HOUSE OF ASSEMBLY

Tuesday 5 April 2005

The SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

POPE JOHN PAUL II, DEATH

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

That this house expresses its sincere regret at the passing of the Pontiff, His Holiness Pope John Paul II, and gives thanks for the life and works of a man whose courage, steadfast love and compassion marked him as a truly great icon for humankind.

Pope John Paul II, who passed away early on Sunday morning (our time), will be remembered as a man of immeasurable courage and influence. He was born Karol Jozef Wojtyla in Poland in 1920. He began studying clandestinely for the priesthood in 1942 whilst his country was under brutal Nazi occupation. He was ordained a priest in 1946, made Archbishop of Krakow in 1964 and a cardinal in 1967. In 1978 he became the first non-Italian to be elected Pope in 455 years.

During his 26-year reign, he demonstrated enormous energy. He conducted more than 100 pastoral visits outside Italy and published five books. He made 38 official visits and held more than 700 audiences and meetings with heads of state. Indeed, many millions of people were attracted to his personal audiences at St Peter's. Many members of this parliament will remember the Pope's historic visit to Adelaide in 1986. That visit was, however, his second to South Australia. In 1973, while still Archbishop of Krakow, he came here to bless and open the new Copernicus Hall at the Polish Community Centre in Athol Park.

In characteristic style, His Holiness's visit in 1986 was an extremely busy one. After arriving at Adelaide Airport on the evening of Saturday 29 November, he departed for the city. He travelled the eight-kilometre route in his 'Popemobile', his path lit by thousands of South Australian well-wishers holding candles. Once in the city, he met the then Lord Mayor, Jim Jarvis, and spoke to a large crowd from the balcony of Adelaide Town Hall. The following morning, he met members of the state's rural community at the Festival Centre.

He had a keen interest in the welfare of the indigenous people of this state. He then arrived for mass at Victoria Park racecourse, where he was greeted by tens of thousands of South Australians (I think about 100 000 people attended the open air mass) as well as by the performance of *Fanfare for the Common Man*. The racecourse was a sea of people, and the Pope was just a dot on the stage for many, but still he projected great vitality, humanity and strength of mission. That mass was one of the largest gatherings to occur in South Australia in recent times, and all those involved remember how it engaged the people of South Australia, including many not of the Catholic faith and, indeed, many from other faiths other than the Christian faith.

More than anything else, Pope John Paul II will be remembered for his personal qualities and the example he set. He was a man who had fought Nazism, communism and tyranny all his life. Indeed, when he became Pope, his homeland of Poland began its great struggle against the Communist yoke. He stared down communism in his homeland of Poland in an historic partnership with Lech Walesa, the electrician, trade unionist and head of the Solidarity movement and later, of course, the first President of free Poland. I was able to talk with Lech Walesa less than 18 months ago, when he visited Adelaide. He had just come here from visiting his friend, the Pope, in Rome, and he again talked about that historic partnership and the tremendous support he had received from the Pope. There was absolutely no doubt in the first President's mind that he could not have succeeded in the struggle to end communism without the support of this passionate Pope. Indeed, the fall of communism in Poland was part of a process that, with the Pope's support, saw the tearing down of the Berlin Wall and freedom coming to nations that had long since lost that freedom.

The Pope also fought passionately for peace, especially in the Middle East, other theatres of war and places wracked by discord. Time and again, even when it was unpopular, the Pope spoke out against imminent war. He was a proslytiser and traveller—the latter role as both pilgrim and apostle. He spread his vision to Africa, Asia and the Third World. He was ferocious in argument and firm in conviction, steeled by the fires of war, occupation and religious suppression. It must be said that he was not willing to cast off beliefs long held or rules obeyed for centuries. He believed that the church should hold fast to what it stood for. When his health was in steady decline, the Pope made the years he had left a relentless mission. In doing so, he pushed his timetable, punished his health and pronounced on politics and world affairs as few popes had ever done before and, in doing so, he never shirked controversy. He was a conservative, yet at times also a radical, but he was always an activist. For 26 years or more, he was the roving ombudsmen of the oppressed.

I was privileged to have had a number of encounters with His Holiness; the first, and most unforgettable, was in April 1981. A friend and I were doing a trip around the world and we had reached Rome. Amazingly, through the good offices of the former member for Norwood, Greg Crafter, and through, from memory, Brother Maguire, who was a personal assistant to the Pope at the Vatican and who had also come from Norwood, we managed to secure an audience with the Pope. During a brief meeting in St Peter's Square, the Pope's warmth, spirit and integrity came through very strongly. What really struck me about him was his extraordinary charisma and vigour. He was powerful, impressive and energising. During that same visit, I was also lucky enough to see the Pope in St Peter's Square, where he was waving to thousands of pilgrims from the Popemobile. A huge contingent of Poles was waving the flag of Solidarity. At one stage, when he spotted a visiting Irish children's school choir singing *He's Got The Whole World In His Hands*, he jumped out of his vehicle and began conducting them. It was an act of sweetness, humour, mischief and generosity, and enchanted everyone who saw it. My visit to Rome was made more poignant by the fact that it occurred just before Easter and just before an assassin's bullet almost ended his life.

More recently, I saw the Pope at Royal Randwick Racecourse in Sydney in 1995. By this time, he was beginning to become frail. But, despite exhaustion, jetlag and illness, he conducted a mass for hundreds of thousands of people which went for hours on a typically steamy Sydney day. At the end of the mass, he thanked the audience for their patience on what had been a long day. Then he paused and said, 'Too long', to the cheers and laughter of a sympathetic crowd.

This mass had special significance for South Australia for, on that day, he beatified Mary MacKillop, a humble nun who spent much of her time in Penola and Norwood, and, like the

Pope, she had great courage. I think we should all be enormously grateful that it was John Paul II who took the first steps towards Mary MacKillop's canonisation. Like many South Australians, I hope that process will gain pace under the new pope and that Mary MacKillop will be one of the first to be made a saint during this next pontificate.

My last encounter with the Pontiff occurred just over a year ago when Sasha and I were in Italy. On one Sunday we went for a stroll to St Peter's and, by chance, we stumbled on his weekly blessing. Of course, by this stage, he was in very poor health. With his speech and mobility failing but never his mental faculties, he worked his way through the sacred words with every bit of energy he could muster.

Pope John Paul II fought the good fight, finished his course and kept the faith in sickness and in health, in war and in peace, in schism and in reconciliation. He showed us the meaning of courage, faith and principle and, though his legacy is an inspiring one, this world is definitely poorer without him. On this day I extend my personal condolences to Archbishop Philip Wilson and all members of the Catholic congregation in South Australia and also, of course, to his beloved Polish community here in Adelaide. I commend this motion to the house.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party, I second the Premier's condolence motion and express our regret at the passing of Pope John Paul II. Pope John Paul II will certainly be remembered as one of the most influential and remarkable men of our time. His ability to connect with the masses and his desire to achieve global peace earned him a special place in the hearts of millions around the world, both in the Catholic community and in the broader community. News of his death has certainly devastated people worldwide. There is a particularly strong Catholic following in our state, and I have no doubt that many South Australians will be mourning the loss of the great leader of our Catholic faith.

Formerly known as Karol Jozef Wojtyla, Pope John Paul II had humble beginnings as a manual labourer in Wadowice, Poland. Having lost his mother when he had just begun school and then his brother three years later, Pope John Paul II grew closer to the church as his faith was tested. Although the future seemed bleak for most in the wake of the second world war, he continued to pursue his theological studies of the Catholic faith. In November 1946 he was ordained and headed to Rome, where he impressed elders with his papers, discussions, debates and dissections of doctrine. He was soon elevated to bishop and eventually to cardinal. Before his election to the highest office in the Catholic church in 1978, popes were nowhere near as obvious around the world as Pope John Paul II became. He was a pope of his age and ensured that he was accessible to all people through all methods of communication—and certainly we saw that during his visits to Australia.

Speaking eight languages, he used his outstanding communication skills to travel the world and spread the word of God. Within 20 years, he made more than 170 visits to at least 115 countries, many of those in which Christianity was not the dominant faith, let alone Catholicism. Certainly, his ability to draw huge crowds worldwide said a lot about not just his popularity but his greatness. He was said to have had an all-embracing warmth beyond his extraordinary intellect and, for this reason, he had the ability to connect with people of all cultures and walks of life. It is no wonder that he had been labelled to have the most recognised face of the century and, certainly, in the last few months of failing health, the fact that his duty to serve continued to drive the man is a test of his devotion and dedication to the task that he took on. I am sure that all present will join me, with all Catholics and many other admirers, in paying tribute to the late Pope John Paul II for the exceptional contribution that he has made to people's lives throughout the world.

The Hon. M.J. ATKINSON (Attorney-General): 'Totus Tuus'. These are the words Karol Wojtyla adopted as his personal motto as a bishop. It means 'All Thine' and expresses the late Pontiff's tremendous devotion to the Theotokos, the Mother of God. The Holy Father said that one should never think of the Blessed Virgin without thinking of Christ, and one should never think of Christ without thinking of His Cross. We have seen in recent years how the Pope has borne his own crosses in addition to those of his early life. In doing so, he has given a powerful witness to the Christian message of redemption. His message, as he articulated it on the balcony of St Peter's when he was elected was, 'Be not afraid.' Trust in God, he said, and cultivate that oft forgotten virtue, hope. Although many recount the Holy Father's influence in the world, above all, he must be remembered as a great priest. Even as Pope he ensured that he continued to celebrate baptisms, weddings and hear confessions on Good Friday.

His pastoral mission was both universal and personal. Pope John Paul II was an accomplished thinker, a man who saw a battle between good and evil ways of living and working in the world. He had witnessed personally the terrible consequences of evil ideologies at work in the 20th century; indeed, he died only two days after the anniversary of the Katyn Forest massacre. The Holy Father believed in the reign of Christ in history, one that would overwhelm the mere shadows of earthly kingdoms. He lived in a century that saw the rise of two totalitarian ideologies: Bolshevism (or Communism) and National Socialism. The Third Reich in Germany sought to overpower European civilisation and, with it, all the world. The Pope as a young man saw the barbarous end to which Nazism worked. As time went on, Central and Eastern Europe fell under another dark shadow—that of Communism. Again, this ideology superimposed its own supposed inevitable conquest and, with it, the attempted crushing, not just of the Christian faith, but of the freedom and dignity of man.

The Soviet empire was, indeed, an ideology of evil, as George Orwell depicted:

> There will be no laughter, except the laugh of triumph over a defeated enemy. There will be no art, no literature, no science. . . If you want a picture of the future, imagine a boot stamping on a human face—forever.

The young Karol Wojtyla could hardly have imagined that he would play such a central role in freeing the submerged peoples of Central and Eastern Europe. When the Pope was elected in 1978, few would have seen the dramatic fall of the Soviet domination of Eastern Europe within 20 years. Among some quarters today there is a suggestion that the Soviet Union was destined for collapse anyway, that it teetered on the brink. Who believed that in 1978 watching the May Day parades in Red Square or in 1981 on the elevation of the KGB's Yuri Andropov to power?

It is true that a combination of events led to the collapse of Marxist-Leninism. Ronald Reagan's administration declared economic war on the Soviet Union. In Poland, the Solidarity movement under the leadership of Lech Walesa

grew and threatened the mighty employer. In this task, it was greatly aided by the moral stature of John Paul the Second, who refused to play the game of compromise and realpolitic, or ostpolitick as it was called at the time. For the Pope there was only one option in Poland—the freeing of the people of his native land and of the faith.

For a time it appeared the Soviet tanks could be sent in, as we have seen so many other times in Europe. Legend has it that the late Pontiff sent an urgent communication to Leonid Brezhnev, that if Russian tanks took to the streets of Poland he would have no option but to lay down the see of Peter and stand with his brothers at the barricades. The combined effect of all these efforts brought the Berlin Wall tumbling down. That is not to say that the Pope heartily approved of the laissez-faire capitalism. He continued to develop the Church's social teaching on the dignity of work on the rights of those who labour.

One of his first encyclicals was a letter on the 19th anniversary of the landmark Rerum Novarum. In this letter, entitled Laborem Exercens, the Pope reiterated the Church's teaching on the dignity of work. He understood the many threats that modern society posed to working people. In that letter the Pope wrote:

> While it is true that man eats the bread produced by the work of his hands in—and this means not only the daily bread by which his body keeps alive, but also the bread of science and progress, civilisation and culture—it is also a perennial truth that he eats this bread by the sweat of his face, that is to say, not only by personal effort and toil but also in the midst of many tensions, conflicts and crises which, in relationship with the reality of work, disturb the life of individual societies and also of all humanity.

The Pope was also committed to the deposit of faith that he believed was handed down from the Apostles. In that regard, he showed great fidelity to truth and tradition—not always a popular undertaking, but one that took the view of centuries that the Vatican enjoys. This led to the publication of an official catechism of the Church, the first such undertaking since the Council of Trent in the counter-Reformation.

John Paul the Second showed great pastoral solicitude to those Catholics who felt attached to the traditional liturgy. His Apostolic letter Ecclesia Dei respected the rights of Catholics to assist at mass according to the more ancient forms, which His Holiness called a 'rightful aspiration'. The life of Karol Wojtyla is a great inspiration to all of us-to men and women of faith, an example of accepting the Cross and letting its light shine before them. I extend to all Catholics in South Australia my sympathies and prayerful intentions. We pray with people the world over that we can now extinguish the candle that burned, not because the darkness overwhelms, but because dawn has come.

Mr SCALZI (Hartley): I too rise to make a brief contribution, and I feel privileged in doing so. I would like to reflect on how the passing of His Holiness has been seen throughout the world. I do not believe that I can, from my position, give a worthy tribute to His Holiness. I think that the reaction throughout the world speaks for itself. 'Pope John Paul the Second was unquestionably the most influential voice for morality and peace in the world during the last 100 years,' said evangelist Billy Graham. His extraordinary gifts, his strong Catholic faith and his experience of human tyranny and suffering in his native Poland shaped him, and yet he was respected by men and women from every considerable background across the world.

I believe that sums up how His Holiness has been seen throughout the world. If we reflect on the meeting of world peace in Assisi in Italy, when we look at history, no other pontiff has managed to build bridges with all faiths. Some say that he is conservative, but no-one could ever doubt that he is liberal for human rights and in supporting and upholding the dignity of human beings in whatever position they find themselves. He is embracing of suffering, and the celebration of dignity of a human being in suffering is something from which a lot of people will gain much comfort in the importance of every human being's uniqueness, regardless of the circumstances in which they find themselves.

How has he been received in the Middle East? Israelis and Palestinians alike paid respect to the Pope, whose millennium pilgrimage of peace to the Holy Land stood in stark contrast to the violence that has raged in the years since. Palestinian President Mahmoud Abbas described John Paul as 'a great religious figure who devoted his life to defending the values of peace, freedom, justice and equality for all races and religions, as well as our people's rights to independence.' Rabbi Marvin Hier, founder of the Simon Wiesenthal Centre in Los Angeles, said, 'No pope did more for the Jews.'

Muslims hope for continuity of approach. For some, the Pope's efforts helped avert a clash of civilisations that many feared would erupt after the 11 September 2001 attacks by Muslim militants in the United States. Islamic clerics, theologians and many ordinary Muslims say that his travels to more than 20 Islamic countries, his efforts to promote dialogue, his cause for peace in the Holy Land and his opposition to wars in Afghanistan and Iraq endeared him to many Muslims. Italian Prime Minister Silvio Berlusconi said:

> We are all grateful for the tireless work and suffering that he bore incessantly against every form of totalitarianism, violence, oppression and moral degradation in the name of the values of the Catholic Church that are also the supreme values of human dignity and solidarity.

Australian Prime Minister John Howard said that Pope John Paul II had been 'a pillar of strength as well as provider of great compassion and in every proper sense the term apostle of peace'. Howard lauded the Pope as a friend to all Christian denominations. He said:

> He advanced the ecumenical movement—he reached out to Jewish people, to those of the Islamic faith, and was also an inspiration to people of no faith at all.

The Dalai Lama said:

> Pope John Paul II was a man I held in high regard. His experience in Poland, then a communist country, and my own difficulties with communists s gave us a common ground.

Much has been said about Lech Walesa, who led the solidarity movement which won power after a decade of struggle and hastened the collapse of the whole Soviet bloc. He said that 'John Paul inspired the drive to end communism in western Europe'. I believe that we have been very fortunate to have a pontiff who has taken up the cause of peace and human rights throughout the world and embraced the importance of having religious dialogue and spirituality, regardless of our background.

I believe that this is a good base for further progress. What the evangelist Billy Graham said about the Pontiff tells us a lot about how far we have come with regard to respecting the beliefs of one another. After all, in faith we should all be one.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): In rising to support the motion before the house, I will quote from today's editorial in *The Border Watch*, because it captures better than I would the views of the community of Mount Gambier. The editorial states:

The world has lost a truly great man in Pope John Paul II. Catholic or non-Catholic, religious or non-religious, he was an inspiration to many across the global landscape. A man who reached out to many different religions and a powerful crusader for world peace. John Paul II was what many would term a true 'man of the people'. A much-travelled Pope, he is estimated to have undertaken more than 150 overseas trips during his reign. It is no surprise his death has promoted such a worldwide flood of grief and tributes, with everyone from the world and church leaders to ordinary citizens eager to show their respect. An estimated 100 000 people turned out for the morning mass at St Peter's Basilica in the Vatican City yesterday morning.

Locally, churches across the region are busy planning services of their own to celebrate the life of a man who became the first non-Italian Pope in 455 years. Pope John Paul II will be remembered with fondness by many in Australia, particularly in the South-East, for his 1995 role in beautifying Mary MacKillop, who remains one documented miracle away from becoming Australia's first ever saint. The Sisters of St Joseph. . . were founded by Mary MacKillop and Julian Tenison Woods in Penola in 1886. The first of the commemorative services in the region will be held at St Paul's Church, Mount Gambier, tonight. It will come more than a week before cardinals meet at the Vatican to elect a successor to John Paul II. Among the frontrunners are cardinals from Italy, Brazil, Argentina and Germany.

While the candidates are many and varied, there is no disguising the fact that the papal newcomer has a tough act to follow in Pope John Paul II.

Mr BRINDAL (Unley): I rise to support this condolence motion, not being a Catholic and finding myself in something of a dilemma, because, as a human being, at times I pondered what was a truly great man in terms of his contradictions and sometimes his paradox. The Attorney has very eloquently outlined much of the Pope's life and his great work as an intellect. The Pope for every day of his pontificate himself wrote 30 pages of prose. That is a fairly remarkable effort from someone who was burdened not only with the sacraments of the church but also the administration of the biggest religious grouping on the face of the globe.

But in many ways he was a man of his times, as we all are; and that, I think, is where the paradox and some of the contradiction may be found. At once he was a great buttress (fortress, even) for the repository of faith about which the Attorney-General spoke—a repository of the faith which is ancient and which comes to us 2 000 years in its making. But he sought and strove always to make that faith relevant for a new millennium, a third millennium. This, I suspect, was difficult, for here we had a man who, in bringing down totalitarian regimes (such as communism), played a profound part; who reached out to youth like, I think, no pope before him for many centuries has done; and who issued a famous encyclical called Orientalis Lumen, which means light from the east.

It was an encyclical about cooperation between the Roman Catholic Church and orthodoxy from which the two great branches of the church have been divided since 1054. He reached for this; he reached to embrace all faiths from Buddhism to our closely related faith, Judaism, to Islam, and, generally, to seek understanding wherever people sought God. The Pope was a big enough human being to understand that all people who seek God, seek for an essential truth, and that while Christians believe that truth is reposed in Jesus Christ, other people who seek a spiritual being, nonetheless seek for truth and may well have found meaning in their message. The Pope understood that, and yet the Pope was essentially a conservative on many matters, and if there be a criticism of John Paul's pontificate, it will be in the conservative attitudes which he saw as the essential teaching of the faith in respect to women and their place in the church, and to a number of other issues. I do not think that this parliament, in celebrating a life, should walk away from those things for which he is to be roundly lauded, and those things with which some of us may well have had problems.

So, I saw in the Pope, a contradiction in terms, but I also saw in the Pope, one of the greatest people of our time. Without doubt, Pope John Paul was not only a man of this time, he was a man who shaped this time. We live, all of us, intricately locked in to those who live in the time in which we live, and if there are a few people in our lifetimes who will have significantly marked what our epoch means, John Paul II was one of them. I was bemused, and the Attorney-General explained to me, some of you would have been aware that as the Pope lay dying, the Polish newspapers carried a banner headline, 'Do not be afraid.' The Attorney-General informed this house that that was his clarion call, when he was elected to the pontificate, and it makes sense. To many of those throughout the world who read that translation of the Polish headline, 'Do not be afraid,' it sounded a little bemusing, because I believe that if there is one person in this world who would not have been afraid, who would have faced his death with some confidence, it should be, and was, the Supreme Pontiff of the Roman Catholic Church.

If he was to have fear in his death there is a problem with the teaching of the Christian faith, and I am absolutely sure that he would not. I think *The Australian* headline yesterday, 'The angels welcome him' is maybe one of the greatest tributes that could be paid. I would like to conclude that when Elizabeth I died, her Lord Chancellor said three words: 'Sic transit gloria mundi', which translated means 'So passes the glory of this world.' Pope John Paul was the glory of the Catholic Church. He was a fine advocate for a religion whose flames he passes into the third millennium unsullied and enhanced for his pontificate, and I am positive that there is one person who deserves the words that he will receive when he goes to the place in which he so fervently believed, 'Well done thou good and faithful servant.' John Paul II will hear those words, and I hope some of us do too.

Mr SNELLING (Playford): Over the last few days I have heard many people say words to the effect, 'While I didn't agree with him on many issues, Pope John Paul II was a great man.' I am proud to say that I did agree with Pope John Paul II on many of those teachings with which people have the most difficulty, because without the opposition to abortion, euthanasia, and what he called the culture of death, you could not have had the first pope to enter a synagogue and apologise for the part Christians have played in the persecution of the Jewish people.

Without the teacher who stayed the course on so many points of church teaching that are under attack, you could not have had the 'Philosopher Pope' entering dialogue with people of other faiths and of no faith. Without the man who firmly believed in the truth claims of the Catholic Church, we would not have had the reconciler who invited all the leaders of the world's religions to come to Assisi and pray for peace. All these things, so easily dismissed as inconsistency, are consistent, for they are the views of a man unwilling to be compartmentalised as either progressive or liberal but as a man doing God's work.

To modern sensibilities, Pope John Paul II was a sign of contradiction. To a world obsessed with materialism, he patiently taught transcendence. In a world of rampant individualism, he taught the common good. The man most responsible for the downfall of communist regimes, he was

a critic of unrestrained capitalism. A man in the world but not of it, he taught about the beauty of faithful married love and rejected the commodification of people into sexual objects. He refashioned a papacy that had lost its unchallenged command of its own flock. His role in the collapse of communism was a complete answer to Stalin's question, 'How many divisions has the Pope?'

In the end, the world looked on bewildered that a man in such pain could go on. There were those who mocked him and called for him to resign, like those who stood at the base of the cross calling on our Lord to come down. Like our Lord, John Paul II remained on his cross as a sign to the world that in the midst of tears there is joy and beauty. Perhaps this will prove his greatest legacy. In the words of Simeon when he set eyes on the Christ child:

> At last, all-powerful master, you give leave to your servant to go in peace according to your promise. For my eyes have seen your salvation, which you have prepared for all nations: the light to enlighten the gentiles and give glory to Israel, your people.

Mrs HALL (Morialta): I support the motion and the remarks already made in this chamber, and do so as a non-Catholic who has great admiration and specific interest in a truly great man. I was privileged to have met Pope John Paul II in the late 1980s when I was accompanying my husband as part of a federal parliamentary delegation. Speaking to him in St Peter's basilica, I was immediately struck by his extraordinary clear blue eyes (which to me did not seem to have a back) and his amazing presence. Even though I am not of his faith, I could understand (and still can) the reverence and stature in which he is held by the Catholic and the non-Catholic world.

The past few days have seen an extraordinary international outpouring not only of grief but of a celebration of an amazing life. It has been well documented that Pope John Paul II was a conservative, and his proclamations on contraception, on abortion and about the role of women in the church, in particular, have inspired significant debate, some of which I admit I personally do not agree with. Many descriptions of Pope John Paul II have been outlined here today and I am sure will continue well into the future.

However, for those who have an interest in his life, I urge reading an article in the *Financial Review* of yesterday. I want to read the first couple of lines, because I thought it was quite extraordinary that such a description be given of a Pope. The article read:

> So much was expected of Karol Wojtyla when he became Pope in 1978. Here for the first time was a pontiff plucked not from the Vatican's inner chambers but a man of the world. He was not Italian; he skied; he kayaked; he acted in dramas. His fellow clerics compared him to John Wayne.

I find it just amazing that that was written of the late Pontiff. The achievements and the events in the life of this man are significant, many and varied, and we have heard many outlined today; however, I would like to pick out just a few and make reference to the active role he played in the downfall of communism in Eastern Europe and, most notably, in his beloved home country of Poland. He rehabilitated Galileo who, 359 years earlier, had been condemned by the church for claiming that the earth rotated around the sun. He was shot several times in an assassination attempt and, days later, visited his attacker in his gaol cell to impart forgiveness. He oversaw the restoration of diplomatic relations between the Vatican and Israel, ending 2000 years of tension, and not only knelt in prayer at the Wailing Wall in Jerusalem but was the first pope in history to enter a mosque.

These are but a few of the images that have helped the Pope find a place in the heart of a great deal more people than just the 1.1 billionCatholics around the world. The actions of the Pope, and his travels to all corners of the globe, illustrate him as an international man of peace and one of the most important figures of the 20th and 21st centuries. In Monday's *Advertiser*, Archbishop Philip Wilson suggested that the greatest images of this Pontiff were not those associated with Rome but, rather, those associated with his visit to the Holy Land in 2000. We have heard other descriptions of and accolades to the late Pontiff from a whole range of people internationally.

In my view, I am very privileged to represent the electorate of Morialta, which has one of the state's highest Catholic populations; therefore, it follows that I regularly enjoy the opportunity to attend services and festivals at the Church of St Frances of Assisi in Newton. I also have many dear friends of the Catholic faith, and I have always admired and been struck by the strength of their belief and the courage they seem to be able to derive from their faith, especially in times of great adversity. As a non-Catholic, I believe that it is one of the very special qualities of the Catholic faith and Catholic Church. Pope John Paul II has done much to inspire members of the Catholic Church to maintain this bond of faith, and it is part of the unique and special legacy he will leave this world.

Mr KOUTSANTONIS (West Torrens): Often, the greatest compliments come from your greatest enemies. At the downfall of the Berlin Wall, Mikhail Gorbachev said this about the Pope: 'Everything that happened in Eastern Europe in the last few years would have been impossible without this Pope.' This is a man who took on the evil of atheist communism and put his life on the line for something he believed. In the first year of his pontificate, he wrote to General Secretary Brezhnev and informed him that, if his army invaded Poland, he would resign his pontificate, go to the barricades with the free trade unions and stand in front of the tanks.

This is a man who was not afraid to lecture communist tyrants, just as he was not afraid to lecture democratically elected presidents of the United States on his view of life and moral issues. This is a man who stood up to the Polish regime, looked them in the eye and told them to leave Solidarity to a free election. He also met Lech Walesa and told him to be strong and not to use violence as a means to overthrow an evil regime. He stood in front of President Clinton and lectured him publicly on his views on abortion and euthanasia. As others have said, this is a man who attacked both communism and democracies and who stood up for what he believed in.

I am not Catholic but the Orthodox Church and the Roman Catholic Church have a lot in common. We share many of the same values and teachings and, although a schism over 1 000 years ago drove a wedge between the two churches, this Pope, and our current Patriarch of Constantinople, Bartholomew, had a great, deep personal relationship and tried to bring the two great churches together again. In the *Ecumenical Patriarch* he released a letter of sorrow, and he said:

> We express our deep personal sorrow on behalf of the *Ecumenical Patriarch* for the resting of our beloved brother in Christ, and we

share the mourning of millions of our Roman Catholic brothers and sisters worldwide.

I hope the Pope will rest in peace, and I am sure his successor will work just as hard as the previous pontificate to bring our two great churches together again.

Ms CICCARELLO (Norwood): I also would like to add my support to this condolence motion. I will not speak in any detail about the Pope's life but rather make some observations from a personal perspective. I was living in Rome in 1978 when he was elected, where there had already been some turmoil about the Papacy. The previous Pope, John Paul I, was in office for only approximately 30 days when he died in what many considered to be suspicious circumstances. Others have already mentioned that John Paul II was the first Pope of Polish origin and first non-Italian Pope to be elected for more than 400 years. When the announcement 'avemus papa' was made from the balcony, the previously unknown Karol Wojtyla, in speaking to the crowd apologised for his poor Italian but promising to improve. The many tens of thousands of people in Piazza San Pietro immediately applauded him and the Italians immediately took him to their hearts.

I would like to remember him not only as the Pope but also as the Bishop of Rome. For the many years that I lived in Rome and the more than 20 times I have been back, I have lost count of the number of times I had the opportunity of seeing him and participating in the many services either at St Peters or San Giovanni in Laterano which is the Cathedral of Rome. It was wonderful to see him moving around the community as our Bishop. He was very much part of the community and conducted mass in the many local churches in the various parishes. But the thing that I think was most striking about him—certainly for me—was his popularity with young people and the way that he was feted by them when they came to St Peter's Square, particularly on Sunday mornings. He was so popular that the many thousands of young people who came from all over the world often treated him like a pop star, particularly the young South Americans. It was wonderful to see the bemused smile on his face as he waved to them and he obviously enjoyed their company.

He was very much a man of the people with a great sense of humour and always wanting to be part of everything which happened in Rome. I remember his expression of surprise and joy on one occasion when he celebrated his first birthday as Pope in May following his election. A huge birthday cake was presented to him and the crowd sang 'Happy Birthday'. I also remember on New Year's Eve of the new millennium attending a rock concert along with 100 000 others at St Peter's Square to see in the new century when the Holy Father appeared at his window at midnight to wish everyone a happy New Year and to give us all a blessing for the new millennium.

The Premier mentioned the Pope's association with some of the people in Norwood, particularly Father Maguire who for a time was his secretary. Mother Mary MacKillop also lived in Norwood for many years and the Sisters of St Joseph have a particular attachment to the Holy Father following her beatification in 1995 when many of us attended the ceremonies in Sydney with the Holy Father. Many years ago I spoke to Father Paul Gardiner in Rome who was promoting her cause to see whether he might intercede on our behalf with John Paul II to help progress the beatification. Unfortunately we did not see the canonisation of Mary MacKillop under the pontificate of John Paul II. Hopefully it will happen with the next Pope enabling her to become Australia's first saint.

John Paul II was a great man. He will be fondly remembered for his many achievements in his 26 years as Pope, even though his views on a number of things were very controversial, particularly his opposition to promoting the role of women in the church. He will be especially remembered for helping to liberate his beloved Poland from the yoke of communism as well as for his role in attempting to bridge the gap between the religions of the world. He was able to achieve what no-one before him was able to do and that was to apologise to the Jews. His presence will be greatly missed.

The Hon. P.L. WHITE (Taylor): I support this motion and join members in marking the passing of the Pontiff, His Holiness John Paul II. He was a great man—a man of courage, great influence, conviction and inspiration to many the world over. He was a man committed to world peace and a man of great accomplishment, both personal and all-round accomplishment.

Unlike thousands around the world, I never had the opportunity to meet the Pope. However, as a practising Catholic, he has been part of my life in some way for many years, both when my faith has been strong and also when it has been not so strong in some ways. Indeed, I remember very well as a very young teenager delighting in the election of the Pope to office and, in fact, as a 40 year old Catholic, I have known no other Pope and the promise of reform that that brought. I was reflecting only yesterday with the member for Hartley on the influence of the Pope and, as somebody who is married to an Eastern European man who was part of the migration arising from the fall of the Soviet influence in Eastern Europe, I believe that his influence touched many people worldwide in one form or another. He was a man who had an extraordinary life—an important man but also an important symbol as leader of the Catholic Church and an example and inspiration to many people worldwide. May he rest in peace and may his successor carry on very good work with all the best wishes of Catholics all over the world. I look forward to the continuance of the Pope's good work. While I did not agree with everything that the Pope produced in terms of Catholic doctrine, he was a man of significant influence. The world is saddened and poorer for his death.

The SPEAKER: This is a time of sadness as we reflect on the passing of His Holiness Pope John Paul II. However, importantly, it is a celebration of a great life, of someone who was special, who made the world a better place. The world certainly needs more people with the qualities that were exhibited by Pope John Paul II. I ask members, as a sign of respect at his passing, to stand in silence.

Motion carried by members standing in their places in silence.

The SPEAKER: I thank members for their support.

DEPUTY PREMIER'S REMARKS

The Hon. I.P. LEWIS (Hammond): My purpose in rising is to raise a matter of privilege of the most serious kind that any parliament can contemplate. The privilege is that the Deputy Premier corruptly and seditiously offered inducements to secure an outcome designed to overturn parliamentary privilege, thereby overturning the election result obtained in Hammond by alleging that I had committed acts which

were criminal, or would become criminal retrospectively, or had failed to do other things which would be criminal, or become criminal retrospectively, and that the inducements offered were to the opposition which they confirm and refused.

Yesterday, just before dinner, as the Deputy Premier was leaving the chamber, passing down the centre of the chamber to a point just in advance of the place where I am standing, he turned to the opposition benches and said, 'It's your effing mate. Get on the phone to him now. I tried to do a deal to save your mate and ours.' He turned to me then and, whilst I had not clearly heard or comprehended the full weight of his remarks, he said to me, 'And eff you.'

To that, I replied to him, 'I won't let you.' This is most serious, because it clearly indicates that a member of parliament has attempted to obtain an outcome for the passage of legislation for purposes which might suit that member of parliament's agenda by providing the means by which some other members of parliament might also be induced to agree.

The SPEAKER: The chair will consider the matter and report back as soon as possible.

PAPERS TABLED

The following papers were laid on the table:

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

'Advancing the Community Together, Implementation of—A Partnership Between the Volunteer Sector and the South Australian Government'—December 2004

By the Minister for Energy (Hon. P.F. Conlon)—

Retail Electricity Price Path, Inquiry into—March 2005

By the Attorney-General (Hon. M.J. Atkinson)—

Supreme Court of South Australia—Report 2004
Regulations under the following Acts—
Community Titles—Electronic Applications
Real Property—Electronic Land Division Applications
Sexual Reassignment—Corresponding Laws
Rules of Court—
Magistrates Court—Facsimile Signatures
Supreme Court—Single Judge

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

Child and Youth Health—Report 2003-04
Dental Service, South Australian—Report 2003-04
Drug and Alcohol Services Council—Report 2003-04
Hospitals and Health Services Reports 2003-04—
Balaklava & Riverton Districts Health Service Inc.
Central Northern Adelaide Health Service
Central Yorke Peninsula Hospital Inc.
Meningie & Districts Memorial Hospital & Health Services Inc.
Quorn Health Services Inc.
Royal Adelaide Hospital
Southern Yorke Peninsula Health Service Inc.
Human Services, Department—Report 2003-04—
Amended Appendix 1: Hospital Activity Statements

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

Regulations under the following Act—
Gaming Machines—Forms and Fees

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

Regulations under the following Act—
Teachers Registration Standards—Qualifications

By the Minister for Families and Communities (Hon. J.W. Weatherill)—

Regulations under the following Act—
Adoption—Fees

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Apiary Industry Fund—Report 2003-04
Cattle Industry Fund—Report 2003-04
Deer Industry Fund—Report 2003-04
Pig Industry Fund—Report 2003-04
Sheep Industry Fund—Report 2003-04.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Ms BREUER (Giles): I bring up the 53rd report of the committee entitled 'Plastic bags'.

Report received and ordered to be published.

THE ADVERTISER

The Hon. I.P. LEWIS (Hammond): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.P. LEWIS: The newspaper that parades itself as Adelaide's morning daily today has misrepresented my position, even by reference to the material contained within it. In the editorial on page 16 it states:

> The unseemly saga resulting from his airing of allegations of a parliamentarian being involved in paedophilia has tarnished this state, almost immeasurably.

In the first instance, it is not a fact that I aired the allegations. *The Advertiser* itself acknowledges that it did that. In the second place, there are barely any instances of the claims made by that paper that these reports through the last month have been published interstate or published in any way, shape or form—leave alone at all—in an unfavourable manner. They have not. Elsewhere in the editorial it alleges that there was no evidence. It states, 'In fact, no evidence,' when indeed in a chronology of events to be found in the same newspaper on page 8, down the right-hand column of that page is a list of events, including those instances in which information was provided. It is not my fault that *The Advertiser* does not do its homework and gets upset when it finds itself reporting stuff which is not accurate.

The SPEAKER: Order! I make the point that, in terms of personal explanations, members have a right to correct material where they have been misrepresented, but they should not use it to reflect on anyone or organisations and make commentary in relation to anything other than rebuttal of information that they believe is wrong or has misrepresented them.

QUESTION TIME

LIMESTONE COAST RAIL SERVICES

The Hon. R.G. KERIN (Leader of the Opposition): Does the Minister for Transport support the position of the previous minister and, therefore, support the retention of rail services on the Limestone Coast? Yesterday a reply was tabled in this house to an earlier question, which was tabled under the former minister's name, and it stated:

> The state government is committed to the reopening of the rail network and will continue to work with the private sector, as well as the Victorian and commonwealth governments.

The Hon. P.F. CONLON (Minister for Transport): I have enormous respect for the member for Taylor and her work. As minister I will examine the matter and bring back a full answer.

VOCATIONAL SKILLS TRAINING

Ms BEDFORD (Florey): My question is to the Minister for Education and Children's Services. What is the government doing to give students the best chance of undertaking vocational training in the north-eastern suburbs?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the honourable member for her question. I know that she has a keen interest in good outcomes for young people and is a constant advocate for schools within her electorate; as, indeed, are the members for Wright and Torrens who are strongly supportive of options within our schools in senior secondary years when the transition to work and further training can be particularly difficult.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley used to teach. He should follow his previous practice of being a teacher.

The Hon. J.D. LOMAX-SMITH: Governments cannot do this alone just by policy. It often requires initiative and innovative work from schools. I have to commend those schools in the northern suburbs who have been part of the North-Eastern Vocational Opportunities (NEVO) Program, which combines the efforts of seven schools in the area to produce technical schools of the future—a way by which a grouping of schools can provide excellence and opportunities in the vocational areas for a whole range of students, who might otherwise be in a school without the facility to offer numbers of extra courses because of the lack of economies of scale within their own school.

Currently, 170 students have been involved in those programs in the seven schools in the northern suburbs so that they can learn business services at the Heights, community services at Valley View, hospitality through Golden Grove High School, horticulture at Ross Smith Secondary School, building and construction at Windsor Gardens Vocational College and children's services at Banksia Park International High School. The opportunities within these programs are significant because they encourage young people to stay engaged in schooling, they enhance our retention strategy and they allow people to move seamlessly into TAFE, further training or even university when they have completed their SACE qualifications.

These reforms in senior secondary education have great opportunities for the future and are effective across our state where there are currently 17 networks in the Futures Connect scheme whereby schools combine resources to offer opportunity to young people. It is particularly encouraging that there are now 16 000 young people in secondary schools involved in vocational training—the highest number ever. In the last three years there has been a threefold increase in school-based apprenticeships, which is a significant way, again, of retaining our young people in education; and it will help us in achieving our South Australian State Strategic Plan target of 90 per cent of students completing year 12 or equivalent within 10 years.

These sorts of targets can be reached only with innovation and the technical schools of the future which combine resources and excellence and which allow young people to follow the courses of their choice. They are great schemes and a great achievement for the schools involved. I commend all teachers, staff and business in the areas who have worked diligently to find courses, opportunities and future employment for young people.

ELECTRICITY PRICES, SCHOOLS

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services agree to cover all electricity costs for schools and stop using the three year rolling average formula that is still being used to calculate their funding allocation? I am advised that schools are significantly out of pocket by the government's continued use of the three year rolling average formula as part of its single funding model in a climate when electricity prices have increased by more than 25 per cent since January 2003.

Members interjecting:

The SPEAKER: Order! The Attorney and the member for Torrens are out of order. The member for Bragg has the call.

Ms CHAPMAN: Thank you. The formula is based on schools' electricity costs in 2001, 2002 and 2003 during a time of lower electricity costs in South Australia; and the formula's inflation factor of 2.5 per cent for 2004 and 1.21 per cent for 2005 does not reflect those real increases in the cost of electricity. Just one example of this is Hamilton Secondary School, which had its funding allocation for electricity costs dropped from $136 000 last year to about $97 000 this year despite usage remaining the same.

The SPEAKER: I remind members that explanations to questions should be concise and not represent a speech. The minister for education.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Thank you, Mr Speaker. I can only reiterate the words that were said on the television last week, which were quite indicative of the reputation of the member for Bragg: how can a politician get it so wrong? Here is the member for Bragg trying to lecture us about electricity prices. What a nerve! On top of that, even better, she wants to criticise the scheme of the Hon. Rob Lucas for funding electricity in schools; because we know, if the honourable member does not, that the scheme she criticised was locked in neanderthal times of history.

Members opposite had a three-year window on which to judge electricity prices based not on last year, not on the year before last and not even on the year before that: their snapshot of electricity prices was locked in from 1997 to 1999. They were historic. They were neanderthal. We have taken that scheme and improved it, because we have the three year rolling average based on the three years from last year, which is at least relevant. On top of that, we have inflation. On top of that we have inflation, and let's be honest, she can't—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: Ray Martin said, 'So, how did that politician get it so wrong?' I think he was talking about the member for Bragg. When she was back home, and not flying like a seagull over Ceduna, leaving little messages and chaos. Let us be honest, she even has the wrong examples, because the examples she used this morning were Unley High School and Hamilton Secondary College, and she got it wrong again because she looked at the statement of resource entitlement and thought that was what a school that was not locally managed got to pay their electricity bill. However, she got it wrong because the school was not locally managed, therefore all the utility bills were paid at head office, and were not a reflection of the resource entitlement. So, how did that politician get it so wrong? She did not read the small print.

Ms CHAPMAN: Supplementary question, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The house or class, whatever is more appropriate, will come to order. Member for Bragg, in terms of supplementary questions, they should be the exception rather than the rule. Is the question relevant and specific to this issue?

Ms CHAPMAN: Will the minister agree to pay the deficit electricity cost?

The Hon. J.D. LOMAX-SMITH: Mr Speaker, I have to repeat this slowly. I will say it very slowly because Unley High School did not have to pay it at the school, it was not locally managed, and so last year the head office paid the entire electricity bill.

Mr Brokenshire: Don't worry the SSOs like those answers; it helps them a lot.

The SPEAKER: I wonder if the member for Mawson has a question later. We will see.

ENCOUNTER MARINE PARK

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. How much input has the community had into the development of the state government draft plan for the Encounter Marine Park?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for his question. Last month I launched a draft zoning plan for the Encounter Marine Park. This came after a great deal of consultation and development with many local people and other interested groups, and many of their views were incorporated. Many groups, including commercial and recreational fishers, were involved in the planning process. In fact, about 50 groups, including fishers, tourism bodies, green groups, and local government have already or will be consulted over the draft zoning plan. The plan, which is being promoted by the member for Davenport—it is interesting that the opposition's position on this is very schizophrenic. The member for Davenport criticises me for not having put this out before. His other members, particularly the member for Finniss, who seems to be the shadow minister for the environment for his own electorate, has different views. The plan in its final form will become a model for the best practice in contemporary marine protection with sustainable use. Eighty five per cent of the park will remain open to recreational fishing. These areas will include popular fishing spots such as Normanville Jetty, Carrickalinga Beach, Rapid Bay, Cape Jervis, Parsons Beach, Waitpinga Beach, Basham's Beach, Eastern Cove and Island Beach.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: I will not accept an invitation from the member for Davenport to go to dark places in his electorate.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! If the member for Finniss keeps defying the chair he will be warned.

The Hon. J.D. HILL: At the same time, sanctuary zones in the park will ensure that the iconic marine species and eco systems that attract so many tourists do not disappear. The government has committed to addressing displaced fishing effort, and I want to assure the small number of commercial fishers impacted by the draft zoning plan that we will continue to talk to them and consider their needs. This month, the Department for Environment and Heritage is holding a series of public information sessions across towns and communities within the reach of the draft zone, with opportunity for the public and all interested parties to comment on the plan.

The Hon. Dean Brown interjecting:

The SPEAKER: The member for Finniss will be warned in a minute. He is getting very close to it.

URANIUM MINING

The Hon. R.G. KERIN (Leader of the Opposition): Does the Minister for Environment and Conservation agree with the Treasurer's comments in the house on Thursday 10 March regarding uranium mining, when he stated:

> I for one in the Labor Party would like nothing more than for the three mines policy to be scrapped. . . the sooner we can find uranium, dig it up and get it out of the country, the better.

The Hon. J.D. HILL (Minister for Environment and Conservation): I agree that they are the comments made by the Treasurer.

Members interjecting:

The SPEAKER: The house will come to order.

The Hon. R.G. KERIN: A very relevant supplementary question would be: does the minister agree with the Treasurer's comments?

The Hon. J.D. HILL: The Treasurer was talking about federal policy. I am not responsible for federal policy.

Members interjecting:

The SPEAKER: Question time is ticking away. I remind members that this house is radioactive, and it seems to be having an effect on some members. The granite and the marble are radioactive.

ABORIGINAL CHILDREN, EAR INFECTIONS

Ms BREUER (Giles): My question is to the Minister for Health. What is the government doing to reduce the high rate of ear infections amongst Aboriginal children?

The Hon. L. STEVENS (Minister for Health): I thank the member for Giles for her continuing interest in these matters. A project aimed at significantly reducing the rate of ear infections amongst Aboriginal children is about to get under way in South Australia's far north, west and Eyre regions. It is difficult to be heard, sir.

The SPEAKER: The minister has the call.

The Hon. L. STEVENS: The $600 000 middle ear health project would treat a condition called otitis media, also known as glue ear. If untreated, glue ear can cause deafness, along with learning and developmental disabilities. It can even be life-threatening. A number of factors can increase the chance of developing glue ear, including overcrowding, poor nutrition, early exposure to nose and throat infections, and passive smoking. The World Health Organisation has determined that rates of more than 4 per cent represent a massive public health problem. Unfortunately, several Aboriginal communities in the northern, far western and Eyre regions of South Australia suffer rates of 8 per cent or more.

The project will be open to all children in the state's north but will have a particular focus on indigenous children, who tend to be affected more than non-Aboriginal children and who tend to get ear infections earlier in life and suffer more severely. The project has received $600 000 funding over two years, with the state and commonwealth governments each contributing $300 000. It will be based in Port Augusta at the Northern and Far Western Regional Health Service but will

work in partnership with six Aboriginal community-controlled health services and the Eyre Regional Health Service.

It will focus on children from birth to eight years of age and work with Aboriginal health workers to train them to recognise and treat the condition. Through these partnership arrangements, the project will ensure that children are enrolled and their ear health monitored on an ongoing basis. This will enable a database to be maintained, similar to an immunisation register, which will keep track of children's health and ensure that they get regular checkups. The program will also work with parents to help them recognise the signs of infection and ensure early connection with health services to prevent problems developing. The project is currently in the final planning stage and will be under way later in the year.

PARLIAMENTARY PRIVILEGE

Mrs HALL (Morialta): Will the Deputy Premier confirm that he provided the material to *The Advertiser* printed in this morning's paper, claiming that government plans to restrict freedom of speech and certain privileges in the South Australian parliament had been 'favourably received' by the Prime Minister's office and other Liberals he telephoned in Canberra? Will he now inform the house—

The Hon. P.F. CONLON: Point of order.

Mrs HALL: —that no such favourable report was given—

The SPEAKER: There is a point of order.

Mrs HALL: —and that that reference is untrue?

The SPEAKER: Order! The member for Morialta will not speak over the chair.

The Hon. P.F. CONLON: It is very obviously a matter before the house, sir.

The SPEAKER: The chair does not believe it interferes with the proceedings of the house.

Mr BRINDAL: Mr Speaker, with due deference, it may well affect the vote of this house. It is a matter before this house of which it should be informed; it is critical. Whether the Prime Minister's office did or did not say something is very germane to this house, especially when it is reported to South Australia.

The SPEAKER: The member for Unley does not have to repeat what he says in the first instance, otherwise we will be here all night.

The Hon. K.O. FOLEY (Deputy Premier): I am happy to answer the question. I provided a background briefing to the media yesterday and made it very clear that I had had communication with the Prime Minister's office to advise it of what we were doing, given the significance—

Members interjecting:

The Hon. K.O. FOLEY: Let me finish. From recollection, I then made the point that I had also spoken to people in the federal government. I cannot recall the exact words, but I will say this: the Prime Minister's office did nothing more than listen to what I said. The Prime Minister's chief of staff undertook to advise the Prime Minister. What I have said is that I had discussions with federal Liberals, and the reaction was genuine concern about the issues we were dealing with.

Members interjecting:

The Hon. K.O. FOLEY: No; what I will be careful with—

Members interjecting:

The Hon. K.O. FOLEY: Exactly—I will be very careful, and I think you would understand why.

Members interjecting:

The SPEAKER: The member for Morialta will listen. The Deputy Premier has the call.

The Hon. K.O. FOLEY: I believe that there was genuine concern from the people I spoke to about the issue. I did not intend to give the impression (and if that impression was taken, I apologise) that there was any endorsement from the federal government at all, because that—

Members interjecting:

The Hon. K.O. FOLEY: No; not at all. The intent was not to give the impression that our actions had the endorsement of the federal government, and I do not believe that is what I said but, if I did say that, I was wrong and I apologise. What I said, and what I believe I recall saying, was exactly what occurred: that is, I appropriately informed the Prime Minister's office of the actions that we were taking, and that was appropriate. What I also said was that I had had discussions with people at the federal level and that they were concerned about the events as they were unfolding. That was what I intended to convey to the media.

If I gave an impression that there was more support than that, then I was wrong and I apologise. I do not believe that I did, but it was detailed discussion with the media at which a multitude of issues were being discussed, and it is impossible for me to recall exactly what was said. I am not at all saying that the report was wrong. If it was taken that way, if I said that, I gave the wrong impression: it was not what I wanted to provide. The point I was simply making was that, in my opinion, it was an issue that required the notification of the federal government. Given the involvement of Trish Draper MP (member for Makin), it was extremely serious. I believe that the actions of the member for Makin were irresponsible, reckless and highly damaging. That is exactly the import of discussions I had with federal Liberal members of staff on Friday.

An honourable member: Who?

The Hon. K.O. FOLEY: The Prime Minister's chief of staff. I would have thought that was an eminently appropriate thing to have done. For a federal member of the Liberal Party to be part of a process to disseminate information was highly irresponsible and damaging for her.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, I have explained that and, if I gave that impression and said that yesterday, I was wrong and I apologise. It was not what I intended to say or the impression I intended to give. The impression I intended to give was that I had been discussing the matter with people at a federal level and they are extremely concerned at what has been unfolding and understand the reasoning behind the government's actions, without necessarily supporting it.

CLIPSAL 500

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Industrial Relations. How has the government helped to ensure the safety of workers and members of the public at the Clipsal 500?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for West Torrens for his question. Members would be aware of the outstanding success of the Clipsal 500, and we are obviously delighted that over a quarter of a million people were in attendance. In regard to the specific issues raised by the member for West

Torrens, I can inform the house that extensive pre-event planning, liaison with emergency services and an ongoing presence by members of the Workplace Services inspectorate at the event ensured that the Clipsal 500 was equally a success in terms of health and safety.

From December of last year, Workplace Services attended pre-event monthly meetings with the South Australian Motor Sport Board, the Office of the Technical Regulator, the company coordinating all course infrastructure and the company responsible for catering at the Clipsal 500. Four weeks before the start of the Clipsal 500, Workplace Services inspectors monitored the construction of all temporary structures, which included pit straight pavilions, grandstand seating and scaffolding for seating around the track. Compliance certificates from certifying engineers were obtained for all scaffolding. Closer to the start of the event inspectors were on site to monitor the installation of the storage facilities for petroleum products and the gas cylinders in various catering facilities. Workplace Services also attended a mock accident exercise to test the responses of emergency services.

On each day of the event two occupational health and safety inspectors were on site. In addition to their knowledge and skills, these inspectors have particular expertise in construction, dangerous substances and petroleum products. Inspectors liaised with the South Australian Motor Sport Board, the company coordinating all course infrastructure and the South Australian Police, and patrolled the site ensuring legislative compliance in relation to gas cylinder storage, electrical safety, high risk plant operation (including amusement ride safety), and safety requirements for Clipsal 500 workers. The safety regime implemented by the government for the Clipsal 500 helped ensure the safety of workers and members of the public at this highly successful South Australian event.

TOXIC WASTE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for the River Murray. What action has the minister taken to ensure that the Victorian government does not proceed with the totally inappropriate development of a toxic waste dump close to the River Murray and much closer to Adelaide than Melbourne at Nowingie?

The Hon. K.A. MAYWALD (Minister for the River Murray): I have answered this particular question in the house. At this stage I have not seen the environmental impact assessment and, once that assessment has been made by the department and I receive advice, I will return to the house with a response.

MIRIAM HIGH SPECIAL NEEDS CENTRE

Mr SNELLING (Playford): My question is to the Minister for Disability. How is the state government securing the future of the highly respected Miriam High Special Needs Centre in Port Augusta?

The Hon. J.W. WEATHERILL (Minister for Disability): I thank the honourable member for his question. I was in Port Augusta last Friday to deliver some good news to the staff of this remarkable centre and to the families of the remarkable children who attend there. Miriam High Special Needs Centre runs a highly regarded program for children from 0 to 6 years who have disabilities or developmental problems. It is named after a parent, Miriam High, who had a child with a disability and who was instrumental in setting up this school in 1983.

I had a fantastic opportunity to speak with parents of children who had learning difficulties. One of the things that becomes obvious is that, when a parent has a child with a disability, a number of things happen. They do not necessarily know where to turn and, for some of them, there is some initial reluctance to even accept that there is a difficulty. It is a very big thing to say that your child has a disability and acknowledge the question of them having some special assistance. However, immediately, when they are taken to this place, they feel as though they are getting the support they need. Importantly, they are taught things about parenting their children that they just do not know and, once they learn that, they can be an effective parent and provider of services to their own children within their own home.

It is a wonderful place that brings together a whole range of government services. Staff work closely with Novita Children's Services, other health professionals, local schools and kindergartens. This service also runs an outreach service to communities right across the remote North-West of the state. The breadth and novelty of the services that it has been providing have, to some extent, been its disadvantage, because there has been a cocktail of funding sources from the local, state and federal governments. That is why I was very pleased to step in and provide an additional $70 000 a year to ensure the long-term viability of the centre. That funding will be ongoing: it will not be subject to the vagaries of applying for one-off grants. We are very pleased to provide the Miriam High Special Needs Centre with much needed financial certainty and stability. The approach that is taken at this school—that is, to take a whole-of-family approach to the child with a learning difficulty—is one that we would like to incorporate across the whole of the disability sector. We are very pleased to lend our hand to this magnificent initiative.

HAILL, Mr M.

Mr BRINDAL (Unley): My question is to the Minister for Families and Communities. Will he explain why his department, in its dealings with Mr Michael Haill, is still using an original report accusing Mr Haill of being a paedophile and a perpetrator of domestic violence when this report has been found to be totally false and unsubstantiated. Last year, Mr Haill was granted custody of his five children by the Family Court. Within weeks, his home was raided by police and Crisis Care workers after a report was allegedly received claiming that he and his older children were variously both paedophiles and perpetrators of domestic violence. He had his three youngest children removed from his custody. Extensive department of children, youth and family services investigations completely cleared Mr Haill of these allegations, and Mr Haill was advised of this in writing many months ago. The Ombudsman is investigating the original report and he has been advised by the department that the said original report, and subsequent action by Crisis Care, was based on false, unsubstantiated claims and that a new report was to be compiled completely exonerating Mr Haill. However, in the following weeks, Mr Haill—and this is in the last few weeks—has had to meet with three different case workers regarding custody of his children and each time he has been treated as the guilty party and forced to relive the entire horrible incident as the original report is still in use and has not been rectified by the department.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. He has obviously raised a very serious issue. I do not have any information about the specific case that he asks about; however, I will make these general remarks. From people that the member for Unley from time to time advocates on behalf of, there is a lively public debate about the relationship between local child protection agencies and the role of the Family Court. It is one about which we have been asked to take some note. That is, the Family Court often in its role is said by some to not necessarily focus as clearly as it might on child protection issues associated with its work. That is a criticism that has been levelled by some in the community. We have that conversation on the one hand and, on the other hand, we have those who would criticise us for not acting quickly enough in terms of intervening in families to prevent harm to children.

From time to time in this child protection portfolio I hear these debates that go on in relation to individual cases. The only thing that can be said about individual cases is that professionals make conscientious judgments in relation to each individual case, and I think that is the best we can ask of them. If there has been some failing in some individual case, I understand that there have been a range of review processes that the honourable member has outlined. They are no doubt working their way through the system and, once findings are made on the basis of those reviews, we will certainly act on them.

There can be no general points made about the child protection system. All there is is decent professionals making conscientious judgments based on what is in the best interest of the child in individual cases. Often, there are horrible disputes between families where allegations are made on the one hand and counter allegations are made on the other. It is an extraordinarily difficult area of endeavour, and I think those workers deserve our absolute support. We have accountability measures after accountability measures.

Mr Brindal interjecting:

The Hon. J.W. WEATHERILL: Well; these people have their work more scrutinised than, I think, any member of civil society—up one side and down the other side. We will look at this again, but I do not want it to be seen as another vehicle for an attack on decent professionals who are conscientiously carrying out their tasks.

VICTIMS OF CRIME

Mr RAU (Enfield): Can the Attorney-General inform the house of the latest development to strengthen victims' rights and continue to ensure that South Australia is at the forefront in matters regarding victims of crime?

The Hon. M.J. ATKINSON (Attorney-General): I have spoken here often about the government's commitment to strengthening victims' rights in South Australia through law reform as well as through the improvement of services for victims of crime. The movement to improve victims' rights is an international effort, and I was pleased to visit the embryonic victim support service in Belgrade, Serbia, last year. South Australians have usually been at the forefront of the international movement.

The World Society of Victimology is the movement's pre-eminent international organisation. The society is a not-for-profit, non-governmental organisation that has been accorded consultative status with the United Nations and the Council of Europe. Mr Ray Whitrod, the father of the Victim Support Service, was a member of the executive committee of the society, and in the early 1990s the Hon. Chris Sumner was president of the society. I am pleased to be able to inform—

An honourable member interjecting:

The Hon. M.J. ATKINSON: Yes; the Hon. Chris Sumner seemed to survive the smears on him under parliamentary privilege by the Hon. R.I. Lucas. I am pleased to inform the house that last month Mr Michael O'Connell, South Australia's first Victims of Crime coordinator, was voted into the position of Managing Editor and Chair of the editorial board of the World Society of Victimology's newsletter *The Victimologist*. He will start his honorary duties on 1 July. Many members of the house will be familiar with Mr O'Connell, who, I know, has helped members on both sides with constituent inquiries and other victims of crime matters. The appointment will ensure that the government is kept informed of developments in the field of victimology, wherever they occur in the world. I am sure members will join me in congratulating Mr O'Connell on his appointment and wishing him the best in his endeavours.

HAILL, Mr M.

Mr BRINDAL (Unley): My question is to the Minister for Families and Communities. In order to inform my grievance debate, will the minister explain why Children, Youth and Family Services is blocking an Ombudsman's investigation into the handling of a false report about Mr Michael Haill?

Last year Mr Haill, as I said in my previous question, was granted custody of his five children by the Family Court. Since that time he has been subjected to constant harassment and even professional and personal abuse by Crisis Care officers from the department, even though he has been totally exonerated of all the claims made against him. Mr Haill referred the way in which the matter has been handled by the department to the Ombudsman in October last year. The Ombudsman's office has contacted the department and Mr Haill's innocence has been confirmed to the Ombudsman; and a new report clearing Mr Haill was requested by the Ombudsman and promised within 20 days.

It is now April and the Ombudsman's investigation has been blocked every step of the way. No correct report has been provided to the Ombudsman or entered into the department's records. I am informed that one of the excuses provided by the minister's department was that they were not acting on the Ombudman's instruction because someone was on holidays. Meanwhile, Mr Haill exists in a twilight zone of false accusations, destroyed reputation and—

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The chair is aware the member for Unley was introducing comment, which is out of order in the explanation of a question. I remind all members that in an explanation of a question there should not be an ongoing commentary. It is an explanation. If members want to debate something, they should do it in the proper arena.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I will ask my department for an answer to that question. I will also pass onto them the best wishes of the Liberal Party and the member for Unley about their professional integrity and, indeed, the reflection upon the whole of my department. I will pass that onto them and they can reflect upon what sort of support they can expect from that side of the house in their extraordinarily difficult task.

The Hon. DEAN BROWN: I have a point of order, sir. The minister is in breach of standing order 98. He is now debating the issue. In fact, he is unnecessarily reflecting on this side of the house.

The SPEAKER: The minister had concluded his remarks.

Mr BRINDAL (Unley): I claim to have been misrepresented and I seek leave to make a personal explanation.

The SPEAKER: The member needs to seek leave, but it is standard to do it at the end of question time.

Mr BRINDAL: Well, I was misrepresented now and I would like to explain now to the house, so I seek leave.

Leave granted.

Mr BRINDAL: In connection with the remarks made about the opposition and our personal attitude to officers of the minister's department, this house should know that I rang his office, not once but on several occasions over a number of weeks, and asked that this matter be sorted out privately so that it would not be aired in this house. If it is now aired in this house, the minister should take responsibility, not the opposition.

The SPEAKER: That is not a personal explanation.

EMPLOYMENT 40 PLUS

Ms CICCARELLO (Norwood): My question is to the Minister for Employment, Training and Further Education. What response has there been to the Employment 40 Plus program for mature aged unemployed?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Norwood for her question, because I know that she actively promotes the Employment 40 Plus Program, which is one of our initiatives that responds to employment needs in the community. This program specifically provides assistance to unemployed people aged over 40 to overcome barriers in their employment. The intention is to help them become more competitive in the labour market. I am pleased to report that 341 people registered for the recent Employment 40 Plus Program forums at a number of metropolitan locations, and 203 of these participants then attended supplementary full-day workshops.

The workshops covered a variety of topics, including setting goals, breaking the cycle, sell yourself to employers, considering self-employment and how to use the internet to find work. The feedback from participants was very positive. Testimonies acknowledged that the program was providing something different. One person, for example, noted their pleasant surprise that the session was not just another skills lecture but, in their words, gave them an entirely new way of thinking and a whole change in their attitude to work. Planning for regional forums is well under way (and I know that this will be of interest to country members in this house), including Whyalla, Port Pirie, the Riverland and the Murraylands with other areas following shortly after.

The Employment 40 Plus Program forums complement other government initiatives for mature-age persons, and I will mention just a few: the Transition to Employment Assistance Program, which funds nine community-based programs developed by organisations to assist unemployed people experiencing barriers to employment; DOME (Don't Overlook Mature Experience), which delivers training and employment support to people for employment outcomes; and the Mature Age Mentoring Program which is based on a network of volunteer mentors and which is also available to support the learning of people from transition to work.

ALLEGATIONS, INQUIRY

The Hon. I.P. LEWIS (Hammond): My question is to the Premier. When and by whom was he first told that one of the ministry was the subject of allegations of being a paedophile?

The Hon. M.D. RANN (Premier): That matter was raised in this parliament by the Deputy Premier in a statement following a police inquiry in 2003. I think that it was a question from the member for Bragg. From my recollection, the member for Hammond was the Speaker in the chair, but apparently missed the matter.

HOSPITAL AT HOME PROGRAM

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Why has the government reduced the number of Hospital in the Home services at the Flinders Medical Centre in the last financial year, which, in fact, contradicts the statement made by the minister to this parliament yesterday? Yesterday the minister answered a question about the government's commitment to increase Hospital in the Home services. The most recent annual report of the Flinders Medical Centre reported a 6 per cent reduction in the Hospital in the Home services compared to a year earlier. That was a reduction of 497 services last year alone.

The Hon. L. STEVENS (Minister for Health): I stand by the answer that I gave in the house yesterday. If the deputy leader cares to read the *Hansard* and familiarise himself with what I said yesterday he will see that, in recent years, Hospital in the Home services across the state increased.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The member for Finniss has been in this place long enough to know that he is not allowed to display material.

SOUTH AUSTRALIA, AVERAGE WAGE

Mr HAMILTON-SMITH (Waite): My question is to the Premier. Does the government claim credit for delivering almost zero average weekly total earnings growth over the past three years, and what advice does he have for workers and families on these static average weekly earnings given that CPI has increased 8.9 per cent over the same period? The ABS has confirmed that South Australians had the lowest average weekly earnings in the nation, and that South Australia is the only state to have failed to achieve any significant increases in these wages over three years.

The Hon. M.D. RANN (Premier): On Saturday, the opposition spokesman on economic development claimed in a media release that South Australian workers were not receiving wage increases that applied interstate, and that 'we (South Australia) have not shared in the jobs growth or the same economic boom' of other states and territories. He never misses an opportunity to talk the state down. Of course, he would be aware that, with a significantly lower level of population growth than the national rate, you might expect that jobs growth in the state would also be less than half the national rate. In fact, the number of people employed in South Australia grew by 3.6 per cent between June 2002 and June

2004. This is more than three-quarters of the employment growth rate recorded nationally.

Mr HAMILTON-SMITH: On a point of order, sir, regarding relevance, the question is very specific: it is to do with average weekly total earnings. It has nothing to do with employment growth, and I ask you to direct the Premier to answer the question about earnings.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney General! I do not think it is extraordinary to link employment with wages but I will listen very carefully to what the Premier has to say.

The Hon. M.D. RANN: I am very happy to give him a full report but he says that this is not relevant. I will tell you what is relevant: it is about 40 000 jobs being created over the past three years, and that is relevant to the people of this state—1 100 jobs per month. It is relevant in terms of giving jobs and economic growth to people, which did not happen under the previous administration.

To get back to the previous question from the member for Hammond, let me tell you that, when you get information given to you, you give it to the police, and it is exactly what I do when I am given information that turns out, even in the end, to be found to be totally wrong.

Members interjecting:

The SPEAKER: Order!

HOSPITALS, BAROSSA VALLEY

Mr VENNING (Schubert): Is the Minister for Health aware whether anyone in her department has conducted any research or discussions to consider a public and private partnership arrangement to deliver a new hospital for the Barossa, as has been done regularly in Victoria? If not, will the minister consider this option? A new Barossa hospital is still very much a priority. The government has refused to allocate sufficient funds towards this project or signify any priority to it.

Mr RAU: On a point of order, sir, you have indicated before that there should not be unnecessary, lengthy or tedious explanations given for questions. The question was clear enough in its own terms. It was not necessary to get in the advertisement for the Barossa Valley.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Infrastructure is out of order! The point of order made by the member for Enfield is relevant. Explanations do not have to end up becoming a speech.

The Hon. L. STEVENS (Minister for Health): I thank the member for Schubert for the question, and I congratulate him on his untiring advocacy for his electorate in terms of a new hospital. Unfortunately—

Members interjecting:

The SPEAKER: Order!

The Hon. L. STEVENS: I have almost forgotten the question. Congratulations on your advocacy. Unfortunately, his own side, when in government, failed to seriously put this hospital on the capital works program. As the honourable member knows, the capital works program in terms of health is very crowded. In fact, at the moment we are rebuilding most of the hospitals in the metropolitan area, plus a few others in country areas. In relation to the question about the public/private partnership—sir, it is very difficult to answer this question.

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

The Hon. L. STEVENS: Thank you, sir. There was some work undertaken in relation to a public/private partnership in relation to the Barossa hospital, but that proved to be unsatisfactory. I am meeting a delegation with the honourable member tomorrow and I am sure we will discuss the matter further.

ENGLISH FOR THE DEAF

The Hon. I.F. EVANS (Davenport): Will the Minister for Employment, Training and Further Education guarantee that the English for the Deaf program at Adelaide TAFE will maintain the same number of lecture hours per week post-March 2005 as the program had pre-March 2005?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): It is very interesting that the member for Davenport would ask me a question about a scheme that was funded by the commonwealth and actually cut by the commonwealth. Notwithstanding that, because of the importance that we in our government place on making sure that as many people as possible have access to TAFE courses, whether it be through our Learning Works program or through the various programs that are provided to support people with different abilities or disabilities, I have asked the department to make sure that we do continue to offer courses in the way that we have in the past.

In fact, in some areas I have asked the department to look at ways in which we can make those courses more accessible and tailored, particularly making sure that people with a hearing disability have the same support that they have had so far. We are also looking at ways in which we can enhance that service.

The Hon. I.F. EVANS: My question is again to the Minister for Employment, Training and Further Education. Will the minister guarantee that all staff involved in the English for the Deaf program will be re-contracted in the same roles and for the same number of hours per week?

The Hon. S.W. KEY: No, I will not.

EDUCATION, ABSENTEEISM

Mr SCALZI (Hartley): My question is for the Minister for Education and Children's Services. Sir, I cannot hear myself.

The SPEAKER: Order! The Minister for Infrastructure and the member for Davenport.

Members interjecting:

The SPEAKER: Order! The chair can only do so much. The member for Hartley.

Mr SCALZI: Has absenteeism in state schools worsened significantly in the past 12 months? The opposition has been informed that, as a result of worsening absenteeism figures, all state schools were required by DECS to complete surveys on their absenteeism policies, which had to be submitted on Friday 11 February. When will the minister table the report compiled by DECS on the basis of these surveys?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am not entirely sure what the member for Hartley was saying because there was a considerable amount of noise. What I did hear was: would I comment on the absentee rate in public schools and the current assessment. The data is somewhat behind in terms of

chronological months and we are still assessing the data from last year. Those figures will not be available for some weeks.

In broad terms, what has occurred since the government has focused on absenteeism as one of the major markers of distress and areas where you can pick risk in a child's life—risk of low achievement; risk of poor retention; risk of low SACE results; risk of poor employment; risk of low income; risk of entanglement in the juvenile justice system—is that we recognised the need for early intervention and a more rigorous approach to absenteeism than during the previous government's time. In terms of our attitude to this, we have put in a very vigorous mechanism. I believe that in the past schools were somewhat slack in differentiating explained from unexplained absences.

There is a global figure of absences which, of course, includes sickness, doctors' visits and other activities, and that fluctuates according to the seasons. What has occurred is that the number of unexplained absences has been declining as the number of explained absences has been rising. I can understand this, as a parent. If a child is ill, it is not always the first thing you think about in terms of getting to work and handling baby sitters. It is not always the first thing you think about in terms of phoning the school to make those absences explained. We have been through all our schools, notifying parents of their obligations in terms of school attendance and the requirement to explain any absences.

I am very pleased to say that the number of explained absences has risen roughly as the number of unexplained has fallen. The data is not all in for the previous year, but I think the trend is an improvement in that we are cracking the number of absenteeism cases in our schools by improving the quality and nature of our reporting by parents. That has been a real focus in schools. In particular, where there have been student attendance officers in action zones, there has been a very substantial decline in unexplained absences. But those programs have been patchy round the state, not in every school, although clearly they are very effective and the number of unexplained absences in gross terms has fallen.

Mr SCALZI: As a supplementary question, will the minister table the report compiled by DECS?

The Hon. J.D. LOMAX-SMITH: I am not sure which report the honourable member refers to. I have to say that the Department of Education and Children's Services is replete with reporting. We have very high accountability measures. There are constant reports on a whole range of benchmarks, standards, numbers, audits and achievements, and we do not table all those publicly.

Mr SCALZI: I have a further supplementary question. There is a report on absenteeism. Will the minister table that report?

The Hon. J.D. LOMAX-SMITH: Our government is intent on reducing the unexplained absenteeism figures, and we will release them. However, the reporting mechanism, and all the documentation, may not be relevant.

Mr Scalzi: Where's the absent report!

Members interjecting:

The SPEAKER: Order!

MEMBER'S REMARKS

The Hon. R.G. KERIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.G. KERIN: Last night in the house, the member for West Torrens incorrectly attributed certain actions to me. He said:

> I can tell members who it was. It was the Leader of the Opposition (the then premier) who rang up our party office and said, 'The deal's off. We are preferencing Ralph Clarke and Peter Lewis.'

I can assure the house that I made no such call. In fact, I have never rung any ALP office for any purpose, including membership. I ask the member to correct the record and apologise for the untrue statement.

Members interjecting:

The SPEAKER: Order!

PARLIAMENTARY PRIVILEGE

The SPEAKER: In relation to the matter raised earlier by the member for Hammond, the chair has considered it, and the response is as follows. The purposes of the bill to which the member for Hammond referred in raising the matter of privilege are revealed in the second reading speech, and I am sure that members will be able to judge it on its merits. Every bill the house passes is likely to have outcomes that affect someone, but it is a longish bow to draw to suggest that any perceived outcomes of a bill could or should be regarded as inducements to members of the type that might be regarded as involving a breach of privilege.

As to possible outcomes of this particular bill, whether they include saving mates or members losing their seats are for members to consider, if they wish, in deciding to support the bill or not. I am, however, concerned that the behaviour described by the member for Hammond does not reflect well on the house. I do not propose to give precedence to a motion regarding privilege.

Mr MEIER: I rise on a point of clarification, sir. If my memory serves me correctly, the member for Hammond raised his point of privilege immediately before question time. Sir, you said that you would go away and consider it. It is my understanding that you have a typed sheet, sir, yet I remember seeing you in the chair for the whole of question time. How is that possible?

The SPEAKER: The chair is able to discuss matters with the Clerk and others. I have considered the matter and have been able to reflect on it during question time.

Members interjecting:

The SPEAKER: Order! This matter has not been discussed with anyone in the opposition or the government. I have discussed it with only the Clerk and reflected on it myself. The view has been that it was a long bow to draw in relation to a matter of privilege, but the use of swearing, whether in the chamber or nearby, is entirely inappropriate, and that is what concerns the chair, but it does not constitute a basis for a matter of privilege.

GRIEVANCE DEBATE

CHILD ABUSE

Mr BRINDAL (Unley): At precisely 2.34 on Wednesday 30 March, my office called Mr Danny Bertrossa of the office of the minister to discuss the matter I raised in question time

today. I raised it in question time, because it appears that South Australia is about to slip into having two rules of law: one for members of parliament, ex members of parliament and public officials, and quite a different regime of law for the public of South Australia. Members opposite are so concerned about the reputation of some people (members of parliament, former members of parliament and public officials) that they are prepared to sacrifice the ancient privilege—the privilege of freedom of speech in this place—for the protection of some people. However, in relation to a simple father—a father of five children—wrongfully accused, and admitted to be wrongfully accused, by the minister's department, who wants exoneration, it is too difficult.

The Hon. I.P. LEWIS: On a point of order, I am disturbed to find that, whilst I was not on my feet, I was nonetheless the subject of attention from the cameras in the gallery. That is disturbing to me because of the nature of the material I have on my desk, which could prove to be embarrassing if photographed, expanded and shown elsewhere. It has nothing to do with members of the general public or the media what I write or to whom I write. I take exception to the fact that the cameras still blatantly flaunt the rule when given the permission to film from the gallery.

The SPEAKER: I uphold what the member for Hammond says. No-one is to film or photograph a member, other than someone who is on their feet. Publication of any material photographed on a member's desk would be highly improper and could constitute a breach of the rules of this parliament. I warn people not to publish material they may have photographed on the desk of a member of parliament; if that is the case, it would be totally outrageous and unacceptable.

Mr BRINDAL: There appears to be the encouragement of two different rules of law in this place. Mr Haill, whose case I have his permission to divulge, found himself in his garage on top of the bonnet of his car with a rope around his neck. That is how seriously he viewed this. However, Mr Haill is not dead, as there was a realisation by him that his own death would be of worse consequence to his children than would battling through it. Quite clearly, what happened was that the man was wrongly accused, and his older children were also accused, of paedophile behaviour towards the younger siblings. I believe that, quite rightly, the department, in an abundance of caution, took action only to find that action had been wrongly taken. They wrote back to him and said, 'We are sorry. An injustice has been done to you. It will be remedied.' That was the beginning of his problem because, every time he gets a new case worker, the new case worker goes back, looks at Mr Haill's case, again presumes guilt and says, basically, 'We do not care what the last professional said. We are the new professional and we will choose if we want to say something else.'

I do not denigrate the minister's department, but I wonder how many doctors you have to see before you get cured. The fact is that if the minister is running a department, it is a single, seamless department—a department which should speak with one voice for the government of South Australia, not a department in which every petty official has a different opinion. If that results in a man's death, it will be on the conscience of those who were irresponsible in the way they exercised their jurisdiction in this matter. As I said, rather than bring this matter into this place, a week ago I chose to ring the minister and speak to an officer in the minister's department. I am sorry but, where it involves a matter with the possible consequences being the death of a human being and children who are put in a situation that they do not want to be put into, I think a week is more than long enough.

Last night in this place we were talking ad nauseam about the feelings of people who are wrongly accused. I put to this house that, if we want to be sanctimonious about the feelings of those who are wrongly accused when those wrongly accused are us and our mates and other public officers, we should be equally vigilant in protecting the rights of ordinary mums and dads—who, after all, pay our wages, elect us to their service and in whose name and on whose authority this place derives its genesis. We are here for the people of South Australia, not in spite of the people of South Australia, and the quicker the minister's department wakes up to the fact that it is part of the problem, the better it will be.

Most of the problems related to paedophilia are heinous enough, but the culpability of some officers of the minister's department in supporting winners and losers in horrendous and often unfounded allegations is a matter that will be answered before this house—if not now, over the next month. Not only I but also a number of members of this house are not prepared to take the precipitous actions of idiots for much longer.

Time expired.

ELDERLY, FALL COSTS

Ms BEDFORD (Florey): Last year on 18 December I took note of the content of an unattributed article in *The Advertiser* under the headline 'Elderly fall cost on rise'. It talked, in part, about the cost attributed to older Australians being involved in falls and stated that the cost could double to $4 billion annually within 17 years. Of course, this means that $2 billion is the current dollar value attached to this very serious problem, particularly for older folk in South Australia, as we have such a very large aged profile.

The article sent me looking for additional information on the problem, and I found that a paper titled 'Health system costs of falls of older adults in Western Australia' had been released and was the basis of the article in *The Advertiser*. It was co-authored by Delia Hendrie, Sonya Hall, Gina Arena and Matthew Legge. Its abstract, in part, reads:

> The aim of this study was to determine the health system costs associated with falls in older adults who had attended an emergency department in Western Australia. The data relating to the ED presentations and hospital admissions were obtained from population-based hospital administrative records for 2001-02. The type of other health services (eg, outpatient, medical, community, ancillary and residential care), the quantity and their cost were estimated from the literature.

It went on to say:

> The economic burden to the health services imposed by falls in older adults is substantial, and a long-term strategic approach to falls prevention needs to be adopted. Policy in this area should be targeted at both reducing the current rate of falls through preventing injury in people from high-risk groups and reducing the future rate of falls through reducing population risk.

Similar research to that, I am glad to say, has already been undertaken here in South Australia. A report entitled 'Patterns of fall injury in an ageing population in South Australia: A challenge for prevention and care' was published by Jerry Moller in June 2002. It was generated for planning purposes and shows how the cost of fall injuries in people over 65 years of age is likely to change if the present patterns of incidence rates and service delivery responses are maintained, and describes the possible impact of population ageing on falls injury costs and service utilisation.

There are a number of factors that will influence these projections. The population projections of the older population may not reflect the changes that actually occur. The report used the 1996 census figures and indicated that fall injury incidence may change due to changes in risk factors relating to lifetime diet and exercise patterns; treatment responses such as the proportion of cases that are admitted following a fall injury and length of stay may change; and the mix of places of residence may change, modifying the exposure to risk factors in the home—which, of course, as we know, is the most dangerous place to be.

The major findings were that falls injury costs will rise steeply over the next 50 years as a result of demographic change unless there is a large decrease in incidence or a reduction in treatment costs per patient. Costs will rise by approximately 30 per cent by 2011 and will treble over the first 50 years of the new millennium. The pattern of ageing is similar in other states in Australia (so the WA extrapolation would work here too), but ageing is occurring earlier in South Australia. If the incidence of fall injury is not controlled, the cost of treatment is likely to rise significantly, making it difficult to fund future prevention efforts. A window of opportunity currently exists to break the cycle through prevention, and a great deal of work needs to be done in this area.

Femur fractures account for less than 20 per cent of the bed days (ranging between a 10 to 14 day stay) provided for the treatment of injuries. This indicates that, while fracture prevention is important, wider strategies are needed. There is a note in the report that as many men as women require treatment for fractured pelvises and femurs, so it is a question that both men and women need to address, and osteoporosis is not the only problem in this area. The impact will not be spread evenly across the state. Suburbs that only a short time ago were full of young families will increasingly become the home of older people. The major change will be seen in the middle ring suburbs such as Happy Valley and, most importantly, Modbury and Tea Tree Gully. This, of course, is my interest, not only on behalf of my constituents, but also of all South Australians like me who are fast approaching the 65 year age bracket. In rural areas, the nature of the change will be variable. Some places like Victor Harbor have already experienced ageing, and the rises there will be moderate. Other newer retirement areas, such as the Riverland, Yorke Peninsula, Mount Gambier, Whyalla and Port Lincoln, will experience greater changes, so we need to be ready for that when it happens. There is growing evidence that prevention strategies can reduce the incidence, and walking is one of them.

Time expired.

STUART ELECTORATE

The Hon. G.M. GUNN (Stuart): The first matter I want to bring to the attention of the house is that I thought that there was a convention that, when a minister visited a member's electorate, they showed the courtesy of them. I have tried to be very responsible and play the game with this government; obviously, it is not a two-way thing. On Friday, minister Weatherill, the Minister for Families and Communities, went to Port Augusta and visited the Miriam school—an excellent facility and an organisation that I had quite a bit of involvement with last year, supporting them when they had money removed from them. I just wonder who organised this meeting. I am aware that there is a deliberate campaign out of that (Labor Party) government office in Port Augusta to isolate me. I was not given an invitation to go on the railway station when the first train came in, yet the Labor Party stooge was on the platform, even though Barry Wakelin asked me to represent him there.

An honourable member interjecting:

The Hon. G.M. GUNN: All right, two can play this game. I just wonder why the minister's officers would be so foolish. I have never attacked the minister; so, what game are they playing? We know what is happening—we actually know what is happening up there. The public servants tell me what is going on, and many of them are appalled at having to be associated with using these facilities for electoral purposes. Having once started this process, I say to the government, 'You are going down a foolish course of action.' It is unwise and really someone ought to have a look at what is going on. I had the front window of my office smashed last night. A huge object was thrown through the window, because I have taken stands on certain issues to stick up for the people up there. I could say other things about this. If they keep pushing me in the corner, we will go out. Two can play this game, you know. I can say to Mr Gillespie and his group who sent me the most offensive email. The comments that I made were that I stuck up for the victims of the dreadful things that have taken place in Port Augusta, and I am going to continue to stick up for them. The sort of comments that were made about me by him were an affront to commonsense, and someone who holds that position ought to know better.

The other matter that I want to briefly talk about is that, last time the house was in session, I raised the difficulties that the corellas are causing in the northern parts of South Australia. Last week, when I drove through Wilmington, I was appalled at the damage they were doing to the gum trees and all the leaves that were on the street. I visited the Melrose school, and the principal kindly showed me the new playground on the edge of the creek at the foot of Mount Remarkable—a beautiful spot—and the damage that the corellas were doing to the gum trees and the amount of material that was all over the pine bark was just amazing. Something needs to be done. They are on the other side of Hawker. You see them in the tens of thousands. Something needs to be done to contain and control and reduce the numbers, because they will kill the gum trees. I do not think that any member of this house or any responsible person I know wants to see that happen but, unless some action is taken, it will happen. The screeching of these things and the effects they have had on the Quorn Caravan Park have been horrendous. The previous lessee of the park was most concerned because it was affecting the number of people who went there. It is a lovely part of the world; we want to encourage people to visit these places. We do not want to deter them and, therefore, it is necessary that something be done. It is necessary that it is done quickly and it is done across a wide area so as to be effective. The two councils in question are most concerned about it, and rightly so. They are the people dealing with it on a daily basis. They are aware of the issues and they want action on behalf of their constituents. I want to see something done. The minister was not correct in indicating that it has been caused by clearing agricultural land: a lot of that country was always open space. It must be dealt with.

Time expired.

TEA TREE GULLY COUNCIL

Ms RANKINE (Wright): I have raised in this house a number of times my concern about the lack of commitment of the Tea Tree Gully Council to youth issues in our area. I

know that, for a while now, it has been feeling a little pressured about that and embarrassed about the lack of its Youth Advisory Council operating up there. It has been embarrassed somewhat. Only last week, a motion was carried at the council meeting, and members no doubt will receive letters. The council is a bit miffed, so it has decided to write to all members outlining its initiatives in youth affairs in recent years and, also, complaining that they were unsuccessful in a funding application for a Youth Empowerment Grant. I would have thought that rather than writing off to all members, which is absolutely their right, and they can do that if they like, but they might have been better served talking to their local members and asking their help to find out why they may have missed out on this particular funding.

Youth Empowerment Grants are very highly contested, and the applications for all grants, in fact, need to reflect the aims and objectives of that grant. The Youth Empowerment Grants, as I understand them, provide three-year funding of up to $20 000 per year. The sorts of projects that are funded need to lift and empower young people. I will give the house a couple of examples of the grants that were actually funded by the Office for Youth. One of them was for the Southern Fleurieu's health service The Chill which received $54 992 for a chat, help, information, learning and links program, and also the young mums' Talking Shop, sharing and helping other parents—programs to support young women who are about to become young mothers. This is a very worthwhile program, I am sure people would agree. There is a bit over $17 000 for the Restless Dance Company's Crossroads Project to develop the artistic skills of young people with a disability, and to open doors to future employment opportunities within South Australian youth and disability arts organisations. They are the sorts of programs that are funded.

I have consistently demonstrated a willingness to help council whenever I can. Last year, for example, I arranged for the Office for Youth, through the good services of our minister, to meet with the council to help it re-establish an active and vibrant youth advisory committee. While it complains about missing out on an application for funding, I would, if I were one of them, look at the quality of their application. I recall very vividly when the council wanted the police minister to come out and meet with the mayor and the chief executive officer. There was no business plan presented at that meeting, no cost benefit analysis, no discussion about the advantage of the council's proposal and, finally, the Deputy Premier, the Minister for Police, left with not one piece of paper in his hand. So, if that is an example of the quality of its submissions, it is no wonder the council missed out.

I reiterate that I am more than happy to help the council and put it in contact with people who can help it. The council somehow seems to acquaint its missing out on this grant as a lack of commitment by the government to young people. The Office for Youth has a budget of $1.53 million for grants and, indeed, the Tea Tree Gully Council received a youth week grant. We have grants through recreation and sport; nearly $4 millionthrough the Active Club grants; the Moving It grants, and a whole range of those. In fact, I recall that the Tea Tree Gully Council had to give $70 000 back when the member for Davenport was the minister for recreation, sport because it did not start the development that it was supposed to in Golden Grove.

There is the Premier's Active 8 program, which has just been established at the Golden Grove High School, in addition to existing programs at Banksia Park and Para Hills High School and St Paul's College. Banksia Park International High School is also involved, I understand, in the Duke of Edinburgh's awards programs. These are all funding avenues that the government, out of the Office for Youth, puts up for young people. It has been over two years now since the youth participation strategy of the council was adopted. In that strategy, all of the objectives were to be vet before the end of 2004. I would ask how many of those have been met. Even the simplest one of developing a youth web page within 12 months has not been met.

It is now almost 12 months since the youth advisory committee was disbanded, after only meeting six times, and we still have no youth project officer or an operating youth advisory committee. The council's and consultant's report on the YAC fiasco pointed out serious deficiencies at a council level in dealing with YAC. There has been neither public acknowledgment by the council of its mistakes, nor any indication of how it will change to ensure these mistakes will not occur again.

Time expired.

APPRENTICESHIPS

Mr SCALZI (Hartley): Thank you, Mr Deputy Speaker, and congratulations on your election. I am pleased that I am following the member for Wright because I would like to talk about assistance for apprentices and trainees when taking training interstate. In February, I raised the issue of locksmith training for our young people and the desirability of local provision of training. I also wrote to the minister about this issue. Today I would like to highlight duty of care issues associated with sending young people interstate, especially given inadequate government subsidies for accommodation.

I note that I have now received a response from the minister emphasising her support, and indicating that accommodation subsidies, along with a wide range of other training issues, are currently the subject of review. However, I would like to outline the current situation. In South Australia, DFEEST offers apprentices who are obliged to travel interstate for training an accommodation subsidy of $240 per two-week block release. This amount equates to $24 a night for 10 nights. There is no subsidy for weekends or public holidays. Thus, the intervening weekend in the two-week block receives no subsidy (these figures were confirmed by DFEEST).

I recently received a complaint from an employer regarding the experiences of such a young person sent to Melbourne for training. The employer is most concerned at the environment in which young people may be placed when forced to seek low-cost lodgings. The apprentice was subject to disruptive, disturbing and inappropriate behaviour. The employer considers this would not have been the case had this apprentice been able to take up accommodation of a reasonable standard. He writes:

> . . . my apprentice has complained of being woken at 3 a.m. by the lewd behaviour of naked persons with 'sex toys' at his door. The offenders were staying in the same boarding house to attend training in differing vacations at the same TAFE. I know I strive hard to ensure that my employees are above this kind of behaviour, but with the amount of government assistance and the income of the first year apprentice they are unfortunately subjected to this kind of accommodation. I personally paid the associated TAFE enrolment fees for my apprentice, but the sheer economics of the costs in employing him do not allow me to contribute to his accommodation.

The employer was also dismayed to learn that this apprentice had met another apprentice from Tasmania who was similarly

training in Melbourne and who was receiving and accommodation allowance double that of the South Australian subsidy. Flights are covered by both states. Tasmania's Office of Post Compulsory Education provides a recommended accommodation list to all apprentices and trainees with their first travel warrant, and pays the accommodation allowance of $50 a night including meals in advance into apprentice nominated accounts.

Furthermore, the weekend apparently is not excluded, giving the apprentice funds of approximately $600 to arrange reasonable accommodation for the two-week training block. Clearly, our government—now trumpeting so loudly its commitment to training and protection of young people—is letting these young apprentices down; for the immediate need, we need a substantial increase in the accommodation subsidy and a review of other possible supports that could be put in place for young people obliged to travel interstate due to lack of options in South Australia.

The above-mentioned apprentice must return this year for another three blocks of training with the same $24 a night allowance, if something is not done to improve the support. We cannot send our young people interstate with such inadequate funding and support. For the longer term we need funding to bring locksmith training back to South Australia. I commend Mr Ray Clark for raising this issue and working so hard to explore options with the Master Locksmiths Association, Training Prospects, Business SA and other stakeholders to find funds for equipment and the establishment of a course here in South Australia. We cannot allow situations such as this to continue. I acknowledge that the minister is looking at it, but the current situation is that these young people, until it is resolved, have to go interstate. The support they are getting from the South Australian government compares very poorly with that received interstate, especially in Tasmania.

PENSIONER ENERGY CONCESSIONS

Mr HANNA (Mitchell): Sir, I congratulate you on your accession to the role of Speaker. A letter signed by Mike Rann went out to thousands of constituents last year regarding energy concessions. The letter states:

> We've increased the State Government's energy concession for pensioners from $70 a year to $120 a year.

Well, that is great—unless you happen to be an old lady who lives in the country. I have been contacted by a rural resident who is not connected to mains power or gas. She relies on bottled gas for her energy needs. As a pensioner she would very much like to be entitled to the annual concession of $120. I wrote to the Minister for Energy in January 2004. That letter states:

> I am aware that the current scheme for pensioner concession on energy (gas and electricity) offers an annual concession of $120 and that this is applied to a customer's electricity bill. Pensioners who reside in areas connected to electricity mains are able to utilise this concession. However, pensioners who reside in rural areas that have no access to gas or electricity mains, are unable to receive the same benefit.

I received a reply in February 2005 from the Minister for Families and Communities, who apparently administers the concession. The letter states:

> As you correctly note, the annual concession of $120 applies to all energy sources: electricity, gas, bottled gas, etc. It is paid through the electricity account only to simplify administration. It is also the case that if pensioners are unable to access mains supply electricity, the concession would not be available to them.
>
> With regard to your request for a rebate on gas cylinder rental charges, I would point out that the government is budgeted to spend in excess of $110 millionin 2004-05 on a broad range of concessions. Effectively, state expenditure on concessions has more than doubled since 1991-92, reflecting the ageing of the population and the extension of concessions to a wider group of recipients. Even so, pressure has increased to further extend eligibility to self-funded retirees and other low income groups. Accordingly, with competing claims on the budget for essential services, such as health, education and police, the government is unable to accede to all requests and must prioritise.

Well, what I am disappointed about is that, in setting government priorities, this elderly resident who lives in the country and who is not connected to mains gas or electricity is not eligible for the $120 pensioner concession. It costs about $91 to fill her gas cylinder, and she reports that it takes about seven weeks before it runs out. If you do the sums, it may be $650 a year that she spends on her energy needs. Why should country people be discriminated against in that way? She is just as deserving as a pensioner who lives in Mitchell Park or in the western or northern suburbs of Adelaide. She is doing the right thing by coping as best she can. After all, using gas rather than electricity is, generally speaking, more beneficial for our environment in any case. It is absolutely terrible that the social justice priorities of this government mean that elderly pensioners miss out if they happen to live in the country.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to amend the Transplantation and Anatomy Act 1983. Read a first time.

The Hon. L. STEVENS: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Transplantation and Anatomy Act 1983 to ensure that the family of a deceased person has the opportunity to be appropriately involved in the process of authorising a post-mortem examination to ensure that post-mortem examinations are carried out with regard to the dignity of the deceased, and to empower the Minister for Health to override any objections to a post-mortem examination if of the opinion that it is in the interests of public health that a post-mortem examination be carried out.

During the development of the Australian Health Ministers Conference (AHMC) National Code of Ethical Autopsy Practice that was endorsed nationally in April 2002 the need for changes to the Human Tissue Acts was highlighted in consultation in all jurisdictions. Some states have already made changes to their legislation. Until now South Australia has made very few amendments to its Transplantation and Anatomy Act since promulgation. As a result of community awareness about the retention and use of organs following post-mortem examinations, some South Australian families have raised concerns about the practices and legislation relating to post-mortem examinations.

These families have shared the depths of their renewed pain and grief at finding out that retention of organs of their relatives had occurred at times without any knowledge of the families. This practice, whilst it is not at all common now, is still allowed under the current act. Families have lost trust in

the system and are adamant that they do not wish anyone else to suffer in the same way that they have. They wanted to see some action from the government. These amendments to the act have been formulated to address their most pressing concerns about family involvement and the dignity of the deceased and therefore provide a better service for families and the community.

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

Leave granted.

Equivalent changes have been made to Departmental policy and autopsy request and authority forms to ensure that the legislation will be effected.

These will be released once these amendments are passed by Parliament.

A new section 5A has been inserted to help South Australian families understand that when authorisation is given to remove or use organs or tissues for a particular purpose [such as post-mortem or organ donation], then that authorisation includes such retention as is reasonably necessary for that purpose.

Section 25 of the Act has been re-written to make it clear that where a person has died in a hospital or the body of a deceased person has been brought into a hospital, a designated officer for the hospital must follow the following process:

1—Consent by the deceased person

If, after making such inquiries as are reasonable in the circumstances, the designated officer is satisfied that the deceased person, during his or her lifetime, gave his or her consent to a post-mortem examination and did not revoke the consent, the designated officer may authorise a post-mortem examination.

2—Consent by the senior available next of kin

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person gave his or her consent to a post-mortem examination, but is satisfied that the senior available next of kin of the deceased has given his or her consent to a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination.

Agreement from the senior next of kin is not always possible in writing. Therefore, the senior available next of kin may give his or her consent to a post-mortem examination orally by telephone. However, this consent is not effective unless it is heard by two witnesses, one of whom must be a medical practitioner, and neither of whom may be the designated officer, and a written record of the consent is made by the witness who is a medical practitioner and is signed by both witnesses.

3—Authorisation by the designated officer

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person gave his or her consent to a post-mortem examination and is not satisfied that the senior available next of kin has given his or her consent to a post-mortem examination, but is satisfied that the deceased person had not, during his or her lifetime, expressed an objection to a post-mortem examination and the designated officer is unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination.

Currently section 25 does not require the consent of the senior available next of kin. It is sufficient if the designated officer has no reason to believe that the senior next of kin has an objection to a post-mortem examination.

Also, under the existing section it is sufficient for the designated officer to have reason to believe that the deceased person, during his or her lifetime, had expressed a wish for a post-mortem examination and had not withdrawn the wish. The proposed section requires the consent of the deceased person during his or her lifetime.

The proposed new section 25 also empowers the designated officer to authorise a post-mortem examination with the consent of the Minister for Health despite any objection expressed by the deceased person during his or her lifetime or on the part of the senior available next of kin, but only if the Minister is of the opinion a post-mortem examination is necessary or desirable in the interests of public health, that those interests justify overriding the objection, and the Minister has made every reasonable attempt to persuade the senior available next of kin to consent to a post-mortem examination.

Section 26 of the Act deals with post-mortem examinations where the body of a deceased person is in a place other than a hospital. The senior available next of kin of the deceased person may authorise a post-mortem examination unless he or she has reason to believe that another next of kin of the deceased objects or that the deceased person expressed an objection during his or her lifetime and did not withdraw the objection.

A post-mortem examination is authorised by force of the section if the deceased person during his or her lifetime gave his or her consent to a post-mortem examination and did not revoke the consent, or expressed the wish for a post-mortem examination and the wish had not been withdrawn.

Under the proposed new section 26, a wish for a post-mortem examination on the part of a deceased person is no longer sufficient to authorise a post-mortem examination. There must be consent in writing.

Currently section 27 of the Act deals with coroner's consents. The section prohibits the giving of an authorisation for a post-mortem examination by a designated officer for a hospital or the senior available next of kin of a deceased person where he or she has reason to believe that the circumstances of the death of the deceased are such that there may be an inquest into the death under the Coroners Act unless a coroner consents to the post-mortem examination or gives a direction that his or her consent to a post-mortem examination is not required.

The provisions of the current section have been incorporated in the new sections 25 and 26.

Proposed new section 27 requires the consent of the deceased person or the senior available next of kin for the use of organs and other tissue for therapeutic, medical or scientific purposes. Currently section 28 of the Act provides that an authority under section 25 or 26 for a post-mortem examination is sufficient authority for the removal of tissue for use for therapeutic, medical or scientific purposes. It also provides that, subject to an order to the contrary by a coroner, a direction given by a coroner requiring a post-mortem examination to be carried out is sufficient authority for the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purpose of the post-mortem examination.

Section 28 of the Act has been re-written to make it clear that an authority under section 25 or 26 only authorises the carrying out of a post-mortem examination and the removal of tissue for the purposes of the examination. If a post-mortem examination is carried out at a hospital pursuant to an authority given by a designated officer, tissue may be used for a purpose related to public health, but only with the consent of the Minister for Health.

Proposed new section 28 makes it clear that authority given under section 27 is sufficient for the use, for therapeutic, medical or scientific purposes, of small samples of tissue that are removed from the body of a deceased person and placed in blocks or slides for examination under a microscope for the purposes of the post-mortem examination. The new section 28 also requires that an authority under this part is subject to conditions specified in the instrument of authorisation, which is the autopsy request and authority form detailing senior next of kin consent.

A new provision (proposed section 28A) has been added to require a post-mortem examination to be conducted with regard to the dignity of the deceased person.

Traditionally professionals sought to protect families from information that they may find distressing. However, experience has shown that timely information provided in a sensitive manner can empower families and is far less distressing than later disclosure. The amendments to the *Transplantation and Anatomy Act* ensure significant consultation with families of deceased persons and will bring South Australia's autopsy practice legislation into line with the National Code of Ethical Autopsy Practice.

It is acknowledged that Aboriginal communities recognise different kinship relationships to those stipulated in the Act and that these should be taken into account. This is understood to be more than a blood or family connection and it might in fact be a kinship relationship based on community, land and spiritual affiliations. This issue requires further examination and broad consultation with Aboriginal communities and is not dealt with by the Bill. It is not just a South Australian concern however and is expected to be considered in the context of a national review of legislation and policy in this area.

It is now recognised that, as with other areas of medicine, autopsy practice must be based on honest and open communication between health professionals and those they deal with. Autopsy practice, both

in the coronial and in the non-coronial setting, has already begun to reflect this recognition. These Amendments will bring the Act more in line with community expectations, professional standards and current policy in South Australia.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for commencement of the measure by proclamation. It also provides that section 7(5) of the *Acts Interpretation Act 1915* does not apply to Part 3 of this measure. Section 7(5) provides that Acts to come into operation automatically on the second anniversary of their assent, unless brought into operation earlier. Part 3 amends the *Coroners Act 2003*, the Schedule of which makes certain amendments to the *Transplantation and Anatomy Act 1983* which will become unnecessary if the Coroners Act and the amendments made to the Transplantation and Anatomy Act by this measure are brought into operation at the same time. However, if the Coroners Act comes into operation first, it will be necessary to suspend the commencement of Part 3 of this measure indefinitely.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Transplantation and Anatomy Act 1983*

4—Insertion of section 5A

This clause inserts a new section 5A to clarify the power to retain tissue. Currently it is implied that, where the Act authorises the removal or use of tissue for a purpose, retention of the tissue (to the extent necessary to fulfil that purpose) is also authorised. This clause makes that explicit.

5—Substitution of Part 4

This clause substitutes Part 4 which consists of sections 25 to 28.

Part 4—Post-mortem examinations

25—Authority for post-mortem examination where body of deceased person is in hospital

Section 25 of the Act deals with the authorisation of post-mortem examinations where a person has died in a hospital or the body of a deceased person has been brought into a hospital.

Currently the section empowers a designated officer for the hospital to authorise a post-mortem examination for the purposes of investigating the causes of death of a person if the designated officer, after making such inquiries as are reasonable in the circumstances, has reason to believe that the deceased person, during his or her lifetime, expressed a wish for, or consented to, a post-mortem examination of his or her body and had not withdrawn the wish or revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the designated officer has no reason to believe that the deceased person expressed a wish for, or consented to, a post-mortem examination, or had expressed an objection to a post-mortem examination, and after making those inquiries and such further inquiries as may be reasonable in the circumstances, the designated officer has no reason to believe that the senior available next of kin of the deceased person has an objection to a post-mortem examination, or the designated officer is unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination.

Proposed new section 25 requires the designated officer to be satisfied that the deceased person gave his or her consent in writing to a post-mortem examination and had not revoked the consent. If the designated officer is not satisfied as to these matters, the designated officer must be satisfied that the senior available next of kin has given his or her consent to a post-mortem examination and that the deceased person did not, during his or her lifetime, express an objection to a post-mortem examination. If the designated officer is not satisfied that the deceased consented and is not satisfied that the senior available next of kin consents, the designated officer must be satisfied that the deceased person did not express an objection to a post-mortem examination, and be unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination.

Under the proposed new section if, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person, during his or her lifetime, gave his or her consent in writing to a post-mortem examination and did not revoke the consent, and the designated officer has reason to believe that the deceased person expressed an objection to a post-mortem examination, or that the senior available next of kin has an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination for a purpose related to public health with the consent of the Minister.

However, the Minister must not consent unless of the opinion that a post-mortem examination is necessary or desirable in the interests of public health and that those interests justify overriding any objection to a post-mortem examination. If the Minister has reason to believe that the senior available next of kin has an objection, the Minister must make every reasonable attempt to persuade the senior available next of kin to consent to the post-mortem examination.

If the designated officer has reason to believe that the death of the person is or may be a reportable death under the Coroners Act, the designated officer must not authorise a post-mortem examination unless the State Coroner has given his or her consent or the State Coroner has given a direction that his or her consent is not required. A provision to the same effect is currently part of section 27.

26—Authority for post-mortem examination where body of deceased person is not in hospital

Section 26 of the Act deals with the authorisation of post-mortem examinations where the body of a deceased person is not in a hospital. It empowers the senior available next of kin to authorise a post-mortem examination for the purposes of investigating the causes of death of the person unless he or she has reason to believe that the deceased person, during his or her lifetime, expressed an objection to a post-mortem examination or that another next of kin (of the same or higher order) has an objection.

The section authorises a post-mortem examination by force of law if the deceased person, during his or her lifetime, expressed the wish for or consented to a post-mortem examination and did not withdraw the wish or revoke the consent.

Under the proposed new section 26 a post-mortem examination is authorised by force of law only if the deceased person gave his or her consent in writing and did not revoke the consent.

However, if an inquest may be held under the Coroners Act into the death of the person, the section does not authorise a post-mortem examination unless the State Coroner has given his or her consent. This provision is currently part of section 27.

If the senior available next of kin has reason to believe that the death of the person is or may be a reportable death under the Coroners Act, the senior available next of kin must not authorise a post-mortem examination unless the State Coroner has given his or her consent or the State Coroner has given a direction that his or her consent is not required. A provision to the same effect is also currently part of section 27.

27—Authority to use, for therapeutic, medical or scientific purposes, tissue removed for post-mortem examination

Section 28 of the Act provides that an authority under Part 4 authorises tissue to be removed from the body of a deceased person in the course of a post-mortem examination for use for therapeutic, medical or scientific purposes.

Proposed new section 27 provides that a designated officer for a hospital may authorise the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body performed at the hospital pursuant to an authority under section 25.

However, the designated officer cannot authorise the use of tissue for such purposes unless, after making such inquiries as are reasonable in the circumstances, the designated officer is satisfied that the deceased person, during his or

her lifetime, gave his or her consent in writing to the use, after his or her death, of tissue from his or her body for therapeutic, medical or scientific purposes and had not revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person consented and did not revoke the consent, but is satisfied that the senior available next of kin has given his or her consent in writing to the use, for therapeutic, medical or scientific purposes, of any tissue removed from the body of the deceased person for the purposes of a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or her body after his or her death, the designated officer may authorise the use of tissue for those purposes.

If a post-mortem examination is performed at a place other than a hospital pursuant to an authority under section 26, the senior available next of kin may authorise the use of tissue for therapeutic, medical or scientific purposes unless he or she has reason to believe that the deceased person, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or body after death or that another next of kin (of the same or higher order) has an objection.

If a post-mortem examination is performed pursuant to a direction given under the Coroners Act, the State Coroner may authorise the use of tissue for therapeutic, medical or scientific purposes if satisfied that the deceased person, during his or her lifetime, gave his or her consent in writing to the use, after his or her death, of tissue from his or her body for such purposes and had not revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the State Coroner is not satisfied that the deceased person consented and did not revoke the consent, but is satisfied that the senior available next of kin has given his or her consent in writing to the use, for therapeutic, medical or scientific purposes, of any tissue removed from the body of the deceased person for the purposes of a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or her body after his or her death, the State Coroner may authorise the use of tissue for those purposes.

28—Effect of authority under this Part

Section 28 of the Act sets out the effect of an authority under Part 4.

Proposed new section 28 provides that an authority under section 25 authorises the conduct of a post-mortem examination and the removal of tissue for the purposes of the examination.

The removal of tissue for use for a purpose related to public health is also authorised, but only with the consent of the Minister and for the purpose specified in the consent.

Under the new section an authority under section 26 authorises the conduct of a post-mortem examination and the removal of tissue for the purposes of the examination, and an authority under section 27 authorises the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body.

If tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body is placed in blocks or slides for examination under a microscope, the use of that tissue for therapeutic, medical or scientific purposes is authorised by force of law.

The proposed new section also provides that an authority given under Part 4 is subject to any conditions specified in the instrument of authorisation.

28A—Post-mortem examinations to be conducted with regard for dignity of deceased 25

Proposed new section 28A requires a post-mortem examination of the body of a deceased person authorised under the Act to be conducted with regard to the dignity of the deceased person.

Part 3—Amendment of *Coroners Act 2003*

6—Amendment of Schedule—Related amendments, repeal and transitional provisions

Part 14 of the Schedule of the *Coroners Act 2003* amends the *Transplantation and Anatomy Act 1983* as currently in force. Clauses 20 and 21 amend, respectively, sections 27 and 28.

However, this measure substitutes a new section 27 and a new section 28. The new provisions render the amendments made by the new Coroners Act unnecessary. Therefore, it will be necessary to delete these amendments unless the Coroners Act comes into operation before the amendments to the Transplantation and Anatomy Act made by this measure take effect.

The *Coroners Act 2003* was assented to on 31 July 2003 but is not yet in operation.

The Hon. DEAN BROWN secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That Order of the Day No. 1 be taken into consideration after Order of the Day No. 3.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I rise on a point of order, Mr Deputy Speaker. The government is going now to defer debate on the Parliamentary Privilege (Special Temporary Abrogation) Bill, which was introduced as an urgent debate yesterday. We actually had a cancellation of question time yesterday to allow this urgent matter to be introduced. The government is now saying that it is of so little importance that it will defer debate.

The DEPUTY SPEAKER: The deputy leader indicated that he had a point of order.

The Hon. DEAN BROWN: I therefore foreshadow a motion (to be dealt with after this) that the bill be read and discharged.

The DEPUTY SPEAKER: That is acceptable. The deputy leader can move that when the bill is called on.

Mr BRINDAL: Point of order, sir. My recollection is that yesterday this house so far suspended standing orders as would enable Orders of the Day No. 1 to pass all stages of the debate. As that was a suspension of this house, and an order of this house until it is fulfilled, by what right does the government seek to reorder the decision of this house?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, the Minister for Infrastructure, and the member for Waite! Yesterday's motion related to enabling—it is not mandatory; it enables. Therefore, it is not binding in that respect.

Members interjecting:

The SPEAKER: Have a look at the wording. It says, 'enables'. The question before the chair is that items Nos 1 and 2 be dealt with after item No. 3.

The house divided on the motion:

AYES (24)

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

AYES (cont.)

Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

NOES (22)

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

Majority of 2 for the ayes.

Motion thus carried.

The SPEAKER: Order! Before members disappear too far, I point out, regarding the query about what happened yesterday, that it said, 'That so much of standing orders be suspended as would allow the introduction or passage of a bill.' It does not make any reference to 'compulsory'. The member for Finniss—I think, as I was not in the chamber—gave notice of a foreshadowed motion to be dealt with now.

The Hon. DEAN BROWN: I foreshadowed, and I now move the motion that—

The SPEAKER: It has to be called on.

The Hon. DEAN BROWN: That is right. I am now moving the motion that the Parliamentary Privileges (Special Temporary—

The SPEAKER: Order! The house has decided by majority vote that we will deal with item No. 3. Therefore, item No. 3 has to be dealt with before the foreshadowed motion can be dealt with.

STANDING ORDERS SUSPENSION

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Mr Speaker, I move:

That standing orders be so far suspended as to enable the Parliamentary Privileges (Special Temporary Abrogation) Bill to be now read and discharged.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: This is the matter that was just this moment dealt with by the house, and disposed of by the house. Sir, yet again, they lost.

The Hon. DEAN BROWN: I wish to speak to my motion of moving the suspension of standing orders.

The Hon. P.F. CONLON: Point of order, sir: I ask you to rule the motion out of order.

The SPEAKER: It is bordering on a recommittal type of situation, and I think that the proper process is to deal with item No. 3 because you foreshadowed that you would have a motion immediately after that.

The Hon. DEAN BROWN: Mr Speaker, a motion suspending standing orders takes precedence over every other motion before the house, and I have moved that motion to suspend standing orders for the purpose of—

The SPEAKER: The house can test it, but we are really voting on the same issue that we have just dealt with.

The Hon. DEAN BROWN: This is an entirely different matter.

The SPEAKER: The house can test it then. The member for Finniss is moving that standing orders be so far suspended to immediately deal with item No. 1.

The Hon. DEAN BROWN: I wish to speak to the suspension of standing orders.

The Hon. P.F. CONLON: Point of order, Mr Speaker: for the benefit of the member for Finniss, you have made a ruling. He needs to dissent from your ruling if he wants to do so.

Members interjecting:

The SPEAKER: Order! I did not make a ruling. I was giving advice; that is probably a more accurate term. The member for Finniss wishes to speak to his motion for suspension.

The Hon. DEAN BROWN: Mr Speaker, it is very clear that the standing orders be so far suspended to allow the Parliamentary Privileges (Special Temporary Abrogation) Bill to be read and discharged as proposed under standing order 195 and, in speaking to my suspension of standing orders, here was a bill introduced by the government at great urgency yesterday. They even suspended standing orders, and they cut short question time to allow this debate to continue. They said that this matter was so urgent that the matter had to proceed immediately.

They adjourned the house before the matter had finished yesterday. It was the first item of government business today—orders of the day, government business no. 1. We get to that point and they suddenly want to defer the debate on the bill. We know why they want to defer debate on the bill: it is because the Australian Democrats, as a result of negotiations with the government today, have said that they will vote against the legislation in another place. We have the Liberals, we have the Independents, we have the Australian Democrats and the Australia Firsts all indicating they are going to vote against this legislation in another place.

We know that this is a dead bill walking. Clearly, if this government has one ounce of courage at this stage it will acknowledge its defeat and make sure that the bill is read and discharged. Therefore, I move the suspension of standing orders to allow that now to occur. The government made a fundamental error in introducing this bill. It now realises it and it is time that the bill was got rid of, because it cuts across some fundamental privileges of this parliament.

The Hon. P.F. CONLON (Minister for Transport): The fundamental problem is this. Three years on, Dean Brown still has not accepted that he lost and he is in the opposition.

Mrs REDMOND: I have a point of order, under standing order 98, on the relevance of the minister's comments to this question of the suspension and discharge of the item.

The SPEAKER: Order! Members should speak to the suspension motion.

The Hon. P.F. CONLON: The reason I say that is that it would have been obvious to anyone who was not obtuse that the house just decided on the business that it would deal with. The house just decided what business it would do. It may be regrettable to the member for Finniss that he cannot get the house to do what he wants it do, but he cannot and he could not and he did not, no more than he could control his own party after winning a record majority—and they dumped him in three years. He lost then and he has lost now, and he will continue to lose.

Members interjecting:

The SPEAKER: Order! The house will come to order. The chair indicated before that I think we are ploughing old ground, but we will test the house.

The house divided on the motion:

AYES (21)

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

NOES (25)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	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.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

Majority of 4 for the noes.

Motion thus negatived.

Mr BRINDAL: I rise on a point of order, Mr Speaker. Will you clarify for me, and the rest of the house, that, subject to the various procedures we have just gone through, the Parliamentary Privilege (Special Temporary Abrogation) Bill now no longer enjoys any special status in this house and is just another matter of government business? Is that correct?

The SPEAKER: I was not in the house for a short period of time, but my understanding is that it is still on the *Notice Paper* but the order has been rearranged. We will now deal with Order of the Day No. 3.

Mr BRINDAL: I understand that but, insofar as the bill was a matter of government priority, and a suspension was attached to it, all such matters now do not pertain and it is simply a matter of government business on the *Notice Paper*, like anything else. Is that correct? Obviously the suspension no longer applies because we waived the right of suspension, so it is simply now a matter of government business. The government has withdrawn all priority from the bill.

The SPEAKER: Nothing in standing orders prevents the bill from passing all stages. It was a general enabling provision by the house and does not have a set time limit, or any other restriction, on it.

The Hon. I.P. Lewis: So it can sit around on the *Notice Paper* and stink for months!

Mr BRINDAL: Yes, exactly.

The Hon. I.P. Lewis interjecting:

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

PRIMARY PRODUCE (FOOD SAFETY SCHEMES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 1894.)

Mr WILLIAMS (MacKillop): I am absolutely fascinated that this bill takes precedence over the matter for which we suspended standing orders yesterday and which was the subject of debate in this chamber for most of that time. It fascinates me that a small technical bill to correct some technical—

Mrs GERAGHTY: I rise on a point of order, sir, namely, the relevance of the member for MacKillop's comments, which I have difficulty relating to the bill now before the house.

The DEPUTY SPEAKER: I uphold the point of order. The house has twice voted in regard to that matter. I bring the member for MacKillop back to the bill in question.

Mr WILLIAMS: The bill is quite insignificant. The Liberal Party will support it as presented to the house and will not detain the house for very long. The Primary Produce (Food Safety Schemes) Act 2004 was assented to in July last year but is yet to be proclaimed because it came to the attention of the people these sorts of matters come to the attention of that a couple of anomalies in the act made it almost unworkable—principally, the effect it had on the dairy industry.

For those who understand the operation of that industry, traditionally, dairy farmers are paid by the dairy factories to whom they deliver their milk generally on a monthly basis. Any fees they have to pay, whether they be industry or other sorts of fees, are deducted from the monthly payments factories make to the dairy farmers. The act passed by the parliament last year did not recognise that fact and talked about the annual payment of fees, which of course would be administratively very difficult for the dairy industry. Principally, that is why this bill is before the house today—to fix that small anomaly, although there are others in regard to the dairy industry. It is considered that they could impact on other primary produce food safety schemes in the future. I think that the government wisely decided to clarify these matters now and get the bill on a sound footing before it is proclaimed.

The Liberal Party contacted the industry bodies concerned—principally, the South Australian Farmers Federation and the South Australian Dairy Association—who said that they were quite supportive of the steps the government has taken. The Liberal Party fully supports the bill and has no intention of going into committee, so I will leave my comments there.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the member for MacKillop for not only his understanding of the bill but also his support for it. I also thank him for his understanding and appreciation of the value of the dairy industry and its wish to have a more regular way of collecting its levies other than annually (which is the case, I might add, through an oversight in the bill which we are further amending). So I thank the member for his comments and support and hope that we can proceed promptly to get this bill into effect.

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

SITTINGS AND BUSINESS

The Hon. I.F. EVANS (Davenport): I rise on a point of order. I might have it wrong, but I thought the previous

motion of the house was that Order of the Day No. 3 be taken into consideration before Order of the Day No. 1. That means we have to go back to Order of the Day No. 1 before we consider Order of the Day No. 2.

The DEPUTY SPEAKER: Yes, the member for Davenport is correct. There was an error.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

That Order of the Day No. 1 be taken into consideration after Order of the Day No. 2.

Mr HANNA: Mr Deputy Speaker, I rise on a point of order. I sat here during a division a short time ago on the basis that there was a motion that Order of the Day No. 1 be postponed and taken into consideration after Orders of the Day Nos 2 and 3. I believe that that motion was passed 24 votes to 23 as a result of the division. Please tell me if I am under a misapprehension. If that was the case, how can this motion be proceeded with?

The DEPUTY SPEAKER: The original motion moved by the Minister for Primary Industries was for Order of the Day No. 3 to be dealt with before Orders of the Day Nos 2 and 3. Order of the Day No. 3 has now been dealt with, which now means that, by default, the house moves to Order of the Day No. 1. So, the motion before the chair, as moved by the Minister for Administrative Services, is that Order of the Day No. 1 be dealt with after Order of the Day No. 2.

The house divided on the motion:

AYES (24)

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

NOES (20)

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

Majority of 4 for the ayes.

Motion thus carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 2007.)

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Members may recall that, before the debate was adjourned on the second reading of this bill, I sought leave to conclude my remarks at a later date to allow me to respond to some of the matters that have been raised by the honourable shadow minister in his second reading speech on 9 March. The shadow minister has raised a number of questions, and I will try to address some of the more critical ones and, obviously, as the shadow minister has said, others can be picked up during the committee stage.

The shadow minister has referred to the bill, in general terms, as moving from what is generally described in industry as a cooperative model of occupational health and safety between employers and employees to what will now be a very heavy-handed prosecution-style model. There is absolutely no basis whatsoever for that assertion. There has been a very cooperative approach between employers and employees in regard to the consultation of this. You would always want to strive for a cooperative model. I think that, when it comes to occupational health, safety and welfare, it is critically important to have a cooperative model and that occupational health, safety and welfare will always work best when you have that approach.

That is what is being strived for here, and it is what has taken place in a very consultative approach which employers and employee representatives have worked very well towards. The shadow minister's amendments seek to detract from a cooperative model of occupational health and safety. The shadow minister's amendments seek to downgrade the proposed role of the proposed SafeWork SA Authority which, of course, is a forum for a cooperative approach to workplace safety, bringing together both employers and employees. It is important that we bring together the major stakeholders. It has always been the case that Workplace Services has provided advice and assistance to help deliver safer workplaces and to help achieve compliance and legislative requirements. That will not change under the proposed legislation. The suggestion that by transferring responsibility out of WorkCover and into a government agency, a cooperative approach will somehow be reduced, but that is simply not the case.

The shadow minister also appears to question the case for the consolidation of occupational health and safety services. I think one of the simplest arguments, aside from the minimisation of duplication, is that many South Australians do not know where to go at present when they need help on occupational health and safety. That was a finding of the Stanley Report, and I believe that it is strongly supported in the community. There is virtually daily evidence that is the case. As members would be familiar with, many people still think that the place to go is the department of labour and industry which members would be aware has not existed for many years. It seems peculiar, and it is something that is brought to us almost weekly that people still talk about the old department of labour and industry. If people are unsure of who to contact about workplace safety, that is just another barrier to them getting the right information and advice to make their workplaces safer.

We believe that there is a strong case for the consolidation of occupational health and safety administration into one entity. We know that there is strong support for this from both industry and trade unions. I think it makes good commonsense to consolidate occupational health and safety. In the past where it has been delivered by WorkCover, and in some cases by Workplace Services, with some people out there in industry and in the general community not knowing where to go, it does not deliver the best possible outcomes. I think the consolidation of the occupational health and safety

area will avoid duplication, and is a positive step in the right direction.

As to the shadow minister's various disparaging comments about WorkCover's provision of advice and information, I need say no more than to express my own confidence in the board of WorkCover, and my certainty that the board would want to assist the parliament in the most appropriate way that it can. We are confident with the new board and with its deliberations and how it goes about its business. It is an excellent board. We make no secret of the fact that we went to a lot of effort to ensure that we could put in place the best possible board.

We have an excellent chair of the WorkCover board; we have good representatives by both the employer and employee representatives; and, as members would be aware (certainly, the shadow minister would be aware), two representatives come from the employer representation side, and two from the employee representation. Beyond that we then have a number of excellent people who have been drawn from a whole range of various areas, in particular the business community who are doing a very good job.

I am advised that in March this year Workplace Services and WorkCover agreed on a figure that fairly represents the value of occupational health and safety functions to be transferred on a year one and year two basis. This agreement represents a cost neutral outcome for WorkCover, and also provides sufficient resources for Workplace Services to establish SafeWork SA on the passing of the bill. The WorkCover board formally agreed to this figure at its meeting on 23 March 2005. The agreement reached between Workplace Services and WorkCover Corporation is for funding transfers as follows: year one $8 million, comprising the $7 millioncash and $1 millionin kind; and in year two, $9.5 million, comprising of $8.3 millionin cash and $1.2 millionin kind.

As I had always hoped would occur in proposing this legislation, the appropriate level of funding to be provided by WorkCover to Workplace Services has been agreed between the two bodies without any need for me as minister to determine an outcome. I think that is a healthy situation. What we have is those two organisations being able to work together and to reach an amicable outcome with regard to the funding requirements. It is great to see the board of WorkCover which includes, of course, as I already said, leading figures in business, people with backgrounds in representing employers and people with backgrounds in representing employees who have come to an agreement with Workplace Services about how it will make its contribution to making our workplaces safer into the future.

The shadow minister has raised a number of issues which we can no doubt cover as we go through the committee stage. I thought it was important to pick out some of the more significant issues that have been addressed by the shadow minister. I look forward to the debate, and I commend this bill to the house as an opportunity to improve workplace safety, and that is an opportunity we cannot afford to miss.

Bill read a second time.

In committee.

Clause 1.

The Hon. I.F. EVANS: I have a question for the minister. We raised a number of questions during our second reading contribution so that you could respond to the house and inform the second reading debate so that during the committee stage we would have those answers. The debate has been adjourned for a number of weeks; you have not sought to answer any of those questions. I am wondering what the minister's intention is in relation to all of those questions that I put on notice as part of my second reading contribution.

The CHAIRMAN: It does not really pertain to the title of the bill; nevertheless, for expediency I will allow the minister to answer.

The Hon. M.J. WRIGHT: The shadow minister made the offer that a number of those questions would be picked up through the committee stage. I could have answered all of those questions, but you made the offer. I picked up what I perceive to be the more important and critical questions. I suspect that I would be criticised either way. If I gave a 30 to 45 hour speech to conclude this I would probably be criticised. If I go the other way and pick out what are the more critical issues, and take up your offer which you actually said—it is on the public record in *Hansard*—a number of these legitimate questions that you are raising will be picked up in the committee stage. I dare say that if I had answered every one of your questions in the conclusion of my second reading you would have asked the same questions again through the committee stage.

Clause 1 passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. I.F. EVANS: I move:

Page 5, line 3—Delete the heading and substitute:
Division 1—Establishment of Advisory Committee

This is part of the argument about whether SafeWork SA should be called an authority or and advisory committee. There are a number of amendments that were tabled by the opposition many weeks ago that relate to this particular principle. All the evidence before the parliament's Occupational Safety, Rehabilitation and Compensation Committee indicated that SafeWork SA will not be an authority but, rather, an advisory committee. The legislation is quite clear in its intent that it is an advisory committee, not an authority.

The government made an attempt to put an argument about people being confused about where to go in relation to advice. Apparently, when some people contact the minister's department, they think they are talking to the department of labour and industry. It is interesting that they have the right department, which is the important thing. The name of it, in that sense, becomes not as important. If you look at what an authority is, if you look at the Environment Protection Authority, it has very specific and powerful powers. It is not simply 'advisory'. SafeWork SA is essentially advisory. By calling it an authority, the government is misleading the public about the intent of this body.

The Occupational Safety, Rehabilitation and Compensation Committee of the parliament picked up on this particular point. It is clear from the bill that it is nothing more than an advisory group. It is not an authority in any sense of the word. Therefore, the opposition believes that it should properly be called an advisory committee, rather than an authority. This is the test clause on what is a huge number of amendments to that principle.

The Hon. M.J. WRIGHT: The shadow minister tried to make a case during his second reading contribution about whether this should be called a committee or, as the government has suggested, an authority. The assertion that the authority's only function is to advise the minister is simply not correct. It is not fair to make that assertion. I refer members to clause 5, section 13, which sets out the functions of the authority—and I will go through some of those in a

minute. We regard occupational health, safety and welfare as very important. We also regard the representation on the SafeWork authority—if, ultimately, it is called that—as very important.

Clause 5 contains a range of different activities to which I draw the attention of the house and which will be the responsibility of the authority. They include: to provide a forum for ensuring consultation; to prepare, adopt, promote or endorse prevention strategies, standards, codes, guidelines or guidance notes; to promote education and training; and to accredit, approve or promote courses or programs relating to occupational health, safety or welfare; and to accredit, approve or recognise education providers in the field of occupational health, safety and welfare. There could not be a more important role than to accredit, approve and promote courses or programs which relate to occupational health, safety or welfare. Its functions also include: to collect, analyse and publish information and statistics; to commission or sponsor research; to initiate, coordinate or support projects and activities that promote public discussion; to promote occupational health, safety or welfare programs; to make recommendations with respect to the making of grants in support of projects and activities that relate to occupational health, safety or welfare; and to consult and cooperate with relevant national, state and territory authorities—and I could go on.

I hear what the shadow minister is saying, but I simply do not agree. I think that this body does have the status of an authority. It will play a very important role. I have just gone through some of the activities of this particular organisation. I do not accept the amendment or the argument that has been brought forward by the shadow minister. We see this organisation as vitally important. This organisation will have representatives from employer and employee organisations playing a vital role in the delivery of better occupational health, safety and welfare. I think the functions for which this body will be responsible do entitle it to be called an authority. It will play a very important role. I think to change the name of it and to call it a committee is to downgrade its status and the role of those important representatives, who will be doing some essential work and undertaking some very important decisions; and it is simply not in the best interests of the broad community, whether they be employers or employees.

The Hon. R.J. McEWEN: The debate about an authority ought to be addressed in three parts. In order for it to be an authority, it ought to have the scope, the powers and the independence. We have just heard the minister respond in terms of scope and power. I am seeking reassurance that the membership will be such that it can be seen to be at arm's length from the government, not stacked. I need the minister to put on the record that the chair will be clearly independent. I understand that, of the nine-member authority, four will be appointed from unions and four from employers; one of the four employer representatives will be representing the public sector. I ask the minister to put on record that, although that person represents the public sector, at that time they are not employed in the public sector. Again, I would be looking for a level of independence to ensure that the person can look broadly at the issues, not be more narrowly focused due to the immediate employment role. I am of the understanding that, if we can get some assurance on the membership in terms of scope and powers, Business SA is comfortable with it is an authority, and I am comfortable with it as an authority. I want those assurances on the record.

The Hon. M.J. WRIGHT: They are good questions. I give those assurances. This body will work only at its premium if it is independent. Just like I look for the best independent chair possible for WorkCover, I will be looking for the best independent person possible to be chair of the SafeWork SA Authority. I also give the commitment about the public sector representation: it will not be an existing employer. We would look beyond that. There is little doubt that in order for this to work at its best it is important that we do have a body that is independent.

We want that body to be able to operate at its level best. Just as we looked for the best possible people when we put together the board of WorkCover, we will be looking for the best possible people in this respect. We will be throwing out the challenge, just as we did to the employer and employee organisations when I asked them to come forward with their nominations to the WorkCover board. I will be charging them with the same responsibility in regard to their nominations for this authority.

Certainly, the government will be looking for the very best possible person to chair the SafeWork SA Authority. It is important that that person is independent. It is essential that that person can work right across the community. That person needs to be able to draw people together, not divide people. Certainly, I give the commitment requested by the minister in regard to the independence of the chair and the representation that will come from the employer side, but it will not be a current employer working in the public sector.

Mr HANNA: On behalf of the Greens in respect of this bill, I want specifically to deal with the issue of whether we call the safework body a committee or an authority. The Greens' position is quite clear, and I will explain that. The Greens' preference is for a truly independent authority, that is to say, a separate statutory body seen to be and in fact independent of the minister and the department. What is proposed in the bill is not that. The Greens are not satisfied with the independence of what is created here. When I look at the scope and powers of this body created under this legislation, I see that it is closer to a committee than an authority.

Although some practical things can be done and approved by the body, the powers are mostly of a general overarching strategic nature—something more akin to the matters which one would expect to be considered by a committee. Indeed, we have a current occupational health, safety and welfare committee. The body created under this legislation, I would suggest, is not drastically different in its role or function. Although we are dealing at the moment with the name of the creation, a more fundamental issue is underlying it.

When the Greens were considering whether it is better to have this occupational health and safety body attached more to WorkCover or to the department and how close it should be to the minister, clearly, it is the view that it should be a separate authority so that complete independence could be assured. The scope that it takes on under the legislation, essentially, is a leadership role in the sector. Certainly, it is a role for thinking, sitting back and looking strategically at how outcomes can be improved across the whole of South Australia; promotion of occupational health and safety is also very important and forming strategic partnerships with the various players, whether they be employers (exempt or non-exempt), WorkCover or other government agencies.

All that draws me back to the conclusion that it is closer to a committee than an authority, which does suggest some very broad and effective powers to manage this whole area

of workplace safety. The issue has been extensively considered by the occupational health, safety and welfare committee of the parliament. Members would be aware that, just recently, that committee reported on this very bill. It was considered in depth over a very long period of time. In relation to this issue, the body of that report states:

> In relation to the independence issue, Mr Hanna MP observed that the SafeWork SA Authority is an authority with no real authority or clear role. The functions of the authority will be undertaken by the existing Workplace Services (to be renamed SafeWork SA) employees. These employees are public servants accountable to the minister through the Executive Director and Chief Executive, not through the SafeWork SA Authority. It is therefore unclear how the establishment of the SafeWork SA Authority will add value to the delivery of occupational health and safety outcomes.
>
> The committee also notes that there is general misunderstanding over the role of the SafeWork SA Authority, which is only an advisory body. Mr Hanna asked Ms Patterson—

and I interrupt my quotation to note that Ms Patterson is the Director of Workplace Services—

> How can one ensure independence in relation to tactical decisions about where to inspect, etc., from the minister and how do you back that up with the perception of independence?

In response, Ms Patterson advised that the administration of compliance and enforcement has always been part of government. She suggested that the only way to make a real dent in worker's compensation claims and fatality statistics is to ensure that safety information services are balanced with the compliance role. Ms Patterson went on to state:

> There is a range of checks and balances in place, and they are the same sorts of things that apply to every government department in terms of use of the money being subject to the Treasury controls—the budget reporting. The budgetary allocation, of course, is readjusted every year, according to how the performance has been seen to go, in terms of making a difference and being used efficiently.

Returning to the body of the committee report, it states:

> The bill proposes the establishment of two quite distinct bodies. SafeWork SA is to administer and enforce occupational health and safety legislation. WorkCover Corporation will retain responsibility for the administration and enforcement of workers' compensation and rehabilitation.

I wanted to quote extensively from that report because the committee comprised members of four political parties, and a majority went with those conclusions.

So, at the end of the day, the Greens would prefer to see a separate statutory authority, a real authority that clearly had independence, with no ministerial direction to interfere in the performance of its duties. Instead, we have something more akin to a committee. I firmly believe in such bodies being called what they really are and, therefore, it is more appropriate for it to be called a committee rather than an authority. I do not believe that it is necessarily a downgrading but I do believe that it is more accurate. I would be content to do without the word 'advisory' because the minister makes a fair point: that it is more than simply an advisory committee, but nonetheless, it is a committee. So, on the basis of that, I will be supporting the opposition members.

The Hon. I.F. EVANS: I want to clearly understand the minister's argument. The way in which I understand his argument is that the government thinks that it should be called an authority because the government seeks what is to be the authority to be independent of cabinet or ministerial interference.

The Hon. M.J. WRIGHT: I think that there are probably three main reasons why we would argue that it is an authority. These are not the only reasons, but the major reasons, as I referred to in clause 5, as follows: it has the power to make certain decisions; it also is an authority in the sense of being an expert in this field; and, it gives greater status to occupational health safety and welfare. There are possibly some other reasons but I think that they are the three main reasons which I would draw the shadow minister's attention to.

The Hon. I.F. EVANS: I do not want to labour the point but my understanding of the member for Mount Gambier's questions is that he clearly wanted an indication from the government about the level of independence of this board, committee, authority, group, mob—call it what you want. The minister has not given a clear indication on the independence. The member for Mount Gambier talks about having an independent chair. I asked a question about whether it is the government's view that it should be called an authority because the government wants it to be independent from ministerial direction, as the EPA is and just as the Police Complaints Authority is free of ministerial direction. I think that it would inform the committee if the minister could give that view.

The Hon. M.J. WRIGHT: I already answered the honourable member's earlier question, and told him why I think that it is an authority. I have also given assurances to the minister in regard to questions that he asked about the chair, and also about one of the representatives from the public sector side of it, that it will not be a current employer. Now, that is what I have put on the public record. My expectation is that I want to put in place on this board the very best people, and the minister asked me particularly about the public sector and about the chair of this particular body.

The Hon. I.F. EVANS: So, it is possible to have an independent chair who is directed by the minister and, therefore, is not independent at all.

The Hon. M.J. WRIGHT: You can have an independent chair who is subject to the oversights of the legislation and the government of the day. I am not sure why the shadow minister comes forward with his sarcastic laugh.

The committee divided on the amendment:

AYES (18)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Chapman, V. A.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kerin, R. G.
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.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lewis, I. P.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J. (teller)

PAIR(S)

Kotz, D. C.	Rann, M. D.

Majority of 6 for the noes.

Amendment thus negatived.

[Sitting suspended from 6.06 to 7.30 p.m.]

The CHAIRMAN: I seek the guidance of the member for Davenport. Are the other amendments to clause 4—amendment Nos 2 and 3—consequential?

The Hon. I.F. EVANS: Yes; I believe they are.

The CHAIRMAN: Do you wish to withdraw them?

The Hon. I.F. EVANS: Yes; I do not intend to proceed with them. The printing industry has written to the opposition fiercely opposed to the bill. It seeks clarification on the establishment of SafeWork SA. Its submission states:

> It is not clear from the subject bill if SafeWork SA is to be the nomenclature for the Occupational Health, Safety and Welfare Committee or Workplace Services. The bill indicates the deletion of part 2 of the Occupational Health, Safety and Welfare Act 1986 (the act), which currently covers the structure and function of the Occupational Health, Safety and Welfare Advisory Committee, replacing it with an authority which is a body corporate subject to the control and direction of the minister.
>
> The confusion arises where the minister, in a report to parliament, stated, 'Under the bill, Workplace Services, the government's existing occupational health and safety agency, will be renamed SafeWork SA, and all existing occupational health and safety functions performed by WorkCover will be transferred to SafeWork SA.'
>
> Therefore, unless Workplace Services is currently the Occupational Health, Safety and Welfare Advisory Committee, it appears that a significant anomaly exists in the draft bill. Can the minister please clarify that?

The Hon. M.J. WRIGHT: The committee is deleted, the authority is established and SafeWork SA is the renamed Workplace Services.

Clause 4 passed.

Clause 5.

The CHAIRMAN: I think that the amendment standing in the name of the member for Davenport is consequential. Is that correct?

The Hon. I.F. EVANS: Clause 5 seems to be a very long clause; in fact, it comprises five and a half pages. I seek the guidance of our new Chairman.

The CHAIRMAN: I will give flexibility.

The Hon. I.F. EVANS: I want the committee to know that the fact we have been given that flexibility has nothing to do with my nominating the Chairman. I would hate there to be an inference that there was favouritism in that regard.

The CHAIRMAN: Can we establish that the member wishes to withdraw his amendments—that is, amendments Nos 4, 5 and 6?

The Hon. I.F. EVANS: We do not need to proceed with those amendments.

The CHAIRMAN: I think that, apart from Nos 19 and 34, all the amendments through to amendment 73 refer to deleting 'authority' and substituting 'advisory committee', so the member is withdrawing amendments Nos 5 through to 18 inclusive.

The Hon. I.F. EVANS: Yes. I have a question relating section 7(4), which provides:

> (4) The Authority is subject to the control and direction of the Minister.

To what point does the minister have power to direct—for example, prosecutions or inspections?

The Hon. M.J. WRIGHT: Not in regard to the two that have been raised by the shadow minister in regard to prosecutions and/or inspections, but it could relate to, for example, the authority under legislation. In particular I refer the shadow minister to page 10 of the bill, which states:

> (n) to carry out other functions assigned to the Authority by or under this or any other Act.

The Hon. I.F. EVANS: Is there a specific clause that exempts the minister from directing on inspections or penalties?

The Hon. M.J. WRIGHT: The advice that I received is that the authority does not undertake prosecutions or inspections.

The Hon. I.F. EVANS: I want to ask a question in relation to clause 5 and division 2, section 8. I am interested in what the government has in mind in relation to the person considered by the minister to be responsible to represent the interests of the public sector as an employer; and how foolish he thinks that person will be if they are a current member of the public service given that they are a public servant serving the government.

The Hon. M.J. WRIGHT: I have already ruled that out in regard to the employer in an earlier answer. I am not sure whether the member means the employer or the employee from the public sector. The member might recall before dinner the minister asked me where the employer side of the public service would come from, and I said it would not be a current employer of the public service.

The Hon. I.F. EVANS: So, what then do you have in mind? Where?

The Hon. M.J. WRIGHT: It may be that, it may be someone who has been retired, it may well be someone who has had experience in the public sector but has now moved into the private sector, or it may be a consultant. I suppose there are other examples: they are just two or three that readily spring to mind as potentials.

The Hon. I.F. EVANS: My last question on this page is this: in relation to clause 5 and section 8(1)(iii), which talks about the employees, where there is mention of some consultation with the United Trades and Labor Council and other associations representing the interests of employees, is the Employee Ombudsman considered an association and, if not, why is it that you are not considering the Employee Ombudsman in that clause?

The Hon. M.J. WRIGHT: I would not have thought that, as an individual, he would be regarded as an association, but I would not have any problems in taking his views into account. He obviously performs an important role. With this, I would be looking to generally consult as widely as possible, whether it be an employee representative or an employer representative. I would not have any difficulty in including the employee ombudsman as part of that consultation.

The Hon. I.F. EVANS: Would the minister commit to amend it between the houses to put him in that clause and to formally make him part of the consultation process? This minister may not be the minister forever. Another minister may have a different view and, if the government of today has the view that the employee ombudsman should be consulted, there is no harm in agreeing to that between the houses.

The Hon. M.J. WRIGHT: I do not think it is necessary, but I am happy to consider that between the houses. I will take that on notice. As I say, I do not think it is necessary to include it in the legislation, but I will give it some thought between the houses although I am not prepared to make a commitment on that at this stage.

Mrs REDMOND: I want to ask a question about page 6, division 2, section 8(1)(b)(2). I am just curious about this idea that you should seek to promote gender balance and diversity in the appointment. I wonder why merit is not the sole

consideration for the appointment of appropriate persons to such a body.

The Hon. M.J. WRIGHT: I think merit is always right up at the top but, unashamedly, I also support gender balance. As people on my side know, I am a great supporter of gender balance. I always have been and always will be, unashamedly.

Mrs REDMOND: Why? Surely, gender is not a relevant consideration in terms of ability to do the work; that is the very nature of what you would argue. If gender is not a relevant consideration, why is it even mentioned in this part of the legislation? Why is the legislation not simply designed to appoint the very best people regardless of gender?

The Hon. M.J. WRIGHT: As I said, ability is obviously an important criteria. I have great confidence that we can find good males and females of high quality. I am confident. This government promotes gender balance. We unashamedly support it. As one of the ministers, I have a proud record of that.

Mrs Redmond: Not the best.

The Hon. M.J. WRIGHT: We'll get the best.

The Hon. I.F. EVANS: I would like to move on to section 9. It relates both to provisions in subsections (2) and (3). Why is someone who becomes bankrupt not excluded from those two provisions?

The Hon. M.J. WRIGHT: It is simply the model that has been adopted. If the shadow minister thinks that that should go in, I do not see any problems in adopting that. We can either do that between the houses or, if he would like to move an amendment now, it is not something that we would oppose.

The Hon. I.F. EVANS: If the government is agreeing to it, I will allow the Hon. Angus Redford to consider that between houses, and he can move the amendment if so desired.

Mrs REDMOND: In relation to those two subsections, (2) and (3), particularly subsection (2), could the minister explain why the removal of someone from office in the event of neglect of duty or dishonourable conduct is discretionary because of the use of the word 'may' in the Governor's ability at the beginning of clause 2?

The Hon. M.J. WRIGHT: I understand that this is a common method of drafting these types of provisions.

Mrs REDMOND: I seem to recall that the Acts Interpretation Act specifically says that 'may' is discretionary, and 'shall' makes it compulsory. I am still puzzled as to why it should be a common drafting provision.

The Hon. M.J. WRIGHT: I am not too sure that I can add a lot more than what I gave in my earlier answer. The advice that I have received is that this is a common drafting method of applying this.

Mrs REDMOND: I am still puzzled, in as much as whilst I can understand that, in paragraphs (a) and (b), I can readily imagine situations where a breach of or non-compliance with a condition of the appointment might be so minor as to not warrant removal from office, and equally where a mental or physical incapacity might be temporary or such that it should not warrant the removal from office. It seems to me that there is a difference between those and a neglect of duty or dishonourable conduct which, it would seem to me, should always warrant removal from office. I do not understand why they are grouped together in that way.

The Hon. M.J. WRIGHT: It is obviously a high order issue for the member for Heysen, having asked the same question three times. The advice that I have received from parliamentary counsel is that this is the way it is always drafted. I have further been advised—

Mrs Redmond interjecting:

The Hon. M.J. WRIGHT: I thought this was a serious question, because you have asked it three times. Further advice I have received—which I am sure you will laugh at, as well; I am confident that you will laugh at it, as well—is that if the word 'must' was used a prerogative writ could be sought to compel the Governor to do something leading to acrimonious arguments about what is dishonourable or neglect of duty.

The Hon. I.F. EVANS: I move:

Page 6, lines 36 and 37—Delete subsection (5) and substitute:

(5) The minister must ensure that a vacant office is filled within six months after the vacancy occurs.

The minister seeks to have a clause inserted in the bill where, if there is a vacancy in this authority, then the minister, under his model, 'should seek to fill a vacant office as expeditiously as possible'; in other words, in the minister's own time. We believe there should be a fixed time. We know the minister is not that quick so we suggest six months. Our amendment provides that the minister must ensure that a vacant office is filled within six months after the vacancy occurs. We think six months is ample time for a cabinet to call for nominations, go through the consultation process, go through the cabinet submission, the 10 day rule, get cabinet to sign off on it and announce it. This takes a slight discretion away from the minister to make it a fixed time.

The Hon. M.J. WRIGHT: The reason we oppose this amendment is that it leaves no flexibility if something goes wrong. In the majority of circumstances the appointment would be made well in advance of six months, but there may be circumstances, for example—and maybe it is not a great example—someone may be lined up, it may have taken a period of time because of the various consultation stages that you go through, and the person might pull the pin or pass away or whatever. It would not be the norm that you would take six months. You would want to fill this appointment as quickly as possible. Through unforeseen circumstances, nothing to do with the responsibility of the government of the day, it may make it illegal through this amendment.

The Hon. I.F. EVANS: How does it make it illegal? All it means is that the vacancy would have to be filled more quickly. I have been in cabinet. I have been called to cabinet meetings at a minute's notice, half an hour's notice or an hour's notice. The only way your case could possibly stand up is if someone died or pulled the pin with one minute to go—which is an absolute nonsense. It will not happen. The clause is workable. The cabinet submission could have a nomination that states that the nomination is Fred and, if Fred does not accept for whatever circumstance, then it is Mary or Bill or whoever. There are a thousand ways around it. We do not see why the minister needs the discretion. He could sit on it forever.

The Hon. M.J. WRIGHT: There is no reason to do that. Why would you do that? The reason that it would be illegal is because it would put you in breach of the act. The circumstance you gave unfortunately could occur. It may be five months and 30 days, or whatever the case may be. You say you can call a cabinet meeting at the drop of a hat, and, certainly, in some circumstances you can do that, but, if someone was lined up, cabinet approval had been given and the person sadly passed away or the person after agreeing had gone through the consultation phase and then decided not to go ahead with the nomination, legitimately you would

probably want to go through a consultation phase again. It is not necessarily that you would call a cabinet meeting at the drop of a hat when it is not the fault of the government or the minister of the day. I do not think this is a critical issue. Whether it is me or any other minister, in ideal circumstances, in most circumstances, you would have that appointment well and truly before the six months period.

Amendment negatived.

Mrs REDMOND: I would like to ask one more question with respect to section 9(6) (terms of office) at the top of page seven. I appreciate the intention of the legislation, which provides that a member of the authority who has a direct or indirect personal or pecuniary interest in a matter under consideration is not to take part. I notice that that provision is structured so that the person has to declare that interest, disclose the nature and extent of the interest to the authority and not take part in the deliberations and not be present. For many years it was often the case when I served on a range of boards, statutory authorities and so on that people with particular expertise came into a situation.

It has often been the case that things have worked quite well when the person has complied with the essence of it, complied with disclosing the nature and extent of their interests and not participated in the final deliberations and the decision but has been available in the first instance to explain some of the background if they have a particular expertise. Has the minister considered that as a possibility? They must not take part in a deliberation or decision, and I absolutely accept that and I absolutely accept that they have to disclose the interest, but I wonder whether any consideration has been given to a sort of halfway house where they comply with the essence of it but might somehow have the freedom at the very beginning of deliberations to provide some advice to the authority if it is relevant and they have a particular expertise or knowledge that may be of use to the authority?

The Hon. M.J. WRIGHT: The advice that I have received is that this is a standard provision. However, if the opposition wants me to give some further consideration to what has been put forward by the honourable member, perhaps we could consider that between the houses. I guess that we both need to take a bit of advice. I appreciate what the honourable member is saying with respect to the deliberation and decisions. If something can be worked up that is suitable to both the major parties and we get advice from parliamentary counsel, we could look at that.

The CHAIRMAN: Amendments Nos 20 to 33 inclusive appear consequential. Does the member for Davenport wish to withdraw them?

The Hon. I.F. EVANS: In a cooperative spirit, I will, yes.

The CHAIRMAN: Very good of you. Does the member for Davenport want to proceed straight to amendment No. 34 or the other questions?

The Hon. I.F. EVANS: What level of fees is the minister looking at to pay the members of this authority?

The Hon. M.J. WRIGHT: That has not yet been decided. We would take advice and we would be mindful of guidelines that exist. It would probably fit somewhere within those guidelines that exist for government boards.

The Hon. I.F. EVANS: I move:

Page 8, lines 6 to 9—Delete paragraphs (b) and (c) and substitute:

(b) if those deliberative votes are equal, the person presiding at the meeting does not have a casting vote.

So, we are taking away the casting vote of the chair. This leaves those people with the vote being those representing the employee and employer interests, and we think that that is the appropriate model for this authority.

The Hon. M.J. WRIGHT: I oppose the amendment moved by the shadow minister. Boards and committees commonly operate with a chair having a casting vote. I have already spoken before about not only the importance of this tripartite body but also the important role that an independent chair will play. Having said that, I would hope and expect, and also would be confident, that in the majority of cases consensus will be reached. I sincerely hope that that is the way that the authority operates, because if it operates in that forum it will go a long way to representing well the interests of the employers and employees. Having said that, there may well be an occasion where there is a four-all vote and, in that situation (if and when it was to occur, and I think that it would be more rare than common), it is important that you are able to break that deadlock. In other circumstances, presiding members have a casting vote and it is appropriate for it to be the case here. The other point that I make is that, if you are going to attract the very best possible presiding officer of this authority, I think that the chair, a high calibre person, would expect to have the casting vote should and when this situation pops up every now and again—if it does pop up.

The Hon. R.J. McEWEN: The preferred position of Business SA would be that the presiding member has no vote; in other words, that they would always be required to endeavour to find a consensus. Given the fact that that is not always achievable, but would normally be the practice, I still believe that the presiding member has to have a vote, only to break a deadlock. So, I support the position as it is in the bill rather than the amendment, acknowledging that if it were not possible for the presiding member to have no vote, it would be Business SA's position that the presiding member only has a casting vote, and I support that. Under no circumstances would I wish the presiding member to have a deliberative vote, and certainly not both a deliberative and casting vote. It is quite clear from here, though, that the eight normal members have deliberative votes, and the presiding member can only exercise a vote should those votes be equal, and we would certainly be encouraging the presiding member never to find themselves in those circumstances but wherever possible to seek a consensus.

The CHAIRMAN: Before we proceed, I point out that the minister has on the table an amendment to exactly the same clause. If the minister wants to move that now we can deal with them on the floor at the same time.

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

Page 8, lines 6 to 9—

Delete paragraphs (b) and (c) and substitute:

(b) if those deliberative votes are equal, the presiding member, if present at the meeting, has a casting vote but if the presiding member is not present then the matter must be deferred until the presiding member is present to determine the matter.

This amendment provides that, if there is a deadlock, majority rule should resolve it. We agree with the opposition's position that the ex officio member should not have voting rights and should not be in a position to have that casting vote. So, the government's amendment removes that aspect of it from the bill. I am sticking with what I have already said in retaining the right of the presiding member to have that vote, if and when it is necessary; however, removing the role of the ex officio also having that right if the presiding member is not there. If it be the case that there is a deadlock

while the ex officio is chairing it and they cannot reach consensus, that deadlock would then have to be broken at the next meeting when the presiding officer was there.

Mrs REDMOND: By way of comment more than question, given that the member for Mount Gambier indicated the position of Business SA, it is the position of the printing industry that the presiding member should not have a casting vote and that only deliberative votes should be available. Those are the ones set out in clause 2(a).

The Hon. I.F. Evans's amendment negatived; the Hon. M.J. Wright's amendment carried.

The Hon. M.J. WRIGHT: I have two amendments on the same item. I move:

Page 8, after line 9—Insert:

(2a) The members of the authority holding office under section 8(1)(b) and (c) do not have a vote on any matter arising for decision at a meeting of the authority.

This amendment is consequential. It provides that the ex officio does not get a vote.

Amendment carried.

The Hon. I.F. EVANS: For that reason, I do not need to proceed with amendment no. 35 in my name. I am up to page 10, subclause (13). On that particular page, section 13(2) refers to the fact that the authority may, with the approval of the minister, perform functions conferred on the authority by or under a law of the commonwealth. If it is conferred on the authority by law, why does it need ministerial approval? I would have thought the authority would have no choice but to undertake something that is conferred on it by law.

The Hon. M.J. WRIGHT: Potentially the law of another jurisdiction may not have the power to compel them to do so.

The Hon. I.F. EVANS: 'Another jurisdiction' meaning the commonwealth or another state.

The Hon. M.J. Wright: Or a territory.

The Hon. I.F. EVANS: How can another jurisdiction confer a power on to an authority in our state without its being legally binding?

The Hon. M.J. WRIGHT: Our law facilitates our receiving the power being conferred.

The Hon. I.F. EVANS: I am trying to get my simple builder's brain around this legal concept. Another jurisdiction moves to confer a power on to our jurisdiction on the basis that they do not know whether or not our jurisdiction would take it up. Is that the way it works?

The Hon. M.J. WRIGHT: One example of which I have been advised could be the WRMC, which the former minister would have also attended in his capacity as a minister. It may well be that, at a meeting of the WRMC (Workplace Relations Ministerial Council), they could ask us to do something and this facilitates that. Without this, they could ask us to do all sorts of things which a particular jurisdiction did not want to do. Sorry, when I was referring to the Workplace Relations Ministerial Council, I thought at that stage that the honourable member was the former minister for industrial relations. That is one example to which I refer. As with most ministerial councils, it meets a couple of times a year and sometimes, as a result of those meetings, decisions and recommendations are made.

The Hon. I.F. EVANS: In relation to section 13(3)(b) on page 10, which seeks to have the authority achieve a high level of consistency between occupational health and safety welfare standards and requirements under this act and the corresponding standards and requirements under the laws of the commonwealth and other states, are you not there acceding to the wisdom of the other states and commonwealth the occupational health and safety standards to which we might aspire? This obligates the authority to seek to be as consistent as possible with any standards set in other states.

If New South Wales adopts a very restrictive regime of occupational health and safety standards, our authority automatically moves towards it under this clause. They have to seek to be as consistent as possible even though it may not be in our state's best interests to match that particular standard. We have already had industries complaining to us about some of the proposed occupational health and safety standards in relation to domestic construction having to be the same as in commercial construction, and the Housing Industry Association is very concerned about that proposal. So, I am just wondering why we would make the authority try to achieve a high level of consistency.

I can understand why you would ask the authority to give you advice about other states' standards so that the matter could be considered, but this seems to be a stronger form of wording than that: they will have to seek consistency. What they are really doing is taking the position of our state's hands. I am a strong advocate of state's rights, and it just seems to me that under that clause we are passing up some of our independence as elected officers to unelected officers, and more than likely unelected officers in the other states are going to set guidelines that our unelected officers are then going to try to match. I just wonder why we are doing that.

The Hon. M.J. WRIGHT: The shadow minister makes a fair point. In those circumstances, you would not do it. I agree with the argument that he makes. I think he cited the example of New South Wales. I refer the shadow minister to what is provided in the brackets at the end of that paragraph. It states: 'insofar as to do so is in the best interests of the state.' If it was not in the best interests of the state, you would not do it. If any other state was doing something in regard to occupational health and safety which we did not believe achieved what we thought were the high outcomes that we wanted, we simply would not do it. It also says that the authority 'should seek' not 'must seek'. I think that caveat (for want of a better term) at the end accommodates what has been argued. I agree with the shadow minister: we should always support state rights. I was delighted to hear him do so when it comes to industrial relations.

Mrs REDMOND: I want to ask the minister a question about subsection (4) which provides:

The authority should, as far as reasonably practicable, ensure that information provided for use in the workplace is in a language and form appropriate for those expected to make use of it.

I completely understand the rationale for that, that is commonsense, but will the minister advise how the authority is going to be involved in that? What is the authority going to be doing to ensure that that occurs? I am a bit puzzled. It seems to me to be a bit of a nuts and bolts thing for this authority to be engaging itself in.

The Hon. M.J. WRIGHT: I will give two or three examples, but there may well be others. They would make recommendations on proposed regulations. They would be involved in standards and codes. They would also be involved on the ground with their experience and competencies in helping to ensure that the language is right.

Mrs REDMOND: I am still a little puzzled as to what extent they engage in that. Obviously, there will be some workplaces where people of a particular ethnic or country of origin background will be working and, obviously, it would be desirable—and I presume the intention is to make it

necessary—to put out notices in a manner and form that those people will understand. I completely accept that. However, I am puzzled as to what extent the authority involves itself in saying, 'This workplace has to have a notice that is in Vietnamese and this one has to have one that is in Russian,' or whatever the background of the people working there may be, and to what extent the authority can ensure that that occurs, except by making a generic ruling that it should be done in a language appropriate for the workers.

The Hon. M.J. WRIGHT: The member has made a fair point. Obviously, she would be aware that other languages are used at the moment. The role of the authority, in part, would be to oversee, to make recommendations. It would be in that capacity. It would bring its experience forward to make sure that the material was appropriate in the circumstances, bearing in mind that we will have people on this authority who will represent both the employer and the employee organisations. So, there will be broad experience, and it will be in that role of oversight and making general recommendations.

The Hon. I.F. EVANS: I am interested in the way in which section 16(3) is drafted, where the minister must cause a copy of the annual report to be laid on the table 12 days after it is prepared. I have always understood those provisions to be 12 days after the minister receives the annual report—because how would anyone know when the report is prepared? Normally, those measures provide that the minister lay the annual report on the table within 12 sitting days after the report is received by the minister, because it is simply impossible for an opposition to establish when the report is prepared. I think the minister should agree that he will change it in between houses. It is an absolutely fundamental issue with respect to that question. I just cannot work out why that language is used.

The Hon. M.J. WRIGHT: Once again, the shadow minister is correct. I am happy to fix that up between the houses.

Clause as amended passed.

Clause 6.

The Hon. I.F. EVANS: The opposition opposes this clause. This clause seeks to impose an extra burden and cost on all employers regardless of size, an obligation to keep information and records relating to the occupational health, safety or welfare training undertaken by any of the employer's employees in connection with their employment. For the major employers, that is probably not a huge task because of their big administrations—although every employer group has written to us strongly opposing this provision. Probably the strongest opposition comes from those associations with large memberships of small businesses which, by their very nature, do not necessarily have the big administrations to look after these particular obligations. The Printing Industry Association, for instance, indicated its strong opposition to it in an excellent submission.

The Hon. R.J. McEwen interjecting:

The Hon. I.F. EVANS: Yes. I can explain to the member afterwards how that works. Also, Business SA made submissions to the parliament's Occupational Safety, Rehabilitation and Compensation Committee that, at the very least, this provision should be reviewed. SAFF, on behalf of the regional and farming communities, expressed concern about the cost of compliance, particularly the imposition of a criminal sanction for noncompliance. So, for the reasons outlined by those particular business associations, while we understand what the government is trying to do, we think this provision should not be supported. It will be small business that will be tripped up on this and face criminal provisions, and you would have to ask for what purpose.

The Hon. M.J. WRIGHT: The bill proposes that an employer shall, so far as is reasonably practicable (they are obviously key words in this) 'keep information and records relating to occupational, health, safety or welfare training undertaken by any of the employer's employees in connection with their employment'. In the event of an accident, or if inspectors are attempting to establish whether the law has been complied with, records of training that has been undertaken will assist an employer in demonstrating that they have met the existing legal requirements. I would imagine that it is highly likely that most employers would keep records relating to such training for taxation or business accounting purposes.

The Hon. I.F. Evans: You don't need it.

The Hon. M.J. WRIGHT: Well, they would already have it. The majority of the parliamentary committee, including two non-government members, supported the proposal to require employers to maintain records for training provided to employees. The format for documentation is at the discretion of the business. This means that any existing records in any format that show training of employees may be used. It may be tax records, as I have mentioned previously, it could be receipts relating to training of employees, or other normal business records. The simple requirement of demonstration of training in any format the employer chooses is not a significant burden. Workplace Services will prepare templates that business can use, if they so wish. So, that will be available to the business community. They may choose not to do so, but that will certainly be made available by Workplace Service to businesses.

In large part, this will be a protection for employers who do the right thing, and it will make it harder for the minority of employers who do the wrong thing to get away with it. Realistically, I think we are talking about a minority of employers who do not do the right thing. In relation to occupational health, safety and welfare, it is critically important that we get to the stage where all employers and employees are doing the right thing, because we are talking about people's lives. Obviously, I do not support the shadow minister's opposition to this clause.

Mrs REDMOND: Will the minister advise how long it will be necessary for the employer to retain the records?

The Hon. M.J. WRIGHT: Whilst they employ the relevant person.

The Hon. R.J. McEWEN: I hear what the minister has said in terms of the employer choosing the form within which the records must be kept. Obviously, it is part of an induction package or a refresher training package, and then there might be some basis for ticking off a competency. I understand that the minister is saying that that would be satisfactory. I just want some reassurance, though, that over time all these records will not be mandated in a standard form that becomes compulsory on the employer. That is the first part of it.

The second part is about the responsibility of the employee, when reporting to a new employer, to have some records, so that an employer is not put through another round of training simply because that employer does not have immediate access to what should have been a set of competencies that the employee is claiming they have before they commence the employment. Otherwise, in the case of highly mobile people, in some of the primary industries in particular,

this could become a huge range of duplication and a very onerous and expensive task.

The Hon. M.J. WRIGHT: Two questions have been asked by the minister. First, there will not be those strict requirements. He asked for a commitment that over time there will not be a standardisation of forms that have to be filled out by the employer: certainly that will not be the case. I am not sure that I heard the second question clearly (and I invite him to come back to me If I did not pick up the tenor of it), but I think it related to the responsibility of the employer/employee (with more emphasis on the employee) if he or she claimed to have certain competencies that they did not have. Obviously it would depend on all the circumstances, but if an employee claimed to have certain competencies that he or she did not have, maybe in all probability (it depends on the precise circumstances) they should not continue in that employment.

The Hon. R.J. McEWEN: I was trying to clarify what expectation the minister would have of an employee who might turn up to be a plant operator. If I employ a tractor driver who says, 'I'm a qualified tractor driver' and they have some record, do I have to put them through a set of competency-based training exercises and record that, or am I entitled to immediately employ them, assuming that their record says that they have satisfied training requirements? Otherwise, we have created a very costly and unnecessary extra liability for the employer.

The Hon. M.J. WRIGHT: I take the point. If they have the qualifications, you would not be required to do that as the employer.

The Hon. R.J. McEWEN: You have now used the word 'qualifications', which normally implies third party certification. In many cases they do not have that. Somebody turns up and says, 'I'm a fencer—I've been doing fences for years'. There are some specific skills around that and some risk if you do not know what you are doing, particularly when you are tensioning up wire. As an employer, if someone comes to me and says, 'I'm a fencer and I've got this experience', can I rely on that? I cannot say, 'Show me some third party accreditation' as they do not have a level 2 certificate or qualification. However, another employer at some stage has captured it. It gets worse if it is a person who has been self-employed. They may have been a self-employed contractor for 20 years and built up a set of skills. Can that person go along and say, 'Here you are; you can expect me to have these skills'?

The Hon. M.J. WRIGHT: This provision relates to the training that the employer is providing, not to what another employer has provided. So, on page 11, the bill provides:

> (da) keep information and records relating to occupational health, safety or welfare training undertaken by any of the employer's employees in connection with their employment;

It does not relate to any other aspect. I hear what the minister is saying, and the reason I used the word 'qualifications' is because previously he talked about a truck driver and I obviously thought of a licence. With a fencer, well I can only talk about what this particular provision does and it only relates to the training that is provided by the employer—you, in this given situation, or whoever it might be—not some other employer.

The Hon. K.A. MAYWALD: As a point of clarification, I do not read that particular clause that way at all. The clause provides:

> (da) keep information and records relating to occupational health, safety or welfare training undertaken by any of the employer's employees in connection with their employment;

It does not say employment with that particular employer. If someone you are employing presents you with a set of qualifications that they assert they have when they apply for the job, I think it is reasonable for that employer to expect that the person has that training, and that should be recorded on their register of training or specific skills standards achieved, given that the employee has made assertions at the time of employment. I do not believe that it would be prudent for the employer to be responsible for actually having to clarify each of the employee's assertions—particularly in a seasonal worker's environment where you have people coming and going, and packing sheds, and working on fruit blocks. They come to an employer and make certain assertions as to their experience, and it would be very difficult—in fact, impractical—for an employer to have to go out and qualify each of those assertions before employing those people.

The Hon. M.J. WRIGHT: I do not disagree with what the minister is saying but the advice I have received is that this is about the employer for those employees in that particular employment; however, I am happy to consider this between the houses if members have a concern. I am relying on parliamentary counsel's advice, but I will certainly seek clarification and share that with the members and with the shadow minister, because I think we are all basically talking about the same thing—or what we want to be the same thing.

The Hon. K.A. MAYWALD: One other point that I would ask you to consider between houses, minister, is that, if an employee does assert that they have certain qualifications, that the onus be on the employee to demonstrate that they actually do and not on the employer to verify that they have those qualifications. I would like to qualify that: I meant competencies, not qualifications, because each of these assertions does not necessarily result in qualifications. They are generally competencies that people may present they have.

The Hon. M.J. WRIGHT: I am happy to give that commitment. We think that already exists, but I will check that and come back to the member. I am certainly happy to look at it between the houses.

The Hon. I.F. EVANS: Would the minister just clarify for me what commitment he is giving the committee? Because my intention is to oppose the clause totally. I think the minister is giving a commitment to the member for Chaffey and the member for Mount Gambier that, essentially, he is going to restrict the record-keeping to training undertaken in relation to the employment for the employer they are working with. I want to clarify that that is the commitment the minister is giving and, if that is the case, I would like to speak to that.

The Hon. M.J. WRIGHT: Yes, that is the case, and the competency one.

The Hon. K.A. MAYWALD: To further that, the second point of clarification the minister has committed to between the houses, as I understand it, is that, if an employee indicates that they have certain competencies, it is not the responsibility of the employer to qualify whether they do or do not have them at the time of employment. It is assumed that they have those competencies if they indicate that they have them. Is that correct?

The Hon. M.J. WRIGHT: Yes; it is not related to this clause, but I have committed to having a look at it. That does not mean to say that I will necessarily come back with what the member asks, but we will certainly look at it, and I will come back to the minister between the houses.

The Hon. I.F. EVANS: Now that we have had that discussion and the committee is more informed about the government's view and understanding of the legislation, I still oppose this clause. What does the word 'training' mean? Is it a formalised training course, such as one run by the HIA, the NBA or the Farmers Federation, or is it simply well-guided, on-the-job experience? For example, for five years I worked (although 'worked' is a loose description) as a carpenter. I was never formally trained with an apprenticeship and never attended a course, but I can certainly throw together a wall frame or hang a door. I have never attended formal training as such. Does the word 'training' relate to formalised training, or does there have to be a certificate? Is there a recognised training course?

I know that this is only in relation to occupational health, safety and welfare, but, for instance, in relation to safety, you do not necessarily have to attend a formalised course to be taught skills such as how to climb a ladder on a building site, how to use an elevated work platform, how to put up a scaffold, or how to pick up a crate of fruit—bend your knees and not your back. You do not have to attend a formalised course to learn that, as it is all part of the training. I am not sure to what level of detail the employer has to document on the formal record of the information they have to keep. The reason we oppose this clause is that we think that there is some ambiguity in the provision as to exactly what information the employer will have to keep, and it leaves the employer exposed because of that ambiguity.

I take up part of the principle in the argument of the member for Mount Gambier. With the portable work force in today's society, maybe it is the employee who should keep the record of training so that, when they go to their next employer, the employee has all the records from not only their previous employment but also the previous three employers for whom they have worked. If you really want the employee focused on occupational health and safety so that they take as much care as possible in the workplace and drive down occupational health and safety costs, perhaps it is the employee who should be asked to maintain the records in a format that suits them.

We think that the clause is unclear and that it imposes a penalty on business. We think that the small business community will be unnecessarily tripped up by this, and we still remain opposed to the clause, even though the minister has given a commitment to look at certain aspects between the houses.

The Hon. M.J. WRIGHT: I thank the shadow minister for his question. Guidance material will be prepared once the act goes through. To give a couple of examples of what the shadow minister is talking about, it includes inductions, anything formalised, formalised courses, and anything that is reasonably practicable. I also refer the shadow minister to section 19(3) of the act, which provides:

(d) ensure that any employee who is to undertake work of a hazardous nature not previously performed by the employee receives proper information, instruction and training before he or she commences that work; and

(e) ensure that any employee who is inexperienced in the performance of any work of a hazardous nature receives such supervision as is reasonably necessary to ensure his or her health and safety; and

(f) ensure that any employee who could be put at risk by a change in the workplace, in any work or work practice, in any activity or process, or in any plant—

(i) is given proper information, instruction and training before the change occurs; and

(ii) receives such supervision as is reasonably necessary to ensure his or her health and safety; and

(g) ensure that any manager or supervisor is provided with such information, instruction and training as are necessary to ensure that each employee under his or her management or supervision is, while at work, so far as is reasonably practicable, safe from injury and risks to health.

There are other examples, but they are some that I can draw attention to.

The Hon. K.A. MAYWALD: I have one other question. I have just looked at the original act and it contains no definition of training. It would be useful for future reference so that people do not have to refer to the second reading explanation when determining this, because that usually happens when you are in court and not dealing with the day-to-day issues of the business that you are required to do under the legislation. Would the minister consider developing an amendment between the houses to put in a definition of training to reflect his comments in relation to his answer to the last question?

The Hon. M.J. WRIGHT: I think the difficulty in defining it is that you may well cut out things that you do not want to cut out. We know that training is critically important and we really do not want it to become a lawyer's feast where, by defining it, we are potentially excluding what could and should be part of a training regime.

The Hon. K.A. MAYWALD: Which is exactly the point of my concern. If training is not clearly defined, it is left to the courts to determine and it means that the best intentions may not be considered as those that are appropriate in the mind of the court. If we are asking employers to keep information, we should be clear as to what that information is and what would be expected to be defined as that information in a court of law.

The Hon. M.J. WRIGHT: I hear what the minister is saying, but the advice that I have received is that the other states do not do it and we are going to provide the guidance material that I referred to. I think my earlier answer probably covered the main points.

The committee divided on the clause:

AYES (21)

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

NOES (20)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
Meier, E. J.	Penfold, E. M.

NOES (cont.)

Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Rann, M. D.	Brown, D. C.
Geraghty, R. K.	Kotz, D. C.

Majority of 1 for the ayes.

Clause thus passed.

Clause 7 passed.

Clause 8.

Mrs REDMOND: I would like to ask the member about the implications of this clause. It seems that this clause seeks to impose on an employer or a self-employed person responsibility for people beyond the responsibility for their own employees so that they become responsible for making sure a person is safe from injury and risks to health while they are at a workplace. I completely comprehend the idea that when someone comes into a factory, for example, it is appropriate for whoever is in charge of that factory to make sure that visitors are safe. Hence, in some workplaces you will be required to put on a hard hat, overalls, cover your head, or whatever it is; that is fine. However, the situation that occurs to me and which is of some concern is where, for example, you might have a builder come to a private home to do extensive renovations. When I had my house renovated, I not only had my family living in the house during the course of the renovations, and they, of course, were on the work site but, from time to time, numerous other visitors for various reasons came on to the work site. I want to clarify the extent to which this clause makes the builder responsible for anything that happens to anyone whilst they are in that sort of situation.

The Hon. M.J. WRIGHT: The simplest way to answer that for the member is to read part of the clause. The clause provides:

> An employer or self-employed person must ensure, so far as is reasonably practicable, that any other person (not being an employee employed or engaged by the employer or the self-employed person) is safe from injury and risk to health—. . .
>
> (b) while the other person is in a situation where he or she could be adversely affected through an act or omission occurring in connection with the work of the employer or self-employed person.

There are regulations in relation to construction work that would help to determine the question.

Mrs REDMOND: The situation about which I am particularly concerned is not a workplace in the normal sense. I completely understand this provision in terms of factories, shops, offices, and all sorts of other premises, but where a builder comes to a private home and is doing extensive renovations, and the family is still living there, visitors are coming and going, presumably the builder has some sort of insurance policy covering his obligations on the site, and so does the home owner, I am curious about the extent to which the builder becomes responsible for every visitor to that site while they are on site as the construction worker.

The Hon. M.J. WRIGHT: It would depend upon the circumstances, but, if a builder said, 'Don't go on this particular site,' and put up a sign and the person still went on the site, obviously, the builder would have fulfilled his responsibilities with the sign or by telling people not to go to a particular part of the site. It would depend upon the circumstances. The circumstances could differ for any given circumstance.

The Hon. I.F. EVANS: So, if an employer simply puts up a sign, 'Don't enter this workplace', they are covered—or is it different for people other than builders? Secondly, in relation to risks to health, would that include smoking? WorkCover has a passive smoking liability approaching $600 million, as I understand it. There is a provision account with WorkCover. They have an issue with passive smoking, from memory. I might have the figure wrong, but, regardless, the government is very concerned about passive smoking to the point where we have to stand nearly a metre away from a bar to have a drink. In relation to the risk to health on a big building site—for example, the Myer-Remm centre, which went for three years—would the employer be able to say, 'Your smoking is a risk to health; you are not allowed to smoke on site'? Indeed, is the employer exposed if he does not do that? I am interested in that issue.

While the minister's adviser gets advice to advise the minister about the advice, I want to raise the concerns of the business community in relation to this provision. This provision amends section 22(2) of the act. Existing section 22(2) requires employers and self-employed persons to take reasonable care to avoid adversely affecting the health or safety of third parties through an act or omission of work. Stanley undertook a report into this act and recommended that the term 'avoid adversely affecting the health and safety' be changed to 'ensure the health and safety'. Stanley argues that the current law is negative as opposed to placing a positive action and delegation on the employer. The actual amendment before us goes somewhat further.

In summary, it requires an employer or a self-employer to ensure that, as far as reasonably practicable, third parties are safe from injury and health risks where the third party is at the workplace or where they are in a situation where he or she could be adversely affected through an act or omission occurring in connection with the work of the employer or self-employed person.

While section 22 imposes penalties and can lead to prosecutions, it is just as important to note that it can also lead to civil liability for tort of breach of statutory duty. This amendment is not supported by the business community, and in particular Business SA. Apparently, it is supported by the Law Society. There seems to be some lack of clarity as to whether or not this section could be used to avoid section 17C of the Wrongs Act, which relates to the duties of occupiers and owners of lands to third parties. The committee should also be aware that one of the reasons I asked about passive smoking or smoking per se is that the workplace, as defined in the originating act, includes ships and vehicles.

For instance, truckies for Alan Scott Transport drive all over Australia. Is he now exposed on the basis that his employee smokes in a workplace and therefore it is a risk to that person's health? I think that the government's health department would argue that smoking is a risk to your health. When you pick up a cigarette packet it says that cigarettes cause cancer, they kill and not to smoke when you are pregnant—a range of health warning messages. I believe that, in relation to smoking, this provision and the current knowledge is definitely an issue.

This provision will catch all employers and, in effect, they will be forced—through fear of being tripped up by this provision—to make sure that they ban smoking in every workplace as defined under this act. 'Workplace' as defined under the act means any place, including any aircraft, ship or vehicle where an employee or self-employed person works and includes any place where such person goes while at work.

Even a self-employed carpenter or self-employed delivery driver who drives ultimately cannot put a passenger at risk by smoking.

It is not necessarily an extreme reading of the bill, but it is a reading that the government may not have understood when it drafted the bill. We oppose this provision for the very good arguments outlined by the business community as to why we do not need to change the current provision. The current provision is well understood. It has worked. The government has presented no evidence to the parliament's committee or to the parliament as to why we should change this provision. For those reasons, we will oppose this provision, but I would be interested in the minister's answers to the matters I have raised.

The Hon. M.J. WRIGHT: I thank the shadow minister for his questions. Perhaps we can go through those first and I will come back to some of the other points raised by him. The shadow minister asked whether putting up a sign absolved a builder of any responsibility. As I said in my earlier answer, it does depend upon the circumstances. If, for example, the builder was building a second storey and he or she put up a sign saying that—

An honourable member interjecting:

The Hon. M.J. WRIGHT: Yes, that the floor is not suitable for walking on and someone walked on it. I would expect that, in that situation, the builder would be absolved. Obviously, as the honourable member would be aware, it depends upon different circumstances. The shadow minister also asked me about the health risks in regard to passive smoking and smoking. I guess whether it is smoking, or any other issue, employers need to assess the risk and take the appropriate action. Obviously smoking is covered in other legislation, to which there needs to be regard.

Also, the shadow minister said that the current legislation is well understood, and that is not the case. The difficulty with the current section is not what it actually means in terms of how the courts have interpreted it, it is how it is perceived. I understand that, as part of the Stanley report process, it became clear that the use of language in the negative in the provision to avoid adversely affecting health or safety has led to a wrong perception in industry that there is not a positive obligation to protect health and safety. The wrong perception has been that there is simply an obligation not to diminish safety.

The bill proposes to address this perception whilst not disturbing the substantive meaning of the provision by recasting it in positive terms. I am advised that this reflects the way that the provision has been interpreted and applied by the courts, and by reflecting that, we help to ensure that industry better understands its existing obligations. We want to make sure that obligations are well understood because, if they are not, it is less likely that the law will be complied with. The bill does not expand the scope of responsibilities for employers and self-employed persons, rather it provides clarification of their duty to ensure the health and safety of anyone who may be affected by risks arising from work being carried out. I have also had it drawn to my attention that the parliamentary report, on page 27, states:

> Business SA supports the proposed amendment, even if it extends to such things as building firms undertaking renovations at private firms. Mr Frith advised that he was comfortable with the principle of protection of the public from the work activities and from related risks. We have no problems with the principle. If it is a domestic situation, again third parties should not be placed at risk from the work being undertaken. So, inherently, I believe, we would be supportive of it, even if it extends to that level.

Mrs REDMOND: Just on that clause, I understand the rationale expressed by Commissioner Stanley in relation to trying to express all of this in the positive rather than the negative. However, I want some clarity about what it will now mean, especially the terminology at the end of subsection (2), where it talks about being safe from injury and risks to health. There is an offence at the end of this subsection: first offence, division 2 fine; subsequent offence, division 1 fine. Is an offence constituted by merely exposing a person to a risk, or is an offence constituted by actual injury or harm?

The Hon. M.J. WRIGHT: No actual injury or harm is required.

Mrs REDMOND: So, if I understand the minister correctly, someone could be conducting a workplace where no one actually suffered an injury or harm and, if they did that more than once, technically under this act they could find themselves subject to a division one fine for a subsequent offence without anyone having actually suffered a harm or an injury.

The Hon. M.J. WRIGHT: In a technical sense the honourable member would be correct but, as she would be aware, discretion is always applied when making prosecutorial decisions. This is the existing law. I also refer the honourable member to page 27 of the parliamentary report, which I quoted from earlier, and which says in the same section (the next couple of paragraphs on from what I previously quoted) that Business SA and the Law Society both expressed a view that the proposed amendment did not fundamentally change the legislation and that this clause will not provide a new course of action for third parties as third parties can already seek compensation through common law.

Mrs REDMOND: In terms of the right to sue at common law, at common law one would have to establish the duty and the breach and the harm that resulted from the breach to bring the action. This seems to say that just establishing the duty and the breach is sufficient to constitute the offence, and I want to be very clear that the minister is asserting that it does not change the current position.

The Hon. M.J. WRIGHT: I am asserting that it does not change the current act. What I read out is from Business SA. It is on page 27 of the parliamentary report, which I am not sure the honourable member has with her. The footnote is 66, which says 'Business SA'.

The committee divided on the clause:

AYES (21)

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

NOES (20)

Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.

NOES (cont.)

Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Rann, M. D.	Brown, D. C.
Geraghty, R. K.	Kotz, D. C.

Majority of 1 for the ayes.

Clause thus passed.

Clause 9 passed.

Clause 10.

The Hon. I.F. EVANS: I move:

Page 12, after line 17—
Insert:

(2a) Section 28—after subsection (6) insert:

(6a) The employer must be consulted about when the election is to be carried out before the arrangements for the election are finalised.

This amendment seeks to insert a new subsection to ensure that an employer is consulted about when elections of health and safety representatives are carried out before the arrangements of the elections are finalised. This amendment is purely so that when the elections are going to take place the employer is aware of that, and it will not disrupt the workplace. It is simply a matter of the employer being consulted about the elections. It is a very simple principle; it is just make sure that the employer is consulted about when the elections are to take place, and we hope the government will support it.

The Hon. M.J. WRIGHT: I am happy to do so.

Amendment carried; clause as amended passed.

Clause 11.

The Hon. I.F. EVANS: I move:

Page 12, line 31—Delete '10' and substitute '20'.

Clause 11 of the bill deals with part 4, division 2A, section 31A—training of health and safety representatives. If the employer employs 10 or less employees, there is less of a responsibility on the employer in regard to time off. They recognise that time off for small employers can create difficulties compared with big employers. We think 10 is too small a number. South Australia has a large number of small businesses. Something like well over 50 per cent of our employers employ less than 20. Twenty is the number recognised by the Australian Bureau of Statistics. In all of these sort of clauses, the number 20 is used. I note the federal government is going to introduce an unfair dismissal exemption for businesses with less than 20 employees. So, for the purposes of consistency we think the number should be 20 or less employees, not 10 or less employees. That is the basis behind this amendment. Employers will still have obligations, but it will be a lighter obligation for a broader number of small businesses in relation to this particular provision.

The Hon. M.J. WRIGHT: I oppose the amendment. The threshold in the existing act is 10 and no change is proposed in the bill. It has been in the act since 1990 and has worked well. I see no reason to increase the number from 10 to 20.

Mr HANNA: On behalf of the Greens, I have a number of things to say about training generally. I realise that there are a lot of training matters which are going to be covered by regulations, but this particular clause of the Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill is a suitable point at which to make a number of remarks about occupational health and safety training.

The amending clause deals with the training of health and safety reps, deputies and committee members, maintenance of pay and reimbursement of expenses for people who go on training and relevant guidelines. It also refers to the functions of health and safety reps and the responsibilities of employers. I have a whole range of submissions and recommendations in relation to health and safety reps, and I will just go through them. This does not require an immediate response from the minister but is something that can be taken into account when regulations are being framed. I very well understand that what will happen here is that the legislation will go through in one form or another, and then there will need to be new occupational health and safety regulations. That will be an opportunity to review the obligations and opportunities for training for health and safety reps and others.

The Greens recommend that registration of health and safety reps on a database, perhaps to be kept by the SafeWork Authority, should be sufficient evidence of appointment to give rise to the legal protections that accrue under the act. The Greens wish to see administratively efficient methods for verifying elections of health and safety reps prior to registration. This is something to which the SafeWork Authority will need to turn its collective mind. It is recommended that the SafeWork Authority develop a letter to go to health and safety reps upon their appointment and also advising them of the expiration of their term.

It is recommended that employers be obliged to meet the costs of training courses nominated by health and safety reps at all three levels—that is, assuming that we continue to have three levels of health and safety rep training. It is recommended that there should be some kind of working party or consultation process involving health and safety reps, health and safety rep training providers and TAFE representatives to develop a process for linking third year health and safety rep training with TAFE occupational health and safety courses. It is recommended that a code of practice be developed by the SafeWork Authority setting out the criteria for minimum occupational health and safety competency for supervisors and managers and detailing the requirement to train them. There should also be developed a suitable accreditation process for supervisor and manager training based on these criteria. The accreditation should be similar to that required for health and safety rep training.

The Greens believe that there should be an accredited curriculum and process for the accreditation of providers of occupational health and safety training. We certainly agree that training of occupational health and safety committees should be mandatory. We believe that compliance with stringent audited occupational health and safety requirements should be a condition of accreditation as a training provider in South Australia. We believe that stronger emphasis should be placed on occupational health and safety in trade training curricula. Trade school educators should be educated in occupational health and safety practices and philosophy.

It is recommended that the SafeWork SA Authority promote annual industry-wide health and safety rep conferences, particularly in industries that warrant targeting. These are just some of the issues that will need to be addressed by the SafeWork Authority. But, most importantly, there should not be any reduction in the required number of days' training. Currently, five days' training is required for health and safety reps, and there should not be a reduction. If there is a suggestion in the Stanley report that this can become repetitive over time, that is interpreted by the Greens as an

argument for improving the quality of training so that people can advance further in their knowledge and skills. So, now is certainly not the time to reduce those training entitlements.

Finally, we believe that training for supervisors and management is just as important, in a way, as training for the health and safety reps. It is good to see that some obligations in that regard are contained in this legislation and will be contained in the regulations. With those comments, I will leave it there. Obviously, when the regulations are brought forward and published in the *Gazette*, I will use the opportunity as a member of the Legislative Review Committee to take a very close look to see that there has been no diminution of training obligations and opportunities.

The Hon. M.J. WRIGHT: I will certainly commit to having a good look at some of the ideas that have been put forward, and I will also commit to talking to the member for Mitchell about those ideas and also the regulations. Obviously, I am happy to do the same with the shadow minister as well.

Amendment negatived.

The Hon. I.F. EVANS: Given that we have unfortunately lost the amendment in relation to the clause as presented, the opposition has some concerns in relation to those particular provisions. The bill makes a number of changes regarding training, including that a health and safety representative and a deputy, or a member of health and safety committees, is entitled to take time off work, as authorised by the regulations (which we have not yet seen) for OH&S training, as approved by SafeWork SA.

Health and safety representatives are elected pursuant to section 28 of the act. Where an employer has 10 or fewer employees and does not have a supplementary levy, the representative is only entitled to take reasonable time off. A person who undertakes OH&S training under this section is entitled to be paid and to have his or her expenses (such as parking, meals, accommodation, etc.) reimbursed. The health and safety representative is entitled to take such time off work as reasonably necessary to perform his or her functions and is entitled to full pay and reasonable expenses. The bill also confirms the right of a health and safety representative to refer matters to a Workplace Service inspector.

Business and other stakeholders have generally supported the need for training, but they have raised some specific criticisms about these provisions. These provisions include that the threshold of 10 employees is too low, but we have lost that amendment. A further criticism is that the regulations relating to the amount of time-off expenses, etc. have not been seen. So, we are voting on what could be anything. There is no provision for credit to be given for existing OH&S programs provided by employers. I ask the minister why that is so, and why there is not provision for credit to be given for existing OH&S programs provided by employers.

There is a lack of flexibility in relation to OH&S training. For example, the Association of Independent Schools wants courses to be industry specific and that courses take place only during school holidays. The election of health and safety representatives is currently undertaken without any consultation regarding the process or timing of employers, but the minister has agreed to fix this.

The opposition agrees with the position of Business SA, that is, that these provisions should be amended so that the extent and timing of training is agreed by employers, which we have done. It also believes that employers should have some control over the number of representatives attending training at any one time to ensure businesses are not unreasonably disrupted.

Therefore, the opposition does not support these particular measures on the basis that they will impose significant additional cost on employers. There is no evidence (or insufficient evidence) to demonstrate improved OH&S outcomes as a consequence. The detail is vague in the absence of draft regulations, there is a lack of flexibility and industry specific OH&S training proposals and there is no credit for internal OH&S training.

The Hon. M.J. WRIGHT: If the training is accredited, credit will be given. With regard to issues raised about the lack of flexibility, the authority will have a role to play with training issues. It will be consulting widely and obviously have representations from employers and employees going about their business. Training is one of the areas where they have their strongest powers.

The Hon. I.F. EVANS: In relation to clause 11, new section 31A(2)(a)(ii), the employer is not a employer in respect of whom a supplementary levy has been imposed by WorkCover. Do I read that as being in respect of a supplementary levy that has been imposed and is still in place or simply has been imposed at some time during the employer's existence?

The Hon. M.J. WRIGHT: It has to be in place at the time.

Clause passed.

Clause 12 passed.

Clause 13.

The Hon. I.F. EVANS: I move:

Page 14—
Line 27—Delete 'consult with' and substitute 'obtain the agreement of'.
Line 28—After 'subsection (4)(b)' insert '(and that agreement must not be unreasonably withheld)'.

This is in relation to the responsibilities of employers and we are simply seeking to insert a provision whereby, rather than consult with the employer, they need to obtain the agreement of the employer to undertake certain activity. In addition, through the second amendment, the employer must not unreasonably withhold agreement.

What we are trying to do is give the employer some reasonable say as to when the health and safety representative is entitled to take time off work. The way it is currently drafted is that they can, basically, take time off work after they have consulted the employer. Our model is that they can take time off work once they obtain the agreement of the employer, and that agreement cannot be unreasonably withheld. So, there is a difference but we think that it is, ultimately, the employer's workplace and they have taken the financial risk. We believe that, if the agreement is not unreasonably withheld, that provides the right balance. There are still obligations on the employer to provide training, etc., to make sure that the workplace is safe and that the people employed there are trained. Therefore, agreement will ultimately have to be made—it is just a matter of when and the process.

We believe that the employer should be able to say, 'Yes, I agree,' and give times rather than the minister's model which tends to be, 'I am just letting you know that tomorrow I am going off to health and safety training.' That is the purpose of the two amendments.

The Hon. M.J. WRIGHT: We oppose the amendments moved by the shadow minister. Health and safety representatives need to be independent, they need to be able to do their

duty in a timely and appropriate way. The amendments moved by the shadow minister could undermine their ability to do that, because if they do not obtain the agreement of their employer they may not be able to go about those duties. For those reasons we oppose the two amendments proposed by the shadow minister.

The Hon. K.A. MAYWALD: I would like some clarification on where an employer stands if an employee decides that they are going to do training at a time that suits them and does not necessarily suit the business. For example, an employee may decide at the busiest time of the year that it is necessary for them to do this training, and that could put the company at risk in respect of its productivity. Is it envisaged that it would be a breach of the employee's responsibility for reasonableness if they were to actually work against the employer in that respect?

I think it would be quite sensible that an employee should get the agreement of the employer, given that the employer has to pay the expenses and that it is the employer's down time in respect of when this training is done. There should at least be an agreement rather than just a reasonable step. It seems to me that it is providing an untenable situation that could give rise to conflict between the employee and the employer.

The Hon. M.J. WRIGHT: The independence of health and safety representatives is a key issue, and there is a dispute resolution mechanism in the act in clause 34(7), as follows:

> The Industrial Commission may determine the dispute and the decision of the commission is binding on the health and safety representative and the employer.

Amendments negatived.

The Hon. I.F. EVANS: I have some questions on the clause as presented. What other matters does the minister envisage in the regulations? There is already travelling, meals, accommodation and parking fees. Is he looking at, for example, conference registration costs? What sorts of things is he looking at in the regulations?

The Hon. M.J. WRIGHT: The advice I have received is that the costs may be for a training course. Of course, we are talking about regulations, and they can be reviewed by the parliament.

The Hon. I.F. EVANS: We seek some guidance from the minister on what he intends by the words 'is reasonably necessary for the purposes of performing the functions of a health and safety representative under this Act'. Section 34(3) provides: 'A health and safety representative is entitled to take such time off work as is reasonably necessary.' That is very ambiguous. How does an employer judge that? The issue is: at what point does it become reasonable and at what point does it become necessary?

The Hon. M.J. WRIGHT: One example could be that, if there is a dispute, and the dispute goes to the commission, the health and safety representative may need to attend the commission hearing to help resolve the dispute.

Progress reported; committee to sit again.

ADJOURNMENT DEBATE

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

> That the house do now adjourn.

PORT RIVER BRIDGES

Mr VENNING (Schubert): I congratulate you, Mr Deputy Speaker, on your elevation to the position. It just goes to show that those who are patient and do the right thing will eventually be rewarded. Again, I congratulate you.

I am both disappointed and disgusted with the government's announcement in the last few days about the new bridges over the Port River—the new lifting bridges. I feel it is a gross waste of money, and it has taken too long for this decision to be made. It will cost $179 million, from memory, which is almost $90 million over the cost of a fixed bridge, just to have this bridge lifting and to have it lifting just twice a day. I am happy that the announcement was made that there will be no tolls on this bridge. I am pleased about that, as are many sections of industry, but the money really cannot be justified, and I have been saying this for the last two years.

Admittedly, under the previous government and our minister (Hon. Di Laidlaw, at the time), the original idea was for a lifting bridge. The minister at the table at the moment was the minister for transport throughout a lot of the time that I was asking questions about these bridges. We said originally there would be lifting bridges but, when you see the huge cost and the infrastructure complications that go with that, I believe we cannot justify either the cost or the extra time that it will take to build this bridge.

Sir, this situation reminds me somewhat of the light towers at Adelaide Oval. Do you remember that, sir? There was a big huff and puff by the North Adelaide residents because they did not want these lights in their vision, so we went to all the cost and hassle of making these lights retractable. We all knew there would be problems, and guess what happened. There was a near fatality and then of course they went, and now we have the fixed towers. I am very concerned that this lifting bridge is a big structure, and big structures that move need very high maintenance and can be very dangerous. It is bad enough for a road bridge to be lifting, but it is also a rail bridge that is lifting and the tolerances are much finer because trains cannot jump the gaps.

So, I certainly have much concern about this. We are about to spend millions of dollars to build a lifting bridge and it appears to me that we are only doing it for the yuppies who want to tie up their yachts in front of their condos. I do not want to be rude to these people—I have no problems with those who can afford it. But why do we not build the road bridge with a fixed high arch (in other words, you can sail underneath it) as they have done with the high bridge in Brisbane, and the railway bridge could be fixed as high as possible? We could compensate the yachties, or any other user, with enough money so that they can hinge the masts on their yachts, because that is not impossible and it is done in many places in the world. They could hinge their masts, drop them on a cable and winch, go underneath and pull them back up again.

It is all very well to have a lifting bridge but, if there are two with the rail line, I believe in 20 years it will become a fixed bridge anyway, just like the light towers at Adelaide Oval. They will malfunction and will be fixed anyway, and we will have yet another white elephant. I ask the minister to mark my words. Mark this point in time when I say this, because I hate to be right. I will hate to say I told you so, but I think this is what will happen here. If you have any doubts about that, go and check the condition of the existing lifting bridge at Port Adelaide. From memory, it is called the Jervois Bridge. Just go and have a look at that. I do not know how

long that can be judged as safe. If you ask me, it is a total and utter waste of money. I agree that a decision needed to be made to help out our exporters, particularly our wine and grain industries, but surely the cheaper option existed, and it was also the most sustainable.

Even yesterday's *Advertiser* revealed that not everyone shares the same thoughts as the government. Whilst businesses and individuals welcome the news that the bridges have been announced—and we all say hooray, hooray—they say the decision to have an opening rather than a fixed bridge is disappointing. A fixed bridge was obviously the preferred option, and one which would have been cheaper and which would serve the purpose well into the future, probably for 40 or 50 years without much maintenance. Further, no people would be required on the bridge to man it or to keep the timetables.

The money allocated for this project is a large portion of the entire state budget. This is just the initial development. What about the ongoing cost to ensure that the bridge is maintained in a safe working condition, its maintenance, manning the bridge, and the timetables? Of the $179 million, $80 millionis the approximate extra cost to build the lifting bridges. I believe that $80 millionwould build 140 kilometres of new road out there and, by gosh, we certainly need it. It would also build four new Barossa hospitals.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: We could certainly use four, the Attorney-General interjects. I am just trying to make a point that this is the sort of thing you can do with $80 million.

Mr Meier interjecting:

Mr VENNING: Also one at Ardrossan, as well. All would be well if we were swanning in money and all the infrastructure across the state was Mickey Mouse, up to scratch and okay, but that is not the case. We are doing poorly. We cannot afford to throw this sort of money at one project when you do not have to have a lifting bridge. How many people will it cater for? We are spending $80 million—and the Minister for Infrastructure walks in—for how many people? If you work it out per person or per family, I believe that it cannot be justified.

The project itself, in terms of funding, is nearly as big as the freeway in the Adelaide Hills. And have a look at the size of that project. It is absolute bull excreta—that is what I call it. The hassles and liability of working timetables twice a day is nonsense. The entire project is just going to create more and more headaches for everyone, including the community. The government has said that it will be open by 2007. I welcome that announcement, and I hope it is, but will it? How much longer will it take to build a lifting bridge over the top of a fixed bridge? Time is of the essence, as we know.

The government has even delayed the development of Outer Harbor by several months because of this decision. Yes; I approve of the government's decision, as the Minister for Infrastructure said, to move this berth alongside the container berth. That was a correct decision, and the previous government got that wrong. I am the first to admit that; I am playing a straight bat here. Again, I have to declare an interest which I forgot to do in the first instance in that I am still a barley and wheat grower, although in a smaller way.

We know the new highway is almost complete, and I give the government credit for that. It is a brilliant highway; it is good. Thanks to the Public Works Committee, we suggested to government that it put flyovers at all the intersections at a greater cost, and that has been done. It is now a high-speed highway all the way from the north unimpeded right through until you reach the jolly river, and there you run into the problems of this bridge. If it is a lifting bridge, sure, twice a day they are going to be stopped there waiting for a couple of yachties or whatever to go through. The road is there. I also know that tomorrow the Public Works Committee will approve the $45 milliondredging, and that will start this month.

When will the bridge be ready, and how much further delay will there be because of this lifting bridge? The cost really cannot be justified. I am just staggered about the politics of this issue—and it is politics, because we know that the federal member for Port Adelaide and the Deputy Premier have had an impasse over this issue because they both represent Port Adelaide.

I do not believe that anyone can justify this extra money for a bridge that will be used by so few people. It will be in their eyes, anyway, and the lifting bridge will be less attractive than a fixed bridge. It will be in their eyes; there is no doubt about that. It will ruin their aura or the vision or the panorama in front of these lovely new condos and all this new development at Port Adelaide. It is all very well, a minister told me tonight, that land tax collected from these condos will pay for the bridge over 20 years. If that is the level of land tax we will continue to pay over the next 20 years I am staggered, because we cannot sustain that level of tax on people. I do not believe that argument is valid, either. I welcome the announcement that we will have a bridge—hooray—but I do not believe the $80 million extra is justified. We should have a fixed bridge.

Motion carried.

At 10.06 p.m. the house adjourned until Wednesday 6 April at 2 p.m.