LEGISLATIVE COUNCIL

Wednesday 9 July 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.17 p.m. and read prayers.

QUESTION TIME

CORRUPTION ALLEGATIONS INQUIRY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Attorney-General a question on the subject of the Rann government corruption allegations inquiry.

Leave granted.

The Hon. P. Holloway: Another fax is it, or is it talkback radio this time?

The Hon. R.I. LUCAS: At least my fax was actually given to the *Advertiser* and to the police, unlike those of the Hon. Mr Gazzola.

Members interjecting:

The Hon. R.I. LUCAS: We think we have him for misleading the house.

Members interjecting:

The PRESIDENT: Order! The leader will come back to the question.

The Hon. R.I. LUCAS: I am getting a statement from Mr Ian Hunter confirming that; I am waiting for that on my fax machine at the moment.

Members interjecting:

The Hon. R.I. LUCAS: It will be a big scalp if we can get the Hon. Mr Gazzola.

The PRESIDENT: Order! Honourable members will come to order.

The Hon. R.I. LUCAS: On Monday 30 June, the then acting premier, the Hon. Mr Foley, gave a wide-ranging press conference on the subject of the then attorney-general's resignation and, as I have said, the issues that have led to the referral of these matters to the Police Anti-Corruption Branch. At that press conference, Mr Simon Royal from the ABC asked a question, as follows:

> Did you get any conflicting advice over the past couple of months about going public? In other words, did you get any advice from any other part of government that, in fact, you should go public with this?

Mr Foley answered:

> Look, as I said, we sought the advice of the most senior public servant in this state, who sought the advice of one of the most senior legal officers in Victoria, who sought the advice of a senior barrister at the bar, and then for good measure we gave it all to the Auditor-General, and they signed off on everything, including the recommendation that it not be made public because of the adverse implications it may have on those who would not be afforded any form of natural justice in this process.

My question is: does the Attorney-General agree that the then acting premier's answer is an accurate reflection of the government's position?

The Hon. P. HOLLOWAY (Attorney-General): As I have answered on a number of occasions, my advice is that the advice from the Chief Executive Officer of the Premier's department was that his report and an attachment should not be released because of the need to protect the natural justice of individuals. I have no reason to believe that that information is incorrect.

The Hon. R.I. LUCAS: I have a supplementary question. Is the Attorney-General arguing that the Auditor-General has advised the government that these issues should not be made public?

The Hon. P. HOLLOWAY: As I said yesterday, the letter from the Auditor-General was released at that press conference.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, the honourable member can study that for himself.

The Hon. R.I. LUCAS: I have a further supplementary question. Given that the Attorney-General has tabled one letter from the Auditor-General dated 20 December, will the Attorney-General indicate whether there was any other written communication from the Auditor-General to the Premier in relation to these issues in December last year; and, if he cannot do that today, will he undertake to bring back a response?

The Hon. P. HOLLOWAY: I am not aware of any further correspondence, but I understand that one can assume that the report given to the Auditor-General was Mr McCann's report, which would have contained the recommendation. That is a matter I will have to check. I assume that, if Mr McCann's report had contained that recommendation, that is exactly what was forwarded to the Auditor-General. I have not seen that report. I believe it has been forwarded onto the police as part of their inquiries.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the corruption allegations inquiry.

Leave granted.

The Hon. R.D. LAWSON: In his media statement on 30 June, the Hon. Kevin Foley (acting premier) made much play of the fact that a staffer—subsequently identified as Mr Randall Ashbourne—received 'a very stern letter of reprimand and warning about future conduct'. Yesterday, at the request of the Hon. Ian Gilfillan, the Attorney-General provided him with a copy of a letter from the Auditor-General on this matter, but we have yet to see the very stern letter of reprimand to Mr Randall Ashbourne; nor has the government confirmed precisely what it was that Mr Ashbourne is said to have done to warrant this very stern reprimand. My question to the Attorney is: will the government now make publicly available a copy of the very stern letter of reprimand to Mr Ashbourne so that the public can judge the matter?

The Hon. P. HOLLOWAY: No, and I will repeat the answer I gave on Monday. Mr McCann's report concluded that there were no reasonable grounds for believing that Mr Ashbourne breached the code of conduct for South Australian public sector employees. Nonetheless, he was reprimanded and received a warning about his future conduct. As these matters are the subject of a police investigation which is still current, it would be inappropriate to discuss Mr Ashbourne's conduct and, therefore, the bases of the reprimand. So, given that the matter is part of the police inquiry, it would be quite improper for me to do so—and I suggest that discussing matters which were the subject of a police inquiry would also breach the standing orders of this parliament.

The Hon. R.D. LAWSON: I have several supplementary questions. Did Mr Ashbourne attend the briefing session for ministerial advisers concerning the standards of conduct

expected of him? Who provided the briefing sessions? What was the substance of the briefing sessions? Were ministerial advisers simply reminded that they should not offer rehabilitation to former members of the Australian Labor Party?

The Hon. P. HOLLOWAY: The honourable member's question contains allegations which are—

An honourable member: Speculation.

The Hon. P. HOLLOWAY: They are speculation, but they are allegations which are subject to an investigation, and I have no intention of responding. But I am sure, following the Premier's reprimand, that Mr Ashbourne is well aware of his obligations.

ATTORNEY-GENERAL

The Hon. A.J. REDFORD: My question is to the Attorney-General. Did the Attorney-General (Hon. Paul Holloway) have a discussion with Mr Don Farrell, the state Secretary of the Shop Distributive and Allied Employees Association, on either Sunday 29 June or Monday 30 June about a cabinet reshuffle? Did the Attorney-General agree that only a member of Labor's right faction could replace Mr Atkinson and members of the Labor left faction, such as minister Weatherill and minister Conlon, could not be appointed?

The Hon. P. HOLLOWAY (Attorney-General): No.

INFANT HOMICIDE AND ABUSE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Attorney-General a question about the conviction of people who seriously injure or kill a baby in their care.

Leave granted.

The Hon. CARMEL ZOLLO: Ms Robyn Layton QC, in her report into child protection in South Australia, has raised concern that in some cases in South Australia it has not been possible to convict a parent or carer who has seriously hurt or killed a baby. I also understand that the South Australian Director of Public Prosecutions, Mr Paul Rofe, has advised the government that prosecutors have found it difficult under the current law to obtain convictions for infant homicide or abuse that occurs in private where the only people who have the opportunity to hurt or kill the child will not say what happened, or blame each other. In the absence of other evidence confirming which parent or carer committed the crime, neither can be found guilty. My question to the Attorney-General is: what action is the Labor government taking to improve the chances of convicting people who seriously injure or kill a baby in their care?

The Hon. P. HOLLOWAY (Attorney-General): The Rann government is moving to overcome difficulties in convicting people who seriously injure or kill a baby or a very young child in their care. The Premier has released the first proposed legislation of its type in Australia for national consultation which will involve all directors of public prosecutions in Australia and members of the Model Criminal Code Officers Committee in each state and territory. The Premier and the rest of the Labor government believe that anyone who intentionally or recklessly hurts an infant should not be allowed to escape justice because of a legal loophole. That also goes for anyone who stands by and allows it to happen. The Rann Labor government is not prepared to risk people who hurt or kill children failing to be punished for their crimes. The law is clearly inadequate: we need to protect our children by fixing this law.

The new law tries to fix the predicament by giving the jury an alternative when a verdict of guilty on the principal charge of homicide, or causing serious harm to an infant, cannot be reached. The alternative does not depend on proof of which defendant was the principal offender, only that the duty of care owed to the baby by its parent or carer was seriously breached. The government has been careful to preserve the presumption of innocence and the established rights of accused people.

I am very pleased that South Australia will be the first Australian state or territory to introduce this legislation. Officers have been asked to consult nationally because other jurisdictions—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Members opposite will also have the opportunity to comment on the bill when it is introduced, and if the honourable member prefers the status quo to prevail—and we have seen cases in this state where people have gone free (one only needs to look at the Macaskill case)—he can argue for that. As far as members on this side are concerned, we are proud that South Australia will be the first Australian state or territory to introduce such legislation. Officers have been asked to consult nationally because other jurisdictions have shown great interest in the proposal and they may follow the South Australian Labor government's lead.

I also understand that the Blair Labour government is considering similar changes to the law in the United Kingdom. I can inform the council that interested parties can comment on the Criminal Law Consolidation (Protection of Infants) Amendment Bill 2003 until mid August.

FLINDERS MEDICAL CENTRE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about Flinders Medical Centre.

Leave granted.

The Hon. SANDRA KANCK: A constituent visited the Flinders Medical Centre accident and emergency department roughly two weeks ago. During that visit, she was placed in a casualty examination cubicle between the hours of 3 a.m. and 6 a.m. While inside, she noted a container holding what appeared to be human urine, and it appeared to be in a receptacle of the sort that is usually given to male patients. That container remained in the cubicle alongside her for the full three hours of her stay. The same constituent returned to the Flinders Medical Centre one week later to visit her newborn baby in the maternity ward, and while tending to him she was distressed to find a dirty rolled up nappy concealed inside a blanket in his cot. My questions are:

1. Are the staffing levels at the Flinders Medical Centre adequate to maintain proper standards of hygiene befitting a large teaching hospital in Australia?

2. Were the early hours of Thursday 26 June in accident and emergency and the morning of 21 July in maternity noted as being particularly busy?

3. Is it the current practice of the Flinders Medical Centre to overlook routine tasks due to staff shortages?

4. Does the minister consider the Flinders Medical Centre facility to be under-resourced for basic patient care in areas

such as the accident and emergency department and the maternity ward?

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

WATER SUPPLY, GOVERNMENT REBATE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Urban Development and Planning, a question about government rebate schemes.

Leave granted.

The Hon. A.L. EVANS: The government recently introduced a drought rebate scheme giving householders the opportunity to apply for a rebate on water saving devices such as water efficient showerheads, flow restrictors and tap timers. Customers are entitled to a rebate of $10 per item up to a maximum of $50. A rebate is also available to householders wishing to convert from electric hot water systems to solar hot water systems. Given that such rebates provide a measure of financial relief to families, will the minister provide a complete list of government rebates currently on offer to householders covering household items and devices such as those to which I have referred, including the expiry period for these offers?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): My understanding is that there was to be some advertising that made those announcements. However, I will take those questions on notice and bring back a reply.

CORRUPTION ALLEGATIONS INQUIRY

The Hon. R.I. LUCAS (Leader of the Opposition): Will the Attorney-General assure the council that he has directed all staff in the Attorney-General's ministerial office, who were previously personal staff of the former attorney-general, Mr Atkinson, to cooperate fully with the police inquiries into the Rann government corruption allegations?

The Hon. P. HOLLOWAY (Attorney-General): I understand that one of the officers in that department has already been interviewed by the police, and I would expect any other officers to similarly cooperate.

The Hon. R.I. LUCAS: I ask a supplementary question. Will the Attorney-General assure the council that he will direct his staff—that is, the Attorney-General's ministerial staff—to cooperate fully with police inquiries in relation to the Rann government corruption allegations?

The Hon. P. HOLLOWAY: If it were necessary I would do so, but I believe that the staff of the Attorney-General's office will continue to cooperate fully with the police.

MURRAY RIVER FISHERY

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

Leave granted.

The Hon. CAROLINE SCHAEFER: I propose to quote from an email that was, I believe, sent to all members of parliament last week by a river fisher who is now without a means of making a livelihood. It says:

> It is great to see the Labour Government compensate the Glenelg residents using Independent Assessors on the proviso that they don't take legal action!
>
> How ironical that the River Fishing Families have been forced to take legal action to try to get someone independent to give fair and reasonable compensation for the loss of their livelihoods!!
>
> Are there two sets of standards in this state, one for those living in an urban community and the other for those scattered in the rural community? The Glenelg residents were victims of a disaster through no fault of their own. We were political victims through no fault of our own. Please do not dismiss us because we are a minority. We will keep on fighting for our natural justice.

The minister yesterday, as part of an answer to a question on another matter, said of the Liberal opposition, 'You might not care for natural justice. We do.' My questions are:

1. Does the minister agree that the Rann government does indeed have two sets of standards, one for 700 residents at Glenelg and quite another for the 28 River Murray fishers?

2. Why does the Rann government continue to deny an independent assessor and therefore deny natural justice to the river fishers?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the first question, I do not think there are any double standards at all. For a start, the cases are not comparable. The government has made an offer of ex gratia payments to river fishers based on a formula. It has been well known that the basis of the formula was, of course, the gross income of the fishers. That information was assessed through an independent financial analyst. The package has been amended a couple of times, as a result of feedback that the government has received in relation to those matters.

I have also met on an individual basis with a number of the fishers involved to ensure that if there are any particular anomalous cases they can be addressed. It has been a very difficult exercise in terms of working out what is fair and just compensation in relation to those fishers, because of the unusual circumstances of that fishery. I guess it is a matter of judgment at the end of the day as to whether one thinks that those fishers should all be provided with the same amount of ex gratia payment, or whether the ex gratia payment should vary depending on individual circumstances.

In my view, given the history of the fishery, it would have been unfair to provid a flat rate to all members of the fishery. That would not have taken into account the fact that some of the fishers had a much greater dependence on the fishery in terms of their income than did others, and that was the basis on which it was worked out. I know there has been some discussion and in the correspondence we have received from river fishers, one part of which the shadow spokesperson just read out, there has been some talk about the scheme being used in parts of Victoria. From what information I can gather of that scheme, it applies to certain fisheries in Victoria but does not apply to others. The compensation that is put forward in that proposal is, as I understand it, based on net income and not on gross income, as was the case in South Australia.

If one looks at the South Australian river fishery in the information provided from the financial analyst, one can see that the average net income of 26 of those fishers out of the 30 who provided the information was $10 900 a year. If one were to take a figure of three years net income, for the 30 fishers it would result in a package of less than $1 million a year in terms of compensation. The final package the

government offered to river fishers by way of ex gratia payments was in excess of $3 million, which would have averaged over $100 000 for each of the 30 fishers.

One also needs to bear in mind in assessing the value of licences, which is also part of the scheme in Victoria as I understand it, that back in 1997 when there was a voluntary buy-out of fishers by the river fishers themselves, the package negotiated saw the removal of nine licences at a cost of $270 000 or $30 000 each. That was the value the fishers put on a licence then in that fishery. For fishers that would be about $900 000. If you put those two figures together, that would be considerably less than the package offered to river fishers in this state.

There has been a genuine attempt on behalf of this government to come up with a package that was completely fair. An independent financial analyst was responsible for collating the information, but each state has its different methods of working this out. The belief of some river fishers is that the Victorian model would be more generous than what is here, but if one takes into account the information I provided it may be significantly less generous than the package offered by South Australia. As I understand it, 11 fishers have expressed interest in taking an ex gratia package and that process has not been finalised yet. I understand some fishers have accepted it under protest. They would like more money and one can understand that as well. As I have made the point on a number of occasions, I have to be fair not only to the fishers but also to the taxpayers of South Australia.

If we come back to the question in relation to the residents at Glenelg, the government likewise is seeking to be fair to the residents and to the taxpayers by ensuring that if those taxpayers take that compensation, whilst I am not the minister responsible I understand those residents would give over their legal rights to the government and the government could then pursue potentially through the courts those who might ultimately be held responsible for that issue. I believe the government's actions in both cases are appropriate. Obviously the river fishers would like more money, but at the end of the day the government has to be fair to taxpayers as well as to individuals and we have to pay on the basis that is acceptable by measurable standards. If one compares the measures used in other states it passes that test.

The Hon. CAROLINE SCHAEFER: By way of supplementary question, if the minister is convinced that the Victorian formula may be cheaper to the government than the package being offered, why, since that is a formula agreed to by the fishers, has he refused to entertain using that formula in South Australia?

The Hon. P. HOLLOWAY: A number of formulas are used in different states. The honourable member should be well aware of the history of this matter (and I suspect that we will be debating it again later this afternoon). I had a meeting with the river fishers in Loxton, which lasted in excess of two hours, at which their legal representative was present. I had some proposals that were, obviously, the starting point for those discussions. Perhaps unfortunately, over the course of that meeting, for the next two to 2½ hours, there was a series of legal questions (and I must say that it has prepared me very well for taking on the role of Attorney-General).

Our procedures were, I think, well known. We attempted to calculate a fair ex gratia payment based on what had previously happened in other states. As I pointed out before, the river fishery is unusual. It is reach-based, unlike fisheries in the ocean—the usual fisheries that we deal with under the fisheries act. So, there are some unusual features to it. It was based on that and, as I indicated in my earlier answer, we have adjusted the package a number of times in response to approaches that were made, and each of those changes have been to make the package more generous. Following the court case, the government made the final offer. It is now really up to the river fishers: it is their decision how they proceed. I know that I have an appointment with at least one of the fishers, who has asked to see me. I remain prepared to listen to any issues that are put to me.

However, I think that, really, the fishers need to understand that the river fishery as it existed in the past is over and, regardless of what decisions I might have taken in the past 15 months, we had the announcement the other day by the federal environment minister (Dr David Kemp), who has put the Murray cod on the endangered species list, which would mean that any continuation of commercial fishing would require his approval under the EPBC Act. There has been a fundamental change in conditions in respect of the river. So, regardless of what would be the outcome of the decisions that I have taken, clearly, the commonwealth's action has, I think, indicated several things, the first of which is that the river fishery, as we know it, is finished. The commonwealth government at least believes that the fishery is not sustainable.

An honourable member interjecting:

The Hon. P. HOLLOWAY: That is arguable. Into the future, if there is to be any continuity of the river fishery, obviously, the commonwealth government's approval would be required—and, given the statement that Dr Kemp gave the other day, I believe that that is unlikely. I think the time has come (given Dr Kemp's decision the other day) for the river fishers to, I hope, contemplate that. As I said, we have made the offer, but, if the river fishers wish to speak to me about some new proposition that does not involve more taxpayers' money, I am always pleased to hear it.

The Hon. CAROLINE SCHAEFER: I have a further supplementary question. Given his previous answer, does the minister now acknowledge that, even though it was only $30 000 per licence in 1979 (which is a while ago), there was, in fact, a saleable capital value to the fishing licence, and that that value has not been included in the package offered, which is income based?

The Hon. P. HOLLOWAY: What one does when one buys a fishing licence is to buy an income stream. If I were to buy a marine scale fishing licence, which might be $70 000 to $100 000, as is the case when you buy a taxi licence, or anything else, you buy yourself an income stream, and when you sell that licence you sell the income stream. In a sense, the value of the licence capitalises the income stream. As I say, for some of the river fishers the income stream was very small indeed—as little as $90 a year net for some of the lowest income earners. For others, obviously, it was more significant.

The reach-based system and the income stream were exactly what the compensation package that was offered was to reflect. It was based on that income stream because I believed that would be the fairest way to do it. How could one fairly compensate if one said that if the licence value was, say $60 000, that was the minimum value that the government's package offered? If one looks at the sale of licences since 1997, one sees that they have varied from zero, because obviously there were some family transfers (we will ignore those), but $75 000 was the most paid several years ago.

The Hon. Caroline Schaefer: $90 000.

The Hon. P. HOLLOWAY: It was actually $60 000, because $30 000 of that included equipment. That is a special case that I have looked at, as I have done in great detail with the individual cases. The licence value was $60 000, but I am happy to talk to the shadow minister about that at any time afterwards. The values paid for the licences were up to $75 000. Given that people had paid in after 1997, I adjusted the offers made to those fishers in the last offer that was made following the full court decision in order to reflect the fact that those fishers had bought in at a high level. In every case there was a minimum of not only a $20 000 package to cover resettlement, retraining and so on, but also at least twice the current value of what was paid for the licence. That is a reasonably fair offer for those post-1997 entrants.

In fact, of those fishers who entered the fishery after 1997, two were better off through that package of twice current value of the licence plus the $20 000. The rest of them—I think it was up to 11 of them—were better off with the income-based systems. but we took whichever was the higher value. I am sure we will be having this debate later this afternoon, and I am happy to go through it all again. I am also quite happy to put on the record everything that the government has done and to be judged by the taxpayers of this state who will ultimately have to pay this. We have bent over backwards to be fair and reasonable.

The Hon. CAROLINE SCHAEFER: As a further supplementary question, given that the minister is confident that the package he has offered is fair in every case, why will he not employ an independent assessor to verify his decision?

The Hon. P. HOLLOWAY: The formula that has been used by the government is transparent. An independent financial analyst undertook all the work in terms of compiling that. At the end of the day, it is the government that must provide the money that is allocated under this scheme. I do not think there is any justification for providing a blank cheque for this. We have tried to be fair to the fishers and also to the taxpayers.

ADELAIDE UNIVERSITY RECONCILIATION STATEMENT

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Adelaide University's reconciliation statement.

Leave granted.

The Hon. J. GAZZOLA: I understand that yesterday the University of Adelaide launched its reconciliation statement and that the minister attended the launch and signed the statement on behalf of the state government. Given that this is NAIDOC Week, can the minister outline the importance of this statement and the Labor government's commitment to the reconciliation process?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his ongoing interest in Aboriginal affairs in this state. The process that was put in place on behalf of the university certainly assisted the government's selling of the reconciliation process within this state and took it to another level. The importance in NAIDOC Week of the signing of documents such as the reconciliation statement at the university is invaluable. It is of importance when organisations such as the University of Adelaide and other organisations, whether they be tertiary institutions or not-for-profit private sector organisations, participate in activities associated, first, with NAIDOC Week and, secondly, with the reconciliation process that has been put in place over the last few years.

The challenge for the government is to take the rhetoric of reconciliation into the community for open discussion and to turn the academic definition of reconciliation into real, meaningful steps, and that is what the university did yesterday. The people who were involved certainly need to be acknowledged: Mr Roger Thomas, who organised the presentation yesterday and the signing of the documents and who did most of the spadework that was required to get the statement together and signed; Jardine Kiwat; Kay Thompson; Professor Mike Innes; and the University Gender Equity Committee. A lot of people assisted behind the scenes with the formation of the event and the presentation on the day, and I would also like to thank those people. It is a big step for tertiary institutions to become involved in the reconciliation process in a meaningful way, and to take the intent of the declaration out into the community and have it discussed and debated at all levels is a vital aspect of reconciliation.

The commonwealth contributed funds early in the process of selling the message or putting in place the reconciliation process. Those funds have since dried up, and the states have had to take over responsibility for funding. That has not been particularly easy, but the committee's joint chairs, Shirley Paisley and Justice Mullighan, have done a good job in keeping the Reconciliation Committee together. It is cross-party and cross-philosophy, and that has been part of its constitution. It certainly has a good footing but, unfortunately, many people who are doing a lot of hard work are going unrecognised, and I would like to recognise the Reconciliation Committee of South Australia for the work that was put in yesterday.

ABORIGINAL PRISONER AND OFFENDER SUPPORT SERVICES

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question relating to the Aboriginal Prisoner and Offender Support Services.

Leave granted.

The Hon. IAN GILFILLAN: It is appropriate that the minister has just concluded a recognition of NAIDOC Week, with emphasis on reconciliation. It is rather disturbing to find that the Aboriginal Prisoner and Offender Support Service (APOSS) has been removed from Port Lincoln and that that happened before the tragic suicide in that place not so long ago. The service that has been removed was a full-time APOSS position, along with resources that were funded with it. Originally the position was located with OARS, but at some stage APOSS broke off and moved into the facilities of the Port Lincoln Aboriginal Community Council.

The position was split, about half the time being actually at the prison working with those in custody, and half working with the families and those at risk but outside prison. An important aspect of this position was that of communication between the prisoner and his family and also between the prisoner and/or his family and the prison. This included alerting the prison when someone who was considered a risk to themselves came into the system. In the present case, the man had a long mental history dating from a period in prison in Adelaide, when something happened, about which he would not talk. In everyday life, his family was careful not

to leave him on his own, and he was regarded as an 'at risk' person most of the time.

Had the APOSS position been in place, this situation would have been brought to the attention of the prison and hopefully he would not have been left alone, as was the case. He was on remand, which is a particularly stressful period for Aboriginals, and the Aboriginal community say it is particularly important that risk persons are not left alone at such a time.

At the time the original position was established, the Aboriginal population at Port Lincoln was around 500 to 600, with seasonal fluctuations as people moved between centres. In 2002, when the position was removed, the Aboriginal population of Port Lincoln was between 1 000 and 1 200, about twice that of when it was first made available.

A review of the APOSS position was carried out on a statistical basis and without community consultation. It found reduced numbers of Aboriginals in custody and recommended the removal of the position. Members of the Port Lincoln Aboriginal community objected, saying—with some justification—that the reduced numbers reflected the success of the position, not the grounds for its removal, and warned of the likely outcome if it was removed. I ask the minister: what was the reason for the removal of the APOSS position from Port Lincoln, and will he move to replace the APOSS position at Port Lincoln as a matter of urgency?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I have met with members of the community council since the death of the Aboriginal person in custody in Port Lincoln. I have familiarised myself with the gaps in the support services for people with mental health problems in the community broadly. My understanding is that the individual concerned was released from an Adelaide institution and was making his way back to Port Lincoln in stages. He arrived without any support at all and was found wandering on premises. He was arrested for what one could regard as a minor incident of being unlawfully on premises. He was then taken to the Port Lincoln prison and remanded.

One of the major issues there is perhaps not the role that APOSS might have played once the person entered the prison system—although that is an important role and function that should be developed when an Aboriginal person arrives to be processed to go to prison—but the difficulties (and I have discussed this with the community) in country and regional areas for people with mental health problems who fall through the gaps. There is a lack of resources—particularly temporary accommodation—for someone who has no fixed abode, no alternative means of income other than social security and—if they consequently make no contact with the community—no support. The community has made its feelings known to me as to what it would regard as the minimum standards or services required within the Port Lincoln area for temporary housing such as hostel accommodation, and they are the same as the issues that have been examined in the metropolitan area. A number of gaps have to be filled by government over time in relation to the growing problems associated with mental health issues within South Australia and within Australia generally.

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: With regard to the APOSS position, I will take the question on notice. I have met with the new CEO of APOSS just recently, and I will take up the matter of the APOSS position in Port Lincoln. I spoke to Taffy Evans—with whom I am sure the honourable member is familiar—about some of the problems the removal of the APOSS position has caused in Port Lincoln. I will take that specific issue up further with my department and bring back a reply.

However, a number of other issues need to be examined and solutions developed with the Department of Health. Continuing problems are now developing within the Correctional Services system—that is, more mental health patients are admitted to prison when, in fact, many of them could be picked up in the health services area. It is not only a continuing problem in South Australia but it is a continuing problem throughout Australia. I understand that the women's prison has a very high proportion of prisoners with mental health problems who find their way into the prison system.

So, there is a lot of work to be done in relation to mental health within the Correctional Services system, and certainly a lot of work to be done in dealing with Aboriginal prisoners, or Aboriginal people who find their way into the prison system. In addition, there is more work to be done in relation to the overall number of prisoners who are affected by drugs, alcohol and petrol sniffing, who now have major problems associated with mental health from those related drug problems, if they did not have them before.

The Hon. IAN GILFILLAN: Was the minister directly consulted as to the removal or retention of the APOSS position? If so, what, in fact, was his decision? If he was not consulted, why was he not consulted?

The Hon. T.G. ROBERTS: I will look through the records in relation to formal notification. APOSS is a body funded not directly by government. I understand that it gets its funding from applications to Correctional Services. The person was picked up by the Port Lincoln Community Council and still does voluntary work within the prison system with cross-community prisoners. I will go back through my records to find out whether APOSS contacted my office directly, or whether it contacted the department, and I will bring back a reply.

CRIMINAL PROSECUTIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General questions about the number of criminal prosecutions in South Australia.

Leave granted.

The Hon. T.G. CAMERON: Figures recently issued by the Australian Bureau of Statistics show that South Australia has the highest number of dropped criminal prosecutions in the nation—almost double the national average. The ABS figures show South Australia's Director of Public Prosecutions withdrew 23.4 per cent of all cases that went to court in 2001-02, compared with the national average of 12.4 per cent for the same period. The next highest figure was in Tasmania, with 21.8 per cent; whilst the lowest figure was Victoria, with 3.2 per cent.

The situation has become so serious that the President of the Australian Criminal Lawyers Association, Mr Kevin Borick, believes that some hard questions have to be asked about the state's methods of investigating crimes and the Director of Public Prosecutions' criteria for withdrawing criminal charges. Other senior lawyers believe that the figures point to problems with the way police and prosecutors investigate crimes. They are concerned that the DPP is dropping cases on the basis that there was no reasonable prospect of conviction.

If the only criterion for dropping the case is the prospect of conviction, that means we have either a high number of people being charged when they should not be, or a problem with our investigation methods. At worst, it could mean that people are being prosecuted without cause, whilst others escape the legal system. My questions to the Attorney-General are:

1. Why does South Australia have the highest number of dropped criminal prosecutions in the nation?

2. Is there a problem with the way police and prosecutors are investigating crimes, and is the DPP applying the test of 'reasonable prospect of conviction' too broadly?

3. Considering that innocent people could be charged when they should not be, while others may be escaping the legal system, will you as a matter of urgency investigate this matter and bring back a report?

The Hon. P. HOLLOWAY (Attorney-General): The honourable member asks an important question. I believe that a similar question was asked of my colleague the former attorney-general Michael Atkinson during the estimates committee, when I believe he answered that question. As I understand it, I think this matter has more to do with the way the statistics are kept and measured than with any underlying issue in relation to the conduct of prosecutions. Given my newness to the job, I will take the question on notice and bring back a reply, because it is an important question. As I understand it, this issue has been around for a long time, but we do know that, when we make these interstate comparisons with not just prosecution statistics but also crime statistics, we must make sure that we are actually comparing apples with apples. I will bring back a reply for the honourable member.

MINISTER FOR INDUSTRY, TRADE AND REGIONAL DEVELOPMENT

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 Industry, Trade and Regional Development, some questions regarding ministerial dining fees.

Leave granted.

The Hon. J.F. STEFANI: In an article published in the *Advertiser* dated 25 June 2003, it was reported that letters and brochures were sent to hundreds of South Australian businesses and business people by the acting secretary of the Labor Party, inviting them to dine and wine with members of the cabinet at an individual cost of up to $1 500 per head. I am reliably informed that the brochure listed all 13 Labor cabinet ministers but excluded one member of cabinet, the Minister for Industry, Trade and Regional Development and Minister for Local Government, the member for Mount Gambier. My questions are:

1. Will the Minister for Industry, Trade and Regional Development and Minister for Local Government make himself available on equal terms as his other cabinet colleagues to meet with business people in order to provide them with appropriate information about his portfolio area and the Rann Labor government's policy directions?

2. Will the minister advise whether he will charge a fee to fund his future election campaign when dining and wining with business leaders as a de facto Labor cabinet minister in the Rann government, or is he prepared to do so at no charge?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those questions on notice and report them to my colleague in another place and bring back a reply.

The Hon. T.G. CAMERON: As a supplementary question: if it is $1 500 to sit with the minister, how much is it to sit with the Hon. Bob Sneath?

The PRESIDENT: The Hon. Mr Sneath does not need to give an answer, but he can ask a question.

SNAPPER FISHERY

The PRESIDENT: I call the Hon. Mr Sneath.

An honourable member interjecting:

The Hon. R.K. SNEATH: If I dye my hair like the Hon. Angus Redford it will cost even more! I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on snapper fishing.

Leave granted.

The Hon. R.K. SNEATH: A split seasonal closure for snapper fishing was introduced in 2000. I understand that it was always intended to review those arrangements after three years. Has the government made a decision on the split seasonal closure for snapper?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. As the honourable member says, there used to be a split season for snapper; it was three weeks in August and three weeks in November for each of the past three years but, following advice, the state government has decided to implement a single, month-long closure to better protect one of South Australia's most highly priced fish species. The previous closure of the state's snapper fishery in early August will not proceed this year. This year the fishery will be closed from noon on 1 November until noon on 30 November and again on those dates in 2004 and 2005. The advice received from the Marine Scale Fisheries Management Committee and the South Australian Research and Development Institute supports a single closure rather than the previous split three-week closure in August and three weeks in November.

The split season closure was introduced in 2000. I am advised that, as the honourable member said in his question, it was always intended to review those arrangements after three years. The aim of the closures then, of course, was to support a sustainable harvest level for the snapper fishery. Assessments have found that the three-week closure in August had little effect on protecting snapper stocks, while the November closure was effective in reducing fishing effort in the snapper fishery. The objective of the November closure is to provide greater protection for the spawning stock of snapper and adequate annual egg production.

The snapper fishery is, of course, very important for both commercial and recreational fishers, and it is in everyone's interest that fishing continues to be sustainable. The new closure will be implemented for three years from 2003 to 2005, and the effectiveness of the closure will be reviewed by the Marine Scale Fisheries Management Committee in 2005. I can advise the council that the November closure of the snapper fishery will be advertised to ensure community awareness of the change. I am aware that, in recent times, a significant request has been made by fishers to see whether the August closure would continue, and that is why it is important that we make this decision. It is also important that we provide a closure that will be effective in protecting the stocks of this very important recreational and commercial fishing species.

SCHOOLS, CRAFERS PRIMARY

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 the Crafers Primary School.

Leave granted.

The Hon. KATE REYNOLDS: The Crafers Primary School has major flooding problems, with up to one quarter of the school's grounds reduced to a boggy mess every time it rains. Also, I have first-hand knowledge, through my children's sporting activities, of flooding problems at the Bridgewater Primary School oval, with the oval declared off limits to students and sporting clubs after heavy rainfalls. The Crafers Primary School has been working with the Adelaide Hills Council for 10 years to reduce the amount of stormwater entering the grounds, but without any real success.

Every year students are unable to use large sections of the playground during winter. The school's concerns have been heightened by fears that the stormwater could be contaminated by run-off from septic tanks. My questions to the minister are:

1. Has the Department for Education and Children's Services investigated the situation forcing Crafers Primary School to fence off part of its grounds every year and, if not, why not?

2. Why has the situation been allowed to continue for 10 years?

3. Will the minister act immediately to address the Crafers Primary School's flooding problem and, if not, why not?

4. Will the minister provide a guarantee to the school community that the school grounds are not contaminated by any effluent run-off from septic tanks?

5. How many other schools in South Australia are forced to ban students from ovals and playgrounds following heavy rains because of inadequate drainage?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Education and Children's Services for a response. Let me say that, as a resident of the hills area, of course, that particular area around Crafers and Stirling (where I live) has an annual rainfall (in the old measure) in excess of 40 inches a year. It is probably the highest rainfall area in the state, and most of that rain falls during the winter periods. Much of that hills area is waterlogged which is, for those of us who live in the hills, a feature of the area. I suppose it is also what makes the area so attractive in terms of the trees and other vegetation that grow as a consequence of that high rainfall. I will pass on those questions to the minister.

In relation to the sewage effluent, as a resident of the Stirling area I know that the government is doing a significant amount to extend the sewerage scheme through that part of the hills. Whether that area around Crafers is part of that program, obviously, is a matter about which I will have to ask my colleague the minister responsible for SA Water. I know that the government is certainly doing a significant amount to increase the extension of sewerage services into the hills area. However, I will seek a response from the minister.

CORRUPTION ALLEGATIONS INQUIRY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: In a question to the Attorney-General on 8 July 2003 (LC *Hansard*—page 2715) relating to police investigations involving Mr Michael Frederick, the Hon. R.D. Lawson said:

> I interpose that this seems to be a somewhat different reporting mechanism to that which has been adopted in relation to the current corruption inquiry, where the report will be not to the Director, Public Prosecutions but to the Commissioner for Police.

I wish to correct this misstatement of the Hon. R.D. Lawson. The Anti-Corruption Branch inquiry presently being conducted was commissioned at the direct instigation of the Hon. Kevin Foley, the then acting premier, on Monday 30 June 2003. I advise the house that, in accordance with long-established practice and protocols, the Anti-Corruption Branch will provide a report to the Director of Public Prosecutions, who (under the Director of Public Prosecutions Act) has the sole statutory discretion to determine whether criminal charges should be laid.

I am at a loss to understand how the Hon. R.D. Lawson can state that the Anti-Corruption Branch is, in this instance, supposed to be providing a report to the Minister for Police. As I have been at pains to point out, this government has itself, on the advice of the Crown Solicitor, taken the step of referring the matter to the police for investigation. The Anti-Corruption Branch will act entirely in accordance with all established protocols and practices in referring all matters to the Director of Public Prosecutions for advice or other action, including adjudication of whether criminal charges should be laid. No question of ministerial involvement arises in any way whatsoever in relation to the investigation or adjudication process of the matters referred to the Anti-Corruption Branch.

PRINTING COMMITTEE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to move a motion without notice concerning the appointment of a replacement member to the committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

> That the Hon. J.M.A. Lensink be appointed to the committee in place of the Hon. D.V. Laidlaw, resigned.

Motion carried.

STANDING COMMITTEES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to move a motion without notice concerning appointments to the Social Development Committee and the Environment, Resources and Development Committee.

Leave granted.

The Hon. P. HOLLOWAY: I move:

> That, pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. J.M.A. Lensink be appointed to the Social Development Committee in place of the Hon. D.W. Ridgway, resigned, and the Hon. D.W. Ridgway be appointed to the Environment, Resources and Development Committee in place of the Hon. D.V. Laidlaw, resigned.

Motion carried.

MATTERS OF INTEREST

MULTICULTURAL FORUM ON FAITH AND COMMUNITY RELATIONS

The Hon. CARMEL ZOLLO: On Monday 23 June I attended the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC) Multicultural Forum on Faith and Community Relations held at the Prophet Elias Church Community Parish Hall. It was a refreshing change to be invited to attend this forum. I am glad to see that, since the election of the Labor government, the commission has changed its habit of often overlooking non-government MPs so that now all state MPs (including from the opposition) are invited to these multicultural fora.

This may sound trivial but I think the point needs to be made as it reinforces the enduring message that South Australia's multicultural policy is bipartisan and that, as a society, we have a proud history of being able to maintain cohesive relations between communities, despite pressures and conflicts in other parts of the world. I was one of three members of this chamber who attended, with the Hon. John Gazzola and the Hon. Julian Stefani also being present.

The forum was a timely event. To quote John Kiosoglous, the Chairman of SAMEAC:

> The current situation in the Middle East (especially Iraq) has stirred many passions in the Australian community in general and among Australians of the various Middle Eastern backgrounds in particular. By inviting members of the South Australian community to participate in this forum SAMEAC hopes that they will gain an insight into the shared values of the Jewish, Muslim and Christian worlds.

There were three excellent speakers at the forum, which was chaired by regular *Advertiser* columnist, Mia Handshin. The speakers represented the three great Abrahamic faiths of Judaism, Christianity and Islam. About 100 prominent people from Adelaide's diverse community listened to the thoughts of the Most Reverend Ian George, Anglican Archbishop of Adelaide; Khalid Youseff, Imam of the Adelaide Mosque; and Mr Jeremy Jones, President of the Executive Council of Australian Jewry. The speakers tried to demonstrate how faith is able to foster social harmony, compassion and better understanding among various communities rather than create conflict. They also gave an insight into the shared values of the Jewish, Muslim and Christian worlds. The forum was also addressed by the Hon. Michael Atkinson MP in his capacity as Minister for Multicultural Affairs. He told the gathering:

> We cannot, as a society, tolerate attacks on mosques or synagogues and other places of worship or on law-abiding Australians whatever their origins of faith. Freedom of faith and religious expression is fundamental to any just, decent and socially inclusive society like ours.

We were reminded that South Australia has long had a history of religious freedom. The South Australia Act, which set up the arrangements for the new colony in 1836, secured this freedom. Indeed, as we were also reminded, it was one of the main reasons why it attracted German Lutherans to settle in the Barossa Valley when they fled from religious persecution in Prussia.

It was wonderful to see that in our state we could have a gathering that included Christians, Jews, Muslims, Sikhs, Buddhists, agnostics and others in one venue to have a dialogue about the things that unite us all as Australians. By organising this multicultural forum, SAMEAC hoped to assist the public to gain an insight into the interaction between these faiths and to dispel some of the prejudices and misconceptions that currently exist about these religions.

It was a poignant reminder that faith and tolerance are essential ideals for our community and people. The freedom to believe and to give expression to one's faith without fear of discrimination or retribution is a keystone of our culture and civilisation. Prejudice and discrimination thrive on ignorance and misinformation. SAMEAC plays an important role in facilitating the sharing of information in open community forums that also encourage networking.

I congratulate the commission on the forum. I enjoyed being a part of this dialogue, which I believe will continue and which could serve as a model for more troubled places in the world.

VIETNAMESE CHRISTIAN COMMUNITY

The Hon. J.F. STEFANI: Today, I wish to speak about the testimonial dinner organised by the Vietnamese Christian Community on Saturday 28 June 2003 in honour of Father Augustin, Sister Elizabeth and Father Joseph. As long-time friends of the Vietnamese Christian Community, my wife and I were particularly privileged to be sharing in this special event when the Vietnamese community was paying a unique tribute to the outstanding work and significant contributions of Father Augustin and Sister Elizabeth over many years in the service of the Vietnamese people.

I would also like to acknowledge the work of Father Joseph, who has served as assistant chaplain of the VCC. As many friends of the Vietnamese people are aware, Father Augustin was the first chaplain appointed to provide pastoral care to the Vietnamese Christian Community in South Australia, from 1979 to 1992. In 1994, shortly after the blessing of the foundation stone of the magnificent community centre at Pooraka (which I can still vividly recall took place on a very wet Sunday morning during the celebration of holy mass under a small marquee in the middle of a flooded paddock), Father Augustin left Adelaide for the USA, where he completed a Masters Degree in Pastoral Studies. On his return in 1996, he was reappointed to continue his devoted life in the service of God and the Vietnamese people in South Australia. Father Augustin has given remarkable service and pastoral leadership to the Vietnamese Christian Community and has provided enormous inspiration and support to many people over a period of more than 20 years.

During this outstanding period of service and community achievements, another person has also generously devoted her religious life in the service of the Vietnamese people. I speak, of course, of none other than Sister Elizabeth Nghia, who arrived in Australia in 1976 as one of the many 'boat people' to flee their homeland in the aftermath of the Vietnam war. Sister Elizabeth's journey to Australia on board a small fishing vessel with 32 other desperate refugees almost turned into a disaster because they had no food for the last five days of their sea journey.

Fortunately, Sister Elizabeth and her companions were rescued by the master of the ship *Hai Lee*. As a newly arrived refugee, Sister Elizabeth immediately began her work helping the many refugees facing the difficulties of intolerance and prejudice, as well as the challenges of a new life in a new country. Sister Elizabeth was instrumental in the establishment of the Indochinese Australian Women's Association, an organisation which developed self-help programs for Vietnamese women and provided pastoral care and welfare

support in the areas of housing, employment, income, education, counselling, and many other family issues.

During her long and dedicated period of community service, she maintained an enduring commitment to the education and religious training of children in the Vietnamese community. She founded and became the principal of the Lac-Long Vietnamese Ethnic School, teaching the Vietnamese language to more than 800 children. In 1984, Sister Elizabeth was awarded the Medal of the Order of Australia in recognition of her outstanding work for the South Australian Vietnamese community. In acknowledging the magnificent leadership and the contributions made by Father Augustin and Sister Elizabeth during the past 20 years, I believe that all members of the Vietnamese Christian Community have collectively expressed their appreciation and gratitude by responding with great generosity and sacrifice to achieve the building of their impressive community centre at Pooraka.

As many members of parliament would already be aware, during the celebration of the Centenary of Federation the federal government announced its intention to honour the many volunteers in our community. Our community of volunteers are the unsung heroes who give of themselves in the service of others. One of these special volunteers to receive recognition with the award of the Centenary Medal was Father Augustin. It was a great honour for me to acknowledge Father Augustin's outstanding work for the Vietnamese community and to present him with the Centenary Medal and his citation certificate. It was also a privilege to present Sister Elizabeth with a personal gift to acknowledge her tremendous contributions for the benefit of the Vietnamese people. In closing, I know that, after so many years with the Vietnamese Christian Community, Father Augustin and Sister Elizabeth will be greatly missed by all the people who have come to know them. I consider myself fortunate to know them as very special personal friends, and I wish them continued success, good health and happiness for the future.

STOP, THINK, ACT PROJECT

The Hon. R.K. SNEATH: Last Wednesday, I had the pleasure of being in Berri in the Riverland to launch the Stop, Think, Act project. Mr President, you might well be thinking that was something put together to help the opposition, but, unfortunately, it was not. It was something which was put together by students from Loxton High School and Riverland Special School and which resulted in a very constructive video. It was developed as a youth peer education project that would facilitate an awareness of the commonality of relationship issues in youth, regardless of their different ability or differability—differability being a term that recognises that everyone is individual and that we all have a diversity of skills and abilities that can be further developed and used as a positive contribution within our community.

Students from Riverland Special School and Loxton High School held combined social activities and joint drama workshops directed by the Riverland Youth Theatre drama facilitator. This allowed for discussion and exploration about relationship issues with participants. Unfortunately, Loxton High School students could not continue, due to study commitments, so the project was continued by students from Riverland Special School. The video production was funded by Country Arts SA. The target groups of the video are students in special schools; students in special classes; students in learning support classes; mainstream classes; students at primary, secondary and area schools; life skills and social science classes; and students who have been bullied or victimised. After seeing the video, it seemed to me that it could be used by employers and also trade unions.

The special students acted in it, and they did a magnificent job (there could be the potential for a Nicole Kidman or somebody of that ability amongst them). The video focused on bullying and harassment, jealousy, partners, relationships (wanted and unwanted), and acceptance of situations and abilities that cannot be changed. The video can be used to generate various discussions about relationships with peers and friends; how individuals and groups view people with different abilities; similarities in problems with friends and peers; and choices in regard to how people behave and react.

The role emphasising bullying could be used for presentations not only in relation to bullying at school but also in classes for occupational health and safety stewards and shop stewards in relation to the workplace. I am pleased to have received copies of the video, which I will pass on to some trade unions for presentation. These special children and adults have done a great job and perhaps they might be able to get the message across in the workplace as well as in schools. I congratulate them on the wonderful job they have done of putting together a video that points out the different ways in which to overcome problems if confronted with them. I also take this opportunity to thank Pam Dunlop, the main coordinator, and congratulate the special students on their involvement.

SPEAKER, COMMENTS

The Hon. R.D. LAWSON: I propose to make some remarks on the upholding of public confidence in our institutions and begin by referring to a statement made in another place on a matter of privilege on 5 June this year by the Speaker. The report of the Speaker's remarks appeared in the *Advertiser* on the following day, and accurately summarised the comments as follows:

> Speaker Peter Lewis has threatened to impeach a magistrate for contempt. Speaking in parliament last night, Mr Lewis warned the unnamed magistrate about a move to force Labor backbencher and member for Playford, Jack Snelling, to attend the Magistrates Court to provide information on a case before the court.

The article continues:

> It is understood that Mr Snelling has been directed to attend court to provide details on a source who supplied him with information which contributed to a letter he wrote in defence of [the then] Attorney-General Michael Atkinson.

It is indeed true that the Speaker in his comments said:

> On behalf of the house and the parliament, the chair forthwith directs the attention of the presiding member of the court to [certain facts]. The presiding member of the court must cease and desist these endeavours forthwith.

The Speaker went on further:

> Should the presiding member of the court persevere in attempting to direct the member for Playford. . . to act in breach of parliamentary privilege he. . . should be aware that parliament may choose to impeach him for contempt.

During the course of his discourse, the Speaker reminded the house of the activities of King Charles I and dilated upon the incarceration in the Tower of London of various judicial and other officers in the 17th century.

This threat, not only on behalf of the House of Assembly but also on behalf of the parliament, is most alarming. The immunity of parliament from legal process is, of course, a

cornerstone of our democratic system, but so is the independence of the courts, and that independence is no less important. The conventional way in which parliament approaches the courts of law is through a legal counsel duly appointed for that purpose. The member for Hammond would be well aware of that because, in the past, counsel have been appointed from crown law to appear on matters in which he has been involved to present matters of parliamentary privilege to the courts.

It is entirely inappropriate and most corrosive of any member of parliament to threaten a court or a judicial officer with impeachment, and sabre rattling with reminders of King Charles I and the Tower of London are most improper. There is a convention that parliament treats with respect the activities of the court and one expects that courtesy to be reciprocated. We run a very real risk of undermining our constitution if attacks of this kind are allowed to continue.

The second matter on which I would remark concerns the announcement yesterday that magistrate Michael Frederick was the subject of a police investigation. That announcement was made by the chief magistrate, who thereby put the matter out into the public arena. Yesterday, I asked the Attorney-General whether he would agree that the confidence of persons appearing before judicial officers may be undermined if it is publicly known that the judicial officer concerned is the subject of a police inquiry or investigation. The Attorney-General skirted the question and declined to intervene in relation to this matter to encourage the magistrate to stand down whilst those investigations continue.

I believe strongly in the presumption of innocence, and I make no suggestion that there is any substance to any of the allegations being investigated. However, I believe that public confidence in our courts will be maintained if the judicial officer over whom any cloud or suspicion exists stands down. Today, I am glad to see that magistrate Michael Frederick has agreed not to sit this week but to undertake administrative duties. I commend him for that. It is a pity that he has far better judgment and has shown greater leadership than the Attorney-General has in this matter.

Time expired.

CHILDREN IN DETENTION

The Hon. KATE REYNOLDS: Nearly half the children detained in Australia are inside Baxter Immigration Detention Facility near Port Augusta, where they are confined in breach of international human rights treaties to which Australia is a signatory. One submission to HREOC's national inquiry into children in immigration detention said of the policy of the Liberal federal government that it 'also offends traditional and long established Australian standards of humanity, compassion and morality'. To our great shame, Australia is now the only western nation that places all asylum seekers in mandatory detention for unlimited periods of time, showing to the world that the Howard government's priorities are more twisted than barbed wire. In fact, rather than providing the extra care and support that children and young people need after experiences such as fleeing from life in a war zone, the government is causing more harm.

As a result of being in detention, children exhibit symptoms including withdrawal, recurring night terrors, vomiting, trembling, migraines, lapses in toilet training and bed-wetting in older children, malattachment disorder, insomnia, eating disorders, severe nail-biting, behavioural problems, speech difficulties and delay, fits and convulsions, self harming and delay of normal physical development such as crawling or walking as a result of the cramped and toxic conditions. The arrangement for some of the children to attend school in Port Augusta for part of the year offers much needed structure and predictability, but not all children are able to attend.

In their submission to HREOC, the national child welfare organisation said, 'The detention environment by its very nature retraumatises already extremely vulnerable children and young people.' FAYS staff in this state know this from their own visits. For parents, life inside Baxter is hell. Dr Lyn Bender, a psychologist employed for a time by ACM, told the HREOC inquiry:

> The detention environment was emotionally stressful and mentally destructive for all detainees. . . adults were unable to create a safe, caring family space. The environment was punitive, penal and depriving of autonomy and stimulation.

These parents are often traumatised and battling severe depression and a deep sense of loss and grief and are, of course, suffering acute anxiety about what the future holds for their family. They try to be resilient and to be good parents. They try to maintain hope but, like you and I would, parents inside Baxter worry about breaking down in front of their children.

A member of the UniSA Circle of Friends, Tracey, wrote to me about her visit to one refugee family just last week. She said:

> On the way to Baxter we remembered how excited and optimistic we all were when we met the Al-mosawi family last July. We remembered how we grew to love them and how we played with the children. We remembered the extraordinary privilege of being intimately involved in the birth of their third child, Salima. We recalled the horror of finding Samira in the Emergency Ward at the Royal Adelaide Hospital in December [last year], curled up in a foetal position, unable to speak, and covered in bruises. Sadly, we remembered the many months of telephone calls and letters to Mohammed as we tried to keep both his and our own spirits buoyant.
>
> Seeing the family again this week reminded us that we have failed. Despite our best intentions and efforts, the family is still imprisoned. Samira is still psychologically damaged as a result of being imprisoned, and Mohammed continues to raise their three small children with a love and gentleness that contrasts sharply with the harshness of their detention environment. All we can do now is weep and apologise for the brutality of the Australian immigration system, for the inaction of our state government and for our own impotence.

These are men, women and children with names, faces and stories to tell about how they struggle under 24-hour surveillance against the disintegration of their longed-for future. They are not the illegal, non-citizen aliens John Howard would have us believe. This systematic abuse of children and young people and the deliberate destruction of families is not happening in some distant country: it is happening right here in South Australia with the full knowledge and, it appears, the approval of this state's Labor government.

In conclusion, the Australian Democrats renew our call for all children and their parents to be immediately removed from Baxter under the jurisdiction of the state's Child Protection Act. I note that separation of children from their parents would be in breach of Article 9(1) of the UNCRC and would, by any measure, be unjustified, unconscionable and against the best interests of children. Families should be housed in the community, with access to the necessary health and education services and language services for parents, as is done in Europe and Canada where compassion inspires, not enrages, our political leaders.

ROSTRUM

The Hon. T.G. CAMERON: I rise today to inform the house of the work that Rostrum, the public speaking organisation, is doing to assist the growth and development of public speaking skills for South Australians. On 28 June 2003, the South Australian state finals of the Rostrum Voice of Youth were held in this parliament. Eight secondary school contestants competed for titles of Junior Voice of Youth and Senior Voice of Youth for South Australia. These eight people were chosen from over 200 contestants in heats and semi-finals. The winners progressed to the semi-finals, which were similarly held over another weekend, likewise supported and voluntarily run by members of Rostrum. Two winners from each heat progressed to the state final. Around 30 Rostrum volunteers organised, adjudicated and ran these heats and finals, including James England, an adviser in my office. He informs me that the evening was most enjoyable and the speeches were of the highest calibre.

This council was represented by the Hon. Sandra Kanck MLC, who was one of five adjudicators for the senior competitors. The evening was hosted by the Liberal member for Bragg in another place, Vickie Chapman. The junior winner of the Voice of Youth was Jane Thompson from Loreto College, and the senior winner was Matthew Clayfield from Mount Gambier High School. The Voice of Youth competition is part of a national competition and the winners of the state final progress to the national final to be held in Brisbane on 26 July.

I would now like to inform the house a little about Rostrum itself. Even though it organises the Voice of Youth, Rostrum is a self-help group, not a service club. It is dedicated to improving the public speaking skills of members. It is run by the members for the members and caters for all members from the most shy and least able to expert speakers. Its membership is a cross-section of society. It welcomes people from all backgrounds and has active members who have a disability. It may interest members to know that several former members of the South Australian parliament were also members of Rostrum: David Wade and Stephen Baker. The focus of Rostrum is to learn the art of public speaking and love of the English language in a friendly environment with support and advice from trained critics and senior members of the organisation. It teaches both practical public speaking skills, meeting procedure, how to chair a meeting and presentation skills. In fact, one club focuses solely on presentation skills.

There are 30 clubs covered in the Rostrum SA zone, including two clubs in the Northern Territory. While Rostrum membership has remained steady, it is, like all public speaking organisations, rather low. In an age where communication is all important, I would encourage all South Australians to advance their public speaking skills. Rostrum does wonderful work with the Voice of Youth and with its members, instilling in people of all ages confidence, ability and pride in excellence. It is often difficult for an organisation dedicated to self help and with only grassroots financial resources to promote itself within the community.

It is time for the state government to recognise these public speaking groups for the important role they play in education and personal growth. People who have found confidence, overcome fear, and grown as speakers and as members of the community by virtue of their membership of Rostrum are adding value to our economy and society. The importance of developing public speaking skills cannot be overstated. It is the key to personal, economic and political development. It can help people raise their incomes, their education levels and their political activity and awareness. The state government should play a more active role in promoting these organisations or giving them avenues to gain new members and in helping younger and older South Australians to become better public speakers. The quality seeds we plant in them today will benefit our society and our democratic system for years to come.

QUESTIONS ON NOTICE

The Hon. A.J. REDFORD: During the period the Hon. Mike Rann was in opposition he made it his mantra to promise open government, codes of conduct, enhanced parliamentary standards and scrutiny. Oh, how far short this government has fallen in relation to those lofty ideals! One of the specific promises this government made was to answer questions within six sitting days—a specific and measurable promise. If one looks at the performance of the government, adjectives such as lamentable and disappointing are just two that come to mind. As of today 135 questions on notice remain unanswered. Indeed, 95 of those questions have been outstanding since February this year.

These questions cover topics such as: late fees paid to government agencies; what tenders and contracts have been offered since March 2002; the cost of the Auditor-General's Report; Music House; who attended public-private partnership conferences; names of ministerial staff and their salaries; costs of ministerial office renovations; destinations and cost of ministerial trips; who are the travel VIPs within government; numbers of public servants; public servants who get paid more than $100 000; who is entitled to a public servant bonus; public transport investment review; review of bus service contracts; costs of renovations of the CEO of the Hon. Michael Wright's office; speed cameras; the cost of the Layton report; SOTAP; etc. The list goes on and yet sporadically the odd question is answered.

One might think the opposition ought to be grateful this week that it got the answers to three questions. Some seven questions from a former member of this place, Hon. Diana Laidlaw, remain unanswered. Further evidence of the lamentable performance of this government in answering questions can be proven by an analysis of some of the unanswered questions that I have asked over the past 12 months. Indeed, some 47 questions asked by me without notice remain unanswered. To give some examples—

The Hon. R.K. Sneath: Dorothy dixers!

The Hon. A.J. REDFORD: If they were dorothy dixers, they ought to be answered on the spot, with a minister who is across his portfolio—in order to respond to the Hon. Bob Sneath and one of his better interjections, which really had me under pressure! Some of the questions include the cost of the Racing Industry Council and its role; the advertising of the EDS; ministerial responsibility; the failure to process FOI and the calculation of charges; community cabinet meetings; the Crimtrac system; government consultancies; the Hindmarsh Soccer Stadium; public liability insurance; regional communities; election promises; crime statistics; the ministerial code of conduct (there have been a few of those); public confidence in judicial administration; the Chris Kourakis appointment; cabinet confidentiality; workers compensation (and, indeed, I will be alluding to that in some detail in the not too distant future); and South-East water licences.

The Hon. Bob Sneath might laugh, but we all know that he does not ask many questions; he is very accepting of this government. But we—Her Majesty's loyal opposition—are charged with asking questions and, indeed, we do not receive answers on more occasions than is desirable. And they are just my questions—which are usually put in a simple way, without rancour. Yet, I am treated (as are, I am sure, many other members in this place) with complete disdain. Is it any wonder that some ministers in the other place complain about a lack of cooperation from the Legislative Council? It is time for this government's rhetoric to be matched by its performance. If the corruption scandal is not a wake-up call for this government, I do not know what will be. Next time I speak, I will report on the government's FOI performance—an equally patchy and an almost equally lamentable one.

LEGISLATIVE REVIEW COMMITTEE: GIANT CRABS

The Hon. J. GAZZOLA: I move:

That the report of the committee on regulations under the Fisheries Act 1982 concerning giant crabs be noted.

The Legislative Review Committee first considered these regulations, which allocate the giant crab resource to fishers, in May 2002. A number of fishers contacted the committee stating that the allocations were unsatisfactory. The committee invited the fishers and their representatives to appear before it. The committee also took evidence from the Director of Fisheries and a representative of the South Australian Research and Development Institute, which provides the government with specialist advice on fish stocks.

The committee conducted numerous hearings and provided stakeholders with adequate opportunity to make submissions and respond to evidence that had been provided. It heard from eight witnesses, which included scientific experts, legal representatives and a full-time crab fisher, and recorded over 80 pages of *Hansard* evidence. It also received numerous detailed submissions from the parties. The fishers informed the committee, in August 2002, that they might resolve their concerns about the regulations through a private arrangement. However, the parties ultimately failed to reach an agreement and, consequently, the committee continued with its review.

After taking evidence from the parties, the committee wrote to the Minister for Agriculture, Food and Fisheries on 5 December 2002 and requested an immediate review of the regulations. The minister responded on 17 February 2003 and advised that it was not appropriate for him to overturn the decision of the Director of Fisheries. On 19 February 2003, the committee resolved to produce a report on the regulations. Mr President, as you know, the report was tabled on 4 June 2003.

The committee noted and considered each of the criticisms of the fishers in relation to the scheme of management for the giant crab resource. Consequently, it reported on the following:

- whether the total allowable catch for the giant crab resource, which is announced at the beginning of each season, is too low;
- whether the total allowable catch fails to ensure the optimum utilisation of the resource;
- whether the distribution of the resource amongst fishers is inequitable;
- whether the right to review an allocation under section 58 of the Fisheries Act 1982 has been taken away by the use of regulations;
- whether the right of fishers to the resource is dependent on non-reviewable decisions, resulting in a breach of natural justice;
- whether the King Crab Allocation Advisory Panel made decisions about equitable allocation when it did not have the information or expertise required for such a determination;
- whether the panel made errors in its calculations;
- whether the panel did not validate data used to calculate historical catches, which subsequently determined the distribution of the giant crab resource;
- whether the Director of Fisheries has not obtained the best scientific advice in making decisions about the management of the resource; and
- whether the director unreasonably excluded pre-1997 catch histories of fishes on the basis that this information could not be validated.

The committee made six recommendations on the basis of its inquiries. The first of those is that, as part of the review of the Fisheries Act 1982 commissioned by the government in June 2002, the Minister for Agriculture, Food and Fisheries should develop a policy for the implementation of regulations concerning schemes of management for fisheries. The committee noted that a policy would inform fishers that appeal rights or rights to a fishery may be determined by regulations. The committee noted that some fishers believed that such rights could ultimately be decided by the courts.

The second recommendation is that the policy for the implementation of the regulations should be publicly available and incorporate the following:

- guidelines for when regulations are to be used as a fisheries management tool above other options such as licence conditions;
- measures to ensure that sufficient information is collected to enable an effective determination on the equitable distribution of the resource, in accordance with section 20 of the Fisheries Act 1982;
- measures to inform fishers that, given that the fisheries industry is highly regulated to ensure the sustainability of available stocks, allocations may be determined by regulations and may not be challenged pursuant to section 58 of the Fisheries Act 1982; and
- guidelines on consultation must be undertaken before regulations are introduced, to ensure that:
  - fishers are given adequate opportunity to make representations and submissions;
  - where fishers submit a written query about the consultation process or matters arising therefrom, a written response is provided by the Department for Primary Industries and Resources SA; and
  - the consultation process is transparent and all submissions are available to the public upon request, (where the submitter provides authority).

The committee recommended (under recommendation 3) that the Minister for Agriculture, Food and Fisheries should note the effect of implementing regulations that extinguish appeal rights that were previously available to fishers. These include:

- a possible breach of the committee's principles of scrutiny that require it to consider whether regulations 'unduly trespass on rights established by law or are inconsistent

with the principles of natural justice, or make rights, liberties or obligations dependent on non-reviewable decisions.' The committee construes the term 'rights' widely so that it includes appeal rights or a person's right to access or exploit a resource notwithstanding that no proprietary right has been conferred.

- If appeal rights in relation to determinations about the allocation of the giant crab resource are extinguished, the District Court obviously is unable to intervene and correct any errors.

The committee recommended (in recommendation 4) that the Director of Fisheries should formalise and improve measures for the collection of scientific information in relation to the giant crab fishery. The measures should include:

- formal (written) requests for information from fisheries scientists who have collected relevant data; and
- consideration of the purchase of data and other scientific information if it is cost effective to do so and is beneficial to the management of the fishery.

The fifth recommendation is where the committee started to move in different directions. The majority, being Mrs Robyn Geraghty MP, the Hon. Ian Gilfillan, Mr Kris Hanna MP and I, recommended 'no action' on the regulations and noted:

- fishers were given sufficient opportunity for input into the decision-making process. The consultation process was exhaustive and gave repeated opportunities for detailed submissions.
- the committee provides a forum for the review of regulations and has the power to recommend allowance of those that breach its principles of scrutiny.
- the government is entitled to ensure that there is certainty in the management of a fishery.
- the management issues were complex and the regulations provide an effective and final solution.

In the sixth recommendation, the minority, being the Hon. Dorothy Kotz MP and the Hon. Angus Redford MLC recommended that the regulations should be disallowed and noted that:

- the issue of equitable distribution should be decided by a court of law that has procedures and the expertise to adjudicate on such matters.
- section 58 of the Fisheries Act 1982 previously gave fishers an appeal right in relation to allocations as a licence condition, and this right should not be extinguished by the regulations.
- fishers were not sufficiently warned of the effect of the regulations, that is, the allocation would be final and not subject to appeal and, consequently, they did not recognise the importance of the King Crab Allocation Advisory Panel and the consultations that were undertaken.
- regulations should not remove appeal rights that help to protect a person's economic livelihood.
- it is unreasonable to use regulations as a device to avoid litigation.

In conclusion, having considered all the criticisms, the majority of the committee found that there was insufficient evidence to recommend disallowance of the regulations. There was, however, unanimous support for a policy for the implementation of regulations under the Fisheries Act 1982 that relate to schemes of management of fisheries.

As the presiding member, I thank all members of the committee for their excellent work and patience. They were thorough and constructive in their work. On behalf of the committee, I express our thanks and appreciation for the excellent work of the secretary, Peter Blencowe, and research officer, George Kosmas. It was unfortunate that the committee could not deliver a unanimous report, but it certainly was a report that was built over a 12-month period with the best knowledge and advice available to the committee.

The Hon. A.J. REDFORD secured the adjournment of the debate.

WORKCOVER

The Hon. A.J. REDFORD: I move:

That the Legislative Council, having regard to the failure of the Minister for Transport to answer questions put to him on 26 March, 29 April, 1 May, 13 May, 14 May, 15 May and 29 May 2003, and the ministerial statement made on 24 March 2003 concerning the WorkCover Corporation of South Australia (WorkCover), requests the Statutory Authorities Review Committee to investigate WorkCover with particular reference to—

1. Any directions, advice, recommendations, suggestions or proposals made by the minister or his officers pursuant to section 4 of the WorkCover Corporation Act (the act) or otherwise.
2. Any other proposals, recommendations or suggestions made by the government to WorkCover relating to the affairs of WorkCover.
3. The reporting arrangements which existed between WorkCover and the government and the information given by WorkCover to the government pursuant to those arrangements relating to the affairs of WorkCover.
4. The nature and extent of the communication between WorkCover and the government and, in particular, the communication relating to the financial position of WorkCover and generally, as to the administration of the affairs of WorkCover in relation to those matters.
5. Any proposals, promises, discussions or understandings between the minister or his officers and any other person regarding the resignation of the former chief executive officer or any other employee of WorkCover.
6. Any proposals, promises, discussions or understandings between the minister or his officers and any other person regarding the appointment of a chief executive officer or any other employee to WorkCover.
7. The deteriorating financial position of WorkCover.
8. The circumstances leading to the setting of the last levy rate by the board of WorkCover and whether the current processes of setting the levy can be improved.
9. The effectiveness of the claims' management arrangements of WorkCover.
10. Any other relevant matter.

Since this government took office, we have seen a decline in WorkCover's financial position of nearly $300 million as last reported in this place, or something over $1 million for every two days that this government has been in office. There is a real concern in the community that, if this continues at this rate, this could be the next State Bank. It is a real concern to this state, it is a real concern to our employers, and it is a real concern to our employees. If this is allowed to continue, the impact on the economy will undo all the good work done by the former government in restoring South Australia's economic status and confidence following the last financial disaster inflicted upon this state by a Labor government, and in that regard I refer to the State Bank.

During the 18-month tenure of this minister, he has blamed the massive deterioration of WorkCover's position on anybody or anything that is some distance away from himself. He has also blamed it on the rate rebate given prior to the last election independently by the WorkCover Board and on the financial markets, and he has sought to shift responsibility to anyone but himself. I remind members that a substantial number of questions have been asked in this place since March this year concerning the financial performance of WorkCover. Indeed, not a single question asked by

any member in this place has been answered by the minister. This minister has treated the Legislative Council and the questions asked by members in the Legislative Council with utter disdain as he has failed to directly address this place in relation to those questions.

I will take members through some of the issues and some of the questions that have been raised in this place since March of this year. Firstly, what was most interesting about the disclosure by the minister of this extraordinary deterioration in the position of WorkCover was the fact that he made his ministerial statement and he made the disclosure on the day that the Iraq war broke out. On that occasion when he made that disclosure, on 24 March this year, he sought to blame everybody yet failed to allude to the fact that he had a personal representative attend each and every board meeting of the WorkCover Corporation since being sworn into office.

In addition, the minister said that he would fix the problem but in that ministerial statement failed to state how he would fix it. In addition, shortly after being sworn in, he appointed a former judge of the Industrial Court, Mr Stanley, to inquire into WorkCover. Indeed, Mr Stanley presented a comprehensive report to the minister which he sat on for some considerable period and then subsequently released. Since then, we have had a big fat nothing from this minister about what response he will deliver to the people of South Australia in that report.

Some of the recommendations in the Stanley report included a whopping 33⅓ per cent increase in premiums; the recommendation that lawyers get an increase in pay; that unqualified advocates should be paid three quarters of what lawyers are paid; that three new bureaucratic bodies be created, including an Ombudsman; that WorkCover be removed from freedom of information legislation; that small and medium enterprise programs be closed, including the concept that legislation take into account the size of a business in terms of finding employment for those who are determined to be partially disabled; a recommendation that journey accident injuries be reinstated into the system; a recommendation—

The Hon. R.K. Sneath: Hear, hear!

The Hon. A.J. REDFORD: The Hon. Bob Sneath says, 'Hear, hear!' He obviously has not been listening or been aware that there has been a $300 million decline or $1 million for every two days that he has had the opportunity to sit on that side of the council. It is a typical Labor performance to stick your hand in the trough and keep pulling it out. In any event, further recommendations were made, including an increase in the liability of public risk insurers and contractors and others—as if in this current climate it is not already difficult enough to get public liability insurance! There was a recommendation extending payments to retired workers by six months; a recommendation that non-economic compensation be given for psychiatric injuries; and a recommendation that would give inspectors power to audiotape interviews, necessitating an override of the Listening Devices Act.

Indeed, the minister was asked, particularly having just announced this extraordinary $300 million blow-out, whether he could at least rule out some of the recommendations which might put greater pressure on premiums and, therefore, on businesses and the overall scheme. To date, we have had a big fat silence—a big fat nothing—from this minister. Indeed, I asked a series of questions on 26 March—nearly 3½ months ago—which included whether or not he could rule out certain recommendations made by the Stanley report.

As a supplementary question, I asked whether he could at least provide this information and give the state some indication about where this government was headed in relation to WorkCover before the Economic Growth Summit. However, not even the summit brought forward a response from this minister about how he would deal with these difficult issues.

Indeed, Mr President, I know that you, quite properly, chided me for an exceedingly long explanation to one of my questions and, quite properly, said that if I continued to do so you would be annoyed. Whilst those comments were quite proper, can I say that we on this side of the council are becoming increasingly concerned and annoyed at the fact that this minister seems to be sitting on his hands in relation to many of the challenges that confront him and this government in relation to the management of WorkCover. In April this year, I again raised this issue of WorkCover. In that respect, I raised the issue of the draft bill concerning occupational health and safety administration. I reported to this place that one major industry association was opposed to that recommendation, and I asked which major industry association it was—a very simple question with which even the Hon. Bob Sneath could grapple. I am yet to receive an answer.

On that occasion, I made a number of allegations. I told this place that it had come to the attention of the opposition that the minister was determined to appoint Ms Michelle Patterson as Executive Director of Workplace Services to replace Matthew O'Callaghan, who now serves in a judicial capacity. We reported that Ms Patterson was a personal assistant to the minister's father some 20 years ago and is a prominent member of the ALP. We were informed that she accepted the offer conditionally, upon the promise that occupational health and safety responsibilities would be transferred from WorkCover to her. Again, apart from the honourable minister describing those questions as 'trivial'—and they were certainly not trivial in the minds of the opposition—we have yet to receive any answers. Indeed, we asked some serious questions about whether promises had been made to Ms Patterson in relation to appointments concerning WorkCover.

On 1 May, I raised a further issue in relation to Mr Rod McInnes. During the course of my explanation, I reminded the minister that, as far as WorkCover was concerned, we had seen a loss of more than $1 million for every two days that this government had been in office. I reported to this place that the opposition had been informed that the CEO position to WorkCover had been vacant since about November last year.

It should be borne in mind that, as we have a situation with WorkCover where the CEO position is vacant and where we are losing a sum of the order of $1 million for every two days, one might think the appointment of a CEO is critical. We have been informed that the WorkCover board put a number of nominations or candidates for the CEO position to the minister, and we are informed that the minister rejected them all. Section 5 of the act requires the minister to be consulted. We were also told that the minister then discussed the matter with Ms Patterson, and she advised the minister that a Mr Rod McInnes, the Assistant General Manager of Insurance at WorkCover in New South Wales, should be appointed.

As I said on that occasion, Mr McInnes is a former colleague of Ms Patterson at WorkCover in New South Wales. He has been in charge of the insurance in New South Wales at a time when the WorkCover blow-out in that state

has gone from $1.6 billion to $3 billion. Indeed, we understand that Ms Patterson strongly complained to the minister that Mr McInnes should be appointed and that the minister should instruct the WorkCover board to interview him. The opposition has been informed that he was interviewed and the board advised the minister that he was not a suitable candidate.

Notwithstanding that, we still have not had a CEO appointed to WorkCover. I remind members that Mr Brown, the former CEO, gave notice in October last year, and yet this minister has sat on his hands. Indeed, the Hon. Julian Stefani asked whether or not the minister had given any direction to the board in any way, shape or form, and again we are awaiting a reply. Lest we be accused that this is an opposition witch-hunt, I remind members that the Hon. Ian Gilfillan also brought this matter to the attention of this parliament. Back on 13 May this year the Hon. Ian Gilfillan also equated the risk attached to WorkCover with the sorts of problems that arose out of the state bank. He said:

> 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.

Those statements made by the Hon. Ian Gilfillan, who is not given to overstating matters, should cause all of us great concern. He asked a series of questions, and I will come back to this in a minute, but I remind members that not even the Hon. Ian Gilfillan's questions have been answered by this minister—a very serious set of questions and a very serious set of issues.

The honourable member quoted an email he received from a solicitor, and I will again read it into *Hansard*, because I think it is extremely important. It states:

> 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.

That raises a very serious issue. Again, to this date, questions asked by the Hon. Ian Gilfillan have not been responded to. In the absence of a response, what are we to do?

But, there is more. In the middle of May this year, I again raised further issues and, in particular, I asked whether or not there was a special meeting of the WorkCover board in early May to discuss the cost of the review. Again, I asked for a response to my earlier questions. This is the contempt with which this government treats questions asked by the opposition about very serious matters in this place. The minister, the Hon. Terry Roberts, said:

> 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.

How churlish is that? And it goes on. On the same day I made a speech to this place and, in that speech, I raised a number of issues. In particular, I suggested that the minister was advised when he came to government that the levy should increase to 3 per cent immediately and that the Treasurer subsequently intervened to prevent that increase. That assertion has not been responded to. I also asserted that the minister told the board that the best way to deal with the liability was to extend the pay-back period. That allegation has not been responded to.

I also asserted that the minister was subsequently advised that the levy rate should go to 3.9 per cent, yet he increased it only to 3 per cent and extended, despite proper underwriting and insurance practice, the pay-back to a period of 10 years. Again, that was not responded to. Further, I asserted that the morale of claims officers was at an all-time low and, again, that was not responded to. I also said that nothing had been done to resolve the CEO position. Again, we have not had any response. Indeed, at the time I said that the minister was running out of time and excuses and that we on this side of the chamber were running out of patience.

I again raised this issue in the middle of May. I informed this place that the opposition had been told that the minister had been meeting with the chair of the WorkCover board as many as four times a week (an extraordinary number of times since he was sworn in), in addition to having an observer on the board. That assertion has not been responded to. I asked how many times and on what dates he met with the Chair of WorkCover, but I have not received an answer. I asked the minister whether he had given any advice to the board or the chair and, if so, what was the form of that advice and, again, I have not had a response. I also asked whether any advice had been given in writing and, again, I have not had any response to that question.

In order to protect the minister—because I am a pretty fair-minded person—I asked whether or not the chair or the CEO had rejected any of the minister's advice and, if so, what advice had been rejected and what were the reasons for that (giving the minister a perfect out) but have I had a response? No, no response at all. I again asked him whether he would answer my earlier questions, and I suggested that he might comply with the six-day rule—to which I referred earlier this afternoon—but I did not receive a response.

The Hon. Julian Stefani asked a fairly pertinent question by way of a supplementary. He asked the minister whether or not he could advise the Legislative Council whether, at any time, he has authorised or directed the preparation of an actuarial report on the financial status of WorkCover. Again, we have not had any response to that question. In late May—because from time to time I am persistent—I asked another series of questions relating to the government's response regarding self-employed contractors. I asked whether it was the government's intention to change the definition of 'employee' or 'contractor' in the act. Again, I did not receive any response.

On any analysis, when one considers what this government said prior to the last election—that it would be accountable to this parliament and that it would respond to questions put in this parliament—this has been a lamentable performance. When there is on the public record an acknowledged

decline in a major public institution in this state of about $1 million every two days, one must expect the opposition to ask questions and, equally, the opposition must expect those questions to be answered. The big issue in relation to this is: what is the government hiding? The government has failed to promptly address the Stanley report recommendations at a time when haste is required. The government has sought to blame everybody else. The only response that we have had from the minister has been to seek to increase his personal control.

I understand that a number of issues may well have caused some of the problems outside of the reasons stated by this minister in his ministerial statement nearly four months ago. I understand that many of the agents have not achieved the targeted reduction in average weekly earnings. I also understand that South Australian WorkCover investment strategies have been more risky. I also understand that the tail in terms of premium management has blown out, and that may well be attributable to poor management. I also understand that there has been some assertion that our target range of solvency is novel and different and that that issue needs to be considered.

Indeed, if one looks at the performance of WorkCover in comparison with other states there are some interesting statistics, and I will go through some of them. For example, if one looks at the issue of dollar cost per claim for strain or sprain-type injuries, the average cost in South Australia is $1 929, whereas in New South Wales it is $904. I think that is an issue that needs some careful analysis. I understand that in South Australia the dollar cost per claim for psychological injuries is an average of $9 582 compared with a Victorian average of $5 089, which would indicate that we are twice as psychologically vulnerable in South Australia as people are in other states. That sort of information needs careful analysis.

I understand that in South Australia the dollar cost per claim for hearing loss is $11 727, which is the dearest hearing loss dollar cost per claim in this country. Members will be pleased to know that we have the cheapest dollar cost per claim for knee injuries, and perhaps that is because we are inspired by some of the miraculous recoveries we have with the highly motivated Port Power players. I know, Mr President, that you are nodding for the first time during this contribution in relation to that comment.

The Hon. J.S.L. Dawkins: Did you barrack for Geelong or Port last week?

The Hon. A.J. REDFORD: I have barracked for Port ever since they started in the AFL.

The Hon. J.S.L. Dawkins: I thought you showed a leaning towards Geelong.

The Hon. A.J. REDFORD: No, I will barrack for anyone who is playing against the Crows; I will be honest about that.

The ACTING PRESIDENT (Hon. R.K. Sneath): Order!

The Hon. A.J. REDFORD: I digress, as my colleague's education has been substantially increased by those last few comments. There are real concerns here, and the minister has failed to respond to those concerns. I know that there are other concerns. The Hon. Nick Xenophon has spoken to me—and I agree with him—about his concerns in relation to the cost of rehabilitation and its effectiveness.

The Hon. J.M.A. Lensink interjecting:

The Hon. A.J. REDFORD: I note the Hon. Michelle Lensink, in her maiden interjection, has just agreed with that, and I know that she has a great deal of knowledge to bring to bear in relation to that specific issue. So, there are real concerns there. It seems to me that the way in which claims are negotiated may well be counterproductive in terms of trying to minimise claims costs. I have to say—and I have said this on many occasions previously—that, if injured workers find themselves the subject of a WorkCover claim, they are subjected to more control and supervision than one might have expected in Stalinist Russia in the 1950s, and I am not sure that any great outcomes are achieved as a result of that.

In closing, I urge all members to support this motion. I will be asking members, bearing in mind that we are losing $1 million for every two days that pass, to vote on this motion this week or next week, so that the Statutory Authorities Review Committee can get on with and do the job. I know that the members of that committee have a good and unique skill mix, which will enable them to get to the bottom of the problems in WorkCover. I know that over the next seven days we will lose another $3.5 million. That is a not inconsiderable sum of money. It is certainly double the amount which the government claims was lost as a result of Music House. With those few words, I commend this motion and look forward to bipartisan and unanimous support from all members in this place.

The Hon. NICK XENOPHON: I indicate that I support the thrust of the motion by the Hon. Angus Redford. I think this is an important issue. I should disclose at the outset that I am a plaintiff lawyer, although the time to practise that is obviously circumscribed. It is something I hope to go back to when I am out of this place. By way of disclosure, consistent with my declaration of interest, I am the proprietor of a law firm which acts for injured workers. I have a particular interest in this field because I have seen first-hand, when I was practising law, how the WorkCover system operates. I think it is important that we put into context what this is about. Let us look at the objects of the Workers Rehabilitation and Compensation Act. I think it is important that they be read into the record to remind members what this scheme should be about. Section 2 provides:

(1) The objects of this Act are—

(a) to establish a workers rehabilitation and compensation scheme—

(i) that achieves a reasonable balance between the interests of employers and interests of the workers; and

(ii)that provides for the effective rehabilitation of disabled workers and their early return to work; and

(iii)that provides fair compensation for employment-related disabilities; and

(iv) that reduces the overall social and economic cost to the community of employment-related disabilities; and

(v) that ensures that employers' costs are contained within reasonable limits so that the impact of employment-related disabilities on South Australian businesses is minimised;

(b) To provide the efficient and effective administration of the scheme; and

(c) to establish incentives to encourage efficiency and discourage abuses; and

(d) to ensure that the scheme is fully funded on a fair basis; and

(e) to reduce the incidence of employment-related accidents and disabilities; and

(f) to reduce litigation and adversarial contests to the greatest possible extent.

These are laudable aims designed to ensure that there is a fair balance between the interests of injured workers and the businesses in this state that employ those injured workers. I believe it is timely that the Statutory Authorities Review Committee—of which I am a member, along with you, Mr Acting President, as Presiding Member—ought to look at this

issue. I have seen constituents from time to time who are concerned about the operation of the WorkCover scheme; and individuals who have been injured who feel the system is not working, is not efficient, does not aid rehabilitation, and, in some respects, can prolong the damage caused to an injured worker. These are matters which ought to be looked at. I think it is important. I do not regard this as an exercise in finger pointing but, rather, an exercise in problem solving.

We owe it to both injured workers and businesses in this state to look very closely at the WorkCover scheme to ensure that the objects of the act are being met; to ensure that the scheme operates efficiently and fairly; and to ensure that, if there are to be reforms, as I expect there may need to be—significant reforms in both the operation of the scheme and in terms of its legislative framework—these matters ought to be considered by the committee. I reserve my position as to whether there ought to be amendments to the motion of the Hon. Angus Redford, but I understand that the committee itself can seek to broaden the terms of an inquiry to have a parallel inquiry. That is something that parties can discuss between now and next week when this matter, I hope, will be brought to a vote.

I think it is important that the Statutory Authorities Review Committee looks at these issues, and that is obviously something that can been discussed between now and the next Wednesday of sitting. These are important issues that affect many thousands of injured workers and the business community in the state. Again, I emphasise that I do not regard this as an exercise in finger-pointing but rather in problem solving. I would like to think that this motion, together with any other matters that either this chamber directs the Statutory Authorities Review Committee to look at or, alternatively, the committee of its own motion looks at by broadening the terms of any inquiry, will have a beneficial effect in terms of reform of the WorkCover system to ensure that its objects are being fully met.

The Hon. T.G. CAMERON: I rise to make a brief contribution. First, I congratulate the Hon. Angus Redford on moving this motion, and I support it wholeheartedly. I have been of the view for a number of years that we need some kind of investigation into WorkCover. It does not matter to whom you talk in relation to dealing with WorkCover these days—whether it is lawyers, victims of WorkCover (and I believe I use the word correctly) or trade officials—there are problems. I believe some of those problems arise from a sense of arrogance which has almost subsumed WorkCover. It is an arrogant organisation which does not believe that it is responsible to government or parliament. Unfortunately, that arrogance manifests itself in the way that it deals with not only injured people but also small business. I will briefly relate my own personal experience with WorkCover.

I take out a $50-a-year WorkCover policy in order to give myself cover in the event that I employ a casual person to do a bit of work in my office. A couple of years ago, WorkCover demanded to know the full details of whom I had employed, what for, and how much they had been paid, etc. I informed WorkCover that I did not feel that I was obligated to supply those details because the legislation exempts people who do not have a salary bill over $10 000 a year, and for good reason. If the salary bill is less than $10 000 a year, why should people go through all the unnecessary paperwork? When I informed WorkCover of this, all hell broke loose. I was spoken to by some of their people in a manner that I am not used to.

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: Yes, but it is born out of arrogance. They were ordering me what to do, despite the fact that I kept attempting to bring them back to the legislation and saying, 'Show me where I am obligated to do this and I will do it, but, if I am not under legal obligation, I will not do it.' The next thing that happened (and I cannot recall the exact details) was that I received what was effectively a summons from WorkCover—it was not a summons in the legal sense but an order. They wanted to come to my office and go through all my tax records, accounts, wages records, etc. I pointed out to them that there was no way in the world that I would let them do that, and they proceeded to threaten me with legal action. A lot of people have tried that in the past, and it does not work. I said, 'Go ahead and take me to court. I will be delighted to defend myself.'

I then proceeded to ask whether this was the way in which they treat small business people. After making a number of inquiries with small business associations, I found out that small business people, too, are on the receiving end of the sharp stick from WorkCover. In my opinion, the way in which they treat people right across their organisation is a disgrace.

I will not dwell on the comments made by the Hon. Nick Xenophon, except, in general, to endorse them. There needs to be an inquiry into WorkCover on a wide range of fronts. In my opinion, they need to be brought to heel. I would be very surprised if anyone, even members of the government, opposes this. I have heard the complaints about what it is like to deal with WorkCover these days. I would be very surprised if some members of parliament who come from the trade union movement are not able to tell their own stories about what they consider to be totally unreasonable positions which, at times, WorkCover has adopted.

I have had to deal with a number of issues on behalf of people, and you cannot help ending up with a view that these people are on the receiving end of some pretty rough justice from WorkCover. We all know that the people at WorkCover have a difficult job to do and, at times, they can become caught between a rock and a hard place, but at all times, irrespective of what they are dealing with, they should treat members of the public and the small business community with decency and respect. I support the motion.

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

SELECT COMMITTEE ON RETAIL TRADING HOURS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That the final report of the select committee be noted.

I support the noting of the report and will make some brief comments. This issue has been around for a long time. I believe that we are all a little sick of the discussions, the debate, the information train, the competing positions and the vested interests. This chamber has probably been overfed on the retail trading hours debate. We set up two select committees, this one being the second of the two. The terms of reference for this committee were to inquire into and report on:

(a) the likely impact of changed retail trading hours on the level of market domination by a small number of retailers and the

consequent effect on their competitors and suppliers, in particular—

(i) is it likely to be anti-competitive in the longer term?

(ii) what is the likely long-term impact on prices?

(b) the social consequences of the changed trading hours; and

(c) any other related matter.

The committee formed a majority view, and a minority view was tabled by the Hon. Ian Gilfillan of the Democrats. While the committee was taking evidence and deliberating, the government actually moved to extend trading hours, and the benefits/problems that might accompany that will be felt from here on in, as the government has liberalised shopping hours in this state. I say benefits/problems because that is exactly what the committee looked at: it looked at issues that may or may not assist or benefit the community or the customer base. We looked at issues from both the retail and wholesale points of view, including the ownership of corporations. We also looked, in a deliberative (but not inquiring) way, at the ownership and control of shopping centres and at some of the problems that emanate from that. Evidence was also given on the impact on daily lives, on suburban trading, on metropolitan trading and on competition between the city (or inner metropolitan area) and the outer metropolitan area.

The committee also looked at problems associated with the growth and concentration of ownership in a smaller number of hands, particularly in the retail area, and some of the likely impacts of that. We also considered whether small business would be able to cope with changes that were being recommended in a totally deregulated market, what would be the impact of that and whether there was any place, role or function of the government in partially deregulating or further liberalising shop trading hours.

The evidence, as you would expect from those particular vested interests or stakeholders within those groups, was consistent with what they would be doing to defend their own interests. Probably the least amount of evidence we had was from consumers. But consumers were in the main polled, or at least attitudes were gauged, in relation to the changes that had occurred interstate in relation to the liberalisation of trading hours, in particular in Victoria, and we drew some deliberative positions from that deregulation. The liberalisation in relation to shopping hours in Tasmania, which went to total deregulation, was also looked at but I think that the comparisons you could draw there were a bit like the deregulation that occurs, and the way in which the impact of deregulation occurs, within regional areas more so than in the metropolitan area.

Therein lay a problem for the committee in relation to the collection of evidence, the comparison and how you actually weighed up the evidence when particular points of view were being put by some of the stakeholders, who were drawing on information that was opaque. It was not clear evidence from which you could draw conclusions, because some of the other complicating factors were not sufficiently clear for the committee to make those deliberations. So, in this state, we have two select committee reports.

We have gathered a lot of evidence from stakeholders, but the realities of it are that we have a slowly evolving process of deregulation for a number of reasons and a move towards open deregulation, particularly in regional areas and moving towards that way by degree in the metropolitan area. There will always be self regulation within the retail/wholesale area and that will start to appear as the government's deregulation of hours unfolds. We can look forward, under this government in particular (I am not sure of the opposition's position for the future), to maintaining some control over the hours made available for all retail trading to protect the interests of communities generally. The hours we have suggested for Sunday trading are deliberative for the protection of the community and I guess the only way we can move now is towards full deregulation. The government's position was declared before the tabling of this report.

Select committees are not necessarily held up by government as the final word, but I thank members of the committee for the work they put in, bearing in mind the difficult job they had in relation to the second committee. The first committee was slightly more objective in relation to the terms of reference. When you look at the impact on a community and have to predict it, it makes it a little more difficult to reach conclusions, but for those who want to read the whole report they will find that the evidence collected and the conclusions drawn are quite apt.

I thank Noeleen Ryan for her support and the secretarial work done and for the research provided by Mr Stephen Weir to assist us make the final report possible. I thank him for the work he did in collating our work. We had a lot of cooperation from witnesses, although perhaps not as many in the second report as in the first report, but there was some confusion about the role and function of the second committee, given that the first committee had only just tabled its report. I thank everyone for their cooperation and I commend the report to be read and, for those who want to investigate and look at the direction of where future retail trading hours might go, I direct them to the main body of evidence tabled with this report.

The Hon. T.J. STEPHENS: I rise to acknowledge and applaud the contributions and hard work of the members who served on the select committee on retail trading hours in South Australia. I thank the Hon. Terry Roberts for his chairmanship of this committee and recognise the work of Mr Steve Weir as research officer for that committee. I also pay tribute to Ms Noeleen Ryan, who was extremely efficient in her coordination of the committee and her work as secretary, which was first rate. I also thank the other members of the committee: the Hons Angus Redford, Carmel Zollo, and Ian Gilfillan. Earlier on the Hon. Mike Elliott was part of the committee. The committee was appointed on 29 August 2002, along with the Select Committee on the Shop Trading Hours (Miscellaneous) Amendment Bill 2002.

The Select Committee on Retail Trading Hours in South Australia held its first meeting on 28 October 2002. The committee was established to inquire into and report on an array of issues that would impact on the retail industry and consumers in the long term. Evidence was received from a wide range of interested parties, ranging from small independent retailers to large national corporations. Committee members were impressed by the quality of submissions received as well as the effort made by all parties to communicate their particular views.

Obviously, a great deal of the evidence received could be divided into two distinct groupings; those that supported the retention of trading hours regulation and those that, in fact, sought some description of deregulation. Some of the issues identified included the positive and negative effects of extended trading hours in the long term, such as the impact on prices and the social consequences. In terms of social consequences, many submissions raised fears about the impact on the family. Some of the concerns raised were the

cost of extra child care and the effect on families through time pressure stresses that those extra trading hours would bring. I certainly empathise with those witnesses, and their evidence in this regard weighed very heavily on my mind when the council debated this issue recently.

The committee also encountered a number of submissions that called for the deregulation of retail trading hours. Many were based on reservations about the consequences on the retail industry if there was a reduction in national competition payments. On a personal level, as I have a small business background, I looked at the evidence and, whilst my position had been to support the small business people who would be adversely affected by deregulation, I considered that the withdrawal of national competition payments would, on balance, be more detrimental to the people of this state.

Throughout the inquiry, a large number of conflicting submissions and evidence were received. The committee came to a realisation that reconvening a similar committee after a certain period of time could, perhaps, be advisable so as to further assess the impacts. Due to its potentially huge social impacts, the subject matter is one of high importance. It was at the time, and remains, a sensitive issue. I would like to express my sincere thanks to the parties that provided the submissions and evidence to the committee. I am sure that it is very much appreciated by all in this parliament.

The Hon. CARMEL ZOLLO: This report was tabled (as has already been mentioned by the Hon. Terry Roberts) after the passing of legislation in this parliament that has provided for significant deregulation of shopping hours. As has been pointed out, this committee was one of two established in August last year to inquire into and report on shop trading hours in South Australia, and I was a member of both committees. Since the establishment of the two committees, we have seen the defeat of legislation last year (with respect to which the first select committee reported), and the subsequent passing of legislation this year significantly deregulating shopping hours.

The purposes of the two separate committees were different. The terms of reference for this committee, in particular, looked at broader issues and the social consequences of the changed trading hours. Whilst shopping hours legislation has now passed, the committee as a whole felt it important to table a report that reflected the views of those who gave evidence and to make some recommendations. The evidence presented to the committee can be summarised (as the Hon. Terry Stephens has already mentioned) as coming from those either wanting to see greater deregulation in South Australia or those opposed to it. As to be expected, the interests of those giving evidence had a bearing on such evidence.

As has been reported, after considering the evidence, the select committee was unable to conclusively make findings on many of the terms of reference. As honourable members will read, the committee recommends that consideration be given to reconvening a similar committee after a period of operation of the new extended trading hours. No time frame has been given in relation to this recommendation. Alternatively, given that an independent review is now required by the 2003 amendment act, such a review could be directed to report on the issues covered by the terms of reference of this select committee.

I personally favour the latter, but other members were of the view that different people may well be giving evidence to such proposed committees or reviews. The report provides an extensive summary of the assertions made under either the positive impact of extended trading hours or the negative impact thereof. The summaries are made without attribution and I will not repeat them. I acknowledge the strongly held views and the commitment of those who gave evidence. Mr Graeme Samuel, President of the National Competition Council, also gave evidence.

The Shop Trading Hours Act 1977 was one piece of legislation identified as containing anti-competitive elements, hence the presentation of several pieces of legislation since this government came to power. The matter of extended shop trading hours needed to be dealt with prior to 30 June this year, as South Australia was assessed as not complying with the competition principles agreement in relation to shop trading hours, which threatened NCC payments to our state. The concerns of the NCC are those that remove anti-competitive and discriminatory restrictions and give consumers greater choice: the public interest test.

Given that the incremental legislation was not passed last year, the NCC did not complete its assessment in 2002, and we saw legislation passed last month. Under the term of reference 'other related matters', the report highlights several other issues that emerged, such as investment in retail industry, internet shopping and planning issues. In my view, no one single issue makes for a successful formula for those who are engaged in the retail industry. Many factors come together to realise that success, not the least important being the human factor. It is a people service industry, which does not just cater for people's basic needs but comprises an element of entertainment and enormous pleasure for consumers acquiring goods.

I have spoken on shop trading hours on several occasions, but I think it worth repeating that our society has changed enormously in the last 30 years or so, and consumer shopping patterns have also changed. For most people it is a busier world and they do demand choice. This report was concerned with the social impact on deregulated hours. I am pleased to see that the legislation since passed does offer employees the discretion of not working on a Sunday, a day which many in our community choose to spend with their families.

However, having said that, family time for some does mean shopping and browsing together. I note a letter to the Editor in today's *Advertiser* which I guess best sums up the feelings of many families. Headed 'Sunday shopping', it says in part:

> My husband starts work at 7 a.m. and doesn't finish until 5 p.m. He also works on Saturdays, so the only time we can casually browse through the shops as a family is on Sundays or in the evenings.

It is signed Caroline Amat from Pooraka. I am certain she will not mind my using her name, since she has put it in a public newspaper.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: I would doubt it. Nonetheless, I am attributing it to her because it was her letter. Also, I am pleased that shops do not open until 11 a.m., which is important to those of us who attend places of worship on Sundays. I have no doubt that those small retailers who do not want to open for the extended hours for lifestyle reasons probably will not do so. Others, after a trial period, I believe, will decide what suits them and then continue in the same fashion as they did before, perhaps opening for some extended trading hours whilst not using the whole time they can remain open.

The Hon. Ian Gilfillan has presented a dissenting report. His view has been consistent in not wanting to see any further

deregulation of shopping hours in the state. The three Democrats in our chamber voted against both pieces of legislation that were introduced, so his report came to us as no great surprise. The final recommendation of the committee is one that would please the Hon. Ian Gilfillan. The view that our two largest supermarket chains, Coles Myer and Woolworths, remove the level playing field because of their market share is obviously held by the small business sector.

The committee indicates that it would support a further review to be undertaken by the ACCC into the growing power of large supermarket chains. My view is that the evidence presented by Coles Myer Limited and Woolworths Limited was well researched, well presented, and honest. I do not believe that either group tried to suggest that it would not be wanting to seek a greater share of the market, and it remains to be seen how much market share both these larger players will acquire. I add my support for the majority report and thank Noeleen Ryan, secretary to the committee, and Mr Stephen Weir, the researcher, for their assistance and diligence.

The Hon. IAN GILFILLAN: In speaking to this motion to note the committee's report, I acknowledge, for the time that I was on the committee, the contribution of Noeleen Ryan, as secretary, and Steve Weir, as research officer, both of whom made the work of the committee pleasant and efficient. I also cannot avoid mentioning the chair, a man of enormous goodwill, who managed to handle the heated debates and threats to the stability of the committee with wonderful aplomb, when he was there.

Members interjecting:

The Hon. IAN GILFILLAN: That is a cruel and, to a certain extent, inaccurate shot. However, it is important that I state that the Democrats have consistently argued against further deregulation or extension of shop trading hours for several years. Apart from some minor alterations, we believe that, for the good of the community, the market and the social strengths of South Australians, the shop trading hours as they had evolved were the best that we could have put in place for this state.

We believe that the trend, which we think has been the result of bullying by the National Competition Council, will hand more and more of the South Australian retail trade to major players, Coles and Woolworths in particular, but not exclusively, and they, of course, will be siphoning off profits that should belong to a large extent to smaller traders which are South Australian owned, and thus I think it will be a siphoning off of some of the economy that South Australia would enjoy with a continuation of the shop trading hours we currently have.

Before reading my dissenting report into *Hansard*, because it is quite brief, I would like to emphasise what I believe the Hon. Carmel Zollo referred to. I had no objection to the report as it was finalised. The substance of it is mostly factual in so far as it presents the evidence given to us without making fine points of determination. The committee accepted that the arguments were put forward in good faith and, from that point of view, I accept and support the main body of the report there. However, I do not believe that it really grappled with the issue that I dealt with in my dissenting report. Nor was I impressed with the fact that this place, and parliament generally, saw fit to pass legislation before receiving the report of this committee.

To a large extent, that action took the wind out of the sails of the committee, which had done a lot of work, expecting that the parliament, having charged the committee to make a report on retail trading hours, would take that report into consideration when in debate before both houses and through the drafting of the legislation. I think it is a disgrace that that was not allowed to happen.

I am also sorry that the opposition members saw fit to flip-flop, again with the chilling wind that they felt was blowing down the back of their neck from the National Competition Council. I am very sad to see that it appears as if the pressure from the competition council may become a more powerful force in controlling what happens in South Australia than the parliament. I believe that many members of both the government and the opposition have very serious concerns about any move to open slather with respect to deregulated shop trading hours, and they should not think for a moment that, by passing the legislation that the parliament has, the heavyweights will give up the continuing battle to get what they eventually want, that is, total deregulation.

They will continue to argue that persistently and with well funded campaigns. I want to read into *Hansard* my dissenting statement which expresses the views of the Democrats. The terms of reference state:

A. The impact will be detrimental to smaller traders and strip shopping precincts. I am persuaded by the arguments submitted by those witnesses opposed to any further extension or deregulation of shop trading hours.
    I. It is likely to be anticompetitive as more trade falls to the major players at the expense of small South Australian owned traders.
    II. The more likely long-term effect on prices at best is neutral but more likely, after a brief 'honeymoon', prices will rise as a duopoly control the market.
B. The social consequences as described by witnesses opposing the deregulation are plausible and would deprive many of the benefits of a free Sunday. The loss of many local shops will impact detrimentally on those in the community who find it difficult to travel far and who will miss the social contact of shopping at 'their' shops.
C. As the retail trade falls into fewer major and national companies, profits from trading will move from South Australia to other areas and many South Australian family businesses will be taken over or cease to exist.
D. The Democrats strongly oppose the bill that is now an act. It is clear the government and opposition were not prepared to consider the deliberations of this committee, by passing legislation before this committee reported to parliament.

That is over my name. So, with those observations, I give the Democrats' and my personal view to the noting of the report. I expect that, as the Hon. Carmel Zollo and other members of the committee have recognised, we as a parliament will be well advised to institute a follow-up committee to assess the effects as soon as it is reasonable to feel that we have evidence in the community of the impact of the deregulation of shop trading hours up to this date. I leave with this sentiment: it is a sorry day for South Australian traders and rugged individuality that we have passed the legislation we have.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank all those who have made contributions, which have encapsulated the issues involved. The Hon. Ian Gilfillan has stated his case in relation to the fears that he has. I suspect that the way we are moving is deregulation of hours and self-regulation by degree. As I have said, the government's position is to hold to some regulation to assist the community in establishing the levels it finds acceptable in today's financial and economic climate. As lifestyle changes continue—and even the way in which goods and services are delivered—in future we will find a

whole range of new ways in which consumers are able to access goods and services that the committee did not investigate. I know that the internet servicing programs that were holding great excitement for a whole range of providers have not achieved the required outcomes. So, the government will at least play a role in the short term in holding intact those regulations that the community feels need to be defended and releasing the breaks on regulation over time which will allow for flexibility so that people can shop in an orderly way with the prices and quality protection in which governments will always have a role and a say.

Motion carried.

CORRUPTION ALLEGATIONS INQUIRY

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this council condemns the Premier, Mike Rann; Deputy Premier, Kevin Foley; former attorney-general, Michael Atkinson; and other senior members of the Rann government for conspiring to keep secret grave allegations of corruption and bribery involving a senior political adviser to the Premier, former attorney-general, Michael Atkinson and other members of the Rann government who are now the subject of a police Anti-Corruption Branch inquiry.

I rise to address the very serious allegations which have been dominating public debate for the last two weeks in South Australia and which have dominated parliamentary question time for the bulk of this week. In trying to outline the seriousness of the allegations, I want to refer to the question that was asked by my colleague the shadow attorney-general, the Hon. Rob Lawson, on Monday of this week, when he outlined the provisions of sections 251 and 253 of the Criminal Law Consolidation Act. Mr Lawson said that section 251 provides:

A public officer (and that includes a minister or employee of the crown) who improperly exercises power or influence with the intention of securing a benefit for another person, is guilty of an offence incurring imprisonment for a maximum of seven years, that offence being described as abuse of public office.

He also outlined the following:

Section 253 of the same act provides that a person who improperly offers to give a benefit to another in connection with the possible appointment of a person to a public office is guilty of an offence carrying a penalty of up to four years' imprisonment. This is described as offences relating to the appointment of public officers. The act also provides that a person who attempts to commit any of these offences is also guilty of an offence.

Mr President, you will recall that the question the shadow attorney asked the Attorney-General was:

Does the Attorney-General agree that the offering of an appointment to a government board in exchange for the discontinuance of the private legal action is a serious criminal offence, both by the person who makes the offer and also by the anyone who aids, abets or counsels it?

The Attorney-General's answer was: 'Yes, Mr President.'

I think that question and the answer very neatly outline the seriousness of what has been dominating public debate. We are talking about very serious criminal offences (and have been doing so in the public arena) that were originally placed on the public record by way of some general questions asked by the opposition in another place. On 30 June, the bombshell was dropped when the former attorney-general resigned, a new attorney-general was appointed and all these issues were referred to the Anti-Corruption Branch of the police.

I am sure that the former attorney-general will be delighted to know that some members have been looking assiduously at his contributions in the past on this and related issues. Having looked at these provisions of the criminal law, I want to put on public record the issues referred to in *Hansard* of 23 October 2001, when the former attorney-general, Mr Atkinson, said the following in relation to what he called the 'official corruption provisions' in the Criminal Law Consolidation Act, including sections 251 and 253, which were referred to by the Hon. Mr Lawson. In October 2001, the former attorney-general said:

I was in parliament in 1993, when the government of the day (the attorney-general was Chris Sumner) overhauled the official corruption provisions in the Criminal Law Consolidation Act. The catch-all offence was introduced at that time, and I can recall one of my parliamentary colleagues saying, 'If this becomes law, we are all gone.'

I repeat the remark by the former attorney-general about these corruption provisions in the Criminal Law Consolidation Act: 'If this becomes law, we are all gone.'

Certainly, the views of the former attorney-general were very prescient. Whether he knew at that time about his codes of behaviour and those of a future Rann government only he can answer, but certainly there it is on the public record. He went on to say:

He [that is, the former parliamentary colleague] has since left parliament. The relevant provision is section 238, which is headnoted 'Acting improperly' and reads:

For the purposes of this part—

that is, offences of a public nature—

a public officer acts improperly, or a person acts improperly in relation to a public officer or public office, if the officer or person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind, or by others in relation to public officers or public offices of the relevant kind.

So, the former attorney-general has described these provisions of the Criminal Law Consolidation Act as the official corruption provisions in the Criminal Law Consolidation Act. He has described the seriousness of these provisions of the Criminal Law Consolidation Act. He then went on to attack members of the former government, perhaps not realising that his own words may well in the future be used against him again—and fairly soon afterwards; after all, less than two years later in 2003 we are looking at his comments of October 2001.

So, these provisions are very serious. I know by way of interjection and backgrounding of members of the media that current government members and their spin doctors have attempted to divert attention in some small way—I might say, unsuccessfully—by referring to previous inquiries involving members of the former government, for example, in areas such as the Hindmarsh stadium, Motorola and the issues with the Hon. Mr Ingerson in relation to a telephone conversation he had with a member of the racing industry and related issues.

Not having 100 per cent knowledge of all the detail of those, what I can say as a member of the former government is that, in none of those cases involving the racing industry, Hindmarsh stadium, Motorola or a number of others I could also list, was there ever an allegation that a minister would potentially have a significant personal financial benefit from the actions that related to either that minister or people associated with that minister. They were claims or allegations about misleading the house, claims or allegations in relation to processes for contracts to build stadia or contracts in terms of managing the attraction of major industries and new jobs to South Australia—

The Hon. T.G. Roberts: Trading in shares?

The Hon. R.I. LUCAS: I do not think that that ever went to an inquiry, to my knowledge. I am talking about those issues that went to an inquiry—whether it was a parliamentary privileges committee or a committee of the house or whether it was an outside constituted inquiry. At least in those areas I am not aware of ministers having been accused of potentially enjoying a significant personal financial benefit. If the allegations are proved to be correct, what we are talking about in relation to these claims concerning the former attorney-general is serious.

Let us put on the record that these matters have been referred by the former acting premier, the current Deputy Premier, to the Anti-Corruption Branch; they have not been forwarded by the opposition to the Anti-Corruption Branch. The Crown Solicitor has advised the Rann government that these matters were so serious that they should have been referred to the Anti-Corruption Branch of the police, and the Deputy Premier obviously took the decision that he believed that they were so serious that they had to be referred to the Anti-Corruption Branch of the police. The matters that the Deputy Premier has referred to the police Anti-Corruption Branch involved allegations that the former attorney-general would have benefited in a significant financial way, because a significant legal action taken out against him would not proceed.

As all members know, in relation to our legal system in South Australia, the costs for an individual (and the former attorney-general would not have been covered by any ministerial indemnity because the statements he made were made not as a minister: they were made as an opposition member of parliament; so, they were a personal cost to Mr Atkinson, the former attorney-general) could run into tens of thousands of dollars. It is not unknown for ongoing legal actions to run into six figure sums but, at the very least, tens of thousands of dollars.

So, any deal, package or arrangement which results in the discontinuance of a private legal action against the former attorney-general has the potential benefit to the individual of some tens of thousands of dollars. There have been claims—and I will explore some of those later—as to exactly the nature of the deal and what the Deputy Premier has referred to the police Anti-Corruption Branch in asking it to investigate the particular details. The common theme in all of it is that, under any construction, these are allegations in relation to most serious crimes—serious enough, as I said, to be referred to the Anti-Corruption Branch.

They are allegations or actions that have the potential to significantly financially benefit the former attorney-general. As I said, I contrast that with some of the other inquiries in relation to the former government where no such allegation was made, in those particular inquiries, that the ministers would benefit significantly financially, or at all for that matter, from actions that they had been accused of. The nature of the original allegations which have been the subject of questions that are on the parliamentary record in another place and which have now been referred to significantly in the public arena (and in the parliament) indicates whether or not board positions were offered to a former deputy leader of the Labor Party, Mr Ralph Clarke, in relation to an agreement to discontinue a private legal action against the former attorney-general.

There have also been adaptations of that which have now been placed on the public record in questions that I have asked as to whether or not (and there has also been public discussion about that in the media) there was a variation of that whereby the board positions were technically meant to be offered for the payment of legal costs that had been incurred by Mr Clarke and also financial compensation. I am not sure on what basis, whether that was financial compensation for pain and suffering, economic loss or for some other general overall power but, for some reason, potentially financial compensation.

In that particular question the claim is made that two board positions might have been offered to Mr Clarke. In looking therefore at the seriousness of all of this, the overwhelming revulsion in the community about the Premier's and this government's handling of this issue has been caused by their endeavours (successful, I might say, for some seven months) to keep this all secret from the people of South Australia. All of this occurred in November and December of last year and, for seven months, the Premier of this state, supported by some key ministers and staffers, kept this sordid secret to themselves in the hope that it would never be revealed to the public and, in particular, to the media.

Premier Rann was going to come back from overseas and fix all of these issues, the hidden inference being that, in some way, Premier Rann was not responsible for what had gone on for some seven months. No member of parliament on either side of the house believes that—other than possibly Premier Rann himself. The reality is that Premier Rann was aware of this issue from the day on which it was first raised with him, and he embarked on a course of action. Once the first phase of that course of action had concluded, he, in a conspiracy of silence with the Deputy Premier and possibly some other key ministers—certainly some key advisers—

The Hon. J.S.L. Dawkins: Apparently not the Leader of the Government in this council.

The Hon. R.I. LUCAS: Obviously not the Leader of the Government in this house, who is regarded so highly by his government that he is not even advised of an issue as critical as this. That is sad testament to the power and influence of the Hon. Mr Holloway and the way in which this government—particularly Premier Rann—operates. This is something for which Premier Rann himself provided oversight in terms of keeping this sordid secret quiet for seven months and hopefully (from Premier Rann's viewpoint) forever—until he was caught out.

None of this would have been on the public record if it were not for the opposition. Credit must be given to the Leader of the Liberal Party, Rob Kerin, his wide network of contacts and sources, and other members of the House of Assembly who did the hard work, checked their sources and then, in a considered and comprehensive way over two days of sitting, asked the difficult questions and finally caught the Rann government out. So, let us place on the record credit for the Hon. Rob Kerin in particular for the role that he played in managing this process of trying to get to the truth of what Premier Rann and other senior ministers and advisers have been up to.

The other key issue in relation to this, which shows that Premier Rann is in this right up to his neck, is that one of the key operators in all of this—and I will refer to his role later—is Mr Randall Ashbourne. He is probably the Premier's most trusted and senior adviser. Everyone within the government knows that Mr Ashbourne is being paid $117 000 a year because he enjoys the trust and patronage of Premier Rann. There are many others in the government who do not think much of Mr Ashbourne, but Premier Rann has given his personal seal of approval to Mr Ashbourne in terms of his general operations.

Randall Ashbourne was given the responsibility to help negotiate the deal with the member for Hammond. In the days following, he made it known that he had almost single-handedly pulled off the deal to ensure that the member for Hammond signed up with now Premier Rann and the Rann government. On such critical issues, Premier Rann has given Randall Ashbourne his authority and power to move within the halls of parliament to sort things out. Much to his chagrin, the Hon. Terry Roberts knows of the involvement of Randall Ashbourne in issues related to Aboriginal affairs, which my colleague the Hon. Mr Lawson has put on the public record. Again, the Premier has given Randall Ashbourne his personal authority, power and patronage to get himself involved in trying to sort out what the Premier believes to be a difficult issue for the government and the Premier.

In a number of other areas, the Premier has used Mr Ashbourne to sort out difficult issues for him personally and for the government. Therefore, it is no surprise at all that, when there is some discussion about trying to sort out something with Mr Ralph Clarke and the former attorney-general, Premier Rann's key political pinch-hitter, Mr Randall Ashbourne, is involved right up to his neck.

It is for those reasons that Premier Rann and his spin doctors cannot in any way absolve him from responsibility for any aspect of this issue. He has been in control right from the word go; he has been in control in terms of trying to keep this secret; he is in control of Mr Randall Ashbourne and other staff; he has control of his key ministers; and he has control of ensuring that the Leader of the Government in this chamber is kept deliciously ignorant of such a key issue that impacts on the government's future. These are decisions made personally by Premier Rann, and in no way at all can he absolve himself from responsibility in relation to the mess currently confronting him and his government.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. The Leader of the Opposition is quite clearly breaching standing orders by referring to a matter which is currently the subject of a police investigation.

The PRESIDENT: I do not think it is a standing order; it is a convention.

The Hon. P. HOLLOWAY: There are certain standards in this parliament and in all parliaments in the country, but the Leader of the Opposition is just riding through the whole lot of them. For as long as I have been a member of the South Australian parliament, in both houses, it has never been permitted that members can discuss, in such an open way, matters that are currently the subject of police investigation. Only someone as low as the Leader of the Opposition—only someone with his base standards—would take a debate to such a low level.

The PRESIDENT: I am sensitive to the point raised by the Leader of the Government. It has always been at least a convention in this parliament that when matters are before the court, or subject to court proceedings, they are not discussed. The Hon. Mr Lucas has a substantive motion on file in respect of these matters. I think he tests what most people would think is fair and reasonable, bearing in mind that these matters are under consideration by the Criminal Investigation Branch. However, I do not think there is a point of order.

The Hon. R.I. LUCAS: Thank you, Mr President. I certainly support your interpretation of standing orders. In all my time, I have always upheld the fact that matters before the court are sub judice, but issues not before a court—and this is not before a court—

The Hon. Caroline Schaefer interjecting:

The Hon. R.I. LUCAS: That's right; Mr Atkinson has not yet been charged and, indeed, he may not be. However, the Attorney-General can take that particular point, should Mr Atkinson or someone else be charged with a criminal offence and be before a court. The final point I make in relation to this first issue is that, in terms of responsibility, there has certainly been a suggestion in some of the media spin doctoring that has been going on that Mr Randall Ashbourne, the Premier's personal political adviser, may well have been a rogue agent acting alone without the knowledge of anyone else.

Members interjecting:

The Hon. R.I. LUCAS: As my colleagues interject, no-one will believe that. The Hons Mr Rann, Mr Foley and Mr Conlon and Mr Atkinson are certainly on the public record, on a significant number of occasions over the last eight years of the former Liberal government, stating what they claimed to be the sins or excesses of members of staff of the former Liberal government. Certainly, names such as Alex Kennedy and Vicky Thompson, and others, were often quoted by the former opposition.

On a number of occasions, members of the opposition—now ministers and former ministers—indicated quite clearly that the buck stopped at the minister's desk or at the Premier's desk; that is, the Premier or the minister had to accept responsibility for the actions of their staff. I am putting on the record the argument of former opposition members that ministers had to accept responsibility for the actions of their staff. As I said, no-one will believe that Mr Randall Ashbourne acted as a rogue agent in relation to these issues. Clearly, he is a trusted confidante of Premier Rann—one of the few. No-one will believe that actions he was undertaking were not known to the Premier.

The Hon. R.D. Lawson: And endorsed by him.

The Hon. R.I. LUCAS: As the Hon. Mr Lawson says, they were endorsed by the Premier.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Let me assure the Leader of the Government that my motion is condemning the Premier. This motion is condemning the Premier. It is the subject of a substantive motion, and we are discussing a motion of condemnation of Premier Rann in particular. We will make a number of allegations about Premier Rann, because it is a substantive motion, and under standing orders I will not be gagged by the Leader of the Government in trying to place on the record the reasons why this council should condemn the sordid secrets that Premier Rann and his senior ministers and advisers have tried to keep from the people of South Australia and the media for seven months—without being prepared to be open, honest and accountable, as they promised they would be prior to the election. They have been caught out, and this supposed squeaky clean government and administration—which those of us who have known the Premier and others for many years did not believe to be the case anyway—has been caught out.

This sordid secret is now out and the police Anti-Corruption Branch is looking at these issues. Certainly, there are very serious implications for the former attorney-general and members of the Premier's staff, and I believe, also, for anyone else in this government who has been caught. In his question, the Hon. Mr Lawson said 'under these particular provisions the person who makes the offer and, also, anyone who aids, abets or counsels it, has committed a serious criminal offence'. Even the Attorney-General was forced to admit that is the case. We are not just talking about the person

who is the offerer of the particular inducement. If the inducement was offered by Mr Randall Ashbourne then, clearly, he is part of it but, as the Attorney-General has agreed, anyone who aids, abets, or counsels that particular offer has committed a serious criminal offence under the Criminal Law Consolidation Act; that was agreed to by not only the shadow attorney-general but also the Attorney-General.

Members interjecting:

The Hon. R.I. LUCAS: I will not be diverted by the interjections.

The PRESIDENT: The substantive motion does allow you to condemn people, but I think it is probably worth all contributors to this debate remembering the principles of the presumption of innocence where allegations have been made but are not yet proven. I think that, if you tailor your language to mean allegations (because that is what they are at the moment; they are not proven), everybody would be better served by the discussion. Would you continue on that basis?

The Hon. R.I. LUCAS: Mr President, I thank you for your guidance. In preparing for this contribution, I have been inspired by the model adopted by the current Premier, the Deputy Premier and the Minister for Emergency Services and the way they adopted principles in relation to accusations against the former government. Certainly, there is a very useful model for all of us in the approach adopted by Messrs Rann, Conlon and Foley.

The government, in endeavouring to explain why it has tried to keep this sordid secret hidden for ever and a day, indicated that it adopted a course of action which it believes to have been defensible. As we have all heard, without going into all the gory details, it first asked the Chief Executive Officer of Premier Rann's department, the Department of the Premier and Cabinet (Mr McCann), to conduct a fearless, independent inquiry. We are told that Mr McCann consulted a senior Victorian legal person, who then consulted another senior Victorian legal person, and eventually those documents were referred to our state's Auditor-General.

One of the questions that the opposition has asked—and it is not an unreasonable question—is: if those inquiries were so fearless and independent, why did no-one speak to Mr Ralph Clarke? We have asked the Attorney-General in this council on a number of occasions whether anybody spoke to Mr Ralph Clarke during these inquiries. Did Mr McCann speak to him; did the Victorian senior legal officer, Mr Beazley, speak to him; did Mr Judd, the other Victorian legal officer, speak to him; and did Mr MacPherson, the state's Auditor-General, speak to him?

There has been a stony silence from Premier Rann and the Attorney-General on that issue. Why? Because nobody spoke to Ralph Clarke. So, during these fearless, independent, comprehensive, however you want to describe the inquiries of late last year—the inquiries that indicated that there was no problem—nobody thought to ask Mr Clarke. Why would you not speak to Mr Clarke? He is allegedly the person who was offered the board appointments: he is allegedly the person who agreed to stop a significant legal action against the attorney at a potential financial benefit to the former attorney of some tens of thousands of dollars. Why would you not speak to Mr Clarke? What is there to hide? How can a Premier, a Deputy Premier and an Attorney-General stand up and say that this is a fearless, independent, comprehensive set of inquiries—

The Hon. Caroline Schaefer: And transparent.

The Hon. R.I. LUCAS: —and transparent, open and accountable, which indicates that there is nothing wrong, yet no-one speaks to Mr Clarke? If that does not set the alarm bells ringing that there is something wrong with the way Premier Rann has handled this whole process, then there is something wrong with this government and its administration.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. R.I. LUCAS: Prior to the dinner break, I was outlining the concerns of the Liberal Party, particularly about the inquiries headed by Mr McCann and then supported by the Victorian legal officers and ultimately, then, an opinion given by the Auditor-General, and I asked the obvious question why no-one, amongst all those inquirers, had thought to contact Mr Ralph Clarke. I also highlighted that the Attorney-General and Premier Rann have not been willing to answer that particular question. Therefore, in relation to the inquiry by Mr McCann and the opinions provided by the two Victorian legal identities, certainly the opposition's view, and I suspect the view shared by the community at large, is that those inquiries largely were a whitewash. One cannot hope to convince anyone that they were independent and comprehensive inquiries if the key identity, Mr Ralph Clarke, was not spoken to by anyone.

In relation to the inquiries, on 30 June the then Acting Premier, Kevin Foley, made a number of comments, and I particularly want to refer to a question asked by Laurel Irving from Channel 10 which was:

> Treasurer, why weren't the police called in six months ago? Nothing has changed between then and now except that it has gone public. It looks like the government has called the police and the Attorney-General has stepped aside because you got caught.

I might interpose: not a bad question. The then Acting Premier, Mr Foley, said:

> No, and that is simply not correct, and I will say why it is not correct. Two things: firstly, the written advice of the state's most senior public servant to the Premier was that this information should not be released. That advice was further confirmed by Mr McCann to me last week before I went into parliament the day after this was first raised.

And this is the bit I particularly want to refer to:

> On the issues of natural justice, that is not just a light coin of phrase. I mean, we are talking about the lives of individuals who could be damaged enormously by reckless reporting, misreporting or misuse of this information.

I must say that anybody who has followed the proceedings of the parliament over the last eight years and the antics of now Premier Rann, Deputy Premier Foley, the Minister for Emergency Services, Mr Conlon, and also the former attorney-general, Mr Atkinson, will laugh uproariously at this concern for the first time by the Deputy Premier about issues of natural justice and about how the lives of individuals could be damaged enormously by reckless misreporting or misuse of information.

Again, having over recent days read assiduously much of the parliamentary record of attacks by those four gentlemen on former ministers and former members of staff and public servants within the halls of parliament, the House of Assembly in particular—without any concern at all for natural justice, without any concern at all in relation to the allegations being made, and without any concern in some cases in relation to the accuracy of some of the claims being made, a number of which were subsequently not proven—it is certainly, for those who have watched the performance of the Labor party members, an issue of wry amusement to see now

Deputy Premier Foley claiming, for the first time, a passionate interest in the issue of natural justice. That is why Premier Rann and he and a small group at the top of this particular government believed that they should have kept this sordid secret to themselves.

In relation to the inquiries, I now want to turn to an issue I raised partially in parliament in question time today, and that is the claim made by the Deputy Premier on 30 June about the position of the Auditor-General. I again refer to the transcript of the press conference given by then acting premier Foley to all the media on Monday 30 June. The question was from Simon Royal of ABC TV as follows:

> Did you get any conflicting advice over the past couple of months about going public: in other words, did you get any advice from any other part of government that in fact you should go public with this.

The answer from Mr Foley was:

> Look, as I said, we sought the advice of the most senior public servant in this state, who sought the advice of one of the most senior legal officers in Victoria, who sought the advice of a senior barrister at the bar, and then for good measure we gave it all to the Auditor-General and they signed off on everything, including the recommendation that it not be made public because of the adverse implications it may have on those that would not be afforded any form of natural justice in this process.

I summarise that by saying, in particular in relation to the claim made by the now Deputy Premier about the position of the Auditor-General: the Deputy Premier and the Rann government are saying publicly that the Auditor-General supported the position that this issue and the investigations and all that related to it should not be made public because of the adverse implications it may have on those who would not be afforded any form of natural justice.

I remind members again that the question from Simon Royal was in particular about the general issue of going public on this issue. There is a lot of concern in the media and in the community that this issue had been kept secret in November/December last year and Simon Royal was partially reflecting that in his question and the answer from Mr Foley, the Deputy Premier, used, in part, the Auditor-General to defend the Rann government's decision to keep this issue secret for seven months.

I have looked at the letter of 20 December from the Auditor-General to the Premier. It has been tabled in the parliament and it is but a three sentence letter and the first two sentences are probably the only sentences that might in any way be relevant, as it states:

> I have reviewed the material made available to me with respect to the above mentioned matter enclosed with your letter of 4 December 2002. In my opinion the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

I do not believe that in any way could the Deputy Premier fairly represent the views of the Auditor-General in that second sentence as indicating that he supports the government's decision to keep this issue secret and away from the public gaze for seven months. Certainly, the Deputy Premier in my view could interpret the Auditor-General's statement as indicating support for the processes followed in November and December and, whilst I and the opposition do not support the government's process at that time, it is entirely up to the Auditor-General as to whether he did or did not support those processes.

The Auditor-General's letter of 20 December does not provide any evidence for the extraordinary claim made by the Deputy Premier that the Auditor-General has supported the government's position in relation to keeping this matter secret for subsequently seven months but potentially forever and a day. I am the first to acknowledge that it may well be that the Auditor-General has provided further communications to the Premier, either written or verbal, and that was the subject of some questioning today of the Attorney-General as to whether there was any other written advice from the Auditor-General which, in essence, supports this position that the Deputy Premier has put. Whilst the Attorney-General today wandered around the farmyard with his answer to the question, in the end he indicated that he agreed with the Deputy Premier that this was an indication of the government's position, that is, that the Auditor-General had supported the government's decision to keep this issue away from the public gaze for some seven months.

I obviously do not know what the Auditor-General's view is. Certainly, all I can say is that the letter of 20 December, in my view, does not provide evidence of that claim from the Deputy Premier. I have asked about whether or not there is other written communication. All I can say is that, if that was to be the position of the Auditor-General, as claimed by the Deputy Premier, it would certainly be quite different to the position that the Auditor-General has taken on a number of other issues in recent years, in a number of reports in a number of areas, where he has given evidence to parliamentary committees about the need for openness, accountability and transparency in terms of government decision making. Based on what I have read and heard from the Auditor-General in recent years, I would be surprised if the Auditor-General's position is as described by the Deputy Premier.

This is an issue that will be of some extreme importance as the parliament considers this issue because, as I said, I do not know the Auditor-General's position—and that is something that might become more publicly available over the coming weeks. That is ultimately a decision for the Auditor-General. If it transpires that the Deputy Premier misreported the Auditor-General's position publicly and used the Auditor-General as a defence for his position, that would be a very serious offence in terms of the normal processes of the relationship between the executive arm of government and the Auditor-General.

I have referred only to this one statement, but I know that ministers of the government—and, in particular, the spin doctors working for the ministers—are using the position of the Auditor-General and this statement by the Deputy Premier as a defence for the processes that they have adopted and as a defence as to why this issue was kept secret for seven months; that is, the Auditor-General has been used as a person to defend the government's position on this issue. I hasten to say, because I do not want to be misquoted or misunderstood, that I do not know what the Auditor-General's view is. I have asked the Attorney-General today. It may well be that the Auditor-General, in one way or another, will make his position more apparent to all of us who are interested to know whether or not the Deputy Premier has accurately reflected the Auditor-General's views on this most critical issue.

Regarding that same press conference of 30 June, the spin from the Rann government is apparent in many aspects of the media statement, but also in the press conference that was given by the then acting premier. I will give only one example, even though there are many. In the press statement that was issued, the Deputy Premier referred to the two Victorian legal officers and, in particular, to Mr Beazley. He indicated that Mr Beazley had served the Kennett government for a significant period of time and also the Bracks govern-

ment and, by inference, he clearly indicated that Mr Ron Beazley had been first appointed by a Liberal administration and had served a Liberal administration for a long time, then for a short period had served the Bracks administration.

When one conducts a search of Mr Ron Beazley's background (and I refer members to the Deakins.com web site, which is the firm that Mr Beazley currently works for), one finds something slightly different. In fact, Mr Beazley was not first appointed, according to the web site, by the Liberal Kennett administration: he was, in fact, first appointed under the Kerner Labor administration in 1991, and then served the Kennett administration—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I am suggesting that the spin doctors have been hard at work, in relation to press releases issued by the Deputy Premier and the claims being made by the Deputy Premier. That is just one small example where all the information has not been provided by the Deputy Premier, in an endeavour to try to indicate that this person had been appointed first by a Liberal administration and, therefore, was an example of how the Labor administration in South Australia had been very fair and even-handed in terms of who Mr McCann had chosen in Victoria to provide this fearless, independent legal advice.

I want now to explore in a little detail the issues that relate to the specific allegations that have been made. This is an issue in relation to a significant potential personal financial benefit to the former Attorney-General, and I will not repeat that. What I do want to indicate is that, if one were to accept the latest gloss that Labor sources have been putting out to the media as reported in the *Advertiser* early this week, in essence Mr Clarke was only being asked to give up his legal action against the former Attorney-General (and the magnificent prize in return for that would be forgiveness, for giving up the opportunity of taking money off the former Attorney-General), and the trade-off was going to be forgiveness and rehabilitation, whatever that might mean.

Clearly, there are some within the Labor Party who are supporting the position of the former Attorney-General and who are arguing that board positions were not offered—but, yes, there were discussions. I think the article in the *Advertiser* by Colin James this week indicated that Labor sources had confirmed that Mr Atkinson had met with Mr Ashbourne on at least three occasions prior to Mr Ashbourne's meeting with Ralph Clarke. That is not attributed to anyone other than Labor sources. All I can place on the public record is that I do know that Mr Atkinson did give an in-depth interview with Colin James late last week for an hour or so. There is no attribution to Mr Atkinson in the Colin James story, and I am clearly not in a position to know how many other people Mr James spoke to.

I am sure that, if he is an assiduous journalist, he might have spoken to a number of sources but, clearly, he spoke to Mr Atkinson, and someone (Mr Atkinson or someone else) has confessed that Mr Atkinson had met with Mr Ashbourne on at least three occasions as part of these ongoing discussions with Mr Clarke. The point I am making is that, if one puts aside the allegations of the board positions, which are serious in themselves, and if one were to believe what the defenders of the former Attorney-General would have us believe, very serious allegations still need to be considered by the government and by this parliament.

If you accept the position of the apologists for the former Attorney-General, you have a position where a taxpayer-funded personal adviser to the Premier (Mr Ashbourne), on $117 000 a year, is spending taxpayers' money—that is, his time—trying to negotiate the settlement of a personal legal action against the former Attorney-General by a former deputy leader of the Labor Party. Under no construction of the work or job requirements of the taxpayer-funded personal adviser to the Premier can one find the fact that they should be spending their taxpayer-funded time to negotiate the settlement of a private legal action that might cost the former Attorney-General many tens of thousands of dollars in trade-off, as I said, for the supposedly magnificent trophy for Mr Clarke of forgiveness and rehabilitation, whatever that might happen to be.

Members interjecting:

The Hon. R.I. LUCAS: Yes, an ALP membership card, perhaps. The point that I make is that there are serious allegations, clearly, about the improper offering of government appointments. Even if we put aside the issue of government appointments and accept the position that is now being spun by the spin doctors and others to some sections of the media that it was only about forgiveness and rehabilitation, there are still serious issues when taxpayer funded officers are spending taxpayer funded time negotiating settlements of personal legal actions. This issue does not hang just by the thread of government appointments. They are clearly critical issues, but there are other serious issues in this matter.

Again, I am indebted to the Hon. Mr Lawson, and I return to his questions to the Attorney-General on sections 251 and 253 of the Criminal Law Consolidation Act, on the issue of anyone who aids, abets or counsels also being guilty of a serious offence—and that was agreed to by the current Attorney-General. There are the issues of the board positions but there are also the issues of taxpayer funded personal advisers to the Premier involving themselves in attempted negotiations of settlements of private legal actions incurring expense to taxpayers' funds in terms of the time commitments of those officers.

I turn now to the issue of whether or not certain people are cooperating fully with the current Anti-Corruption Branch inquiry. There was some vigorous difference of opinion between me and certain ABC journalists early this week in relation to this issue. Suffice to say that we stand by the advice provided to the opposition, and I put that position publicly on ABC radio and it is a position that I put publicly—

Members interjecting:

The Hon. R.I. LUCAS: I just say to the Hon. Mr Sneath that he should wait and see.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: I advise the Hon. Mr Sneath and others to wait for the next instalment on this issue. The opposition stands by its claims and its statements, and it will continue to argue its position publicly and in the parliament. The Liberal Party's position is that everybody associated with this inquiry should cooperate fully, whether he be a minister, an employee like Mr Ashbourne, an employee like Mr Karzis in the Attorney-General's office, or anybody else. I also direct my view to others who are not currently in the employ of the government, and therefore that includes Mr Clarke, as well. It is my view that Mr Clarke, Mr Karzis, Mr Ashbourne, Premier Rann, Deputy Premier Foley and all should cooperate fully with this inquiry.

Let me put it on the public record here and now that, if key witnesses like Mr Ashbourne or Mr Clarke, for whatever reason, do not cooperate fully with this inquiry, this issue will have to be pursued in some other forum and in some other way. There have already been suggestions as to how that might be done, and I will not waste time tonight in pursuing those. If key people will not cooperate fully with the inquiry, we are then not in a position to get to the truth of the allegations that have been made.

So, it will be unsatisfactory if the police report that they have not been able to find sufficient evidence and that that, in part, has been caused by key people not being prepared to cooperate fully. However, there is a key difference between Mr Ashbourne and Mr Karzis or other staffers or ministers and Mr Clarke. In the first instance, Premier Rann has the authority, directly or indirectly, to ensure that people provide full and open cooperation with the inquiry. If they do not, he has options open to him as the leader of the government in terms of actions he might take. However, I accept that the Premier and, indeed, the opposition have no power or authority over somebody who is not currently employed by the Rann government. So, we do not have the direct or indirect capacity to encourage someone like Mr Clarke—or, indeed, any third party individual not employed by the current government—to participate. It nevertheless remains our hope that everyone will cooperate fully.

In relation to full cooperation, I point out, first, that for somebody to say that they have been interviewed by the police in and of itself is not sufficient from the opposition's viewpoint. By way of example, I can indicate that I have been interviewed by the police. I have sat down with the police. However, if during that interview I have indicated that I am not prepared to answer all significant questions based on legal advice, or for whatever other reason, that is not cooperating fully with the Anti-Corruption Branch inquiry. So, my word of caution to members of the media is that if anyone like the Premier or former attorney-general says, 'I've been interviewed by the police already and have spoken to them', that in and of itself is not sufficient. We need to know whether they cooperated fully and answered truthfully and to the best of their ability the questions that have been asked by the Anti-Corruption Branch. If that is not the case, again there will be grounds for further exploration of these issues.

Let me give some credit to the Attorney-General—at least in a small way—for one of the answers to the questions he eventually gave today in question time. In response to my question he indicated that, in the end, he would encourage all his staff (that is, the staff of the former attorney-general) to cooperate fully with the Anti-Corruption Branch inquiry. And he said—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, I'm talking about the current Attorney-General. The current Attorney-General said—and I am paraphrasing here as I do not have the *Hansard* record with me—in essence that, if required, he would direct his staff to cooperate fully. The Hon. Bob Sneath nods, so I have probably given a fair reflection of what the Attorney-General said; that is, if required, the Attorney-General would direct his staff—Mr Karzis, Mr Louca—

An honourable member interjecting:

The Hon. R.I. LUCAS: The Hon. Bob Sneath says that he has an open and accountable Attorney-General at the moment. He certainly could not say that about the former one. I thank him for his interjection.

The Hon. R.K. SNEATH: I rise on a point of order, Mr President.

The PRESIDENT: Order! There is clearly a point of order there.

The Hon. R.K. SNEATH: I said that the current Attorney-General is open and accountable. I did not say anything about the past attorney-general.

The PRESIDENT: Order! The honourable member was making reflections, and I refer him to standing order 193. The Hon. Mr Lucas was clearly making unparliamentary remarks about the former attorney-general which cannot be substantiated. He should withdraw.

The Hon. R.I. LUCAS: Mr President, this is a substantive motion against the former attorney-general.

The PRESIDENT: Order! No. In this context I think you have overstepped the mark, and I ask you to withdraw.

The Hon. R.I. LUCAS: Which remarks, Mr President?

The PRESIDENT: The remarks you made in respect of the former attorney-general, and I will not repeat them. I will not entertain games.

The Hon. R.I. LUCAS: What remarks?

The PRESIDENT: You are starting to defy the chair. I ask you to withdraw remarks you just made with respect to the former attorney-general.

The Hon. R.I. LUCAS: Which remarks?

The PRESIDENT: The remarks you made that he was not open and accountable.

The Hon. R.I. LUCAS: The remarks that you could not say that the former attorney-general was open and accountable?

The PRESIDENT: Yes. You are casting aspersions on his integrity.

The Hon. R.I. LUCAS: Mr President, I withdraw those remarks. However, at some stage, I will—

The PRESIDENT: Unreservedly would be the best way of doing so, and then continue with your contribution.

The Hon. R.I. LUCAS: I will, however, Mr President, seek an explanation from you as to why, when a member moves a substantive motion of condemnation against a person, they are not able to say that.

The PRESIDENT: The Hon. Mr Lucas, has stretched to the greatest extent the credibility and the parliamentary privileges throughout this debate. You have continually referred in a text about accusations which are unproven. You have defied the common principles of justice in this country of the presumption of innocence, and you have continued to do so. In this instance, I have given you latitude because you have a substantive motion. However, a substantive motion does not give you the right to use objectionable or unparliamentary words in any instance. On this occasion, I have given you free rein up to this point. I think that what you need to do is to accept some of the parliamentary conventions—at least one or two of them on this occasion. You have indicated that you wish to withdraw. I would be pleased if you would continue your remarks and bear in mind what I have asked you to do.

The Hon. R.I. LUCAS: Mr President, as always I thank you for your guidance in relation to this issue and, as always, I will follow the standing orders of the Legislative Council. In relation to the issue of cooperation with the inquiry, the point that I was trying to make was that the current Attorney-General has indicated that, if required, he will direct his staff to cooperate fully with the police Anti-Corruption Branch inquiry. As I said, I want to place on record my support for that position adopted by the current Attorney-General. In that

respect, he is indicating a willingness to be transparent and accountable by requiring his staff to cooperate fully with the inquiry. It also indicates that he is prepared to direct.

I contrast that with the position of Premier Rann, that is, when Premier Rann was asked the same question as the Attorney-General, Premier Rann has so far refused to adopt exactly the same position—namely, whilst the Attorney-General has said that he is prepared to direct his staff to cooperate fully, the Premier has not been prepared to indicate that he will direct Mr Ashbourne to cooperate fully with the police Anti-Corruption Branch inquiry. In the strongest terms, and consistent with standing orders, we condemn the Premier for not following the lead of the current Attorney-General in relation to directing staff to cooperate fully with the police Anti-Corruption Branch inquiry.

There is a series of other questions, but I will not list them all tonight. However, at some stage the issue must be raised regarding the current Chief of Staff to the Deputy Premier and the former chief of staff to the former attorney-general, Ms Cressida Wall. It has now been put on the public record that Ms Wall was the person who alerted the Deputy Premier to this unfolding scandal. The questions obviously remain as to how and when Ms Wall found out about the unfolding scandal. So, as this inquiry, or series of inquiries unfolds, that issue will need to be established. As has been placed on the public record, the Leader of the Government in the Council, the current Attorney-General, has indicated publicly (and I have no evidence to disprove it) that he had no knowledge of this unfolding scandal until recent days.

However, staff members such as Ms Wall and others were obviously fully conversant. There also remain unanswered questions in relation to the role of Premier Rann's senior legal adviser on his ministerial staff, Ms Sally Glover, as to what role, if any, she played during November and December last year. As I have indicated, soon after that, early in 2003, the ministerial staff directory no longer lists Ms Sally Glover on the Premier's ministerial staff directory. There are a series of other questions like that which after a couple of weeks of questioning remain unanswered.

In concluding, I indicate that, both in the forums and consistent with the standing orders of this chamber, the opposition will continue vigorously to question the government on this issue. I know that my colleagues in another place, led by the Hon. Mr Kerin, will pursue Premier Rann, Deputy Premier Foley and others when the House of Assembly sits again next week. We will await with interest the result of the Anti-Corruption Branch inquiry. We will await with interest to see what role, if any, outside influences such as Mr Don Farrell, for example, played in the discussions in November and December last year and in late June this year. Much information provided to the opposition indicates a not insignificant role for Mr Farrell in these matters.

Given that the parliament will be rising next week—and, from Premier Rann's viewpoint, I think he will be somewhat grateful—I assure Premier Rann, Deputy Premier Foley and all others associated with this attempt to keep a sordid secret for as long as possible that the Hon. Rob Kerin and the opposition will continue to pursue Premier Rann to try to get the truth on this issue outside the parliament and again, if need be, when the parliament reconvenes in September. I commend the motion to members and I certainly urge them to support the Liberal Party's condemnation, in particular, of the actions of Premier Rann who, as I outlined at the start, must accept personal and complete responsibility for the endeavours to keep this sordid secret forever.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: URBAN GROWTH BOUNDARY

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

That the report of the committee on urban growth boundary be noted.

(Continued from 28 May. Page 2445.)

The Hon. SANDRA KANCK: Most of the evidence in this inquiry had been received and heard before I became a member of the committee. In fact, I did not hear any of the evidence other than for one group who came along and presented a submission. Nevertheless, having worked in the environment movement over the years, I have developed a number of opinions about this issue.

The Hon. Diana Laidlaw put in place the urban growth boundary whilst she was minister for urban planning in the Olsen government. That boundary was challenged in court and, following the challenge, an amended urban growth boundary was put in place.

There are some very strong positives and also some very strong negatives about having an urban growth boundary. In terms of the positives, the first thing it does is to control urban sprawl, and that is a very essential action if we are to control some of the pressures and impacts on land adjacent to the metropolitan area. From that perspective, it is a pity that actions such as this had not been taken decades ago.

An urban growth boundary keeps precious agricultural land available for agriculture. If one looks at metropolitan Adelaide now and suburbs such as Kidman Park and Lockleys, one can see how many market gardeners are left in those areas. Most of them have been forced out to Virginia, where they must work with much less fertile soil and, obviously, apply much more fertiliser, and so on. In the area in which I live in Athelstone, for many years the Agon strawberry farm operated in the foothills. The strawberry farm has now gone and a lot of that—

The Hon. Carmel Zollo: It was Peter Lewis's brother, I think.

The Hon. SANDRA KANCK: Was it? I didn't know that. A lot of that land is now housing. I am told that the area on which I live in Athelstone was, until the late 1960s and early 1970s, some of Australia's best land for growing celery. I do not think many people could forget the 1982 conflict over the selling off of the Penfold's Grange vineyards at Magill. All that area that was sold off, despite the public protests, is now housing.

Another area in which we are seeing the encroachment of the metropolitan area is the Adelaide Hills. The urban development in that area has gone largely unchecked for the last two decades in what is a prime watershed environment. Houses encroaching on the boundaries of conservation parks have big environmental impacts, with dogs and cats running around in those parks and the impact of weeds. An urban growth boundary reduces those pressures.

One other problem with not having boundaries is that people keep moving farther out. It seems that when that happens the housing always outstrips any plans for public

transport infrastructure. Freezing the sprawl does give the government a chance to catch up with the provision of such infrastructure. So, as I say, there are some very strong positives for having an urban growth boundary, but the negatives, I think, are equally as strong.

As soon as there is a boundary, there is no choice but to go for urban infill and consolidation. The moment you put in place an urban growth boundary you increase the demand for the existing land. That then forces up the price of the land. It increases both house prices and rentals and forces people on lower incomes out of the metropolitan area. For those who do not have their own home it means that rental prices also go up, and this, in turn, can lead to more homelessness.

In the early 1990s, South Australia went through major consultation about urban planning for this state and produced the *2020 Vision*. Some of the findings in this document relating to urban consolidation are as follows:

> Housing costs rise as a result of an emphasis on urban consolidation. First home buyers are excluded from many inner city and middle suburban areas because new housing in these areas is expensive [and] any attempt to halt fringe developments would increase housing and land prices across metropolitan Adelaide.

We are already seeing this pressure in places such as Mount Barker, Victor Harbor, Goolwa and the Barossa Valley. If we put a boundary on metropolitan Adelaide, we will in turn have to put boundaries on these towns and regions. One only need look at Sydney as an example of how badly these things can turn out when people cannot afford to buy a home in Sydney and, instead, live in cities such as Wollongong and Newcastle, which effectively become suburbs of Sydney. Some of these people spend four hours a day on a train going to and from work.

With this in mind, I hope that the government looks seriously at the recommendations of the committee regarding the Land Management Corporation. I think that, at present—I am not totally certain because of the recent reshuffle of ministerial portfolios—the Land Management Corporation answers to the Minister for Infrastructure. The Land Management Corporation has no brief other than to sell the land that it has and to make money from selling that land. So, there is huge potential for the Land Management Corporation to act in a vacuum. Mr Atkinson of the South Australian Housing Trust—this is quoted in the report—with reference to the Land Management Corporation said:

> The trust has been working with the Land Management Corporation on coming to a collaboration about social housing and the need for a percentage of government owned sites that are released to clearly have in their briefs that there will be a percentage for social housing. More work needs to be done on that. . . Whilst we are having some discussions which, to date, have been very good, they are fairly slow with what we are trying to do. The Port Adelaide development. . . is an example of where it has not gone well. Social housing is not part of the development overall.

That is an example of how the Land Management Corporation acts within a vacuum; it does not have any agenda to act responsibly.

So, the committee recommended that responsibility for the Land Management Corporation be given to the Minister for Urban Development and Planning, that consideration be given to amending legislation so that the Land Management Corporation will have a social housing function as well as a commercial function, and that a set percentage of social housing be included in any new housing developments in metropolitan Adelaide.

Another of the negative consequences of squeezing more people inside the urban growth boundaries with our present standard of living is that more cars will come on to our already crowded roads and there will be a greater demand for parking for those cars when they reach their destination. This is a negative that could be turned into a positive by the government, provided the government tackles the problem by updating and increasing public transport infrastructure.

However, I do note that the Bannon government failed with Golden Grove. It allowed that whole area to be built without any extension of the O-Bahn into the area, and that is a crying shame. We now see a similar situation down south at Seaford, where there is no dedicated transport corridor, and everyone has to depend on their private cars and, to a limited extent, buses. However the opportunity is there, if the government were to seize it, to do something about that and extend the Noarlunga line southwards to Seaford.

There is no doubt that urban consolidation can assist public transport in this regard. I remember when I visited the Toronto Transport Commission a few years ago when I was in Canada and met with the chief executive officer of that body. He pointed to areas on the map and said, 'We do not run any public transport to this suburb and that suburb, because the housing is not dense enough to justify it.'

Adelaide has not planned well around public transport for many years. There has been no attempt to ensure that the most dense development occurs around railway stations. Again, I go back to the 20-20 Vision findings from the early 1990s where that was pinpointed as one of the things we should be doing with proper urban planning. Portland, Oregon, is a brilliant example of what can be done if a little vision is shown with public transport, and the light rail system they have built is continuing to be enlarged every year because the public demand for it is there.

Although the 1998 Planning Strategy for Metropolitan Adelaide talks about the opportunity for urban development along transport corridors, little appears to have been done about this other than talk. There has been talk for years about extending the tramline beyond Victoria Square, but still there is no action. The committee has recommended education of the public as to the benefits of socially and environmentally high-density living. When I came onto the committee and this report was being considered, the wording initially was that 'the public should be educated as to the benefits of high-density living'. I said, 'Well, I'm afraid if it stays with that wording, I would not be able to agree with it.' The committee agreed to insert the words 'socially and environmentally' before 'high-density living'. I have to say that is better than it was, but I cannot say that I am jumping up and down with excitement about it. Personally, public education like this seems a little like the re-education programs of some communist countries in the past, and it certainly smacks of a level of paternalism that this committee and the state know better than individuals.

In relation to that public education suggestion, the committee did recognise that the concerns of residents in regard to open space needed to be addressed. Technically, at the moment, in larger developments there is a requirement for 12.5 per cent open space. However, unless it is a very big development such as Golden Grove, developers almost always find ways of getting around that provision.

There were quotes to the committee from a couple of staff from metropolitan councils to the effect that 12.5 per cent open space is too much. I wonder whether this represents the views of their residents, who are the people who pay the rates and, therefore, the employment source of these planners. I doubt that there would be many residents anywhere in

metropolitan Adelaide who would say that they have too much open space in their suburb. Recognising that urban consolidation becomes necessary when we put an urban growth boundary in place, we need to ask whether urban consolidation is as good as its proponents would have us believe.

From time to time one hears derisive comments made about people wanting to have a quarter acre block. Infill reduces the opportunity for residents to be self-sufficient in production of their own food. Those of us who grew up on quarter acre blocks were able to be self-sufficient. In my own childhood, I grew up with 14 fruit trees in our yard, and summertime saw us making jams and chutneys; we bottled apricots and tomatoes, and we lived off the results of that through the winter. Even in my backyard now, I have apples, oranges, lemons, plums and nectarines, and many other things that I can go out to pick as I need them. An urban growth boundary, with its urban consolidation result, forces dependence on commercially produced food.

Urban infill means more houses, which means more roofs, which means more run-off, which means less recharge of aquifers, which means more run-off to the western side of the city, which increases the risk of flooding. We have seen that twice already this year. More run-off of this water into the gulf means more damage to seagrasses and more movement of sand. More houses means there is also a greater demand for freshwater through water infrastructure. I query whether our water infrastructure can cope with that demand. More houses means more toilets and more showers, and I do not know whether our sewerage infrastructure can cope. More houses means greater energy demands. Can our gas and electricity infrastructure cope? Certainly, in relation to electricity, we know that over a number of summers we face the prospect of prolonged blackouts. As far as water is concerned, pipe bursts in the north-eastern suburbs are a common occurrence—and some of them have been very spectacular at that! Have we got the telecommunications infrastructure that an increased population in our cities will demand?

The one presentation that I was able to hear in evidence was from the Save our Suburbs group. Its written submission included a speech of Miles Lewis to a meeting at the Norwood Town Hall on 3 November 2000. He made the observation that there are very small savings on the diameter of a city achieved through urban consolidation. He said:

> If you develop these nodes of high density, you may get a respite of two or three years. If you redevelop the whole of suburban Adelaide, you may get five or 10 years delay before the sprawl continues. After those five or 10 years, you will be facing just the same pressures as you are now.

An urban growth boundary gives us urban consolidation. Urban consolidation will buy us time. In dealing with this issue we have to come back to one of the essential causes, namely, population. The government and we as members of parliament must recognise that there are environmental limits to population growth. In supporting the motion, I indicate cautious support for an urban growth boundary, but I recognise there are an enormous number of unanswered questions about its corollary, urban consolidation.

The Hon. J. GAZZOLA: I thank all members for their wonderful contributions and commend the report to the parliament.

Motion carried.

CHILD SEXUAL ABUSE

Adjourned debate on motion of Hon. Kate Reynolds:

1. That a select committee of the Legislative Council be appointed to investigate and report upon—
   (a) allegations of child sex abuse within church organisations within South Australia; and
   (b) other matters as determined by the committee following consultation with advocacy organisations.
2. That standing order 389 be suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended as to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 28 May. Page 2456.)

The Hon. KATE REYNOLDS: Further to my remarks of 28 May, I note that the Anglican Church has finally taken action to refer to the police more than 65 complaints of child sex abuse by people acting under the banner of the church. The Anglican synod has also agreed to establish a working party to set up its own inquiry. Apparently, the terms of reference and the names of the two persons who will carry out this inquiry were to be announced by the church this evening.

The referring of allegations to the police by this church and the establishment of its own inquiry are both welcome moves, even if long overdue, but they do not go nearly far enough. Whilst we can all agree that most abuse and sexual assault of children occurs in a domestic environment, public opinion has made it quite clear that there is no excuse for any church organisation to be given privileged treatment in the eyes of the law. Even now in our local media and in the national media the number of allegations of abuse increases and there are still regular reports of church officials admitting to repeated acts of sexual assault against children and young people.

There is now no question that church officials have failed to act when the risk and circumstances of abuse were known to them. The *Age* newspaper of 20 May 2003, at the height of the public debate about the role of churches in concealing sex crimes, stated:

> The simple, powerful message of the Hollingworth controversy is that in the public mind the failure to prevent abuse is of a similar magnitude to the acts of abuse and neglect committed by the perpetrators. Our political leaders are now on notice that the failure of governments to prevent abuse and neglect in so-called care settings must be dealt with as a matter of urgency.

This select committee should not be about securing prosecutions—that is the role of the police and, in particular, the newly established paedophile task force and the courts. This select committee should be about law-makers understanding the nature and scope of sexual assault of children within church organisations across all their activities and making recommendations to the community, the government and the parliament.

The opposition has previously called for a royal commission into child sex abuse but has not yet taken any action to establish such an investigation. Some people have previously indicated that they would prefer the costs associated with a royal commission to be spent on services rather than on lawyers' fees. We agree that many people may be deterred by this cost from telling their stories and from helping police and

law-makers to understand and respond to the issue. We have also noted the former attorney-general's repeated comments that he would not support the establishment of a royal commission in this state. The new Attorney-General, in conversation with me today, indicated that his position would be similar.

Others have suggested that we should wait for a federal royal commission to ensure that the federal government picks up the tab. My federal colleague Senator Andrew Murray, when arguing in the Senate in recent weeks for a federal royal commission, said:

> My message to the coalition is this: it is no good being men of steel in war but marshmallow men in matters of child abuse. It is no good having lots of ticker but being seen to have no heart.

And here is my challenge to this government: it is no good being tough on crime but soft on child abuse. But, given the federal government's opposition to the child migrant inquiry which revealed shocking abuse of vulnerable children and young people and its lukewarm interest in the current Senate inquiry into children in institutional care, I hold very little hope that we will ever see a federal royal commission into child sex abuse inside our churches. And the state government, to its shame, also has not shown any interest in establishing a royal commission in this state. In fact, the former attorney-general said in another place earlier this year when arguing against a royal commission:

> . . . allegations could be made against innocent individuals under privilege.

The Hon. Sandra Kanck: Innocent individuals were hurt in the first place.

The Hon. KATE REYNOLDS: Yes. I remind members that a select committee can resolve to hear evidence in camera and can seek an instruction from this council that the evidence and documents received by the committee not be tabled. The former attorney-general also said:

> If the government is going to spend money on child protection, it wants to do it for children in the here and now.

That sounds as if the government wishes to deny the experiences and rights of individuals who have been assaulted in the past and others who may be assaulted in the future.

So, in the absence of any leadership by the federal government or our state government on the issue of sexual assault of children, it is left once again to private members to initiate action. I call on the government, the opposition and all honourable members to back what is a genuine attempt to enable us to properly understand and tackle the problem of child sex abuse within church organisations.

These are organisations which protected criminals by concealing crimes of sexual assault, and through retention or promotion they gave such criminals further opportunities to access further victims. As my colleague the Hon. Sandra Kanck said in this place on 3 June in relation to the removal of the statute of limitations, a crime is a crime is a crime. Sexual assault is a crime, regardless of who commits it and regardless of who seeks to conceal it. As the Reverend Dr Don Owers said publicly last month, we must take the right option, not the easy one, when dealing with this most serious issue.

In conclusion, so far approximately 100 complaints (if not more) have been made of which we are aware in relation to just two South Australian churches. We must not underestimate the cost to South Australian individuals, families, communities and the state of the risk of allowing the past practices of concealment of crimes of sexual assault to continue. Before we can develop remedies and start any healing process, we have to understand the scale and the nature of the problem. I urge all members to support my motion.

The Hon. R.D. LAWSON: A moment ago, the honourable member said that we should adopt the right option, not the easy option, in relation to child sexual abuse. The Liberal opposition certainly agrees with that proposition. We definitely agree, too, that the sexual abuse of children in our community is a scourge which we as a society must address appropriately. However, the honourable member has in this motion and in her remarks confined them to what she described as 'sexual abuse by persons acting under the banner of the church'. She referred to the Hollingworth controversy, and in her earlier contribution spoke of a number of undoubted cases in which persons involved in churches have been found to be guilty of child sexual abuse over very many years.

It is fair to say that, until recent times, most members of parliament and most people in our community did not fully appreciate the extent of the sexual abuse of children in the community. I suspect that most of us simply did not believe some of the terrible things that we now know to be happening were happening, and accordingly it has taken some time for our community, governments, institutions and organisations to start to address these important issues.

The honourable member said, quite correctly, that the Liberal opposition has been calling for the establishment of a royal commission into child sexual abuse of wards of the state. That arose as a result of the highly publicised disclosure of fairly widespread institutional sexual abuse of wards of the state in earlier years. There has been a public campaign in respect of that, and the opposition is convinced by the evidence that has been produced to date that it is appropriate to have a royal commission to investigate that matter.

The very real advantage of a royal commission is that it has the expertise and resources to fully investigate, sift through evidence, exclude evidence which is not thought to be of the best quality and introduce the evidence in a way that actually brings other people forward, brings out the truth and enables recommendations to be made that will result in improvement. One has seen that over the years in a number of royal commissions in this country. The most recent, I would say, would be the Wood royal commission into police corruption in New South Wales, which operated over a number of years. It produced rather slowly, but very cleverly as a result of good investigations and inquiries, a great deal of evidence. It revealed the truth and it led to improvements.

The disadvantage of a select committee of the parliament is that in our parliament select committees are not resourced. The research officer in most select committees is someone who is on the unattached list within the Public Service. They may be an admirable person who will try hard and who will work hard to produce what the committee requires but, in most cases, it is very much a part time, almost amateur, investigation.

An honourable member: Not always.

The Hon. R.D. LAWSON: Not always, but usually. In a serious case like this where individual citizens are coming forward, and where they will undoubtedly face opposition from those people whose conduct is being called into question, a parliamentary committee is simply inadequately resourced. It is a very clumsy structure to undertake any form of investigation. Ultimately we might have to accept a

parliamentary committee but, in our view, that would be the worst possible option. We are still pressing for the establishment of a royal commission or a commission of inquiry. The government has been most recalcitrant on this matter; it has been running the easy or popular line that a royal commission is too expensive and that the money could be better spent on other issues. We believe that the government can be forced, by various measures, to come to the table by appropriately resourcing a royal commission or, if not a royal commission, then some other form of independent inquiry which will be—

The Hon. Sandra Kanck: Such as a select committee?

The Hon. R.D. LAWSON: Not such as a parliamentary committee. We do not believe one goes to the worst possible option as the first step. We believe we should continue to press for an inquiry. Also, we have a fundamental objection to the terms of reference proposed by the Hon. Kate Reynolds in this motion. This is a motion that is directly and firmly aimed at the churches and only the churches. The churches are not the sole source of sexual abuse in our community. We only have to recall, for example, the widely publicised case of the magistrate, Peter Liddy, who was using the Surf Live Saving Association for the purposes of his sexual depredations, and there have been, as well as state-run organisations, many other organisations, including sporting groups and charities, in which instances of sexual abuse ought to be appropriately addressed, including also the private home.

It is interesting to note that the senate inquiry, which has been established on the motion of the Hon. Kate Reynolds' colleague Senator Andrew Murray, is an inquiry that is related to children in institutional care. We believe that these terms of reference are too narrow. We believe that this is really jumping on the bandwagon of the Hollingworth controversy and also the controversy which is currently surrounding aspects of the Anglican church which, as the honourable member mentioned, is to be apparently the subject of some announcement this very week.

We believe that any inquiry into this matter ought to include the following (and I will read the sort of terms of reference that we would like to see in a commission of inquiry):

1. The incidence in this state of sexual abuse of children who at the time the sexual abuse occurred were in the custody of or under the guardianship or care and control of the minister or an agency or instrumentality of the crown.

2. The incidence in this state of sexual abuse of children that occurred whilst children were engaged in recreational, sporting, educational or other activities conducted by or under the auspices of a non-government agency or organisation.

3. The incidence in this state of sexual abuse of children committed by employees of, or volunteers in, an agency or instrumentality of the Crown, a local government body or a non-government agency or organisation;

4. The adequacy of existing measures to provide assistance and support to victims of child sexual abuse.

So, we believe the honourable member's proposal simply does not go far enough and we would not support it in this truncated form. However, as is obvious from the remarks I am making, we believe that the spotlight ought be put on the churches, amongst other organisations, and indeed all organisations which have had within their care, custody and control, children who have been subjected to child sexual abuse. We would urge the honourable member to keep her motion on file to keep the proposal alive because if, in the course of the coming months we are unable to get this government to realise that it ought fund and establish such an inquiry, then we can come back and perhaps amend the terms of reference of the proposed parliamentary inquiry, but at this stage we are not prepared to support it.

The government has been saying not only that the cost of conducting a royal commission or some form of commission of inquiry is prohibitive but also that the Layton report has already in some part addressed these issues. The Layton report, however, has not addressed in full terms the child sexual abuse and certainly has not provided a forum for the victims of child sexual abuse to present evidence. Nor did Robyn Layton QC address what should be done to redress some of the injuries and damage of the past. The author of the report looked prospectively forward, and that is perfectly reasonable, but she simply did not have the time or resources, or perhaps the inclination, to examine these issues, which ought be examined.

So we do not accept the excuse of the government that it has already established one inquiry into child sexual abuse and that it does not propose to have another. We will continue to press for the establishment of a committee of inquiry and, as I said, if called upon to vote tonight on this proposal the opposition would not support it.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

INDEPENDENT GAMBLING AUTHORITY

Adjourned debate on motion of Hon. A.J. Redford:

That this council notes the performance of the Independent Gambling Authority.

(Continued from 28 May. Page 2461.)

The Hon. CARMEL ZOLLO: I indicate that the government supports this motion. I respond to the issues recently raised by the Hon. Angus Redford with respect to the general performance of the Independent Gambling Authority and, more specifically, the progress of the inquiry into the management of gaming machine numbers in South Australia. I would like this council to note that the Independent Gambling Authority is established under the Independent Gambling Authority Act 1995, and was formed in October 2001 from the former Gaming Supervisory Authority. The functions of the authority include:

- the development and promotion of strategies for reducing the incidence of problem gambling;
- undertaking or coordinating research into gambling matters;
- ensuring that an effective and efficient system of supervision is maintained over gambling licensees; and
- the administration of a state wide voluntary barring scheme.

Since its establishment, the Independent Gambling Authority has:

- implemented the voluntary barring system;
- undertaken the suitability inquiry of the licensee and approval of documentation with respect to the sale of the SA TAB;
- completed the Adelaide Casino Advertising and Responsible Gambling Codes of Practice;
- maintained an effective regulatory overview; and
- reviewed bookmaker licensing rules.

In addition, matters currently being addressed by the authority include:

- the finalisation of stage 1 of uniform advertising and responsible gambling codes of practice for all commercial codes of gambling (which were released at the end of May);
- the establishment of a research program;
- the development of an early intervention order scheme;
- an inquiry into the link between problem gambling and crime; and
- consultation on its inquiry into the management of gaming machine numbers in South Australia.

With respect to the specific issue of the authority's inquiry into the management of gaming machine numbers in South Australia, the Hon. Angus Redford asked: why did not the IGA start the process on 1 October 2001; why did not the IGA seek the necessary resources; and, if it did, why was it not given the necessary resources, particularly regarding the Premier's press release made at the time of the promulgation of the legislation? The simple answer to those questions is that the IGA did not start the process because it was not directed to. The authority was only given the relevant direction by the new Labor government.

The Hon. Angus Redford also asked the following questions. Why, if the process commenced only in July 2002, was it not given priority? Was it a matter of resources? Why was not parliament told much earlier that the process could not be completed before 31 May this year? When did it become apparent to the IGA that it could not complete that process, and when was the minister informed? Why could not the process be completed between July 2002 and February 2003?

In responding to those questions, I wish to inform all honourable members that the Independent Gambling Authority received the terms of reference on 20 June 2002. No action was taken by the former government to commence this inquiry. The Independent Gambling Authority has a significant number of tasks following its establishment and, as noted by the Hon. Angus Redford, the new presiding member of the Independent Gambling Authority was appointed on 15 August 2002. The authority has quite an extensive workload, is independent and allocates its resources to tasks as necessary in light of competing priorities. In addition, it is required to consult widely and consider the views of all stakeholders in its recommendations. Those processes take time.

With the establishment of a new body of this type, there is a significant number of tasks that everyone is keen to see completed as a matter of priority. However, it is necessary to prioritise these tasks and ensure that they are completed in a full and proper manner. The Minister for Gambling was informed on 6 February 2003 by the authority that it would require an extension of time to complete the inquiry in a way that allows full consideration of the merits of the issues and alternative options.

An article appeared in the *Sunday Mail* just three days later, on 9 February 2003, in which the Minister for Gambling indicated that he had received this request. Industry stakeholders and other members of this council were quoted in the recent article. At that time, the Minister for Gambling indicated that he considered that the proposal to extend the time to enable the inquiry to be completed had merit and that he would take the matter to cabinet for consideration.

On 3 March 2003, the government announced, by way of media release from the minister, that the parliament would be asked to extend the freeze on gaming machines for 12 months until 31 May 2004. Of course, the parliament subsequently passed legislation giving effect to the extension of the freeze. In terms of the time taken to complete this inquiry, it is important that quick reviews and reports are not prepared at the expense of thorough work, particularly on what are very significant gambling issues.

For the gaming machine numbers inquiry, a wide consultation process was included. The authority:

- made the call for public submissions on 11 July 2002;
- held the initial round of public consultations on 22 August 2002;
- held the public hearing to receive evidence from government officials on 14 November 2002;
- commissioned and received independent research into 'The Distribution of Electronic Gaming Machines (EGMs) and Gambling Related Harm in Metropolitan Adelaide' from September to December 2002;
- released its draft discussion paper on this inquiry in March 2003; and
- received written responses on this discussion paper by 16 May 2003.

The authority was to hold further public hearings on 17 and 18 June 2003, with a report to be completed in September 2003. Obviously, those hearings were held. We have seen several articles in the last few weeks in relation to the evidence given at these public hearings, which have served to raise community awareness of problem gamblers. As well, we now have a couple of very good advertisements on television which, hopefully, will assist problem gamblers to seek help.

There is here a press release relating to the advertisements 'Think of what you are really gambling with', which Minister Stephanie Key released on the weekend. I was pleased to read in the press release from Stephanie Key, our Minister for Social Justice, that the call rates to the help line have increased since the launch of the hard-hitting campaign on TV, radio and in print ads on 15 June. The press release states:

> 'This is a fantastic start to the campaign. One of our main aims was to increase calls to the gambling help line by 100 per cent, and to have almost reached that in the first week is a great result,' Ms Key said. 'We are now getting over 200 calls a week to the help line. Extra staff resources have been provided to handle the increase in calls. The council's hard work has been pivotal to the early success of this campaign.'

The decision, as I think members would know, by Australia's biggest bank to withdraw its automatic teller machines from poker machine venues over its concerns about problem gamblers is also especially welcome.

The authority has completed its first stage uniform codes of practice, which were released on Friday 30 May 2003, and consultation is now occurring. When the final codes of practice are completed by the authority, they will be forwarded to the minister, who must cause a copy to be laid before both houses of parliament as soon as practicable after receiving it. Sections 10 and 10A of the Subordinate Legislation Act 1978 apply to a code laid before the parliament under the section as if it were a regulation within the meaning of the act, that is, they are disallowable instruments.

In the process of completing stage 1 of the uniform codes, the authority has also identified a range of significant additional measures. It intends to undertake further public consultation this month on stage 2 of its current process in formulating these codes. The first stage of the uniform codes of practice prepared by the authority for all gambling licensees largely reflects the content of previously existing

codes and the application of those provisions across all forms of gambling. There is also a range of additional responsible gambling initiatives that the authority has indicated have general agreement.

The new advertising and responsible gambling provisions contained in the codes include a range of significant responsible gambling measures for the industry. They are expected to commence from 1 September 2003. These significant responsible gambling measures for the industry include:

With respect to advertising—

- Ban the use of gaming machine audio samples in advertising.
- Prohibit electronic media advertising of gambling products between 6 a.m. and 8.30 a.m. and 4 p.m. and 7.30 p.m. weekdays and between 6 a.m. and 7.30 p.m. on weekends.
- Require disclosure of the odds of winning or, where that is not directly possible, enough information for participants to understand the nature of the product.
- Ban any overstatement of the benefit of skill in gambling products. (This varies by bet type, that is, no skill in gaming machines use compared to some skill in TAB and casino table games.)

With respect to responsible gambling—

- Require that venues must have a responsible gambling charter.
- Require warning messages in gambling areas.
- Require display of time visible by those participating in gambling activities.
- Require coin dispenser machines to be removed from gaming areas (that is, relocated outside gaming rooms).
- Provision of multilingual responsible gambling information.
- Require that children not be left unattended and children's entertainment areas not be adjacent to gaming areas.
- Prohibit service of alcohol to persons actually gambling.
- Prohibit cashing cheques in gambling areas.
- Require processes for provision of self-exclusion schemes (other than SA Lotteries, where persons would be removed from loyalty databases).

With the release of these codes, the authority has also indicated a number of potential responsible gambling measures on which it wishes to undertake additional public consultation. For many of these proposals, the authority has taken an in-principle position to adopt them, and wishes to consult on matters of implementation. For others, the authority has not yet made any initial determination. The measures for the second stage consultation are as follows.

Actions where the authority has taken an in-principle decision to adopt:

- The content of mandatory warnings in advertising.
- The extent of limitations for on- and in-venue signage.
- Mechanisms to implement a five-minute break in play every two hours.
- Mechanisms to screen sights and sounds of gambling to areas outside the gambling room.
- Mechanisms to implement requirement that gaming venues form a relationship with a local counselling agency.
- Mechanisms for licensee-based systems for reporting potential problem gamblers.
- The implications of a ban on smoking where gambling products are provided.

I do not think there is anything in that list that the Hon. Nick Xenophon has not already thought of, and there may be some new ones, too. Actions where the authority has not taken an in-principle decision to adopt include:

- Requiring the gaming machine venue mandatory six-hour per day close-down period to be from 6 a.m. to noon for all venues. (Currently venues can choose their own period. This may give rise to issues for shift workers.)
- Possible ban on inducement and loyalty schemes based on player activity.
- Possible requirement to collocate gambling activity in venues (that is, shift PubTAB and Keno into gaming rooms in hotels and clubs).
- Whether Keno should be allowed in newsagents, pharmacies and public shopping areas.
- Whether persons under 18 years of age should be permitted to sell lottery products.

The authority's public consultation processes have provided, for the first time, a forum for all stakeholders and interested parties to argue their views on these important issues. This is an important step forward in the full consideration of gambling issues in Australia. Minister Weatherill is on record as stating that the IGA is aware of community concerns about the impact of gambling on children. As all honourable members can appreciate, the public consultation processes provide the authority with significantly varying views on the vast majority of issues raised. At the local government level we have seen one council, the City of Salisbury, engage its community in a significant survey. I think from memory it received some publicity in the *Advertiser* a couple of weeks ago.

The Independent Gambling Authority is undertaking its work effectively and has had to consider the high level of public concern and complexity surrounding these issues, and endeavour to ensure that all relevant opinions, information and other resources are considered. It is then the role of the authority to balance these views and report to the parliament on its deliberations. Both the consultation and subsequent consideration processes take time. As I indicated earlier, it is necessary for the Independent Gambling Authority to balance the need for timely answers to these important questions, ensuring that full consideration has been given to all issues. This is a difficult task. With respect to the apparent lack of response to questions asked by the Hon. Nick Xenophon MLC, I provide the following:

- 3 July 2001—question about what was happening with the IGA, what were its resources and when will it come into effect: You would need to ask the former government's minister for gambling on why a response to that question was not tabled.
- 16 May 2002—questions about Sky City Adelaide Casino's latest promotion, the Party Pit, and any research that the IGA may have on the link between smoking and gambling: The response to this question was tabled on 17 July 2002.
- 19 August 2002—question about appointment of a new presiding member to the Independent Gambling Authority: The response to this question was tabled on 15 October 2002.
- 21 August 2002—question about the Independent Gambling Authority's inquiry into the link between gambling and crime, and the resources of the Independent Gambling Authority: The response to this question was tabled on 15 October 2002. A number of other questions on a similar topic are in the process of being responded to.

With respect to the issue of the Gamblers Rehabilitation Fund being supervised and monitored by the Independent Gam-

bling Authority, that has never been the case. When the Independent Gambling Authority was created in October 2001, the government of the day kept the Gamblers Rehabilitation Fund within the Department of Human Services. With respect to the budget issues raised by the Hon. Angus Redford, I inform the council of the following:

- The budget was increased by $1.1 million over four years in the 2002-03 budget to establish the research program of the IGA. This program was not funded by the former government. The IGA's budget in 2002-03 is $1.16 million.
- In 2002-03 budget, the government also announced an increase in the funding to the GRF of $4 million over four years. This brings total GRF funding (from government and industry sources) to $3.3 million per annum.
- The budget of the Gamblers Rehabilitation Fund on page 2.22 of the 2002-03 Budget Paper 4, Volume 1, referred to by the Hon. Angus Redford, is the hotel and club gaming machine licensees' contribution to the Gamblers Rehabilitation Fund. This did not increase during 2002-03. It remains at $1.5 million per annum.

That is a full response for the Hon. Angus Redford on behalf of the government. As indicated, the government supports this motion.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

MULTIPLE CHEMICAL SENSITIVITY

Adjourned debate on motion of Hon. Sandra Kanck:

That the Legislative Council request the Social Development Committee to inquire into and report on multiple chemical sensitivity, with particular reference to—

1. Which chemicals or chemical compounds are responsible for the majority of symptoms of multiple chemical sensitivity and how exposure to them can be minimised;
2. The effect of chemical exposure on human fertility;
3. The comparative status in other countries of multiple chemical sensitivity as a diagnosed medical condition;
4. Best practice guidelines in Australia and overseas for the handling of chemicals to reduce chemical exposure;
5. Current chemical usage practices by local government and state government departments and changes that could be made to reduce chemical exposure to both workers and the public; and
6. The ways in which South Australians with multiple chemical sensitivity may more effectively access sources of support through government agencies.

(Continued from 14 May. Page 2315.)

The Hon. D.W. RIDGWAY: I rise on behalf of the opposition to support the reference of multiple chemical sensitivity to the Social Development Committee. Of course, the opposition supported the reference to both a select committee and a joint committee on multiple chemical sensitivity.

The Australian Chemical Trauma Reliance Incorporated describes multiple chemical sensitivity as an insidious complaint that can affect every part of the system of the body, with either an instant or a delayed reaction. It produces a range of symptoms, ranging from mild flu-like lethargy to full-scale coronary, and respiratory and gastric symptoms. Sufferers also experience fatigue, mood swings, forgetfulness and inability to concentrate. As multiple chemical sensitivity worsens, reactions become more severe and increasingly chronic. Many patients with this condition have to isolate themselves for fear of recontamination, which may result in exacerbation or recurrence of their symptoms. Special diets and nutritional supplements are often necessary, which quite often trigger a new set of symptoms.

In addition, the Multiple Chemical Sensitivity Association points the finger at many commonly used agricultural, commercial and industrial pesticides and chemicals and inappropriate methods of handling and application. Of course, there are a number of ways in which to be exposed to these products. In the very early days of the agricultural chemical revolution (40 to 50 years ago), it was quite commonplace for people using these chemicals not to use any protective clothing, such as rubber gloves, face shields, respirators, plastic aprons, rubber boots, or waterproof overalls. In fact, most farm chemicals were often mixed and applied by hand. In those days, it was not unusual for people to complain of headaches, nausea and other symptoms as a result of repeated exposure to these substances.

In the early days, application rates and the method of application were very hit and miss, with inappropriate and poorly designed equipment and the view that, if you had a bad infestation, if you doubled the rate you might solve the problem more quickly. Whilst this may have been common practice in the past, the new generation of modern agricultural chemicals and pesticides has undergone far more rigorous evaluation for safety and efficacy than their forebears.

I am pleased to note that today the vast majority of primary producers and chemical users use a great range of highly sophisticated and effective chemicals. All these products are applied using precision equipment and, thanks to better training and community understanding and extensive uptake of the ChemSafe program, virtually all users of these chemicals have had extensive training in the safe handling, mixing and application of these products. It is also interesting to note that one of the benefits of gene technology, as we move into the 21st century, will be a decreasing reliance on agricultural chemicals and pesticides.

It would not be proper for me to pre-empt the findings of the Social Development Committee. However, I urge the committee to recognise a greater community understanding of safety concerns regarding the handling, storage and use of hazardous and toxic substances across all industries.

It is interesting to note that, in her contribution on multiple chemical sensitivity, the Hon. Sandra Kanck almost exclusively mentioned agricultural and industrial substances. However, I believe that she may have overlooked one very important group of products to which people have an allergic and sometimes fatal reaction, that is, food additives, preservatives and food colourings. These products are often associated with behavioural changes, rather than any form of toxicity. I know a number of people in my local community who have children who react in different ways to food colourings, especially confectionary and soft drinks.

There has also been a suggestion that some attention deficit disorder problems may be the result of reactions to many modern-day food additives and food colourings. Whilst reaction to these additives may not cause any lasting problems for children, the behavioural changes often make parenting even more difficult and challenging. In addition, some members of the community hold the view that wine with a lower alcohol content than some of the more expensive premium labels contains more preservatives and antioxidising agents, therefore exacerbating their sensitivity to chemicals when they have consumed too much.

Incidentally, I am led to believe that if alcohol were discovered today it would not gain approval for human

consumption from the national registration authority. While so far I have discussed problems of multiple chemical sensitivity which manifest themselves with daily or obvious symptoms, there are also problems associated with exposure to these chemicals and products that lead to chronic and sometimes almost undetectable illnesses until it is too late, such as low fertility in both men and women, neurological disorders and, of course, cancer. It is with pleasure that on behalf of the opposition I support this reference to the Social Development Committee.

The Hon. A.L. EVANS: I rise to speak in support of the Hon. Sandra Kanck's motion concerning multiple chemical sensitivity. I first came in contact with this problem when a person I had known for 50 years developed the condition. Seven years ago she had a negative reaction to a tetanus injection. This woman developed very distressing symptoms as a result of exposure to elements found in every home throughout this state. For example, to have electricity on or near her created a burning sensation in her feet so, to overcome the problem, the house had to be dark and electricity not used. Strong sunlight also affected her skin. Eating certain foods that had been treated by chemicals also gave her a severe reaction. She is now living in a darkened house with the curtains drawn and, if she wants to listen to the radio or television, it has to be in another room at the end of the house. The carpet had to be removed and replaced with normal floor boards and in general she largely lives as a hermit, having to choose her foods very carefully. She has lost considerable weight and there does not seem to be anything that medical science can do to help her.

I spoke at a rally on the steps of Parliament House last year concerning this issue. I expressed at the time the need for greater understanding and recognition of the condition in our community. People with multiple chemical sensitivity are made unwell by exposure to many common chemicals found in products such as pesticide, paint, new carpet, cleaning products, perfumes, etc, and are often denied access to basic services due to chemical barriers, ignorance and discrimination. Last year I asked the government some questions in the chamber concerning this condition and what policies were being developed to allow people with MCS special access to services such as public housing, education and employment.The government responded, as follows:

> The condition of Multiple Chemical Sensitivity (MCS) is recognised as a complex condition which appears to involve much more than increased sensitivity to chemicals in the environment. Currently, there is no medical or scientific consensus about MCS or what causes it. Due to its complexity, and the fact that there are not even clear diagnostic guidelines, it has been difficult for governments around Australia to develop policies around MCS. While it is true that the Department of Human Services is looking at the notion of developing a hospital policy for MCS patients, it is unaware of any such policies in Australia.
>
> The individual needs of MCS sufferers are so different from one another that it is likely to be impractical to have a policy that covers all patients. Appropriate management may be best negotiated on a case-by-case basis, involving the patient's physician and the hospital. . . Given the complexities involved in MCS and the difficulties associated with diagnoses of its causes, the Minister for Health is not in a position to develop uniform, whole of government policies around the issue.

The response of the government I believe highlights the very real need for an inquiry. Its findings could be the starting point in the development of government policy relating to public housing, education and employment.

When the Hon. Ms Kanck moved her motion she informed the council that the World Health Organisation had recognised MCS as a growing problem and a serious environmental concern, yet it does not have any status in the Australian medical community. Given the serious nature of the condition and its debilitating effect on the lives of sufferers, it should be a condition that receives at least the same level of recognition in this state as in some other places in the world. It is with interest that I note the Hon. Sandra Kanck's comments that 6 per cent of the citizens of the state of California are known to be experiencing MCS and that it is recognised as a disability in at least 10 Canadian jurisdictions.

I have received many emails, for which I am grateful, encouraging me to support this motion. One particular email came from Mr Peter Worsley, who said:

> As a sufferer of chronic fatigue syndrome and a member of the management committee of the CFS Society I have worked with a lot of people who suffer from MCS. . . Most of my work has been with chronic fatigue but I have found that most CFS sufferers are also having problems with various chemicals and pesticides causing them extra grief. Each individual has undergone years of trials and perseverance to try and eliminate what is affecting them from their homes. However, they will never reach a comfortable way of living unless there can be wider recognition of their problems and help with eliminating them.

I think it is important that, as a community, we do not bury our head in the sand over this issue. MCS is a serious condition. In an email to me, one person said:

> Chemical injury is probably the greatest health problem we are facing in the beginning of this, the 21st century. Australia is well behind the rest of the world in accepting that this illness does exist and is not a psychiatric problem.

It is disappointing to hear that the chemical manufacturing industry has launched an anti-MCS campaign in an attempt to create controversy about MCS. An inquiry such as this will go part of the way to dispelling the myths concerning the condition. MCS is a growing international public health problem which urgently needs our attention. Family First strongly supports this motion.

The Hon. SANDRA KANCK: The Hon. Gail Gago spoke on the day that I introduced this motion (14 May) indicating government support. We have also heard from the Hon. Mr Ridgway and the Hon. Mr Evans this evening. I indicate my thanks for their support for this motion. Although not every member has spoken to the motion, I think I can claim fairly well unanimous support for it. I think this will be a forward move. Obviously, the Social Development Committee will not have all the answers to this problem, but it will give the members of that committee the opportunity to bring together some of the knowledge that is accumulating about this matter.

I look forward to a positive report from that committee with some suggestions about how, in the future, the state should deal with the issue of multiple chemical sensitivity, an illness which, clearly, will have increasing ramifications on the society, environment and economy in which we now live. I thank members for their support.

Motion carried.

STATE SUPPLY (PROCUREMENT OF SOFTWARE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April. Page 2162.)

The Hon. KATE REYNOLDS: I rise to speak in support of this bill which, in essence, requires government purchasers

to use open source software wherever practicable. Proposed new section 17A provides:

A public authority must, in making a decision about the procurement of computer software for its operations, have regard to the principle that, wherever practicable, a public authority should use open source software in preference to proprietary software.

There are numerous reasons why using open source software would be good for South Australia, but I will briefly address just one single reason. A report released this year entitled 'Using open source software in government schools and the implications for policy' by Dr Kathryn Moyle of the Department of Education and Children's Services has highlighted the huge costs for schools to access Microsoft software licences. According to this report, the recurrent cost to government nationally (excluding the Northern Territory) for whole-of-department Microsoft software licences is about $29 million per annum (about $3 million in South Australia).

It is important to note that this $29 million is a relatively new cost for education to meet and must be reflected elsewhere: either through budget cuts, higher fees or higher taxes. This is not the only cost for schools that have been persuaded to toe the Microsoft line, as Microsoft is notorious for trapping users in a never-ending cost spiral of new software needing new hardware which needs new software, and so on. Projects in the United States have demonstrated that Linux systems can be customised to run on very old computers at a very low cost.

It is obvious, therefore, that there are enormous financial savings to be made by both governments and educational institutions if open source software is made available to schools. I am pleased to see that the Department of Education and Children's Services is considering this option. Of course, savings in one function of one department is only the tip of the iceberg when we are considering the impact of the use of this software by public authorities in South Australia. It is for this reason and the reasons outlined previously by my colleague the Hon. Ian Gilfillan that I support this bill.

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

AGRICULTURE, FOOD AND FISHERIES MINISTER

Adjourned debate on motion of Hon. Caroline Schaefer:

That the Hon. Paul Holloway, MLC, Minister for Agriculture, Food and Fisheries, be censured for his ineptitude in handling the prohibition on professional fishing in the River Murray.

(Continued from 19 February. Page 1807.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Obviously, I oppose the motion and reject completely the Hon. Caroline Schaefer's claim that I should be censured for ineptitude in handling the prohibition on professional fishing in the River Murray. I will go through the points made by the Hon. Caroline Schaefer. Indeed, if anyone should be censured for inaccuracy, I think it should be the honourable member. She began her speech with some fairly offensive personal remarks. However, I will ignore those for the moment and move onto when the claims begin. The Hon. Caroline Schaefer said:

Last year, I said that he had failed to consult; and that has certainly been confirmed by Justice Williams' report. . . I said that he had failed to give proper compensation (that has certainly been confirmed) and that he failed to recognise a property right.

I will go through each of those issues. First of all, in terms of consultation, I think it is well known that, when the decision was made to alter the arrangements for the river fishery, I agreed to meet with the river fishers. I went up to Loxton for a meeting that lasted in excess of two hours. I guess I went up there with the expectation that I would be discussing with the river fishers some of the arrangements. Essentially, at that meeting, I was asked questions by the legal representative of those fishers for most of the two hours. That is fair enough; I did not mind that. I agreed to go up there, and I was happy to do that.

It was not the sort of consultation I preferred, but, nevertheless, I agreed to do that. I wonder, in relation to all the decisions that governments make, just how many ministers would be prepared to meet with a group of people of that nature in that format for that time. I certainly reject completely allegations that I failed to consult. Of course, it is well known that the river fishers exercised their right—as it always was—to take legal action and to challenge it in the court. That is everyone's right and I respect that. During the time that legal action was being taken, it was very difficult to have any discussion while matters were before the court. Of course, that took place for most of the time.

The Hon. Caroline Schaefer then said that I failed to give proper compensation and 'that has certainly been confirmed'. When the Hon. Caroline Schaefer made her speech, she did so just after Justice Williams handed down his findings. We now know that the government challenged those findings, and the full bench of the Supreme Court with a three-nil judgment upheld the government's position. The full bench of the Supreme Court determined that the government was not required to give any compensation. In spite of that, as I have indicated all the way through this debate, the government did accept that it did have a moral obligation in relation to the river fishers. That moral obligation was never contested.

The Hon. Caroline Schaefer says that I failed to recognise a property right. A fishing licence is a right to access for the period of the licence which is, in the case of fishing licences, 12 months. There is obviously more to it than that. The government accepted through this whole debate that fishing licences have a value to the individuals concerned. I was concerned throughout this whole debate that river fishers would be paid at least a value equal to the value of their licence. After all, if you pay for a fishing licence, as I said during question time today, you are buying a right to earn income. If you sell the licence, you are selling that right to earn an income. The value of the fishing licence is the value of the income potential.

Part of the government's exercise in this matter last year was to look at the income potential of licences within the river fishery. We appointed an independent financial analyst. He received information from at least 26 river fishers and compiled information on their average net fishing income from the period 1998-99 to 2000-01, which is the three years for which information was available at the time of the government's decision. The average gross fishing income for all 26 licences was $37 086; the average fishing expenses were $26 166; and the average net fishing income for the 26 fishers was $10 921. Obviously, that indicates a measure of the value of those fishing licences.

As I also indicated during the debate today, a restructure of this fishery under the previous government in 1997 was organised by the fishers themselves through a consultant. The value that the fishers placed on the licences at the time of the restructure was $30 000, because the nine licences bought out

in that fishery were purchased for $270 000—although I understand the fishers may have paid more than that to pay the fees of the consultant. Certainly, the value the river fishers placed on a river fishing licence in 1997 was $30 000. We know from the statistics that the average net fishing income potential is a little less than $11 000 on average. So, that is the hard, factual, indisputable evidence on which we can base the value of compensation. We also know that since 1997 a number of fishery licences were sold. Some were transferred at zero cost because they were transferred within families: in other cases, when they were sold on the free market, licences sold for various sums ranging up to a maximum of $75 000.

What has the government offered as compensation? What was this ineptitude of which I am being accused? The compensation package that was offered by the government ranged from (if one looks at the second range of ex gratia packages which fishers were offered back in October) $60 000—which members should remember is twice the value that fishers themselves placed on licences when they bought them from their colleagues back in 1997—to a maximum in excess of $250 000, which was based on gross income. That is the range of values that was offered.

As I indicated in question time today, the reason that it was income-based is that it is quite clear from the information that some fishers were not utilising their licences to earn an income. Indeed, for the bottom five the average net fishing income was just $90 a year over those three years. So, clearly, if the income has been properly declared, there is no way that those fishers would have been earning a sustainable income. Indeed, one can see that even the average net fishing income of $10 921 is scarcely a sustainable income from the fishery. So, I think that says something about the nature of the fishery and also indicates the value of those licences.

The difficulty for the government, as I explained during question time today, was how to assess the value of a licence where a number of the fishers were earning very limited (almost negligible) net income from the fishery. In other words, some of these people were retired, some had other jobs, and others were earning a significant income. When the government devised its ex gratia package it was based on what happened when fishing was phased out in Victoria. I again remind the house that commercial fishing in the River Murray has been phased out in all other states: this is the last state that had commercial fishing.

Within those states, as I said, various packages were offered, and the particular package that was offered here was based on income. The reason it was based on average gross fishing income, as I indicated earlier, is that the average gross fishing income for all 26 fishers who provided information was $37 086, even though the average net fishing income was $10 921. In other words, the average gross fishing income is almost four times greater than the average net fishing income. So, one and a half times average gross fishing income would certainly be more significant than about four or five times average net fishing income. I think it is very important that those people who have been receiving correspondence are well aware that they should compare that with the factors used in other states. They should be aware that that gross fishing income is between three and four times the average net fishing income.

I return to what the Hon. Caroline Schaefer said to justify her motion. She said:

> It may be expected that a government will honour the contractual commitments of its predecessor, notwithstanding a change in policy.

Well, what exactly did the previous government offer in 1997? In fact, when I asked the department for the details, it could not find any evidence of a contract. It is my understanding that one was not produced during the court case. If there was an actual contract between the government, then why was it not produced? I refer to the comments which the Chief Justice made in the appeal to this matter. The Chief Justice said:

> I do not accept that the evidence before the judge established the existence of any such contract. It would require very strong evidence to do so. In particular, a court would be slow to infer an intention on the part of a government minister, in circumstances like this, to enter into a legally binding arrangement and, whatever the evidence might be, it is doubtful whether the minister for primary industries had the capacity to bind himself or the state to any such contract.

That was the finding of the Chief Justice in the appeal, yet I am supposed to be censured on the basis that the Hon. Caroline Schaefer claims it may be expected that a government will honour the contractual commitments of its predecessor, a contract about which the Chief Justice said, 'I do not accept the evidence before the judge established the existence of any such contract'—and he was supported by two other judges. So much for the basis on which I am supposed to be censured! The Hon. Caroline Schaefer further said:

> An understanding that they had with the then minister Kerin in 1997 for a restructure of their property and their property rights was overturned and ignored by minister Holloway.

Again, as I have said in relation to property rights, essentially what the government has done in offering its ex gratia payment package was to recognise that fishing rights do have a value. The outcome of the appeal to the Supreme Court was the finding that the government was not obliged to make compensation, but if we had that—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: This is a very interesting point and an important one for anyone with an interest in the fishing industry—and I hope that the Hon. Angus Redford listens to this. Just suppose that the appeal goes to the High Court and the state government's position is upheld. That will simply confirm the fact that there is no obligation on a state government to recognise the existence of property rights. That is what the outcome would be. However, it is very important—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Angus Redford is out of his place and out of order as well.

The Hon. P. HOLLOWAY: It is very important for the stability of the fishing industry in this state that, if fishers are to borrow money and invest in the fishery, the value of the fishing licences be accepted. That is why the government has accepted the importance both morally and economically of recognising the value of fishing licences. That is exactly why the government's compensation package in the final analysis totalled in excess of $3.1 million, in other words, more than $100 000 per licence. The maximum price paid for these licences when traded on the open market was less than $75 000—licences that were valued by the fishers themselves at $30 000 each when they bought them off their mates in 1997. It is important that that be recognised in order to assure the fishing industry that the government will recognise, despite what the legal position might be, that there is a value in those licences. The Hon. Caroline Schaefer continued and said:

> Of course, it has been well and truly proven that there is a property right, as Justice Williams has confirmed—

Again, I remind the council that the full bench said that that was not the case. The Hon. Caroline Schaefer also said:

> In 1997 a voluntary buy-back was brokered by the fishers themselves to reconstruct the industry. . .

That is correct. However, as I said, at that time they valued the licences at $30 000 each.

Certainly the government has accepted, given that this is a compulsory buy-out, that it should give more than that, and that is why the package that the government has offered is at least double the value at which the fishers valued those inoperative licences in 1997. So, that is $60 000 for the lowest value, or inoperative licences (if one can describe them as that), and up to $250 000 for those who were earning income. In particular, for those who bought in after 1997 who paid money for their licences, the final offer that I made on 27 June was that they would get at least twice the current value—not what was actually paid, but the value adjusted for inflation to today's prices—plus the $20 000 that was a cashed-out component offered to all the other fishers in October in relation to retraining, equipment, etc.

That was the actual package that the government offered, and I believe that it is a generous one compared with what would happen if one were to purchase licences in any other fishery. I certainly think $3.1 million for that particular fishery is reasonable value. The Hon. Caroline Schaefer then went on to say:

> Given the evidence that is now before us, there is little doubt that this minister has completely stopped what was a sustainable fishery with no compensation.

Let us look at the question of sustainability. On 1 July the shadow minister's own colleague Dr David Kemp, Federal Minister for the Environment and Heritage, added the Murray cod—the principal targeted species in the river fishery—to the national list of threatened species. It was so sustainable that the federal environment minister added it to the national list of threatened species! Dr Kemp said:

> The problem is that natural populations of the Murray Cod have declined dramatically since European settlement and the long-term survival of the species is of concern.
>
> The Murray Cod has been assessed as having a 30% decline in numbers over the last 50 years. This decline is inferred from the dramatic decreases in commercial catches from the 1950s until present. Experts estimate native fish communities in the Murray-Darling are currently at 10% of pre-European levels.

The Hon. R.D. Lawson: That doesn't excuse you paying them a pittance.

The Hon. P. HOLLOWAY: We are just going through the Hon. Caroline Schaefer's argument. She has got it nearly all wrong so far, and this is wrong too. She asks, 'What is a sustainable fishery'? I am just telling you what your federal colleague, Dr Kemp, says about that. Incidentally, suppose that I had taken no action. If Dr Kemp had made the same decision on 1 July, what would that have done to the river fishery? Under the so-called EPBC Act—the Environment Protection and Biodiversity Conservation Act of the commonwealth, which is an act that is well known in fisheries—

Members interjecting:

The Hon. P. HOLLOWAY: Its listed species are considered to be a matter of national environmental significance. As a consequence, any activity likely to have a significant impact on the Murray cod needs to be assessed and approved by Minister Kemp. So, under the EPBC Act any action would have been assessed and approved by Minister Kemp. So, what does Dr Kemp say? What are the implications of what Dr Kemp has done for the fishery? Dr Kemp said he believed that lawful activities of recreational anglers would not have a significant impact on the Murray cod. He says, 'OK, if there are recreational anglers fishing for Murray cod, that would not have a significant impact', but he said that listing would ensure that future large-scale infrastructure and river de-snagging programs were properly assessed in relation to their impacts on the Murray cod. Dr Kemp states:

> Recreational fishing of Murray cod is already regulated in all. . . states and territories. The catch of a recreational angler in accordance with current state and territory laws is unlikely to have a significant impact on the species, but new actions such as large-scale de-snagging activities or the construction of large weirs or dams may need to be referred under the EPBC Act.

If Dr Kemp was to be consistent with this being an endangered species, it is almost certain that permission for commercial fishing would not be given. It is also worth noting, while I am on this statement from Dr Kemp, that he said:

> The draft native fish strategy for the Murray-Darling Basin would assist with recovery of Murray cod stocks as it aims to rehabilitate native fish populations back to 60 per cent of their pre-European settlement levels over 50 years.

That is the point I have made right throughout this debate: that the action we were taking was consistent with the Murray-Darling Basin strategy and I believe the action Dr Kemp has taken really totally endorses that. It ought to be of some embarrassment to the shadow minister and members opposite who take the position that their federal colleague has taken such action because it completely destroys the argument used by the Hon. Caroline Schaefer. She is moving that I should be censured for doing something her own federal colleague has done. What has the Hon. Caroline Schaefer said about Dr Kemp's attitude and his actions? Not a word! Either she agrees with him, in which case she should support the action I have taken, or, if she does not agree, let her get up and say so.

The Hon. R.D. Lawson: What does Kemp say about compensation?

The Hon. P. HOLLOWAY: If the federal government wishes to come up with a package of compensation, let it do so. The hypocrisy of people opposite! If this council passes a censure motion it will diminish this house and certainly will not diminish me.

The Hon. A.J. Redford: What an ego!

The Hon. P. HOLLOWAY: You will make yourself a laughing stock and the arguments of any person in this council who supports this are so absurd that they are ridiculous. Let us move on as there is plenty more to say. Let us look at the grounds the Hon. Caroline Schaefer has mentioned. She refers briefly to the evidence given in respect of the sustainability of the fishery and states:

> The assertion that native fish stocks and protected species may become extinct through the continued use of gill nets is not evidence based and is not supported by the recent SARDI stock assessments report for the key target species, Murray cod.

That is the one her colleague has now put on the endangered species list! It is a joke! I will read what the member for Chaffey, Karlene Maywald, said in relation to this matter as it is very important that it go on the record. It was from the local newspaper of Friday 5 July 2002. It is important for members to listen to what she said, as follows:

In 1997 a government discussion paper was released (Paper No. 17) which proposed a significant restructure of the River Murray Commercial Fishery. Considerable community concern was evident at the time regarding certain aspects of the proposal, ie: introduction of transferability of licences, changes to gear allocation and reach relocation/extension. The government of the day [the Olsen government] disregarded this concern. During the course of my election campaign in 1997, I called for an independent environmental assessment of the sustainability of the fishery prior to the implementation of the recommendation of Paper No. 17, as there had been no scientific evaluation of the impacts of the significant changes proposed. The [Olsen] government ignored this call.

Early in 1998, I instigated a parliamentary inquiry into 'Native Fish Stocks of Inland Waters'. This investigation took over 12 months to complete and evidence was reviewed from a substantial number of submissions, witnesses, scientific reports and the commercial fishing sector. One of the key findings of the committee was that it was regrettable that the Liberal government had reversed the 1989 policy position of a former Labor government to phase out commercial fishing in the River Murray. Transferability of fishing licences was only reintroduced by the Liberal government in 1997—against the wishes of the broader community and without an independent environmental assessment of the sustainability of such action.

Evidence taken by the committee confirmed that the driving factor behind the reintroduction of transferability and changes to gear allocations were based on economic factors predominantly. Unfortunately, the government chose to disregard most of the committee report and recommendations as well as the substantial community opposition to the proposed changes.

The member for Chaffey also wrote in this article:

Ironically, the arguments for and against the phase out of commercial fishing are based on the same principle. The commercial sector maintains that the commercial fishery should not be closed because scientific evidence has not been produced to suggest the activity is unsustainable.

I think that adequately deals with the argument about scientific assessment in relation to this matter. I suggest that any member of the public who might read this debate at any stage should look, for objective evidence, to the decision of the federal minister for environment who, in the last week, has put the fish on the endangered species list. So much for the arguments of the Hon. Caroline Schaefer in relation to stock investigations.

The Hon. Caroline Schaefer in her argument then said (talking about the government), 'It had a moral, ethical and legal obligation to compensate properly'. I have conceded that the government certainly had a moral obligation. With respect to the legal obligation, she is incorrect, as the Full Bench of the Supreme Court found. The Hon. Caroline Schaefer then went on to say that I threatened those fishermen—'this government—and this minister, indeed—threatened those fishermen'. This is because I put a deadline on the compensation package. Obviously, a government will put a time limit on any ex gratia payment made. One cannot just leave an offer open indefinitely: there has to be some time line. Indeed, the Hon. Caroline Schaefer's government did exactly the same thing when it offered a package to the fishers in Lake George in the South-East, which was closed off.

The Hon. R.K. Sneath: What did they get?

The Hon. P. HOLLOWAY: They received nothing in the end because, of course, the offers expired and the then government spent the money on something else.

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: I do not criticise that government for putting a deadline on an ex gratia payment. Obviously, there has to be some deadline. But how is it threatening fishermen by saying, 'We will offer a payment, but at some point it has to expire. The offer just does not go on forever; there has to be a deadline.' That is scarcely threatening. It is a bit like when the Hon. Caroline Schaefer accused me a couple of weeks ago of threatening the fishers because I said, 'Well, if they took the offer, we would not individually pursue them for legal costs.' She regarded that as a threat. One offers something, and it comes back as a threat.

The Hon. Caroline Schaefer then went on to say, 'Yet this minister refused to even speak with the commercial fishers.' It was true that, during the legal case, there was not much point in having conversations. But I have spoken to a number of the fishers on occasions, and I said earlier today during question time that I will remain pleased to do so—although, I must admit that, these days, with my other responsibilities, I do not have a lot of time. But I still remain pleased to do so.

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: No, I was happy to go to Loxton. Again, this is a misrepresentation. I was there for two hours. I would have preferred to have a reasonable discussion rather than being cross-examined by lawyers for two hours. Nevertheless, I undertook to do it, and I did so. I make no apology for doing it, but nor do I accept any criticism for doing it. I believe that it was reasonable to do it, and I think it is grossly unfair that I should be criticised for not consulting, when I made myself available in that way.

The Hon. Caroline Schaefer then said, 'This minister certainly did not set up a committee.' In fact, there was a fisheries management committee in the river fishery, and there was also a committee that was established at the time the ex gratia payment packages were devised. But I do not think there is much point in going through all that now. In her speech, in relation to the independent consultant Dr Julian Morrison, the Hon. Caroline Schaefer stated:

I happen to know that Dr Julian Morrison does not come cheaply.

Dr Julian Morrison is a respected analyst, and that is why the government asked him to prepare the information that I developed early in relation to this fishery. The Hon. Caroline Schaefer completed her speech by claiming that I refused to accept that there was a property right under law that had been agreed as recently as 1997. Again, I have dealt with that. That was not the case, according to the Chief Justice and the other members of the three-nil majority in the appeal to the Supreme Court. The Hon. Caroline Schaefer continued:

. . . refused to accept what is a time-honoured practice of an agreement that had been entered into by a previous governments—

this is this agreement that no-one can seem to produce—

and refused to listen to or consult with the people most affected.

The Hon. Caroline Schaefer finished by stating the following about me:

He has no interest in or passion for what he is doing. Above all, he is inept. That is probably kind. If he is not inept, he is dishonest.

I challenge the Hon. Caroline Schaefer. One would think that, if one were to be censured, she could at least produce one thing that I have said in relation to this which is dishonest. I think that more than enough time has been spent on the river fishery. As I said in question time today, the important thing from here is that we move ahead. There are at least a couple of fishers and possibly more who are interested in continuing to target carp. As I also said, under the federal changes that is all that the fishery would be able to do anyway, regardless of any decisions I have taken in the last 12 months.

I can only conclude by saying that this whole episode with the river fishers has been a difficult issue, but I do not resile

from the actions I have taken. As I said today and on other occasions, I have to be fair to the river fishers: I accept that. I believe that $3.1 million, given the statistics I gave earlier, is a fair total compensation package. But I also have to be fair to the taxpayers. I can well understand why the river fishers would like larger ex gratia payments: wouldn't we all? But I also have to respect the fact that this is taxpayers' money, and the money that is given in ex gratia payments has to be defensible as well as fair.

Finally, in relation to the censure motion, I remind the council that when I first came to office one of the things we had was the 2002 budget preparations by the previous government. I remind the council that the first budget bid, which is the way these things go (I understand that there had been at least one round of the budget bilaterals involving the Minister for Primary Industries, the number one bid was to conduct a compulsory buy-back of commercial river fishery licences. That was the proposal. During budget bilateral bids, all new proposals by governments are rated in terms of priorities. This was number one. In fairness to the previous government, they would perhaps have taken a longer time. I think it was proposing a five year period, but the total sums that were proposed under this bid were very similar to those that have been offered by this government.

Enough time really has been spent on this debate. It has not been an easy exercise. It has not been one that I particularly enjoyed, but I have responsibilities to the taxpayers of this state, as well as to ensure that there is some degree of fairness. At the end of the day, I will be judged by the people of the state on the basis of that.

The Hon. IAN GILFILLAN: The Democrats will support the motion, but it is very important that I explain precisely the reason for our support. It may sound odd, but I begin by congratulating the government on implementing what has been Democrat policy for at least a decade, and that is to prevent the use of gill nets and to phase out commercial fishing in the Murray. It was inevitable, it had to be done and the Hon. Paul Holloway was the minister who had that task.

Over the years that I have had experience with compensation, it has always been fraught with dissatisfaction and personal pain and suffering. Not very long ago, some members here were with me on the dairy deregulation select committee. I also recall the issue of compensation when there was an overnight ban on the clearing of scrub. There have been compensation dramas attached to the one-sided imposition of restraint of a commercial activity, virtually across the board. If the minister had done his research, not that perhaps he needed to, he would have found that I had criticised his implementation of the compensation well into last year. It is not an issue on which I would have moved a motion on behalf of the Democrats, that is, to censure the minister on the handling of compensation. However, such a motion has been moved in this place and, if we were to oppose it, in effect it would be a congratulation to the minister on the way in which he handled the issue of compensation, and we are certainly not prepared to do that.

Despite all the goodwill in the world, the fact is that the fishers in the Murray were left swinging, not knowing what their fate was to be, for what was an unconscionable period of time. They were waiting for clear signals as to the specifics of the compensation and what the amount was to be, and it is a fair and accurate assessment to say that the minister and/or his department did not handle the calculations and the allocation of compensation in the optimum manner, which could have been done, and for that reason and that reason only—I emphasise that—the Democrats support this motion.

The issue of how the prohibition of a commercial activity is implemented will always be complicated and neither my colleagues nor I are censuring the minister on the detail by which commercial fishing in the River Murray has been terminated. That was a factual exercise that had to be implemented, but I want it made plain to the chamber and to the minister that our support for the motion reflects purely our view that these people, many of whom were losing a substantial part of their livelihood, were dealt with less than adequately when the government was faced with the challenge of providing fair and humane compensation.

The signals were there and, as I have said publicly and as has been printed in the media, fishers should have seen the writing on the wall that commercial fishing in the Murray would be wound down and eventually prohibited, although there were some confused signs from both Labor and the Liberals over the years. The fact is that this government, this minister, implemented the prohibition and it was his responsibility to handle the compensation as efficiently and humanely as he could. Not impugning his intention, I believe that did not occur, and therefore I indicate that the Democrats will support the motion as a reflection of criticism of the administration of compensation.

The Hon. CARMEL ZOLLO: I am certain that members will not be surprised to hear me speak against this motion. The history of this group of river fishers is well known, but it is worth while reminding honourable members of the history of the opposition in relation to this matter and pointing out its ineptitude. Last year, we saw the Liberal opposition, with the support of the Independents, playing politics with the fishers' lives by disallowing regulations that banned gill nets. They did so knowing full well that it was nothing but a cynical exercise to grab a few headlines for themselves because, of course, they knew the regulations would be reinstated. It was an exercise in false hope. What is particularly disappointing about this whole exercise of political point scoring by the Liberal opposition is the performance of the Hon. Robert Lucas. His hypocrisy when he spoke on this motion to disallow the regulations was stunning, accusing the Hon. Paul Holloway of playing political games. It was one of the most disgraceful performances I have seen from him since I have been in this council—

An honourable member: There've been many of them.

The Hon. CARMEL ZOLLO: There have been a few of them; I can recall at least two or three. I suggest that, if he continues to have trouble adjusting to opposition, the Hon. Robert Lucas should do what the Hon. Diana Laidlaw recently did and allow somebody else to come in. He could allow a new breed of person to come in; a person who wanted to make a contribution—someone who does not need to stoop to such disgraceful performances involving personal attacks such as those he made on the Hon. Paul Holloway. He could allow in a person who did not carry baggage and who was not embittered about being on the opposition benches.

Members interjecting:

The Hon. CARMEL ZOLLO: Whilst I grant that the Hon. Caroline Schaefer may not have been part of the inner circle, being a newly appointed minister prior to the last election, the Hon. Robert Lucas, as part of the leadership team, knows full well that the Liberal Party signed (by Rob

Kerin and Dean Brown) the same post-election compact as the government signed with Peter Lewis.

Members interjecting:

The Hon. CARMEL ZOLLO: And it was No. 1 priority. This compact contains an agreement to immediately ban the use of gill nets in the riverine corridor of the Murray and phase out the commercial fishing of native species within 12 months but allow the unconditional harvest of exotic species such as carp, red fin, etc. It is important also to acknowledge that the issue of the removal of gill nets from the river is not a new one, as the Hon. Ian Gilfillan reminded us. It has been recommended for years. Just after we won the election I heard someone from the fishing industry describe the river fishers as good people but people who had buried their head in the sand for many years, patting themselves on the back for what they believe to be an efficient and sustainable business, all the time defying that public opinion which clearly did not support them. The only people supporting their livelihood were and are those playing political games, at their expense.

An honourable member: And it has ended up costing them money.

The Hon. CARMEL ZOLLO: Yes. At this stage it is also important to reiterate some facts about the river fishery. As the Hon. Paul Holloway has mentioned many times in this council, the average income levels in this fishery for the period 1998-1999 to 2000-01 were $43 090 gross and $10 921 net. The average value of the package is $103 700; the minimum is $60 000. The value of the fishing licence is the value of the income potential: we need to remember that. Most fair-minded people would say that the offer made to the South Australian river fishers was a just one. Certainly, those who used to use gill nets in New South Wales would say so, and I am sure that they would say so in all the other states, as well. I believe that the government has recognised the special needs.

However, if an industry is not sustainable for environmental reasons, regrettably action has to be taken. Many other groups in our society are continually affected by such decisions. I am certain that all honourable members would be aware of the debate going on now regarding the state of the Murray and its sustainable use.

Minister Holloway outlined in the chamber yesterday the status of the government negotiations with the river fishers last Monday. I think that he also mentioned them again this evening. Nine fishers out of the 30 have accepted their ex gratia payments. Two fishers have expressed an interest in working a non-native fishery in the river and are in the process of being assisted to develop this industry. As the minister said, some have indicated their intention to seek leave to appeal to the High Court on matters related to the Supreme Court case, and that is a matter for them. Of course, the government's offer has now closed.

I know that all would agree that the recent announcement of the federal minister, David Kemp, to place the Murray cod on the national list of threatened species is one that significantly strengthens the actions of the state government in taking the positive action that it did—the same action that any Liberal supported government would have taken. As the minister said, the river fishers may wish to consider the legal and constitutional implications of the recent announcement by Dr David Kemp, the federal Minister for the Environment and Heritage.

It has been a long community campaign to bring about some management changes in the commercial fishing of the river—in particular, the use of gill nets and the obtaining of licences. As the Hon. Ian Gilfillan said: it was inevitable. I do not think anybody would argue with that. When a species is endangered, whether it is a native fish or a beautiful animal species, you do not continue along the same path because it was what was always done for generations. The rest of the community looks to those who have the ability to bring about change, such as members of this parliament, to take action. It is not always easy to do so, and the Hon. Paul Holloway has been in the firing line. He has always acted with integrity, and he is not dishonest. He has offered a fair package on behalf of the government. I hope that members, other than the opposition, act with the same integrity—I repeat, with the same integrity—as the Hon. Paul Holloway and send this motion where it belongs: down.

The Hon. R.D. LAWSON: I rise to express briefly my support for the motion but, in particular, to address an issue raised by the Hon. Carmel Zollo in her contribution just made. During that contribution, she made an oft-repeated misstatement of fact by the Australian Labor Party members of this parliament—

Members interjecting:

The Hon. R.D. LAWSON: It was not the same document. The honourable member said that the Liberal Party signed a compact with the member for Hammond, which compact included commitments in relation to the river fishery. True it is that the leader and deputy leader of the Liberal Party signed a compact with Peter Lewis indicating that we would support certain measures. However, Mr Lewis, the member for Hammond, had a schedule of requirements for the electorate of Hammond, and it was so entitled. The compact that was signed did not include those requirements for the electorate of Hammond. That particular document, a separate document, was not included in the compact that was signed by the Liberal Party. This was not accepted by the Liberal Party. The Labor Party might hold up the document and say, 'Here is the signature to the compact.' True it is that the compact was signed, but it did not include those requirements. As often as members opposite repeat that lie we will refute it.

Members interjecting:

The Hon. R.K. SNEATH: Perhaps it got lost in the Hon. Mrs Hall's car. It might have gone missing. I know that this minister, who is one of the most honest ministers in government, had a lot of difficulty with this issue because of his commitment to the families, to the fishers and to the taxpayer. He went through a lot. He tried his hardest to come up with a good, considerable amount of compensation. 'Compensation' is a word that members opposite do not very often use. They do not like the word 'compensation', and that is why their federal counterparts put up measures such as getting rid of wrongful dismissals for small business employees—because they do not want to compensate small business employees who have worked in a small business for 20 years. They do not want them to get any compensation if they are wrongfully dismissed. If their jobs are taken off them, they do not want them to get anything. That is what they think about compensation.

We even heard it yesterday in the speech of the new member, the Hon. Ms Lensink, who said that she has been instilled with the mentality of not seeking handouts as a solution. As a Liberal she believes that every individual has the means to achieve great things, that the daily struggle to

achieve your best—the struggle—is where lessons are learnt. It is a Liberal's view that there is no compensation for anybody, especially the working class and their families. The fishers are working class people and, of course, they have families—the same as the fishers did at Lake George, to whom they gave nothing. It is the same as in 1997, as the minister has said. When the fishermen wanted to get rid of some of their own they rated that at $30 000, and some of them took it. I will bet you they wish they had hung on for another six years and got the generous compensation that the minister has now come up with. I bet you they wish they had hung on for another six years before they went.

I am sure that some of the hard things that ministers have to go through are these sorts of decisions about how to arrive at fair and reasonable compensation. Knowing the Hon. Mr Holloway and his principles, I know he would have spent many sleepless nights coming to the decision, because he is that sort of person. I must put on record how disappointed I am in the Democrats' contribution tonight. We can certainly understand why they do not get into positions such as ministers, because of their outlook on life and what happens in here. To see that the minister has implemented a policy that they have supported for many years, as they have said, and then to see them agree with the Liberals on censuring the minister is unbelievable.

Members interjecting:

The Hon. R.K. SNEATH: Yes, I know why they did it; they used the excuse that it was too early, too quick or too slow or there were no negotiations, but in all that time courts and lawyers were involved, and the opposition was filling the fishers' heads with things that perhaps should have been left alone. That all caused confusion for the fishers and it made the job of the minister and the fishers that much harder.

We heard the minister talk about the Hon. Karlene Maywald, who was in coalition with the opposition, and her thoughts about the compensation. I ask you: how do you arrive at fair compensation for people earning various incomes and making an income that obviously has a large amount of tax deductions against it and a large amount of expenditure with a net income that is pretty low at the end of the day? In looking at that, I just hope the fishers can get jobs up there after this is all over because, if they get a wage and salary drop at $26 000, $35 000 or $40 000 a year, looking at their incomes, they will be laughing without all the expenditure of the business they are in. Let us hope they can do something wise with the compensation money they have got. I do feel that the opposition has not played a positive role in this. It has played a role that is destructive and political. It has pushed its own barrow when it should have been up front and honest and said, 'Well, you were number one priority for us to do you in,' as its budget indicated. It should have constructively helped the minister to come to a decision. But I do congratulate the minister on a job that he has done extremely well, and it would have been a hard job.

The Hon. A.L. EVANS: I am very reluctant to support a censure motion against the Hon. Paul Holloway, whom I consider to be a good person. However, from the beginning I felt that the river fishers received unfair treatment by the cabinet in its decision to give them less than three months to close down their industry. I supported the fishers then, and I feel a moral obligation to continue that support.

The Hon. CAROLINE SCHAEFER: It is my job to bring to a conclusion what I think I called, when I moved this motion, a sorry chapter in a sorry saga. A number of issues have been raised this evening which, of course, I will have to address, but I do not propose to speak for any length of time, because one of the ineptitudes about which I speak is the length of time for which this entire saga has dragged on. I want to go—

Members interjecting:

The Hon. CAROLINE SCHAEFER: Let us talk about why it took so long. In February 2002, the Labor Party signed the compact with the now Speaker so that it could get into government and, as my colleague the Hon. Robert Lawson has adequately rebutted, we did not sign that compact. As the Hon. Robert Lawson says—

The Hon. R.K. Sneath interjecting:

The Hon. CAROLINE SCHAEFER: I am not misleading the parliament, and the honourable member would not know because he is not on the front bench; but I do know.

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: Yes. It was because of that signature that the removal of gill nets became legal on 1 July 2002. Instead of there being a phase-out, which is what was agreed to by both sides of parliament and what was recommended by the Environment, Resources and Development Committee—

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: A phase-out. That is what was in our policy, and that is what was in the Labor Party's policy. The minister has said and has continued to say that it was the number one priority. In his press release, the minister said:

> The number one priority of the Liberals in their last budget bilateral bid before they lost office was to remove commercial fishing from the River Murray.

What he fails to say is that that list was not prioritised. As he well knows, there were a couple of very big bids in there for the continuation of natural resource management, for instance, and for the continuation of Farmbis, for instance. He knows that it was not a prioritised list. The river fishers know that was in that budget because I have never hidden that from them. And, it was not for a compulsory acquisition: it was for an investigation into a phase-out. So, let us get the facts on the board.

The Hon. R.K. Sneath interjecting:

The Hon. CAROLINE SCHAEFER: There would have been a phase-out, which would have allowed a period of time in which people would be able to decide whether they were going to fish or take the money. They would not be put out of making their living essentially overnight. The first compensation offer was made on 30 July, which was after the motion to disallow regulations was moved. It was offered on 30 July with a deadline to accept by 2 September. So, there was a very short space of time for those fishers to make a decision that was going to alter the rest of their lives.

We have all heard the stories and the agony these people have been put through in that time. Without any advice from me—despite what the Hon. Bob Sneath might think—but on the advice of their lawyers, they took the decision to take the matter to court. The first court decision was very strongly in favour of the fishers. I moved this censure motion at that time in the hope that the Hon. Paul Holloway would meet with these fishers on a one-to-one basis. He has only just started doing that in the last couple of months.

The Hon. P. Holloway: I met with the lawyer as soon as the decision was handed down. He came to see me.

The Hon. CAROLINE SCHAEFER: You met with the lawyer but you didn't meet with the fishers; you've only done that in about the last six weeks.

The Hon. P. Holloway interjecting:

The Hon. CAROLINE SCHAEFER: I can probably show you an entire file of requests to meet with you. Perhaps there is some sort of a glitch in the minister's office, but I doubt it.

The Hon. P. Holloway: I can't meet with people while there's something before the court.

The Hon. CAROLINE SCHAEFER: No, but straight afterwards you could have done that. You failed to do that until very recently. These people still do not want to go to the High Court; they want to reach some sort of settlement. They have long since given up any hope of going back to fishing; what they want is adequate consultation and adequate compensation. The minister talks about compensation based on net income, but he has never acknowledged that there is a property right, that these reaches are worth a certain amount of money regardless of whether or not they are fished. The minister mentioned Mr Julian Morrison of EconSearch in his speech. I refer to a fax sent to one of the fishers by Mr Julian Morrison, which states:

> It is a complicated issue both in theory and practice, as there are usually a number of factors that will make any one licence transfer unique and therefore not necessarily applicable to other licences in the fisheries (e.g. the sale of gear with the licence, the location of the reach, the particular circumstances of the buyer and the seller, etc.).
>
> Nevertheless, an examination of recent transfers and income levels does provide some clues as to the valuation. Discussions with several licence holders indicated they were aware of offers that had been made but not accepted during 2001 that were in the range of $80 000 to $110 000. Although it is impossible to verify that such offers were made and were genuine, transfer prices within that range would seem to be consistent with average transfer prices during 1999-2000 and the subsequent increase in average income in 2000-01.

We are now in 2003, and all of us (including the minister and I) have a copy of a transfer of a reach on which stamp duty of $90 000 was paid.

The Hon. P. Holloway interjecting:

The Hon. CAROLINE SCHAEFER: From the Stamp Duties Office. So, the assertion that $75 000 is the most ever paid is completely incorrect.

The Hon. P. Holloway: You are wrong and misleading.

The Hon. CAROLINE SCHAEFER: Well, someone is wrong and misleading.

The Hon. P. Holloway: You're it!

The Hon. CAROLINE SCHAEFER: I have the document signed and stamped by the Stamp Duties Office.

The Hon. P. Holloway: I looked at that in great detail. It is a special case. It is an anomaly.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The shadow minister has the right of reply.

The Hon. CAROLINE SCHAEFER: The Hon. Paul Holloway says that it is an anomaly and a special case, but it is the only transferred licence. Like many of these things, these were handed down from generation to generation, so it is difficult to get accurate compensation and it is difficult to work out what is fair and equitable. There are 28 fishers left. We are not talking about tens of millions of dollars; we are talking about 28 small people.

This is meant to be a government for all the people. Premier Rann made a lot of fuss about this being a government for all South Australians. All I am trying to do with this censure motion is to make the minister go to his Premier and work out something that is fair for these people who are to be put out of a living but who should be put out with some dignity and some opportunity to at least bargain for themselves.

As I understand it, six licences have been offered for the carp fishery, but there are no details. These people do not know what gear they require, they do not know how many drums they will be allowed to have, and yet, without any knowledge, they are meant to make a decision whether they take that licence and have a commensurate amount removed from their compensation package. That is the sort of ineptitude I am talking about.

I am not condemning the honesty or the decency of the minister, but I certainly question the amount of time it takes him to make up his mind. In fact, I would question some of his press releases; he is either misinformed or inept, or both. While we argue here, these people do not know in which direction to head for the rest of their life. We have gone over and over this. We have seen all the faxes, and most of us have talked to the fishers—although there are some glaring gaps, I am sure—but we continue to bicker in this place. Just a small teaspoon of humility from the government instead of the arrogance we continue to see would bring this saga to an end without putting these people through the High Court.

The amount of money the fishers have had to spend to defend their case against this appeal, and now having to pay the government expenses on this case, would have gone a long way towards giving them decent compensation. I want to speak further about the $30 000 the minister claims he has used as the base for this restructure package, because that is the amount paid to the nine licence holders in 1997. As the minister said, the nine licences were inoperable; they were bought out in order to turn the fishery into a sustainable fishery. So, they were not sustainable licences, and yet they were worth $30 000. Since there are nine fewer licences, surely that means that those licences left are worth commensurately more, and yet I think there have been something like three, four or five different methods of working out what the compensation will be.

We continue to be told that it is an ex gratia payment rather than compensation; rather than an acknowledgment of a property right, it is an ex gratia payment. However, the method of reaching that has been so totally inconsistent that everyone who has tried to follow this pitiful case has been left wondering. The fishers themselves have offered two possible solutions: one is to use the Victorian method, but the minister has refused.

The Hon. P. Holloway: They would probably have got less under that.

The Hon. CAROLINE SCHAEFER: Well, then, if the minister has nothing to fear, why does he not allow it to happen? If the minister has nothing to fear from an independent arbitrator—which is what the Hon. Nick Xenophon requested and about which we have all asked—if he has nothing to fear from one of those solutions, why has he not gone down that path? Surely, the fishers would then have nothing to argue about. However, we do not see that happening: we continue to grind on and on. To bring this to a close, I simply ask, yet again, that the minister go to Premier Rann—or allow the fishers to go to Premier Rann—and seek some compassion for these 28 people who are left without a livelihood and, in many cases, without a home or any hope.

The council divided on the motion:

AYES (13)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.

AYES (cont.)

Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V. (teller)	Stefani, J. F.
Stephens, T. J.	

NOES (6)

Cameron, T. G.	Gazzola, J.
Holloway, P. (teller)	Roberts, T. G.
Sneath, R. K.	Zollo, C.

PAIR(S)

Xenophon, N.	Gago, G. E.

Majority of 7 for the ayes.

Motion thus carried.

LAW REFORM INSTITUTE

Adjourned debate on motion of Hon. Ian Gilfillan:

I. That this council urges the government to support the establishment of a Law Reform Institute, similar to the institutes that are in existence elsewhere in Australia, and that this institute be empowered as an independent reviewer and researcher of law in South Australia.

II. Further, that this council calls on the Attorney-General to support this institute financially in conjunction with the Law Society of South Australia and South Australia's universities.

(Continued from 2 April. Page 2082.)

The Hon. CARMEL ZOLLO: While the government opposes the motion of the Hon. Mr Gilfillan calling for support for the establishment of a law reform institute, the government is open to the idea of a law reform institute in South Australia but believes that more work needs to be done before any decision is made on the establishment or proposed structure of a law reform body. Members may recall that South Australia previously had the services of a law reform committee. The South Australian Law Reform Committee was established by proclamation on 19 September 1968. The function of the committee was, at the request of the Attorney-General or on its own motion, to inquire into and make reports or recommendations and to give advice to the Attorney-General on any matter concerning any existing law or any suggestion for change in existing law.

Where the committee made recommendations for legislative change it was required to submit draft provisions giving effect to the change. His Honour Justice Zelling was the chair at the time of the committee's inception and his enthusiasm, dedication and intellect made a major contribution to law reform in this state. Members will also remember the high reputation of the Criminal Law and Penal Methods Committee (the Mitchell committee), another law reform body that made an invaluable contribution to criminal law reform in the 1970s and beyond. The work of both these committees was, in their day, highly regarded. Yet the law reform committee was discontinued some years ago.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: Yes.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: Well, we do have such knowledge, apparently. Perhaps there were good reasons for this and perhaps we need to consider those before we revive the idea. The law reform committee has been criticised for a perceived lack of public consultation. This is an important consideration in law reform and in the constitution of any future committee. It is also fair to say that the recommendations of this committee, like those of law reform bodies elsewhere, were not necessarily always adopted by governments. Inevitably, the products of law reform bodies, however admirable, are apt to be displaced by the more pressing political agenda of the day and to be overtaken by time.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: Yes, isn't it dreadful? It is worth contributing to these bodies only if their work is going to be used. Their work is otherwise an adjunct of academia. So, the government's answer to this motion is that it needs to be convinced. Of course, law reform did not come to an end when the law reform committee ceased to function. Far from it: law reform flourishes to this day despite the absence of such a body. In the present, it stems from many sources. Some that come to mind are: election commitments of the government; the reform agenda of the government, opposition and members of parliament; judicial comments and the outcome of court cases; social change (such as new developments in science and technology); interstate or overseas developments in the law (including new legislation and the publications of interstate and overseas law reform commissions); the work of ministerial councils; and public criticism of the law (a fine example being the pressure successfully exerted by the public on the former government to strengthen the laws against home invasion).

In this state people are working on law reform every day. They include individual members of parliament, policy makers within government, advisory bodies, parliamentary committees and specialist reviewers. In recent times, governments have often conducted law reform through departmental and interdepartmental review, as well as reviews using independent experts.

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: Am I? Never mind. Examples under the former government include the Martin review of the Equal Opportunity Act and the Anderson review of the Liquor Licensing Act. Examples under the present government have included the Layton review of child protection laws, the Stevens review of occupational health, safety and welfare laws and the Stanley review of the WorkCover legislation.

Departmental and interdepartmental reviews often publish discussion papers, rather as law reform bodies do. This government has published discussion papers on diverse topics, including proposed reforms of the law of negligence, religious discrimination and vilification, the civil rights of same sex couples and the carrying of knives in licensed premises. More can be expected, for instance, in connection with the planned review of the Equal Opportunity Act.

Further, there has been the ongoing publication of issues papers and reports in connection with national competition policy—a limited but nonetheless important form of review, as we see with the shopping hours debate (which is well known to quite a few members around me, given that we were all members of the committee). All these reviews invited and attracted public comment; no-one could deny that, I am sure.

It should not be thought that a law reform institute is the only avenue by which the public can have its say about what the law should be. Governments can and do listen to the public—both experts and lay people—through these reviews. The Legislative Review Committee and select committees of the parliament also look at proposals for reform. For example, the Joint Committee into the Immunity from Prosecution for Certain Sexual Offences has recently reported and recom-

mended an amendment to deal with the legal effect of the former section 76A of the Criminal Law Consolidation Act 1936. The joint committee provided a mechanism whereby a sensitive and contentious matter could be the subject of a thorough public examination. Perhaps on matters of this kind, the public would rather talk directly to its elected representatives through a committee process than send the problem to a reform body.

I congratulate the Hon. Andrew Evans for bringing this private member's bill to parliament and for its successful passage. It was obvious that there was unanimous support from all members of the select committee to see such change. I congratulate the committee on its work and again congratulate the Hon. Andrew Evans for bringing this private member's bill to parliament and for its successful passage. As an example of law reform through ministerial councils, I refer to the Treasurer's extensive work to review and reform the law of negligence.

Members interjecting:

The Hon. CARMEL ZOLLO: This work has produced the Trowbridge report and the report of an expert panel on negligence appointed by the commonwealth government and chaired by Justice Ipp. It is now driving substantial reform in all states and territories—I am not quite certain why members opposite were laughing about that. For this process, ministers used experts to undertake the technical analysis and proposed solutions, but they were not content with that. They exposed the results for public comment and criticism. They held meetings with interested parties, and they talked through the results at a series of national ministerial meetings. This has produced a package of legislation that is designed to balance competing interests, but progressing through parliament with good speed. Likewise, ministerial councils in the past have led concerted law reforms on many topics, ranging from corporations law to gene technology to censorship—work that no one jurisdiction could have done on its own.

Then there is the outstanding work of the Model Criminal Code Officers' Committee, which was established in the early 1990s by the Standing Committee of Attorneys-General to develop a national model criminal code for Australian jurisdictions. The committee consists of one officer from each Australian jurisdiction with expertise in criminal law and criminal justice matters. Mr President, could I have some relief from the conversation that has been occurring at my side for the whole 20 minutes I have been on my feet?

The PRESIDENT: Order! Members are aware of their responsibilities in relation to speaking while standing in corridors, as well as its being rude.

The Hon. CARMEL ZOLLO: With the benefit of public comment, including comment from experts around Australia, it has published a comprehensive reform agenda for Australian criminal law that will stimulate and guide reforms in all states and territories for years to come. South Australia has already legislated some of the recommended reforms, including laws about forensic procedures, theft, fraud and related offences, sexual servitude and product contamination. The government now plans to implement the serious drug offences and computer offences reports. The Model Criminal Code Officers Committee process has ensured that changes to the substantive criminal law have been the subject of widespread consultation and debate.

There is also extensive work being undertaken as a result of the COAG agreement on terrorism. For example, a joint working group has released a discussion paper on a national set of powers for cross-border investigations covering electronic surveillance, controlled operations, assumed identities legislation (an issue about which we have heard some publicity in the last few days), and covert operative and anonymity legislative regimes. The working group will consider the comments received on the discussion paper and make recommendations to government that are likely to result in legislative amendment.

Of course, it is important to keep the law under review and to reform it so that it delivers justice and meets contemporary needs. However, the question is whether an institute of the kind proposed by the honourable member is the best way to deliver law reform. Law reform bodies removed from the immediacy of the political process can make useful contributions (indeed this government is happy to make use of the work done by interstate and overseas law reform bodies, wherever relevant); however, other processes are of equal and sometimes greater use.

One must select the process according to the nature and urgency of the problem and according to the public sentiment about it, amongst other things. There might be some types of law reform for which an institute is a fine idea; there might be other matters which are better approached by other processes, such as the examples I have given. Indeed, there might be matters which should not be the subject of inquiry by such an institute. The Hon. Ian Gilfillan, for example, is on the public record as criticising parts of the government's law and order agenda. These are matters on which the government has campaigned and been elected. It is firmly committed to these reforms because it believes the public wants them. It would not be the role of any law reform institute to be inquiring into matters that are a part of the government's public policy agenda. Nor should a law reform body be a vehicle—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: I think the people out there who elect the government should have the final say on something like that.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: We as a parliament are here to assess it, surely. They have elected us to do that. Nor should a law reform body be a vehicle for advancing opposition to government policy or promoting sectional interests. The Hon. Ian Gilfillan also suggests that he would like an institute to analyse the effectiveness of certain aspects of the legislation coming before parliament and, in particular, penalties. The justice portfolio is working on a projection model to estimate the impact of change in one part of the criminal justice system on the rest of the system: for example, how a change to legislation may affect the courts, police or correctional services.

The Office of Crime Statistics and Research also conducts research into crime and criminal justice issues, including valuations of the impact of legislative change. It is important to ensure that any law reform body does not duplicate what is already being done in government. It is also important that law reform bodies do not become enmeshed in day-to-day politics. It is necessary to consider the costs of establishing and maintaining a law reform body against the benefits expected.

This government is striving to reduce unnecessary bureaucracy and to streamline processes where possible. The government has not budgeted for a law reform body. It will not establish a new body to duplicate work already being done within government. It will certainly not set up an institute just to look good or to follow fashion. It will have

to be persuaded that such a body would deliver substantial benefits to South Australia that cannot be delivered in any more effective way. If such a body is desirable, then it makes sense to consider the possible models before choosing them.

The honourable member mentioned the Tasmanian and Alberta law reform institutes. No doubt a law reform institute is one model, but it is certainly not the only one. We should consider what we want to achieve and then what structure might best deliver this. Thus, although the government is open to the possibility of a new law reform body, it remains to be convinced. It certainly cannot commit to any particular model or to any specific funding yet. It thanks the honourable member for his suggestion. It does not support the motion, but will give the matter thought.

The Hon. R.D. LAWSON: We have just had the pleasure of hearing the voice of the former attorney-general and a measure of his insecurity and of the insecurity of this government that it fears that any outside body might undertake an examination of the laws of this state. When the honourable member said that it is not the role of the law reform committee—a body independent of government—to comment on the government's law and order agenda, not the role of an independent law reform committee to oppose the propositions of the government, that it is not the role of an independent law reform committee to duplicate the work of the government, it shows, as I said at the outset, the insecurity of the former attorney-general who wishes to have within his own office the sole source of expert examination of legal proposals.

The Hon. Carmel Zollo interjecting:

The Hon. R.D. LAWSON: There is no suggestion in the proposition that there be in this state, as there is in most other civilised places in the world, an independent law reform body comprising a range of expertise to provide information and advice to the government, to the community and to anyone who is prepared to listen to such a body. I would have expected the government to be supporting the establishment of such a body in principle.

I quite understand some of the reservations the government might have about the funding of this proposal and I will be moving an amendment to the motion of the Hon. Ian Gilfillan to have this matter investigated by the Legislative Review Committee to examine the cost of the establishment of a law reform institute and to ascertain the degree of support that can be obtained from the universities, the Law Society and any other organisation in the community to ensure that, if such a body is established here, it has the appropriate funding and support to flourish.

The Hon. Carmel Zollo in her contribution mentioned the fact that there are many sources of law reform in our community, that governments frequently commission experts to prepare reports and to make recommendations and certainly there is nothing in a proposal to have an independent law reform institute that would detract from that fact. Obviously governments are entitled and do adopt policies—that is the function of government—and to implement those policies, but that does not alter the fact that there are others in the community who have ideas worthy of consideration.

The honourable member mentioned the Law Reform Committee, which was so ably chaired by Mr Justice Zelling for so many years. Mention was also made of the Penal Methods Committee, chaired by Dame Roma Mitchell in the 1970s. There was a law reform committee of this parliament in the 1920s comprising, I think, seven members of the House of Assembly and ultimately it became a royal commission. It published a number of interesting reports, one of which successfully recommended the abolition of civil juries in this state. So, there is a long tradition of law reform in our state.

I join with the Hon. Carmel Zollo in commending the memory of the late Mr Justice Zelling, who, as Chair of the Law Reform Committee from 1968 to 1988, did a sterling job to put law reform in South Australia on the map and to make a significant contribution not only to this state's law reform but also to Australian law reform generally. That committee was chaired by the judge. It had a number of members over the years—judges, academics and practising lawyers served on it. It had one research assistant, as I recall. It operated out of Mr Justice Zelling's chambers. It was run on the proverbial shoestring, and it had no statutory basis. In 1988, the Labor government suspended the law reform committee.

Unlike some of its interstate counterparts, the committee did not have a high public profile. It worked on areas of law that were not the subject of political agitation or controversy, and the Chair never sought the limelight for the committee. But the reports that it published (which are still referred to) were models of brevity and clarity. The reason, as I recall, for the suspension of the law reform committee was that Mr Justice Zelling's judicial commitments made it difficult for him to carry on unless further resources were allocated. However, the government of the day was not prepared to do so.

Since that time, the policy and legislation section of the Attorney-General's Department has fulfilled part of the role that the law reform committee was undertaking. In suggesting that there be an independent law reform institute, I am by no means seeking to denigrate the work of the policy and legislation section of the Attorney-General's Department. It has performed sterling work for governments of all political persuasions. But that by no means suggests that there is no place in our community for an independent institute.

The mover of the motion, in his address in support, was fairly brief. He said, of course, that we are the only state without a law reform institute. That fact of itself would certainly not convince me that it was necessary to have such an institute. But the fact that we are the only one should make us reflect as to why that should be the case and why we are out of step with others. He pointed to the Tasmanian Law Reform Institute, which was established in 2001, as a partnership between the government and the Tasmanian university, and they contribute $50 000 and $80 000 respectively per annum. He said that that institute is working well, and I think that is a promising model of participation. But it is interesting to note that the government had to make a significant financial contribution there, and no financial contribution from our government is presently forthcoming. Given the rather negative comments that were expressed on behalf of the government, one would not hold one's breath about support for this proposal.

The honourable member referred to the body that has been established in Alberta, namely, the Institute of Law Research and Reform—once again, a body established by agreement between a provincial government, the law society and a university. The honourable member was not able to suggest that the Law Society in this state, the universities or anyone else, had committed significant resources to the development of such an institute, and that is why I propose seeking to amend the honourable member's motion by having the matter referred to the Legislative Review Committee, which can inquire into and report on these matters.

I should, however, report that I, and I imagine others, have received a letter from Associate Professor Gary Davis of the Flinders University School of Law. Professor Davis, the Dean of that school, supplied me with a copy of his proposal for the establishment of a South Australian law reform institute, and he makes a short but cogent case for its establishment. He mentions that Flinders University has a small amount of seed funding of $12 000 and is prepared to make an in-kind contribution in the form of staff time valued at $20 000 to support the first stage of such a project. I commend Associate Professor Davis for this particular initiative. The proposals that he puts forward should be closely examined by the Legislative Review Committee.

My purpose in suggesting that a parliamentary committee examine this matter is to ensure that the institute, if it is established, is not stillborn but is appropriately resourced, and that the organisations that can ensure its survival are committed to it. It may be appropriate at this stage for me to move:

That the motion be amended by inserting after paragraph 2 a third paragraph, namely:

3. That the Legislative Review Committee inquire into and report upon the estimated cost of the establishment of such law reform institute and its ongoing operations, with particular reference to probable sources of funding including government, the Law Society, South Australia's universities or other organisations.

With those brief comments, I indicate that the Liberal opposition will, if the amendment is supported, support the motion.

The Hon. J.F. STEFANI: Although I was not going to participate in this debate, I rise to commend my colleague the Hon. Ian Gilfillan for bringing forward such a proposal. I was very impressed when I attended a recent seminar on law matters and parole matters which the Hon. Ian Gilfillan had arranged and at which were present a number of eminent law makers, solicitors and others, including the chair of the South Australian Parole Board. It is important for the government and for the society in which we live to have a structure that is independent of both the government and perhaps the law enforcement units operating in our state to enable it not only to assess and make proposals about the law changes that are necessary to effectively enforce the law but also to address the way in which criminals and offenders are dealt with by the law.

I have come to the conclusion that, quite often, it is not just one single source of knowledge that is able to formulate the best possible changes to the law. It is with the widespread knowledge of the legal fraternity and others, such as the universities and the Law Society, that we are able to formulate and suggest to the government of the day proposals that best reflect the needs of our community.

It is very sensible that the amendment that has been proposed by the Hon. Robert Lawson be supported so that we have some idea of what the cost might be to set up such a body but, more importantly, once we have established the cost, that we also at the same time establish the funding source so that the support for such a structure will be ongoing and long term. With those few comments, I support the motion and I commend both the Hon. Ian Gilfillan and the Hon. Robert Lawson for bringing such a proposal to the government's attention. I hope that the government will give it serious consideration.

The Hon. IAN GILFILLAN: I welcome the amendment and I indicate that we will be supporting it. It really is an implementation amendment, which is eminently suitable, to add some practical analysis of how the institute would be set up. As was recognised, my contribution when I moved the motion was brief, and it will be even briefer in concluding the debate, but I trust that does not leave any great shortfall in the argument. I was sorry to hear the content of the government's contribution, and I feel that it reflects the position of the former attorney-general. It was interesting to note that the Attorney-General himself did not make the contribution, because it is certainly in his portfolio, but I do not want to reflect in any way on the beautiful way in which the speech was read by the Hon. Carmel Zollo. It was therefore most unfortunate that I found the latter part of her contribution not only without logic but almost juvenile in its analysis of the scope and value of the institute.

Recently in the *Australian*, significant publicity was given to the wide-ranging report that the Australian Law Reform Commission has made available on the challenging legal confrontation we face with the DNA and personal genetic material that will proliferate in our community. That impressed upon me the significance of an independent body that is able to do this work. Clearly, it can be set up to do a useful job. In no way will it be able to dictate to the elected representatives of the people, so the Hon. Carmel Zollo can rest easy. It will make a contribution that should be taken into consideration and, from that point of view, I see it as doing nothing but helping, at modest cost, the evolution of good law reform in South Australia, and I urge support for the amendment and the original motion.

Amendment carried; motion as amended carried.

BUDGET CUTS

Adjourned debate on motion of Hon. R.I. Lucas:

That this council demands the Premier direct the Treasurer to release all answers provided to him by ministers and departments to the question asked by the member for Heysen on 30 July 2002 in the parliamentary estimates committee on the issue of the detail of the government's $967 million in budget cuts.

(Continued from 19 February. Page 1812.)

The Hon. R.I. LUCAS (Leader of the Opposition): In concluding my remarks, I indicate to members that I will seek to have a vote on this motion next Wednesday or at some stage next week. The motion is relatively straightforward. I spoke in some detail about this matter when I made my earlier contribution.

An honourable member interjecting:

The Hon. R.I. LUCAS: I assure members that in the time that has transpired since 19 February the government still has not provided any information in response to the matters that were the subject of last year's budget. We are now another budget on. There is an earlier motion on the *Notice Paper*, and I will email members as to whether I will seek a vote on that. It involves the unprecedented use of parliamentary privilege to refuse a growing number of applications for documents under freedom of information legislation, in particular referring to the details of the $967 million in budget cuts. The opposition has continued to try to get some honesty and truthfulness from Premier Rann and Treasurer Foley on the budget. However, sadly, as we have seen in a lot of debates this evening, the arrogance of this government is, I am afraid, sadly evident in the way this government treats a lot of issues.

An honourable member interjecting:

The Hon. R.I. LUCAS: They can read. We will have the opportunity during the Appropriation Bill debate to comment on the arrogance of the Treasurer's contribution to the estimates committees this year, which some Labor members have said to me was the worst they had seen from any minister, Labor or Liberal, in their time in the parliament. I update the 19 February contribution by indicating that since that date this government has continued to refuse to provide information and has behaved in a most arrogant fashion. It has continued to fail—

An honourable member interjecting:

The Hon. R.I. LUCAS: That interjection from the leader is untruthful, and he knows it to be untruthful. I am disappointed to hear him making statements he knows to be untruthful. This is a simple motion, which merely requests the Premier to direct the Treasurer to release information public servants have prepared. That information is sitting in ministers' offices and in the Treasurer's office but the Treasurer and the Premier, and ministers, in a most arrogant way, are refusing to release this information.

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

STATUTES AMENDMENT (NOTIFICATION OF SUPERANNUATION ENTITLEMENTS) BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2517.)

The Hon. P. HOLLOWAY (Attorney-General): This bill is supported by the government. It seeks to make amendments to the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990 and the Superannuation Act 1988. The proposed amendments seek to insert clauses into the above-named acts to require the relevant superannuation board administering the scheme to give advanced notice to a member who has a preserved benefit that they are approaching the time when they can claim their benefit.

The bill proposes that the member must be advised of the ability to claim their preserved benefit at least six months before they become entitled to apply to be paid the benefit. The existing legislation requires the member with the preserved benefit to make application for the benefit to be paid, because there are situations where some members may be disadvantaged if a pension benefit is automatically paid—for example, they may lose entitlement to a Centrelink benefit.

As a result of correspondence last year, the superannuation boards have adopted the practice of giving advance notice to members with preserved benefits that they are becoming eligible to apply for their benefit payment. The provision of the bill will make what has now become an administrative practice a legal requirement. The government therefore supports the bill.

The Hon. T.J. STEPHENS: This is a commonsense bill, and I commend the Leader of the Government in the Council for indicating government support. I will not go over the intention of the bill, because I would only be repeating what the Leader of the Government has said. I thank members for their contributions and support for the bill and look forward to its implementation.

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

ADJOURNMENT

At 11.59 p.m. the council adjourned until Thursday 10 July at 11.30 a.m.