LEGISLATIVE COUNCIL

Wednesday 31 October 2001

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports of the South Australian Parliamentary Select Committee on the Murray River—South Australian Government Response

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 2000-2001—
Director of Public Prosecutions
Playford Centre
Response from the Minister for Primary Industries and Resources and the South Australian Government to the Report of the Statutory Authorities Review Committee on its Inquiry into Animal and Plant Control Boards and Soil Conservation Boards
SA Tab Sale—Probity Auditor's Final Audit Report and Summary—29 October 2001

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

Corporation By-laws—
Prospect—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs

By the Minister for Workplace Relations (Hon. R.D. Lawson)—

Construction Industry Long Service Leave Board—Report, 2000-2001.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the 31st report of the committee and move:

That the report be read.

Motion carried.

The Hon. A.J. REDFORD: I lay on the table the 32nd report of the committee.

QUESTION TIME

PORT RIVER EXPRESSWAY

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the Port River Expressway and third river crossing.

Leave granted.

The Hon. CAROLYN PICKLES (Leader of the Opposition): At the time of the announcement of this capital work and the legislation that followed to enable the introduction of a toll, the minister gave assurances that it was anticipated that industry would be the largest user of the bridge and would therefore carry the greatest burden of the toll. I understand that the project is in the final planning stages, that some stages are before the Public Works Committee and that construction is due to commence later this year or early next year. My questions are:

1. Can the minister confirm that toll revenue from industry and commercial vehicles will be the largest source of revenue for the project?

2. Is the minister satisfied that the state government will not be exposed financially if toll revenue levels, whatever they might be, are not achieved after construction?

3. Is the minister satisfied with the current level of funding from the federal government and can she assure the Council that no further state or federal funding will be required for future stages, other than those commitments that have already been made?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The federal Minister for Transport and Regional Services, the Hon. John Anderson, wrote to me before the election was called and pledged a further, I think, $18 million as the federal government's contribution to the three stages of this project; that is the funding that we had sought as a state government. That has allowed the state government to give the go-ahead for the call for the next stage of private sector involvement in stage one, which is the road component. Stage two is, of course, the road bridge, and stage three is the rail bridge. Stage one involves no toll process. It is a federal-state government Road of National Importance, with shared investment by the federal and state governments. It is the road bridge at stage two that will be called early next year.

The honourable member will appreciate that the lower the bid from the private sector in terms of the design, construct, financing and operation of this bridge the lower the toll for commercial vehicles; and, possibly, no toll for light vehicles. When the bill was before us in this place to provide for a toll under the Highways Act specifically for this project, I recall stating that the Port Adelaide Enfield council and, I think, the local member, Mr Foley, had both talked with some degree of support for the concept of a toll on light vehicles.

There is a local concern, which we must take into account, that, if there is no toll on light vehicles, people driving light vehicles will see the new bridge as an outstanding way of bypassing the heart of Port Adelaide. What we wish—and I think that this is collectively the view of both sides of this parliament (I am not sure about the Democrats)—is to get the heavy vehicles out of the heart of Port Adelaide—not necessarily the light vehicles because, as part of the redevelopment of Port Adelaide that will arise from the Land Management Corporation's activities and the absence of heavy vehicles from the heart of Port Adelaide, we will finally see a regeneration of that important part of the Adelaide metropolitan area. We have, over time, talked about Fremantle, The Rocks and a range of areas where an older part of the city has been reborn, and that is what we wish to see with—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It may be that Mr Foley feels considerably vulnerable in his seat. I am sure that his erratic behaviour could suggest such pressure but, certainly, it is a very important exercise in terms of getting the bids.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I would just like the honourable member to listen to this and to reflect on it because it is an issue that I put to the Port Adelaide Enfield council, which it has finally taken account of. When we go to the private sector for it to design, fund, operate and build these components of this project, it is important that we keep

the risks down to a minimum—manageable level, in particular.

That is why, recently, we spoke to the Port Adelaide Enfield Mayor and CEO, telling them that this parliament and the federal parliament had a bipartisan approach and we had all given unconditional support for this project. The only level of government that does still—

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: Multipartisan support. I think that it includes the Democrats. SA First was okay and the honourable member, as Independent Labour, is okay. I just do not recall about the Democrats; I think they said no. The point is that we must keep the manageable risks to an absolute minimum, otherwise the private sector, if it foresees risks in this project, will build into its costs and estimates a very big cushion, and that cushion would have to be funded through the toll. If it cannot reduce and keep to a minimum the risks, we will have a higher priced bid from the private sector.

I do not want to see—and I repeat what I have indicated to the parliament—the taxpayers exposed in terms of this project for investment. I want to see it funded by the private sector and, through the toll regime, the private sector recoup its investment. For a couple of weeks, the Port Adelaide Enfield council, fortunately, did remove from its books a motion which had not been put to the vote but which was definitely on the books and which was a risk factor in that it did not like the current site and wanted to investigate a further site. Those sorts of uncertainties were unhelpful. I made that point quite bluntly to the mayor, who had given notice of the motion but not moved it. They have now removed that notice of motion and passed a motion two weeks ago supporting the bridge at the current site. I thank the council for that because it means that in the paperwork we put out to the private sector we will be reducing—

The Hon. T.G. Cameron: Commonsense prevails.

The Hon. DIANA LAIDLAW: Commonsense prevailed, yes. The mayor said that I pressured her and if that was a way of her easing out of a position that was awkward in terms of the motion she had on the book, then I am relaxed for her to say that I pressured her. The way in which they do their business down there, I was pretty mild mannered.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I just indicated that the federal government had given the funding we sought for stage 1. In terms of stage 2, that will be unknown until we get in the bids. What I have been trying to say—and perhaps you did not fully appreciate what I was saying—is that we are trying to keep the manageable risks as low as possible and in fact eliminate them. Port Adelaide Enfield council's motion the other night has helped us reduce a further known risk, which means that in bidding the private sector need not put a cushion in their pricing. I am not sure what more I can say to the honourable member.

I said quite openly that it is our preference that there be no government exposure through further investments. That is why we went to the private sector in the first place to see that there is no state government investment. We are trying to keep it to nil, but it will depend on the bids and on what is in turn accepted by this parliament through oversight by the Economic and Finance Committee as the appropriate toll level. These are finely balanced issues. If the private sector bid is so high and needs a very high toll, you will not have people using the bridge. Therefore, if people do not use the bridge, there may be some exposure to the state government.

We wish, through a very competitive process, to keep the private sector's bids to as low a level as possible with the minimum, if any, cushioning for risks. I am not too sure how I can explain it more clearly, knowing that we have not yet put out the papers calling for the expression of interest because I did not want to put out those papers with the Port Adelaide council motion on the books. That has now gone and the paperwork has been completed. It will then go out for bids and must then be assessed. It is some way off, but the honourable member is expressing the parameters of what the government has been seeking to achieve the whole time, namely, to make sure it is a private sector and not a government funded project.

CLAYTON REPORT

The Hon. P. HOLLOWAY: My question is directed to the Attorney-General. Now that the Clayton report and the report of the Auditor-General into the Hindmarsh Soccer Stadium redevelopment project have been presented to parliament, will the Attorney-General provide a breakdown of the costs of providing legal counsel and advice, from both government and private sources, to the members for Coles, Bragg and Kavel (that is, Joan Hall, Graham Ingerson and John Olsen), in relation to those two inquiries?

The Hon. K.T. GRIFFIN (Attorney-General): I previously provided some information. I will endeavour to bring together the information that the honourable member has requested. It may also be possible to identify the total cost, certainly of the Clayton inquiry. I am not so sure about the Auditor-General's inquiry because that is not something over which I have any responsibility. The Clayton inquiry was funded by a special budget provision to the Crown Solicitor's Office in the Attorney-General's Department. The issue of representation and the payment for it is one where the Crown Solicitor, under the Treasurer's instructions, is required to certify the accuracy of the accounts which are received from lawyers representing different parties.

The certification was essentially that the fees met the guidelines that the state specified. They are actually paid out of different agencies of government. We did not keep a central register of legal expenses incurred by the government on behalf of various parties, but I will endeavour to bring the information together.

PROPRIETARY RACING INDUSTRY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Recreation, Sport and Racing, a question about proprietary racing.

Leave granted.

The Hon. T.G. ROBERTS: At the end of the year 2000 session the Council was forced to discuss proprietary racing in a very hurried, panicked form. Contributions were made by members on both sides of the chamber that indicated that we were not happy with the way in which the bill had been processed and proceeded with, and that due haste was given as a reason for introducing proprietary racing, so as not to miss an opportunity that was about to present itself in the South-East, the Riverland and in Port Augusta.

The reason given in this Council was that, if we were able to introduce the bill prior to Christmas, it would be all go in January and February and proprietary racing would be well under way in those regional areas which, at the time, needed

the employment opportunities that presented themselves, so each member in this Council made the determination that to stand in the way of the legislation would be seen as working against the interests of country people and the opportunity for jobs that proprietary racing was going to present.

The picture at the moment is a lot different, with the proponents of proprietary racing all withdrawing, as I understand it, from proceeding with any of the programs that they had expanded on in the years preceding the legislation. It may be that their programs are on hold, waiting for further investment opportunities to present themselves to the public through new prospectuses; I am not sure. But it appears that those opportunities have shrunk. The question I have relates to reviving some of the interest that may have been there this time last year, to see whether it is possible to breathe some life into the prospect of proprietary racing in this state.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: No, I am just wondering where all the proponents for proprietary racing have gone and what the prospects are of them rising from the ashes.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: A lot of councils were encouraged to put money into these programs, and the prospect of them getting any of their money back is pretty slim. Will the minister report to the parliament on the future of proprietary racing in all codes (and there were indications that there would be trotting, dogs and quarter horses), and could the report include the prospects of on-line betting and international coverage for all these events?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the honourable member's question to the minister and bring back a reply.

OPERATION FLINDERS FOUNDATION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Operation Flinders Foundation.

Leave granted.

The Hon. J.S.L. DAWKINS: Earlier this year, the Attorney-General funded an evaluation of the Operation Flinders Wilderness Adventure Program for youth at risk, which is conducted at Mooloolloo Station near Blinman. Members may be aware that I have taken a strong interest in the work of the foundation in recent years. I have attended four of its exercises at Mooloolloo, and I acknowledge the significant volunteer, corporate and state government support for Operation Flinders. I know that other members of this chamber, including the Hon. Legh Davis and the Hon. Angus Redford, also have witnessed Operation Flinders exercises, and there are other members of the chamber who I understand are interested in going to Mooloolloo Station for an exercise in the near future.

I understand that the conclusions of the evaluation include the following comments:

> Indications are that Operation Flinders is functioning well. Analysis against our best practice criteria revealed few areas of concern about the design and conduct of the program. The program is managed with enthusiasm, professionalism and commitment, is competently staffed, and appears to be held in high esteem by the young people who have participated in it.

Will the Attorney-General provide the Council with further detail of the conclusions of the evaluation?

The Hon. K.T. GRIFFIN (Attorney-General): One of the conditions of funding Operation Flinders three years ago was that there should be, at the end of that three-year period, a process of evaluation against the objectives that Operation Flinders had set for its program. That evaluation was done. A copy has been made available to the Operation Flinders board, and I have authorised it to refer it to its stakeholders if it so wishes and, ultimately, we will set up a meeting to talk about the ongoing government funding for the program.

The funding up until now has come from a number of government sources, both in kind and financially. There was $60 000 a year from the Crime Prevention Unit in the Attorney-General's Department, and money was available from the Department of Education, Training and Employment and also from the Family and Youth Services division of the Department of Human Services. Part of the challenge all along has been to identify the ongoing benefits that flow from the Operation Flinders program. There is no doubt that, for young people on the program—that is, the 10-day camp—it does have a character building outcome. The evaluation showed that behaviour changes appeared to be maintained at least for three months following the program. Longer term outcomes could not be conclusively determined, for a number of methodological reasons. However, there was positive comment relating to long-term benefits from program participants involved in the program over 12 months ago.

As a result of the evaluation, the government is presently considering its commitment for the next three years. I am not in a position to indicate what might be the outcome of those considerations and the consultation with the Operation Flinders board. But there is no doubt that people generally have a very positive attitude towards Operation Flinders. For young people who are in high need, it has particularly beneficial outcomes. For those who are high risk participants, there are some issues that need to be resolved, but the problem is that the relevant data is lacking and, therefore, the assessment for high risk participants is not easily made. The reviewers did suggest that there are reasons to be optimistic that the high risk young people can achieve similar outcomes, given the right circumstances.

The other issue which we sought to have addressed was the extent to which the program had crime prevention outcomes. The evaluation did not reach any final conclusion, one way or the other. It was acknowledged, though, that the program appears to be a catalyst for behaviour change amongst a number of high need participants, as distinct from participants at the high risk end of the spectrum. The Attorney-General's Department has been the lead agency for this over the last six years and we are currently moving towards setting up an appropriate meeting with government agencies in order to properly determine Operation Flinders funding issues for the future.

The Hon. R.K. SNEATH: I wish to ask a supplementary question. Is the evaluation available to members, or will there by a full report available after your meeting?

The Hon. K.T. GRIFFIN: We have very much left it to Operation Flinders to determine what it should do with the evaluation. It was funded by the government and done in association with Operation Flinders and I sent it to Operation Flinders on the basis that it could distribute it to its stakeholders, and use it as it sees fit. After all, it does affect Operation Flinders. The evaluation was undertaken by the Forensic and Applied Psychology Research Group at the University of

South Australia. I will take that supplementary question on notice and bring back a reply.

MANOCK, Dr C.

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport, representing the Minister for Human Services, a question about forensic pathologist Dr Colin Manock.

Leave granted.

The Hon. SANDRA KANCK: Last week's *Four Corners* report, which outlined 30 years of alleged mistakes made by Dr Manock, has highlighted a legal and medical system in a state of paralysis when dealing with unprofessional conduct and consequent miscarriages of justice.

The 1971 Van Beelen case, the 1981 Emily Perry case, the 1993 Coroner's report into the death of nine month old Joshua Nottle and the 1998 Royal Commission into Black Deaths in Custody all raise serious questions about the competency and professional conduct of Dr Colin Manock. In the Van Beelen case, the *Four Corners* report said:

> The judge pointed to errors of carelessness and errors of judgment in the work of Dr Manock.

Even his own employer, Dr Jim Bonnin, stated:

> . . . there were people who would claim that Dr Manock is not competent.

Questions about Dr Manock's expertise were in the public arena from 1971 with the Van Beelen case, yet he continued in his capacity as State Forensic Pathologist until 1995 and still remains a Fellow of the College of Pathologists to this day. Much of the focus regarding the professional credibility of Dr Manock has been on the judiciary and legal system, yet Dr Manock was a registered doctor in South Australia. It has been put to me that surely the Medical Board and the health minister had some role to play.

In an ABC radio interview last week, the President of the Medical Board, Dr Tony Clarkson, said that there was nothing that the board could have done unless a formal complaint was made. Section 54(1) of the Medical Practice Act 1983 provides:

> A complaint alleging unprofessional conduct on the part of a medical practitioner may be laid before the board by
> (a) the registrar; or
> (b) the minister; or
> (c) the South Australian Branch of the Australian Medical Association Incorporated; or
> (d) a person who is aggrieved by conduct of the medical practitioner.

The object of the Medical Practitioners Act 1983 is:

> . . . to provide for the registration of medical practitioners; to regulate the practice of medicine for the purpose of maintaining high standards of competence and conduct by medical practitioners in South Australia.

My questions are:

1. Under the Medical Practitioners Act 1983, did the Minister of Health ever lay a complaint with the board regarding the professional conduct of Dr Colin Manock and, if not, why not?

2. Under the Medical Practitioners Act 1983, did the Registrar ever lay a complaint before the Medical Board regarding the professional conduct or competency of Dr Colin Manock and, if not, why not?

3. Did the Medical Board receive any complaints about Dr Colin Manock during his time with the state pathology service?

4. Were any complaints made to the Minister of Health's office during the 30 years Colin Manock practised as a pathologist in South Australia and, if so, what action was taken?

5. Will the minister instruct the Medical Board to undertake an investigation into the professional conduct of Dr Colin Manock?

6. Given that there appears to be no formal arrangement requiring the findings of a court about a medical practitioner to be advised to the Medical Board, will the minister facilitate the development of such a mechanism?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will refer the questions to the relevant minister and bring back a reply.

ROADS, BLACKSPOT FUNDING

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Transport a question about blackspot funding.

Leave granted.

The Hon. CAROLINE SCHAEFER: As I have previously stated, I represent the state minister on the state committee for the federal blackspot funding allocation in this state. Since the coalition reintroduced the blackspot program in 1996 after Labor abolished it, the federal government has spent over $228 million to fix more than 2 000 known accident spots throughout Australia. It is estimated that that has saved some 1 500 serious accidents. My question to the minister is: because it is well known that that blackspot allocation is due to finish this year, can we be assured that blackspot funding will be continued after the next election?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I can certainly guarantee that, if the coalition is returned, that blackspot funding program will not only be continued but will attract further money. That commitment was given by the Federal Minister for Transport and Regional Development in the release of the coalition transport policy yesterday. Honourable members, particularly in the country electorates represented in the lower house, continually seek blackspot funding to upgrade the worst parts of our road systems, and to reduce deaths and injury and health related costs.

Some anxiety has been expressed by members of parliament generally, by the RAA and others, that the federal budget produced in May this year did not have a funding commitment beyond this current financial year. At the time the Parliamentary Secretary for Transport, Senator Boswell, did indicate that there was a review of the effectiveness of the blackspot program. I think every member of parliament, but certainly every state and territory minister, could have told the federal government about the outstanding effectiveness of this project.

South Australia alone receives just $3 million a year, but it has been instrumental in fixing up really dangerous parts of our road system. The coalition policy reveals that it has clearly undertaken this review and has confirmed the effectiveness of the scheme as a real road safety benefit to the community in dollar terms, and it has now pledged $180 million over three years, from next financial year to 2005-6 inclusive, to extend the blackspot program to improve the most dangerous sections of our road system. And what is particularly good news is that half of that money will be spent in regional Australia. That is very good news from a road safety perspective, because all honourable members would

know from the National Road Safety strategy, and from South Australia's experience, that over half of our road deaths in South Australia are in country areas, even though—

The Hon. T.G. Cameron: Sixty-three per cent.

The Hon. DIANA LAIDLAW: Sixty-three per cent—as the Hon. Mr Cameron said—of road deaths in South Australia occur in country areas. So, it is good to see that, notwithstanding the relatively small proportion of people who live in country areas, $90 million will be spent across Australia as part of the blackspot program, with half of that funding committed by the coalition to be spent in regional areas. Let us see whether this too will further support a reduction in the number of road deaths and injuries and in health related costs, as well as the personal tragedy.

NATIONAL HIGHWAY ONE

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning a question on the subject of National Highway One.

Leave granted.

The Hon. R.R. ROBERTS: It is probably fortuitous that we are talking about blackspots. I draw the Council's attention to two things. One is an article in the *Recorder* on Thursday, 11 October 2001. I also ask members to remember some questions that were asked on 29 March 2001 by the Hon. Caroline Schaefer and answered by the Minister for Tourism about passing lanes on National Highway One.

The article that appeared in the *Recorder* was written by Mr Bruce Bennetts who asked the rhetorical question:

> Who is responsible for bungling the construction of overtaking lanes near Port Germein on National Highway One?

The article continues:

> This question has been a regular topic for discussion among patrons at the local hotel since the newly-constructed lanes were opened to traffic about three months ago—and closed again only a few days later when the surface began breaking up.
>
> And the patrons' verdict is in, with their money on Transport Minister Diana Laidlaw.
>
> The newly-erected overtaking signs on the lanes have been covered, and the roadsides are adorned with barricades and lightweight plastic orange-coloured bollards, to prevent vehicles passing across the faulty bitumen.
>
> But according to visitors to the Port Germein Hotel, the metre-high bollards are regularly knocked over by the passing traffic and a man is employed to replace them each day.

I can assure the minister that has changed because I drove past there on Sunday. They now have orange barricades to make sure that you cannot go along there. The article continues:

> Another visitor to the hotel said he had seen as many as 90 per cent of the bollards knocked over each day. 'This stretch of road is one of the greatest traffic hazards in the State,' he said.
>
> 'It was a real blackspot and there were numerous fatalities there.'
>
> Hotel owner, Sandra Wauchope, said she had received numerous complaints about the lanes and there are others at Redhill and on the way to Port Augusta—

I can relate to that myself as a regular commuter—

> both as a councillor with the Mount Remarkable District Council and a One Nation candidate for Stuart at the next State election.
>
> 'People think that as a councillor you have some control, but we don't have control over Highway One,' Mrs Wauchope said.
>
> She claimed the contractor responsible for the work had told Transport SA that the wet weather made it inadvisable to carry out the road sealing, but was told to finish the project.

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: So, the Hon. Terry Cameron is right. You do not really do it in cold weather. It continues:

> 'It was definitely the Minister who told them to go ahead,' she said.

Private advice given to me is that, at the time that this is alleged to have happened, there was a cabinet meeting at Port Augusta. It was most desirable that this road be open so that ministers travelling to that area could see the passing lanes in action. The article continues:

> It's an accident waiting to happen—it's only a matter of time—and somebody's going to get cleaned up—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, the Hon. Mr Davis! The Hon. Ron Roberts has sought leave to make an explanation; I believe that he should bring that to a close and ask his question.

The Hon. R.R. ROBERTS: I am about to close. The article states:

> Somebody has to be accountable, because the contractors advised Transport SA that it was not suitable weather to proceed—

again, the Hon. Terry Cameron is proved to be correct—

> 'They are the experts and their advice was ignored.' A spokesman for the contractors, approached yesterday by *The Recorder*, declined to comment on the grounds that his company's contract with the state government contained a commercial confidentiality clause, while the office of Transport Minister, Diana Laidlaw, was equally tight-lipped over the closure of the overtaking lanes. 'Transport SA said the new surface had been damaged by water getting underneath the bitumen'. . . .'There is no way you can lay bitumen in wet or cold weather.' When asked why the contractors had been instructed to carry on under those conditions—and who gave the instruction—he said: 'Interpret this as you like, but what I have already said is Transport SA's official position.' Which brings us back to where we started—

My questions are:

1. Who is responsible for the bungling, and is it true that the minister gave instructions to have this road open for the cabinet meeting at Port Augusta earlier in the year?

2. Why is the minister making noises that she is going to sue people in the northern part of South Australia who disagree with her prognosis that it would have been okay to seal those roads and open them for purely political reasons?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I just want to clarify whether the honourable member is claiming, in terms of his comment, that I made a prognosis that it was suitable for sealing and that I gave the go-ahead. Is that what the honourable member is saying in the explanation of his question?

The Hon. R.R. Roberts: I am asserting that you, as minister, gave instructions that it had to be open so that the cabinet meeting—

The Hon. DIANA LAIDLAW: Are you going to say that outside this place?

The PRESIDENT: The minister will answer the question.

The Hon. DIANA LAIDLAW: Are you going to say that outside this place?

The PRESIDENT: Order, the minister!

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Silver-headed coward: that is what you are. The journalist knows my response to those allegations from the One Nation candidate, who would not be interested in a fact let alone the truth. One Nation has made an allegation that I interfered with the contractual management between Transport SA and the contractor. I categorically deny that I have ever done that, and I did not do that on this occasion. I know enough about the technicalities—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Of course it is. The advice given through my office to the journalist was that if the newspaper prints that it can assume that legal action will be taken, and it will. I suggest to the honourable member that if he wants his remarks that were stated in this—

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: Yes. The honourable member would not wish to check it with me first: all he would want to do is pedal the One Nation lies. It is an interesting source of information the honourable member uses as the basis for his research. It is a very interesting basis for asking a question, and it lowers not only his own integrity but the integrity of this place overall. I have not interfered with the contract. I did not on this occasion. I have too much regard for the technical and engineering complexities of asphalting to ever interfere in something like that.

Of course, everyone would have wished this to be completed earlier. I think that it was out of that sense of commitment to the local community and in respect of the cash flowing from projects that there was some element of wishing to finish this project earlier rather than later. The rains came and they did not stop. It is still an issue with trying to complete work on the Southern Expressway. With many of these asphalting and other projects the land is either inaccessible or the asphalt will not seal. That is what happened here. It is only because there is an election climate, because One Nation is desperate and because the Hon. Mr Roberts is more desperate still that he would raise this matter here and not even check—

The Hon. R.R. Roberts: It is in the paper.

The Hon. DIANA LAIDLAW: You think that your local paper with a One Nation candidate in a federal election atmosphere provides sufficient credibility to bring this matter into this place? You would not even want to check with me or the department first. What a low point. What a low character you are.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Given the minister's assurance that the government has not had anything to do with the completion of this road project, will she ensure that the total cost of replacing this road will be met by the private contractor?

The Hon. DIANA LAIDLAW: I would have to get advice on that. I do not know the contractual arrangements between Transport SA and the contractor. This is federal government funding, so I will make some inquiries about that. The honourable member would know that there were similar issues at Victor Harbor and Mount Compass when there were problems with the seal. Daveyston on the Sturt Highway was another case. These road seals and earthworks are not always as straightforward as one would wish and, within the contractual terms that Transport SA had with the contractor, I will seek advice. The honourable member should be aware that the government is centrally involved in the management of this. It is managed through Transport SA. The accusation in this place, which was unfounded, is that I interfered with Transport SA's contract with the contractor, and that I deny without qualification.

HALLETT COVE BUS SERVICE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question regarding the new Hallett Cove bus service.

Leave granted.

The Hon. T.G. CAMERON: My office has been contacted by a constituent who lives at Hallett Cove who brought to my attention a problem with the new local Roam Zone bus service. My constituent—a regular train commuter—has observed that as many as three buses can often be seen waiting to collect passengers from the Hallett Cove Beach railway station at night. She has told me that as few as three or four people leaving the train station have the choice of the two different bus services that are available or the government subsidised taxi service. I understand that three services are made up of a regular route that services Sheidow Park, the new Roam Zone service for the Hallett Cove area and the subsidised mini-bus taxi service.

Whilst I applaud and support the move by the government to ensure that the people of Hallett Cove have access to a bus that drops them to their door, particularly at night, I have some concerns about duplication of services and the potential cost to taxpayers. My questions to the minister are:

1. Will the Hallett Cove subsidised mini-bus taxi service continue to operate following the introduction of the roam bus service?

2. Are preliminary passenger figures on the use of the new Hallett Cove roam bus service available as yet and, if so, would the minister be prepared to release them?

3. What are the estimated costs of supply of the Hallett Cove roam bus service for the full financial year?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will get the cost figures and if we have patronage figures at this point I will make them available. There has been a contract, which may still apply, between Southlink and the taxi operator, so the taxi service is a subcontracted service to Southlink.

I will have to check on the arrangements for the future of that contract and obtain some information for the honourable member. There may be an oversupply of buses at this time. If that is the case, I will make some inquiries. Generally, my feedback is that it has been an exceedingly popular service, but if it is oversupplied at this time perhaps they will have to pull back. It has also been more disappointing weather than most people had thought; much rainier than anyone had anticipated for longer—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Are they not just wanting a little more sun now? I think the grape growers also want a little more sun. We know that patronage always improves on sunnier days and particularly in the evenings, with daylight saving. I will get some background for the honourable member in answer to his questions.

MOSQUITOES

In reply to **Hon. R.R. ROBERTS** (2 October).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. The Port Pirie mosquito control program had a total budget of $20 200 for the 2000-01 season, and was allocated $9 858 by the Department of Human Services. This was in accordance with the agreed guidelines of $ for $ funding, the allocation being marginally adjusted due to some expenditure outside of the guidelines. The Bolivar area was not allocated any money.

2. The Port Pirie Regional Council has a mosquito control committee, which undertakes the management of their mosquito control program. The money allocated from the subsidy fund is used to target those breeding areas within the tidal mangrove wetland areas and other Crown land areas adjacent to the city that would normally be outside the resources of the council.

The City of Salisbury Council has not made application for subsidy funding and maintains that the responsibility for mosquito control on Crown land is the responsibility of the Crown. The council has contracted the control of mosquitoes in the Globe Derby Park area of Bolivar to Dr Michael Kokkinn of the South Australian Mosquito Research Unit.

After the demise of the Torrens Island and environs mosquito control committee, due to non contribution of some agencies and refusal by the three councils (Port Adelaide-Enfield, Salisbury and Playford) for the program area to participate in the $ for $ program, the Department of Human Services provided funding of $77 193 for the 2000-01 summer for the whole of the Torrens Island and environs area. Mosquito breeding for this period was very low and no aerial spraying was required. Approximately $24 185 of this funding was used to maintain mosquito control on Crown Land in the Bolivar area.

It is difficult to determine the effect on the mosquito population in those areas, however anecdotal evidence suggests that without the program mosquito populations would be much higher. A high population of mosquitoes with a suitable intermediate host may increase the incidence of Ross River virus. Disease incidence indicates that a decrease in cases for Port Pirie has occurred and there have been nil cases for the Bolivar area over the previous five years. Viral isolation from mosquitoes trapped in the Bolivar area has resulted in no arbovirus being detected.

In reply to **Hon. T. CROTHERS** (2 October).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

The issue raised in this question is not within the portfolio of the Minister for Human Services. Under the Department of Human Services program, guidelines for subsidy funding exclude capital works and therefore no money was allocated from the fund for the revamping of wetlands.

ABORIGINAL EDUCATION DEVELOPMENT BRANCH

In reply to **Hon. T.G. ROBERTS** (25 September).

The Hon. DIANA LAIDLAW: The Minister for Education and Children's Services has provided the following information:

1. The government is committed to the best possible education and training outcomes for Aboriginal people having regard to the most efficient use of funds available.

The Department of Education, Training and Employment is currently reviewing structural arrangements at the Aboriginal Education Development Branch (AEDB) located at Wakefield Street to determine options for future management and delivery. Consultation with indigenous staff and community representatives is occurring.

Training for Aboriginal people will continue to be provided in the central business district of Adelaide. It is to be expected that priorities for the education and training of Aboriginal people will change from time to time, as they do for the wider community. However, it is not within the scope of the review to determine what education and training programs in particular should be delivered. That is for determination at the local level.

2. The physical location of Aboriginal education programs is being considered as part of the review of structural arrangements at the AEDB. A decision on the future of the AEDB is contingent on the outcomes of the review.

The AEDB has had a state-wide role to enhance regional and remote Aboriginal Education through a range of activities, including:

- sourcing funding, including from the commonwealth, for additional training relating to Aboriginal Education;
- negotiating, monitoring and reporting on the achievement of the Indigenous Education Strategic Initiatives Program (IESIP) Performance Indicators;
- assisting and promoting the development of government policies and programs which are based on cultural understanding and result in culturally appropriate employment and training opportunities in the public sector;
- providing opportunities for indigenous government employees to undertake advanced management training;
- working with TAFE Institutes in the delivery of Aboriginal education programs;
- coordinating study centre programs offered in some 26 regional centres; and
- providing rural and remote people with access to study centre programs when visiting Adelaide for extended periods of time.

Any decisions about the future of the AEDB will involve consideration of how best to maintain and improve delivery of the services necessary to effectively support Aboriginal education.

In addition, the department has commenced a project focusing specifically on meeting the training and employment needs of Anangu people living on the Anangu Pitjantjatjara lands.

4. The role, function and future of the position of AEDB director is being considered as part of the review.

MENTAL HEALTH

In reply to **Hon. R.R. ROBERTS** (4 October).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. During the 2000-01 financial year, services provided to Woomera detainees by mental health services consisted of consultation and support to Woomera general practitioners and inpatient care to a small number of persons (7 individuals with an average stay of 12.7 days). The provision of mental health services to Woomera detainees is considered to have had minimal impact on the provision of mental health services to residents of rural South Australia, however demand has increased. The Department of Human Services is in discussions with the Department of Immigration and Multicultural Affairs regarding capacity, costs and types of services to be provided in the future to ensure that any increases in detainee populations and subsequent mental health service demand will be managed accordingly.

2. The reform of country mental health service aims to enhance rural based mental health service capacity, including the development of inpatient beds. It also aims to improve collaboration between rural general practitioners and mental health services, including increased support via Telehealth facilities.

3. The Department of Human Services is actively promoting and implementing a number of recruitment and retention strategies to entice human service professionals such as general practitioners, nurses and allied health professionals (e.g. clinical psychologists and counsellors) to go to regional country areas in South Australia.

Relevant strategies facilitated by the Department of Human Services for 2001-02 include:

- Provision of scholarships through the SA Rural Education Scholarship Scheme that require the recipient to take up health service practice in regional South Australia upon completion of their degree and mandatory training.
- Provision of an interactive CD-ROM promoting career pathways within the Human Services portfolio.
- Provision of a Clinical Placement Grant Scheme to assist health units to place undergraduate students in rural based clinical placements.
- Establishment of the Pika Wiya Unique Centre of Learning at Port Augusta to enhance learning outcomes for Aboriginal tertiary students.
- Provision of funding to assist human service providers to recruit trainees and graduates within their regional organisations.
- Provision of information sessions to schools in conjunction with undergraduate students from the university rural clubs to promote human service careers in regional South Australia.
- Facilitation of training to implement a mentoring culture within regional South Australia human service provider organisations.
- Provision of middle management training programs for health professionals in regional South Australia.
- Provision of training to regional health professionals in the supervision of undergraduate students.
- Provision of funding to support a peer shadowing scheme for regional human service professionals.
- Provision of post-graduate scholarships for existing regional employees to support their ongoing professional development.

In addition, the Department of Human Services is actively developing and implementing a range of strategies that will further contribute to addressing the recruitment and retention of the nursing workforce for the immediate and long term, which includes nurses in regional South Australia. These strategies include a significant marketing and promotional campaign, re-entry and refresher pro-

grams for registered and enrolled nurses and a peer shadowing program.

Specific to general practitioners, the Department of Human Services provides funding to facilitate the Continuing Medical Education Support Scheme, the Solo Practitioners Recreational Leave Allowance and the Rural Health Enhancement Package.

MOTOR VEHICLES, THEFT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about data dots.

Leave granted.

The Hon. A.J. REDFORD: Recently, the Attorney-General announced some new technology called data dots, aimed at reducing the level of car theft in our community. That follows other recent developments that the Attorney-General has adopted in his widely acclaimed crime prevention strategies throughout this state. I would be obliged if the Attorney could give the Council details of this new technology and other projects in which the state government has been involved to reduce the incidence of car theft in our community.

The Hon. K.T. GRIFFIN (Attorney-General): One of the difficulties with motor vehicle theft is to build in some mechanism that will deter opportunistic theft but also professional theft. The assessment is that about 25 per cent of motor vehicle theft is professional theft, where professional thieves steal a vehicle and strip it down, and the components are sold off as second-hand parts. Some of the vehicles are in one way or another rebirthed, but there is a lot of activity with vehicle identification numbers to make it even more difficult than before.

The development of the NEVDIS system across Australia, through Registrars of Motor Vehicles, will ensure that it is much more difficult to give motor vehicles a new identity and also more difficult to deal in a vehicle that has been stolen. One of the interesting developments through the National Motor Vehicle Theft Reduction Council, a council to which South Australia makes a contribution (along with other states and territories and the Insurance Council of Australia) to a group of people who are specifically charged with addressing issues of motor vehicle theft prevention, is the world leading edge technology of data dots, developed in Australia by an Australian company.

The Motor Vehicle Theft Reduction Council was given the job 18 months ago to find and develop an identification system that could not be thwarted by car thieves. It has been working closely with the manufacturer of data dots, and has promoted the product to the industry for use. One of the difficulties with some of this technology is to get the motor vehicle industry to build in some of the features that make their vehicles more than likely not to be stolen. Data dots comprises thousands of electronic dots, which are the size of pinheads. They are applied through the use of a clear adhesive spray to internal surfaces—inside doors, inside the engine bonnet, inside mudguards, on parts.

The dots are each etched with a car's unique vehicle identification number, and that makes it possible to identify a car's parts with the original vehicle number. That is an important deterrent because, however much a professional thief may believe that the data dots can be removed, they cannot all be removed. So, it is a very significant development. It provides the physical evidence which goes a long way to being able to prosecute offenders. Five motor vehicle manufacturers are currently using the product—Holden special vehicles, Mitsubishi Ralliart, Tickford and Ford with its Mustang range, Porsche and BMW Australia. They are certainly to be commended for that initiative.

Ultimately, it is hoped that the Motor Vehicle Theft Reduction Council will be able to encourage the rest of the motor vehicle industry to adopt this data dot system and use it on other vehicles, such as the more mass-produced vehicles.

The Hon. T.G. Roberts interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Yes, it is developed in South Australia. It costs probably about $100 a car to have this product applied, and it effectively prevents professional thieves from taking the motor vehicle.

In conjunction with that program, we also have Immobilise Now, where authorised retailers and fitters will install a motor vehicle immobiliser for less than $200. That is designed to protect the older vehicles—the 1970s and 1980s vehicles—which are more likely to be the subject of opportunistic theft rather than professional theft. That, again, is a program that is working reasonably well.

Police are conducting a number of programs from time to time to warn the public against car thieves and to prevent motor vehicle theft, and the various crime prevention committees in local communities are working with innovative programs to make sure that members of the public take every precaution with their vehicles, including locking up their cars. In the case of 25 per cent of vehicles, we know that the method of entry has been either through unlocked doors or because the keys were in the ignition or on the seat. If we can encourage people to lock their cars and take sensible precautions, that will go a long way to reducing the level of motor vehicle theft in this state.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Treasurer, representing the Premier, as Minister for Primary Industries, a question about genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: A couple of weeks ago, on 12 October, a fascinating story was run on the ABC's *SA Country Hour* about a highly concerning court case taking place in Canada. The case, which is being heard in Saskatchewan, involves agrochemical giant Monsanto and neighbouring farms. The saga began when an elderly Saskatchewan farmer, Mr Percy Schmeiser, now in his 70s, was charged for having Monsanto's canola seed, Roundup Ready, without licence.

A tip-off given to Monsanto led to private investigators taking samples, and Monsanto's patented gene was found. Subsequently, Mr Schmeiser was charged with this unlicensed use of Monsanto's genetics. The farmer argued seed must have blown onto his property. The judge said it did not matter how the seed got there and he found in favour of Monsanto. Percy Schmeiser was fined $Can20 000, and all his seed, including the non-genetically modified variety, was confiscated. According to an Australian expert on agricultural law, Dr Brad Sherman from the Centre for Intellectual Property in Agriculture, there is every potential for this to happen here. Sherman gave another example, saying that if a bull jumped over a fence and impregnated a neighbour's cow, and the farmer sold the off-spring of that relationship, the farmer would be potentially liable for patent infringement

under the current law. In the ABC interview, he suggested Australian law be amended to protect farmers in these cases so that they can argue that the infringement was unintentional and that they gained no benefit from it.

I also note an open letter to the New Zealand government from the Kiwi organisation Physicians and Scientists for Responsible Genetics. Following the recently released royal commission on genetic modification in New Zealand, these experts are suggesting that thorough scientific research must be undertaken and I quote:

> It is impossible to guarantee containment of pollen from GM plants in field trials. We have serious concerns about the possible environmental impact of genetically modified crops on New Zealand soils and ecosystems.

Following this consideration, they go on to say that the moratorium on the release of GMOs into the environment, commercially and in open field trials should be extended until research is conducted. It is important to recognise that Canada is considering the potential to sue the Monsantos and the agribusinesses for contaminating the non-GM product. My questions to the Premier, through the Treasurer, are:

1. Does the Premier agree that there is the potential for this type of legal action to occur in Australia?

2. If not, why not? What is the defence for the innocent farmer?

3. If so, what does the Premier intend to do to protect the interests of South Australian farmers?

The Hon. R.I. LUCAS (Treasurer): I will refer the honourable member's question to the Premier and bring back a reply.

GREEN PHONE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a personal explanation about Green Phone.

Leave granted.

The Hon. K.T. GRIFFIN: In answer to a question by the Hon. Angus Redford about Green Phone, on 25 September 2001 I tabled a reply prepared by the Hon. Rob Kerin. The answer states:

> In order to establish Green Phone Inc. as a trust the Minister for Local Government's approval was sought and given in accordance with the Local Government Act.

I have been contacted by the Hon. Dorothy Kotz, the Minister for Local Government in South Australia, informing me that the reference in the answer should have been to the Victorian Minister for Local Government, not the South Australian Minister for Local Government. It is appropriate that I give this information for the benefit of the Council.

MATTERS OF INTEREST

UKRAINIAN INDEPENDENCE DAY

The Hon. J.F. STEFANI: Today I wish to speak about the South Australian Ukrainian community. On Wednesday 22 August 2001, I was privileged to attend a cocktail party at Enterprise House, hosted by the President of the Ukrainian Australian Chamber of Commerce and Industry, Mr Jurij Wasyluk, to celebrate the tenth anniversary of Ukrainian independence. A further celebration to commemorate this special anniversary was held at the Ukrainian Community Centre on Saturday 25 August 2001 and was hosted by the president of the Association of Ukrainians in South Australia, Mr Stephan Truskewych.

Ukrainian Independence Day honours the declaration of independence which gave Ukraine the freedom to be a sovereign nation. It also commemorates a momentous occasion in the history of the Republic of the Ukraine, and for all Ukrainian people living throughout the world. For more than 50 years the Russian invaders had held power over the Ukrainian people and their beloved country, using force and terror to destroy nationalism.

Stalin had implemented a forced famine on the Ukrainian people, starving seven million of them to death. At the end of World War II, Ukraine was under Communist control, Europe was in a terrible economic mess and many people saw the prospect of immigration as the only solution to improve their circumstances. A large number of Eastern Europeans languished in displacement camps awaiting the opportunity to immigrate. During this period of Communist occupation, Ukraine also endured more suffering through the world's most horrific nuclear disaster at Chernobyl, where many people lost their lives.

But today the spirit of Ukrainians has survived and triumphed as they celebrate their new-found freedom and regain their independence. In South Australia the Ukrainian community proudly founded the first Ukrainian organisation to be established in Australia—the Association of Ukrainians—which was founded in 1949 to assist Ukrainian immigrants arriving from Europe. The association has grown to become a major focal point for community activities as well as providing welfare support services and the maintenance of the Ukrainian language. The association also established a well respected credit union, which has provided many members of the Ukrainian community with a most efficient financial service.

As a friend of the South Australian Ukrainian community, I have been privileged to share many special occasions, including the spectacular Kashtan folkloric concerts and the most enjoyable presentations by the Homin Choir. I extend my congratulations to all members of the Ukrainian community for their celebration of the tenth anniversary of the proclamation of the independence of Ukraine. Finally, I pay tribute to their contributions to the development of our state and wish them all continued success for the future.

TUNA FISHERY

The Hon. R.R. ROBERTS: Mr President—

The Hon. Diana Laidlaw: Are you speaking for One Nation now—

The PRESIDENT: Order! The Hon. Ron Roberts has the call.

The Hon. R.R. ROBERTS: I am not talking about any of your mates.

Members interjecting:

The Hon. R.R. ROBERTS: I rise today to talk about the fishing industry and this government's involvement with it. It has been of some concern to me from as far back as 1993, when I first advised that a document existed involving the then Brown incoming government with its minister, the Hon. Dale Baker, who had made a deal with the tuna boat owners in Port Lincoln in respect of the quota for the taking of pilchards.

That document outlined that they would be given not only quota for pilchards but also quota from the national fishing estate. Clearly, it was not possible for that to occur. Since that time there has been a long history of an association between the Tuna Boat Owners Association and the past Minister for Primary Industries and now Premier, Rob Kerin. The Hon. Paul Holloway and I have been involved in discussions with respect to quota and very generous arrangements have been made for tuna boat owners in South Australia to get access to the pilchard fishery.

Most people who want to go into the scale fish industry are required to buy two licences, then amalgamate and then wait for a quota for a dedicated fishery. But not the tuna boat owners. They were given quota when there was enough capacity within the recognised pilchard industry to accommodate the total catch. They were given quota on a number of occasions, and I used to ask myself why this was occurring. Recently, it has become very clear. When one looks at some of the donations that have been made by the South Australian Fishing Industry Council—$100 000 to this government on one occasion, and an expected $100 000 this time—one starts to get a picture of what is going on.

I was recently advised of a meeting that was to take place on Wednesday 23 May this year in Port Lincoln—a fishing industry breakfast. The Premier was to attend, as was the Deputy Premier, the President, the Treasurer, Ms Vicki Chapman and a Ms Lynette Whicker. The information I received was that Mr Olsen and Mr Kerin would be in Port Lincoln for this breakfast, and that Mrs Craddock, Mr Rebbeck, Ms Chapman and Ms Whicker would fly in the next day. There might be an exercise there for a keen investigative journalist to find out just how that occurred.

What has happened since that time in the fishing industry? One of the major things is there has been a move to take away the owner operator status of those in the scale fishing industry. That would mean that, if you were the licensee, you no longer had to go out fishing to catch your pilchards. This caused great consternation within the fishing industry, so much so that there was a continuing debate on the ABC. When fishermen throughout South Australia were asked about it, they rejected it outright. The only place that there was any support for it came from Port Lincoln.

One might ask: why would that occur? I will tell you, Mr President. It is my belief that the tuna boat owners do not want to go out and catch the pilchards. They want someone else to catch the pilchards so they do not have to do it. I am asserting that, in my view, what has been occurring here, because of favours done and donations made to the Liberal Party, there has been an association.

This was killed off by the now Premier, saying that it would not occur. But what has happened since then? His chief executive officer has set up a committee to work out how those policies can be implemented. Despite the announcements made in the press, despite the assurance to fishermen that it will not happen, I am told that Mr Will Zacharin, the chief executive officer, is setting up a committee to investigate ways and means so they can implement these policies. I can only assert that this is a position which has given advantage to one particular group of people who are high donors to the Liberal Party of South Australia, and it is a disgrace.

Time expired.

FESTIVAL OF ARTS

The Hon. DIANA LAIDLAW (Minister for the Arts): As Minister for the Arts, I want to address the subject of Mr Rann and the Adelaide Festival. Today the program for the Adelaide Festival 2002 was launched at a great event at Tauondi College. It was exceedingly well attended and, in my view, brilliantly presented by the associate directors led by the board Chairman, John Morphett, and the General Manager, Sue Nattrass.

The Hon. Carolyn Pickles was present representing the Labor Party, but where was Mr Rann? He wishes to be the premier and minister for the arts, so I highlight today that at the launch of the 2002 Adelaide Festival program, which everybody in the arts across Australia knows is the most important festival in this nation and one of the three most important arts festivals in the world at large, where was Mr Rann? Mr Rann was on Jeremy Cordeaux's radio program bucketing the festival, at exactly the same time as the arts festival program was being launched. I have an obligation to highlight this fact. This festival is exceedingly important in terms of not only its economic benefit to tourism in this state but also—

The Hon. P. Holloway interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. DIANA LAIDLAW: —across Australia and the world in terms of the arts. Mr Rann was with Jeremy Cordeaux saying that he is terrified at what is going on in terms of the festival. He said, 'I don't like the idea of it being mucked around', and he went on to ask, 'What have these idiots come up with?' The idiots he referred to include the artistic director, Peter Sellars, who is regarded around the world as one of the most extraordinary geniuses in the arts. We may not like everything that he does every minute of every day, but we are privileged in terms of the arts to have this extraordinary man work with us in preparation for the Festival. Mr Rann calls him an idiot. Sue Nattrass, is possibly the most well-respected general manager in the arts in this country; John Morphett, who heads the board; Frank Ford, father of the Fringe, who is on the board—

The Hon. L.H. Davis: John Morphett designed the Festival Centre.

The Hon. DIANA LAIDLAW: —yes, John Morphett who designed the Festival Centre—Jim Sharman, who is on the board, Antony Steele—they are all referred to by Mike Rann as idiots. And so are all the artists working on the program and have been working for some years to develop this program. Mr Cordeaux goes on to say, 'It is very strange that they have the launch at the Aboriginal College at Port Adelaide. Can't see the connection.' Mr Rann says, 'It seems to be getting weirder and weirder.' If Mr Rann had sought a briefing from the Arts Festival organisation, he would have known that the connection is central. The Festival is about reconciliation and truth. What happened today is that we saw Mr Rann bucketing the Festival and its key themes. What hypocrisy. When he spoke to the Arts Industry Council on Monday 29 May 2000, he said:

> As we move towards the next election, it is vital that the arts are on the political agenda but not to be used as a political football. That could only damage the sector.

Well, Mr Rann, you are using the arts as a political football and you are damaging the sector. You are a disgrace in terms of Dunstan's legacy. Mr Rann goes on to say:

> I hope there will be greater recognition, in terms of the arts in the future of community, regional youth and indigenous arts activities.

They are the very themes of the Adelaide Festival for 2002 and yet Mr Rann said on the Cordeaux program today, on the day of the launch of the program which is highlighting these themes, that the whole thing is becoming 'weirder and weirder'. This is an exciting Festival. Mr Rann should never have called it a disaster, as he did last Sunday when he had not even seen the program.

Time expired.

AGED CARE

The Hon. T.G. ROBERTS: I rise to be a bit more positive than some in their contributions today and to pay tribute to those staff and volunteers who work in nursing homes, taking care of the elderly—

Members interjecting:

The ACTING PRESIDENT: The Hon. Terry Roberts's colleagues might allow him to be heard.

The Hon. T.G. ROBERTS: I would like to pay tribute to the staff, both paid and voluntary, working in nursing homes, their own homes and other facilities, who take care of the elderly. There are many dedicated staff looking after many people in difficult situations. I know that many people, as they grow older, particularly at the end of their days on this earth, if they had control of their situation, would want to have alternatives regarding leaving this earth. We have had three bills before us in recent times in relation to dignity in dying. The dedicated people working in the area of palliative care need to have tribute paid to them from time to time by those people in the community who are the beneficiaries of their work. My mother is 94 and she is in the Sheoak Lodge nursing home in Millicent, which is attached to and is a part of the Millicent hospital complex. The staff there are very efficient, very dedicated and look after her well.

I would like to raise the issue of the lack of facilities for the numbers of people who are looking for good and sensitive care when they have to leave their homes. I understand that the commonwealth and state governments are trying to deal with this issue, but it is a problem that has accelerated in recent years to the point where there is now a lot of pressure on the existing facilities. There is little or no shopping around; it is a matter of getting on a waiting list and waiting for people who are already in a facility to depart this earth. I know that more funds could be made available and should be made available, although I realise that governments have limits. However, unless commonwealth funding efforts improve, local and state governments will have difficulty in dealing with the problems that are emerging, particularly in regional areas such as the South-East.

I raise the issue of Mrs Walker, whose case was made known to me. She was in the hospital side of nursing care because of ill health. When she began to improve, a sensitive approach was made to her about going into a retirement centre some 50 kilometres away from her home. The family contacted me to try to find a place for her within the immediate region. This is not something that members of parliament are able to interfere with, in terms of priorities. These decisions have to be left to the carers and professionals in the field.

As I mentioned to the family, I was not prepared to interfere in any priority listings that local homes had, and the only option was to take the place at the centre 50 kilometres away and wait for an opportunity for Mrs Walker to be able to move closer to home. Unfortunately, Mrs Walker (I am able to use her name because the family has given me permission to do that) died just before being taken to the Penola nursing home. This is not an isolated incident. It happens quite regularly in country areas. However, I am sympathetic to the minister's position in relation to facilities and I am aware that there always will be a need out there in the community not being met.

Time expired.

CROYDON PARK CURRENT AFFAIRS GROUP

The Hon. L.H. DAVIS: It was my pleasure this afternoon to entertain a group of ladies from the Croydon Park Current Affairs Group. This is a unique group. It is the only group that I know of, and it is the only group that they know of, which meets on a regular basis to discuss current affairs. This group is unique in the sense that it has been meeting for 25 years. It meets weekly and since its inception it has been meeting at the Mawson TAFE. It has 40 meetings a year in term time and has a wide variety of speakers, including Dean Jaensch, the noted political commentator; it has had the Treasurer, Robert Lucas; Mick Atkinson, who, as one may well imagine, is the local member; Sir Mark Oliphant; Dr Grant Sutherland from the Women's and Children's Hospital; the well-known historian, Trevor Wilson; representatives from Volunteers Abroad, the cranio facial unit, the Red Cross and the Salvation Army; and the controversial environmentalist, Dr John Walmsley.

Each term they visit an organisation, for instance, the Waite Institute, the fisheries department, Road Transport, Adelaide airport, the submarine base, the synagogue, Townsend House and Artlab. They have been undaunted by unexpected events. For example, on one occasion there was a fire alarm in the Mawson TAFE and they were evacuated from the building but, nevertheless, continued undeterred to meet under a tree on the lawns being addressed by their speaker for the week.

This group was established following an Opportunities for Women group, which originally had been funded by the Department of Education. In fact, since the group was formed in 1975 or 1976, these meetings—which, as I have said, have been held on a regular basis since that time—have been attended by at least three or four of these women since that very first meeting.

I want to pay tribute to the Croydon Park Current Affairs Group. I think it is a terrific idea that a group of people in the community, with different interests, political persuasions and religions, can come together, agree on a speaker for the week and plan a program of visits—as well as speakers—to educate themselves on what is happening in the world, to learn more about the charities, the community organisations and the instruments of government, not only within South Australia but beyond our boundaries.

I pay tribute to their enthusiasm at a time when, perhaps, as we saw with the Bicentenary, our ignorance of history and what is happening in the world around us has become quite evident. There is that lovely story about how few people knew that Edmund Barton was the first Prime Minister of Australia. Rather less than 50 per cent of the people interviewed had any awareness of the fact that Edmund Barton was Australia's first Prime Minister. I suspect that if that question were put to the 20 plus women in the Croydon Park Current Affairs Group a very large proportion of them would have got that answer correct.

I know that their enthusiasm for what they do and the activities that they have in terms of visiting various organisations, and their regular Christmas function, must be a source of great enlightenment to them. It must be a great source of knowledge to them to learn so much about the community in which they live. I put on the record a tribute to the Croydon Park Current Affairs Group. It is an initiative that may well be worth mirroring in other suburbs around Adelaide. If anyone else knows of a similar group, I would be very interested to hear of it. Certainly, the Croydon Park Current Affairs Group is not aware of any. I know that we have our own formal discussions around a cup of coffee here, but it goes nowhere near matching the initiative of the Croydon Park Current Affairs Group.

GAMING MACHINES

The Hon. NICK XENOPHON: Early this month the South Australian Centre for Economic Studies prepared a report for the Provincial Cities Association of South Australia on the impact of gaming machines on small regional economies. By way of background, in 1998 the then General Manager of the Australian Hotels Association in South Australia, Mr Ian Horne, stated in a pre-budget submission that there ought to be an independent economic inquiry into the gambling industry in South Australia. In April 1998, Mr Ian Horne stated:

> The study should be conducted by the South Australian Centre for Economic Studies.

This study was conducted with the financial support of the Provincial Cities Association and, further, the Provincial Cities Association and the South Australian Centre for Economic Studies acknowledge the support of the South Australian government that provided some funding for this study. However, I point out that the government has been very miserly indeed in terms of funding adequate research on the impact of poker machines in the community and, in particular, on regional economies. I understand that it is the first funding of its type with respect to a detailed, independent economic analysis.

Non-financial support for the study was provided by the Break Even counsellors network, the Australian Hotels Association of South Australia and the Liquor Licensing Commission. The South Australian Centre for Economic Studies made it clear that none of these parties sought to influence the direction of the study but provided their data, time for interview, discussion and letters of support. The participants provided one or a number of those particular aspects of support. This study was clearly impartial and it relied on the cooperation of both the gambling industry and those who are at the front line of dealing with gambling addiction—the Break Even gambling network.

This study shows that, once and for all, poker machines are very much the electronic locusts of regional South Australia. With respect to a number of its key findings, the study found that, in terms of regional trends, there is a higher ratio of gaming machines in non-metropolitan Adelaide per adult population than for the Adelaide metropolitan area; that there is a higher number of venues per adult population in the provincial cities than for the Adelaide metropolitan area; and that incomes per adult are lower in the non-metropolitan area relative to the Adelaide metropolitan area.

The study also found, by way of an overview, that gaming machine expenditure losses in the provincial cities represented 13.3 per cent of losses in the state in 1995-96, declining to 11.6 per cent in 1999-2000—above the combined population share of 9.1 per cent. The study also found that the average expenditure per adult in the provincial cities on electronic gaming machines was $539, which was 27 per cent higher than the state average of $425 in 1999-2000. The study also pointed to a number of very disturbing features with respect to the number of problem gamblers in the provincial cities.

The study looked at a number of areas, including Berri, Barmera, Loxton, Waikerie, Renmark, Paringa, Mount Gambier and the Grant council areas, Murray Bridge, Port Augusta, Port Lincoln, Port Pirie and Whyalla. The study found that in those particular regional areas there were a total of 3 097 problem gamblers. A 'problem gambler' has been defined previously by the Productivity Commission as being someone who, on average, spends something like $12 000 per annum on gambling and that it is a significant problem in their lives—the study found that that amounted to 2.81 per cent of adults.

However, to take this in context, the Productivity Commission made it clear—and Michael O'Neill from the South Australian Centre for Economic Studies deserves to be congratulated for this excellent report—that between five and 10 individuals are affected by each problem gambler. Of the 2.81 per cent of adults affected as problem gamblers, between five to 10 individuals are, in some way, adversely affected by the impact of poker machines, and in terms of the Adelaide metropolitan average the figure is 2.06 per cent.

Regional South Australians are, in a number of ways, more deeply impacted because of electronic gaming machines, according to this independent and impartial report. I commend the Provincial Cities Association for funding this report. I also call on the state government to fund further studies on the impact on retail trade and jobs in the regional centres because this is an essential part of the debate.

Time expired.

NATIVE BIRDS

The Hon. M.J. ELLIOTT: I speak in relation to a question I asked in this place of Minister Laidlaw regarding the Bird Care Society. On 31 May this year, I asked Minister Laidlaw, representing the Minister for Environment and Heritage, a question about the protection of native birds. In my question I highlighted a situation where a voluntary bird care organisation was struggling to survive because of new government red tape. In response, I believe that Minister Laidlaw was led to make some inaccurate statements on behalf of the Minister for Environment and Heritage. I am sure that she was doing so on the basis of information provided by the minister. I seek now—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Yes, that is right. I am not in any way having a shot at the Minister for Transport. I seek now to set the record straight. Minister Laidlaw, on behalf of the Minister for Environment, claimed that, in this particular case, the individual who wrote to the honourable member applied for and obtained six rescue permits over the past year. The minister's comments show a misunderstanding of the purpose and operation of the organisation. The Bird Care Society's aim is to rehabilitate and return healthy birds to the wild quickly. Many birds can be rehabilitated and returned

to the wild within two weeks, which makes it a nonsense to seek a permit for a bird for such a short time.

Further, if volunteers apply for a rescue permit they are also required to purchase a Keep and Sell Permit, which costs up to $70 per bird, per annum, before they have had the bird long enough to assess it. Currently rescue permits are sought only for unreleasable birds when they are transferred to other persons. If the individual mentioned had had to purchase a rescue permit for every bird that had come into her possession and had been released, it would have been many more. The minister also said:

> In some cases they are being held in poor conditions. The Minister for Environment and Heritage recently met with Sharon Blair, President of the Bird Care and Conservation Society (South Australia) to discuss this matter.

I am told this claim is incorrect. Ms Blair assures me that in her discussions with Minister Evans no mention of this issue was made to her by the minister. Ms Blair knows of no departmental concerns or prosecutions on this issue.

Ms Blair also asked me to thank the minister for her affirmation that volunteers who care for our fauna provide a valuable and vital contribution to both the animals and to the community groups who utilise the service they provide. The Australian Democrats call on the Minister for Environment and Heritage to consider the full implications of the proposed changes to native bird legislation, but call on him to reflect on the insights he must receive as minister from volunteers and not let bureaucracy and red tape strangle an organisation that is already struggling to meet the significant need to protect our native birds. Further, we believe that an apology or retraction is in order in relation to misleading statements made in answer to questions in this place on this matter.

Time expired.

MANOCK, Dr C.

The Hon. NICK XENOPHON: I move:

1. That this council expresses its deep concern over the material presented and allegations contained in the ABC's *Four Corners* report entitled 'Expert Witness' broadcast on 22 October 2001, involving Dr Colin Manock, Forensic Pathologist, and the evidence he gave from 1968-1995 in numerous criminal law cases;

2. Further, this council calls on the Attorney-General to request an inquiry by independent senior counsel or a retired supreme court judge to report whether there are matters of substance raised by the *Four Corners* report that warrant further formal investigation; and

3. That the Attorney-General subsequently report, in an appropriate manner, to this council on the allegations made in the *Four Corners* report and their impact on the administration of justice in this state.

On 22 October, just over a week ago, the ABC's *Four Corners* program broadcast a report entitled 'Expert Witness'. *Four Corners* told of how one forensic pathologist's mistakes are prompting lawyers, medical experts and investigators to question the administration of justice over nearly three decades. The preamble of the web transcript of the report goes on to say:

> Even seemingly clear-cut verdicts might now be rendered unsafe. Many, many cases may need to be reopened, according to a law academic close to the issue.

I seek leave to table the web transcript of the *Four Corners* report.

Leave granted.

The Hon. NICK XENOPHON: I have moved in my motion that the Council expresses its deep concern about the material presented and the allegations contained in the ABC's *Four Corners* report involving Dr Colin Manock, a forensic pathologist, and the evidence he gave for a period of some 27 years in numerous, perhaps hundreds, of criminal law cases. Further, this Council calls on the Attorney-General to request an inquiry by an independent senior counsel or retired Supreme Court judge to report whether there are matters of substance raised by the *Four Corners* report that warrant further formal investigation and that, further, the Attorney subsequently report to this chamber on the allegations made in the *Four Corners* report, and their impact on the administration of justice in this state.

I propose to outline some of the startling allegations made in the *Four Corners* report, and I urge all honourable members to read the transcript and view the program of the *Four Corners* report before they have an opportunity to vote on this motion. The reporter, Sally Neighbour, has outlined many errors in a number of high profile cases involving Dr Colin Manock. I note that earlier today the Hon. Sandra Kanck in question time asked questions of the Minister for Health with respect to Dr Manock, and I congratulate her for doing so.

I wish to emphasise that the basis of this motion is the report on *Four Corners* and that the report raises a number of serious issues that ought to be the subject of further investigation. The *Four Corners* report opens with a statement by Dr Terry Donald, the Director of Child Protection Services in this state, with respect to a child who died, that a post-mortem by Dr Manock found that the child had died of bronchopneumonia and that his fractured spine was a result of attempts to revive him. That was the case involving a nine month old infant, Joshua Nottle, who Dr Manock says died of bronchopneumonia. Other experts who have reviewed the case considered that it was a major mistake; that the child in fact died as a result of being severely battered and that there was a major pathological error in that case and in a number of other cases.

Mr Kevin Borick, QC, a South Australian barrister and President of the Australian Criminal Lawyers Association, stated in the *Four Corners* report:

> Well, I think there have clearly been cases where people who should have been convicted of crimes have not been brought to justice and, on the other side, there will be people in gaol who should not have been there.

Dr Bob Moles, an Associate Professor of Law at Adelaide University, believes that a number of other cases—'many, many cases indeed'—ought to be reopened. The report states that Dr Manock did some 9 000 autopsies and gave evidence in virtually every major case. It points out that in 1968 when Dr Manock was appointed to the Institute of Medical and Veterinary Science he had no formal qualifications as a pathologist but subsequently was admitted as a Fellow of the College of Pathologists by way of a viva, an oral examination that went for some 20 minutes. Notwithstanding that he did not have any qualifications from Britain, where he initially trained as a pathologist, according to Dr David Weedon of the Royal College of Pathologists he was admitted as a Fellow of the College of Pathologists because of the seniority of the position he held. That raises some questions of the medical profession in terms of its method of qualifying people with respect to such a senior position and admitting them to the College of Pathologists.

The *Four Corners* report made reference to the 1988 Royal Commission into Aboriginal Deaths in Custody and found that Dr Manock's approach to an autopsy was inappropriate and his explanations inadequate. The *Four Corners* report interviewed Mr Chris Patterson, a former detective of

major crimes. He referred to one particular case in 1992 when a man's body was found in a flat in suburban Adelaide and Dr Manock said he had fallen and had a haemorrhage. He attended at the scene. Former Detective Patterson said that eventually there was found to be a bullet hole and a bullet lodged in the brain of the particular victim and that Dr Manock had attended the scene and had missed it. Mr Chris Patterson, a former detective of the Major Crimes Squad stated:

> I can't fathom how he missed these sort of things.

Kevin Borick QC stated:

> That one man could have made so many mistakes and for the people involved in our legal system who knew about it—

He expressed very deep concern about that. A number of cases were presented in the *Four Corners* report including the cases of Van Beelan and Keough, where there were question marks over the evidence on which juries convicted.

I am particularly concerned over three infants who died and Dr Manock was of the view that they died of bronchopneumonia. Dr Terry Donald, the Director of Children's Services in this state, took significant issue with Dr Manock's findings. Chris Patterson said that the police felt very let down because they had a focus on who was responsible in relation to the deaths of these infants, particularly Joshua Nottle.

I found it absolutely extraordinary both in terms of what had transpired and in terms of the consternation of senior medical officers as well as the former police officer involved in the case. I am not privy to the background material of the *Four Corners* report. I do not know the veracity of the allegations made, but the *Four Corners* report broadcast nationally last week raises a number of very serious concerns. I emphasise that this relates to evidence given by Dr Manock over some 27 years from 1968 to 1995, and that this ought to be of concern to every member in this chamber concerned about the administration of justice in this state.

Kevin Borick QC, former detective Chris Patterson and law professor Dr Bob Moles have all called for a more sweeping review, not just looking at the cases referred to in the *Four Corners* report. Sally Neighbour, the reporter, said that the review would discomfit the legal fraternity no end. Kevin Borick QC said:

> I think you have to lay the blame directly with the legal profession and with the judiciary. It was our responsibility to make sure something like this didn't happen, and I include myself in the same criticism. It did happen, and now we have to put it right.

I have spoken to members of the legal profession who have had an interest in this matter, and they believe that it cuts both ways, both in terms of convictions that may have been based on unsafe evidence and in respect of matters that were not brought before the courts because of Dr Manock's findings. There is concern over a pattern of incompetence, something that is referred to in the *Four Corners* report.

I want to be fair to the parties concerned. I think it is important because these allegations have been made and because they raise concerns about the administration of justice in this state over a number of years—and this is not a criticism by any means of our current Attorney or former Attorneys. It relates to some issues that could well be systemic. But the basis of my motion is for the Attorney at least to request an inquiry by an independent senior counsel or a retired Supreme Court judge to see whether these very serious allegations contained in the *Four Corners* report have some substance to them and, if they do, then obviously further steps will need to be taken.

At the very least, there ought to be some independent analysis, an independent inquiry, to determine whether these very serious allegations contained in the *Four Corners* report ought to be investigated further; whether they are of substance; whether they point to deep systemic problems; and whether they indicate that the administration of justice in this state has in some way been compromised. I urge members to support this motion.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO BIOTECHNOLOGY, PART II, FOOD PRODUCTION

The Hon. CAROLINE SCHAEFER: I move:

> That the report of the committee on an Inquiry into Biotechnology, Part II, Food Production, be noted.

This is the second report that the Social Development Committee has released for its inquiry into biotechnology. The first report, released in September, dealt with biotechnology and health. This report addresses issues related to biotechnology and food production. The term of reference addressed by the committee was: to investigate and make recommendations to the parliament in relation to the rapidly expanding area of biotechnology in the context of its likely social impact on South Australians.

The committee elected to concentrate on the areas of health and food production, based on early discussions between members of the committee and experts in the biotechnology field. While South Australia's biotechnology health industry is still in its developmental stage, we are a major producer of agricultural products. During 1999-2000, our farm gate production was valued at $3.3 billion, our agricultural exports for the same period were worth $2.7 billion, and I believe that the last financial year has seen an increase in the value of our food exports by some 40 per cent. So, any development that may have an impact on such a major contributor to the South Australian economy is certainly worthy of inquiry.

Once again, the area of biotechnology that was central to the inquiry was development made possible by gene technology. Unlike our investigations into the health area, however, where generally people believed that the potential benefit for both individuals and our economy was substantial, there was less agreement with regard to food production. In this report, as with the first, it was our intention to present for our parliamentary colleagues and members of the public the current state of play with regard to what is and is not possible and the arguments for and against the use of gene technology, this time for the production of food and food crops.

Gene based technology is relatively new. To date it has been based largely on either the insertion of genes to produce the expression of a new protein, or silencing the expression of an existing protein in food crops. The kinds of traits that have been developed include resistance to diseases and nematodes, tolerance of specific pesticides and herbicides, improved frost tolerance and improved fertility of crops. In the future it is hoped that qualities such as improved salt tolerance and reduced water requirements will be developed and, indeed, significant advances in these areas is being made in other countries, such as Israel.

Developments of this type have obvious relevance for South Australia. Research is also being carried out that, if successful, could see the availability of food with increased protein, vitamin and mineral content, with greater control over its ripening, or which will bruise less. However, many of these developments are some time away. In fact, in Australia up to August this year only Roundup Ready canola (which is herbicide resistant), BT cotton (which is insect resistant) and two varieties of carnation have been approved for commercial release.

It may surprise people to learn that there are no commercial GM food crops in production in this state, and we have been assured that it is highly unlikely that there will be any ready for at least three years. The same applies to genetically modified animal products. While there is research into transgenic farm animals, there have been no commercial releases to date, and the CSIRO livestock industries informed us that there were no transgenic livestock products even close to market release in Australia.

Two main areas of concern were raised in submissions to the inquiry: risks to health and risks to the environment. With regard to possible health risks, one fear was that novel toxicants may be produced in genetically modified food products, creating a danger to humans either by direct consumption of the food product or via consumption of products from animals that had consumed genetically modified feed. A further fear was that the practice of using antibiotic resistant marker genes to track novel DNA may lead to human antibiotic resistance.

The potential for a novel allergen to be transferred through genetic modification to the host food was also raised as a potential danger to people who may suffer an allergic reaction to a food that was perfectly safe in its conventional state. The committee was told of one case, that of Star Link corn, a genetically modified corn approved for stock use only, which found its way into taco shells sold in the United States and which was also found to be mixed with non-Star Link corn in storage. Investigators considered that physical contamination was the most likely cause, although cross pollination was not entirely ruled out.

In a second instance it was found that a brazil nut protein that had been inserted into soya beans carried with it the brazil nut allergen. The transfer of the allergen was discovered and development of the soya bean ceased. The recent report of the Royal Society of Canada states that there has been no validated instance where a GM food approved for human consumption has caused an allergic reaction. There are very strict procedures in place that protect us from potential risks.

Food standards in Australia are developed by ANZFA (the Australia New Zealand Food Authority). We were fortunate to have the managing director, chief scientist, and manager of biotechnology for ANZFA travel to Adelaide to provide the committee with an oral submission. However, our high standards and procedures do not allay the fears of some scientists and many members of the public, and these concerns need to be taken seriously. The committee called for state and federal governments to encourage informed, balanced public debate and for more transparency in our regulatory system.

Several witnesses raised concerns over some of the testing procedures used by ANZFA. Notably, it was alleged that ANZFA did little testing of its own, relying instead on data supplied by applicants; that they used the concept of substantial equivalents; and that approvals by the US Food and Drug Administration were used as a basis for approval for food in Australia. These concerns were put to ANZFA by the committee and each one was addressed in some detail.

The procedures used by ANZFA are rigorous and particularly so where GM food is concerned. As of 22 June this year, the new Gene Technology Act 2000 came into force. The object of that act is to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology and managing those risks through regulating certain dealings with GMOs. All dealings with live, viable genetically modified organisms are covered by the act, including all GM plants and animals as well as bacteria and viruses.

The act establishes the Office of the Gene Technology Regulator. Along with its regulations, it sets all conditions of licence approval, accreditation and certification for dealing with GMOs, and sets conditions for monitoring of sites both during and post trial. Only GMOs specifically approved by the Gene Technology Regulator are allowed in Australia. A ministerial council is also established by the act to assist the Gene Technology Regulator and to make policy principles in relation to the areas designated under state law. South Australia's delegate to the council is the Minister for Human Services.

Also established are the gene technology technical advisory committee, the gene technology ethics committee and the gene technology community consultative committee. It is the task of these bodies to identify any potential hazards to the health and safety of people or the environment, assess the probability that any damage may occur, and how to minimise or eliminate any potential damage, and then to determine if the risk is acceptable and manageable before an approval is granted.

Prior to June, the regulatory process was voluntary, and there were a number of documented breaches of conditions. The new regulatory system has teeth to set stringent conditions and to deal with breaches. It is the aim of the new regulator to make the approval and monitoring processes as transparent as possible to help allay community concerns. The committee fully supports this aim. In addition to the Gene Technology Act 2000, each state is required to enact complementary legislation. The South Australian Gene Technology Bill was introduced into parliament on 26 September by the Minister for Human Services.

The committee supports the rights of people to choose to either eat or not eat genetically modified food. The ability to make such a choice, however, requires clear and unambiguous labelling of food. The issue of labelling of GM food has been with us for several years now, and the new food labelling standard will come into effect in December this year. However, this is an area that will continue to receive considerable attention. Clear labelling of foodstuffs was supported by all witnesses, whether they were fully supportive of or opposed to genetically modified foods. The public has the right to make informed decisions.

Under the new standard, GM food will be required to be labelled where novel DNA or protein is present in the final food and/or where the food has altered characteristics when compared with its conventional counterpart. However, there are several exemptions where labelling will not be required, including food prepared at point of sale. It was pointed out to the committee that over 50 per cent of food consumed in Australia is in unpackaged form—for example, in restaurants, or unwrapped on a grocery shelf. The standard also allows up

to 1 per cent of unintended presence of GM product without labelling being required.

Both the Australian Food and Grocery Council and the CSIRO advised the committee that meaningful labelling will require that support mechanisms, such as identity preservation systems and supply chain management procedures, will need to be put in place so that the food supply can be properly differentiated as GM, non-GM or co-mingled. The issue of appropriate labelling of GM food has not yet been fully resolved, and the committee urges that comprehensive and meaningful labelling be introduced as soon as possible.

The potential for genetically modified plants to escape and cross with closely related plants to create super weeds was raised a number of times in oral and written submissions. Other environmental issues raised include potential adverse impacts on soil ecology, destruction of non-target insect species and reduction in biodiversity. Supporters of GM admitted that there may be some risks but believe that they are no greater than with the use of more conventional methods of production. It was also pointed out that GM crops would see improved production from less land, reduced herbicide and pesticide use and reduced soil erosion.

The issue of whether GM crops will be beneficial or detrimental to the environment is an issue of management of risk. As yet, there are no agreed risk parameters associated with the introduction of GM crops, and these need to be developed. The CSIRO is undertaking a multimillion dollar project to develop a world's first risk benefit tool and to make recommendations on best practice risk assessment for large-scale monitoring of the ecological impact of GMOs. The committee supports this strategy.

An important issue raised during the inquiry was whether South Australia should push forward with introducing genetically modified crops. Presently, South Australia has 40 sites either currently trialing GM crops or being monitored post trial. There are no GM food crops being commercially grown in South Australia. There was conflicting evidence about the economic benefits that might be obtained from growing genetically modified crops. We were told that canola farmers in Canada and cotton growers in Australia had benefited from reduced herbicide and pesticide costs. However, we were also told that Australian cotton growers were paying more to grow their crops than they were saving on pesticides. If that is the case, the commercial reality will force them back to the old methods. Similar arguments were put forward with regard to yield. We received evidence of both increased and decreased yield using transgenic crops.

The issue of whether there was any economic benefit to South Australia of growing genetically modified crops was based not only around issues of direct on-farm costs and benefits but also around marketability. Claims were made that overseas markets, particularly Japan and Europe, are very nervous about GM crops and that, by commercially growing genetically modified crops, South Australia could lose its clean, green image and its important export markets.

The possibility of market loss was one argument used by supporters of South Australia's imposing a five year moratorium on the growing of GM crops. It was also a strong element in the argument put forward by the Eyre Peninsula GM Task Force for the establishment of GM-free zones. The Gene Technology Act 2000 does make provision for the establishment of GM-free zones to preserve the identity of GM and non-GM products for marketing purposes. The committee is sensitive to the views of some farming communities that particular local GM-free zones should be introduced. We understand that PIRSA is looking at the feasibility of such zones. However, we perceived some practical and legal implications for such introduction and, consequently, the committee has recommended that GM-free production zones within South Australia be researched by the Department of Primary Industries and Resources SA regarding the practicability of their establishment, and by the Attorney-General's Department regarding the legal implications.

Conversely, the immediate past President of the Australian Grains Council believed that, while there might be some short-term gain from not commercially growing GM crops, in the longer term South Australia could become non-competitive internationally. Because of the lack of market research to support either view, the committee strongly recommended that the Department of Primary Industries and Resources undertake market research to ascertain local and international consumer sentiment regarding GM produce, with particular reference to countries likely to ban products, particular segments of the primary production sector at risk and the possibility and size of niche markets for particular products.

In conclusion, I thank the members of my committee once again—the Hon. Terry Cameron, the Hon. Sandra Kanck, the Hon. Dr Bob Such, Mr Joe Scalzi and Mr Michael Atkinson. On this occasion, our conclusions were not 100 per cent in agreement. The Hon. Sandra Kanck has issued some dissenting statements within the report, and I respect her right to do so. I would also like to thank the committee staff, Robyn Schutte and Pam Chapman, for all the work that they have done. This morning I was asked on radio whether our committee was giving the green light to genetically modified crops, and I said that, rather, I believe we are giving the amber light which, in summary, is: proceed with caution.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

AUDITOR-GENERAL

The Hon. P. HOLLOWAY: I move:

That this Council expresses its full confidence in Mr Ken MacPherson, Auditor-General, and the Office of the Auditor-General.

Members of this Council would be well aware that last week the House of Assembly passed a motion expressing confidence in the Auditor-General. That was necessary in that chamber because senior members of the government had criticised the role played by the Auditor-General. Indeed, unfortunately, with this government it is systemic that other individuals, such as Mr Clayton QC, who have been instructed by this parliament to undertake investigations into allegations against members of this government, have been subject to criticism—and quite unnecessary and unfair criticism, I would suggest. Also, there certainly has been criticism by some independent members of this Council in relation to the role of the Auditor-General, and there are some senior members of the government who have, at best, been ambivalent about the role played by the Auditor-General in relation to these inquiries.

I believe that there has been a very disturbing trend by members of this government to attack the umpire. I have referred already to the extraordinary attack by Mrs Joan Hall in another place in relation to the findings of the Auditor-General—and I will have more to say about that later. We have also seen, for example, the ex-Premier of this state,

Mr Olsen, criticise the findings of other people who have been charged by this parliament to undertake inquiries—in that case, Mr Clayton QC. Mr Olsen has protested his innocence as, indeed, has Mrs Hall.

I think it is rather like the situation that exists within our gaols. I used to work for a member of parliament who at one stage was the union secretary for the prison officers. I always remember him telling me stories about how, when they spoke to the Correctional Services officers, everyone in gaol was always innocent. No-one was ever guilty in there.

The Hon. K.T. Griffin: That is a really inappropriate analysis.

The Hon. P. HOLLOWAY: The ex-Premier of this state has proclaimed his innocence. Since this whole matter has caused some denial by the Attorney-General, I would like to read some comments that appeared in the *Australian*, which I would have thought would be a fairly—

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: I will read what the *Australian* says—this is the opinion of an independent person. The *Australian* of Monday 22 October made the following comment:

> The John Olsen apologists have been out in force since he announced his resignation as South Australian Premier on Friday. They've excused him for what an independent inquiry found was 'misleading, inaccurate and dishonest' evidence to an investigation into how Motorola was lured to the state in 1994. They've also conveniently forgotten his years of secrecy, disdain for accountable governance and cynical use of taxpayers' money on corporate welfare.

This editorial goes on to say:

> To say governments and politicians can behave however they wish to achieve anything is to accept that the end justifies the means. And to make things worse, the end with Motorola and such deals comes at great cost to taxpayers and offers only small rewards and quick fixes when compared with those available to governments which focus on making their economies attractive places in which to invest by business from anywhere.

There has been a disturbing trend by senior members of this government to blame the umpire rather than to look at their own behaviour and conduct, which has been found by these inquiries to be quite unacceptable. The matter that we are debating today is confidence in the Auditor-General so, if members opposite wish to get up and put an alternative point of view, they will have their opportunity to do so. I welcome it, because it is about time the members of this Council, rather than making innuendo about the inquiry by the Auditor-General and indeed by other people who have conducted inquiries on behalf of this parliament, either put up or shut up. That is exactly what this motion is about: it is to provide this Council with the opportunity to do so.

The House of Assembly sort of unanimously resolved this issue last week—I say 'sort of unanimously' because we had an extraordinary situation where the new Premier had two bob each way in relation to this motion. He was quite reluctant in his support. The motion before the House of Assembly was:

> That this House censures the member for Coles for misleading the House in her remarks about the Hindmarsh Soccer Stadium and associated matters, and again expresses its full confidence in the Auditor-General and the work of his office.

This is what the new Premier, Mr Kerin, said:

> I personally cannot make judgment to support the first part of the motion. It is unfortunate that the second part of the motion expressing confidence in the Auditor-General and the work of his office is connected to the first part, and I feel it should not be confused. If a motion has two components, then I cannot support that motion unless I support both components. I stress to those opposite that any opposition to this motion is not associated with the second part of the motion. This House has already passed a vote of confidence in the Auditor-General, and that was passed without opposition.

How can the Premier support the Auditor-General while at the same time supporting the member for Coles, who made quite scurrilous and unsubstantiated accusations against the Auditor-General? How could he have it both ways? Nevertheless, that is what he sought to do in his speech.

There is evidence in this chamber that some members of parliament are ambivalent about the role of the Auditor-General. We need to consider, with some concern, what happened in the state of Victoria, just before the 1997 election there. The Kennett government undertook a systematic attack on the Auditor-General, not just the office of Auditor-General but also the person occupying the position of Auditor-General in that state. I would like to remind the Council of some of the comments that Mr Kennett made; I noted that the other day Mr Kennett was having lunch with the former Premier. The Council, and particularly Liberal members opposite, perhaps should contemplate what happens when they get into this business of trying to attack those office holders of this state who have been charged by this parliament to undertake inquiries.

I think it is important that we remember that, in relation to the inquiries which were undertaken by the Auditor-General in relation to these matters and which have upset certain members of the government, the Auditor-General was instructed by this parliament to undertake them. Regarding what happened in Victoria, the *Australian* of 19 May 1998 states:

> Premier Jeff Kennett has renewed his attack on Auditor-General Ches Baragwanath, questioning the 'technical basis' of his audits and accusing him of asking 'very, very loaded questions'.

Then we see in the *Australian* of 13 October 1997:

> Defiant Victorian Premier Jeff Kennett vowed yesterday to press ahead with controversial reforms to the state Auditor-General's office, despite overwhelming opposition to the proposal by Liberal Party grass-roots members. Risking a backbench showdown, Mr Kennett said the office would be split, leaving Ches Baragwanath with control over a 'number' of staff and the authority to by-pass the tender process in certain circumstances. However, delegates at the party's 126th State Council on Saturday voted overwhelmingly in favour of a motion to preserve the Auditor-General's office in its current format.

The final article which I will quote from was in the *Australian* of 2 October 1997 and states:

> Victoria's Auditor-General, Ches Baragwanath, would have been sacked for campaigning against government reforms if he was any other public servant, Premier Jeff Kennett said yesterday. Lashing out at Mr Baragwanath's 'very, very public' campaign against a controversial plan to overhaul the functions of the Auditor-General's office, Mr Kennett said such criticism would normally not be tolerated. 'No public servant should be able to run that sort of campaign,' Mr Kennett said. 'If it had been one of the secretaries of one of the departments, they would have actually been in breach of. . . a rule in the Public Service and that is that you are there to do the Government's bidding and whether you like it or not, you do it.' Mr Kennett said although Mr Baragwanath was clearly in breach of 'the rules', he was an independent officer of the Parliament so the Government had decided not to intervene.

The article outlines the proposals which Jeff Kennett had made and which would effectively have privatised the function of Auditor-General.

I just mention that because we have noted that the ex-Premier of this state, who has been a great friend of Jeff Kennett, has been a strong supporter of the outsourcing of government services. I just wonder whether this government

has some secret agenda in relation to the Auditor-General. But certainly it is no surprise that, as a result, those attacks that Kennett made back in 1997 and 1998 on the office of Auditor-General were rebutted, not only by the people ultimately at the election but also by many members of his own party, and indeed by many decent voters within that state who I would have thought would normally vote for the Liberal Party.

The fact is that, if people have complaints about the Auditor-General's findings, that is fair enough. If people wish to dispute those findings, that is their right. It is the right of people to dispute and debate those findings. But to make personal attacks on the person who has the position and, perhaps more importantly, to attack the very existence of the office of Auditor-General, as was done in Victoria, is, I believe, something that the people of this state would not and should not tolerate.

I would like to go through the background to the antagonism against the Auditor-General's reports which perhaps could explain some of the reasons why we are debating this matter today. The Auditor-General has, on the instructions of this parliament, conducted a number of inquiries. We have had the one on the flower farm, for example, in which I think the Hon. Legh Davis, although he did not move the motion to set it up, played a significant part. We can all remember the speech he made on that particular matter.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, certainly he spoke for a long time. Obviously, on that occasion, he was very happy with the findings of the Auditor-General. I think there are a number of areas where the government has been stung by the Auditor-General's findings. First, it was the Auditor-General who discovered the famous letter that ex-Premier Olsen had written in April 1994, which led to the Cramond inquiry and then the Clayton inquiry. It was the Auditor-General who pointed out that that letter created an obligation to Motorola that was against, I believe, the State Supply Act. If we look at the report that Mr Cramond has recently brought down, in paragraph 454 it notes:

> During the course of the audit of the Economic Development Authority for 1994-95, the Auditor-General, Mr K. MacPherson, and Mr Simon O'Neill, his Deputy, became aware of the letter of 14 April, 1994. They took the view that the letter was a pre-emptive commitment by the Government which was contrary to the provisions of the State Supply Act. They saw Minister Olsen in about September 1995 and explained their concerns to him.

There is much more in the Clayton report that arose from that experience. The Auditor-General was doing his job in relation to that matter by highlighting the existence of an obligation which, in the Auditor's view, may have been contrary to the State Supply Act. As a result of that matter being brought to light, Mr Clayton subsequently found the behaviour of the ex-Premier to be misleading and dishonest.

I should point out that in relation to the Clayton report the Auditor-General was, as we have found out, misled, as the Solicitor-General had been and, ultimately, Mr Cramond was to be, by the fact that some of the information that had been provided to him in relation to that letter of April 1994 was not complete. I will not pursue that matter here.

The Auditor-General was also given a role by this parliament in relation to the sale of ETSA. The Auditor-General was specifically required in the legislation that permitted the lease of ETSA to provide reports to this parliament regarding the sale process. The Auditor-General did that and, having been a member of the small select committee that was established to hear reports by the Auditor-General, it was quite clear to me that the Auditor-General took action in relation to the sale which potentially saved this state many millions of dollars, because he pointed out some problems in relation to the sale process. Matters were also raised in his reports in relation to advisers to the sale process and, undoubtedly, the government found those findings particularly aggravating. Nevertheless, I believe there is no doubt, and I think history will show, that, as a result of the Auditor-General bringing those matters to light, the sale process did not go off the rails, as it very easily could have done if the advice of the Auditor-General had not been heeded.

We then come to the other matter where this parliament required the Auditor-General to conduct a report. I refer to the Hindmarsh Stadium inquiry. In the Auditor-General's annual reports there were some findings several years ago regarding the problems that that project faced. In particular, the Auditor-General drew attention to the fact that the Public Works Committee had not been properly involved in relation to the consideration of that project. Questions were asked as a result of the original findings by the Auditor-General in his annual report. These issues were again raised in late 1999 when it became known that certain documents that were in the possession of Joan Hall, the member for Coles, had gone missing from the back of her car. Apparently, they had been stolen from the car when it was parked at a hotel. I remember asking questions in relation to that matter on 23 November 1999. By this stage, the parliament had requested the Auditor-General to conduct a full inquiry into this matter. When I asked those questions, the answer I received from the Treasurer on that date is as follows:

> I have every confidence that the Auditor-General will undertake his task assiduously and get hold of all documents that he requires. . . . I am sure that he, within the legal parameters allowed him by the act, will undertake the task that is being asked of him and that, in due course, he will report. If he has any particular concerns, I am sure that he will report them and the parliament or the executive arm of government can then respond, having heard those concerns. The honourable member ought to allow the Auditor-General to undertake his task and then make a judgment when he is in a position to make a report or, indeed, if at any stage he indicates a concern he, together with the rest of us, can respond as we see fit at the time.

Later in the same answer, the Treasurer said:

> I would hope that the Auditor-General has concluded his inquiry into this issue well prior to the end of March, so that when the parliament resumes at the end of March we are likely to have the report from the Auditor-General on all these issues.

Of course, we did not get a report by the Auditor-General in March 2000. We only got it a few weeks ago and we now know the reason why we did not get that report. There was a series of legal delays in relation to that and we were made aware of those in a two-page report that the Auditor-General presented to us in July this year. Remember, this was some 18 months after the Treasurer had told us that he hoped that we would have the report by March 2000. Why did we have this extraordinary, and expensive, delay? What the Auditor-General told us in the two-page report was:

> I have encountered substantial delays in the natural justice process for Chapters 5 to 10 of my draft Report.
>
> Submissions have been made to me by various individuals as to their private interests requiring more time to respond. At all times, in considering these submissions, I have endeavoured to balance the private interests of the individuals concerned with the public interest which requires that the results of my Examination be tabled in Parliament as soon as is reasonably practical. I have been guided by the advice of Senior Counsel engaged by me to advise on the

examination process. At times I have accepted the submissions made by various individuals as to their private interests.

One person has provided submissions on a rolling basis since 5 July 2001. So far I have received 10 separate submissions from that person specifically addressing less than half of the draft Report. I have made repeated requests for a final submission. I have received no commitment as to when that will be provided.

Another person has not made any written submissions or adduced any further evidence on the substance of draft Chapters 5 to 10. Instead, that person has challenged the scope of my examination and my draft report.

I consider both persons have now had sufficient opportunity to comment and I will proceed to finalise my draft Report on that basis

What is more, the Auditor-General referred in his two-page report to a challenge to the scope of his examination, and I quote:

On 4 July 2000, I received a detailed submission from one person's solicitors on the proper scope of my Examination and my draft Report. It was submitted that the entirety of Chapters 5 to 10 of the draft Report should be excised and that specific whole chapters should be excised on the basis that the subject matter and structure of those chapters is not authorised by section 32 of the *Public Finance and Audit Act 1987*.

I have considered the submission for excision of those chapters. I have rejected it. I have invited this person to pursue such action as might be open.

Two others have made submissions that substantial parts of my draft Report are ultra vires and not properly the subject of a section 32 Examination and Report. Those persons have also provided comments on the substance of my draft report.

The Auditor-General then pointed out that finalisation of his report depended on when he would be able to complete the natural justice process. He pointed out the following to the parliament:

. . . to obviate the possibility of further expense, delay and argument regarding my authority to report, including the right to make findings regarding the conduct of certain persons, it would be necessary to legislate.

Subsequently, the parliament did legislate. I point out that, in a quote I read earlier, the Treasurer talked about expecting the Auditor-General to report quickly. We now know that he did not report quickly because of this very extensive legal action that was taken on behalf of the members for Bragg and Coles. That particular advice was, of course, paid for by the taxpayers of this state. In fact, they paid double. They paid not only for those people providing the advice but they also had to pay for the extensive delays that this caused to the Auditor-General in producing his report.

It really involved a double cost to the people of this state. Of course, all of that was in addition to the costs that the original behaviour of those members had created, and I will have more to say about that in a moment when I refer to the final findings of the Auditor-General. Having negotiated these extensive delays, the Auditor-General was finally able to bring down his report in October this year. In relation to Mr Ingerson, the Auditor-General stated:

In my opinion, the disregard shown by Mr Ingerson and his advisers to the concerns of the Public Works Committee, the Crown Solicitor's Office, the Department of Treasury and Finance and Services SA warrants criticism and must be considered to be a contributing factor to the final scope and cost of the Hindmarsh Soccer Stadium redevelopment project.

Again, that underlines the point that, not only did we have extensive legal costs associated with all these processes, but the original behaviour (which was being investigated) had contributed to the cost to this state. We have really paid through the nose for the Olsen government's cavalier approach to propriety, not just in relation to the Hindmarsh Soccer Stadium project but also in relation to the Motorola deal (which was the subject of the Clayton report) and, of course, the emergency services levy, which is to pay for the government radio network.

Mr Ingerson at least had the decency to accept the report in good grace and remain quiet—not so Mrs Hall. In relation to Mrs Hall, in part, the Auditor-General's findings at page 13 state:

One of the fundamental constitutional responsibilities of a member of parliament is 'the function of vigilantly controlling and faithfully guarding the public finances'. In my opinion, by participating and involving herself in chairing meetings of the Board of Commissioners of the Soccer Federation as ambassador for soccer at a time when the Soccer Federation was seeking substantial moneys from the Executive Government and at the same time presiding as the Chair of the Government Ministerial Advisory Committee for stage 1, Mrs Hall weakened her constitutional obligation of due watchfulness and placed herself in a position whereby she was not able to effectively discharge her public responsibilities on behalf of the community. Having regard to the influence that was sought to be exercised by the Soccer Federation, this situation, in my opinion, compromised the operation of the internal controls within government.

Of course, there were a number of other findings in relation to the conduct of the member for Coles that subsequently led to her very dramatic resignation—when the member for Coles strode up to the Premier and gave him a wink. I do not know whether it was 'nudge, nudge, wink, wink, need I say more' type of behaviour but, nonetheless, it made the front page of the *Advertiser*. Of course, in delivering her response and in dramatically presenting her resignation, the member for Coles was quite self-indulgent in lashing out at the findings of the report.

The member for Coles was certainly entitled to challenge those findings if she wished, and she was entitled to put arguments against them, but what did she do? She attacked the motives of the Auditor-General and made a number of quite extraordinary criticisms in that particular outburst. Of course, as a consequence of that, the Auditor-General was then provided with the opportunity to address those quite scandalous accusations that were made against him by the member for Coles on 4 October. The Auditor-General responded to parliament on 24 October when, of course, he very effectively addressed those matters.

I will just go through some of the accusations that were levelled against the Auditor-General and his responses. Mrs Hall said that the Auditor-General's 'accusations and opinions would never withstand the test of a court of law'. The Auditor-General responded:

I do not know what Mrs Hall meant by this statement. If she meant that somebody could sue her for some civil wrong arising out of the matters the subject of the report, she has misunderstood the nature of the inquiry and the conclusions expressed in my report.

If she meant that she could challenge the process of the inquiry and the report, then, as the history of her involvement in this inquiry demonstrates, she could have done so many times.

I guess that the Auditor-General is referring to the member for Coles's use of the taxpayer-funded solicitors to challenge every aspect of this inquiry over a considerable period of time and at considerable cost to the taxpayer. The Auditor-General further states:

However, she has not chosen to do so despite repeated intimations from her solicitors that Mrs Hall was mindful of her rights in this regard.

Mrs Hall made allegations about a telephone call she allegedly had with the Auditor-General. The Auditor-General refers to a telephone call he did have with her, but he states:

Mrs Hall claims that I misled her. She does not provide any details of how she was misled and how she relied on what she alleges

I said. or what she would have done if I had not said what I am alleged to have said.

I do not know how Mrs Hall could conceivably have thought, that even had I made such a statement as alleged (which I deny), how that statement would be an endorsement of any conflict of interest she had.

The Auditor-General continues:

Regrettably, this claim by Mrs Hall demonstrates her continuing misunderstanding of her duties as a member of parliament.

Later, the Auditor-General states:

The conflict of interest dealt with in my report on the Hindmarsh Soccer Stadium arises out of Mrs Hall's duties as a participant in the executive processes within government concerning the very redevelopment project which she, as ambassador for soccer, actively promoted. It has nothing to do with her being a member of parliament and serving on 'parliamentary committees'.

The Auditor-General also states:

Mrs Hall said that my report in reference to her was 'an incompetent nonsense or a political vendetta or, at worst, it is both'.

The Auditor-General points out:

Mrs Hall provides no details of her allegations in this regard. Should Mrs Hall have believed there is any substance to her allegations it would be expected that she would have provided full details to enable her claims to be properly investigated. She has failed to do so.

Mrs Hall also made the following statement:

On another front, for some reason, he [meaning the Auditor-General] has concealed the real conflict of interest of one of his informants, who was one of my accusers and an unsuccessful tenderer for a significant part of the stadium's construction.

In his response the Auditor-General states:

This is the first time I have heard of any such allegation from Mrs Hall.

In substance, Mrs Hall has alleged that I have conspired with a person or persons unnamed in deliberate breach of my public duty. Mrs Hall is not privy to the internal processes of my inquiry. Such a concealment would have necessarily involved a respected firm of Adelaide solicitors and counsel from the independent Bar conspiring with me to breach my duty.

I categorically deny that I have breached my public duty in any way. Mrs Hall does not provide any details regarding this matter to enable her claim to be tested. The only conclusion open is that her claim is false and that it was made maliciously.

That was the end result. I also note that the member for Coles chose not to become involved in the debate on this matter when it was debated in the House of Assembly last week.

I now refer to a response that the Treasurer gave to a question I asked him back on 4 October in relation to the Hindmarsh Soccer Stadium. In his answer, the Treasurer made the following comments:

I personally have some significant concerns about aspects and judgments that the Auditor-General has made in this particular report. I think that in some cases he is seriously wrong. I have pointed out one of those examples today where I do not believe that his criticism in relation to that particular issue is an accurate reflection of how government processes work in relation to Treasury acquittal of the Public Works Committee submissions of the government.

There are other areas where I have a view that the Auditor-General is seriously wrong. I am sure that the future weeks will allow both me and others to absorb all of the 600 pages and check back with the documented records of the time.

Later, the Treasurer makes this comment:

The member for Bragg was not given the transcripts of evidence from people who made accusations about him. He was not told what those accusations were when he presented evidence, and he had no legal representation whilst the Auditor-General had three.

I am not quite sure how that squares up with the findings of the two-page report by the Auditor-General back in July, to which I referred, where he referred to numerous submissions and legal action being taken by representatives of these parties in relation to his inquiry.

The whole point is that the Auditor-General was instructed by this parliament to conduct an inquiry some two years ago into that. Extensive legal action was being taken at taxpayers' expense by those two members to try to prevent the report. But, in this context, I just wish to point out that the Treasurer made these comments back on 4 October in relation to that report, and they are scarcely a ringing endorsement of the Auditor-General's actions.

Certainly the Treasurer is quite entitled to challenge particular findings in relation to the report, but I notice that he has not yet produced anything else other than the answer that he gave me back on 4 October. Just to finish this matter, the Treasurer concluded his answer by saying:

As I said, over the coming weeks, time will permit us to highlight those areas with which we might agree and, more importantly, any areas with which we might have significant disagreement.

Again, my motion will provide the Treasurer with the opportunity to expand on that, if indeed he has any further evidence to put up.

Another point I wish to make is in relation to the Treasurer's answers where he has criticised the fact that the member for Bragg allegedly did not have adequate legal representation. I should point out that in relation to the inquiry—certainly the Clayton inquiry conducted by this parliament—this government specifically did not want royal commission powers. It did not want it to be conducted as a royal commission. Whether the former Premier would want that to happen today if he could turn back the clock six months is another matter, but it is important to again place on the record the fact that this government quite specifically opposed any royal commission powers, but it seems to want it both ways.

On the one hand, it wanted an inquiry to be conducted at a reasonable cost. On the other hand, it seemed to want the right to have extensive legal action to be able to use all sorts of legal devices which would delay the report, possibly indefinitely. Again, I make the point that there is a huge cost involved to the taxpayers, not only from these inquiries themselves, which have been conducted by the Auditor-General and others, but also the delays that those inquiries have added to the cost. I asked the Attorney-General today a question about the costs of legal representation for the members concerned. It will be interesting to see, when we get that answer, how much this whole episode has cost us.

This motion, if it is carried—and I would hope it will be—does not mean that we should always agree with the Auditor-General. There are matters of judgment involved in the work of the Auditor-General. Anyone familiar with accounting theory would know that there are a series of conventions involved in accounting. There is often no one method in costing particular projects that one can say is absolutely certain. Although accounting tries to be a science, in many ways there is still that part of it that is an art. That is why these conventions have developed. Since 1494, or whenever the Franciscan monk Pacioli developed double entry bookkeeping, there has been this development of conventions to try to assist auditors with their functions. Often matters of judgment are involved and it is quite proper to disagree with those judgments, and there is nothing wrong with the government or anybody else so doing. However, we must not in my view attack the individuals who are charged with doing the job and attack the motives of the officers of the

parliament who are undertaking the work on behalf of the parliament itself.

To some extent there has been a two-faced attitude by this government. Above the surface it claims that it supports proper parliamentary processes and individuals such as the Auditor-General, the Solicitor General and Mr Clayton QC, who are responsible for those processes, but at the same time it appears to be doing everything below the surface to undermine those very processes. This motion will provide the opportunity for those members of the government to put up or shut up.

The motion should not be necessary but, given that doubts have been raised by a number of other members—and I will not refer to all the cases here—and because there have been murmurings about these aspects, it will give us the opportunity to support the office of the Auditor-General and the individual, Mr MacPherson, who now occupies the position. We need to show that confidence in the Auditor-General and his work. If members have disagreements over his interpretation of findings, they certainly have the right to dispute them. However, I do not believe they have the right to make the sorts of allegations the member for Coles did, which were quite scurrilous and unnecessary and quite appropriately rebutted by the House of Assembly.

Finally, there is no reason why in my view this motion could not be resolved today. Everybody understands what is involved in it but, given the convention for private member's motions, I will accept it if the Council wishes to move to adjourn it. However, I hope, given the importance of this motion, that they would at least be in a position to vote on it in the next sitting week. With those comments I ask the Council to support the motion.

The Hon. T. CROTHERS secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. L.H. Davis:

That the annual report of the committee 2000-2001 be noted.

(Continued from 24 October. Page 2431.)

The Hon. R.K. SNEATH: I indicate my support for the annual report of the Statutory Authorities Review Committee 2000-01. The committee has utilised its time in the past 12 months to put together a number of reports on issues such as the inquiry into animal and plant control boards and soil conservation boards and the inquiry into the South Australian Community Housing Authority, it adopted terms of reference for the second inquiry into the Commissioners of Charitable Funds, and it further reported into the timeliness of the annual reporting of statutory bodies.

It has been the committee's job to bring to the attention of government departments, ministers and various agencies that they are to be held accountable for the accuracy and timeliness of their annual reports and the operations in general. This involves them being more open to detailed analysis and scrutiny to ensure that the continuation of their activities is warranted. I am pleased to add that the committee found that a high percentage of annual reports of statutory bodies were tabled in accordance with all legislative requirements, but there were still a number who failed to do so for one reason or another.

During the course of the inquiries into timeliness the committee ran into difficulties when trying to identify all statutory bodies required to submit their annual report to parliament. It was suggested that the government make a commitment to fund, compile and maintain a detailed list of the statutory bodies and authorities in question. As the chairman has said, agreement was reached by members of the committee on all occasions except one. I would like to thank the staff of the committee—Garth and Christina—for their assistance and good work over the past year. I thank the chairman and the rest of the committee for sharing their extensive parliamentary committee knowledge. I found all of the reports and witnesses who contributed to them quite interesting, and with 12 months experience under my belt I can now look forward to my role on the Statutory Authorities Review Committee with a greater understanding of the committee's responsibilities. I therefore support the report.

The Hon. L.H. DAVIS: I thank the Hon. Bob Sneath for his contribution.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee 2000-2001 be noted.

(Continued from 24 October. Page 2433.)

The Hon. T.G. ROBERTS: I rise to indicate my support for the report of the Environment, Resources and Development Committee and thank other members of the committee for their work and dedication in putting together the references we completed, which are included in the report. I thank the staff members: the Secretary of the committee, Mr Knut Cudarans, and the Research Officer, Mr Steven Yarwood, who has now left us and gone to Japan on a scholarship to complete some studies in Japan. I am not sure whether we will get him back on the committee. I also thank Mr Phil Frensham who has been temporarily appointed to take Mr Steven Yarwood's place.

The committee meets outside parliamentary sitting times and takes evidence from place to place. It gives, particularly the Legislative Council, the freedom to take evidence all over the state. In a couple of references, particularly the committee's report into ecotourism, we were able to do just that. I think I have made the point before that regional areas, particularly remote and outer areas, appreciate seeing parliamentary delegations from whatever committees to talk to representatives on a broad range of matters. In relation to environmental tourism, we certainly picked up a lot of information from local committees and individuals involved in the fledgling industry of environmental tourism in regional areas, who were glad to share their experiences and point out to the committee the gaps in the infrastructure support that they required to have best international practice to support an environmental tourism program in regional areas that was able to be measured against international standards.

Very often, young Australians are able to travel overseas, in many cases before they see the remote and regional areas of their own country, and then they come back to Australia and appreciate the support infrastructure that is provided for the tourism industry overseas. Europe, in particular, and the United States all have very well trodden tourism paths. They

do not have a lot of environmental tourism projects to offer. The United States is an exception to that, but it is very difficult to find similarities between environmental tourism programs that we would like to set up and those that exist in any parts of Europe. Certainly, in the United States there are some similarities.

If we are to attract international tourism, the committee found, during the visits to remote and regional areas, that states and the commonwealth have to support these fledgling programs by, first, protecting the environment that people travel to see: protecting the marine environment, which runs parallel to the land based environs that need protecting, like national parks and reserves; and providing the infrastructure and transport support that we need to attract their attention, along with the promotion that is required to go with that. That was a fairly detailed study over a period of time, and the budget that we had was quite modest.

I think that parliament gets good value for money out of the committee. We travelled to the remote and regional areas via a chartered aircraft, South Australian based, that is part of the environmental tourism industry itself. They were able to provide us with a lot of information in a social sense when we were talking to them off the record and, at the completion of our report, they were called to give evidence, which they dutifully did in a professional way, to provide some of the anecdotals given to us in a formal sense. We actually milked dry the information chain that we were exposed to to get that report completed.

Other reports for which we were taking some evidence and committing a lot of time to during that same period included Smart Communities, global and local IT, and economic development trends. We were able to get a snapshot of what was happening in this state in relation to IT centres and to try to make some recommendations about how to improve our base settings to attract economic development through the expansion of IT, to look at where the IT services were taking us and what environmental and urban support and planning programs were required to maintain and attract further activities.

The other committee interests included the old Treasury building. The committee inquired into the development of this building after a number of concerns were raised, including the tendering process, state government involvement, local government involvement and environmental heritage issues. We have a watching brief on the Sellicks Hill caves, and the longer we look at that the more disappointed we get in relation to being able to prevent any of the worst aspects of the destruction of those caves. But we have made recommendations over a period of time that we think could provide a solution by providing some principles for a reporting mechanism that protects caves where mining tenements are issued and where landowners and miners are encouraged to report caves and heritage items such as Aboriginal middens or burial grounds.

We have made some recommendations on compensation and reporting and some recommendations for perhaps punitive measures for open destruction or vandalising of such heritage issues. My personal opinion is that South Australia and Australia generally have not recognised the value of the ancient culture we live alongside, and the protection of many of the ancient sites that comprise Aboriginal heritage and culture will have a beneficial effect not only for the protection and extension of Aboriginal heritage but also downstream for cultural and heritage tourism.

We have the case of the Port Augusta airport where, weighing up the value of an extension of an airport strip alongside the protection of many years of collection of Aboriginal heritage, we find that the heritage site did not stand a chance—the extension went ahead. One of the many things that people would fly in to see would be that heritage site, but here we had the airstrip actually destroying the very thing that would attract people interested in cultural heritage.

Those who take an academic interest would be outraged if they knew what total disregard we show in many cases to the protection of our own Aboriginal heritage or, in a lot of cases, to areas where our fauna and flora have been protected by either peat burial or in caves that we discover and pay no heed or attention to or put any price on.

The committee raised the issue of nuclear waste disposal. That is an ongoing issue on which we are keeping a watching brief, and we will probably continue to do that for some considerable time. Other issues that we looked at included refuelling on the Murray at Mannum, Murray River houseboat waste disposal and the Melrose Park-Edwardstown development plan.

The other matter that took more time than perhaps we intended was the issue associated with the spread of fruit fly and the attempts to get a program up and running to contain it. One would think that, after all these years of dealing with fruit fly, South Australia would be able to get it right by now—but apparently not. The inquiry found that a lot of mistakes were made in relation to containment and eradication. Many people were unnecessarily upset by what could only be regarded as a heavy-handed regime that failed to notify, involve or educate those people who would be affected. I think that, as a result of the discussion of the issues with the people who gave evidence, they would have got the message that their methods may be better off being reviewed, with further recommendations being made about how they should handle that sort of situation in the future—and let us hope that we do not have an outbreak this year to test the new protocols that are to be set down.

Plan amendment reports take up a lot of our time. Although when we make our inquiries and take evidence, we can only make recommendations that we would hope governments will listen to. We have no role in holding up any of the reports, but we can take the heat out of many of the contentious issues if governments want to use the committee in the correct way at the right time. But inevitably, through that process, we are looking at problems retrospectively, in many cases, and we are unable to stop any of the programs that may impact adversely on South Australian constituents. We can only help governments that want to be helped in the first place. If they are prepared to attract the ire of residents, in a lot of cases, in relation to bad planning, there is nothing that the Environment, Resources and Development Committee can do except make recommendations about how to prevent a certain situation in the future. With those few words, I support the motion to note the annual report 2000-01.

The Hon. M.J. ELLIOTT: I support the motion to note the report. I am also a member of the Environment, Resources and Development Committee. I have been a member of the committee since its inception and, having had some experience on a number of other select and standing committees, I consider that this is, by far, the most valuable committee with which I have ever been involved on an ongoing basis. Despite the fact that the committee has representation

from Labor, Liberal, the National Party and the Democrats (and, prior to the arrival of the Nationals, it still had Labor and a Democrat on it), I think on all but one occasion it has produced unanimous reports—and on that occasion it was a relatively small matter about which there was disagreement.

I note that, while the committee has, I think, worked extremely effectively, it has been pleasing that the work of some ministers also has been effective. In the presence of the Minister for Transport and Urban Planning, I note that Minister Laidlaw is one of those ministers who works very closely and cooperatively with the committee. She responds promptly to any issues raised, she provides comprehensive amounts of information and, I am also pleased to say, she takes on board and frequently acts on advice that comes from the committee. Unfortunately, I cannot say that of some other ministers with whom the committee needs to work from time to time. I do not need to name them: it is almost every other minister except the Minister for Transport and Urban Planning.

During the past year the committee has covered a wide range of issues. I guess that, by far, the most important issue for us was our involvement in the ecotourism reference, about which I have already spoken in this place on a previous occasion. I just reiterate that there is a major opportunity that, at present, we have barely scratched the surface of in relation to ecotourism. I will not make further comment. I invite people to look at *Hansard* in relation to the report on that matter.

The committee also looked at the issue of native fauna and agriculture. There is no doubt in my mind that the processes that we have used over the past couple of years have been inadequate. I note that the Minister for Environment and Heritage stopped the cull some time after we made a recommendation that there was a need for change, but I have not so far seen any proposals emerge regarding what will happen in the next season. I note that the next fruit season is now approaching—in fact, this year, the parrots in my neighbourhood had eaten my almonds before I managed to get the nets over (I have been a bit busy), and I imagine that they are probably also becoming active generally throughout the Adelaide Hills. I have not seen at this stage what the minister's reaction is other than to stop the cull as it was working last year. I would be very interested to note those changes—

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: I think they have already been: they had their fill and left. Again, that is a matter that has been commented on in this place previously, so I will not linger on it.

With respect to the issue of urban tree protection, the minister introduced legislation in relation to significant trees—legislation which was amended in this place, so that it was not just trees of 2.5 metres but also, in the interim period at least, trees of a circumference greater than 1.5 metres and native trees of a height greater than 4 metres. That protection was due to lapse in the middle of this year, and many councils expressed concern that the number of trees they needed to assess was such that they could not fulfil the requirements in the time frame. I am pleased to note that the minister reacted to our report requesting an extension. She gave an extension of a further year, and we thank the minister for that. The minister noted only yesterday in this place that an award has been given—and I am not sure whether it was to Planning SA or to the minister—in relation to the urban tree legislation generally, and that is well and good.

The committee had, at the time of reporting, advertised the commencement of an urban development reference, and we have made further progress on that reference since that time. Two weeks ago, we held a major meeting using the House of Assembly chamber, where representatives from a wide range of groups made contributions by way of speeches. There were then opportunities for questions and discussion across the floor between members of the committee and those groups. That reference will go further. I find it a very exciting reference, and I look forward to the time when the committee can report on it. But, as I said, that reference is still progressing.

The committee revisited some issues that we had looked at on previous occasions. For instance, we revisited the Sellicks Hill caves issue, because we had made recommendations at a previous time and we had an understanding as to what was to happen in relation to the Sellicks Hill caves. Despite a clear understanding given to the ERD Committee, that there would be a genuine attempt to ascertain whether any part of the Sellicks Cave system was still intact, I am sad to report that no such attempt has been made, nor does it seem likely that any attempt will be made. Some ministers have responded positively to suggestions from the ERD Committee: others have not.

Unfortunately, in the area of mines, the committee has not had a good strike rate and it is bitterly disappointing. The cave, as it formerly existed before it was imploded, was the most significant known cave on the Fleurieu Peninsula. Certainly, we know significant components of it were destroyed. Whether that cave system went further and just how much further it might have gone we do not know, and unfortunately the current government has no intention of ever trying to find out. It will simply be quarried away. That is its fate: whatever is there will be quarried away and South Australia will never know what was there. To the great shame of this government, what remained and what else was undiscovered, we will never know.

We looked at issues around River Murray houseboat waste disposal. It is clearly an issue that needs to be addressed in more depth. The government is acting now to get greater control in relation to shacks. Yet, while we have control in relation to shacks, we have nowhere near enough control over the impact of the boats that are on the water itself.

We visited the issue of fruit fly: that is one that the committee will have more to say about later on. There is no doubt that the fruit fly program, as it was operating, was grossly inadequate. Whether one enters into the debate about the safety or otherwise of the sprays being used, there is no question that the period of pre-warning being given to people that spraying was going to occur, the advice about how they should react to that spraying in terms of what they do in the yard, and what they should do with their pets and so on has been grossly inadequate. The process seems a little haphazard.

There is no question that fruit fly must be controlled. I am pleased to see that this year the government intends to use the sterile male technique. I am surprised that it is just setting about using this process, because I remember around 1973 being taught at university about the sterile male technique being used to control populations. Thirty years later, something that is already well known in scientific circles is about to be used in South Australia, even though it has been used in other countries with other species for a considerable period of time. I have great pleasure in noting the report, another in a valuable series from the ERD Committee.

The Hon. J.S.L. DAWKINS: I would like to briefly thank both the Hon. Terry Roberts and the Hon. Michael Elliott for their comments in relation to this annual report. I am privileged to serve on two standing committees of this Parliament and both have had their annual reports debated this afternoon. I did note some comments recently from the chair of another standing committee about that committee being the hardest working committee in the parliament.

Members interjecting:

The Hon. J.S.L. DAWKINS: No, it was not the chair of a committee that I serve on. All I can say is that both the Statutory Authorities Review Committee and the Environment, Resources and Development Committee have weekly meetings for the greater proportion of the year and both committees cover an enormous amount of ground. In fact—no pun intended—the ERD Committee is starting to examine some of the work done by the SARC in relation to soils and animal and plant boards.

I appreciate the comments made by both honourable gentlemen today. The annual report of the ERD Committee is wide-ranging. It does go further than previously in covering the considerable work that is done in relation to plan amendment reports, and there are a considerable number of those that come across our table every week. With those comments, I commend the motion to the Council.

Motion carried.

LIBERAL PARTY, FUNDRAISING PLAN

Adjourned debate on motion of Hon. R.R. Roberts:

That he be ordered to lay on the table the fundraising plan of the Liberal Party of Australia and associated statistical material.

(Continued from 24 October. Page 2436.)

The Hon. R.R. ROBERTS: Mr President, this is my motion.

The Hon. R.I. Lucas: Are you trying to gag me?

The Hon. R.R. ROBERTS: No. Certainly not. I am prepared to move that this order of the day become an order of the day for the next Wednesday of sitting.

The PRESIDENT: Order! I have to give the call to the Treasurer. If an honourable member wants to speak to a motion—

The Hon. R.R. ROBERTS: It is my motion.

The PRESIDENT: It has been adjourned by the Treasurer. I have to give the call to an honourable member.

The Hon. R.I. LUCAS (Treasurer): He is trying to gag me. It is outrageous.

Members interjecting:

The PRESIDENT: Order! The honourable Treasurer.

The Hon. R.I. LUCAS: Mr President—

Members interjecting:

The PRESIDENT: Order!

An honourable member: The silver-haired coward.

The PRESIDENT: Order!

The Hon. Carolyn Pickles: The Treasurer adjourned it.

The Hon. R.I. LUCAS: I adjourned the motion and it seems extraordinary that the Hon. Ron Roberts would seek to gag me from speaking on this motion.

An honourable member: Which he moved.

The Hon. R.I. LUCAS: Which he moved. I am ready to speak and he is trying to gag me. This is outrageous.

The Hon. L.H. Davis: I have never seen that in 22 years.

The Hon. R.I. LUCAS: Exactly, and I hope you never see—

Members interjecting:

The PRESIDENT: Order!

The Hon. Carolyn Pickles: We have not seen a refusal to table a document for a long time, either.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The honourable Treasurer has the call.

The Hon. R.I. LUCAS: I oppose the motion. I am not surprised that the Hon. Ron Roberts would seek to gag me this afternoon and prevent me from responding to some of the outrageous allegations he made in his contribution last week.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Yes, it was you, Mr Ron Roberts. Some of the outrageous allegations that the Hon. Ron Roberts made, firstly, in question time—

The Hon. R.R. Roberts: You can test my allegations—

The Hon. R.I. LUCAS: I am about to test them. I am not surprised that the Hon. Ron Roberts, this afternoon in private members' time, would seek to gag me from speaking on this issue. In relation to some of the information that the Hon. Ron Roberts has outlined in his contributions last week, I indicate, as has been indicated in other areas, that some of that information is publicly available, I understand, on Electoral Commission web sites, which highlight donations that individuals, or companies or organisations have made to political parties over the last—

An honourable member interjecting:

The Hon. R.I. LUCAS: I said 'some'. The Hon. Ron Roberts firstly seeks to gag me and then he does not listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: In debating this issue, I want to refer to the web site. I make no criticism of companies or individuals who make contributions to political parties. We have a system of accountability through the electoral laws policed by the electoral commission, and donations of over $1 000 as I understand it must be publicly accounted for. Whilst the Labor Party has the foundation of literally hundreds of thousands of dollars every year being donated by trade unions to the Labor Party organisation, the Liberal Party does not have that funding foundation base of some hundreds of thousands of dollars being donated every year—

Members interjecting:

The Hon. R.I. LUCAS: We will just talk about where the Labor Party has got its money from.

The Hon. R.R. ROBERTS: On a point of order, Mr President, on eight separate occasions when I spoke last week, you insisted that I confine my remarks to the Liberal Party documents. On eight separate occasions you made that ruling. Clearly, in the interests of balance, if the Treasurer wants to introduce things about the Labor Party, I insist that you enforce your own ruling and call him to order.

The PRESIDENT: Order! The Hon. Ron Roberts does not need to tell me how to enforce my ruling.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! You are not on your feet. Just come to order! It is true that, when this was debated previously, I insisted that the Hon. Mr Roberts could only refer to the documents and to what was in the documents and nothing else. From what I have heard so far, the Treasurer has not strayed from that.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Yes, I said more than once that you could refer to the document or what was in the document. I notice in your motion that you say, '. . . the Fundraising Plan of the Liberal Party of Australia and associated statistical material'. The Treasurer can refer to that. I need to keep honourable members to that ruling.

The Hon. R.I. LUCAS: The information that the honourable member is seeking to have tabled includes a list of companies and individuals in South Australia that have made donations to the Liberal Party over a period of some four or five years. The point that I am seeking to make is that, when one goes to the Labor Party web site, a number of those companies included in the information on the Liberal Party donation list are also donors to the Labor Party.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, I am referring to the parties included in the information that the Hon. Ron Roberts is seeking to—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —have included. They are included in that document. I am referring to that document, and the point I am making is that a number of those companies also have made significant donations to the Labor Party over the last four or five years. So, Mr President, I am obviously complying with your ruling in referring to the information. This is the document that the Hon. Mr Roberts is seeking to have tabled. If I look at that document, it refers to companies such as—

The Hon. P. HOLLOWAY: On a point of order, Mr President.

The PRESIDENT: What is your point of order?

The Hon. P. HOLLOWAY: The Treasurer is quoting from a document and I ask him to table that document from which he is quoting.

The Hon. R.I. LUCAS: Mr President, the motion is seeking not to have these documents tabled.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, I am not going to. What I am saying is, the Hon. Mr Ron Roberts has referred to documents which purport to indicate what companies and individuals have provided donations to the Liberal Party over the last five or six years. The point I am making is that, included in those documents, when one goes to the web site—

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Mr Roberts will come to order. I call the Hon. Paul Holloway.

The Hon. P. HOLLOWAY: The point of order that I raised—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —is in relation to standing order 452, which says that a document quoted from in debate, if not of a confidential nature, or such as should more properly be obtained by address, may be called for at any time during the debate and on motion and thereupon, without notice, may be ordered to be laid upon the table. I am requesting that the Treasurer table this.

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

The Hon. R.I. LUCAS: I am not quoting from a document. I am referring to the web site, which is where this information has come from. On that web site—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —there are companies such as Santos, which have made contributions to the Liberal Party and, when one goes to the equivalent web site for the Labor Party, one finds that equally that particular company, and others, have made donations to the Labor Party. That is what the Hon. Ron Roberts and the Hon. Paul Holloway are desperate to gag me from saying today. When one goes to the publicly available information, one can see that a number of the companies that have made donations to the Liberal Party—

The PRESIDENT: The Treasurer will resume his seat. The Hon. Paul Holloway.

The Hon. P. HOLLOWAY: My point of order is in relation to standing order 185. I was in this chamber last week, Mr President, when you rigorously interpreted that standing order. I would ask you to show some balance and consistency in this debate and enforce the standing order in the same manner in which you did so last week.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! I need to rule on one first, unless you are going to make a point in support.

The Hon. T. CROTHERS: I am, sir. My further point of order is that your ruling in the first instance was correct and that this is associated statistical information.

Members interjecting:

The Hon. T. CROTHERS: I am reading it.

The PRESIDENT: Order! The member has raised a point of order. I am trying to answer it. The first point is that the very fact that I had to rule eight times that the Hon. Ron Roberts was straying from the standing orders points to the fact that the honourable member was not taking any notice of—

Members interjecting:

The PRESIDENT: Order! I know what standing orders 185 and 186 are, and what I am hearing from the Treasurer has not yet deviated from the document or the content thereof, as I understand it, mentioning Santos, so I do not yet see a departure. If members keep disrupting, I will take other action.

The Hon. R.I. LUCAS: From my viewpoint, I am endeavouring to comply with the rulings that you made last week—as always, Mr President. As I understand what has been said, last week the Hon. Ron Roberts referred to documents that he wanted to table. He referred to those particular documents, and named companies and individuals, so I am entitled to speak about those companies and individuals, because the Hon. Ron Roberts raised those companies and individuals in his contribution last week. Clearly, if he was seeking to prevent me from talking about those companies and individuals, and gagging me in this debate, then clearly the Labor Party has something to hide.

Members interjecting:

The Hon. R.I. LUCAS: No, we wanted to speak. You tried to gag me this afternoon. You tried to prevent me from speaking because you know what we are going to say. You know what you have to hide. We will make sure that people know what you have to hide.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: It seemed like a good idea at the time, but the Hon. Ron Roberts has now been caught out. I understand that party headquarters have put a pretty strong message to the Hon. Ron Roberts. Perhaps we will talk about this motion during question time. All I can do is respond to the motion that has been moved by the Hon. Ron Roberts. Last week, the Hon. Ron Roberts went through these

documents which he is seeking to have tabled, and he listed and named a number of companies and individuals. I will respond to that, and the information that was included in those documents, part of which has been taken from the Electoral Commission web site, providing the information. That is where the information has come from. It is publicly—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Yes, they have. I said 'part of which'—I am not saying all of it—in relation to past donations. That is all that I am talking about now. Information on past donations has come from the Electoral Commission web site. In going through these documents, I am referring to a significant number of the companies and individuals. For example, in his contribution last week, the Hon. Ron Roberts talked about the Australian Hotels Association. It might surprise the Hon. Ron Roberts to know that some $50 000 was donated by the Australian Hotels Association in one year to the Australian Labor Party. The Hon. Ron Roberts referred to the Hotels Association last week and sought, by implication, to smear the good name of individuals—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Of course it is my opinion. I am not going to give your opinion when I stand up; you did a very bad job of that last week.

An honourable member interjecting:

The Hon. R.I. LUCAS: Or the One Nation opinion, either. You raised this last week in your contribution, and you are allowed to make your contribution: that the Australian Hotels Association—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: You may well have been talking to the document on the web site. You raised the name of the Australian Hotels Association—

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. R.I. LUCAS: You raised the names of prominent individuals in association with the Australian Hotels Association, but what you did not do was indicate that the Australian Hotels Association had donated $50 000 in, I think, about 1997 or 1998, to the Australian Labor Party. That is what you are seeking to hide.

Members interjecting:

The PRESIDENT: Order, the Treasurer! I call the Hon. Paul Holloway.

The Hon. P. HOLLOWAY: This is clearly out of order under standing order 185. There is no way that the Hon. Ron Roberts could have mentioned that as challenged by the Treasurer because it would have been out of order under your ruling last week.

The PRESIDENT: I believe it was mentioned by the Hon. Mr Roberts.

Members interjecting:

The PRESIDENT: Order! Standing order 185 does not digress.

The Hon. R.I. LUCAS: Now we know why the opposition is a bit sensitive and trying to gag me. Let me read page 2434 of *Hansard*—

Members interjecting:

The PRESIDENT: Order! If honourable members reflect on the chair, I will take action.

The Hon. R.I. LUCAS: Hear, hear! Throw him out.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I am not sure how I draw your attention to this, Mr President, but the Hon. Mr Holloway has indicated that you are not impartial.

Members interjecting:

The PRESIDENT: I did not hear you.

The Hon. DIANA LAIDLAW: He said that you were not impartial.

The PRESIDENT: If the Hon. Mr Holloway did imply that, I would ask him to withdraw it.

The Hon. P. HOLLOWAY: Mr President, I was referring to the—

The PRESIDENT: I ask the honourable member to withdraw.

Members interjecting:

The PRESIDENT: Order! I cannot hear the Hon. Mr Holloway.

The Hon. P. HOLLOWAY: I will withdraw my remark on this occasion.

The PRESIDENT: Thank you.

The Hon. R.I. LUCAS: I refer to page 2434 of *Hansard*—

An honourable member interjecting:

The Hon. R.I. LUCAS: Exactly. You always do—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You always do. You get caught and then you change your story.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Exactly; we know.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We know. The Hon. Mr Holloway has—

The Hon. P. Holloway: We know what a sleaze bag you are.

The Hon. R.I. LUCAS: I ask the Hon. Mr Holloway, who has referred to a Liberal member of parliament as a 'sleaze bag', to withdraw and apologise.

The PRESIDENT: I ask the Hon. Mr Paul Holloway to withdraw and apologise.

The Hon. P. HOLLOWAY: Yes; I withdraw and apologise, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The language that is being used by Labor members in this chamber whilst we are trying to debate this issue is disappointing. I think that it lowers the standards of the parliament. I am disappointed personally in the approach from the deputy leader of the opposition and the leader in relation—

The Hon. L.H. Davis: Deeply hurt.

The Hon. R.I. LUCAS: I am deeply hurt as well. I refer to page 2434 just to indicate that the Hon. Mr Ron Roberts—and this is what he is seeking to stop me from talking about—refers to the name of an individual. The Hon. Ron Roberts states:

> [So and so] is there on the list. He is listed in these documents as the President of the Australian Hotels Association covering the hospitality industry.

The Hon. Ron Roberts is now seeking to gag me. He says that I am not allowed to speak about the Australian Hotels Association. He claims that this was not referred to in his contribution last week. He made the allegations and the inferences—

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Mr Ron Roberts has made his contribution.

The Hon. R.I. LUCAS: He made the allegations and the inferences that, in some way, it was wrong that people should be donating to political parties. It is important that we are able to respond and point out—without criticism of the individuals or the organisations, because we accept that, as long as there is public accountability, there should not be these snide inferences by the opposition that in some way—

The Hon. R.R. Roberts: That is only your opinion.

The Hon. R.I. LUCAS: The Hon. Ron Roberts, again, today referred to fundraising—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and the documents. The honourable member made a series of outrageous allegations about fishing industry fundraising and—

The Hon. R.R. Roberts: Absolutely.

The Hon. R.I. LUCAS: Now he says 'absolutely'. Let that be on the record. The honourable member made a series of outrageous allegations about fundraising from the fishing industry and how the government responded as a result of donations that were given. That was a disgraceful allegation which was made today and which will be responded to, as I understand it, pretty strongly tomorrow when the parliament reconvenes, both in the other place and in this place. Let us not hide behind the facade that the Hon. Mr Ron Roberts was just raising the issue—

The PRESIDENT: Order! The Hon. Paul Holloway has a point of order.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. The Treasurer is quite clearly breaching standing order 185 and I would ask you, sir, to bring him to order.

The PRESIDENT: No, I do not believe that the Treasurer is transgressing standing order 185.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

[Sitting suspended from 6.04 to 7.45 p.m.]

The Hon. R.I. LUCAS: Prior to the dinner break I attempted, in a very temperate way, to address the substance of the motion before us, and I am grateful for the dinner break, as it gave me the opportunity to read the rulings again. Should we have further points of order, I will be much better informed as to the reasons why various issues might have been ruled out of order during last week's debate. The point that I was making before the dinner break (and I refer to page 2434 of *Hansard*) is that the Hon. Mr Ron Roberts, in addressing his motion and why he wanted this information tabled, named an individual—I will not repeat the name here—and then went on and indicated that this person was the president of the Australian Hotels Association covering the hospitality industry.

An honourable member interjecting:

The Hon. R.I. LUCAS: I understand that is the case. It is the Hon. Ron Roberts' contention that it was in the document. The point that I was making before the dinner break, and just to refresh everybody's memory, is that one of the reasons why the gag was sought to be applied to me in an attempt to prevent me from speaking this afternoon was that the Australian Hotels Association had donated $50 000 to the Australian Labor Party—

The Hon. T.G. Cameron: Another fifty?

The Hon. R.I. LUCAS: No, this is in 1997-98. I think it is the same fifty that the Hon. Mr Cameron is aware of and I suspect the gag that was applied to me was probably more pointedly being directed at the Hon. Mr Cameron and what he might say.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: It is in addition to that arrangement.

An honourable member interjecting:

The Hon. R.I. LUCAS: In the electorate of Unley, as I understand it.

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron has pointed out that issue before—the fundraiser in Unley—and I will not address it again this evening.

The Hon. T.G. Cameron: Can I table a list?

The Hon. R.I. LUCAS: Only if this motion is successful. The Hon. Ron Roberts (page 2433 of *Hansard*) referred to another individual allegedly on this list that he wants to see tabled.

An honourable member interjecting:

The Hon. R.I. LUCAS: It has not been tabled yet. The Hon. Ron Roberts names an individual and says:

> There is also [Mr So and So], covering the banking industry. There is more about [this particular individual] from [this particular bank] which I will come to in a moment. No less than $100 000 is expected from [this particular bank]. I think that the people who support and put their money in [this particular bank] have a right to know that [this amount of money is coming from that bank and] has been given to the Liberal Party—

in the past tense, because this was actually a target, as I understand it from what the Hon. Mr Roberts was saying—without any reference to them.

The Hon. L.H. Davis: I think you are indicating that he is ungrammatical as well.

The Hon. R.I. LUCAS: Ungrammatical, incorrect and inaccurate as well as being ill-informed. That is no surprise. The honourable member, again by inference, seeks to smear that particular bank and that particular individual. That is in his contribution. I am addressing the issue in his contribution. What the honourable member does not mention is that another bank, Westpac, donated almost $40 000 to the Australian Labor Party over the last three to four years. The Hon. Mr Ron Roberts, of course—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, I am referring to your contribution last week. You referred to an individual in the banking industry—

The Hon. R.R. Roberts: I was called to order.

The Hon. R.I. LUCAS: No, you were not. You mentioned it but there was no point of order. It is in *Hansard* and there was no point of order on that particular issue. You were able to address it—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, I do not have to take it up with you.

The PRESIDENT: Order! The Hon. Ron Roberts will come to order.

The Hon. R.I. LUCAS: The member made the point in his contribution, which obviously any member is entitled to respond to—

An honourable member interjecting:

The Hon. R.I. LUCAS: I think he has been left alone in relation to this particular issue. The shareholders of the bank ought to be entitled to know whether a particular company, or bank in this case, has donated to a political party. I do not make any snide inference about companies or individuals who make donations to political organisations but, in this case, they have to be accountable because it is above $1 000. They have to be on the Electoral Commission web site and, therefore, shareholders have access to that information, as part of electoral disclosure laws. The snide inferences that we had last week, and again this week, in a series of questions and statements from the Hon. Ron Roberts are contemptible. What he does not indicate, as I said, is that, in virtually all of these examples, donations have been made by such companies, or similar companies, to the Australian Labor Party in addition to the hundreds of thousands of dollars a year which are given to the Australian Labor Party by the trade union movement. In the debate last week, *Hansard* records an exchange which refers—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Not on that issue—there is no record of that. If the Hon. Ron Roberts is alleging that, he is misleading the Council. It was also indicated last week that—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: Well, look at page 2434 of *Hansard*. That makes it clear. It was outlined last week by a member that the Adelaide Independent Taxi service, according to one member, had donated $8 000 to the Australian Labor Party.

The Hon. R.R. Roberts: That was Angus Redford.

The Hon. R.I. LUCAS: Was it? Well, it is recorded on page 2434 as 'a member'.

An honourable member interjecting:

The Hon. R.I. LUCAS: It is the Hon. Mr Redford who indicated that. I will not go through the complete list of donors to the Australian Labor Party, because I am sure that other members are in a better position to do that than I am, although I do have a comprehensive listing from the Electoral Commission web site. My point is that, in relation to the banking industry, the hotel industry and the manufacturing industry and all of these claims that, by inference, in some way there is something improper with these businesses making donations to the Liberal Party—and, as I said, the Hon. Ron Roberts, in relation to the fishing industry, today went further and made—

An honourable member interjecting:

The Hon. R.I. LUCAS: No. Today the Hon. Ron Roberts went further and claimed that donations from the fishing industry were directly buying changes in fishing policy.

The Hon. R.R. Roberts: I did not say that.

The Hon. R.I. LUCAS: Yes, you did.

The PRESIDENT: Order! The Hon. Ron Roberts' interjections are out of order.

The Hon. R.I. LUCAS: And, indeed, on page 2434 of *Hansard*, the Hon. Ron Roberts named a prominent Adelaide businessman—

The Hon. R.R. Roberts: Who was that?

The Hon. R.I. LUCAS: I am not going to name further individuals. He named a prominent businessman and said:

> . . . that is how much it costs to buy a Liberal Party Deputy Leader—$300 000.

That is an outrageous allegation made under the protection of parliamentary privilege, and it is something that if the Hon. Ron Roberts was to repeat out on the steps as he often challenges—

The Hon. L.H. Davis: It would cost him $300 000.

The Hon. R.I. LUCAS: Exactly—it would cost him $300 000 in defamation. He often challenges members to go outside and make the same statements that they make inside this chamber, and yet he, in this debate, said that a prominent businessman had bought a deputy leader of the Liberal Party and a Deputy Premier of the state for $300 000. On behalf of the parliamentary party and the Liberal organisation, I make the point that that outrageous claim made by the Hon. Ron Roberts is absolutely rejected by members of the government and, I am sure, by members of the Liberal Party organisation as well. The honourable member then went on to list and name individuals from the real estate industry and the mining sector—and, as I said, Western Mining donated some $60 000 to the Australian Labor Party—

An honourable member interjecting:

The Hon. R.I. LUCAS: The honourable member said that a certain individual from the mining and energy sector, and he named him, was a 'captain in the cash grab routine'. He named that individual. Yet, at the same time, the Australian Labor Party is quite happy to accept—and there is nothing improper in this—up to $60 000 from a prominent company in the mining and energy sector. He went on to name individuals in the fishing industry, the hospitality industry, the health area, the wine area, the computer and IT area, the manufacturing sector, the legal profession, and in a number of other industry sectors as well.

I will not repeat the names of the individuals because these individuals, in making a donation to a political party and in having that publicly declared, should not have their name smeared in any way by the endeavours of the Hon. Ron Roberts, as he sought to do last week, and by further questions regarding particular industry sectors since then. Copies of donations to the Australian Labor Party might become available to members of parliament and others through the Electoral Commission web site and other distribution channels rather than having them tabled in this chamber.

I now turn to the principal reason why it would be improper and inappropriate for aspects of these documents to be tabled in this chamber. The State Director of the Liberal Party organisation has advised me that some of these documents were proposals discussed by groups within the Liberal Party organisation, and the names of some of the individuals were suggestions which, in the end, were not proceeded with because some individuals said that they believed, because of the positions they held, it was inappropriate for them to be associated with any political party in any formal sense in terms of fundraising. They therefore rejected taking on any formal role in fundraising for any political party. What the Hon. Ron Roberts is seeking to do—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, they have to declare it. I understand that the *Advertiser* wants to publish this material. I have been informed that one individual who has been named by the Hon. Ron Roberts, and maybe some others, has threatened legal action against the *Advertiser* should it print this material. Of course, if it is tabled in parliament it attracts parliamentary privilege and the Australian Labor Party and media outlets then have the protection of the parliament to publish the information.

It seems to be grossly unfair or improper if somebody has been mentioned as a suggestion to take on a formal role for fundraising for a political party and if that person has rejected

that role as being inappropriate because of any other position that they might hold—not only for the Liberal Party but for any party, Labor or Democrat—to have their good name besmirched by the Hon. Ron Roberts and, through parliamentary privilege, to have that inference made, unfair inference, and inaccurate in this case, because they have rejected the particular role, and that being publicised through the media, under the protection of parliamentary privilege. That is the game that the Hon. Ron Roberts is playing, and that is why the Hon. Ron Roberts wants to table these documents in this Council.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: That is why; because sections of the media have been threatened with action if these documents were to be publicised, because they are wrong and they are inaccurate as they relate to the individuals concerned.

The Hon. R.R. ROBERTS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R.I. LUCAS: Mr President, if I can just reiterate. The reason why the Hon. Ron Roberts is seeking to have these documents tabled is that he wants to assist further media publication of these particular names, as I said, unfairly and inaccurately in relation to some of the individuals. It is just improper for an individual of some standing in this community, who might have been suggested to take on a formal role for fundraising for a political party and who, when approached, has said to that party, 'No, I will not take on that position as a formal fundraiser.' It may well have been because that person believed it was inappropriate because of other positions that that individual held in the community or organisation. This was for protection for the media, through this device cooked up by the Hon. Ron Roberts, so that the particular individuals could have their names smeared along the lines of: that is how much it costs to buy a Liberal Party deputy leader—$300 000, for example.

That is the type of smear that the Hon. Ron Roberts in this chamber, under the protection of parliamentary privilege, is prepared to throw around, or the allegations he made today, again under parliamentary privilege, that the fishing industry had bought changes in policy through donations to the Liberal Party. The Hon. Mr Roberts under the protection of parliamentary privilege is happy to smear the good names of individuals and organisations and then, at the same time, he wants the protection, together with sections of the media, to besmirch the names of certain individuals, to be smeared, because he will continue to make allegations under the protection of parliamentary privilege against some of these, and therefore for some of the others who have been named there is guilt by association.

The press, of course, will list the names, as the Hon. Mr Ron Roberts has listed the names already, under the protection of parliamentary privilege. He will make specific allegations about two or three of them and then, of course, the complete list will be reported by the media, and in relation to these other people who have formally rejected any role in fundraising for any political organisation, including the Liberal Party, the Hon. Ron Roberts wants to have freedom, together with sections of the media to, by association, besmirch the reputations of the citizens here in South Australia.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Ron Roberts is backing off at 100 miles an hour. The Hon. Ron Roberts is the only politician I know with five reverse gears. He needs overdrive in reverse, because when the heat comes on he backs off at 100 miles an hour. He made the allegations. They are on the *Hansard* record, page 2434.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: You cannot back out of it now. You made the allegations. You made further allegations today in question time and they will be responded to in both another house and in this chamber tomorrow, let me assure the Hon. Ron Roberts about that matter. He wants to be able, under the protection of parliamentary privilege, to continue to besmirch the good reputation of a number of people who should not have their reputations besmirched in any way at all. If they make donations to parties and are properly accounted for and declared, that is their decision.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: No, I am just about to finish. However, if in some cases individuals have said they would not be associated with any party, then it is just improper for the Hon. Ron Roberts to use this as a device to further besmirch people's reputations, when they have said, 'I will not accept a formal role for fundraising with any political party,' in this case the Liberal Party, perhaps because they have a particular role in another organisation or company. It is for these reasons and for these reasons alone that the government members will be opposing the tabling of these documents. The information on past donations, individuals, is public information. It is on the web site, and anyone can go there and get it. So no-one is hiding anything or covering anything up. It is there, as indeed is the Labor Party information. But these documents go much further than what is required under electoral disclosure laws.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: For those reasons it is improper for the Hon. Ron Roberts to head down this particular path and, as I said, if this is the path that he is going to go down, there are members in this chamber, in particular the Hon. Terry Cameron, who have a lot more information that could be brought to bear in relation to the Labor Party.

The Hon. L.H. DAVIS secured the adjournment of the debate.

REFERENDUM (GAMING MACHINES) BILL

Adjourned debate on second reading.

(Continued from 3 October. Page 2324.)

The Hon. L.H. DAVIS: I oppose this bill as proposed by the Hon. Nick Xenophon, who really has a phobia about the parliamentary process. It is extraordinary how, when it comes to the crunch, the honourable member cannot go along with the vote in the parliament: he wants to pass everything away to another organisation or group to decide, to set up a select committee, to have a referendum, or, perhaps, when the heat gets too much, he simply changes his mind. From my point of view, we have had enough of the masquerading of the marquis of morality in this chamber.

I think that it is time to put some perspective on the performance of the no pokies member. One remembers that when he came into this Council he was claiming that he was a no pokies candidate. It was not until over a year later that a bemused Treasurer discovered—on some investigative work that I had done—that, in fact, he was not a no pokies candidate: he was a candidate who, certainly, was not against

pokies in clubs, but he was all for abolishing poker machines in hotels. In other words, he was no pokies for pubs and pokies for clubs. Perhaps it is more appropriate if the honourable member rebadged himself and called himself the no porkies candidates and introduced some truth into what he is about.

It is worth reminding members that, when the Hon. Mr Xenophon stood for parliament for the first time in 1997, he had as his number two candidate none other than Mr Bob Moran—'Bob, Bob Moran', as he was known in the trade. I will return to deal with Mr Bob Moran in due course. When we look at the big issues we have dealt in this chamber over the last two decades that I have been a member of parliament, we can see that on almost all occasions it has been the good sense of the parliament that has resolved important issues. I refer, for example, to random breath testing which was introduced amid great controversy in the early 1980s.

I remember, particularly, the courage of the late the Hon. Gordon Bruce, who had been the President of the Liquor Trades Union, as the Hon. Trevor Crothers may well remember. It would have been easy for him to oppose random breath testing given his union background and the particular union that he represented, but he had the courage to recognise that drink driving was causing deaths and maiming people on South Australian roads. In those two select committees, he stood up very strongly for random breath testing. I think that he was one of the key players in ensuring that South Australia had random breath testing.

It is worth noting for the record that South Australia now has road deaths running at around 160 a year, when back in the late 1960s we were talking about 360 a year. One imagines how much the population has increased and how many more drivers are on the road. That is one good example where the parliament had the courage to pick up some legislation and run with it.

We also dealt with the emergency services levy. That is a more recent controversy, where the government recognised there was a need to consolidate the raising of funds for our emergency services in South Australia.

That levy was introduced in very controversial circumstances. Ultimately, it was corrected by the government and instead of $140 million being collected from taxpayers the figure was reduced to $80 million. The government picked up an additional $60 million of that tab to make the emergency services levy more equitable, more fair. That is something which, of course, the Labor Party embraces. What we have with the no pokies member in this chamber is a crusader for citizen-initiated referenda. This is what he is really about. He abdicates the responsibility of making decisions in this chamber but says, 'Let's put everything out for a vote.' Let me just—

The Hon. R.K. Sneath: At least he is honest.

The Hon. L.H. DAVIS: I am not sure whether he is consistent.

Members interjecting:

The Hon. L.H. DAVIS: I do not think that he is consistent. Members can talk to some of the front benchers who have had dealings with the honourable member and ask them how consistent he has been. But let me give members some examples. California had a rash of what were effectively citizen-initiated referenda, where people were given the option of voting in certain ways for certain measures. It became an absolute fiasco because, of course, what is good for the goose is also good for the gander. There was that famous survey in California where 30 or 40 key questions were asked. One of the first questions asked was: do you pay too much in taxation? And 85 per cent of Californians said, 'Yes, we do.' About 20 questions later they were asked: is enough money being spent on education, health and community welfare? And the answer was, 'No, there's not.' That is the problem you have if you just put everything out in referenda to the community. If the Hon. Nick Xenophon wants to go the whole hog, we might as well have referenda on euthanasia, abortion, hanging, homosexuality and prostitution, as well as gambling.

Let us have a look at the record and consistency of this honourable member on this issue. First, I refer to a press release from the Treasurer (Hon. Robert Lucas) dated 23 August 2001, just two months ago, when he referred to an *Advertiser* headline that talked about the way in which poker machine numbers had ballooned in this state and had grabbed a headline. The press release from the Treasurer stated:

> The *Advertiser's* grab for a headline and Nick Xenophon's opportunistic tack on the government over the gambling machines cap today could have been easily avoided if either the *Advertiser* or Mr Xenophon had bothered to check parliamentary *Hansard* at the time of the debate of this legislation.

We were all involved in this debate. The debate occurred in December 2000 and, as reported in *Hansard* on 7 December 2000, after a very lengthy debate on this issue (it was in the dying days of parliament last year), the Treasurer made a clear and definitive statement to parliament about what the final impact of the pokies cap would be on overall gaming machine numbers in this state. The Treasurer said:

> I want to make it quite clear, lest there be any distortion by the media between now and May—

that is, May 2001—

> the official estimate of numbers and what we are talking about capping is 15 209. That is the best estimate.

At the time of that debate parliament had been told the actual number of installed machines was about 13 500 but, as members would understand, there were some 1 700 applications for poker machines, which had not yet been installed. The Treasurer was saying, 'We are talking about capping 15 209.' The Treasurer indicated that it was important to place this figure on the record because, as he said:

> I did not want to see a 'shock horror, we weren't told' headline in the media a few months later.

Yet, of course, that is precisely what happened eight months later, because the *Advertiser*, in its editorial, suggests that the effect of the cap is the opposite of what was proclaimed and, of course, it was clearly wrong.

The Hon. R.I. Lucas: Who gave them that information?

The Hon. L.H. DAVIS: Who gave them that information? Who backed in that headline? Who backed in that editorial? It was the masquerading marquis of morality, the Hon. Nick Xenophon, no less. On that same page of *Hansard*, on 7 December 2000, the Hon. Mr Xenophon is on record, that is, his lips are moving, he is making a noise, *Hansard* takes it down and it is subsequently printed. I want to repeat what the Hon. Nick Xenophon said on 7 December 2000, as follows:

> I indicate my thanks to those members who have supported the bill to this stage. Notwithstanding it is a temporary freeze, it is a break through and a step in the right direction. Given the statements made by the Premier in the other place yesterday, I believe there is real chance that some real change can be brought about in South Australia with respect to gaming machines in the next few months.

Yet, eight months later, in August 2001, Xenophon, quoted in the *Advertiser*, says:

It—

that is, the cap—

is becoming more and more farcical when you look at the latest figures.

They were the very figures the Treasurer put on the record in December 2000, the very figures the Hon. Nick Xenophon heard in this chamber. The Treasurer warned people not to get conned or subsequently try to make up a statistic that does not exist and try to claim that the cap is much bigger than everyone said it would be. Where was the Hon. Nick Xenophon? He was out there being dishonest and totally immoral. It is a totally immoral misuse of material, and he cannot squib that. Everyone knows what he is like now.

Members interjecting:

The PRESIDENT: Order!

The Hon. NICK XENOPHON: I rise on a point of order, Mr President. The honourable member is accusing me of being dishonest. I ask that he withdraw that remark. He is accusing me of being dishonest—he is saying that I am being dishonest.

The PRESIDENT: I ask the Hon. Mr Davis to withdraw.

The Hon. L.H. DAVIS: I will withdraw the statement that the Hon. Nick Xenophon is dishonest. I will withdraw and apologise for the use of the word 'dishonest'.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I do say, however, that this incident undoubtedly confirms the long held view that I and many of my colleagues have had that he is a confabulator. If I can come to the nub of what we are talking about here, the Hon. Nick Xenophon is proposing to have a referendum at the first general election of members of the House of Assembly following the commencement of this legislation. Of course, if he gets the bill through now, it will be at the next election, within a few months. It gives people the option of voting in favour of continuing a freeze on the number of gaming machines in hotels and clubs or, alternatively, the removal of all poker machines from hotels but not from the casino or clubs within the next five years. Members should notice that he gives the clubs a chance to exist. He does not give people the other option: removing them from clubs and keeping them in hotels.

The third option gives people the opportunity to vote in favour of the removal of all existing machines from the casino, hotels and clubs within the next five years. The fourth option invites people to vote in favour of requiring all gaming machines to be fitted with devices or mechanisms designed to prevent betting on any machine at the rate of more than $1 a minute.

In this debate the Hon. Nick Xenophon has said that he has taken legal advice. He does not believe that there are any grounds for compensation for the hotels, the clubs or the casino if this referendum comes to pass and the machines are removed. He said that on the record in his second reading explanation.

He also has not addressed the issue of the $200 million in revenue from poker machines and what would happen to the state budget if that $200 million was removed. When I first challenged him in one of the numerous debates we had on an earlier bill in this place, he actually accused me of being frivolous. He suggested that it was frivolous to ask where the money would come from, what taxes would be increased and what expenditure would be reduced or what combination of that would occur. On this occasion he has admitted that something has to be done. Obviously we have to find $200 million from somewhere.

So, let us put some perspective on this. If you think there is a problem with a $60 million hole with the emergency services levy, just imagine what it would be like if $210 million was taken out of the pot, accounting for about 12 per cent of the total state revenue base. It is extraordinary. But because he is an Independent he does not have to come up with an answer, and that is a common occurrence: he does not come up with answers—we understand that.

Let me deal with the industry because I am on record, as honourable members know, as voting against poker machines when the legislation was first introduced in the early 1990s. As a declaration of interest, to comply with the new high bars we jump these days in this chamber, I indicate that I have played poker machines on four occasions—once interstate and three times here. I think I have won three out of four times, so I am marginally in front. I have made that declaration for the record and I hope Hansard has properly recorded it.

I will say something about the hotel and club industry in South Australia, because you can be sure we will never hear this from the Hon. Nick Xenophon. The 630 hotels in South Australia employ 23 500 people, and since gaming machines have been introduced that has created an additional 4 500 jobs in this state.

The Hon. T. Crothers: That is not counting the casino or the clubs.

The Hon. L.H. DAVIS: Exactly. I am talking at this stage only about the hotel industry. The capital and commercial value of these hotels is $2.1 billion. They are very generous in their support for sporting and community groups and charities. They have a splendid record in terms of their support here—$9 million in recent years. Since gaming has come in, the expenditure on hotel redevelopment and refurbishment has approached $460 million, which creates direct and indirect jobs for architects, painters, electricians, carpet companies and so on.

It is worth noting for the record (and the Hon. Nick Xenophon would have been told this—and every member would know of examples of what I am going to say, which are true) that hotels both in the city and in regional and rural South Australia have been saved because they have been able to install gaming machines. It has rejuvenated the hotel industry, and there is no doubt about that. Each year the hotels pay $211 million in gaming tax. Since 1994, when poker machines were first introduced, they have paid $871 million to the government of South Australia, as well as nearly $400 million in payroll tax.

The Hon. Nick Xenophon has been elected to represent no pokies interests although, as I have said, that is not necessarily an accurate reflection of his position. It is important to note that South Australians are well down the list in terms of the money spent per year on gambling. In fact, they rank behind New South Wales, the Northern Territory, Victoria and Queensland in terms of the money they spend each year on gaming. The most recent figure for 1999-2000 is a total of $693.16 per head, whereas New South Wales, the Northern Territory and Victoria all spend $1 000 or more per head on gaming.

It is also a matter of record that four out of every 10 adults play gaming machines. There is no gender bias in respect of gaming machine players. There is a slight bias, according to the Productivity Commission's report into the gambling

industries, of players in the middle income bracket—$25 000 to $35 000—and those aged 18 to 24 years.

The Productivity Commission report into the Australian gambling industry noted that about 130 000 Australians, about 1 per cent of the adult population, were estimated to have severe problems with their gambling, and a further 160 000 adults were estimated to have moderate problems. It is worth noting that we are talking about all forms of gambling. We all know people who have been hooked on racing: some have been hooked on X-Lotto and scratchies. They are small numbers, I would have thought, but I know several people who have become hooked on racing and have lost big money and faced social and economic ruin as a result.

Admittedly, the figures suggest that around half of all problem gamblers are in relation to poker machines, but that is no reason, necessarily, to discriminate against poker machines. I find it remarkable that the *Advertiser*, for example, can actually run a billboard advising its readers or potential readers that it is actually giving away a free X-Lotto ticket in that paper, or having a special promotion on X-Lotto, or that it has 12 pages of racing tips for the big spring racing carnival meetings that are currently being run. Yet it runs a very strong line against poker machines. I find the ambiguity rather bemusing from Nick Xenophon.

I noted that the hotels have been very generous in their contributions to community groups. For instance, in the last five years they have given over $500 000 to the Women's and Children's Hospital. They have given over $120 000 to wheelchair sports, and the Anti-cancer Foundation and the Australian Cranio-Facial Foundation have also been beneficiaries. A large range of groups, both in Adelaide and in regional South Australia, have benefited, yet for the Hon. Nick Xenophon this is not good enough.

He attacked Mr David David, a respected figure from the Australian Cranio-Facial Foundation, for acknowledging that the Australian Hotels Association had given it money. There was a story from Nick Xenophon in the paper saying that David David should not be saying this, that this money had come from gambling—it was evil. I do not know what the motive was, but I found it remarkable. On the one hand, Mr Xenophon is arguing that more money should be pumped into helping community and charitable organisations or problem gamblers yet, on the other hand, he is attacking the Australian Cranio-Facial Foundation for acknowledging the very generous donation of the Australian Hotels Association. Where is the logic?

The Hon. R.R. ROBERTS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. L.H. DAVIS: In addition to the generous donations to community, sporting and charitable groups, the hotels and clubs with gaming machines also contribute to the Gamblers Rehabilitation Fund. They donate something of the order of $1.5 million each year. Significantly, no other code (such as trotting, racing or greyhounds) contributes to this gambling fund. This Gamblers Rehabilitation Fund is administered by the Department of Human Services and includes representatives from the AMA, the Council for Social Services, the Heads of Christian Churches, the Law Society, the Australian Hotels Association and Clubs SA.

That money has been used to set up a gambling help line number, Break Even counselling services (which are free across the state), community awareness programs and a gambling resource guide for medical practitioners. It has funded research, school education programs and community-based projects on gambling. It also has to be recognised—because you will not ever hear this from the Hon. Nick Xenophon's lips—that the hotels and clubs in South Australia have established a gaming code of practice that is recognised as setting a national benchmark for responsible gambling initiatives.

All the machines display the 24 hour help line number that I have just referred to; a clock has been placed in a clearly visible position; ATM and EFTPOS facilities restrict access to cash to savings and cheque accounts only; patrons can be lawfully removed if they attempt to play machines while intoxicated; and so on.

Significantly, earlier this year the churches moved in association with the hotels in a unique initiative to sign a memorandum of understanding that developed a regulatory structure to minimise the harm from problem gambling. The Hon. Nick Xenophon really was not part of this process, and I think he has had his nose put out of joint, quite frankly.

The Hon. R.I. Lucas interjecting:

The Hon. L.H. DAVIS: Okay, the Hon. Nick Xenophon made a submission. But this initiative through the AHA, which forged this initiative with the Heads of Christian Churches Task Force on Gambling, was a great initiative. I attended its signing, as did many of my parliamentary colleagues—

The Hon. Nick Xenophon interjecting:

The Hon. L.H. DAVIS: And the Hon. Nick Xenophon was there. That was at the Cathedral Hotel earlier this year. The churches at the time recognised that prohibition was not the answer; rather, the key to addressing this issue of problem gambling was education and harm minimisation programs.

The Hon. R.R. ROBERTS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. L.H. DAVIS: The churches have recognised that prohibition is not the answer. Just as is the case with driving, where people can be killed or maimed through dangerous driving, governments of all persuasions have adopted education and harm minimisation programs.

The Hon. R.R. Roberts interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Mr Ron Roberts, I have told you that I counted, and there were 10 present including me. When it is a simple quorum, I need 10. When it is a quorum to do with some minor alteration in the standing orders, I need 12. I counted them, and there were 10 present. I ask you to behave yourself. Show some respect for the chair, even if the chair is only acting.

An honourable member: Throw him out!

The ACTING PRESIDENT: I do not have the power.

The Hon. L.H. DAVIS: It is also true that, when people drown, we do not say that we will stop people swimming. We have learn to swim campaigns; we have education about observing proper procedures when swimming. That, of course, is the procedure that has been adopted by the hotels association, the clubs and the churches in addressing this issue of problem gambling.

The Hon. Diana Laidlaw interjecting:

The Hon. L.H. DAVIS: I just mentioned road safety, when the honourable member was out of the chamber.

The ACTING PRESIDENT: Order! The Hon. Diana Laidlaw will come to order.

The Hon. L.H. DAVIS: I just said that road safety is a similar example. There is no doubt that the Hon. Nick Xenophon is seeking an excessive remedy for problem gambling by seeking to remove all machines from South

Australia. In fact, he has modified his position since he came in here. Members will remember that, when he initially came in here, his position was that it was all right to have machines in clubs, but not in pubs. But in *Hansard* of 3 October, on page 2323, he went on record as saying that the third proposition in his bill was the one that he personally favoured. This proposition provides for the removal of poker machines from all venues in the state. In other words, he has now modified the position: he wants poker machines removed from the casino, the clubs and the hotels. So, he is at least on the record as having changed his position since he first became a member of the Legislative Council in 1997.

I see that alliance between the hotels and the churches as very significant and very encouraging. And, in fact, that has been followed up by a further and more recent initiative, which was announced on 11 September by the Treasurer, the Hon. Robert Lucas, in a media release with the heading 'SA problem gambling proposal to be considered nationally'. The Treasurer said:

> A South Australian proposal to commit $5 million over the next five years on national research into problem gambling is to be considered by other state, commonwealth and territory governments.

The Hon. Mr Lucas further said:

> The funding commitment, if supported, will allow for a long-term major research program into problem gambling. A series of separate studies will be undertaken to look at various issues such as:
> - Identification of measures relating to early intervention and prevention, and impact of gambling in rural and remote communities;
> - Development of an agreed definition of problem gambler;
> - Benchmark and ongoing monitoring studies to monitor the effectiveness of problem gambling strategies; and
> - Studies of problem gamblers to understand their attitude and gambling behaviour patterns to understand their responses to proposed policy changes.

Again, I think that that is further and significant evidence of the fact that this government has been responsible in its approach. It has worked closely with the hotel community, the clubs and the churches in addressing this issue of problem gambling. The fact is that we now have this alliance with churches, with the hotel industry; we have the gaming code of practice; we have this further initiative from the government for a national research model for studies into problem gambling; and we have the cap on gaming machines, which has been introduced and which has taken effect. So, all these initiatives in the past 12 months demonstrate the recognition that some social and economic issues have arisen from the introduction of poker machines in South Australia; that this government is aware of these difficulties; that the hotels association and the clubs are aware of them, and have worked closely with the church to address these issues; and that, nationally, these issues are also being addressed.

That is not good enough for the Hon. Nick Xenophon. He has been marginalised in this debate in many ways, because the churches and the hotels have taken the initiative, along with the government, and have taken the running from him. He is like a yacht that has suddenly lost its wind—and, indeed, has lost its rudder. He has to find something else to grab the headlines, to get momentum up, given there is an election coming. So, what does he think up? What we should do is ignore all these initiatives and have a referendum and see whether we can get rid of all these machines. Never mind the money that has been lavished on the hotels and the clubs with the introduction of poker machines; never mind the additional jobs that have been created; never mind how we would compensate for the $200 million in taxes that are collected. We do not have to address these issues because, 'I am not in government; I am not responsible.' That is his approach.

Just to further dampen the ardour of the honourable member, one of the big issues that he has run very heavily with is this threat that suicide numbers would escalate with the advent of gaming machines. And, of course, as I have previously mentioned in this Council in debates on gambling issues, the sad facts are, from Mr Xenophon's point of view—and the glad facts are, from the community's point of view—that suicide statistics in South Australia in the past decade have remained substantially unchanged. Indeed, in 1991, there were 231 suicides, and I suspect that some of those were associated, directly or indirectly, with the collapse of the economy following the revelations of the State Bank and the dramatic slowdown in the economy at that time. In 1992, there were 213 suicides; in 1995, there were 200 suicides; and in 1999 there were 200 suicides. The suicide rates have not changed significantly and that, I think, confirms my view on this matter that, since gaming machines were introduced in January 1994, there has been no statistical information to back up what I consider the very wild claims—the extravagant claims—of the Hon. Nick Xenophon that suicide rates would escalate. There is no evidence of that at all.

I want to return quickly to the 1997 state election and the memorable matter of Mr Bob Moran, number two on the No Pokies ticket. I have mentioned this before in the Council, and I will mention it again, because it goes to the credit of the member. Mr Bob Moran was number two on the No Pokies ticket for the state election of 1997. In the *Advertiser* of 2 July 1997, there was a claim by Mr Bob Moran that 'Pokies ruined my car business.' He said that again on 24 September, 'There is no doubt that pokies were the major reason for us folding.' Yet the well respected receiver-manager for Bob Moran, Ferrier Hodgson, said:

> In summary, the reason for the failure of James Scott (previously trading as 'Bob Moran Cars') appears to be as follows:
> - The failure of the Daewoo franchise.
> - The introduction of small Korean manufactured cars into Australia at very competitive prices.
> - The level of overheads incurred by James Scott, particularly advertising expenses. . .
> - The transfer of Northern Car's assets. . . in October 1996, and the payment of some of Northern Car's liabilities.

Interestingly enough, in that same period, new car sales were doing extraordinarily well. Nowhere did the receiver-manager say that Bob Moran's business failed because of poker machines.

An honourable member interjecting:

The Hon. L.H. DAVIS: Not at all; not listed at all. I want to sum up by saying that, if this bill were to pass both houses and a referendum was introduced and the Hon. Nick Xenophon, with his mesmeric qualities, convinced the people of South Australia to vote in favour of the abolition of poker machines in all hotels, clubs and the casino, there would be massive job losses. Regional towns could well lose hotels. There are 250 regional communities which have gaming machines. There would be many hotels which would face bankruptcy, because the Hon. Nick Xenophon says we would not be committed to any compensation whatsoever. It is a reckless proposal, a proposal without any thought of the impact on the state budget, a proposal with no plan to replace that $200 million with increased taxes or reduced expenditure. Essentially, it is a headline grabbing exercise and this bill deserves to be soundly defeated.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

QUESTIONS WITHOUT NOTICE

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

That the Standing Orders Committee of the Legislative Council prepare amendments to the standing orders to provide for a significant increase in the number of questions without notice asked each sitting day.

I do not intend to speak at great length about this motion at this stage. I have had private discussion with many members of this place and it would be fair to say that there has been concern about the number of questions that are asked, and answered, in any one question time. My staff have looked at the statistics and it appears that on average there are about 11 questions per day being asked and, technically at least, being answered in this place. It is worth noting that not only is the number of questions being asked and answered relatively low but the number of days we are sitting has also been in decline over recent years. For example, in 1970-71 the average number of sitting days was 75; in 1981-82, 68 days; and in 1994-95, 70 days. Then it has dropped away in the last three years: 48 days, 44 days and 47 days. We are sitting fewer days and the number of questions being asked per day is relatively low. In my own experience I managed to ask only one question in question time in the three sitting days last week. There are a lot of issues that come before us as members of parliament, and some of them are adequately handled by letters to ministers or letters to departments. Many questions—

Members interjecting:

The ACTING PRESIDENT: Order! The speaker is on his feet.

The Hon. M.J. ELLIOTT: Many questions that are asked are not aimed to bring the government down, although you would not think that by the reaction you sometimes get from ministers. They are questions which simply seek a straight answer. I usually come into the average question time with a backlog of anywhere between a dozen and 20 questions that I wish to ask about a whole range of issues.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You already have the ministers supplying questions to you. You do not have any problems.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: If you were not asking the dorothy dixers, I would be able to ask more questions. It is of great concern to me (and I receive feedback from members of the public) that question time has deteriorated in a range of ways. It would be fair to say that it has not always been good. I remember that when I first came into this place one minister in particular (John Cornwall) started answering a question, then looked up at the clock and thought, 'I have 10 minutes to go. Yes, I think I can run question time down.' In fact, I saw him run it down from much further out than that. He was a past master at wasting question time.

These days the Leader of the Government in this place has taken that minister's place. If you ask a question of most of the other ministers they tend, generally speaking, to give relatively short answers. Sometimes they even answer the questions. But they tend not to get caught in the 'running the clock down' routine.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: I think those sorts of things could all go into the mix. It is not my intention to debate the whole issue in absolute depth tonight. What I am asking for in this motion, for those who have read it, is that the Standing Orders Committee be asked to look at amendments to the standing orders to provide for a significant increase in the number of questions without notice.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: If you look at the parliaments around Australia, you see that a number of different procedures have been adopted by them to try to address the issue, and they have not addressed it in the same way. Some have addressed it informally, where a lot of questions without notice are provided to the minister an hour or so beforehand so that they have some chance of preparing a response. I think that happens informally, as I recall it, in the federal parliament. In other parliaments a range of different restrictions are imposed.

At this stage I am not going to lobby for one particular track but I am saying that, when a member of this Council, which has only 22 members, is lucky to get one question up in some weeks (and we are not sitting all that many weeks), I do not think question time is providing the opportunity to explore a range of issues as it is meant to enable.

What this motion asks is not that any particular standing order be changed in a particular way: it asks that the Standing Orders Committee look at the current procedures and come back to this place with recommendations. Some of the responses may be a relatively informal process. Some may be more formal, in terms of putting a time limit on questions and/or answers without a suspension of standing orders. In one of the parliaments, I believe, there is a fixed number of questions each day. If you do that, the incentive for ministers to try to run the clock down, which I know some do, is gone, because they will know that at the end of the day there will be 12, 13 or 14 questions, regardless of how long they talk. Straightaway, that gets rid of that incentive to waste time.

As I said, it is not my intention to promote one particular answer to this. All members in this place, privately at least, admit that question time is not working well. The number of questions and answers being handled is not good. Something needs to be done about it, so I ask all members to support a motion which asks the Standing Orders Committee to address this matter.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

HIH INSURANCE

Adjourned debate on motion of Hon. M. J. Elliott:

That the Legislative Council urges the South Australian government to provide assistance to persons affected by the collapse of the HIH Insurance Group and, in particular, policyholders or those making a claim against policy holders,

To which the Hon. T.G. Roberts has moved to leave out all words after 'the South Australian government' and to insert 'to investigate the impact of the collapse of HIH Insurance Group on policy holders and claimants against policy holders with the intention of assisting victims caught through no fault of their own and ensuring through legislation that these circumstances do not occur again'.

(Continued from 4 July. Page 1831.)

The Hon. K.T. GRIFFIN (Attorney-General): I do not support the motion as printed or as proposed to be amended, but will do so if the amendment which I now move is agreed to by the Council. I move:

That the Legislative Council commend the South Australian Government for creating a scheme to provide assistance to persons affected by the collapse of the HIH Insurance Group, and, in particular, policyholders and others entitled to make claims through policy holders in respect of building indemnity insurance required under the Building Work Contractors Act.

In so moving, I note that the time for the original motion has now long past and the government has addressed the issue at the heart of the motion. I will outline the steps the government has taken to address the issues arising out of the HIH collapse, recognising that I have already made a ministerial statement and answered questions on the issue, and made a number of public comments.

A provisional liquidator was appointed to the HIH group of companies by order of the New South Wales Supreme Court on 15 March 2001. By way of a further order of the New South Wales Supreme Court on 27 August 2001, the HIH group of companies was placed into formal liquidation. The liquidator of the HIH group has estimated that it may take 10 years to complete the liquidation. Estimates of the likely dividends to be paid in the liquidation have varied widely, with some lower than 10 cents in the dollar.

The immediate effect of the provisional liquidation was to make policyholders unsecured creditors of the insurer. They could prove in the liquidation, but had uncertain prospects of any recovery under their policies. Where the policies of insurance were written for the benefit of third parties, as is the case with policies of building indemnity insurance in South Australia, then those third parties also had uncertain prospects of recovery.

On Tuesday 24 July 2001, the government announced the implementation of building indemnity insurance hardship relief measures for both consumers and builders who were then faced with difficulties as a result of the collapse of the HIH group of insurance companies. I note also that, at the same time, and as referred to earlier, I made a ministerial statement in substantially the same terms as what I am about to say.

The government knows that there are cases of genuine consumer hardship in our community in relation to building indemnity insurance in the wake of the HIH group collapse. The establishment of an HIH hotline within the Office of Consumer and Business Affairs on 6 June this year was recognition of that. It has provided a great deal of information and assistance to claimants and potential claimants. It has also proven invaluable in providing the government with detail of the extent and nature of consumer claims relating to building indemnity insurance, and the extent of difficulties faced by members of the building industry itself.

Having gained some insight into the precise nature of difficulties faced by both consumers and the building industry in South Australia, the government implemented a number of strategies aimed at providing relief to those suffering hardship. Of course, the commonwealth government established HIH Claims Support Limited, which allowed certain policyholders, affected by the collapse, to effect some recovery in respect of the risks for which they were insured. However, the scheme excludes state and territory mandated compulsory insurances, such as building indemnity insurance. South Australia is one of several states which had created compulsory insurance schemes in the areas of building indemnity insurance, compulsory third party insurance, workers compensation schemes and legal practitioners professional indemnity insurance.

In South Australia the Building Work Contractors Act 1995 and the regulations made under it together imposed a requirement to obtain building indemnity insurance in respect of domestic building work, which is valued at an amount greater than that prescribed by regulation and which also requires approval under the Development Act 1993. The purpose of this insurance is to protect consumers against the risk of loss in the event of the death, disappearance or insolvency of the builder. The government has recently introduced changes to this scheme, in the context of the dollar value of the amount prescribed by regulation, which will restore the original intention of the scheme, which was to isolate a class of work which did not require the same level of statutory protection given its relatively low dollar value, and alleviate some of the difficulties facing builders.

Until 15 October 2001, the amount below which building indemnity insurance was not required was $5 000. This amount was fixed under previous building legislation in 1985 and has not been amended since that time to account for increases in either or both of the consumer price index and related increases in building costs. The government has amended the regulations under the Building Work Contractors Act to raise this threshold to $12 000 with effect from 15 October 2001. That will result in fewer works requiring building indemnity insurance to be obtained, and in turn that should reduce the pressure on builders who are currently facing difficulties in obtaining insurance by allowing them to commence work.

We calculated the increase by reference to the Australian Bureau of Statistics' records. An amount of $5 000 now represents only 3.59 per cent of the average value of building work; in 1985 it represented 8.12 per cent of the average value. So the change from $5 000 to $12 000 was to restore that initial value ratio to the threshold test, and that amount is, in fact, $12 000 on current building costs and value of money. That accords with the current requirements in Western Australia.

We have also introduced a scheme of assistance for consumers who are suffering hardship because they can no longer rely on the protection of the HIH group building indemnity insurance policy. Claim forms have been available for quite some time now and are currently being processed. I do not think I need to go through the conditions upon which claims may be made and satisfied; that information is already on the public record. It is being funded by $1 million from the government's budget, and $500 000 per annum is being recovered from the building industry over three years. We hope to be able to stop that at an early date, but only time will tell whether or not we need to raise the full amount from the building industry. The fund is being administered through the Office of Consumer and Business Affairs.

In addition, at the time of the real difficulties, the government consulted with the two insurers in the market, as well as with the Master Builders Association and the Housing Industry Association, in an endeavour to have consideration of builders' applications for building indemnity insurance progressed quickly and to have assessment issues appropriately addressed. In addition, there are two other initiatives. I asked the national competition policy review of the Building Work Contractors Act to reconvene to consider what measures might be taken to ensure that there is an adequate level of consumer protection in this area in the future. I am

led to believe that the panel will provide its recommendations during the early part of 2002.

At the national level, the Ministerial Council on Consumer Affairs, on the initiative of South Australia, considered the issue of the HIH group collapse at its meeting on 13 July 2001. It has now established a working party to further investigate a variety of issues relating to the collapse and where we should be going in the future with building indemnity insurance; and the federal Minister for Financial Services and Regulation, the Hon. Joe Hockey, has agreed that the commonwealth government will assist in exploring the systemic issues in the building indemnity insurance market with a view to ensuring continuing consumer protection. Initially, that is the provision of funding for a consultant to meet with and provide advice to the working party.

The consultant has been identified, the terms of reference set and the public announcement made, and the working group and the consultant are now working through that issue with a view to looking at the long-term resolution of these issues. That is, essentially, the range of initiatives which the government has taken to address this issue. As I said at the outset, if the amendment is supported, the government is prepared to support the amended motion.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

BENLATE

Adjourned dated on motion of Hon. M.J. Elliott:

That the Legislative Council urges the South Australian government to provide assistance to those horticulturalists whose crops were damaged by Benlate, but who have been unable to reach a settlement with DuPont,

to which the Hon. T.G. Roberts has moved to leave out all words after 'the South Australian government' and to insert 'to investigate the circumstances surrounding horticulturalists whose crops were affected by Benlate with the intention of offering appropriate assistance.

(Continued from 25 July. Page 2049.)

The Hon. NICK XENOPHON: I support the motion of the Hon. Mike Elliott. I have an interest in this field. I have been dealing with a constituent and members of his family who have had quite horrendous problems as a result of Benlate. Their livelihood has been devastated because of the use of Benlate. I pay tribute to the work that the Hon. Mike Elliott has done over a number of years to investigate this matter. He travelled overseas a number of years ago to investigate this matter further. If there is ever a shining example of a good use of parliamentary travel, it was that particular trip made by the Hon. Mike Elliott.

Clearly, something is seriously wrong. A number of questions need to be answered with respect to the use of Benlate: the role of the regulatory and legislative framework protecting growers in terms of the damage caused to their crops by the use of Benlate; the role of DuPont, the manufacturer of Benlate, in terms of the impact that it has had on horticulturalists and their crops; the question as to whether there has been a settlement with respect to some horticulturalists and whether others have missed out; and this particular motion, urging the South Australian government to provide assistance to those horticulturalists whose crops were damaged by Benlate but who have been unable to reach a settlement with DuPont, which I strongly support.

The fact is that some horticulturalists have not been able to reach a settlement with DuPont. They have not had the resources because they have been devastated financially as a result of the use of Benlate. In the circumstances, I support this motion and urge other members to do the same.

The Hon. M.J. ELLIOTT: As I indicated when moving this motion, this has been quite a saga. What saddens me is that the responses I have been hearing so far suggest to me that we really have not made any progress on this matter whatsoever. I note, for instance, that the Hon. Terry Roberts has moved an amendment which has the effect of asking the government to investigate circumstances surrounding horticulturalists whose crops are affected by Benlate with the intention of offering appropriate assistance. We were there in that position quite some years ago.

The department looked at the matter. I spoke with a number of departmental officials on a number of occasions and, certainly, I formed the opinion that, first, they did not have a clue what was going on and, second, perhaps, that having given their initial advice they were going to stick by it regardless of any new evidence which might have come forward to the contrary. As I have said in this place on a couple of occasions now, and on one occasion over a period of a couple of hours, I visited the United States and spent a great deal of time talking to experts in universities in their equivalents of our departments of agriculture and with lawyers who represented people who had litigated in the area and I returned absolutely convinced, not just by the arguments but by the science, that Benlate had the ability to cause damage to crops under particular sets of circumstances—circumstances which related largely to heat and humidity and which affected all of the people who claim they had problems in South Australia.

Without exception, every person in South Australia who had complained about problems had been working in a hothouse environment, and so all the precursors for the difficulties that occurred were there—and they were very early on—and at that stage they were coming from people who did not understand the science of it, if you like, and certainly did not know that it was all happening basically in that hothouse environment which has later proven to be the case. It is worth noting that whilst DuPont had never admitted any liability, it has paid out a large number of people in the United States and, more recently, has paid out a number of people in Australia, including a number of people in South Australia.

There have been significant payouts without DuPont admitting liability, but the payouts appear to have gone to those people who were sufficiently persistent with legal representation and who could afford that legal representation to keep the case going. I cannot personally say that in particular individual cases Benlate did or did not do damage and therefore there should be payouts, but I do believe that people have been affected by Benlate as a result of their crops having been affected and, at this stage, they have not received any compensation, whether it be with or without the admission of any liability.

Frankly, I find the whole thing quite disappointing. The weight of evidence generally is overwhelming and it should not be necessary for people to be involved in extensive and expensive litigation before they can obtain any level of justice. What I find even more disappointing is that, frankly,

the government and government departments have been non-helpful. In fact, if anything, at times have acted in a negative sense in relation to people who have suffered these difficulties. I think, at best, it shows a level of mean spirit and, in my view, it also shows a level of ignorance and non-caring.

When one considers that in South Australia probably only three or four people of whom I am aware claim that they have been damaged by Benlate and have not received compensation—as I said, largely because they simply cannot afford to pursue the matter—the fact that they are being left to whither without any support reflects, in my view, very poorly on the government. The opposition's moving an amendment, which, basically, as I said, takes us back to where we were probably six or seven years ago in terms of saying that the government should investigate, in my view, is not helpful. It indicates to me that the Labor Party, despite the fact that this issue has been in this parliament on a number of occasions, has never taken the time to really look at it. That is disappointing as well.

There are some important matters of justice in all this, which, whilst it might now affect only three or four people, are important because of the precedent they set, that is, precedent in terms of the way in which governments, parliaments and also companies behave in these circumstances. In years to come people will look back on all this and we will all be judged by the mean spiritedness, or otherwise, of members of this place. I urge all members to support the motion and to support it without amendment.

The Council divided on the question: that the words proposed to be struck out by the Hon. T.G. Roberts stand part of the motion:

AYES (6)

Cameron, T. G.	Crothers, T.
Elliott, M. J. (teller)	Gilfillan, I.
Kanck, S. M.	Xenophon, N.

NOES (11)

Davis, L. H.	Griffin, K. T.
Holloway, P.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A.	Redford, A. J.
Roberts, R. R.	Roberts, T. G. (teller)
Stefani, J. F.	

Majority of 5 for the noes.

Question thus negatived.

The Council divided on the question: that the words proposed to be inserted by the Hon. T.G. Roberts be so inserted:

AYES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G. (teller)	Xenophon, N.

NOES (7)

Davis, L. H.	Griffin, K. T. (teller)
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Stefani, J. F.	

PAIR(S)

Sneath, R. K.	Schaefer, C. V.
Zollo, C.	Dawkins, J. S. L.

Majority of 3 for the ayes.

Question thus carried; motion as amended carried.

ROAD TRAFFIC (TICKET-VENDING MACHINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 October. Page 2338.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The opposition opposes this bill. The Local Government Association has advised me as follows:

I refer to the Road Traffic (Ticket-Vending Machines) Amendment Bill 2001 introduced into parliament by the Hon. Terry Cameron MLC on 28 March 2001, requiring parking ticket-vending machines to be capable of providing change. From investigations undertaken by the LGA, we are able to inform you that the City of Adelaide, the City of Holdfast Bay and the City of Victor Harbor will be affected by the Ticket-Vending Machines Bill. Information supplied by the affected councils to the LGA indicates that:

- the machines they currently use are not able to be modified to give change;
- to replace the machines presently in use with the type proposed (ie to give change), would cost in the vicinity of $35 000 to $40 000 per machine (cost range advised by Holdfast Bay and Victor Harbor councils whilst Adelaide has indicated a considerably lower figure);
- machines that give change are much larger and raise urban design issues in terms of visual amenity and ease of pavement access to pedestrians;
- in relation to resource implications for ongoing maintenance of machines that provide change, the following concerns were raised:
  - —extra staffing hours required to ensure upkeep of change in each machine
  - —extra surveillance of machines to minimise vandalism (extra money inside)
- for the seaside councils costs of constant maintenance works on machines would be greater as damage would occur from salt water corrosion and sand penetrating the machines. The type of machines currently in use have basic working parts, whereas machines that offer change have more electronics, which would involve higher maintenance costs for councils.

Moreover, in the case of Victor Harbor, their current machines were only installed in August 2000 (at a cost of $11 000 per machine) with the view that they would enjoy many years of service before requiring replacement. The council advised that they would not be pleased to have to replace their existing machines so soon after their initial installation and at considerable cost to the local community.

We are also informed by the City of Norwood Payneham and St Peters that, although the council does not own and operate ticket-parking machines, they are aware of private operators in the area who do so. As the council is not responsible for enforcing parking provisions in the private parking areas they were not able to provide any further details on the types of machines installed.

I understand that it has communicated similar correspondence to other members of parliament. I have some sympathy for some of the issues raised by the Hon. Terry Cameron, but I believe that the retrospective nature of his legislation and the issues raised by the Local Government Association are relevant. We should understand that the many issues that association has raised about costs, ongoing maintenance and local amenity would render this bill unworkable. The opposition therefore opposes the bill.

The Hon. T. CROTHERS secured the adjournment of the debate.

SUMMARY OFFENCES (PIERCING OF CHILDREN) AMENDMENT BILL

In committee.

(Continued from 3 October. Page 2337.)

Clause 1.

The Hon. A.J. REDFORD: I have not made any contribution on this matter to date and I intend to be extra-

ordinarily brief in my comments. Last time this matter came before the chamber, the Hon. Ian Gilfillan referred to correspondence, which I suspect we all received, from the AMA on this particular issue, and raised a number of questions with the mover of the bill. In addition, he has moved a series of amendments.

In relation to the answering of the questions, it is my view that the AMA has raised some very pertinent and important issues that should be addressed by the mover of this bill. Secondly, in relation to the amendments moved by the Hon. Ian Gilfillan, in a valiant attempt to address the issues raised by the AMA, he has endeavoured, unfortunately—and I think inadvertently—to make this measure, which involves a medical issue and a public health issue, essentially a piece of criminal legislation, and that, in my view, is inappropriate. So, it seems to me that unless the Hon. Nick Xenophon, as instructed by the Hon. Bob Such, can address directly the questions raised by the AMA or, alternatively, come up with amendments that may be of a health nature but not contained within a piece of legislation that imposes criminal liability, then, speaking in my capacity as a Liberal member of parliament with the prerogative to exercise my right freely, I will vote against this bill.

I can only add one other thing, namely, that as a parliament we are often called upon to deal with issues about what children should and should not do and what rights they should and should not have. Over the years, we have come up with an absolute hotchpotch whereby children have the right—and when I use the word 'children' I mean people under the age of 18—to do things such as have an abortion or, indeed, in some cases, give advance notice about what should happen in death without consultation with their parents. Then along comes a bandwagon issue such as this and Mike gets a little publicity and, for some heinous event such as piercing one's ears, they have to go through an extraordinary procedure to get parental permission. Sometimes I think that some people, in a desperate attempt to get their name in the paper, do not look at the broader issue and put some of these matters in some appropriate context.

I hope that we, as the Legislative Council and as a house of review, in the cool hard light of examining legislation dispassionately, might take those matters into account. I congratulate the Hon. Ian Gilfillan on raising these issues, although I must say that I think it is a valiant attempt to save what, on the face of it, might well be the unsalvageable.

The Hon. K.T. GRIFFIN: I put on the record some observations in relation to the amendment by the Hon. Mr Gilfillan. I indicated during the second reading stage that the government generally is prepared to support the bill, but the amendments proposed by the Hon. Mr Gilfillan, in my view, should not be in a summary offences act. The sorts of things which they address are health issues. It would appear that they should probably be in something more like the Public and Environmental Health Act than in an act which creates statutory and criminal offences.

The body piercing part of the bill was applicable to minors, but the amendments by the Hon. Mr Gilfillan apply to adults as well as children. The substantive amendment which he moves is essentially about setting general health standards for body piercing, whether it be for adults or children. I have not taken any advice as to whether the standards that are sought to be established are appropriate standards but I can say, from the point of view of the appropriateness of the amendments, that they seem to be at odds with the offence which is sought to be created by the principal part of the bill.

It also seems rather odd that the health criteria should be policed by police. Under the Public and Environmental Health Act, for example, health issues are policed by health inspectors, mostly at the local government level, as I understand it. I suspect that in relation to these amendments local government would not have been consulted. I have not taken any advice from the Minister for Human Services but, certainly, that ought to be done. In addition to that, if there are going to be some standards set, they do need to be the subject of proper consultation and, further, they ought to be in other legislation, not in legislation which creates these sorts of statutory and criminal offences.

The Hon. IAN GILFILLAN: I move:

Page 3, line 2—Leave out 'of children'.

I believe the amendments are relevant and do have widespread support. In particular, I refer the Attorney to a pamphlet, put out under the auspices of the AMA, which recommends virtually all the issues I raised, regarding hygienic conditions and the circumstances in which piercing should take place. It may be a matter of delicate judgment as to what legislation this should be fitted into.

However, the fact is that we have before us a bill dealing with body piercing and we do not have any legislation dealing with a general health perspective. As this is of paramount importance, it is essential that it be dealt with in this piece of legislation. I think it is quibbling to argue that the amendments should be opposed because it may be unusual that they are being included in this type of amendment.

The use of police to scrutinise and investigate these conditions is reasonable. We have other parallels where the police have responsibilities and, when one bears in mind that this is body piercing outside the normal controls of medical practice or a hospital, again it appears to me that it is quite reasonable that police are involved, when appropriate, to ensure that the requirements are complied with.

I remind the committee that we are very keen that these amendments be successful, which may appear incongruent to my earlier comments in the second reading debate that we oppose the major intention of the bill. However, without being able to predict the success or failure of the bill, we regard it as essential that we take the precautionary principle and that these health measures are included in the legislation if it is to be successful. As I understand that we will not be concluding the committee stage this evening, I will leave my remarks at this stage.

The Hon. NICK XENOPHON: I appreciate the remarks of honourable members in relation to this debate. As members know, the honourable Dr Bob Such is the author of this bill. I propose to discuss the matters raised this evening with the honourable member.

Progress reported; committee to sit again.

SELECT COMMITTEE ON THE FUTURE OF THE QUEEN ELIZABETH HOSPITAL

Adjourned debate on motion of Hon. J. F. Stefani:

That the interim report of the select committee be noted.

(Continued from 3 October. Page 2337.)

The Hon. SANDRA KANCK: As the mover of the original motion which resulted in the setting up of this Select Committee on the Future of the Queen Elizabeth Hospital, I

am pleased that the committee has seen fit to prepare and table an interim report.

Knowing the risk that we could hear all the evidence and then be unable to report because parliament had been prorogued for an election, I pushed for this interim report to be prepared. I thank the other members of the committee for their cooperation in making this happen, and I particularly extend my thanks to Felicity, our researcher, who was under some personal pressures at the time, and thanks also go to our ubiquitous secretary, Chris Schwarz. As an interim report, it does not address all the terms of reference, and I am very keen to progress a final report, particularly in relation to obstetric, gynaecological, cardiac and emergency services.

Supported unanimously by Democrats, Liberal and Labor, this report makes 10 recommendations which, if acted on by this government, would result in an injection of confidence in the hospital for the people of the western suburbs and the staff who are the lifeblood of the hospital. The fact that these 10 recommendations have been made, and that there will be more to come if we are able to release a final report before an election is called, is a clear indication of how flawed the government's dealing with this hospital has been.

Recommendations 7, 8 and 9 deal with debt forgiveness, funding and casemix inefficiencies. Arguably, the most important recommendation we have made for the future of the Queen Elizabeth Hospital is that the Department of Human Services forgive the debt owed by the hospital. Such action would, might I use an appropriate metaphor, provide a real shot in the arm for the Queen Elizabeth Hospital. It would be a powerful message from the government to the electorate, including those living in marginal Liberal seats such as Colton, that they see the Queen Elizabeth Hospital as having a long-term future. The committee has rejected arguments from the Department of Human Services that the hospital is financially inefficient, and in that context it is important to note that the casemix funding system discriminates against this hospital in a number of ways.

We received evidence about the baby friendly status that the hospital has been awarded—an achievement based, at least in part, on the obstetrics unit's credible record on Caesarean sections—but the casemix formulas are such that there is money to be made in medical interventions, and therein lies the rub. By having a policy that emphasises natural births, the Queen Elizabeth Hospital is not able to rake in the money associated with interventions such as Caesarean sections. I interpose to say I have questions on notice at the moment to attempt to find out the levels of intervention in various hospitals in this state.

Robert Dunn, then head of the emergency department, told us:

> Emergency department overcrowding results in an inability to treat new patients. As casemix payments only occur if a patient is treated, emergency department income is reduced.

The Queen Elizabeth Hospital cannot treat many of the patients, some go home and some are turned away, because of the gridlock occurring on bed numbers which we know is caused, in part, by patients awaiting nursing home beds, and the emergency department loses out on payments as a consequence.

Dr Dunn told us that the Queen Elizabeth Hospital incurs a large proportion of the costs, that is, assessment, investigation and ambulance transfer costs for patients transferred to other hospitals due to lack of bed availability. The receiving hospital receives a full DRG payment for the admission while the Queen Elizabeth Hospital receives only an emergency department attendance payment. This arrangement greatly favours hospitals with excess bed capacity and cripples those without it. I point out that the Queen Elizabeth Hospital happens to be a hospital that does not have excess bed capacity and, by contrast, the Royal Adelaide is much more likely to have excess bed capacity. I wonder whether this government has the commitment, or even interest, to deal with this issue when it so obviously favours the Royal Adelaide Hospital as compared with the Queen Elizabeth Hospital. I truly doubt that this government has the commitment to do anything about it because it is getting poor advice from within its own department.

None of these examples are the fault of the Queen Elizabeth Hospital management, yet the department lays the blame at its feet in claims that the Queen Elizabeth Hospital is inefficient. The committee has concluded that the department does not give appropriate weighting in its funding decisions to the pressures placed on the hospital by the high proportion of residents with below average socioeconomic status living in the hospital's feeder area, and the report contains a significant number of substantial quotes to back this view. The only submissions or witnesses who did not seem to understand this were those who represented the Department of Human Services. To my mind, it almost seems ideological what we are hearing from the department.

The committee has accordingly recommended that the socioeconomic structures of the region be properly recognised in a range of services provided by the hospital, and that the government's funding to the hospital be readjusted to accommodate this. Recommendations 1 and 2 deal with bed numbers and gridlock. At a public meeting addressed by the minister he gave a commitment to maintain 365 acute beds at the hospital and a leaflet, which the committee received as part of its evidence, repeated this claim.

The committee has recommended that the government should confirm that commitment and that the government should provide for extra capacity to cope with emergency admissions. Bed numbers have decreased from 415 in June 1996 to 361 in June 2001, which is a sizeable decrease. Meanwhile, waiting times in the emergency department have increased from 180 minutes in 1997 to 400 minutes in late 1999. Clearly, there is a relationship between bed numbers and waiting times in the emergency department.

Professor John Horowitz, Chairman of the Medical Staff Society at the hospital, in his evidence referred to a 1999 article from the *British Medical Journal* about the need to keep average bed occupancy below 90 per cent in order to anticipate the unexpected. Failure to do just this has resulted in gridlock at the Queen Elizabeth Hospital. He referred to patients spending 12 to 24 hours in the emergency department, with investigative facilities at the same time lying idle because staff are unable to begin their work as long as these patients have not been admitted.

Questions were also raised with the committee about the new hospital development being capable of housing the minimum 365 beds. Recommendation 3 dealt with kidney transplantations. A key recommendation is that the kidney transplantation unit be centred at the Queen Elizabeth Hospital. The current situation where the government has left in limbo a decision about the future location for kidney transplantation in South Australia is unsatisfactory for all concerned. The Queen Elizabeth Hospital was the first hospital in Australia successfully to transplant a kidney, and it currently performs 60 to 80 renal transplants per annum.

The history is there; the expertise is there; the demographic need is there. Continuing to locate renal transplants at the Queen Elizabeth Hospital is logical and would ensure the continued existence of related services at the hospital. As Associate Professor Graeme Russ told the committee in his submission, renal transplants require a comprehensive 24-hour laboratory and imaging service, a top class ICU, a clinical pharmacology laboratory to monitor immunosuppressive drugs and the following services: infectious diseases, cardiology, gastroenterology, haematology, vascular surgery, general surgery, and urology consultative services.

An announcement that the Queen Elizabeth Hospital is the centre for renal transplantation in this state would be a highly symbolic action by this government—a strong indicator that the government is committed to the hospital's continued existence. Recommendations 1 and 4 refer to the Queen Elizabeth Hospital's status as a teaching hospital. The committee has recommended that the government give a clear commitment to the Queen Elizabeth Hospital continuing as a major teaching hospital, and that the hospital's significant research role be recognised.

Raymond Morris, Chief Medical Scientist, Clinical Pharmacology, North-Western Adelaide Health Service, told the committee:

> Research functions. . . are consistent with strong clinical practices of innovations into the services provided with earlier impact into the quality of care delivered to patients. These strategies attract and retain high quality staff. . . who are innovators in addition to being service providers.

Professor John Horowitz told the committee that these researchers bring prominence to South Australian medicine, encourage people to work in South Australian hospitals and ultimately save the hospitals money and improve the quality of patient care at the same time. The Department of Human Services responded to the committee, claiming that it understands the value of research. Nevertheless, on the basis of decisions made by this government, such as the demolition of the research facility at the hospital, with no money subsequently set aside for laboratory research refurbishment, I question whether the department really understands the link between research activities and the attracting of high calibre medical personnel to the hospital.

Evidence given to the committee by Professor Kearney, Executive Director Statewide Division, Department of Human Services, conflicted on occasion with evidence and submissions from many others at the coalface of the hospital. In this respect, it is worth noting that while Professor Kearney is currently seconded to the department he remains the Chief Executive of the Royal Adelaide Hospital with an interim chief executive acting in his place at the present time.

Most people expect that, when his secondment to the department is concluded, he will return to his position at the Royal Adelaide Hospital. It is fairly obvious then that any contraction of services at the Queen Elizabeth Hospital and subsequent transfer of services to the Royal Adelaide Hospital will increase the status of the Royal Adelaide Hospital and therefore be in the interest of a returning chief executive of the Royal Adelaide Hospital. In my opinion, Professor Kearney has a direct professional interest in allowing the slow haemorrhage of the Queen Elizabeth Hospital and it surprises me that our minister continues to take advice from him.

As an example of this conflict of interest, in his written submission Dr Raymond Morris told the committee:

> The case for closing the Clinical Pharmacology Department, TQEH, and delivering this laboratory service by 'Networking with RAH' is extremely weak, since RAH simply do not provide such laboratory services, indeed this Department at TQEH currently provides these services. . . to RAH!

One could be excused for concluding that the downgrading of a number of services at TQEH presided over by Professor Kearney are nothing more than empire building on his part. As I say, it surprises me that the minister is prepared to tolerate a conflict of interest. Sometimes I think the minister is doing the bidding of Professor Kearney. Certainly, when it suits the minister, he seems to exercise a strong level of intervention at TQEH which, in turn, favours the RAH power base.

Evidence was given to the committee in this regard. Professor Frewin was renominated by the North Western Adelaide Health Service Board in September 2000 to be a member of the board, but the minister rejected the nomination, ostensibly because he viewed Professor Frewin as being overcommitted. Alternative QEH based nominees were also rejected by the minister. The position remained vacant for a further five months and Professor Frewin again nominated and the minister again rejected the nomination. Then in February 2001, the minister appointed Professor John Gollan, who, it seems to me, is now the RAH appointee on the NWAHS board, because Professor Gollan is the Professor of Medicine at RAH, head of the Department of Medicine at RAH, and Director of the Hanson Centre for Cancer Research at RAH. Presumably, he was not overcommitted. Having held the health portfolio—

The Hon. Ian Gilfillan interjecting:

The Hon. SANDRA KANCK: I am glad you noticed the sarcasm. Having held the health portfolio for the Democrats for almost eight years, I am aware that one of the most interesting aspects of TQEH is the pride that members of the local community have in their (rather than 'that') hospital. None of the other metropolitan public hospitals elicits that level of loyalty from its users. In business they call it 'goodwill' and it would be worth hundreds of thousands of dollars to a business, but our government prefers that the Queen Elizabeth Hospital does not have it.

As a very direct personal example as to why such loyalty exists, my parents raised seven children on the tradesman's wages my father earned. With that background, members would understand that now that my parents are retired there is no fat in the system: they are totally dependent on their aged pension. Yet they give donations up to three times a year to medical research at TQEH and participate in raffles that are sent out, not because they are aiming to win but to support the hospital. They would probably give more than $100 in any one year. My mother says she cannot speak highly enough of her hospital, but I do not think this government could or would even begin to understand this.

I will begin to try to explain it to the government. In giving this example I want to pay tribute to the staff at the Queen Elizabeth Hospital. Earlier on this year, my sister spent 10 days in intensive care at the Queen Elizabeth Hospital. After she was discharged, the specialist doctor and the specialist respiratory nurse came out from the hospital to the supported accommodation facility where she lives to brief the staff on her condition. Despite cutback after cutback, the Queen Elizabeth Hospital staff give this sort of service to their community without fear or favour.

Now some people might be able to buy something approaching this sort of service by paying high health

insurance premiums and staying at a private hospital, but at the Queen Elizabeth Hospital it is just there, regardless of socioeconomic circumstances. Our government ought to be supporting and encouraging this.

It should hold it up as a shining example of the value of community, but it would prefer that it just went away. This interim report is forward looking in its recommendations, resisting the temptation to sink the boot into the government, which it clearly deserves. The Minister for Human Services should take note of these recommendations, given that they have been passed with unanimous support, including that of the two Liberal members on the committee. The people of the western suburbs expect to have health infrastructure that is close to them, meets their needs and is the same standard as that received by other people in Adelaide. That is not an unreasonable expectation, but our committee has found that the government's commitment to the Queen Elizabeth Hospital is deficient. It is now over to the government to meet the challenge that these recommendations have set it.

The Hon. J.F. STEFANI: I will add a few closing remarks. I wish to thank all honourable members who worked on the committee and thank the research officer and secretary to the committee who made it possible for the interim report to be prepared and tabled in a time frame that somewhat pressed them. The cooperation the committee members as a whole gave on producing the interim report certainly provided a great deal of confidence for me as the Presiding Officer to see that as a committee we could work together and provide what I consider to be a valuable report for the government to consider. I thank all members for their contribution to the process of the committee's deliberations. We worked well together with a very impartial and committed attitude to the work of the committee. I enjoyed the support and commonsense approach of all members. We were all wanting to do our best and in that process we were able to achieve what I consider to be a very balanced report. With those closing remarks, I move that the committee's report be noted.

Motion carried.

STATUTES AMENDMENT (COURTS AND JUDICIAL ADMINISTRATION) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Building Work Contractors Act 1995, the Courts Administration Act 1993, the Criminal Law Consolidation Act 1935, the De Facto Relationships Act 1996, the District Court Act 1991, the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, the Magistrates Court Act 1991, the Mining Act 1971, the Opal Mining Act 1995, the Retail and Commercial Leases Act 1995, the Summary Procedure Act 1921, the Supreme Court Act 1935, the Unclaimed Goods Act 1987 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to legislation dealing with the jurisdiction and administration of courts.

Courts Administration Act

Part 3 of the Bill inserts new section 28A into the *Courts Administration Act 1993*.

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

The sentencing of offenders is one of the most misunderstood aspects of the criminal justice system. The media has a tendency to wrongly portray sentences imposed on offenders, particularly in high profile cases, as too lenient. This has contributed to a perception in some sections of the community that courts are 'out of touch' and 'soft on crime'. This undermines confidence in the legal system.

The publication of sentencing remarks will ensure the reasoning employed by the courts in determining sentences will be readily available to the public and, importantly, the media. The web-site will become an extension of the court room, making the courtroom more accessible to the public. Sentencing remarks are published in the Northern Territory and Tasmania. The policy is supported by the Chief Justice.

The Government is concerned that the publication of sentencing remarks on the Authority's web-site could leave the Authority and the members of its staff responsible for publication open to liability should, for example, suppressed material inadvertently be included in the sentencing remarks as published.

It is inappropriate for the Courts Administration Authority or any member of staff of the Authority to be prosecuted or sued. It is in the public interest that the sentencing remarks be published. Neither the Authority, nor its staff can control what a judge releases for publication. The Authority is not in the same position as other publishers. It is not acting with a view to profit. It cannot simply publish or not publish at its choice. It will routinely publish what the sentencing judge provides.

New section 28A will ensure that publication of the sentencing remarks on the Authority's web-site by a member of the Courts Administration Council, the Administrator or other members of the staff of the Council is to be treated as if it were publication of the sentencing remarks by the sentencing Judge in court.

Importantly, any re-publication of the remarks will not attract the benefit of the immunity.

The immunity will, however, be limited in two very important respects. New subsection (2)*(a)* limits the privileges or immunities so that they apply only where the sentencing remarks have been approved by the sentencing judge in accordance with procedures approved by the Chief Justice or the Chief Judge. New subsection (2)*(b)* ensures that any re-publication of the remarks by a third party will not attract the benefit of the privileges or immunities.

District Court Act

The Bill amends the *District Court Act* to provide that the District Court has the same powers in relation to contempts of itself as the Supreme Court has in relation to contempts of the Supreme Court.

Certain powers are given to the District Court to deal with contempts by sections 47 and 48 of the *District Court Act*. However, these powers appear to be limited to dealing with contempts in the face of the Court. They may not cover the situation where, for example, a media or internet organisation publishes information which tends to prejudice the minds of potential jurors, or to prejudice the prosecution or defence of a pending trial. Such actions have been held to amount to contempts at common law.

An aggrieved party or the Attorney-General may apply to the Supreme Court in respect of an alleged contempt of the District Court as the Supreme Court has power to punish contempts of an inferior court. Alternatively, it may be possible to prosecute for an offence at common law in some cases. However, it is desirable to act quickly to punish contempts and it is therefore preferable that the court concerned can deal with them.

Given that the District Court is now the main criminal trial court, it is appropriate that the Court should have the same power to punish contempts of itself as the Supreme Court has to punish contempts of itself. The Supreme Court also has an inherent power to punish contempts of lower courts. It is not considered appropriate to give the District Court such a power. The powers of the District Court to punish contempts are therefore limited to the powers that the Supreme Court has to punish contempts of itself.

Judicial Administration (Auxiliary Appointments and Powers) Act

The Bill amends the *Judicial Administration (Auxiliary Appointments and Powers) Act* to include the offices of Deputy President of the Workers Compensation Tribunal (the Tribunal) and of Judge of

the Environment, Resources and Development Court (ERD Court) within the definition of 'judicial office' for the purposes of the Act. This will enable the Tribunal to appoint retired District Court Judges as auxiliary Deputy Presidents of the Tribunal and, should any Deputy President of the Tribunal, who is not a District Court Judge, retire, to appoint such person to act as an auxiliary Deputy President. It will also enable the ERD Court to use auxiliary District Court Judges as auxiliary Judges of the ERD Court.

The Tribunal has sought this amendment to enable it to have access to officers to fill temporary needs in the Tribunal, whether arising from illness or from a back-log of cases. The ERD Court's requirements arise because of the potential for both judges of the ERD Court to be disqualified from hearing a case, as is the situation with a matter set down for trial early in 2002. In such situations, the ERD Court wishes to be able to draw on an auxiliary judge of the District Court to hear the matter, or retired judges of the ERD Court.

The purpose of the *Judicial Administration (Auxiliary Appointments and Powers) Act* is to facilitate such flexibility and increased efficiency in the courts. The amendment extends the benefits of the Act to the Workers Compensation Tribunal and the ERD Court.

The Bill makes a minor consequential amendment to the *Workers Rehabilitation and Compensation Act* to ensure the effective operation of the amendment in respect of the office of Deputy President of the Workers Compensation Tribunal.

The Act is also amended to ensure that a person appointed as an auxiliary solely in relation to the position of Deputy President of the Workers Compensation Tribunal is not entitled to act in any other judicial office. Section 5 of the *Judicial Administration (Auxiliary Appointments and Powers) Act* permits persons appointed to a specified judicial office to exercise the jurisdiction and powers of a judicial office of co-ordinate or lesser seniority under the hierarchy of judicial offices set out in the Act (apart from the jurisdiction and powers of the Industrial Court, due to the specialised nature of this jurisdiction). While it is considered that the processes of the Workers Compensation Tribunal are sufficiently similar to those of the District Court that a District Court judge or retired District Court judge should be able to satisfactorily discharge the duties of a Deputy President of the Workers Compensation Tribunal, it is not considered that a person appointed solely as an auxiliary Deputy President of the Workers Compensation Tribunal would necessarily have the requisite experience of the processes of the District Court to act as an auxiliary District Court Master.

Magistrates Court Act

Under the *Magistrates Court Act*, the Magistrates Court has jurisdiction to determine an action for a sum of money where the amount claimed does not exceed certain specified monetary limits. The Magistrates Court's criminal jurisdiction is limited under the *Magistrates Court Act* to the conduct of preliminary examinations of charges of indictable offences, the determination of charges of minor indictable offences and the determination of summary offences. The Court's criminal jurisdiction is also subject to the provisions of the *Summary Procedure Act.*

The Magistrates Court's general civil jurisdiction was capped at $30 000 in 1992 on creation of the new Magistrates Court. In accordance with previous policy, the jurisdiction with respect to motor vehicle accident personal injury claims was fixed at that time at twice the general limit—$60 000. The minor civil claims jurisdiction was increased in 1992 from $2 000 to $5 000.

At the time the monetary limits were prescribed, the general civil jurisdictional limit reflected average annual earnings. Statistics published by the Australian Bureau of Statistics indicate that average annual earnings in South Australia are currently close to $40 000.

Economic movement suggests that matters which would have come within the monetary jurisdiction of the Magistrates Court in 1992 are now exceeding that limit and being pushed up into the jurisdiction of the District Court.

In order to effect a return to the status quo, the Bill amends the *Magistrates Court Act* to increase the general monetary limit of the Magistrates Court from $30 000 to $40 000. It is proposed to retain the policy that the monetary limit with respect to personal injury claims be fixed at twice the general jurisdictional limit. The basis for this difference is that there is not considered to be the same relationship between the complexity of a case and the amount of the claim in relation to personal injury accident claims. The legal principles involved in personal injury accident claims tend to be similar, irrespective of the amount of the claim. Accordingly, the Bill increases the monetary limit with respect to motor vehicle accident personal injury claims from $60 000 to $80 000. The limits with respect to actions for recovery of real and personal property and interpleader actions are increased from $60 000 to $80 000 in each case.

The minor civil claims jurisdiction of the Magistrates Court, in which parties generally represent themselves, is comprised of small claims, neighbourhood disputes and other defined minor statutory proceedings. The small claims jurisdiction was capped at $5 000 in 1992. Adjusting this figure with respect to CPI over the relevant period results in an amount of approximately $6 100. To effect a return to the status quo, it is proposed to increase the monetary limit for small claims and the other limits on the minor civil claims jurisdiction from $5 000 to $6 000. For consistency, the Bill also increases the limit with respect to applications under the *Retail and Commercial Leases Act* from $10 000 to $12 000. These changes will ensure that those matters which Parliament intended should come within the minor civil claims jurisdiction, remain within that jurisdiction and are not pushed by inflationary forces into the general jurisdiction of the Magistrates Court. It is not proposed to increase the monetary limits on the minor civil claims jurisdiction any further than a 'catch up' amount as this has potential adverse implications for parties. This is because parties in the minor civil claims jurisdiction of the Magistrates Court are generally not permitted to be represented by a legal practitioner. While this can significantly reduce the cost of litigation, it also has the disadvantage of the loss of the benefits of legal representation, which include the identification of applicable legal principles in matters coming before the court.

However, the Act affords protection against potential disadvantage to a party now finding itself in the minor civil claims jurisdiction as a result of the increase in the monetary amount defining that jurisdiction. Under section 38 of the *Magistrates Court Act*, the Court has the discretion to permit legal representation of a party, including on the ground that the Court is of the opinion that the party would be unfairly disadvantaged if not represented by a legal practitioner.

The changes will lead to a potential increase in the caseload of the Magistrates Court and a corresponding decrease in the caseload of the District Court. The magistracy has identified that the parallel increase in the minor claims jurisdiction should offset much of the effect of the increase in jurisdictional limits as minor civil claims generally take less time and court resources to dispose of.

Given that it has been approximately 10 years since the monetary limits determining the jurisdiction of the Magistrates Court were last increased, it is appropriate that the monetary limits be increased to account for economic movement. The effect of the proposed increases will be to maintain the status quo.

On the same basis as the proposed increase to the monetary limits determining the civil jurisdiction, it is proposed to increase the prescribed amounts which determine to a certain extent the criminal jurisdiction of the Magistrates Court. Under the *Summary Procedure Act*, certain dishonesty and property damage offences are classified as summary offences, minor indictable or major indictable offences, respectively, depending on the amount involved in the commission of the offence. Dishonesty offences involving $2 000 or less are classified as summary offences. Certain dishonesty, property damage and breaking and entering offences attracting a maximum term of imprisonment in excess of 5 years but involving $25 000 or less are classified as minor indictable, rather than major indictable offences. For example, an offence of larceny (to be replaced with the offence of theft by the *Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill* currently before Parliament), is a summary offence where the value of what is stolen is $2 000 or less, a minor indictable offence where the value is greater than $2 000 but not more than $25 000, and a major indictable offence where the value of what is stolen exceeds $25 000. To account for the inflationary effects on these prescribed amounts, which were fixed on amendment of the *Justices Act* (now titled the *Summary Procedure Act*) in 1992, it is proposed to increase the prescribed amounts to $2 500 and $30 000, respectively.

The Magistrates Court's jurisdiction to determine charges of minor indictable offences is subject to the right of the defendant to elect to be tried in a superior court.

The effect of these increases is that some offences, eg a charged offence of larceny/theft involving between $2 000 and $2 500 will cease to be classified as minor indictable offences and instead be classified as summary offences. Persons charged with such offences will lose the right to elect to be tried in a superior court, and therefore the right to elect for trial by jury. However, it is not considered that the increase represents a change to Government policy with respect to the trying of such offences, rather the increase is intended to effect a return to the status quo. It ensures that those offences which

Parliament intended to be tried before a Magistrate are no longer forced by inflationary effects into the higher courts.

The proposed increase to $2 500 will also impact on entitlement or disqualification provisions contained in certain Acts and Regulations. Various Acts provide that a person is not entitled to hold a certain position or occupational licence where the person has been convicted of an indictable offence. As a result of the proposed increase, dishonesty offences involving between $2 000 and $2 500 will cease to be classed as indictable offences and persons otherwise disqualified from holding a position or licence on the basis of a conviction for such an offence will cease to be disqualified. It is appropriate that this should be the case, as the effects of inflation mean that people are currently being disqualified who would not have been disqualified 10 years ago for essentially the same offence.

The effect of the increase in the amount with reference to which offences are classified as minor indictable is that those offences involving an amount between $25 000 and $30 000 will now come within the jurisdiction of the Magistrates Court and may be dealt with summarily unless a defendant elects to be tried in a superior court. Currently such offences would be classified as indictable offences and could only be dealt with in a superior court.

The Bill also makes a number of consequential amendments to other Acts. The Bill amends the *Building Work Contractors Act*, *Criminal Law Consolidation Act, De Facto Relationships Act, Retail and Commercial Leases Act* and *Unclaimed Goods Act* to retain consistency with the monetary amounts that determine the Magistrates Court's jurisdiction. It amends section 85 of the *Criminal Law Consolidation Act*, which fixes penalties for the offence of damaging property, depending on the amount of damage to the property. The penalties were fixed with reference to the amounts of $2 000 and $25 000 in 1991 by legislation relating to the creation of the new Magistrates and District Courts. These amounts are increased by this Bill to remain consistent with the increase in the amounts in the *Summary Procedure Act.* If these amounts were not kept consistent, the Magistrates Court would be able to exercise jurisdiction in relation to an offence attracting a maximum penalty of life imprisonment (ie an offence of damaging property where the damage was between $25 000 and $30 000).

It should be noted that there is currently before Parliament a Bill which proposes to reform the laws relating to theft and fraud. The *Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill* proposes to amend the *Summary Procedure Act* to strike out the Schedules in that Act in which the offences categorised as summary or indictable offences of dishonesty are listed and replace them with references to the Part of the *Criminal Law Consolidation Act* which will contain dishonesty offences. That Bill does not, however, affect the classification of offences with reference to the prescribed amounts.

Mining Act and *Opal Mining Act*

The Senior Warden of the Warden's Court, established under the *Mining Act*, has requested an amendment to the mining legislation to extend the jurisdiction of the Warden's Court. The request follows from a recent decision of the Full Court of the South Australian Supreme Court, dealing with the jurisdiction of the Warden's Court. In *Evdo P/L, Evelyn Mazzone & Ray Mazzone v Meyer*, the Full Court held that the *Opal Mining Act* does not confer jurisdiction on the Warden's Court to order payment of monetary amounts in disputes between parties conducting a joint mining or prospecting venture (commonly termed 'partnership disputes'). Disputes in relation to opal mining tenements often involve arguments about money, which is inherent in their nature because opal mining tenements are not transferable. Without the power to make monetary awards, the ability of the Warden's Court to resolve 'partnership disputes' will be severely limited. With the concurrence of the Minister for Minerals and Energy, this Bill amends the *Mining Act* and *Opal Mining Act*

In *Evdo P/L v Meyer,* claims were made in the Warden's Court for forfeiture of a mining tenement as well as repayment of overpaid expenses under a partnership agreement. If jurisdiction is conferred on the Warden's Court, parties will be spared the expense and inconvenience of issuing separate proceedings in the Magistrates Court or District Court to determine the 'partnership dispute' aspect of a claim. However, recognising that such disputes could potentially involve complex issues of law best left to superior courts, the jurisdiction of the Warden's Court with respect to such claims is capped at $40 000, in line with the Magistrates Court's proposed new jurisdictional limit for general monetary claims. As wardens are magistrates, it is appropriate that this limited jurisdiction be conferred. A further amendment to the *Mining Act* will make it clear that only magistrates are to be wardens.

The Bill also increases the monetary limit on the Warden's Court's jurisdiction to deal with claims for compensation under the *Mining Act* and *Opal Mining Act.* Currently, the Warden's Court may deal with compensation claims involving up to $100 000. This is increased to $150 000 to account for inflation since the amount was fixed in 1988.

Supreme Court Act

The Bill will amend the *Supreme Court Act* to give the Supreme Court the power to waive court fees where a person is unable to pay the fees because of financial hardship or for any other good reason. An equivalent provision is already contained in the *District Court Act* and the *Magistrates Court Act* and there is no reason why the situation should be different with respect to the Supreme Court.

The Bill further amends section 130 of the Act dealing with Court fees to remove old subsections (2) and (3). Any regulations or rules that were deemed regulations under section 130 in accordance with those subsections have since been revoked and the subsections therefore no longer have any relevance.

Explanation of clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Interpretation

This clause provides that a reference in the Bill to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2: AMENDMENT OF BUILDING WORK CONTRACTORS ACT 1995

Clause 4: Amendment of s. 40—Magistrates Court and substantial monetary claims

This clause amends section 40 of the Building Work Contractors Act, to increase the limit for proceedings for a monetary claim before the Magistrates Court from $30 000 to $40 000. This is consequential to the amendments to the Magistrates Court Act in Part 8.

Clause 5: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by clause 4 do not affect proceedings that have already been commenced, and makes clear that it applies to any new proceedings, regardless of when the cause of action may have arisen.

PART 3: AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 6: Insertion of s. 28A

This clause inserts a new provision in relation to the posting of the sentencing remarks of the Supreme Court and the District Court on an Internet site administered by the Courts Administration Authority. The staff of the Authority have the same privileges and immunities in publishing the remarks that a court has in publishing sentencing remarks in court. This immunity only applies if the sentencing judge has approved the sentencing remarks, in accordance with the procedure approved by the Chief Justice or the Chief Judge, before they are published on the Internet and does not extend to the publication of the remarks by a third party.

PART 4: AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 7: Amendment of s. 85—Damaging property

This clause amends the maximum penalties that can apply for damage to property by increasing the amount of the damage that relates to each penalty. These amendments are consequential to the amendments to the *Summary Procedure Act 1921*, which updates the jurisdictional limits of the Magistrates Court in relation to the classification of criminal offences. This clause ensures that there is a correlation between the jurisdiction of Magistrates Court and the penalties that can be imposed.

Clause 8: Transitional provision

This clause makes it clear that the new penalty limits do not apply to offences committed before the commencement of this measure.

PART 5: AMENDMENT OF DE FACTO RELATIONSHIPS ACT 1996

Clause 9: Amendment of s. 3—Interpretation

Clause 10: Amendment of s. 13—Small claims

The amendments effected by these clauses are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court and its small claims division are consistent across various statutes.

Clause 11: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 6: AMENDMENT OF DISTRICT COURT ACT 1991

Clause 12: Repeals s. 47

This clause repeals section 47 of the Act, (which dealt with contempts in the face of the court). This is no longer needed due to the new section 48, which deals with contempts.

Clause 13: Substitution of s. 48

The effect of the new section 48 is to give the District Court the same powers to deal with contempts of the District Court, as the Supreme Court has to punish contempts of the Supreme Court. This extends to contempts beyond those committed in the face of the court.

PART 7: AMENDMENT OF JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) ACT 1988

Clause 14: Amendment of s. 2—Interpretation

This clause amends the definition of judicial office to include a Judge of the Environment, Resources and Development Court and a Deputy President of the Workers Compensation Tribunal. As a result, these offices are now included within the ambit of the Act in relation to auxiliary appointments.

Clause 15: Amendment of s. 5—Power of judicial officer to act in co-ordinate and less senior offices

This clause excludes a person appointed as an acting Deputy President of the Workers Compensation Tribunal from exercising the jurisdiction and powers attaching to any other judicial office of a co-ordinate or lesser level of seniority.

PART 8: AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 16: Amendment of s. 3—Interpretation

This clause amends the definition of minor statutory proceeding to include monetary claims under the *Retail and Commercial Leases Act 1995* of up to $12 000 (previously $10 000). The definition of small claim is also amended so that monetary claims of up to $6 000 (previously $5 000) are now classified as a small claim.

Clause 17: Amendment of s. 8—Civil jurisdiction

This clause amends the civil jurisdictional limits of the Magistrates Court by increasing the monetary amounts of claims that may be heard by this court from $30 000 to $40 000, except for claims arising out of the use of a motor vehicle and claims relating to real property, which are increased from $60 000 to $80 000.

Clause 18: Amendment of s. 10—Statutory jurisdiction

This clause updates the reference to the *Retail and Commercial Leases Act 1995*.

Clause 19: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 9: AMENDMENT OF MINING ACT 1971

Clause 20: Amendment of s. 6—Interpretation

This clause amends the definition of "appropriate court" to enable the Warden's Court to hear claims for compensation of up to $150 000 (increased from $100 000). The definition of "warden" is also amended to make it clear that only a Magistrate can be appointed as a warden.

Clause 21: Amendment of s. 67—Jurisdiction relating to tenements and monetary claims

This clause amends section 67 to make it clear that the Warden's Court has jurisdiction to hear monetary claims of up to $40 000 arising out of partnership or joint venture disputes, or contractual disputes relating to mining tenements or mining rights or operations.

Clause 22: Transitional provisions

This clause provides that the changes to the jurisdictional amounts of the Warden's Court made by clause 20 do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen, along with the changes made by clause 21.

PART 10: AMENDMENT OF OPAL MINING ACT 1995

Clause 23: Amendment of s. 3—Interpretation

This clause amends the definition of "appropriate court" to enable the Warden's Court to hear claims for compensation of up to $150 000 (increased from $100 000). This is consistent with the amendments made to the *Mining Act 1971* under Part 9 of this measure.

Clause 24: Amendment of s. 72—Jurisdiction relating to tenements and monetary claims

This clause amends section 72 to make it clear that the Warden's Court has jurisdiction to hear monetary claims of up to $40 000 arising out of partnership or joint venture disputes, or contractual disputes relating to tenements, prospecting permit, or mining operations.

Clause 25: Transitional provision

This clause provides that the changes to the jurisdictional amounts of the Warden's Court made by clause 23 do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen, along with the changes made by clause 24.

PART 11: AMENDMENT OF RETAIL AND COMMERCIAL LEASES ACT 1995

Clause 26: Amendment of s. 69—Substantial monetary claims

The amendments effected by this clause are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court are consistent across various statutes. The limit of a substantial monetary claim is increased from $30 000 to $40 000.

Clause 27: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 12: AMENDMENT OF SUMMARY PROCEDURE ACT 1921

Clause 28: Amendment of s. 5—Classification of offences

This clause amends the classification of offences. A summary offence is an offence involving $2 500 or less (previously $2 000) and a minor indictable offence is an offence involving $30 000 or less (previously $25 000).

Clause 29: Transitional provision

This clause makes it clear that the new classification of offences does not apply to offences committed before the commencement of this Part.

PART 13: AMENDMENT OF SUPREME COURT ACT 1935

Clause 30: Amendment of s. 130—Court fees

This clause inserts a new subsection (2) which gives the Supreme Court the power to remit or reduce court fees on the grounds of poverty or other proper reason, similar to the District Court and the Magistrates Court. The clause also removes subsection (3) of the Act which is now redundant.

PART 14: AMENDMENT OF UNCLAIMED GOODS ACT 1987

Clause 31: Amendment of s. 3—Interpretation

The amendments effected by these clauses are consequential to the amendments to the *Magistrates Court Act 1991* and ensures that the jurisdictional limits of the Magistrates Court are consistent across various statutes. Proceedings in relation to goods not exceeding $80 000 (previously $60 000) are to be heard in the Magistrates Court and proceedings in relation to goods exceeding $80 000 (previously $60 000) are to be heard in the District or Supreme Court.

Clause 32: Transitional provision

This clause provides that the changes to the jurisdictional amounts made by this Part do not affect proceedings that have already been commenced, and makes clear that they apply to new proceedings, regardless of when the cause of action may have arisen.

PART 15: AMENDMENT OF WORKERS REHABILITATION AND COMPENSATION ACT 1986

Clause 33: Amendment of s. 80A—The Deputy Presidents

This amendment is consequential to the amendment of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* in Part 7 of this measure which brings a Deputy President of the Workers Compensation Tribunal within the ambit of that Act.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

PRICES (PROHIBITION ON RETURN OF UNSOLD BREAD) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a bill for an act to amend the Prices Act 1948. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Prices Act 1948* by inserting a new regulation-making power to ensure that a prohibition on the return of unsold bread can be enforced, whether or not financial relief or compensation is given to or received by the retailer.

In the 1980s the practice whereby some bakeries entered into arrangements with retailers that bakeries would redeem unsold bread increased significantly. The practice suited large retailers and larger bakeries, which could absorb these losses. Smaller bakeries were unable to bear the cost of dumping or giving away the bread, and there was public concern about the food wastage caused by this practice.

The regulations that came into force in 1985 separately prohibited the sale of bread by the retailer to the supplier and the return of bread whether or not financial relief or compensation was given to or received by the retailer.

The *Prices Regulations 1985* were due to expire on 1 September 2001 and under the automatic revocation program could not be further postponed. In the process of re-making the 1985 regulations, Parliamentary Counsel identified parts of the regulations relating to the return of bread as being outside the regulation-making power of the *Prices Act 1948*.

The regulations that were made in August 2001 were drafted in such a manner that ensured that they were within power and, to the extent possible, had the same effect. However, there is a risk that the coverage of these regulations is not identical to that of the 1985 regulations.

In particular, a possible gap was identified in the prohibition. The prohibition covers situations in which the retailer returns bread to the supplier and is given or receives direct or indirect financial relief or compensation. However, it may not cover the situation in which there is no financial relief or compensation to the retailer.

Industry representatives have indicated that it is desirable to have regulations identical to the 1985 regulations, that will clearly prohibit the return of unsold bread to the supplier even when no financial relief or compensation is given to or received by the retailer. The regulation-making power requires amendment to accommodate new regulations in the same form as the *Prices Regulations 1985*.

Accordingly, this Bill extends the regulation-making power in the Act in a manner that will enable new regulations to be made that exactly mirror the 1985 regulations with which industry was satisfied.

I commend this Bill to Honourable Members.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 51—Regulations

This clause amends the principal Act so that regulations may be made prohibiting the return of unsold bread by a retailer to the supplier of the bread (whether or not financial relief or compensation is directly or indirectly given to or received by the retailer in respect of that bread).

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

STATE SUPPLY (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.D. LAWSON (Minister for Disability Services) obtained leave and introduced a bill for an act to amend the State Supply Act 1985. Read a first time.

The Hon. R.D. LAWSON: I move:

That this bill be now read a second time.

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

Leave granted.

In 1995, at the request of the Treasurer, the State Supply Board undertook a whole-of-government Procurement Review.

The Review examined the adequacy of the existing policies for the purchase of goods and services. It highlighted the need for a clear accountability framework for the contracting by agencies for the procurement of both goods and services. The Review concluded that the Government was exposed to an element of risk because much contracting for services was not subject to the same level of scrutiny as goods procurement.

A unified approach to the procurement of both goods and services was recommended and Treasurer's Instruction No. 8 was amended to confer on the State Supply Board power to impose policies and procedures with respect to the acquisition of *services*.

The Auditor-General has raised the issue of the legal basis for the State Supply Board's role in the procurement of *services*. In the view of the Auditor-General, the steps taken to implement the Government's unified supply policy "[M]ay not be sufficient to confer upon the Board functions in relation to the procurement of services as distinct from goods".

In January 2001, the Auditor-General wrote to the Chair of the State Supply Board confirming his concerns and suggesting that legislative change would strengthen and clarify the role of the State Supply Board in relation to services procurement.

In order to ensure that contracts for services entered into by the State Supply Board are not affected by the issue identified by the Auditor-General, the Minister for Administrative and Information Services has, on a case by case basis, made explicit requests to the Board to undertake such procurements under section 14B of the *State Supply Act*.

This Bill will amend the *State Supply Act 1985*, by including express mention of services. The Bill will also ensure other commodities namely, energy and intellectual property are also within the ambit of the Act. It is not the intention of the Government to make fundamental changes to the scope or application of the Act but merely to clarify what is within its scope.

Although it believes that the issue has been appropriately addressed through the adoption of administrative policies and procedures, the Government has resolved that amendments contained in this Bill will further advance the reform of government procurement in South Australia.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Substitution of long title

This clause substitutes the long title to take account of the proposed express general extension of the functions of the Board to the procurement of services.

Clause 4: Amendment of s. 4—Interpretation

A new definition of 'supply operations' is inserted and provides the central focus for fixing the scope of the functions of the Board.

The definitions of 'goods' and 'management' of goods are deleted since these concepts are reflected in the new definition of 'supply operations'.

The new definition extends to the procurement of services and to the management of contracts for services, as well as expressly catching the procurement of a supply of electricity, gas or other form of energy or of intellectual property.

The new definition allows operations to be excluded from its ambit by regulation.

The amendments to the definition of 'local government body' are part of an updating exercise.

Clause 5: Amendment of s. 5—Act not to apply to certain bodies

This amendment updates the references to bodies to which the Act does not apply.

Clause 6: Amendment of s. 7—Constitution of the Board

This amendment updates the reference to the chief executive officer as the chair of the Board and allows the chief executive to nominate another to perform that function.

Clause 7: Amendment of s. 13—Functions of the Board

The functions of the Board are updated to link into the new definition of supply operations.

Clause 8: Repeal of s. 14B

Section 14B of the current Act (relating to acquisition of services for public authorities) is not required in light of the express general inclusion of services within the Board's functions.

Clause 9: Amendment of s. 16—Undertaking or arranging supply operations for prescribed public authorities and other bodies

The potential functions of the Board in relation to other bodies are updated to link into the new definition of supply operations.

Clause 10: Repeal of s. 23

This section required a review of the Act before 31 December 1994. It is repealed since its work is finished.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

VICTIMS OF CRIME BILL

Consideration in committee of the House of Assembly's amendments.

Amendment No. 1:

The Hon. K.T. GRIFFIN: I move:

That the Legislative Council disagree with Amendment No. 1 made by the House of Assembly and make the following alternative amendment:

Clause 20, page 15, line 26—Before 'the amount' insert:

if the numerical value so assigned is 2 or less, no award will be made for non-financial loss but, if the numerical value exceeds 2,

The only issue of contention in this bill now remaining is the threshold at which a claim may be made for compensation for criminal injuries. It may be remembered that in the bill that came into the Council the government's proposal was for the threshold to be at three points, where under the current act it is one point and the Victims of Crime Review recommended five points should be the threshold. The government took the view, after consultation, that three points was an appropriate threshold, considering what else was being done in relation to providing compensation for victims, and maintains that position, remembering also that there is now to be no limit on claims for economic loss.

Presently, under the current act, economic loss and non-economic loss claims must reach at least $1 000 or one point to be capable of being recovered from the Criminal Injuries Compensation Fund, and we are removing that limit for economic loss. That is, if you have a $300, $500 or $1 500 economic loss, then you will be entitled to recover it and no threshold will be required. So, it is unlimited, and that is a significant change from the present act. We are also providing that there will be a wider discretion to enable moneys to be paid from the fund for expenses that might assist a person who has been a victim to recover from the trauma of victimisation more quickly.

I have given the example that it may be security locks, an alarm, or some other item on which expenditure can be made to give a greater level of peace of mind that will free up the system. In relation to the threshold, it is a question of whether we go to a deadlock conference. It is an important bill, and I have taken the view that, if we can save some time by avoiding a deadlock conference, we ought to try to do so. In this amendment I am proposing a compromise that we fix the threshold at two, pass the amendment and refer it to the House of Assembly. I have no doubt that the government will accept two as a compromise, and the bill can then be passed.

I have had some discussions with various people about that compromise over the past few weeks, because I do not want this bill to become bogged down in a drawn-out conference. Some are agreeable, but others are not. I think it is a sensible resolution to the problem, taken in conjunction with the benefits provided by this bill. I propose that we disagree with amendment No. 1 of the House of Assembly and make this alternative amendment to fix the threshold at two.

The Hon. T. CROTHERS: I recall that, when we last visited this bill prior to it being sent to another place, amendments were moved in the name of the Hon. Mr Gilfillan that sought to remove all capping from the bill with respect to where and to whom it applied. The Attorney has said that he spoke to some people; he spoke to me and—

The Hon. Carolyn Pickles interjecting:

The Hon. T. CROTHERS: The opposition has not bothered to speak to me at times, either. I am glad the leader has raised that matter. Please do not start now, because you have not agreed to speak to me at times in respect of matters about which you have put your heads together. The Attorney talked to me and the Hon. Mr Cameron and, during the course of those talks, it was suggested as a compromise that $2 000 may well be a capping level that could be seriously considered by members of this chamber. When the Hon. Mr Cameron and I considered this matter, we considered that, as the original cap had been in place for some time, $2 000 seemed a reasonable position for the Attorney to arrive at. The Attorney agreed—

The Hon. R.K. Sneath interjecting:

The Hon. T. CROTHERS: I do not need my teeth to bite you on the bum. The Attorney agreed, and we are pretty well satisfied, because we are old enough in the head to remember the compensation bill that we moved to victims of crime that ran out of money at one stage. So, because of that—

The Hon. T.G. Roberts: Too many victims or not enough money?

The Hon. T. CROTHERS: There will be an extra victim in a minute.

An honourable member interjecting:

The Hon. T. CROTHERS: Or there may be an extra two victims. Because of that matter and that particular consideration, and other considerations about which the Hon. Mr Cameron might like to talk about, we have decided that, in the interests of progress, rather than the matter going to a deadlock conference and we finish up with $1 000 or maybe nothing at all, that was acceptable to us.

As I said, the previous quantum specified by the Attorney when he introduced this bill to the Council was not acceptable—it was too high—so we supported the Hon. Ian Gilfillan's amendment at that stage. But we believe that the present amendment standing in the name of the Attorney is acceptable to us and, provided that the bill is not visited again in the near future, it will be, if you like, not dissimilar to the quantum that was originally contained in the bill when it was first introduced and then proposed to be amended by the Attorney.

The Hon. IAN GILFILLAN: I indicate that we will oppose the amendment proposed by the Attorney and oppose amendment NO. 1 made in the House of Assembly. In other words, it is our conviction that the bill should contain the clause as amended by my amendment, and that is the way we will vote when the issue is put to a vote of the committee.

The Hon. CAROLYN PICKLES: I indicate that the opposition opposes the amendment moved by the House of Assembly, opposes the so-called compromise amendment moved by the Attorney and will insist on the amendment moved by the Legislative Council.

The Hon. K.T. GRIFFIN: There was an interjection across the chamber from the Leader of the Opposition that there had been no consultation on the compromise.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: No, the Hon. the Leader of the Opposition interjected and said there had been no consultation with the opposition on a compromise.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Well, I have always been led to believe that in the opposition the ultimate body that is responsible is the caucus, but the person handling this bill and giving the ultimate instructions was Mr Michael Atkinson, and—

The Hon. Carolyn Pickles: And what did he say?

The Hon. K.T. GRIFFIN: Even when this matter was before the Legislative Council on the first occasion, over a month ago I spoke to Mr Atkinson and I asked, 'Would your party and you be prepared to consider a compromise on this issue of the threshold?' And we had some discussions—they were of a private nature—and the ultimate answer was, 'Well, I do not think it is possible.' To be fair, I have spoken to him again over the last two weeks and, again, he has indicated that he did not believe that was likely. One of the persons I was recommended to speak to about potential compromise was Mr Ralph Clarke. I did that, and I could not arrange a compromise. In genuinely offering this to the opposition as a compromise, finally I anticipated it would have to go to a deadlock conference. So I just took the initiative to speak to other members about this.

The Hon. Carolyn Pickles: As usual.

The Hon. K.T. GRIFFIN: I do not want to get into an argument about who should have talked to whom. I am just indicating that I was anxious to get the bill through. The Hon. Mr Gilfillan's amendment meant that there was no threshold. Even though he said he wanted to maintain the status quo of one, his amendment that was passed in this chamber indicated that there was to be no threshold. Persons in Western Australia in the administration of victims of crime have said, 'If you get this legislation through, it will be at the forefront of victims legislation in Australia.' They are looking to reform their own legislative framework for supporting victims of crime. I think it is an important bill. The victims support service wants it through. It had some disagreement about the threshold but, when we get this through, I am sure it will speak highly of it and recognise that this is a significant piece of legislation.

The Hon. IAN GILFILLAN: I would like to put two points on the record. First, the Attorney and the Democrats had no consultation, so certainly there was one representative group which did not enjoy the benefit of consultation with the Attorney. The second is that he distorts the impact of my intention of the earlier amendment. We did debate, in the committee stage, whether a fraction of a number could come into the calculations, which would mean that it would be less than one. If that was the major basis of concern, it would have taken very little to amend the wording, so that the numerical value would have to be a whole number, or a whole number up to the number one. It is not a point which is worth drawing out in the debate at this stage, but I want to reflect on the fact that it was not my intention to have it effective from any minuscule number. In *Hansard* it will be reported that we were prepared—and I was quite keen—for my amendment to have a starting point of numerical number one.

The committee divided on the motion:

AYES (9)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Griffin, K. T. (teller)
Laidlaw, D. V.	Lawson, R. D.
Lucas, R. I.	Redford, A. J.
Stefani, J. F.	

NOES (8)

Elliott, M. J.	Gilfillan, I. (teller)
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G.	Xenophon, N.

PAIR(S)

Schaefer, C. V.	Zollo, C.
Dawkins, J. S. L.	Sneath, R. K.

Majority of 1 for the ayes.

Motion thus carried.

Amendments Nos 2 to 4:

The Hon. K.T. GRIFFIN: I move:

That the House of Assembly's amendments Nos 2 to 4 be agreed to.

The first two amendments are money clauses. They were in erased type when the bill was introduced. They have now been inserted by the House of Assembly, and I see no controversy in relation to them. The last amendment relates to an issue of delegation of power by the Attorney-General. If there is to be an exercise of the Attorney-General's discretion to reduce compensation, that is not a function which can be delegated. It has to be exercised by the Attorney-General. That is the current position. It is a position which I wish to have maintained even though I am not going to have the responsibility for much longer.

The Hon. T. Crothers: That is a problem.

The Hon. K.T. GRIFFIN: It is. But that amendment also should not be controversial.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment is fairer than the amendment proposed by the House of Assembly.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 2525.)

The Hon. IAN GILFILLAN: I indicate Democrats' support for the second reading of this bill. It is a wide ranging piece of legislation and amends 11 acts in total. These are: the Administration and Probate Act 1919, the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988, the Evidence Act 1929, the Partnership Act 1891, the Public Assemblies Act 1972, the Real Property Act 1886, the Summary Offences Act 1953, the Trustee Act 1936, the Trustee Companies Act 1988 and the Worker's Liens Act 1893. I thank the Attorney for his detailed second reading speech on the bill. However, I will still briefly look at the bill's content.

The Administration and Probate Act 1919 is amended to require only Australian assets and liabilities of the deceased person to be disclosed where someone applies for administration or probate, or the sealing of any administration or probate, granted by a foreign court. For the purposes of this bill, where the assets or liabilities are of unknown situation or are partly Australian, they are deemed to be Australian.

Minor technical changes are made to the Criminal Law Consolidation Act 1935, in which a general regulation making power is also inserted. The amendments to the Criminal Law (Sentencing) Act 1988 deal with the situation where a person is unable to continue a community service order due to obtaining gainful employment. Particularly, it deals with cases involving multiple offences. The act is

amended to bring the section into line with other parts of the act by adjusting the fine payment structure.

The forms of oaths and affirmations are brought into line with each other in the amendments to the Evidence Act 1929, which also addresses the admissibility of proof of convictions in the District Court. I have also had an opportunity to look at the Attorney-General's filed amendments to this clause and I take the points that the Chief Justice raised. The Democrats will support this in its amended form.

Minor amendments to the Partnership Act 1891 seek to protect partners in firms from the wrongdoings of other partners. The Chief Secretary is to be replaced in the Public Assemblies Act 1972 and in the Real Property Act 1886 by the Minister for Justice and the Attorney-General respectively. Amendments to the Summary Offences Act 1953 will allow fines of up to $2 500 for breaches of regulations under the act. This is particularly welcome as the Attorney-General points out that this will apply to the copying of videotapes of intimate and intrusive searches of detainees by police.

The proposed amendments to the Trustee Act 1936 involve the procedure for dealing with applications for variation of a charitable trust. The bill seeks to raise the threshold of the value of the trust in relation to who may consider the application. It simply increases the threshold from $250 000 to $300 000, meaning that where the value of the trust is less than $300 000 the application may be dealt with by the Attorney-General rather than the Supreme Court, as is the case with a charitable trust of greater value. This will be a substantial saving for numerous charitable trusts.

Minor name changes are made to the Trustee Companies Act 1988 and there is a clarification of jurisdictions in the Workers Liens Act 1893. All these measures are uncontroversial in nature, and I indicate again that we support the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the second reading of this bill which, as each has indicated, is relatively self-explanatory.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. K.T. GRIFFIN: I move:

Page 6, lines 14—17—Leave out subsection (4) and insert:
(4) An affirmation is to be administered to a person by asking the person 'Do you solemnly and truly affirm' followed by the words of the appropriate oath (omitting any words of imprecation or calling to witness) after which the person must say 'I do solemnly and truly affirm'.

Comments have been received from the Chief Judge of the District Court in relation to the amendments to the Evidence Act. The amendment to section 6 of the Evidence Act will enable affirmations to be administered in court in the same way as those sworn, with the affirmation read out by the person administering the oath and the person taking the oath simply following with, 'I do solemnly affirm.' The Chief Judge commented that the amendment as currently drafted could result in the omission of the commencing phrase of the affirmation, 'Do you truly and solemnly declare and affirm. . . ?' This amendment makes it clear that these words are not to be omitted in administering an affirmation.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 12.

The Hon. K.T. GRIFFIN: I move:

Page 6, line 21—After 'court' insert:
exercising criminal jurisdiction

The Chief Judge also provided comments in relation to the amendment to section 34A of the Evidence Act. The amendment is designed to ensure that evidence of convictions in the lower courts is admissible in the same way as evidence of convictions in the Supreme Court. The amendment also extends the provision to apply to situations where a court makes a finding that an offence has been committed, but proceeds without recording a conviction.

The Chief Judge has suggested that only findings of the commission of an offence by a court exercising criminal jurisdiction should be admissible under this section. One of the justifications for section 34A was that time and expense could be saved as a result of not needing to relitigate issues in subsequent civil proceedings which had already been determined to a higher standard of proof in previous criminal proceedings. This would not apply to issues previously litigated only to a civil standard of proof. The amendment ensures that only findings of an offence by courts exercising criminal jurisdiction should be admissible in the same way as evidence of a conviction.

The Hon. CAROLYN PICKLES: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (13 to 27), schedule and title passed.

Bill read a third time and passed.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 2529.)

The Hon. R.D. LAWSON (Minister for the Ageing): I thank members for their expressions of support for this important measure, which contains a number of reforms relating to retirement villages. Two issues were raised in the second reading contributions. The first related to the number of people in South Australia who reside in the 300 retirement villages. On the best advice that I have, it is some 12 000 to 15 000 people, not the 30 000 that is sometimes expressed—300 retirement villages, on average, 40 people in each retirement village, but some are very significantly less than that and, of course, a few substantially more.

Members who contributed to the second reading debate quoted from the letter of the South Australian Retirement Village Residents Association (SARVRA), which sought the making of the amendment to section 9A of the act to have immediate operation. That would, in effect, have retrospective effect. I acknowledge the contribution that SARVRA made to the development of this bill. I think that it is regrettable in that the bill represents a compromise between the interests of village residents and village owners and SARVRA seems to have sidled away from that agreement, which was not to the effect that these amendments would have, as it were, retrospective effect.

I think it is worth saying that many retirement village resident contracts have significantly less than six months as the period in respect of which the owner can continue to collect maintenance charges. Some of the big, commercial operators, for example, use as a marketing tool a three-month period. There are many charitable and not for profit sector

operators who do not charge maintenance fees to any resident once they have left, or may do so only for the first month. The issue of the extent to which this ameliorating measure will have application is problematic. In my view, it will affect only a few residences and a few retirement villages. I am informed by the Retirement Villages Association that the retrospective effect will significantly affect the viability of many villages, but I will deal with that in committee. I thank members once again for their expressions of support for the bulk of the measures.

Bill read a second time.

In committee.

Clauses 1 to 19 passed.

Clause 20.

The Hon. P. HOLLOWAY: I move:

Page 8, line 23—Leave out 'The' and insert:
Subject to subsections (1a) and (1b), the

I explained the purpose of the amendment during my second reading contribution last night. Very briefly, the purpose of the amendment is to ensure that all existing residents of retirement villages—not just those who would enter a village after the date that this bill is proclaimed—would have the protection of the six month cap on the payment of maintenance charges after 1 July 2003. As I said, I outlined the purpose of the amendment in some detail in my second reading contribution, so I will not speak any further to it now.

The Hon. IAN GILFILLAN: I indicate that I have an identical amendment on file, and I observe that it appears as if the text of my bracket of amendments is identical to the Hon. Paul Holloway's amendment. However, it is not identical to the amendment on file from the Hon. Terry Cameron. I would say at this point—and I hope that we are not drawn into an unnecessary lengthy debate about it, because I think most of these matters were canvassed earlier—that in some form of gradation the government shows a chilling indifference to the current licensees and residents to have shared relief for the measure that we are attempting to overcome with this amendment.

The Hon. Terry Cameron's amendment has somewhat less chilling indifference, but, on assessment, his amendment is still harder on the people who will have to wait an extra six months before they enjoy the benefits of this legislation in relieving them of having an ongoing obligation to pay maintenance and ongoing costs on their uninhabited units.

The Hon. T.G. CAMERON: I have an amendment on file. The only difference between my amendment and the amendments of the Hon. Ian Gilfillan and the Hon. Paul Holloway is that the operative date for my amendment is six months later than theirs. I indicate that I will not be supporting the Holloway amendment or the Gilfillan amendment, but I will be supporting my own. I will speak to it when I move it.

The Hon. R.D. LAWSON: The government does not support the amendment moved by the Hon. Paul Holloway but I indicate that we will be supporting the amendment to be moved by the Hon. Terry Cameron. The Hon. Ian Gilfillan accuses the government of chilling indifference in relation to retirement village residents and I reject that suggestion out of hand. This government has shown a willingness to address the concerns of residents by introducing the measures contained in this bill. We have consulted widely. We issued a discussion paper and the proposals had widespread support within the retirement village community. Of course the residents would have wanted more; perhaps the owners would have wanted less, but all of these amendments represent in the end a compromise between competing claims.

The suggestion that we are indifferent to the needs and wants of residents is idle rhetoric. We have been sympathetic to residents. However, I can appreciate the numbers in relation to this. The Retirement Villages Residents Association has made representations to members and a number have indicated that they want the beneficial elements of this clause to apply to current contracts. The Labor Party suggests that it be from 1 July 2003. Assuming this legislation comes into force on 1 January of next year, that would be a period of 18 months. I am told by operators and representatives of the Retirement Villages Association that 18 months is too short a time for a number of villages to put their affairs in order and not risk the viability of the operation.

It is very easy for us to say, listening to residents, that we ought to effect every contract retrospectively, but these contracts have been entered into on the basis of certain assumptions relating to the financial return and if we, without knowing every particular situation, interfere with those contracts lightly, we run the risk of actually undermining the confidence of the very people we are seeking to protect. If a retirement village becomes non-viable financially, it is obviously uncomfortable for the operator but it is also most uncomfortable for those residents who seek security and certainty, and the thought that their administering authority has insufficient funds to meet the expenses is a very corrosive influence in a village. We wish to maintain security and safety.

The Hon. Diana Laidlaw: And peace of mind.

The Hon. R.D. LAWSON: And peace of mind. To give 18 months is insufficient time. The Hon. Terry Cameron has suggested that in effect it be two years. Although the Retirement Villages Association does not agree that it is an appropriate principle, they believe it will give their members, especially smaller members with smaller retirement villages—usually in locations in the country, which are not as financially profitable as those in the metropolitan area—the opportunity to put their affairs in order. Knowing the numbers and knowing the passion which the Hon. Terry Cameron feels about this matter, the government is prepared to support his amendment but not that moved by the opposition and foreshadowed by the Hon. Ian Gilfillan.

The Hon. P. HOLLOWAY: As a matter of procedure, I notice that the first two amendments are identical in all respects, so obviously there is no need for any division. We will divide on the third part when it is moved because we believe it is preferable. In relation to this date that the dispute is over, it is only a matter of six months—whether it is 1 July 2003 or six months later. If there are difficulties with a retirement village, the tribunal has the prerogative to extend the time in any case. The truth of the matter is that the retirement village operators—or a small section of them—have been bitterly opposed to this measure now for well over a decade. It is about time we bit the bullet. Never mind; whatever the outcome, at least it will be progress if we set a date. Just as a matter of principle, when it comes to the third part we will divide on that, but we will certainly accept the Hon. Terry Cameron's amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 8, lines 26 and 27—Leave out 'for the duration of that residence contract'.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 8, after line 27—Insert:

(1a) If, on 1 July 2003, a resident who entered into the relevant residence contract before the commencement of this section has ceased to reside in the retirement village and is paying (or is liable to pay) for maintenance or other recurrent charges in respect of the unit occupied by the resident before he or she left the retirement village, or otherwise in connection with the retirement village, then—

(a) the administering authority must immediately assume responsibility for the payment of those charges (but not so as to assume responsibility for any charge accrued before 1 July 2003); and

(b) section 9A of the principal act, as amended by this act, will apply with respect to the resident but subject to the qualification that the prescribed period under subsection (2a) of that section will be taken to be a period commencing on 1 July 2003 and ending—

(i) on 31 December 2003, or such later date as may be determined by the tribunal in accordance with the provisions of section 9A of the principal act; or

(ii) when the unit occupied by the resident before he or she left the retirement village is resold or relicensed,

whichever is the earlier.

(1b) If, on or after 1 July 2003, a resident who entered into the relevant residence contract before the commencement of this section ceases to reside in the retirement village, then section 9A of the principal act, as amended by this act, will apply with respect to the resident.

I have already spoken to this amendment.

The Hon. T.G. CAMERON: I move:

Page 8, after line 27—Insert:

(1a) If, on 1 July 2004, a resident who entered into the relevant residence contract before the commencement of this section has ceased to reside in the retirement village and is paying (or is liable to pay) for maintenance or other recurrent charges in respect of the unit occupied by the resident before he or she left the retirement village, or otherwise in connection with the retirement village, then—

(a) the administering authority must immediately assume responsibility for the payment of those charges (but not so as to assume responsibility for any charge accrued before 1 January 2004); and

(b) section 9A of the principal act, as amended by this act, will apply with respect to the resident but subject to the qualification that the prescribed period under subsection (2a) of that section will be taken to be a period commencing on 1 January 2004 and ending—

(i) on 30 June 2004, or such later date as may be determined by the tribunal in accordance with the provisions of section 9A of the principal act; or

(ii) when the unit occupied by the resident before he or she left the retirement village is resold or relicensed,

whichever is the earlier.

(1b) If, on or after 1 January 2004, a resident who entered into the relevant residence contract before the commencement of this section ceases to reside in the retirement village, then section 9A of the principal act, as amended by this act, will apply with respect to the resident.

I, too, received a letter from the South Australian Retirement Villages Residents' Association, and that prompted me to have a look at the contributions that were made. It is quite clear that this bill results in significant improvements and is beneficial to residents of retirement villages. However, when I looked at the operative date of the amendments standing in the names of the Hons Paul Holloway and Ian Gilfillan, it seemed to me that their amendments did not take into account all the arguments surrounding the issue. This bill is a significant improvement. There is only a minor difference between my amendment and that of the Hon. Ian Gilfillan, so if my amendment is chillingly indifferent then the Hon. Ian Gilfillan's amendment is almost as chillingly indifferent.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. CAMERON: Perhaps I showed slightly less compassion than you did but, at the end of the day, the principle that the Hon. Paul Holloway talked about was that these residents have been waiting 15 years for this amendment. I make the observation that Labor, when it was in office, did not seek to push these amendments through. Now that they have been pushed through, reading the Hon. Paul Holloway's contribution I accept the arguments that he laid out. There would have been problems at a village level if you had people who are bound by different rules living together.

It would have been a source of ongoing concern until that balance had been achieved. I am pleased that the government is supporting the amendment that I put forward. It achieves all the objectives, albeit six months later than the amendment standing in the name of the Democrats and the Labor Party.

The Hon. R.D. LAWSON: I support the amendment moved by the Hon. Terry Cameron.

Members interjecting:

The ACTING CHAIRMAN (Hon. Trevor Crothers): Order!

The Hon. R.D. LAWSON: The Hon. Ian Gilfillan talks about compassion.

Members interjecting:

The ACTING CHAIRMAN: Order! You are completely out of order.

Members interjecting:

The ACTING CHAIRMAN: I am going to call both of you to order for the last time and I will step out of this chair and let the President deal with the two of you.

The Hon. R.D. LAWSON: This is a compassionate measure and the amendment of the Hon. Terry Cameron will ensure the viability of villages and the peace of mind and security of residents, as well as delivering other benefits to them. The government will be supporting it.

The Hon. IAN GILFILLAN: The government actually voted against the original two amendments in this bracket, indicating that intrinsically it opposes the whole intention of this measure. It is no good tinkering around the edges to try to re-establish some sort of concern for this issue because, quite clearly, the government is opposed to it but, faced with numbers, it has recognised that it will take the lesser of what it sees as two evils, and I rest my case as far as its degree of concern in this matter is concerned.

To be fair, as I have indicated in previous contributions, the bill does improve the lot of retirement village residents, and SARVA has acknowledged that. It just remains that this is one particular anomaly that has to be addressed. The distinction of the six months really could be dealt with quite comfortably with the provision that it would come into effect, as stated in the amendment:

(i) on 31 December 2003, or such later date as may be determined by the tribunal in accordance with the provisions of section 9A of the principal act;

The minister implied in an earlier contribution that there are very few instances where retirement villages are actually exacting periods of time longer than this six months. So, those few that would be pressuring, and with justification, to get beyond the six months could argue their case to the tribunal.

So, I remain convinced, and I repeat that we have on file amendments similar to that of the Hon. Paul Holloway, which proposes the earlier start of this capping. I therefore indicate that we will continue to support the intention of our original amendment. Quite obviously, when push comes to shove, the

amendment of the Hon. Terry Cameron is a vast improvement over the indifference to the whole measure expressed in an earlier vote by the government.

The Hon. T.G. CAMERON: I will briefly respond to the comments made by the Hon. Ian Gilfillan, because I think he is being unduly harsh on the minister. When I approached the minister today to point out that I had had a good read of the contribution made by the Hon. Paul Holloway and thought there was commonsense in the approach that he was putting forward, all I encountered from the minister in relation to my suggested date was, 'We will have a look at it,' and to my surprise they are going to support it. I did not encounter indifference, and I certainly did not encounter any hostility towards the idea. Maybe he can count, although that may be too harsh a judgment of the minister. All I can say for the record is that when I approached him with my suggestion I received a good hearing and found to my surprise that the government would be supporting the bill. So from my point of view I thank the government.

The Hon. R.D. LAWSON: There are two points that should be made. First, the Hon. Ian Gilfillan has suggested that the government was opposed to the first clauses of the amendments moved by him and the Australian Labor Party. The fact is that we indicated at the very beginning that we would be supporting the Hon. Terry Cameron's amendment in its entirety. We did not speak against the first two clauses. We indicated no opposition to the principle. They are only procedural and technical matters—

The Hon. Ian Gilfillan interjecting:

The Hon. R.D. LAWSON: If the honourable member seeks to make some point about that matter, it is too late in the evening for us to spend too much time on it. Secondly, the Hon. Ian Gilfillan, the honourable gentleman who claims that he is very high on the compassion meter, suggests that residents of retirement villages go to the Residential Tenancies Tribunal to have an extension made. He seeks to put residents through the trauma and expense of an application before the Residential Tenancies Tribunal. Why would we want to inflict that upon any resident or the descendants of a deceased resident? We seek to have a two-year period, which is a perfectly reasonable period for both operators and residents.

The committee divided on the Hon. Mr Holloway's amendment:

AYES (7)

Elliott, M. J.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Roberts, R. R.	Roberts, T. G.
Xenophon, N.	

NOES (8)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Laidlaw, D. V.
Lawson, R. D. (teller)	Lucas, R. I.
Redford, A. J.	Stefani, J. F.

PAIR(S)

Zollo, C.	Griffin, K. T.
Pickles, C.	Schaefer, C. V.
Sneath, R. K.	Dawkins, J. S. L.

Majority of 1 for the noes.

Amendment thus negatived.

The Hon. Mr Cameron's amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.42 p.m. the Council adjourned until Thursday 1 November at 11 a.m.