a blessing. So, I am not so enthusiastic about having an age range.

The CHAIRMAN: Just to clarify that point: I do not necessarily mean inexperienced teachers. You could end up with a whole lot of senior masters or senior mistresses (although that terminology is no longer used much), or equivalent, dominating the board. That was the point.

Ms CHAPMAN: I rise to indicate that the opposition will be supporting the member for Mitchell's amendment. Some of the proposals in the minister's bill, including the provision of a legal practitioner and a person representing the community, certainly have some merit. However, on balance, given that the Department of Education and the minister are together, in fact, the principal employer of the teachers and the regulator, it is critical that in this bill we have independence from appointment by the minister. Therefore to have a panel arrangement and not a direct nomination from the representative bodies shatters that independence. As I indicated in my second reading speech, no other jurisdiction in Australia has a board or institute of this nature, where the whole board is effectively selected or appointed by the minister.

It is an outrageous contention to assert that, because this was part of a proposal which never even saw the light of day in the previous administration, we should support this proposal, which would result in that. Accordingly, I believe this is an important amendment, and therefore the opposition will be supporting it.

Mr HAMILTON-SMITH: I support my friend in agreeing to the member for Mitchell's amendment. I take the minister's point, and I think it is a sensible suggestion to have a lawyer as part of the board. On behalf of the private schools in my electorate, I also thank the minister for being considerate enough to agree to including on the board an additional teacher from the Independent Education Union. I advise the minister that a number of private schools contacted me in regard to this matter. Of course, they are employers in the private sector, and their concern, particularly in the case of the Association of Independent Schools, is that they have one representative, and now they will have two from the union. However, when taken with the five from the Australian Education Union, that makes seven teachers nominated by the union, against just one from the independent schools.

I note that the minister has included one from the Catholic Education Office, and I suppose that you could argue that that is two, if you like, from employer groups. However, it underlines the point made by my friend when she said that the fact that the minister is nominating these people is a problem because (and I am sure that this minister would make a fine judgment, but as the Speaker mentioned earlier this law will apply to all future ministers) the minister is choosing who the employers can have representing them from a list of three, but nevertheless the employers cannot choose who they will have representing them. The minister is also selecting the union nominees, but I think that the employers feel a little fragile that they are under-represented with only one from the independent sector and, if you like, a total of seven from the union. So, in considering the amendment of the member for

Mitchell, and if she is looking for somewhere to deduct, maybe she would like to keep the legal practitioner and reduce the number from the union from seven to five.

Mr SCALZI: I will be brief. I support the member for Mitchell as well. The problem here, as stated by the members for Bragg and Waite, is not necessarily the number of representatives, although there is a question about the composition. It seems that the minister here has more discretion to appoint than the Premier has in respect of the Labor cabinet. The factions in the Labor Party select the ministers, and the Premier just selects their portfolio. Here the minister selects from three or four or five, and it does not matter how much you expand that group because, if the minister selects, the final outcome is still that the input of the minister is greater than the representative bodies, even though those people come from those bodies. So, I support the member for Mitchell because there is a basic problem here whereby the minister not only approves the nomination of a body but also is selecting from a body.

The Hon. J.D. LOMAX-SMITH: Having been responsible for selecting board members, one of the greatest frustrations in terms of gender equity is to have representative bodies nominate three men, and inevitably they do nominate three men. This is really a provision which anticipates the passing of the Acts Interpretation Amendment Bill to make sure that there is gender equity on all of our boards, and I think that that is a very fine provision to have. Certainly in selecting the members of the board it would be good to get gender equity, and have a balance of people from multicultural backgrounds.

The changes that I made to this board makeup was first to provide more fairness for private and independent schools because I did not think that their staff were fairly represented previously. I also wanted to make it clear that there was a community member because I think that a lot of professional bodies are insider's clubs, and I really feel strongly that sometimes a parent or an ordinary member of the community can say, 'Hey, this looks funny,' and really have a meaningful input into the decisions of a board. I think that too many teachers would be the wrong thing to do here. You do not want all teachers; you also want outsiders, lawyers, community members and, particularly, I think, a university representative and employer groups. There is only one university representative because we have to make sure that collectively the universities train the teachers in child protection manoeuvres in the way that we want them to be trained, and that any observations from the Teachers Registration Board can be fed back into curriculum development. On top of that there are five employer representatives, there are seven union representatives, one university, and three independent people, and the reason for having an expanded board rather than the limited board we had previously is that we are asking these people to do something far over and above what they have ever been asked to do before.

Progress reported; committee to sit again.

ADJOURNMENT

At 9.58 p.m. the house adjourned until Tuesday 7 December at 2 p.m.