LEGISLATIVE COUNCIL

Tuesday 13 May 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Inquiry into Generator Bidding and Rebidding—Final Report, 25-28 January 2003

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Local Government Superannuation Scheme Actuarial Investigation—Report, 30 June 2002
Review of DAIS Asbestos Management Procedures Ascot Park Primary School Roof Removal and Replacement Report
Regulations under the following Acts—
Criminal Law (Forensic Procedures) Act 1998—Qualified Persons, Fees
Liquor Licensing Act 1997—Dry Areas—Ceduna and Thevenard
Public and Environmental Health Act 1987—Controlled Notifiable Disease—SARS
Rules of Court—
Environment, Resources and Development Court—Environment, Resources and Development Court Act 1993—New Rules 2003
Corporation By-laws—
Port Lincoln—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
District Council By-laws—
Loxton Waikerie—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
Renmark Paringa—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Nuisances caused by Building Sites
No. 7—Cemeteries.

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I bring up the third interim report of the committee.

Ordered to be printed.

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The Hon. IAN GILFILLAN: I bring up the final report of the committee together with minutes of proceedings and evidence.

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO POVERTY

The Hon. G.E. GAGO: I bring up the report of the committee on the inquiry into poverty.

Ordered to be printed.

PAROLE REVIEW

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on the review of parole made earlier today in another place by the Premier.

QUESTION TIME

CORPORATION BORROWING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about public non-financial corporation borrowing.

Leave granted.

The Hon. R.I. LUCAS: Last year's budget papers outlined a series of fiscal targets that the new government set for itself in the present budget and in the budgets for the forward estimates years. One of those fiscal targets was as follows:

. . . to ensure public non-financial corporations will only be able to borrow where they can demonstrate that investment programs are consistent with commercial returns, including budget funding.

The budget papers further stated:

With the introduction of accrual targets focused on the general government sector, other potential sources of growth and public sector debt must be underpinned by commercial returns. During 2002-03 the government will implement policies requiring government businesses to undertake investment programs on a more commercial basis. This will include implementing governance and financing arrangements for NFCs to ensure that the extent of any non-commercial activities and their financial implications are transparent and easily identified.

My questions to the Treasurer are:

1. What policy changes have been implemented since the July budget of last year in relation to this fiscal target?

2. If those policy changes have been implemented, will the government indicate whether all public non-financial corporations have undertaken borrowings consistent only with the new fiscal borrowing arrangements for those corporations?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Treasurer in the House of Assembly and bring back a reply.

SEXUAL OFFENCES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about sexual offenders.

Leave granted.

The Hon. R.D. LAWSON: South Australia is the only state that has no programs for sexual offenders in its prisons. In every other state there are psychologically-based programs which enable sex offenders to address issues around the control of their sexual instincts. Our Criminal Law (Sentencing) Act does have a provision, section 23, which enables the court to order the indefinite detention of a person who cannot control his or her sexual instincts. Outside prison,

there is a program called the Sexual Offenders Treatment and Assessment Program (SOTAP). However, that program does not operate within our prison system, so that sex offenders serving terms of imprisonment are not required to undergo any form of treatment, nor is there any program specifically for them.

In March of this year, this matter was referred to in the judgment of Justice Gray when sentencing an Aboriginal prisoner, Mr Scobie, who was detained indefinitely under section 23 of the Criminal Law (Sentencing) Act. My questions to the minister are:

1. Does he acknowledge that South Australia is the only state in Australia in which no dedicated sexual offenders program is offered?

2. Does this government accept that it would be highly desirable to have such a program in our prisons?

3. What does the government propose to do about the matter?

The Hon. Ian Gilfillan: It was highly desirable under the Liberal government too!

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for the interjection that the previous government did have time to set up a sexual offenders program within the prisons, but chose not to.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I am being helped by both sides of the council in relation to this question. The answer is, in part, taken care of in the question, in relation to the SOTAP program. The honourable member is correct that there is no specifically dedicated program as such for the treatment of sexual offenders in gaols. When we came into power, I sought a report from the Director of Prisons to find out what programs were running internationally and nationally. The information I was provided was that there was not a lot of confidence in any of the programs that were running, but assessments would be made of some of those to see whether there was some value in incorporating them into our system.

Currently, professional psychological assistance is provided to offenders whilst in prison, and they attend the programs that have the potential to influence their offending behaviour. That is a course run by professional psychologists, but it is not the dedicated program that the honourable member was alluding to. The assessments are run in conjunction with the assessments when prisoners exit the system. In the last three months of their sentence, they are assessed to determine whether they are suitable for the Sex Offenders Treatment and Assessment Program when they are released.

Traditionally, South Australia has been doing it differently from some other states. I am aware that programs are running in other states that have had various degrees of support on the basis that they are successful. One of the offenders' programs is under consideration, but we have not yet made a commitment to any particular program.

Child sex offenders are the most difficult to manage in the prison system, not because they are violent or threaten the security of prisoners or staff but because they need constant supervision. They strongly deny their guilt, which is one of the problems associated with programs within the prison system; and, in many cases, they refuse to undertake programs on the basis that they do not admit their guilt.

I sat on a select committee which looked at child sexual abuse and child physical abuse, and we were told that, if guilt was admitted during the rehabilitation process, it certainly made rehabilitation much easier. It certainly made it much easier for professional people inside the prisons to undertake their assessment and to treat the offenders when guilt was admitted and offenders acknowledged the offence that they committed was a grievous offence against community standards. The honourable member is right: we do not have a dedicated program. I must say that the previous government did not have one, either. I know that, like me, the Hon. Ian Gilfillan had been asking questions in the council. However, all rehabilitation programs are under consideration at particular times within correctional services, and that is currently the status.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Serious consideration also includes the SOTAP program, which is at the point of release, and the psychological assistance support within the prisons, which means that offenders have to attend those programs.

The Hon. NICK XENOPHON: I have a supplementary question. Will the minister provide specific details of the programs running in other states? Will the minister outline the effectiveness of the interstate programs referred to in relation to sexual offenders, in particular the rate of reoffending for sexual offenders in those states for the period where such programs have existed compared to the rate of reoffending for sexual offenders in this state? Given the review of parole announced by the Premier today, does the minister support changes that will ensure that sexual offenders who do not undergo rehabilitation programs have their non-parole period altered?

The Hon. T.G. ROBERTS: To answer the second question first: it is not my decision in relation to consideration for parole under the current system and, from what I have seen in the recent statement made by the Premier in another place, as correctional services minister I will not play any role in that assessment, either. What I can do in relation to the interstate programs which are running is supply the honourable member with the nature of the programs and the assessments of the success, or lack of it. From memory, I have some information that is also based on some of the international experience which I will also provide to this chamber in the form of a reply to that question—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: And the South Australian recidivism question.

The Hon. IAN GILFILLAN: I have a supplementary question. I was advised that even those offenders who admit guilt and are out on parole have to wait up to four or five months to be admitted to the SOTAP program, and I ask the minister: is that true?

The Hon. T.G. ROBERTS: I understand that there is a waiting list for the program. I will obtain the official waiting time for offenders who do admit guilt, and I will also supply that answer to the council.

DROUGHT RELIEF

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about drought relief.

Leave granted.

The Hon. CAROLINE SCHAEFER: Yesterday in this chamber, the minister announced that the government is reapplying for exceptional circumstances funding from the

commonwealth government for the southern Mallee area which missed out last time. Prior to that announcement, at the Karoonda field days this year, the Premier announced that some $280 000 would be reallocated from the drought funding package to help clear drift from roads in that local government area.

After further questioning, the minister admitted that that funding had originally been set aside for administration of exceptional circumstances funding, in fact, 10 per cent of the package asked for, which is required by the government. He said that, since the exceptional circumstances application was not successful, money could be rehypothecated to road funding. My questions therefore are:

1. What extra money is now set aside to cover the eventuality of exceptional circumstances funding if this particular application is successful?

2. Does the minister think that it is likely to be successful, given that none of the circumstances have changed since his last application and, if he does not think that that is likely to be the case, why is he misleading the people of the Southern Mallee?

3. If this is successful, will he be removing the funding he has now promised to the Southern Mallee councils for sand drift clearance?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the last question, the answer is definitely no: the government will certainly not be removing that. Some of that money has, I understand, already been handed over. Something like $280 000 that had originally been set aside as part of the government's $5 million drought package was set aside to pay the state's component should those applications for exceptional circumstances assistance be successful. The application in the north east was accepted but, unfortunately, the one in the Murray Mallee was not.

In her question the shadow minister made the comment that none of the circumstances have changed. I would have thought that after five months of continuing drought conditions in the Mallee the case is a lot stronger now than it was in December last year, whereas, in some of the areas where exceptional circumstances were granted in the eastern states, there have been significant rainfalls. Last weekend there was a small amount of rain, about 10 millimetres on average through most of the Mallee, but apart from that there has been precious little rainfall in the Murray Mallee region since December last year when the previous application was rejected. I suggest that the circumstances have, if anything, got worse.

The point I made yesterday was that, with the prima facie assistance the commonwealth gave to not only the people of the Mallee but also other areas, many of the pastoral regions of the state were given prima facie assistance by the commonwealth and that expires shortly. Farmers in the drought affected area of the Mallee will receive no income until the end of this year. If we get a reasonable season (and hopefully we will) and the rains come in the next month or so, then those farmers will still not get any income until they reap their crops towards the end of the year. The state's preference is for the Murray Mallee to be granted full exceptional circumstances. If it is, we will have to find the contribution for that from our resources. There may be some money within the $5 million package—much has been set aside. It may be possible to find most of the state's contribution within that, but if exceptional circumstances funding is granted we will find the money somewhere to ensure that the state's component of it is met; it will not be coming out of the previously announced $280 000 assistance for the Mallee.

In conclusion, it is quite incorrect for the shadow minister to say that we have been misleading people in the Mallee. We have not. To correct statements made in the honourable member's question, I should also point out that the $280 000 we gave was not all for the clearance of sand from road. An amount of $120 000 was provided for that and $60 000 was provided to assist farmers with sand drift. Both of those programs are being handled through the Local Government Association of the Mallee, and we are waiting for the regional Local Government Association to meet in the next few weeks to determine the allocation between the various councils in the Mallee, that is, the Karoonda East Mallee council and the Loxton council. That will determine the balance of where the money goes. As soon as that is determined, the money will be handed over to those councils.

The Hon. Caroline Schaefer: So they haven't actually got it yet?

The Hon. P. HOLLOWAY: We are waiting for their Local Government Association to make the determination. The money is available but—

The Hon. J.S.L. Dawkins: Didn't you say earlier that some had already been handed over?

The Hon. P. HOLLOWAY: Some of the $280 000, yes. There are a number of programs, including $120 000 for sand drift. I am only too happy to write out that cheque but I am waiting for the Local Government Association to work out that component. Another $60 000 will be provided to assist farmers with sand drift in the region, and there has been some publicity by the various groups as to how that might be handled. Further, some money was provided for community programs within the Mallee to continue the sustainable farming program that I announced earlier.

The government is providing money and we hope that the exceptional circumstances will be granted or, at the very least, that the commonwealth will provide further prima facie assistance until the end of this season. Should the drought continue through the Murray Mallee this year, the government will have to look at making a whole new application which will have to be accepted if there is another drought like last year through that region. That is something for the future. At this stage, we are simply putting in the application again so that we can ensure that the people of the Murray Mallee are provided with further assistance.

GIANT CUTTLEFISH

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the protection of giant cuttlefish in South Australia.

Leave granted.

The Hon. CARMEL ZOLLO: Every year waters off Whyalla are host to the largest known spawning aggregation of giant cuttlefish in the world, with an estimated 41 000 individual cuttlefish taking part. In 1999, a temporary annual restriction on commercial fishing in the area adjacent to Point Lowly was put in place pending further research, and the compliance effort increased in the area in order to protect the giant cuttlefish during their spawning. Can the minister inform the council about any recent decisions regarding the cuttlefish closure at Whyalla? How will these decisions ensure protection of this unique event?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The giant cuttlefish spawning aggregation in Upper Spencer Gulf is a unique phenomenon that must be protected. Since research into the species revealed the spawning aggregation's impact on fishing in 1999, the area adjacent to Point Lowly has been closed to fishing for squid and cuttlefish between 1 March and 30 September each year. I recently extended the seasonal closure until 30 September 2005, that is, for each of the next several years, by which time I am advised that the marine plan for Upper Spencer Gulf will have been completed. The marine plan will identify areas requiring protection through the establishment of a marine protected area.

The cuttlefish spawning grounds will be part of this area, giving permanent protection to this spawning event. The government is also involved in further research of the cuttlefish aggregations through support for a study through the University of Adelaide, and also an assessment of the tourism potential of the cuttlefish phenomenon is being undertaken by Tourism SA. I am pleased to announce that that temporary protection will be extended until such time as a more permanent marine protected area can be established in that region.

AUDITOR GENERAL'S REPORT, SUPPLEMENTARY

The PRESIDENT: I lay upon the table the supplementary report of the Auditor-General 2001-02 entitled 'Agency Audit Report, Ex TAB Pty Ltd'.

WORKCOVER

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question related to WorkCover.

Leave granted.

The Hon. IAN GILFILLAN: Members may recall that some years ago in this place I raised some doubts about the financial stability of the South Australian bank, was eventually sued for having raised such questions out of this place and was, rather unsatisfactorily, silenced. However, the prediction unfortunately came true. I have been advised of material related to the performance of WorkCover, and I must say it has stirred similar concerns. I would like to quote—

Members interjecting:

The Hon. IAN GILFILLAN: The responsibility for WorkCover—

The PRESIDENT: Order! Members will come to order. I cannot hear the Hon. Mr Gilfillan's contribution.

The Hon. IAN GILFILLAN: There were interjections from either side and I must make the point that the responsibility for WorkCover is certainly not only on the shoulders of the current Labor government: it very substantially rests on the shoulders of the previous Liberal government. I want to quote an email I received from a solicitor who specialises in WorkCover matters. He wrote:

> I. . . confirm that I have had nearly 30 years experience dealing with injured workers. Often WorkCover claims are settled by negotiating a lump sum payment instead of income maintenance being paid each week. Also, other entitlements can be settled by a lump sum payment. Up until about 12 months ago, once these claims had been settled the money was paid very promptly. However, a pattern has developed in relation to my clients where the payments have been delayed considerably and in some cases up to two months or more. Where payment has been late and my telephone requests have been ignored, I usually write to the agent handling that particular claim and say that if the money is not paid by 5 p.m. on a particular date proceedings would be issued. Normally, this would have the desired effect. However, I have recently had experience in some files where this has been ignored and I have issued the appropriate court proceedings and served them on both WorkCover and their agent and there has still been delay in finalising the claim. I am suspicious that my experience would probably be fairly common amongst those firms who act for injured workers. I further suspect that there is a cash flow problem at WorkCover and that they are having trouble meeting their current financial obligations as well as setting aside funds for future liabilities. I hope this email has been helpful.

I would say it certainly has been helpful in highlighting what could easily be a crisis in WorkCover. I ask the minister:

1. Will he determine whether delayed settlement of claims, as outlined, is widespread?

2. Will he immediately move to have an independent audit of WorkCover's financial position?

3. Will he release the result of that audit as soon as possible to parliament?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will report those important questions to the minister in another place and bring back a reply.

GAMBLERS' REHABILITATION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the Gamblers Rehabilitation Fund and related issues.

Leave granted.

The Hon. NICK XENOPHON: The Gamblers Rehabilitation Fund (GRF) has responsibility for delivering gamblers rehabilitation services, particularly through the Break Even network, to assist problem gamblers and a number of related functions. In mid 2001 an extensive prevalence study was carried out by the strategic planning and policy division of the Department of Human Services, in consultation with the GRF, to determine levels of problem gambling in South Australia.

I understand that it was an extensive study and at a significant cost. I understand that, recently, the GRF is considering undertaking another prevalance study, essentially replicating the previous study at a cost which, I understand, could be well in excess of $100 000. Given the statutory role of the Independent Gambling Authority (IGA), my questions to the minister are:

1. How much did the previous prevalance study cost?

2. Is the GRF considering essentially replicating the 2001 study and, if so, what is the likely cost?

3. In terms of the replication of such a study at significant cost, what are the factors that have changed since the last study that would materially affect the result? Will the minister point to any policy or legislative changes that would materially affect the results of such a study and, if so, will the minister point to any substantive changes in public policy in terms of affecting such prevalence levels?

4. What is the degree of interaction, including the frequency and level of communication, between the GRF and the IGA? For instance, what is the research program of the GRF and how is this coordinated with the research program of the IGA? What public information is released and consultation undertaken in relation to the research priorities of the GRF in the context of its efficacy in tackling problem gambling?

5. To what extent can the minister advise the council that the GRF's research projects are not going to be duplicated or replicated by the IGA or, indeed, have not been already dealt with in substance by other research bodies in Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

NATIONAL LIVESTOCK IDENTIFICATION SCHEME

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the National Livestock Identification Scheme for cattle.

Leave granted.

The Hon. D.W. RIDGWAY: On Tuesday 29 April 2003 the minister was asked about the government's commitment to implementing the National Livestock Identification Scheme, and the minister stated:

> It will be part of budget decisions in relation to the measures that we ultimately might take to assist the industry.

Yesterday, in response to the Hon. Caroline Schaefer's question on this very issue, the minister stated that an economic impact study into the effect that this scheme will have on the cattle industry has not been completed. The minister went on to say:

> It is not likely to be completed for some weeks.

My questions are:

1. Does the minister concede that he has made budgetary decisions regarding the level of assistance the government will provide cattle producers in implementing the National Livestock Identification Scheme without consulting the economic impact study?

2. Does the minister therefore concede that the economic impact study into the National Livestock Identification Scheme will not be finished before the budget, and that it will have no bearing on the assistance the Labor government will provide to cattle producers?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think I said yesterday that we hoped the report would be ready in the next week or two. Hopefully, that report will be finished by the budget. Obviously, I would like it completed as soon as possible but it is up to those officers in the department. I am sure they are doing their best to complete it as quickly as they can. In relation to the first question asked by the honourable member, well, he will just have to wait until the budget comes out to see exactly what the government does propose in this or any other area.

MURRAY RIVER

The Hon. J.S.L. DAWKINS: My questions are directed to the Minister for Agriculture, Food and Fisheries. Will the minister indicate what level of input the water policy section of PIRSA has had in relation to, first, the state government's policy regarding the rehabilitation of the lower Murray irrigation area; and, secondly, the development of the River Murray Bill?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I imagine that, essentially, parliamentary counsel would be drafting the River Murray Bill, and under the instruction of my colleague the Minister for the River Murray, but, as is the case with all such legislation, it is forwarded to a number of agencies, including Primary Industries and Resources and not just those sections involved with water policy but also, obviously, to the Mineral, Petroleum and Energy Branch of that department which, obviously, has an interest because parts of that bill cover mining activities within the Murray-Darling Basin.

So, it was the usual form of consultation that takes place in these matters. One agency was the principal agency for drafting the bill, but wide consultation took place with a number of agencies (such as planning), and a number of other government departments and agencies were involved in drafting the bill.

Essentially, the Department of Water, Land and Biodiversity Conservation has been involved with the policy in relation to the Lower Murray irrigation area, but my agency had some involvement, when required. As I have indicated in previous answers, my department was looking at the possibility of some sort of water banking option that might assist in those areas. Of course, the Department of Water, Land and Biodiversity Conservation uses the services of Rural Solutions, which is an arm of PIRSA, to implement many of the land management policies under its charter. Those officers in my department have certainly done a lot of the work under the NHT schemes and so on on a contract basis and their involvement has been substantial.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. What involvement have officers from the minister's department had with the offer currently being made by the Department of Water, Land and Biodiversity Conservation to the dairy farmers on the Lower Murray Flats for the rehabilitation project, which will inevitably cause the collapse of the dairy industry for which the minister is responsible?

The Hon. P. HOLLOWAY: That supplementary contained some opinion (and not opinion with which I agree) that that action will necessarily cause the collapse of the dairy industry; certainly, it is my department's intention that that will not be the case. Essentially, those offices are handled by the department responsible, which is the former department of water, now the Department of Water, Land and Biodiversity Conservation, which has been the central agency involved in the negotiations. If my agency believes it is appropriate, it will certainly make representations to those departments about these matters. As I said, we have been looking at some options, such as water banking and other issues, to assist. However, at this stage, further discussions are under way with the relevant department regarding the rehabilitation of the Murray swamps and, if my department believes it is necessary, it will certainly seek to be involved.

The Hon. CAROLINE SCHAEFER: I have a further supplementary question. Has the minister's department made a submission to the relevant department? If not, why not? Does the minister concede that it is now necessary for his department to intervene?

The Hon. P. HOLLOWAY: I do not think that it is a case of departments making formal submissions to other departments. Under this government, I like to think that departments work cooperatively and that, where expertise is available in one department that is not available in another, they will work together. Clearly, in relation to the Lower Murray irrigation area, obviously the officers of the new Department of Water, Land and Biodiversity Conservation are the same officers who were members of the primary industries and resources department until 12 months ago.

Those officers of the old sustainable development division of PIRSA are still there, and I am sure that they are quite capable of communicating with colleagues in PIRSA about these issues.

INDIGENOUS EDUCATION

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the progress that indigenous students have made in terms of literacy and numeracy performance.

Leave granted.

The Hon. J. GAZZOLA: Last Sunday, 62 Aboriginal students were honoured for achieving the South Australian Certificate of Education last year. I am informed that this is the largest number of Aboriginal students to complete SACE since its introduction in 1992. The Minister for Aboriginal Affairs and Reconciliation has frequently spoken about the potential to improve the living standards of Aboriginal people in this state through education. Will the minister outline progress that is being made in relation to Aboriginal education outcomes and how such outcomes can be measured?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his continuing interest in matters to do with Aboriginal affairs. As the honourable member indicated, education and training are the keys to rebuilding communities that have collapsed over the last decade, and also to presenting opportunities of choice, particularly for young Aboriginal people in those communities and to turn them away from petrol sniffing, alcohol and drug abuse. That is not the unhappy story across the state. In relation to the *Advertiser* article, by way of photograph and story it did show that a number of students are doing very well in the senior years and would go on to, as they declared, put back into their communities something that they could offer through education. Building on what had been done—

The Hon. Diana Laidlaw: A great story.

The Hon. T.G. ROBERTS: Yes, it was a good story—building on what had been done by the previous government—

The Hon. R.I. Lucas: So you did not start it.

The Hon. T.G. ROBERTS: It was not all compacted into 12 or 14 months; it was over a long period. However, there are still some gaps in what I regard as a broad opportunity for access for those students whom we would like to see advance in the same way as the students indicated in that report. The report of Aboriginal Education Outcomes 2002 shows that Aboriginal students are meeting or exceeding learning targets across a range of indicators. These encouraging gains in their literacy and numeracy have been made against 129 targets laid down by DECS, in line with commonwealth guidelines for supplementary recurrent assistance, which include reading, writing, numeracy and benchmarks. Up to 86.6 per cent of the targets have now been met, with 18 per cent exceeding negotiated targets. This compares favourably with national performance, where an average of only 46 per cent of the targets has been reached.

Achievements by Aboriginal students in literacy and numeracy measures by the basics skills test have shown pleasing progress. For example, year 7 numeracy data showed 51.1 per cent of Aboriginal students in the top three performance bands, well exceeding the target of 36 per cent set for 2002. The literacy skills of Aboriginal students in year 7 have also shown improvements, with better overall results in the 2001 tests. In addition, there are indications that the performance gap between indigenous and non-indigenous students is decreasing: the achievement of Aboriginal and non-Aboriginal students should be very similar.

It is pleasing to see that progress is being made towards the goals which are being set. Other improvements in learning for Aboriginal students include an increase in attendance in the early years, which is where much more work has to be put in to prevent truancy and children dropping off in the early years. That includes breakfast programs, health, and, in particular, ear and eye testing to ensure that students are hearing and seeing what they are being taught. Too often—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. The Hon. John Gazzola did ask a dorothy dixer and I would urge him to listen to the answer and to at least pay some lip service to this dorothy dixer process.

The PRESIDENT: Order! There is no point of order, but certainly a point of protocol.

The Hon. T.G. ROBERTS: Too often students are not assessed in their earlier formative years and they tend to drop out, particularly with ear problems and not being able to hear. Attendance of four and five year olds at preschools and reception has risen by 84.1 per cent, which compares very favourably with non-Aboriginal children, whose attendance rate is 87.3 per cent. The Aboriginal Education Outcomes Report for 2002 provides evidence for a long-term improvement in many areas of performance by Aboriginal students. It is pleasing to see that real progress is being achieved. Redressing a disadvantage faced by indigenous Australians is a commitment that the state government makes and takes very seriously, and it will continue to make it a priority.

Whilst I was in the Riverland during the break, last Friday I spoke to a number of mothers who, for a number of reasons, had concerns about their children not being able to progress past years 9, 10 and 11. I have referred those inquiries to a cross agency support program that we hope to be able to set up. The intervention was—

The Hon. Diana Laidlaw: Are they still attending school?

The Hon. T.G. ROBERTS: They are still at school but hanging on only by the skin of their teeth because of a number of problems they face in their daily lives in being able to sustain the effort they are putting in and the sacrifices their families make on their behalf. Hopefully we will be able to provide support and assistance to maintain their interest and maintain them at school during those years. Too often, because they are not case managed, the tendency is to drop out and try to find employment to assist with family incomes, which are very meagre in many cases. Living below the poverty line makes it that much more difficult. Hopefully we can provide support for those individual students in this case and also target other students of Aboriginal families who are facing the same challenges.

ABORIGINAL EDUCATION WORKERS

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about Aboriginal education workers.

Leave granted.

The Hon. KATE REYNOLDS: I understand that concerns have been raised by representatives of Aboriginal

education workers with regard to their employment in schools in the Far North of the state, particularly in the Aboriginal lands, including those mentioned by the minister in his answer to the previous question. Aboriginal education workers provide important assistance to schools, from offering expert cultural advice to providing support to teachers and students in the classroom and liaising with parents, organisations and the broader community. It has been brought to our attention that many Aboriginal education workers are being employed by the Department of Education and Children's services in remote schools on a casual basis, contrary to the recommendations of several government reports.

These Aboriginal education workers are working in schools for up to 30 hours each week, but we are told that they are actually being paid for only 15 hours work by DECS. This is, we believe, because these workers are being told by the department that they must enrol in a community development program similar to work for the dole and complete another 15 hours in that program, bringing the total hours worked each week to 30.

The Australian Education Union has identified Aboriginal education workers who were permanent in the late 1980s and who were working more than 30 hours a week. These employees have now been made temporary and have had their hours of work reduced. The union in the 1990s won several wage cases that required the maximum number of hours worked by Aboriginal education workers to be increased from 30 hours a week to a more realistic 35 hours, and state government funds were allocated to increase the hours of workers at certain locations. The union claims that, whilst the money has been allocated, it has not been passed on to schools for Aboriginal education workers and there has been no increase in the number of hours that these people are working.

I understand that DECS requires Aboriginal education workers to have completed continuous employment with the department for three years before qualifying to gain a permanent position. However, the Australian Education Union has stated publicly that there are Aboriginal education workers who have been working in schools for many years, including some who have been employed casually since the late 1980s and who have not yet been made permanent. My questions to the minister are:

1. Why are Aboriginal education workers being told to enrol in a community development program to offset their education department employment?

2. Why are Aboriginal education workers who have met the criteria for permanent employment failing to become permanent DECS employees?

3. Will the education minister investigate this situation, which appears to discriminate against Aboriginal education workers, and, if not, why not?

4. What has happened to the state government funding allocated for the increased hours for Aboriginal education workers?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question and I will seek a reply from the Minister for Education and Children's Services in another place.

SPEED LIMITS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, questions on the new 50 km/h speed limit.

Leave granted.

The Hon. T.G. CAMERON: On 12 February this year the Transport Minister, Michael Wright, announced that from 1 March there would be a statewide introduction of a 50 km/h default speed limit. The minister claimed the lower limits would reduce the number of deaths and severe injuries and improve the amenity of local streets. The new 50 km/h limit applies to all built-up areas, both metropolitan and country, unless there is a sign indicating a higher or lower speed limit.

On 1 March, Assistant Commissioner, Operation Support Service, Graeme Barton, said South Australia Police would issue cautions instead of fines to people for the first three months as part of a public education process. Road users caught travelling at up to 69 km/h in a 50 km/h zone would face only a caution. Those caught continually flouting the law would be hit with fines. However, at the same time, he said that the decision to issue a fine or caution notice would be up to the discretion of the officer involved.

Fines for speeding above 50 km/h are the same as those that apply above 60 km/h, which start at $140 and may incur demerit points. According to the *Advertiser*, the new zones are being monitored by only one speed camera and by police using mobile speed detection devices. If the government is fair about the grace period that it is offering, it should place more cameras in 50 km/h zones now so as to educate drivers on the new speed limits. Perhaps their intention is to have a blitz in the 50 km/h zones come 1 June, ensuring a financial windfall for the government. My questions are:

1. With regard to drivers caught travelling up to 69 km/h in a 50 km/h zone, on the one hand, the Police Commissioner states they would be cautioned but that the decision will be left up to the discretion of the officer involved, so which is it to be? Will they be cautioned or fined?

2. Considering the importance that the minister has placed on reducing the speed limit from 60 km/h to 50 km/h, why has just one speed camera out of 17, I think it is, been placed on 50 km/h roads when he said the reason for introducing this 50 km/h speed limit was to reduce the number of deaths and severe injuries on local roads?

3. As of today, how many speed cameras are currently placed on 50 km/h roads and how many are placed on 60 km/h roads?

4. What will happen at the end of the three-month education period? Will a dedicated percentage of speed cameras be placed on local roads and, if so, how many, or is the potential income stream from local roads too small for them to be given anything but token consideration?

5. Between 1 March and 31 May, how many drivers were issued speed camera infringement notices for speeding up to 69 km/h in both 50 km/h and 60 km/h speed zones and how much revenue was raised from each?

6. As a result of the new 50 km/h speed zones, is the government considering purchasing more speed cameras, and, if so, how many?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the council how many infringement notices were issued as cautions or, alternatively,

how many notices that were issued have been withdrawn as cautions during that period in the 50 km/h zone?

The Hon. T.G. ROBERTS: I will refer those important questions to the minister in another place and bring back a reply.

HEAVY VEHICLES

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question on the subject of heavy vehicle blitzes.

Leave granted.

The Hon. DIANA LAIDLAW: Earlier today the Hon. Kevin Foley was appointed Minister for Police and I ask my question today in the hope that, with a new minister, there will be a new, enlightened working arrangement between the heavy vehicle sector, police, farmers and horticulturists.

Last month the executive director of the South Australian Road Transport Association, Mr Steve Shearer, was highly critical of the former minister of police and the police hierarchy following a police blitz on heavy vehicles along the Princes Highway. Mr Shearer said that many offences detected were ridiculously minor technical breaches. He said that such operations are more about raising revenue than road safety and attempts to have the police take a different approach have failed. He went on to say:

> Unlike Transport SA and inspectors and a small group of police who work very closely with the trucking industry and who really know what they're doing, we do find that there's a fairly high percentage of general duties police officers who don't know what they're doing and they will, in a fairly mindless fashion on occasions, defect a vehicle for something that is quite simply not a defectable matter in practice.

In asking this question I highlight that the objection is not that a blitz is conducted but how such blitzes are conducted and for what purposes they are conducted; is it about genuine road safety and road wear or not? In asking this question I know that similar issues were raised with me when I was minister for transport and at that time they were dealt with by bringing together farmers, growers, the police and the trucking industry for general campaigns in the community and training the police officers who were to conduct the blitzes. I ask the minister whether, in addition to all his other new responsibilities, he will seriously look at how an improvement can be made in arrangements between the police heavy vehicle sector and farmers in the conduct of blitzes to make sure there is a road safety and road wear focus, not simply defecting vehicles for general revenue purposes.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer the first question the Deputy Premier has received as Minister for Police—at least from this chamber—and bring back a reply as soon as possible.

CABINET RESHUFFLE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement made earlier today in another place by my colleague the Premier in relation to the cabinet reshuffle.

HOSPITAL FUNDING

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, some questions about hospital funding.

Leave granted.

The Hon. J.F. STEFANI: In an article published in the *City Messenger* of 2 April 2003, Ms Marj Ellis, head of the Adelaide Central Community Health Service, advocated that more emphasis must be placed on early intervention in many aspects of health services provided to our community. Ms Ellis stated:

> Early intervention in many aspects of our lives can make an enormous difference to health outcomes.

Ms Ellis went on to say that, while everyone wants access to hospitals when they really need them, most people also want access to health services that prevent the need to go to hospital. My questions are:

1. Does the minister agree that community health services provide an advantage to the community because they are locally based and readily accessible by the people?

2. Will the minister ensure that greater funding is provided to community-based health services to enable such services to continue a more effective prevention role on major health problems in our community?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about WorkCover.

Leave granted.

The Hon. A.J. REDFORD: Last Saturday's paper had an article by Greg Kelton concerning the beleaguered WorkCover situation. I note that the minister is proposing to make changes in several areas including board appointments, financial reporting and CEO appointments. In that respect, I have been informed via a government leak that the minister wants the power to appoint the CEO, presumably in some Byzantine stretch of logic, to make the board more accountable; that is, they will not even be able to appoint their own CEO. The minister sought to justify this change on the basis of the Stanley report, now known as the mother of all reviews. This is one of the only things the minister has done in response to the Stanley report. In light of that, my questions are:

1. Will the minister release the full cost of the workers' compensation occupational health and safety review conducted by Mr Stanley?

2. Will the minister confirm that there was a special meeting of the WorkCover board nearly two weeks ago to discuss the cost of this review?

3. Has the minister or his staff—or family members indeed—had any discussions or correspondence with the WorkCover board or senior management on the cost of the report and, if so, will he table that correspondence?

4. When can I expect answers to the questions I asked in relation to WorkCover, first on 29 April last and, secondly, on 1 May last?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will pass on those questions to the minister in another place. I certainly do not have any answer about when the questions he asked previously will be replied to, but I can tell you that we will not have the revenue

streams available through the TAB to be paying off any of the cross-subsidies we might have had available to pay off the debts of WorkCover. I will pass on those questions to the minister in another place and bring back a reply.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will come to order and suppress his enthusiasm for this topic.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

Adjourned debate on second reading.

(Continued from 29 April. Page 2146.)

The Hon. IAN GILFILLAN: There is only one matter that I want to address in respect of this matter because I have every confidence that, first, my colleague the Hon. Sandra Kanck has dealt with it, and I support entirely her approach to the initiative; and, secondly, members will probably be aware that I have been particularly interested in the Office of the Ombudsman for some time. It was one of the more outstanding reforms of the Dunstan government.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: I am glad that *Hansard* cannot get the puffs in context.

The Hon. R.I. Lucas: If you ask them to they will.

The Hon. IAN GILFILLAN: No, I know that I will be kindly treated as long as I speak slowly and deliberately. It does stand high and I attribute it as one of Don Dunstan's major reforms. It was a recognition that people, often baffled and intimidated by bureaucracy, have one port of call to which they could address their concerns. They did not have to use hifalutin language, they did not need to have legal representation and they did not need to tour the countryside trying to find where and to whom they should go with complaints, and from that basis it was a brilliant reform and remains so.

The concern I have is with the proliferation of the term 'ombudsman'. I think that, most appropriately, there are two ombudsmen who can be the icons of that particular area: the commonwealth Ombudsman and the state Ombudsman. They are identified in telephone directories as the ombudsmen for those particular jurisdictions. The simplicity of it is the strength of the office, and I have been very concerned that there has been an erosion of the singularity of identity of the word 'ombudsman', and as an example I mention the Banking Industry Ombudsman, which I regard as being quite a dangerous dilution of the concept of ombudsman.

It is an industry-funded entity and therefore, in my view, rather suss. I view it with some suspicion that it is totally independent of pressures from those who are paying the salary and cost of maintaining that position. I am also concerned about the Employee Ombudsman for the same reason. There is absolutely every justification for their being a person or an entity to which people who have banking concerns and people who have employment concerns can go, and that is not the issue I am raising: it is the use (and I regard it as the misuse) of the word 'ombudsman' if it is to be applied to any arena in which members of the public are invited to go with their complaints.

There is the Police Complaints Authority, which is a rather strange and hostile name, but it is the entity and it is not called 'police ombudsman'. The word 'commissioner' is used in other jurisdictions, and I note that the opposition has an amendment on file replacing the word 'ombudsman' with 'commissioner', and I believe that amendment is worthy of support. I intend to support that opposition amendment but no others. The effect of that, as I understand it, is purely to delete from this legislation the use of the word 'ombudsman' in relation to the authority to whom the public are invited to approach with complaints.

I do not think there will be any difficulty in the public's recognising that a commissioner for health complaints will be the office available to receive complaints. It is only in that one area of nomenclature that I have an argument. It is, I think, debatable in a state the size of South Australia whether there should be one overarching entity which embraces the various subsets to which complaints may be lodged. That is not a matter on which I intend to expand in this contribution. It is certainly not my intention to challenge the legislation in any way on that basis, but I just signal to the chamber that I think that, as a state, we should be looking objectively at what we want the role of ombudsman to represent to people, not just this year but in decades ahead.

I indicate that my concern is that, if we proliferate 'ombudsman' in whatever context people are invited to bring complaints, the major impact and significance originally conceived by the setting up of the state Ombudsman will be diluted to the point where the word 'ombudsman' will have no more significance than, say, a 'counsellor' or 'adviser', and I think that would be a retrograde step.

The Hon. A.L. EVANS: Family First supports the second reading of this bill. The main purpose of the bill is to provide for the making and resolution of complaints against health or community service providers and to make provision in respect of the rights and responsibilities of health and community service users and providers. I commend the government for introducing this bill. South Australia is the only state that does not have an independent body to deal with health complaints in both the public and private sectors. There is a real need in our community for health complaints to be better handled and for an improvement in the delivery of better quality health services. It is important that health complaints are handled in such a way that leaves the consumer with a sense of closure and also leads to change within the health system over a period of time. I acknowledge the work of the Consumers Association of South Australia in this area, and particularly the efforts of Pam Moore who has worked tirelessly in attempting to bring change to our health system.

The Consumers Association of South Australia conducted a survey in 2002 to discover consumers' experience regarding health complaints. The survey provides invaluable insight into consumer experience, and the results highlight the need for this type of legislation. A total of 95 people responded to the survey. Of the total number of respondents only 43 per centlodged a complaint, while 57 per cent did not complain. The main causes of complaint related to areas of care, poor communication and waiting times. More consumers did not lay complaints even though they felt strongly enough about what had occurred to volunteer for this survey. Their reasons for not complaining included lack of trust or confidence in the system, lack of know-how, fear of retribution and personal difficulties.

Of those who did complain, most were seeking to contribute a positive change to our health system by bringing about change in practice and reducing the number of similar incidents. What most complainants wanted was a procedural change that resulted in quality improvements. A smaller number of respondents wanted an apology or hoped for more accountability, and only one respondent mentioned monetary compensation. When consumers do lay complaints they are often left with a continual struggle, including lack of communication, lack of transparency and fear of retribution.

Many consumers indicated that they gave up before going through several stages of the complaints procedure. Of those eventually dealt with by the state Ombudsman half reported a moderate satisfaction level. It is of concern that the majority gave up before reaching this point. The survey seemed to suggest that most people are unaware of the Ombudsman's role in handling health complaints. Health services and providers have insurance companies, risk management specialist teams and lawyers, as well as professional associates to assist them.

Consumers, who are often still unwell and at a vulnerable time in their life, have no-one to advocate on their behalf or support them, except family and friends. Until now our state has lacked a process of lodging health complaints which ensures that the consumer does not have to go through several steps to bring about change. This bill clarifies the complaints process for both the consumer and the provider, and it clearly spells out the consumer's right to complain and how and to whom to complain. The bill helps service providers not to be fearful of complaints but rather to see them as an avenue of improvement. The bill currently contains aspects that are discriminatory, but I anticipate that the discrimination will be removed through amendments during the committee stage. On that basis, Family First supports the bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading of this bill. My colleague the Hon. Andrew Evans has given a very concise summary of the background to this bill and the reasons for its existence. I indicate that, after discussions with the minister and her office, an amendment will be moved in relation to exemptions in clause 4 in relation to health status reports.

The background is that I have had concerns expressed to me by a health advocate with whom I have worked on this issue, Pat Dean, that the bill will exempt workers compensation reports from the purview of the legislation and all that relates to it. It is important to acknowledge that each year thousands of examinations take place in this state pursuant either to the workers compensation act or a claim for compensation for damages generally. In relation to those reports, patients often feel aggrieved at the way they have been examined or what has been said to them in the context of a report.

The government's amendment, based on ACT legislation, will deal with this substantially, so that the process of the writing of a report, or its content, will be exempt. However, in terms of the conduct of a practitioner in the examination of a patient, those patients have rights. Even though it may not strictly be a doctor-patient relationship, it is a relationship arising out of the medico- legal examination, and it is important that that is acknowledged by the government.

I have an overall concern about the bill that does not relate so much to its contents as to its interrelationship with the Ipp recommendations bill that this government has introduced in another place. I find it absolutely incongruous that we have a bill giving consumers of health services further rights to deal with disputes, to deal with matters where they are aggrieved as a result of their treatment in the health system but, on the other hand, the bill relating to the Ipp recommendations introduced by the Treasurer in the other place systematically destroys the rights, in many cases, of those who may have a claim for medical negligence, who will no longer have such a claim. I find that absolutely incongruous, and I will comment on that further at the committee stage.

It does not make sense that we have a government that, on the one hand, purports to give greater rights to patients to deal with matters and to empower patients but, on the other hand, disempowers individuals in other legislation that deals with very similar issues. With those few words, I indicate that I support the second reading. I will follow up my concerns at the committee stage.

The PRESIDENT: I draw to members' attention that it is out of order to refer to bills in another place, but I take on board that it was mentioned in a general sense.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am very pleased to sum up the debate on this very important bill, and I commend all the speakers who have made a contribution. I thank members for their patience. The recommendations they have made for amendments are being considered and are being taken on board. I will not repeat all the issues that were raised in my second reading explanation, but I will pick up a number of points that were raised in debate by members.

I acknowledge the focus of members' contributions on the quality issues in the bill. The importance of having a transparent and accessible complaints mechanism which enables people to have their concerns dealt with openly, so that issues can be resolved and services, practices and procedures improved, is an absolutely fundamental reason for such a bill. It is very important to ensure that we can improve the quality of patient care and safety and also the quality of all services across both health and community services. The Hon. Diana Laidlaw made a very good contribution, and I commend her for recognising the need for such a bill. Her spirit of bipartisanship, as she enters the twilight of her career, is much appreciated.

The issue of whether it should be an ombudsman's office has been debated. It is clear to me that health and community services are as basic to people's needs as electricity and employment, and both of those have an ombudsman, established by the previous government. Therefore, it is very contradictory to, on the one hand, accept the importance of health and community services and, on the other hand, not give the office the status and power it needs to properly fulfil its obligations. The title of ombudsman carries with it the necessary status and legitimacy to ensure that consumers and service providers can feel assured that they will be responded to fairly and promptly. The term 'ombudsman', therefore, has well-established credibility in association with mediation and the impartial hearing of complaints.

The Hon. Angus Redford has raised a number of concerns about the health and community services ombudsman. In relation to the cost of running a health and community services ombudsman's office, the government has been advised that, apart from the establishment cost and the salary of the health and community services ombudsman, for which moneys have already been set aside, there is little effective difference in the recurrent costs for establishing a separate office. In response to the Hon. Angus Redford's other

concerns, I will add to what I have said about the benefits of the health and community services ombudsman.

The separation of responsibilities and the establishment of an ombudsman who is responsible for dealing solely with complaints about health or community services will ultimately provide a much simpler and clearer picture in the minds of consumers and service providers about who will handle complaints. This has to be an advantage to all concerned.

A dedicated health and community services ombudsman is able to properly and fully focus on health and community services for the betterment of all South Australians. He or she will not need to consider other responsibilities and, again, this will be an advantage in managing and responding to complaints about health and community services. This bill ensures that the—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Perhaps they are not as effective as we are—health and community services ombudsman does not duplicate existing complaints mechanisms, as one of the priorities of the health and community services ombudsman is to develop the necessary protocols for determining which authority will handle a complaint. In addition, the health and community services ombudsman will have the final say as to who should hear a complaint if it cannot be resolved as part of this process. This will avoid any long argument about who should hear the complaint, unnecessarily delaying the process for the complainant.

Other aspects of the bill will determine whether the health and community services ombudsman takes further action on a complaint or not. These are spelled out in clause 32. This clause provides:

> The health and community services ombudsman may at any stage of proceedings under the act determine to take no further action on a complaint, or suspend action on a complaint, if the health and community services ombudsman considers or is satisfied that:
> - the matter should be determined by way of legal proceedings; or
> - the subject matter is before a tribunal, authority or any other person or body; or
> - the complainant has been given a reasonable explanation or information and there would be no further benefit in entertaining the complaint; or
> - the complainant is seeking to act on a ground that should have been disclosed by the complainant at an earlier time.

In other words, the establishment of a separate health and community services ombudsman's office will, in fact, simplify where a person may go to make a complaint or who may hear the complaint. The health and community services ombudsman has no investment in creating duplicate complaints mechanisms or allowing people multiple opportunities to make the same complaint.

On the matter of compliance with any health and community services ombudsman's findings or recommendations, as the Hon. Angus Redford has pointed out, there is no issue with compliance for the state Ombudsman because of the status and authority that is attached to an ombudsman. It is for this very reason that the title of 'health and community services ombudsman's office' is proposed. It commands a similar status and authority and, therefore, compliance with recommendations.

The examples the Hon. Angus Redford gave about the role of the state Ombudsman in handling complaints are consistent with how the health and community services ombudsman may act in similar circumstances—that is, in a consultative and, wherever possible, conciliatory framework to achieve a fair and speedy resolution of a complaint and make recommendations or undertake actions that may be in the public interest.

I am confident the status of the word 'ombudsman' will not be diminished but in fact enhanced by the establishment of the office of the health and community services ombudsman. In fact, the health and community services ombudsman will build on the well established credibility and association with mediation and the impartial hearing of complaints that is attributed to this title. The use of the word 'ombudsman' is also consistent with the government's Ombudsman (Honesty and Accountability in Government) Amendment Bill 2002. This bill aims to ensure that reference to an 'ombudsman' must only be to one that is properly established by government, and the term 'ombudsman' cannot be appropriated or used spuriously by any other agencies.

In relation to the broad definition of 'community services', it is clear from this bill and what I have said before that the health and community services ombudsman has no interest in supporting duplicate complaints mechanisms. If the health and community services ombudsman considers that a complaint falls under the ambit of this bill, he or she can hear the complaint. If he or she considers it is better heard by an existing complaints body, then he or she can refer the complaint. It is not possible or desirable to define every service that may be covered by this bill. There is always a risk of missing a service and the complainant will have, once again, 'fallen through the cracks', as the Hon. Angus Redford has said. It is better that the health and community services ombudsman have the ability to decide upon the most appropriate means for handling a complaint and establish in consultation with other bodies the protocols for doing so.

This bill clearly sees the health and community services ombudsman acting in partnership with other complaints bodies to enhance the services for all concerned. I also note that the well mentioned Hon. Angus Redford rose in seeming defence of the state Ombudsman. Let me assure members that such—

The Hon. A.J. Redford: You misrepresent me. I will make a personal explanation unless you fix it up now.

The Hon. T.G. ROBERTS: The honourable member spent 2½ hours on it, I think.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I also note that the Hon. Angus Redford rose in defence of the state Ombudsman. Let me assure members that such a defence was as unnecessary as it was mischievous. You might have to make a personal explanation in relation to that.

The Hon. A.J. Redford: I will.

The Hon. T.G. ROBERTS: The Hon. Angus Redford sought to portray the Ombudsman's comments at a recent public event as an attack on the government's legislation. This would be an extraordinary thing for the independent and impartial Ombudsman to do, and all members would recognise the grave implications of such a venture. I think the more extraordinary thing though is that the opposition has attempted to drag the Ombudsman into a political debate about government policy. This is highly inappropriate. The government knows this, the Ombudsman knows this, and so should the opposition. Such was the concern of the Minister for Health on reading the Hon. Angus Redford's comments that she met with the Ombudsman and the Attorney-General to clarify any of the Ombudsman's concerns.

I assure the chamber, as the minister has assured the Ombudsman, that this bill does not detract from his legislation, nor does it impose any constraint on his soon to be

acquired powers to conduct general audits as allowed for in the yet to be proclaimed provisions of the Ombudsman's (Honesty and Accountability in Government) Act. Similarly, the Hon. Angus Redford sought to portray developments in other states as showing trends for combining such complaints authorities with their respective state ombudsman offices. Again this is a misrepresentation—another personal explanation coming up! For example, in Western Australia the true situation is that this is not occurring.

There was a recent review of the Disability Services Act, which is one of the enabling pieces of legislation of the Western Australian Office for Health Review (their complaints body). A discussion paper released during that review canvassed the option of combining these offices. However, this option was opposed by the Western Australian state ombudsman, as well as the Office for Health Review. That review did not proceed with that option, and in fact it was recommended that the offices remain separate. Contrary to the opposition's claims about an ongoing review of the Western Australian complaints authority, it is not pursuing the option of merging as there is no sustained support for it, no push for it, and no conceptual or policy imperative to do so.

Reference was also made to the New South Wales Commissioner for Community Services being incorporated into that state's ombudsman last year. This indeed did occur. However, that was simply on the basis of a New South Wales government policy decision in response to an identified problem with the commissioner's powers relating to child protection matters in the enabling legislation. It was well within the scope of the New South Wales government's response to have moved in another policy direction entirely. To portray this as a trend, or in some way as exposing a fundamental defect in the establishment of separate offices for handling health and community services complaints, is erroneous and mischievous. Indeed, keeping these two offices separate makes sound policy. This separation remains the case in most other jurisdictions in Australia. Only the Northern Territory and Tasmania combine the state ombudsman and the health complaints authority in the one office. This has been done for purely practical reasons, given the small size of the state and territory populations—the offices would be too small to sustain separately.

The opposition may think that South Australia is a small state but the government does not. South Australia is big enough and most certainly our health and community services systems are large enough and complex enough to require their own full-time and specialised HCS ombudsman. Having the state Ombudsman and the HCS ombudsman separate will ensure the confidence of all South Australians (both providers and consumers alike). It will provide a clear avenue for redress if they are dissatisfied with the actions of the health and community services ombudsman. Under the government's proposal, the state Ombudsman has jurisdiction over the HCS ombudsman and will continue to provide a powerful watchdog role. To have a combined office would undermine the public's perception of the impartiality of the state Ombudsman should they have a complaint about the operations of the HCS ombudsman—it would be like Caesar judging Caesar.

I note the Hon. Gail Gago's support for the bill and, in particular, her support for the establishment of a health and community services ombudsman, not a commissioner. The Hon. Gail Gago has said quite correctly that an ombudsman is conceived to be independent, unbiased and fair. This perception is supported by the powers of the office, which will ensure that the health and community services ombudsman acts in the best interests of the users of services and service providers alike. Why would anyone want to diminish the status and influence that the title 'ombudsman' has to a lesser one on such an important matter as health and community services so necessary for the health and well-being of South Australians? Health is just as vital as electricity and employment. In addition, there is a risk that a commissioner may be confused with the commissioners of the South Australian Health Commission, an association that could jeopardise the independence of the office.

I would also like to comment on the suggestion that issues of natural justice, rules of evidence and matters before the Ombudsman are not adequately dealt with under this bill. The health and community services ombudsman will have very broad powers as to the manner in which he or she can hear and investigate complaints. This can include allowing appropriate representation, including legal representation, if it is considered necessary for both parties. He or she will also be able to use the rules of evidence but will not be strictly bound by them. To restrict the health and community services ombudsman to the rules of evidence would negate the informal and non-threatening mediation and conciliation process, which is so fundamental to this bill and which the Hon. Diana Laidlaw strongly supports.

The bill does not support an adversarial approach. That is for the courts—and for the Hon. Angus Redford. The health and community services ombudsman will seek resolution through mediation by non-litigious means, if at all possible. To require strict rules of evidence would make the office intimidating and, as a result, potentially inaccessible for those most vulnerable. The health and community services ombudsman must have regard to the reasonableness of a complaint and also the reasonableness of a service provider's actions and whatever evidence either party provides. This will ensure that the health and community services ombudsman remains accessible for all.

The health and community services ombudsman must, however, consider all evidence carefully and make an assessment of its validity or relevance. These judgments rely on the integrity of the health and community services ombudsman and his or her office, which is the case for any ombudsman. There is completely unfounded concern about the definition of a health service provider as meaning a social welfare, recreational or leisure service if provided as part of a service referred to in the preceding paragraph. It is clear from any reading of the bill that the activities must be provided in conjunction with a health care or treatment service defined in the bill. Leisure or sporting clubs are not captured by this bill.

The Hon. Diana Laidlaw is concerned that the arts may be considered as part of the bill and subject to the complaints mechanisms as related in the bill. Again, the same principles apply. If the arts, painting or music is part of an activity provided by health or community service as defined by this bill, then the provider of that service may be subject to the bill. I also stress that, should a volunteer or volunteers be providing this program within a health or community service, then the agency for whom the volunteer works is the subject of the complaint and not the individual volunteer. This is a very important distinction that recognises the importance of the role of volunteers and the provision of health and community services. This bill protects and supports volunteers by ensuring that complaints are directed towards the

service and that any inquires or investigations can occur in as informal and non-intimidating manner as possible.

The needs and wishes of a consumer also seem to be causing unnecessary concern because of the difficulties that might arise in interpreting and responding to these in a different cultural context. A fundamental principle for good practice under the charter of health and community service rights is that a service provider takes into account the needs and wishes of a consumer in informing them when they are making their decisions. It is reasonable that the needs and wishes of consumers, as stated in the charter, not be ignored and must be part of the principles of the charter. It may not always be possible to do this from a professional resource or ethical consideration point of view, or mistakes may be made in their interpretation. However, the health and community services ombudsman should be able to inquire about and, if necessary, investigate such matters.

The health and community services ombudsman must also, before inquiring into a complaint, ascertain if any steps have been taken to resolve the complaint before he or she intervenes. To remove needs and wishes from the principles of the charter denies the consumer a basic right to have these acknowledged as important in the delivery of services. It does not require that the provider meet them if reasons exist why the provider should not or cannot do so, nor is it satisfactory to accept this issue's possibly becoming a little difficult as being sufficient reason not to support the principle. Indeed, trying to resolve any issues about the needs and wishes of a consumer is one of the roles of a health and community services ombudsman. Good practice principles that include needs and wishes also has the potential for the health and community services ombudsman to make recommendations about systemic change that can better address issues such as cultural sensitivity and provision of service.

I am pleased to see the level of support for this bill; it has been needed for a long time. The support comes from commonsense and understanding that sometimes problems in health and community services arise because of a lack of resources or through misunderstanding and confusion from poor practices, improper or unethical behaviour or things unexpectedly going wrong when they should not. It is at times of crisis that people are at their most vulnerable. A system that is supportive of them if things go wrong is most necessary. Also needed is a system that can recommend change that may prevent further errors or omissions.

This bill, and the establishment of the health and community services ombudsman's office, is desperately needed in South Australia. To date this state is the only one that does not have an independent mechanism for hearing complaints about services in public and private sectors. However, it is clear from this bill that the health and community services ombudsman is future orientated and solution focused. It is primarily a mechanism for recommending improvements in the quality of health and community services and does not establish a punitive or disciplinary process. The latter is clearly the role of the registration boards with whom the health and community services ombudsman will act in partnership. The health and community services ombudsman can support the boards in the role or, where they do not exist, make recommendations to other organisations and to government that will lead to service improvement.

The bill ensures that protocols will be established for the handling of complaints between the health and community services ombudsman and registration boards or other bodies to ensure that they are handled as quickly and fairly as possible. It ensures that where the complaint is dealt with by the health and community services ombudsman, should the provider not be satisfied with the process by which the health and community services ombudsman has managed the complaint, the provider has a right to appeal to the administrative and disciplinary division of the District Court.

It is important to restrict the appeal process only and not allow an appeal on the findings of the health and community services ombudsman. To enable this would contradict the intent of the bill and, as the Hon. Gail Gago has said, defeat one of the main strengths of the proposed ombudsman's office. It would also fail to keep grievance procedures out of the courts as the health and community services ombudsman strives to resolve disputes and complaints quickly and fairly without the necessary expenses involved in more formal legal challenges. To allow appeals based on the findings of the health and community services ombudsman would potentially undermine the integrity of the office and enable those who can afford the legal system a second opportunity to review a complaint and contest a decision. This could result in a long and protracted legal process and potentially delay a resolution, denying the other party the resolution of a matter that they may desperately need.

This bill is consistent with the actions of other states and territories which have established complaints mechanisms and limited appeal rights, recognising the inherent problems of potential injustices arising from using the legal system for appeals. The concern is that providers are denied access to just process under this bill. However, this concern is addressed in a number of ways. First, it is reasonable for the health and community services ombudsman to consider and avoid any unwarranted harm that might occur to a provider as a result of a report that he or she has published. This bill provides an opportunity for providers to make comments on a report and have this included in the published report. In other words, there is a process of dialogue between the health and community services ombudsman and the provider so both have the opportunity to discuss the implications of the report before it is published.

Secondly, the health and community services advisory council to be established under this bill will be empowered to provide advice to the minister and the health and community services ombudsman on the operation of this act and the processes of the health and community services ombudsman. Hence there is further opportunity to review how the health and community services ombudsman has made his or her decisions and not the decisions themselves. In addition, the operation of the whole act will be reviewed after three years. Thirdly, there is the right of appeal to the administrative and disciplinary division of the District Court. Fourthly, nothing in this bill will prevent a provider from appealing to the Supreme Court for a judicial review of the process used by the health and community services ombudsman in developing his or her findings in a report.

Fifthly, they can lodge a complaint with the state Ombudsman on the basis of whether proper process was followed by the health and community services ombudsman. There are then more than adequate mechanisms that ensure that a provider is not deprived of natural justice in the development of any report the health and community services ombudsman may publish. Any disciplinary measures arising from a report are the prerogative of the registration board or the association to which the provider belongs. The bill successfully balances the rights of the provider for a just system of statutory

obligations in the registration authorities and the rights of the consumer for a fair and speedy resolution of a complaint.

This bill has much to commend it: it has been through a rigorous process of consultation in its development and is subject to negotiation and amendment by stakeholders and members of parliament. The end result is a bill that provides support when things go wrong for users of health and community services that they currently lack, as well as ensuring the ongoing improvement in these services. It will bring South Australia into line with well established national and international practices of several years standing in the handling of complaints and improvement in service delivery; in many instances, it will surpass these practices. The Health and Community Services Complaints Bill is very important and much needed legislation and I commend the bill to the Legislative Council and hope for the speedy passage of the bill and all its clauses.

Bill read a second time.

OMBUDSMAN

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: During the course of the contribution by the honourable member, there was a litany of misrepresentations and an impugning of my motives. In particular, there was a suggestion on the part of the minister, representing the government, that my defence of the Office of the Ombudsman was 'seeming', and without some genuine view. Can I correct the minister by saying that my regard for the Ombudsman is genuine, my regard for his position is genuine, and I find it unfortunate that the government in seeking to deal with genuine arguments would seek to impugn my motives.

MINING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 May. Page 2260.)

The Hon. SANDRA KANCK: I am aware that, amongst a number of measures, this bill addresses a sunset clause in part 7 of the Opal Mining Act which would see it expire on 17 June unless we address it very soon, so I know that there is a need for some degree of haste on this. The minister's speech described this bill as being mainly administrative, but there are quite a few aspects to it and my investigation has not convinced me that everything is quite as simple as it appears. For example, it aims to formally recognise indigenous land use agreements (or ILUAs, as they are commonly known), and I give an example of where something like that went wrong outside South Australia with the issue of mining in Kakadu, where agreement was reached with one group and not with another group. I wonder whether we might be putting in place something similar.

The bill redefines the term 'mining' so that it will no longer include geological or geophysical investigations and surveys. This, in turn, relates to section 15 of the act. Under section 15(1)(c), any person authorised by the minister in writing can remove from the land any geological specimens or samples. Given that we are taking this action out of the definition of mining, it raises a few questions for me as to what the limits are. Would a haversack worth of rock be a sample? A wheelbarrow load? A truck? If we are talking diamonds, how much of that is a specimen? So, I indicate that, for clarity, I will be moving an amendment to address that issue.

In relation to clause 7, I am not comfortable with someone being able to apply for an exploration licence 'in a manner and form determined by the minister' and, again, I will be moving an amendment to address this so that this is specified within regulation. I understand from trying to track this down that, apparently, the purpose is to allow electronic lodgment, which is a good thing in theory. However, we need to be sure that everyone knows that they are on a level playing field and they are all operating under the same sets of rules.

The bill puts in place a more prescriptive process for renewal of exploration licences where a company has held an exploration licence on that land for five years. So, where the proponent reapplies, having had that right for five years, one can rightly consider that they have had time to do some degree of exploration, would know what it is they are looking for and would have some idea of what is there, within a more restricted range. Consequently, the Democrats think that this is a very positive move in the bill because it forces the proponent to concentrate on a smaller area.

The Democrats will be supporting this legislation, albeit attempting to move some amendments to improve it, and I place on record my thanks to the Environmental Defenders Office for looking at the bill and giving me some advice.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank members for their indications of support for this bill. I understand that, because the Hon. Terry Stephens is not here today, we will have to deal with the committee stage tomorrow, but I do not believe that any matters have been raised that require a response from me at this stage. However, as the Hon. Sandra Kanck has pointed out, there are some amendments on file and I will be happy to speak to them during committee tomorrow.

Bill read a second time.

RIVER MURRAY BILL

Adjourned debate on second reading.

(Continued from 12 May. Page 2257.)

The Hon. D.W. RIDGWAY: I indicate my broad support for this bill. Along with the Hon. Caroline Schaefer and the Hon. John Dawkins, I support the principles behind it but I have considerable reservations as to the genuine effectiveness of the bill in delivering real and practical solutions to improve both the health of the river and the wellbeing of the communities that make their livelihoods from the river's resources.

The main thrust behind the bill is a considerable concentration of powers behind the office of the minister for the purpose of increasing the awareness of river users of their ongoing obligations not to put the River Murray's health at risk. The bill makes river users accountable for harm done to the river's health. My view is that, while the bill provides a good working framework for legislative reform, it falls considerably short of any real measures to encourage restoration, preservation or gaining water back for the river.

Part 2 of the bill outlines the objects and statutory objectives of the proposed legislation. Clause 6(a) seeks to ensure that all reasonable and practical measures are taken to protect, restore and enhance the River Murray. Paragraph (a) also outlines that the use and management of the River Murray should 'sustain the physical, economic and social

wellbeing of the people of this state and facilitate the economic development of the state'. These goals and aims seem pretty reasonable and well thought out but, for me, one of the main problems with the bill is that there is very little definition of what it means to restore and enhance the river, and how a river user would go about restoring and enhancing the river through individual or group activity.

Given that this is outlined as the first objective of the bill, I found I wanted greater understanding of what the restoration and enhancement goals of the bill aim to achieve. Clause 7 outlines the objectives of the bill and goes into greater detail and provides that the following conservation and preservation objectives will apply in connection with the operation of the act, and I have summarised the key parts to each objective.

The first is river health. These objectives include the maintenance of the key habitat features, high value flood plains of national and international importance, animal and vegetation species and migrating species. Environmental flows include reinstatement of ecologically significant natural flows, the maintenance of an opening to the Murray mouth and an improvement in the connectivity between the river and its environments. The third is water quality. These objectives seek a quality that allows for environmental and productive uses, minimises the effects of salinity, allows nutrient levels to be managed so as to prevent algal blooms, and minimises sediment and pesticide pollutant levels.

The fourth is the human dimension. These objectives include maintaining a responsive and adaptable approach to management, taking into account the ecological outcomes, community interests and new information; the gathering, considering and promoting of community knowledge in relation to the river; the recognition of indigenous and other cultural and historic relationships with the river; and a recognition of the importance of a healthy river to the economic, social and cultural prosperity of communities. I applaud these objectives, but I feel that the bill falls considerably short in providing real ways in which river users can contribute to their achievement. These objectives are stated, but no means for their achievement are given, particularly with regard to the 'human dimension' objective.

Clause 6(b), in respect of the objects of the bill, states that the bill seeks to do the following:

> ensure that any development or activities that may affect the River Murray are undertaken in a way that provides the greatest benefit to, or protection of, the River Murray while at the same time providing for the economic, social and physical well-being of the community.

This seems to be the sort of statement that one would hope to hear in a bill that seeks to protect and restore the Murray but, in the context of the bill as a whole document, I found that it read as an empty promise that, in my opinion, is totally unsubstantiated by any real measures that provide for the economic, social and physical well-being of a community.

In saying this I reveal my position as a horticulturalist, a user of water resources and a member of a rural community. Both as a water user and as a member of a rural community in which primary industry provides the basis for the collective livelihood of our community, I feel let down by this bill. There is very little in it that addresses what I as an individual can do to assist the Murray. There is even less in the bill that I feel addresses the wider issues that any rural community would face in relation to both the improvement of the river health and the community's economic, social and physical well-being. From my reading of the bill, its objectives promise what it does not achieve in the main body. The bill does not deliver solutions to rural communities in any form.

So, what does this bill achieve? From my reading it is about regulation and policing and placing enormous powers and decision making authority in the office of the Minister for the River Murray. While I have no great objections to the increased power for the minister, per se, I am not clear for what purpose this increase in power serves. Again, I have no great objections to the powers of delegation outlined in part 3, clause 12, per se; it is a clause which allows the minister to delegate the power of his or her position and revoke it at will, all without any derogation of ministerial powers in the meantime.

For what purpose is the minister for the Murray River given such powers to delegate, revoke or overturn? I would assume that, if a minister is to delegate powers to another, there would be accompanied with this delegation of power the assumption that the person taking on the minister's role would be entrusted to the task at hand and able to make decisions on behalf of the minister under the circumstances. However, clause 12 seems to allow the minister to delegate and then override which, in my mind at least, creates the question: why delegate? If this person is so easily overridden, why entrust them with the task?

While I can see that this clause allows the Minister for the River Murray considerable powers for the revision of decisions, I wonder why such great powers and total responsibility for the river are placed in the office of one person, when the issues that relate to river health are as such a shared responsibility and such a shared process. The concentration of decision making ability in one position, albeit a ministerial office, also seems to contradict the process of collective responsibility that is emphasised in many of the publications produced by the Murray-Darling Basin Commission and other river health approaches. There may be good reason for this that I am unaware of, but it draws me back to the one dimensionality of this legislation, and I believe that our responsibilities as legislators are much greater than this bill provides for, both to protect the river health and to the further well-being of our communities.

I believe the river and the people of our state deserve much more from us than a bill that in effect promises to police the river and enlarge the role of the minister. Our river and our people in my view deserve solutions. In my view, two of the mechanisms for change in generating both river health and community well-being are being significantly overlooked. These are the issues of incentive and compensation which are mentioned in the bill but passed over with regard to land acquisition. I believe that if irrigators and other members of the community are provided with a clear picture of what the concepts might entail for them, especially if both land and water were considered, their cooperation could be of great service to river health. In rural areas, awareness of the ecology of the river and its current state of decline is high and so is a willingness to work towards improving the solution. I believe the bill falls short of assessing the resources that these communities have in working towards the objectives of the bill.

Another issue that seems to be missing from the bill is that of irrigation efficiency. Given that yesterday in this chamber minister Holloway announced that the state government would support the achievement of another 500 gigalitres of extra environmental flows for the river as part of the whole Murray-Darling Basin commitment to achieve increased environmental flows, why does not or cannot the present

government demonstrate that it can be done? Irrigation efficiency has a major impact on the volume of water that is lost through evaporation. Increased efficiency is perhaps the most direct and cost effective way to decrease the amount of water drawn from the river. Increased efficiency has already been achieved through measures such as closing open irrigation channels and improving rates of backflow drainage in the Riverland, but in the lower Murray the government has failed to come through with a $40 million promise by the previous government.

In considering the second reading of this bill, I ask the government whether it is truly prepared to put its money where its mouth is. Other innovations in irrigation technology have created techniques that minimise the amount of water applied to the plant while at the same time maximising its growth. All these measures need to be looked into and without doubt involve government moneys but, if the welfare of communities and agribusinesses are, as the bill outlines, to be considered as the objectives of the bill, I wonder why no mention of efficiency measures has been included. Perhaps this is no surprise, given that the present government will not come to the assistance of the lower Murray irrigators on efficiency issues. If these issues are not met, how is it that the bill can meet its own objectives of ecological preservation alongside community well-being?

From my reading of the River Murray Bill, I would say that at best it could only be said to touch on the areas of implementation and compliance, with perhaps a brief passing over the areas of ecological sustainability. It provides a working framework that outlines what should be achieved in river health with regard to the human dimension, but no methods to achieve these aims. Any piece of legislation that passes over the difficult and complex issues that are involved in the management of the River Murray fall short of best practice for the river. The River Murray Bill is not enough in my view to provide South Australians with the kind of effective legislation that constructively deals with the river issues that are so vital to all of us in this state. I believe that the high degree of awareness of ecological issues shown by many irrigators and water users is not acknowledged or met within this bill. In some senses the bill seems to be about policing and regulating in relation to the river and appointing the Minister for the River Murray as chief policeman rather than actually providing river users with constructive ways in which they can move forward and manage their water more effectively.

The implications of overall river health are of particular importance to South Australians. Our major citrus, horticulture, wine and dairy industries—indeed, agriculture in general—and our recreation and tourism industries are a credit to the world class operators who make their livelihoods from the river's resources. Drinking water for metropolitan Adelaide and many regional centres is also supplied through the Murray River. The South Australian portion of the Murray River is home to two RAMSAR listed sites deemed to be of international significance. The Coorong is a breeding ground for migratory birds, some of which fly great distances from as far away as China and Japan.

Unfortunately, these birds do not seem to read the newspapers or watch television to know that, when they leave their homelands to migrate to South Australia, the Coorong has been degraded to such a state that it may not be able to provide them with sufficient food to enable them to make a return journey to the northern hemisphere. South Australia is also the home of the final termination of the river, the Murray mouth, which is under significant threat at present. I was there some 10 years ago and again last week and I was quite surprised to see the visible amount of silt that has come into the River Murray mouth.

While I indicate broad support, I still have some reservations about the real intentions of this bill. I am hoping that we may be able to address some of those shortcomings during the committee stage.

The Hon. R.K. SNEATH secured the adjournment of the debate.

PROHIBITION OF HUMAN CLONING BILL

Adjourned debate on second reading.

(Continued from 12 May. Page 2259.)

The Hon. SANDRA KANCK: We are, I believe, dealing conjointly with the Prohibition of Human Cloning Bill and the Research Involving Human Embryos Bill. I indicate that the Democrats will be supporting both bills. We are not in any way converts—

The Hon. R.I. Lucas: Is this a conscience vote for the Democrats?

The Hon. SANDRA KANCK: It is a conscience vote on everything for the Democrats.

The Hon. R.I. Lucas: The Democrats are supporting this?

The Hon. SANDRA KANCK: My colleagues are supporting this, yes. We are not in any way converts to the view that an embryo is a human life but, nevertheless, we recognise that there are moral and ethical dilemmas involved in this debate. The ethical and moral dimensions are for me somewhat different than they are for those who argue against these bills based on a religious view that the moment human life is formed humanity has been acquired, that is, at conception. To the best of our knowledge, human cloning has not taken place in Australia and there is even some question as to whether it has taken place elsewhere in the world and, because it has not happened, it is possible then to give a very firm 'no' on the question.

However, as far as embryo research is concerned, we simply cannot shut the stable door after the horse has bolted. I have concerns about the fact that much of this debate has been driven by scientists. As I say, because I have some moral and ethical questions, I find myself in the company of people with whom I might not always be comfortable. Nevertheless, I quote Christopher Pyne, the member for Sturt, who said:

> There is no question scientists have bamboozled legislators.

I tend to agree with him on this, but scientists are not necessarily dealing with these questions in a moral framework. I see that some of this stuff is what I would call 'blue sky mining', and I suspect that many of the claims will not reach fruition. Last year, Dr Christopher Juttner of BresaGen gave a briefing to parliamentarians. He said three things about embryonic stem cells: that they were discovered only in 1998; that the 'scientific development is therefore incomplete'; and that 'it may take years to produce patient benefit'. That is the industry itself talking.

So, in some ways I think that what is happening is very cruel because it is setting up expectations for people with acquired disabilities. We have seen in this debate over the last 12 months, particularly at the federal level, superstars such as Christopher Reeve, advocating for stem cell research in the belief that sometimes cruel conditions and even fatal illnesses

may be able to be cured. I have concerns that when we pass this legislation it will not stop the pressures. There is inherent in that somewhere an inference that imperfection is wrong, and I have an intellectual difficulty with that.

Some people within the disability community also have this problem, and I give an example of a couple in the United States who are deaf and who are seeking to have a child who would be deaf because that couple does not experience their deafness as an imperfection. However, somehow in the middle of this argument about how we can intervene through this technology, there is the inference that one can only be perfect. The demands, as I say, are likely to increase. The Anglican Archbishop of Sydney, Dr Peter Jensen, said:

> I fear that, in due course, this will open the door to research by pharmaceutical companies testing drugs and cosmetic companies looking for a new miracle face cream. The existing frozen embryos are not going to be sufficient and the ban on cloning in any form will come under attack in the next stage of the debate.

I think that we should be aware that there will be a next stage of the debate. It will not stop here because this bill is allowing the use of those embryos that were created and stored up until the beginning of April 2002 and, because of the expectations of people who think they will be able to get cures, because of what I call the 'blue sky mining' of the industry, that pressure will certainly come upon us (I think in the not too distant future) to open up the existing banks of frozen embryos to still further research. Again, amongst the ethical and moral considerations I have is the question: who gains the benefit?

We are in the middle of debating a bill about whether or not a very expensive technology should be available to those of us who are fortunate enough to live in the First World, meanwhile thousands of people are dying every day in the Third World of diseases and conditions for which there are cures and at least levels of prevention, such as malnutrition, cholera and malaria, and there is a very ethical component in that for me. When I was a member, the Social Development Committee took evidence on the 'Biotechnology and Health' reference. During hearings on that reference, Dr John Fleming gave evidence and he said:

> . . . developed countries need to ask serious questions about the huge amount of moneys that are being invested in the development of these technologies when there exist other countries that do not have even the most fundamental primary health resources in place: clean water, proper sewerage systems, immunisation programs, and so on. Indeed, even in the Australian context, I hope it is not inappropriate for me to suggest that there are remote communities, many of them Aboriginal, who do not have those facilities. We need to consider whether what might well be advantages for very few people at considerable cost are morally legitimate to pursue while there is still a significant outstanding agenda for the poorest and most vulnerable.

I am personally offended that this money will be spent for the benefit of a few, but the question arises: can parliament prohibit these activities on that basis? It may be that the benefits of this technology will accrue to only a small group in our society, that is, those who can pay. We must also consider the possibility of black markets emerging if we attempt to block this legislation because whenever a technology has been invented and unveiled it becomes very hard to bring it back under control and, if it is prohibited, it advantages only the rich.

I give as an example abortion before our laws here were somewhat humanised. Those who had the money—and were therefore almost always the people who had the contacts—were always able to find a doctor who would perform the operation in sterile conditions with minimal medical risks. But those who did not have the money or the contacts had to resort to coathangers, or similar sorts of devices, taking poisons, or simply producing children out of wedlock, with all the attendant social problems of that time. The process of keeping that technology under wraps meant that only the rich gained access to it, and a black market was created.

Some of the more profound parts of the debate that ought to be occurring in this matter are not occurring. Last year, I noted an article in the *Adelaide Review* by Guy Rundle, who is co-editor of *Arena* magazine, that talked about this technology. What he had to say was very profound, as follows:

> If you allow IVF and embryo screening, why not stem cell research and, if that, why not cloning and so on? The problem is not that of the part but the whole, and the effect that such processes have on the meaning and value of other human beings.
>
> We can see the very first beginnings of this in some cases, such as the couple with a leukaemic child who have a second child to furnish a potential donor. It can be seen that, no matter how much genuine love the parents feel for that second child, its reason for being, its origin, is as a supply of marrow. Yet the horror arises not from the fact that there is one good path and one abhorrent one, but that both decisions—have a second child, don't have one—have elements of both. That is the true measure of a cultural predicament.
>
> With the great goods of stem cell research and the thousand other technologies of life, over the horizon comes the greatest challenge to meaningful existence that humans have yet faced. The issue is one which unites conservatives and radicals—

which applies in my case—

> believers and non, against a common challenge—the blind and uncomprehending automatic extension of science (not, it should be noted, science itself).

This is the debate we are not having but which, I believe, we should. In the midst of the debate over stem cell research, there is something very interesting to interpose—the value of life and which lives are considered more valuable than others. For some, saving embryos from destruction and for use in embryonic stem cell research is absolutely vital in the definition of what and who is important.

This bill was being debated in the other place during the Iraq war, and a very interesting letter appeared in *The Age*. I do not have the date, but it was headed 'Unholy priorities'. It was written by Stephen Lambert of Carlton and stated:

> As a recovering Catholic and avowed atheist, I continue to be astounded by the priorities of conservative Christian politicians in Australia. When federal parliament debated the use of stem cells in research or euthanasia, we heard impassioned speeches from the conservative Christians in the coalition (Tony Abbott, John Anderson and Kevin Andrews)—so much energy in the name of selected Christian values.
>
> However, when John Howard put the case for war on Iraq to his party room last week, there was apparently not a single voice raised for the opposing argument or to even ask a question. The loss of human life in such a conflict would seem to me to be of much greater Christian importance than stem cells; in fact, there is a commandment directly dealing with this issue: 'Thou shalt not kill.' Perhaps Australian cells are more important than Iraqi citizens.

I think it helps to put some of this debate in place. Having indicated where I see some ethical and moral problems, one has to ask whether or not we should support the embryo research bill.

As legislators, we have to deal with the reality of a technology that has been invented and, as with nuclear technology, once the genie is out of the bottle we can never get it back in, no matter how much we wish it so. We have to acknowledge the existence of this body of scientific and technical knowledge and expertise and then find ways to deal with it.

I have used this quote before from my colleague the Hon. Ian Gilfillan, but it so good that it is worth repeating. He was speaking about prostitution as follows:

> It is important that we recognise that we do not have a divine right to arbitrate on what is morally right or wrong. It is important that we acknowledge that the activity is going on. We are obliged to acknowledge that and, where we can, put in place legislation to protect and regulate so that it is in the least objectionable form in our community.

We need legislation similar to earlier reproductive technology legislation that is respected by all in the field—by the proponents and the opponents—and puts firm controls in place, as we have in the reproductive technology legislation. The Democrats believe that these bills achieve that aim and, despite the fact that there are ethical and moral issues, as in the reproductive technology legislation (and I not an avid fan of that technology either), these bills are justified because they draw the boundaries and set limits to a technology that has the potential for good but also has the potential for abuse.

Mary Gallnor, from the South Australian Voluntary Euthanasia Society, had this to say when directing comments to politicians about the lobbying that they were receiving on voluntary euthanasia legislation:

> You are elected not to follow the will of the people and, equally, not to follow your own will. I believe your responsibility is to balance the harm and the good of any bill that comes before you.

The Democrats support this legislation because it balances the harm and the good.

The Hon. R.K. SNEATH secured the adjournment of the debate.

STATUTES AMENDMENT (GAS AND ELECTRICITY) BILL

Adjourned debate on second reading.

(Continued from 1 May. Page 2235.)

The Hon. SANDRA KANCK: This bill is yet another act in the great competition policy farce. In this instance, we have the introduction of full retail competition to domestic, commercial and industrial gas customers from 2004. Members will be very aware that the introduction of full retail competition in the electricity industry coincided with a 30 per cent increase in the price of electricity for small consumers—an Orwellian triumph for competition!

I note that the minister's second reading explanation contains no predictions for reduced prices for consumers, and I am not surprised. Let us hope that the rampant profiteering found in the electricity industry is not repeated in the gas industry, although I note that we have no guarantee from the minister on that front either. The best we get is an acknowledgment that the reliable supply of gas at reasonable prices is essential to the community and business competitiveness.

The Democrats have long opposed the conversion of essential services into private profit. We continue to do so but recognise that the privatisation of gas and electricity in this state is too far down the track to retrieve. Having accepted that this bill will become law, I note with approval that a component of this measure is designed to put gas and electricity on an equal footing and, as a party committed to reducing our greenhouse gas emissions, we strongly support that move.

The bill also consolidates economic regulation of the gas industry with the Essential Services Commission, which is the appropriate place for the regulatory authority to reside. I trust that the government will provide a necessary increase in resources that the commission will require to do the job properly. I hope that the minister will give some indication in his second reading speech that that is the case. As a final word, I indicate that should full retail contestability turn out to be an unmitigated disaster for gas consumers, the Democrats are willing to consider reregulation of the industry via the Essential Services Commission. I indicate that we support the second reading.

The Hon. J. GAZZOLA secured the adjournment of the debate.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

CORONERS BILL

Adjourned debate on second reading.

(Continued from 12 May. Page 2265.)

The Hon. R.D. LAWSON: I indicate support from the Liberal opposition for the second reading of the Coroners Bill. This bill is almost in the same terms as a bill which was introduced by the Liberal government in May 2001. In October of that year, that bill passed all stages in this council, but was not debated in another place before the election in February 2002. It is fair, in introducing the topic, to acknowledge that coroners do play an important part, and indeed an increasingly important role, in our community. They continue to have a major function in the traditional role of determining the cause of death in individual cases. They also have a significant role to play in relation to incidents such as the Whyalla Airlines crash and the Ash Wednesday bushfires. In both cases, the Coroner was called upon to examine evidence from a wide range of sources, much of it highly technical and complex.

Inquests can be very long and expensive. However, the community is entitled to have answers from an objective source. The Whyalla Airlines disaster is a good example of a case where immense publicity was given to early theories by investigators and speculative conjecture about the cause of the crash. Only when the state Coroner does eventually publish his findings in this matter will the truth be known. One issue that does arise in relation to the Whyalla Airlines inquest is the inter-relationship between the Coroner and the Australian Transport Safety Bureau. The bureau is the federal body with responsibility for air crash investigations, and the bureau makes recommendations to CASA, which is the aviation regulator. On this side of the chamber, we would like to be assured that there is no duplication of effort in relation to aviation incidents.

Another example of the modern coronial function was the inquest into the deaths from petrol sniffing of three Aboriginal men. The Coroner heard evidence and submissions from police, the Aboriginal community, health workers, medical people and many others, and the three reports provide a blueprint for action. I can only hope that the government will implement it. I am glad to see that the Minister for Aboriginal Affairs and Reconciliation is in this chamber at the moment, and I know from assurances he has given to the chamber previously that the government is closely looking at implementing some of those recommendations. I know I speak on behalf of all concerned South Australians: implementation cannot come too soon.

One initiative introduced during the term of the Liberal government was the provision of internet access to reports of coronial inquests. This service is commendable. It is of great benefit to the public and also to the legal profession and members of parliament. To members who have not had occasion to access the site, I certainly suggest that they do to obtain access to the report of any inquest. I now turn to the bill. It contains formal preliminary clauses, including a definition of terms. 'Reportable death' is a death that must be reported to the state Coroner or, in some cases, to a police officer. The term 'reportable death' is defined broadly to ensure that the Coroner's Court has the jurisdiction to inquire into deaths of persons in circumstances where the cause of death is unexpected, unnatural, unusual, violent or unknown, or is or could be related to medical treatment received by the person, or where the person is in the custody or under the care of the state by reason of their mental or intellectual capacity.

Part 2 of the bill sets out the administration of the coronial jurisdiction in South Australia. The position of the State Coroner is retained, all magistrates are deputy state coroners, the functions of the State Coroner are largely the same under the current legislation, with one important difference, that relating to the administration of the new Coroner's Court. The State Coroner is provided with a power to delegate any of his or her administrative functions and the Attorney-General is empowered to nominated a deputy state coroner.

Part 3, division 1 of the bill formally establishes the Coroner's Court as a court of record with a seal. The bill provides for the appointment of court staff, including counsel assisting—a very important provision in more difficult inquests. The jurisdictions and power of the court in relation to the conduct of inquests is generally consistent with the jurisdiction and powers of the State Coroner under the current legislation. Division 2 of part 3 of the bill sets out the practice and procedure of the Coroner's Court. These provisions are generally consistent with the current legislation. The court is given greater flexibility to accept evidence from children under the age of 12 years or from persons who are illiterate or who have intellectual disabilities.

Part 4 of the bill gives the Coroner's Court power to hold inquests into reportable deaths, the disappearance of any person and so on, as already mentioned. The court must hold an inquest into a death in custody. Conversely the court is prohibited from commencing or proceeding with an inquest, the subject matter of which has resulted in criminal charges being laid against any person, until the criminal proceedings have been disposed of or withdrawn. Under the current legislation the Coroner may issue a warrant for the exhumation of a body only with the consent of the Attorney-General. The position under the bill is a little different as a reflection of the role of the Coroner's Court. Under the bill the consent of the Attorney is still required where the State Coroner is to issue a warrant. However, so as not to offend against the doctrine of the separation of powers, the Coroner's Court does not require the consent of the Attorney for the issue of a warrant for the exhumation of a body.

Part 4 of the bill also provides that the Coroner's Court will have powers for the purpose of conducting an inquest. These include the power to issue a summons to compel witnesses to attend or to produce documents, the power to inspect, retain and copy documents, and the power to acquire a person to give evidence on oath or affirmation. The informal inquisitorial nature of coronial inquests is maintained. In an inquest the court is not bound by the rules of evidence and may inform itself on any matter as it thinks fit. The court must act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.

A person's right against self incrimination, one of the cornerstones of our legal system, is maintained. Once an inquest has been completed, the court is required to hand down its findings as soon as practicable. As is currently the position with the coronial inquest, the court is prohibited from making any finding of civil or criminal liability. One role performed by coroners is that of accident and death prevention and this bill maintains the power of a coroner to make recommendations that might prevent or reduce the likelihood or recurrence of an event similar to the event that was the subject of an inquest. As under the current legislation, inquests may be reopened at any time or the Supreme Court may, on application by the Attorney-General or a person with a sufficient interest in a finding, order that the finding be set aside.

Under part 5 of the bill a person becoming aware of a reportable death must notify the State Coroner or, except in relation to a death in custody, a police officer. A new offence—that of failing to provide the State Coroner or a police officer with information a person has about a reportable death—is created. This is to ensure that all relevant information about a death is provided to the State Coroner or the police in a timely manner.

Part 6 of the bill contains a number of miscellaneous provisions, most of which replicate equivalent provisions in the current legislation. The State Coroner may now exercise any powers for the purpose of assisting a coroner in another state or territory to conduct an inquest or an inquest under that state or territory's coronial legislation.

In the last parliament the Australian Democrats, with Labor support, moved amendments that were designed to embrace the recommendations of the Royal Commission into Aboriginal Deaths in Custody. In particular the amendments require the Coroner's Court to forward the findings of an inquest into the death of a person, whether Aboriginal or not, who was in custody to, first, any minister responsible for the administration of the law under which the deceased was being held and, secondly, each person who appeared personally or by counsel at the inquest.

In addition, if the findings of the inquest included any recommendation, the Attorney-General would be required to cause to be tabled in the parliament a copy of a report giving details of any action taken in consequence of the recommendations. These proposals were suggested by the Law Society. On my perusal of the bill I have not seen whether these amendments have been incorporated in the bill. I will make a closer examination of that prior to the commencement of committee, but if these provisions are not included we would certainly want to know why they have not been included.

I turn now to a separate topic that relates to the South Australian Peri-operative Mortality Committee. This committee is a professional medical committee that collects information about deaths under anaesthesia in hospitals. This committee has functioned for over 40 years. It reviews fatalities, and anaesthetists, surgeons, and other medical people report, honestly and frankly, to the committee. We are advised that they report in more detail than would be their legal obligation to the Coroner.

Section 64D of the Health Commission Act specifically provides that findings, deliberations and evidence presented at the South Australian Peri-operative Mortality Committee are confidential and cannot be divulged in proceedings before

any court, tribunal or board. The committee was concerned that the new Coroner's Act might override section 64 of the Health Commission Act. The Attorney-General did not, in correspondence that I have seen, agree with that as a matter of law. However, he indicated that he is prepared to include an amendment to the bill to put beyond doubt section 64D of the Health Commission Act, and that has been duly incorporated in the bill, and I indicate support for it. I support the second reading of the bill.

The Hon. R.K. SNEATH secured the adjournment of the debate.

The Hon. R.K. SNEATH: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

GENE TECHNOLOGY (TEMPORARY PROHIBITION) BILL

Adjourned debate on second reading.

(Continued from 28 April. Page 2134.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The government opposes the motion that this bill be read a second time. A vote on the second reading of this bill was originally taken on 2 December 2002 and failed. It is the government's position that nothing significant has changed since the previous reading to warrant now supporting this bill and I refer the council to my comments made on 22 August 2002. A select committee of the House of Assembly on genetically modified organisms was appointed on 22 August 2002. An interim report was received by the House of Assembly on 19 November 2002. However, the select committee has not presented a final report to the parliament at this time.

In addition, at the national level, the policy principle for GM zoning is not yet in place, although it is progressing, and members may be aware that it is currently out for public consultation. This principle is being established by the Gene Technology Ministerial Council under the terms of section 21(1)(aa) of the Gene Technology Act and would require the Gene Technology Regulator to act consistently with any state's legislation for the declaration of non-GM zones for marketing purposes. These are impediments that need to be recognised and taken into account as they make the timing of this or any other legislative initiative inappropriate at this time.

I have stated previously that the companies seeking commercial GM licences for canola have indicated, following my request, that they do not intend to sow any commercial crops in South Australia this year and that their plans for limited release do not include South Australia as a site for growing, transporting or exporting. Members might note that Victoria has just done the same in negotiating a 12-month stay for the sowing of GM canola.

This call for urgent reintroduction of a bill that the government has not supported in the past would appear to be driven by an assumption that the government does not intend to do anything about this issue. That is not the case. The South Australian government has a clear policy commitment with regard to GM regulation. A select committee has been established to examine the issues and provide advice to the government as to how it might best proceed in this matter, and I am advised that this committee may now be close to finalising its deliberations. At that stage the government would then be in an informed position to implement that advice in the knowledge that it has properly examined all the issues.

It is the government's intention to introduce legislation if that is consistent with the advice given by the select committee, and the government does have the core principles of any necessary legislation already established. These principles do not endorse a moratorium approach and provide a more flexible approach to the management of GM crops such as is being taken by the Genetically Modified Crops Free Areas Bill being introduced in Western Australia.

Also critically deficient in the honourable member's bill is a national competition review. This state is a signatory to the COAG national competition agreement and, as such, is bound by the requirement that any new legislation that is anti-competitive in a non-trivial way must provide satisfactory evidence through a consultative process that there is a net public benefit from the bill's introduction. If not, penalties will apply. Without such evidence to hand, it would be irresponsible to progress this matter any further.

The government in due course would consult quite widely on any bill it may introduce by conducting not only a national competition review but also small business and other impact statements. The state's position in relation to approval of its bill by the National Competition Council would be enhanced if it takes a legislative approach that is similar to that taken by other states. With Western Australia and New South Wales embarking on a declarative model, there are even greater reasons not to support a moratorium-based bill.

The approach this government will take will also be fully compliant with national obligations under various WTO agreements such as the Technical Barriers to Trade Agreements. Given the sensitivity of this issue with the looming European Union challenge to our national quarantine laws and other issues, the state needs to be particularly careful that such agreements are not breached. The honourable member provides no information that would give comfort that his bill poses no risk to our international obligations.

The government will protect the cropping interests of this state but will do so in a more appropriate manner. I conclude my remarks by again referring to the speech I made on this matter on 22 August 2002, in which I included much more detail about the constitutional issues involved.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) BILL

The House of Assembly agreed to amendments Nos 2 to 8 and 10 to 13 made by the Legislative Council without any amendment and disagreed to amendments Nos 1 and 9.

TRAINING AND SKILLS DEVELOPMENT BILL

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

ADJOURNMENT

At 5.14 p.m. the council adjourned until Wednesday 14 May at 2.15 p.m.