

## HOUSE OF ASSEMBLY

Monday 3 June 2002

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

### FAIRVIEW PARK JUNCTION

A petition signed by 885 residents of South Australia, requesting that the house direct the government to immediately remove the 'No U-Turn' sign at the junction of Sylvan Crescent and Hancock Road, Fairview Park, was presented by the Hon. D.C. Kotz.

Petition received.

### SITTINGS AND BUSINESS

The **SPEAKER**: I alert the house to the fact that I have been advised by the Minister for Government Enterprises that he has a proposal which I think all members, regardless of their persuasions, will be interested to learn about.

The **Hon. P.F. CONLON (Minister for Government Enterprises)**: I move:

That, for the remainder of the session, standing orders be so far suspended as to provide that private members' business has precedence over all other business as follows:

- (i) on Wednesdays for two hours after grievances, bills, motions with respect to committees (including reports of committees) and motions for disallowance of regulations; and
- (ii) on Thursdays from 10.30 a.m. to 1 p.m.—other motions; provided that—
  - (a) Notices of Motion take priority over Orders of the Day unless otherwise ordered; and
  - (b) if all business in (ii) is completed before 1 p.m. the sitting of the house is suspended until 2 p.m.

and that standing orders be so far suspended as to allow Notices of Motion and Orders of the Day, Private Members' Bills/Committees/Regulations, for Thursday 6 June to be dealt with on Wednesday 5 June 2002.

The **SPEAKER**: The proposition involves a suspension and, therefore, requires me to count the house to see whether there is present an absolute majority of the whole. There is an absolute majority of the whole number of members of the house present. Is the proposition seconded?

**Honourable members**: Yes, sir.

Motion carried.

The **SPEAKER**: The house will agree that this is a substantial move towards allowing parliament to function more in the interests of its members than the interests of the groups with whom they may be affiliated. Let me make it plain, too, that it is an experiment and it is very much in the hands of the members of the house as to how well it works.

### MATTER OF PRIVILEGE

Mr **HAMILTON-SMITH (Waite)**: I rise on a matter of privilege. I believe that a member of this chamber has knowingly and deliberately misled the house in a way that will materially affect the deliberations of this house. By way of explanation, on Thursday 30 May I asked the Minister for Science and Information Economy a question:

Given that the South Australian bid for a share of the National Information Communication Technology Centre of Excellence was unsuccessful, can the minister advise the house how the \$10 million provision already included in the budget forward estimates by the

former government will now be spent on developing this important growth industry for South Australia?

In response to that question from me, the minister replied:

I am forced to repeat what has been said before in this place: this is another project for which there was no provision in the forward budgets.

Later in question time that day, I asked the Minister for Science and Information Economy a further question:

Given the answer given by the Minister for Science and Information Economy to my previous question, did she support the \$10 million state contribution to the Innovation Lab South Australian bid for the ICT Centre of Excellence? Early this year the previous government supported the Innovation Lab Horizons bid for the ICT Centre of Excellence. These facts are easy to substantiate by ringing Innovation Lab and checking with the principals involved. The bid did not succeed. Last Friday the federal government announced that an alternative bidder had received the ICT Centre of Excellence funding. I hope the minister has not misled the house.

The minister replied to that as follows:

This node required funding of \$10 million and, like many of the projects in the science and technology budget, this was an item that went through cabinet and was discussed but was not within the budget, the forward estimates.

These are statements of the Minister for Science and Information Economy. I have available a copy of a cabinet document dated 14 January that approves an innovation funding package in the forward estimates of \$40.5 million. Clause 4.7 of that document reads:

That the cabinet approve in respect of the previous submission, education round table, the Minister for Innovation, in consultation with the Minister for Education and Children's Services and the Minister for Industry and Trade, bring to cabinet a submission setting out a prioritised list of initiatives that would be supported by funding of \$40.5 million over five years: \$500 000 in 2001-02; \$5 million in 2002-03; \$7.5 million in 2003-04; \$7.5 million in 2004-05; \$10 million in 2005-06; and \$10 million in 2006-07. This innovation package submission is to consider and prioritise all initiatives that have been proposed under the education round table, the innovation strategy and the ICT Centre of Excellence.

Further, I will make available a signed Cabinet Office document dated 11 January, which reads:

That Cabinet Office note the Minister for Innovation advised cabinet in pink note 601 for 10/01/02 that he expected the majority of the \$40 million innovation fund to be committed to only two projects, being the Genomics Centre and the ICT Centre of Excellence. Support for the ICT Centre of Excellence was approved by cabinet on 10/01/02. Support for the Genomics Centre is subject of submission No. 110 on 14/01/02.

I believe that the Minister for Science and Information Economy has knowingly and deliberately misled the house in a way that will materially affect deliberations of this house and, in view of the above, I ask that you, sir, rule on a prima facie case of a breach of privilege in relation to misleading the house.

Mr **BRINDAL**: I rise on a point of order, Mr Speaker.

The **Hon. J.D. LOMAX-SMITH (Minister for Tourism)**: Mr Speaker, may I rise before the point of order and seek your leave—

The **SPEAKER**: Does the minister have a point of order?

The **Hon. J.D. LOMAX-SMITH**: I rise to seek your permission, Mr Speaker, to make a ministerial statement, which was prepared on this matter, at the point at which you, sir, think it is appropriate. I am happy to speak now, Mr Speaker. Otherwise, I will wait my turn to make a ministerial statement.

Mr **BRINDAL**: I rise on a point of order, Mr Speaker.

*Members interjecting:*

**The SPEAKER:** Order! I will listen to the point of order that the member for Unley raises and, during the course of doing so, I will contemplate what the minister has just put to me.

**Mr BRINDAL:** Mr Speaker, as you would be aware, a matter of privilege has been raised. It has long been the custom of this house that, having made a matter of privilege, the Speaker takes away that matter of privilege and hears it and that no explanation is heard or offered until the Speaker has had the matter under his consideration.

**The SPEAKER:** The member for Unley has raised an interesting point, which standing orders do not cover. However, past practices are relevant to it, and I want to examine them in detail before I answer him, because it is a precedent that will otherwise be set where a minister has indicated a wish to make a statement which would answer the charge brought against the minister by the proposition of another member and about the matter which is the substance of that charge. There will be, in the next order of sequence, the opportunity for ministers to make statements.

My inclination, however, is to allow the minister forthwith to make that statement, because it will affect the way in which I deliberate upon it. Accordingly, I so order and call the minister to make a statement if it is directly relevant to the matter of privilege raised by the member for Waite. I seek such assurance from the minister.

**The Hon. J.D. LOMAX-SMITH:** I give you my assurance, Mr Speaker, that this is absolutely on the point that has been raised. You will note, Mr Speaker, that the routine business list indicates that the Minister for Tourism will make a ministerial statement. Therefore, I will now read that ministerial statement which was prepared exactly on this point.

**The SPEAKER:** The minister may proceed.

**The Hon. J.D. LOMAX-SMITH:** Thank you, Mr Speaker. I make this ministerial statement because, during question time on Thursday 30 May, the member for Waite questioned me about how the government planned to spend the \$10 million he claimed 'had already been included in the budget forward estimates' for the ICT Centre of Excellence. As you know, Mr Speaker, our state's bid for that was unsuccessful. I advised the house that this was another project for which there was no provision in the forward estimates.

Early on Friday afternoon, I was informed that this information was not strictly correct. I am informed that whilst the initial cabinet approval for state government support for the ICT Centre of Excellence on 10 January 2002—

*Members interjecting:*

**The Hon. J.D. LOMAX-SMITH:** I repeat that: on 10 January 2002—

*Members interjecting:*

**The SPEAKER:** Order! This is a matter of the most serious gravity, and it ill behoves the member for Schubert or anyone else, including the minister—whoever that was, and I did not hear—to interrupt. I am trying, as I hope all members are, to listen. It is not a trivial matter: it is very serious. The minister.

**The Hon. J.D. LOMAX-SMITH:** Thank you, Mr Speaker. There was initial cabinet approval for state government support of the ICT Centre of Excellence on 10 January 2002. Subsequently, cabinet—on 14 January 2002, which is the day before the election was called—approved a sum of \$40.5 million over five years for an innovation package which, whilst including this and other initiatives, did not detail how specific funding would be allocated.

Obviously, with the state election being called the following day, caretaker conventions would have prevented the previous cabinet from ever detailing which projects would be supported from this amount of money. To return to my answer of last Thursday and whether this project was included in the forward estimates, the total figure of \$40.5 million is the figure that appeared in the forward estimates with no specific mention of or allocation for the ICT Centre of Excellence. I hope that this additional information clarifies the situation for the house and I apologise for any unintentional confusion in my answer last week.

*Members interjecting:*

**The SPEAKER:** Order! Notwithstanding the clarification the Minister has now delivered, and her contrite apology—and I use the word contrite very deliberately—I will still consider whether there is a matter of privilege to be answered and get back to the house before the conclusion of grievances today.

### MABO DAY

**The Hon. M.D. RANN (Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.D. RANN:** It is with great pleasure that I inform the house that today we are observing Mabo Day. Mabo Day marks the tenth anniversary of the handing down of the Mabo High Court decision on 3 June 1992. That decision is one of the most significant events in Australian history and is a fundamental turning point in our relationship with indigenous people. It is also fitting that Mabo Day coincides with the conclusion of National Reconciliation Week.

For us to understand the importance of observing Mabo Day, we need to take a closer look at the life of the man whose name the day bears. The High Court decision says much about the man who led this charge for indigenous land rights. Eddie Mabo was born in 1936 on Mer Island, or Murray Island, in the Torres Strait. His mother died shortly after his birth and he was raised by his mother's brother, Benny, and his wife. From an early age, Eddie was taught about his family's land and this laid the foundation of his thinking about land ownership and land inheritance on Murray Island. In Eddie's teenage years he worked on pearling boats and the railways in Townsville and at 23 years of age, in 1959, he married Bonita Neehow. They would raise 10 children.

Eddie worked as a gardener at James Cook University and joined in university life by sitting in on seminars and going to the library where he would read books. In 1981 a land rights conference was held at James Cook University, and it was here that the seeds were sown that led to a test case to claim land rights through the courts system. Eddie Mabo was a leader and he set about challenging the claim of terra nullius in the High Court. This was the beginning of a 10-year battle with highs and lows such as the devastation of being informed that he had no rights to inherit Mabo land because he was not the son of Benny Mabo. The battle took its toll on his health and in January 1992 Eddie Mabo died of cancer, aged 56. Some five months later, on 3 June 1992, the High Court handed down the Mabo decision overturning the notion that before the European settlement no-one occupied the Australian continent.

The High Court's 1992 Mabo decision was of great importance for a number of reasons. It not only provided a

legal basis for the rightful indigenous ownership of land but also recognised indigenous culture and traditions. Perhaps most importantly, the Mabo decision proved to be a turning point for reconciliation and has given non-indigenous Australians an opportunity to better understand the issues and difficulties faced by indigenous communities.

Of even greater significance, the Mabo decision has enabled indigenous people to re-establish links with their land and proud culture. Ten years on, the name Mabo has become synonymous with the advancement of indigenous people and broader community awareness of indigenous culture and diversity. In recent times we have seen hundreds of thousands of Australians participate in reconciliation marches, and the observance of Mabo Day can only serve to enhance that spirit of reconciliation. Today, at the entrance of Manning Clark House in the ACT, a small plaque is to be unveiled acknowledging in simple language our gratitude to the traditional owners of the land.

Mabo Day is a celebration of our unity as a diverse community, and I congratulate all those involved and extend my support to the observance of Mabo Day. In supporting Mabo Day, I pay tribute to Eddie Mabo, Mrs Bonita Mabo and their family.

### INSURANCE, PUBLIC LIABILITY

**The Hon. K.O. FOLEY (Deputy Premier):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.O. FOLEY:** Many people in the community face problems with respect to public liability insurance. Premiums have risen by as much as 50 per cent, and some organisations are being refused insurance altogether. Insurers say that public liability insurance does not make any money for them. They also say that HIH Insurance set unreasonably low premiums which made the premium prices artificially low in the past. Since HIH has collapsed, insurers say that prices are merely coming back to a reasonable level. For many clubs—particularly not-for-profit organisations—this so-called reasonable level is beyond their reach and, if they cannot get insurance at all, people could be injured and have no compensation.

We are aware of associations concerned that they will no longer be able to operate. The state and federal governments have been developing a coordinated approach to this problem. On Thursday of last week, I met with all relevant ministers from the other states and with the federal government minister, Senator Helen Coonan, on behalf of the Commonwealth Government. At that meeting, we considered a further report from the Insurance Issues Working Group of the Heads of Treasuries which made a number of recommendations.

Thursday's meeting provided us with an opportunity to consider those recommendations and further develop a national approach to responding to the public liability insurance problem facing Australia. Many of the recommendations in the report have already been adopted in South Australia:

- Many volunteers including CFS, SES and surf life saving associations are already protected from most claims by legislation. The government has the ability to proclaim volunteer workers in other essential services and we will give consideration to doing so;
- Early resolution of claims is supported already by our court processes;

- Subject to certain rules, no criminal injuries compensation is allowed where the claimant is engaged in criminal activity; and
- Our statute of limitations is three years and provides some certainty to the court process.

It is also important to note that much of the problem with insurers relates to New South Wales. The rising costs in premiums around the country in large part, we are advised, are actually led by New South Wales. A huge leap in claims occurring in New South Wales is by far the biggest problem in the nation. Payouts in South Australia are, on average, the lowest in Australia.

At this point I would urge the Leader of the Opposition to contact his New South Wales counterpart and ask him to reconsider the Liberal Party's decision that we understand is to block the New South Wales government's reform process because without that reform in New South Wales it will simply not matter what we do here in South Australia.

However, despite these low payouts in South Australia, some organisations are experiencing problems getting insurance, and that is unacceptable as an ongoing situation for the government. Following the meeting last Thursday, our government agreed to consider some bold steps to stabilise premiums and see them reduce and to ensure accessibility and affordability of public liability insurance to the community. I can say today that:

- The government will introduce legislation as soon as possible to implement a system of caps on payouts.
- The government will legislate as soon as possible to introduce waivers which will provide relief for high risk activities such as adventure tourism and, potentially, horse riding.

We urge the federal government itself to legislate as soon as possible to give full effect to waivers. At present, waivers do not work, because the commonwealth Trade Practices Act provides a backdoor method to sue, even if a waiver excludes liability for negligence. I point out that the commonwealth minister has agreed to process that issue as soon as they can:

- We will move to limit damages awards where the claimant is engaging in criminal activities.
- We will consider legislating to ensure that no-one can claim if they are under the influence of drugs or alcohol.
- We will cooperate with risk management and accreditation proposals at a federal level, and
- I will also this week meet with the Law Society and have instructed government officials to begin drafting legislation as an urgent priority.

We have also consented to a review on the law of negligence. Three eminent legal minds will investigate and report back in a couple of months (that will be two months) on how to create greater certainty in the law. They will touch on the issues of proportionate liability, the Trade Practices Act and, importantly, the concept of gross negligence. Some people are concerned about policies that expire on 30 June. To these people, we say:

- options are available and more are emerging;
- we want to maximise the information available to the public so that options are known to those who need them; and
- we hope to have more news about options soon—especially for not-for-profit groups.

Public liability insurance options for community groups, events and not-for-profit organisations that are associated with local councils are available through the clubs and community groups insurance scheme operated by Local

Government Risk Services. I am advised that this arrangement now covers almost 4 000 community-based organisations in South Australia that have some relationship with their councils. On Friday of last week, following Thursday's meeting, I held discussions in my office with the Local Government Association about widening the coverage of the scheme to community groups, events and not-for-profit organisations that are not associated with local councils. Whilst these discussions have not been finalised, the government hopes to be able to announce details of new arrangements if we can get a conclusion to those discussions and negotiations within the next two weeks.

We have also been keen to ensure that the commonwealth takes on some responsibility for the problem, and I am happy to report that the commonwealth has agreed to a number of measures. The commonwealth intends to change the Trade Practices Act to allow waivers. The commonwealth will facilitate structured settlements so that people do not get lump sums but get sums over time. Amendments to the federal tax legislation will shortly be put before the commonwealth parliament. The ACCC will be asked to continue to review the insurers and to monitor them. Once the states and the commonwealth investigate and implement these reforms, we will not tolerate excuses from insurers being unreasonable about premiums and cover. The Productivity Commission will review insurers' claims practices to see that they are not pushing up premiums by being inefficient. An urgent solution is being attempted by all states and the commonwealth government, but the reality is that there is no quick fix.

## QUESTION TIME

### GOVERNMENT CHARGES

**The Hon. R.G. KERIN (Frome):** Will the Treasurer now admit that the government has broken its key election promise not to increase taxes or charges following his recent announcement that state government fees and charges would be increased by 4.2 per cent? Prior to the state election, the Treasurer made a concrete promise not to increase existing taxes or charges or introduce any new taxes or charges. This promise was clearly established in ALP election material. In fact, Labor's funding strategy document clearly stated:

The basic principles of Labor's funding strategy will not require any increases in existing government taxes and charges or new taxes and charges.

Last Friday, the Treasurer was forced to announce that all state government fees and charges will increase by 4.2 per cent.

**The Hon. K.O. FOLEY (Treasurer):** I do not accept that opinion. The reality is that our election commitments were quite clear that they would not require the introduction of new taxes and charges to fund our election promises. The issue of the lift in existing rates for fees and charges is that, if a government wants to be able to keep the real value of income, it must increase revenue in line with inflation and with—

*Members interjecting:*

**The Hon. K.O. FOLEY:** That was implicit. We need to keep the real value of fees and charges because that is what governments have always done. That is what you would have done and that is what all governments would do. Clearly, it was the opposition's intention that we would maintain the real value of those fees and charges. How dare the opposition make these statements, given that in the first seven years you

increased taxes by nearly \$1 billion (or over 50 per cent), and that was before the GST. Before the 1997 state election you said that there would not be tax increases. Stephen Baker said:

We are not out to get an increase in the quantum of tax.

In the following two budgets, you increased taxes by nearly \$500 million. You gave us an emergency services levy to cover a blowout—

**The SPEAKER:** Order! The Treasurer, as I have said before, shall not use, nor will any other minister use in answering a question, nor any other member use when speaking to the house, the second person pronoun. All remarks will be addressed to the chair.

**The Hon. K.O. FOLEY:** I do apologise, sir, and I should have referred to the former deputy premier when I mentioned Stephen Baker's name. The reality is that we can look at electricity price increases and the whole raft of taxes and charges increased by the former government. I was interested at one comment of the Deputy Leader of the Opposition when he rang into radio today. The methodology or the formula used to increase fees and charges is based on a composite index that takes account of CPI movements in the state, together with a factor for public sector wage growth, so that, given that we are delivering government services, we need to keep pace inflation.

We need to keep pace with public sector wage increases so that you keep the true value of that income stream. The Deputy Leader of the Opposition rang up and said:

When I was premier, we never used a formula like that. We only used CPI.

In fact, the formula I used in this case was the formula that his government had been using, I am advised, since 1998. Treasurer Rob Lucas brought in this particular formula to give a better consistency to increases. So, I say to the deputy leader: you are correct when you say that you did not do it when you were premier but, for budgets since at least 1998, I am advised, that was the formula used and that is the one that this government will use with its adjustments.

### ROAD TOLL

*Mr Brindal interjecting:*

**The SPEAKER:** If the member for Unley would like to, I could oblige. Don't be cheeky, I advise the member for Unley or anyone else. The member for Mitchell.

**Mr HANNA (Mitchell):** My question is to the Premier. What action is the government taking to reduce the road toll?

**The Hon. M.D. RANN (Premier):** I have asked the Minister for Transport to undertake a major revamp of road safety in this state and to come back in the next few months with a package of initiatives that I hope will gain bipartisan support, in order to try to reduce the road toll here in South Australia. I can announce today that cabinet has resolved to consult with all members of parliament and with other interest groups, including the RAA, to look at a radical shake-up of licence rules for P plate drivers, in a move aimed at saving teenage lives.

Obviously, to do that we would need to amend the Motor Vehicles Act, and that is what we are looking at, in order to ensure that people spend longer on P plates. I know that this is a controversial move and there may be opposition in the community, but too many young lives are being lost in South Australia. As I have been advised, there has been an increase

in the proportion of young people in South Australia dying and being injured on our roads, so what we are suggesting is increasing the term from one year on P plates to two years.

No-one can say that this is preventing young people from driving, because obviously what we are doing is simply ensuring that, by being on restricted licence, young people do not drink and drive. There will be zero tolerance for drinking and driving for P plate drivers, and that P plate period will be extended under our proposals from one to two years or, indeed, until the age of 20.

All the evidence of which I have been advised points to the fact that the longer young people spend on restricted licences the better chance they have of being safer drivers. I think every single parent of teenagers who are on P plates in this state is always concerned and always worried about getting that knock on the door in the middle of the night from police to tell them the news that every parent dreads. Certainly, I have a number of friends who have lost their sons: one family I know of lost two sons in a couple of years in road accidents. There is no worse story that a parent can be confronted with. So, we are looking at increasing the P plate period and bringing it into line with a number of other states. It is quite clear that South Australia has lagged behind other states in terms of road safety. I am advised that these steps were taken some time ago in Queensland, New South Wales and Victoria.

So, we intend to implement this to ensure that our young people are safer on the roads. If parliament resolves to do this, and we can, together, make a serious impact on the number of teenagers who lose their lives or who are injured in car crashes on the roads, we can all be proud.

Some time ago I met legislators in the United States who had introduced measures which had made a significant difference and which could be shown statistically to have reduced the number of young lives lost on roads; and, certainly, if this move, if it is endorsed by this parliament, means that more young people come home safely to their parents and live fulfilled and committed lives, it is something of which the parliament of South Australia can be proud.

#### GOVERNMENT CHARGES

**The Hon. I.F. EVANS (Davenport):** Can the Treasurer advise the house what fees or charges within the education and health portfolios will be affected by the decision to increase all state government fees and charges by 4.2 per cent?

**The Hon. K.O. FOLEY (Treasurer):** We will provide that information when it is gazetted, and it will be available for the honourable member.

#### OLSEN, Mr J.

**Ms CICCARELLO (Norwood):** Will the Premier inform the house of the government's attitude to the commonwealth government's appointment of former premier John Olsen to the position of Consul-General in Los Angeles?

**The Hon. M.D. RANN (Premier):** I am delighted to answer that question. We believe that John Olsen's appointment to the position of Consul-General in Los Angeles could substantially benefit the people of and businesses here in South Australia. Let us remember that California is one of the largest economies in the world. We intend to improve our exports to the United States and, indeed, the recent moves

that we made to secure the future of Mitsubishi were partly about a stronger export focus in the United States.

However, we need to build a relationship with the United States in IT, bio-innovation and a whole range of areas. Therefore, it can only help South Australia to have a Consul-General who is not only from this state but also has had experience working in portfolios such as economic development. So, as a state government, I, as Minister for Economic Development, the Deputy Premier in his position as Minister for Industry and Trade, and other ministers who are responsible for innovation and IT look forward to a fruitful and positive relationship with John Olsen in his new role as Consul-General in Los Angeles. We think it will be an appointment of substantial benefit to South Australia, even though John will work in the national interest. However, his local knowledge could be invaluable to local companies and, indeed, to the government in working with local companies.

So, I am delighted to support the appointment of John Olsen to the position of Consul-General in Los Angeles and wish John and Julie every success in their new venture and in their new location.

#### TREASURY BUDGET LINE

**The Hon. I.F. EVANS (Davenport):** My question is directed to the Treasurer. Why did the Treasurer state in parliament on 28 May that the \$275 million held in the Treasurer's capital works contingency line could not be spent on projects such as the \$20 million for new buses in the year 2004-05 when this exact Treasury budget line was used in last year's budget to commit \$19.5 million funding for new buses for this year and next year?

**The Hon. K.O. FOLEY (Treasurer):** As I have said repeatedly, it was based on advice from Treasury not to use that line.

*Members interjecting:*

**The Hon. K.O. FOLEY:** Well, that is an issue for you. That was an issue for your poor budget management practices.

*The Hon. I.F. Evans interjecting:*

**The SPEAKER:** Order, the member for Davenport!

**The Hon. K.O. FOLEY:** When we came to office, I was advised that the head room that was in the budget should not be used to fund the cost pressures as—

*Members interjecting:*

**The SPEAKER:** Order, the member for Goyder!

**The Hon. K.O. FOLEY:** That was the advice that I was given by Treasury. As I have said in this house on many occasions, we have accepted that advice.

**An honourable member:** More fool you.

**The Hon. K.O. FOLEY:** More fool us!

*Members interjecting:*

**The Hon. K.O. FOLEY:** Well, as I said, your poor budget management practices were an issue for you. What we do know is that you have left us with at least a \$77 million budget deficit year, rising to \$150 million in the years ahead.

#### HUMAN SERVICES DEPARTMENT

**Mr O'BRIEN (Napier):** My question is directed to the Minister for Health. Will the minister tell the house whether the cash reserves of the Department of Human Services were run down to a point where Treasury had to intervene to ensure that the department could pay its accounts without going into overdraft?

**The Hon. L. STEVENS (Minister for Health):** Over four years the former minister watched his department run down its cash reserves. The cash reserves fell by \$49.5 million from \$86.2 million as at 30 June 1998 to \$36.7 million as at 30 June 2001. As a result, the department's cash balance in February this year was nominally \$3 million overdrawn. After watching the cash disappear for four years, the former minister wrote to the former treasurer on 9 January 2002 and said:

In particular we agreed that DHS must now liaise with Treasury and Finance where a cash shortage is anticipated. And Treasury and Finance will assist to ensure that DHS does not go into overdraft.

The bottom line is that the former minister failed to keep expenditure within budget and spent his cash reserves. As a result, the health system has been placed in an unsustainable position.

### HOMESTART FINANCE

**The Hon. DEAN BROWN (Deputy Leader of the Opposition):** My question is directed to the Treasurer. Why did the Treasurer claim on ABC radio this morning that the cabinet submission on HomeStart loans for aged care facilities did not refer to country hospitals when a copy of the cabinet submission reveals the opposite? On ABC radio this morning the Treasurer made two specific claims: (1) that the cabinet submission did not refer to country hospitals; and (2) that the HomeStart loans would blow out the budget. The cabinet submission states:

The target group will be small country hospitals and existing aged care providers that agree to allocate the new beds to address current nursing home type patients inappropriately occupying beds in acute facilities (that is hospitals), and otherwise unable to provide the residential bond necessary to ensure relatively easy entry into the aged care facility.

So, the Treasurer's statement was wrong. I also have a copy of a memo written by Frank Turner of DHS on the preparation of the cabinet submission which states:

I have had further discussions with Treasury and have made changes to the cabinet submission to reflect their concerns. . . I have also indicated that DHS would keep this budget neutral.

So the Treasurer again was wrong. When is he going to get it right?

**The SPEAKER:** Order! The member knows that the last rhetorical question asked is highly disorderly. Subsequent questions of that kind will be ruled out of order and not answered. The minister.

**The Hon. K.O. FOLEY (Treasurer):** The debate has been going on now for some weeks, and it certainly occurred in the South-East when I was there, as the member for MacKillop knows. The issue is about government country hospitals or private country hospitals. I want to read this—

*Members interjecting:*

**The Hon. K.O. FOLEY:** I have been saying now for weeks that the scheme was available for private sector hospitals in the country or in metropolitan Adelaide. Let us go through the facts.

**The Hon. Dean Brown:** Where are the private hospitals in the country?

**The Hon. K.O. FOLEY:** There are a number.

**The Hon. Dean Brown:** There are four.

**The Hon. K.O. FOLEY:** Thank you. It appears that the opposition certainly had the photostat machine working overtime when they left government and took all this documentation with them. Let us go through it. This is the

advice that I am provided by Treasury on this matter. On 9 July 2001 the Department of Human Services submitted a cabinet submission seeking an amendment to the HomeStart regulations to enable HomeStart activities to extend to the provision of a loan product to the aged care sector. I am advised that Treasury and Finance was not consulted in the preparation of the original submission and did not support its recommendation.

*The Hon. Dean Brown interjecting:*

**The Hon. K.O. FOLEY:** Just listen, Dean. Dean, listen please.

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** The member for Finnis should listen. The submission was subsequently delayed for one week to allow Treasury and Finance adequate time to meet with Department of Human Services officers and discuss the issue at officer level. I am further advised that Treasury and Finance remained opposed to the submission following these discussions. The cabinet submission dated 6 July 2001 by the Minister for Human Services (Hon. Dean Brown) included the following main proposal:

That Cabinet approved the drafting and promulgation of an amendment to the Housing and Urban Development (Administrative Arrangements) (HomeStart Finance) Regulations 1995 to enable HomeStart Finance through its functions and powers to provide, manage or facilitate to a non-profit incorporated body for the development, ownership or operation of aged care residential accommodation approved by the Minister and for the provision of related care.

That is what it said. I now go on. Treasury and Finance understood—

*The Hon. Dean Brown interjecting:*

**The Hon. K.O. FOLEY:** I am advised that Treasury and Finance understood that the facility would be available for not-for-profit bodies such as churches, charities and community organisations. Government health units are not considered to be within the not-for-profit sector and—this is Treasury advice—it is questionable whether lending by HomeStart to these units is outside the scope of the original cabinet approval. That is what I am advised by Treasury. The cabinet submission does refer to country hospitals, but it is not clear whether it was intended to include country health units. Further, the submission included the following statement:

That the Department of Human Services would manage the arrangements such that the overall cost to Government was maintained as budget neutral.

This shows how little they, and the former minister particularly, understand about the budget.

*Members interjecting:*

**The SPEAKER:** Order! I have spoken to the member for Schubert once today. I am still speaking to the member for Schubert and I am letting him know that the Treasurer does not need his help and more particularly that the kind of behaviour in which he engages does not help public respect for the rest of us. I invite him to consider the relevance of his place in this chamber during the remainder of the day's sittings if he wishes to continue in the same manner. The Treasurer.

**The Hon. K.O. FOLEY:** I draw the house's attention—

**The Hon. Dean Brown:** It refers to country hospitals.

**The Hon. K.O. FOLEY:** Well, I have said that the government health units are not considered to be within the not-for-profit sector and it is questionable whether lending by HomeStart to these units is outside the scope of the original cabinet submission. I said that the cabinet submission does

refer to country hospitals but not government country hospitals. I continue as follows:

I draw the house's attention to the example of HomeStart's financial dealings with the Naracoorte Health Service.

The Naracoorte Health Service is an incorporated health unit under the South Australian Health Commission Act 1976, and its finances are consolidated with those of the Department of Human Services, which forms part of the government's non-commercial sector. Therefore, as I have stated in the house, for a government health unit borrowing money from HomeStart is exactly the same as spending money. The expenditure of funds by the Naracoorte Health Service, irrespective of the source, would have an impact on the state budget deficit in the year the expenditure is incurred.

**The Hon. Dean Brown:** That's because it is off budget.

**The Hon. K.O. FOLEY:** No, it is not off budget. The deputy leader does not understand his budget. No wonder you blew your health budget. It is no wonder that you could not control your health budget. You do not understand your budget.

**The SPEAKER:** Order! The deputy leader will come to order and leave it to the Treasurer to answer the questions that he has been asked without the assistance of the deputy leader, and the Treasurer will not respond to interjections, because it will only inflame the situation. The Treasurer.

**The Hon. K.O. FOLEY:** Thank you, Mr Speaker. No wonder the former treasurer wanted this issue deferred from cabinet for one week. He had the Treasury advice and knew that what the minister was up to was not sound financial management. The deputy leader said that it is off budget: I have just explained, but I will explain it again. As I have said, when a government health unit is a government entity, it is part of the Consolidated Account: it is part of the government's non-commercial sector. Following the Naracoorte hospital example, it therefore follows that capital expenditure on aged care facilities has to be consistent with the Department of Human Services meeting its overall budgeted expenditure budget: it has to be within the capital works budget of government.

Therefore, through the provision of funds to the Naracoorte Health Service by HomeStart, the Department of Human Services and the former minister for health, I am advised, have potentially acted contrary to the original cabinet submission—there is now debate about that in that, on Treasury advice, that activity undertaken by HomeStart is not budget neutral. If a loan arrangement is necessary to ensure accountability of a health unit, a loan from DHS or, alternatively, from the Treasurer or SAFA would be preferable to HomeStart. If money is borrowed to get around your budget, why go to HomeStart? Why not go to SAFA? HomeStart's funding is sourced from SAFA, as the central funds provided for the government, and it is illogical for HomeStart to then lend back to a health unit in the non-commercial government sector.

In my view—and according to advice I have received from Treasury—this scheme was potentially being used as a way of circumventing the capital budget process of DHS with no regard for the impact on the state budget deficit. That is the advice that the government was given by Treasury, and I am advised that it was the advice that was available at the time.

The point is that what we have now asked is that those groups outside government can access the HomeStart scheme. As I have explained to the member for MacKillop—and the Minister for Health can further elaborate on this, if needed—

we are working within the scope of the capital works budget to ensure, where we are able, to meet the commitments provided by the former government. Those discussions are taking place at present. However, we are advised that the use of HomeStart finance for government entities simply adds to the budget deficit in the year in which that expenditure is incurred, and is nothing more than spending money. The former minister for health was wrong, wrong, wrong.

## HEALTH BUDGET

**Mr KOUTSANTONIS (West Torrens):** My question is directed to the Minister for Health. In addition to the \$49 million run-down in cash within the Department of Human Services, does the minister's department have a budget debt of \$21 million resulting from over-expenditure by public hospitals and health units?

**The Hon. L. STEVENS (Minister for Health):** Unfortunately, the answer is yes. The rundown of cash and the \$21 million debt are just two aspects of the financial mess left by the former minister. Just as the member for Finnis did not tell the electors about the rundown of \$49 million cash in his department, he also did not reveal the Liberal government's plans to claw back the \$21 million from the health budget. On 9 January 2002, just six days before the election was called, the former minister for human services wrote to the former treasurer, confirming their discussions about a \$21 million clawback. The minute canvassed options for the clawback which included, and I quote:

The use of recurrent and investment funds available to DHS over the next three years.

The former minister was planning more cuts to health, even though hospital services were already the number one issue for voters and the issue of most concern to the people of South Australia. More cuts were on the way.

## EMERGENCY SERVICES LEVY

**The Hon. R.G. KERIN (Leader of the Opposition):** Can the Treasurer tell the house why the government has not followed the lead of the previous Liberal government and taken action to cushion the impact of rising property values on household emergency service levy bills? Last year, the previous Liberal government made a decision to adjust the variable component of—

*The Hon. P.F. Conlon interjecting:*

**The SPEAKER:** Order! The Minister for Government Enterprises will desist from inflaming the situation by both hiding behind the Treasurer and interjecting while the leader is asking his question.

**The Hon. R.G. KERIN:** Last year the previous Liberal government made a decision to adjust the variable component of the emergency services levy to ensure that the total value of levies collected remained unchanged. Last Friday the government announced that, whilst the fixed levy component of the ESL would remain unchanged, no action would be taken to cushion the impact of rising property values on the variable component of the emergency services levy.

**The Hon. K.O. FOLEY (Treasurer):** They have a cheek, don't they? When they brought in the emergency services levy they tried to get quite a lot more money than was ever explained to anyone who cared to listen at the time. They put in a very large emergency services levy, in excess of \$100 million, from memory, and then, as the election got closer and closer, they pulled it back, because they realised

they had gone well beyond what was intended at the time. They have all had a chance. The member for Davenport I think was the original architect; then the member for Mawson got hold of it; and it went everywhere.

As we announced on Friday, the government is not increasing the rate. I accept that there have been property value increases to the tune of \$3.1 million and a further \$0.4 million, due to growth in mobile property. That, as we know, is a property cycle: property growth increases at times, at others it is static or stable, and, in some parts of the property cycle, values decrease. Like other taxes or state charges, this one will be recouping what growth there is, albeit marginal in terms of the dollar amount involved. The government will not be walking away from our decision not to increase the rate of ESL. I would have thought that the members opposite would be pleased with that decision. We have decided not to do it, and it is a decision that I think is an important one for the community.

### WORLD ENVIRONMENT WEEK

**Mr RAU (Enfield):** Can the Minister for Environment and Conservation tell the house what is being done by the government during World Environment Week to highlight the alternatives to the traditional motor vehicle?

**An honourable member:** Are you going to walk, John?

**The Hon. J.D. HILL (Minister for Environment and Conservation):** I thank the member for his question and I note his keen interest in this issue. I am a keen walker, I can assure all members. Today I took delivery of a Toyota Prius, which is a hybrid motor vehicle. It is powered jointly by petrol and electricity and I will be using that as my ministerial vehicle during this week. I can also inform the house that the Environment Protection Authority (EPA) has also taken permanent delivery of one of the vehicles and is looking to purchase additional vehicles. As members would know, hybrid vehicles are less harmful to the environment than conventional vehicles. It is estimated that the Prius uses 50 per cent less fuel and produces 80 per cent fewer air pollution emissions than conventional cars. The government and I are keen to promote the availability of hybrid cars in the community.

It is encouraging that car manufacturers are, in fact, exploring clean energy and I will, perhaps, give the house some examples. General Motors has an electric vehicle available commercially in America, and Volkswagen still sells electric cars in Europe. The use of LPG and natural gas is increasingly common. Mitsubishi, for example, sells LPG powered small-sized trucks, and has also developed a hybrid electric drive system for large city buses that use an engine to generate electricity and a motor to drive the bus. These hybrid buses are being trialled this year; meanwhile, the use of ethanol as an energy source for vehicles has been extensively trialled.

I am pleased that the EPA, which is the environment's watchdog, will lead by example and, as it states, will include a hybrid car in its fleet. Next week I will return to my LPG Holden, which the former minister for the environment purchased. At home, my private car is an LPG-powered Mitsubishi, both of which are fine locally produced vehicles. I would hope that manufacturers explore hybrid technology in the future at their South Australian plants. Can I also say that the car I am driving today, the Prius, is made largely out of recycled material and is completely recyclable. I can also inform the house that when it is reversed, at low speed, into

an unseated bollard the recyclable bumper returns to its normal position without a scratch.

### INSURANCE, PUBLIC LIABILITY

**Dr McFETRIDGE (Morphett):** Will the Treasurer advise the house how the decisions announced in his ministerial statement today regarding public liability insurance will help the recreational horse industry by 30 June? Last Saturday several hundred horse riders and small business owners marched on Parliament House to protest their plight. Many of these people are being asked to accept premium rises of up to 600 per cent, and, indeed, some are unable even to get insurance. In order to save their businesses most need an answer and action from the government by 30 June.

**The Hon. K.O. FOLEY (Treasurer):** I thank the honourable member for his important question. This is a very difficult problem for governments and one which was the subject of significant discussion last Thursday. Senator Coonan—who is handling this issue of insurance (to date at least) extremely well and in a very cooperative approach with all the states—indicated that the commonwealth will be taking a lead in respect of the horse-riding industry in terms of trying to get some national standards of accreditation. If the honourable member is listening to the answer—did the honourable member want an answer?

*An honourable member interjecting:*

**The Hon. K.O. FOLEY:** Sure; you seemed to want to have a wider discussion. The federal minister (Senator Coonan) said that the commonwealth will take a lead in, first, establishing, if it can, national accreditation for horse-riding schools. It is an issue of risk management. We must get risk management undertaken in the riding schools.

The second issue relates to the issue of waivers for which, as I said, we will legislate as soon as practicable. The problem will be that it also needs amendments to the Trade Practices Act, which will take longer because, I am advised, Senator Coonan's ability to get it through the federal parliament, in terms of the federal government's legislative program, is delaying that somewhat.

Come 30 June, we do have a serious problem. We are working it through. It is no easy answer because, if all the insurance companies are walking away from this and wanting to charge skyrocketing premiums, one of the alternatives is for governments to accept all the risks. I have said continually that that is something I want to avoid. If we have to take that risk on board for horse riding schools, we start to take on the same risk for everyone. How do you draw a line? How do you distinguish between the needs of a riding school and another high risk activity? Before you know it, the government is back in the business of insurance—of course only getting the high risk end, because the insurance companies have walked away from it. That is the policy dilemma for governments and I ask members opposite to think long and hard about that because, if that is the solution, it is one that I want to avoid.

I am having serious discussions with local government and with my interstate counterparts, and I am hoping that we can advance options, but I would be less than honest if I did not say that it is a very difficult matter and I am concerned about what we can do as governments. I made the point to the insurance companies on Thursday that they have a responsibility to assist governments through this difficult period.

We as governments are prepared to make hard decisions: it is incumbent upon the insurance companies to come to the

table and assist groups (potentially horse riding schools) that are facing very serious difficulties come 30 June. I am sorry that there is no easy answer: it is a difficult one and we are doing all we can as a government to find some options and potential solutions.

### WATER RATES

**Mr WILLIAMS (MacKillop):** Does the Treasurer stand by his comments to the media this morning, when he stated that any increases in water rates would be decided by the SA Water Corporation later in the year? Just before election day in February, the Treasurer assured the South Australian public that water rates would not rise under a Labor government. By about 8.30 this morning he broke that promise and informed the public that water rates would, in fact, be rising as part of the across-the-board 4.2 per cent rise in government fees and charges. About 10 minutes later the story changed again. This time we were told that the Labor government believed that it was not actually responsible for determining water rates and that decision would be made by SA Water later in the year.

**The Hon. K.O. FOLEY (Treasurer):** On radio this morning I was explaining the 4.2 per cent increase and the formula for it. I was not certain whether water increases were covered, and I corrected that very quickly. The SA Water board, as members opposite know, makes recommendations to government for its increases. Its past practices (under the former government) were, I am advised, inflation plus a 1 per cent factor for recouping country water. That is what I am advised: my colleague the Minister for Government Enterprises may well be able to correct that.

The advice I was provided with was that they will be set by the SA Water board and advised to government. Of course, it is up to government whether or not it accepts them, but CPI adjustments for water rates have occurred in the past and will occur in the future. That is the advice that I was given: if there is any further detail to provide on that, I will be happy to respond.

### R&D START PROGRAM

**Mrs GERAGHTY (Torrens):** Will the Minister for Science and Information Economy inform the house of the impact on South Australia of the recent decision by the commonwealth government to suspend the R&D Start program?

**The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Economy):** I thank the honourable member for her interest in the future of research and development in South Australia. The R&D Start program was established by the commonwealth government to assist Australian industry to undertake research and development for commercialisation. The R&D Start fund was competitive and merit based, and applicants were required to demonstrate that they were able to fund a share of the project costs in conjunction with the funding support to be offered by Ausindustry.

Grants were available for up to a maximum of \$15 million but typically ranged between \$100 000 and \$5 million. In 2000-01 the R&D Start program approved 249 grants and loans to industry across Australia, totalling approximately \$207.8 million, with the program's expansion under the commonwealth government's innovation plan called Backing Australia's Ability. It was expected that \$180 million worth

of support would be available to fund new projects each year up until 2006.

However, on Friday 26 April the commonwealth Minister for Industry, Trade and Resources (Hon. Ian Macfarlane MP), announced what was called a 'temporary suspension'. The 'temporary suspension' of R&D Start funding will have a significant impact on South Australia, given its high success rate in receipt of grants under this program. Considering that our pro rata entitlement might be 8 per cent of funds, we received 13.1 per cent in 2000-01 and this year to date have received 14 per cent of the available national funding.

Of the 500 applications available, again 14 per cent—or 75—are from South Australian organisations. So, the R&D Start program is particularly important for a predominantly small business state such as South Australia, as it offers funding that enables companies to conduct new or additional research and development that would not otherwise have been possible. The temporary suspension of the R&D Start program may jeopardise the private sector funding and delay R&D starts because small South Australian companies would face difficulties sourcing adequate replacement funding from other areas of their business. The commonwealth decision to suspend R&D Start programs is extremely disappointing for South Australian companies, for small business in South Australia and for the future of research and development generally in this state.

### SA WATER

**Mr VENNING (Schubert):** Does the Treasurer stand by the government's pre-election commitment that Labor's plan to get another \$10 million out of SA Water will not lead to job losses? In a radio interview just prior to the election, the Treasurer claimed:

There are real meaningful opportunities to further make the organisation more efficient, and there will be no effect on the work force.

**The Hon. K.O. FOLEY (Treasurer):** I say to the member for Schubert and all members of the house: wait until the budget on 11 July.

### ELDERLY CITIZENS

**Ms THOMPSON (Reynell):** Can the Minister for Social Justice tell the house what the state government has done to assist the many community groups that help older South Australians participate in and contribute to our community? Can the minister explain in particular what has been done to assist groups supporting older people in rural and remote South Australia?

**The Hon. S.W. KEY (Minister for Social Justice):** More than 200 senior community groups will shortly receive grants for a range of projects, including computer skills courses, craft materials and dancing classes. I have signed off on \$406 000 of grants under the Grants for Seniors program, and 205 different groups have received grants which contribute to supporting the role of older people in our community. Some of the approved grants include money for cross-cultural programs involving Aboriginal and middle eastern elders in Adelaide, an intergenerational program for elders and youth in the Narrungar community of Yorke Peninsula and the purchase of a cassette player to teach traditional music to Italian seniors at the Italian Cultural Centre at Paralowie. The sum of \$50 000 has been allocated to the Council on the Ageing to celebrate Seniors Week 2002.

It is important to note that the grants are divided into two categories—development, and equipment and assistance, and 41.4 per cent of available funding has been allocated to people living in rural and remote areas of South Australia; 9.2 per cent has been allocated to Aboriginal people; and 16.1 per cent has been given to people from culturally and linguistically diverse backgrounds. These grants recognise the vital contribution made by so many older South Australians. The varied way in which the money is being used shows how many people in their twilight years are learning new skills, keeping fit and active and trying completely new things.

### SA WATER

**The Hon. R.G. KERIN (Leader of the Opposition):** Will the Treasurer explain why SA Water workers have already been informed that their services are no longer required? In answer to a question from the member for Schubert, the Treasurer indicated that no decision on SA Water jobs will be made until the budget. However, last Thursday in this house the Minister for Government Enterprises confirmed that 40 positions in SA Water would disappear, mainly in regional areas.

**The Hon. P.F. CONLON (Minister for Government Enterprises):** It may have escaped the leader's notice, but I am the responsible minister. I have to say that I can only describe this question as 'Episode 2—Attack of the Clowns'. I repeat the answer I gave last week when I said I would not rule out redundancies—

**The SPEAKER:** Order! The Leader of the Opposition.

**The Hon. R.G. KERIN:** On a point of order, the question was about the Treasurer's answer, sir, and I cannot see how the Minister for Government Enterprises has responsibility for the Treasurer's answer.

**The SPEAKER:** There is no point of order. The ministry determine among themselves who will answer the questions, whether we like the answer or not.

**The Hon. P.F. CONLON:** Thank you, sir. I will explain again to the Leader of the Opposition that, as Minister for Government Enterprises, I am responsible for SA Water. I do not know what the confusion was for either the Leader of the Opposition or the member for Schubert when I made it plain last week that we would not rule out redundancies there, and gave some reasons. I will also not rule out redundancies in the future because the ways that businesses work change over time. I have already referred to the program to make sure that we make the proper use of the skills of older people by bringing some young people in. For the Leader of the Opposition to be repeatedly pretending to have an interest in the workers of SA Water is nothing more than utter hypocrisy. His government sacked 3 000 of them. I really think it is about time the Leader of the Opposition pulled his head in on this one. We are not the people who plundered the Public Service. We have inherited a very difficult budget situation, and I can tell you that I will work as hard as I can to make sure that SA Water operates efficiently and effectively in the interests of the public of South Australia regardless—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** Mr Speaker, the member for Davenport has been reading the *Advertiser*. He has got a bit excited about how he was described as having done a good job. Don't worry! It was merely an aberration, I can tell the member for Davenport. I do not think they really meant it when they wrote it. Let me repeat what I have said: we will

face up to our responsibilities in a difficult environment by running SA Water in the best way we can, in the interests of the people of South Australia, in the interests of the taxpayer and in the interests of the people who receive the service. What we will not be doing is sacking 3 000 SA Water employees, because the previous government did not leave that many.

*Members interjecting:*

**The SPEAKER:** Order!

### SOUTH-EAST FIRE SEASON

**Mr CAICA (Colton):** Will the Minister for Emergency Services advise the house why the fire danger season in the South-East was closed on 24 May?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON (Minister for Emergency Services):** It is funny that the opposition finds so much risibility, because I have been asked the same question by some of them; so I do not know why they find it so funny. It just so happens that I am reading a note on this matter, so I am able to give some information on it. The question involves not only the ending of the fire season but also, of course, the earlier extension. There is an important answer here, and I know it is important because the matter was raised with my office not very long ago by the member for MacKillop, so I assume they do have an interest in it. On 9 April, the Country Fire Service Board declared the fire danger season in the lower South-East extended until 31 May. This was done after consultation with the relevant regional bushfire prevention committee made up of local representatives of the South Australian Farmers Federation, the CFS, local government, National Parks and Wildlife and Forestry SA.

The decision to extend the fire danger season in this particular fire ban district was made in response to a request from the South Australian Government Agencies Fire Liaison Committee. That committee had received advice from the Bureau of Meteorology that the soil dryness indices were exceptionally high and that there was no chance of rain in the foreseeable future. The decision was gazetted and advertised in the *Advertiser*. Then, as they have pointed out, widespread rainfall did occur in the middle of May.

The Country Fire Service received feedback from the local community that prompted a review of the close date for the fire ban season. Consultation again occurred with the Regional Bushfire Prevention Committee, and the Country Fire Service closed the fire danger season in the Lower South-East on 24 May—from memory, the same day the member for MacKillop asked the question. So I have to say that they were in front of the game. I understand this allowed land-holders in the South-East to clear in time to commence seeding prior to the ground temperature dropping, which would, of course, have adversely affected their crops. I am happy that the Country Fire Service responded promptly on this occasion; however, after speaking to people in the South-East recently at our country cabinet I am going to be speaking to the chief executive. Pleased as I am, we are going to see if we can make the process even speedier, so that we look after people like the member for MacKillop.

### PORTRUSH ROAD

**Ms CHAPMAN (Bragg):** My question is directed to the Minister for Transport. Will the minister confirm in respect

of the Portrush Road upgrade that Transport SA will not attempt to deny the local community the paved footpaths that they were promised? The commonwealth funded project for the upgraded expansion of Portrush Road, a major road, is now under way. Early in the project the property owners along the roadway were consulted in relation to the amenities, including the replacement of fences and paved footpaths, in consideration for the infringement onto their property and significant inconvenience during the construction. Those plans have been published and agreed upon. The Norwood-Payneham and Burnside councils were requested by Transport SA to contribute to the cost of the project. They have each declined. They were asked again on the weekend and, if they do not contribute, bitumen footpaths will be laid as of next Wednesday. The residents along Portrush Road have been very supportive of this project overall, and generally patient and tolerant, and now face being denied the amenity that they were promised. I seek an answer from the Minister for Transport.

**The SPEAKER:** Yes, well, the member for Bragg sails close to the wind. We know the member for Bragg seeks an answer from the minister; we heard the question. It is not necessary to either repeat it or make some other gratuitous remark at the conclusion of an explanation. The Minister for Transport.

**The Hon. M.J. WRIGHT (Minister for Transport):** I thank the member for Bragg for her question. Transport SA has sought a financial contribution from the City of Burnside and from the City of Norwood, Payneham and St Peters for the drainage, footpath and powerline components of the Portrush Road upgrade. These contributions are sought for components of work that fall within local government responsibility. These contributions are sought in accordance with longstanding arrangements that Transport SA has with councils and, may I say, the arrangements that have been called for by Transport SA have been supported by the Local Government Association. These cost sharing principles have been applied to other projects, such as Cross Road, Sir Donald Bradman Drive, Mount Barker Road and Robe Terrace. The City of Port Adelaide Enfield is currently committing funds to the undergrounding of powerlines and the paving of footpaths along Hampstead Road.

The City of Burnside and the City of Norwood, Payneham and St Peters both concede that the arrangements are, in principle, acceptable to them, and the City of Burnside has recently contributed to the upgrade of footpaths and undergrounding of powerlines of Portrush Road at the Glen Osmond intersection. However, in this instance both councils have advised that they will not contribute to the Portrush Road upgrade financially, with both councils considering that this project should be totally federally funded. The problem here is that the previous administration, your administration, failed to ensure that there was any specific agreement in place with these councils with regard to their contribution for this vitally important project. That is, the previous Liberal administration failed to bolt this down. It was simply assumed otherwise. Regrettably, this is the situation that this government has inherited from the previous administration, a financial blunder, another financial blunder, that reeks of confusion and uncertainty as well as incompetence.

The previous government has allowed financial arrangements with third parties to be left to chance. That is a shameful situation. Sufficient funds are not available within the current approved project budget to meet additional costs within the local government bodies' responsibility. Federal

government representatives have advised Transport SA that they will not allocate additional funds to cover improvements to areas of local government responsibility, and neither will this state government.

The government is concerned about the precedent that this decision could have on future road projects involving contribution of funding from councils for components of projects that have traditionally been their responsibility. Transport SA has advised both councils that the scope of the project will need to be reduced to offset the loss in funding associated with the decision. To deal with the poor financial and contractual oversight of the previous government, this government expects that in the future such arrangements will always be formalised, leaving no confusion.

The only thing that the member got right is that I did meet with councils, at one o'clock on Saturday, and I informed them that, if they did not pay their way, they would miss out on these services. That is the only thing that the member got correct and this government will be sticking to what it has always been: traditional local government responsibility. The only thing that I can apologise to those councils about is that the previous Liberal government failed to negotiate and inform them of that detail.

#### TEACHERS' STATUS

**Ms BREUER (Giles):** Will the Minister for Education and Children's Services explain what this government is doing to raise the status of our teachers?

**An honourable member:** Giving them a pay rise!

**The Hon. P.L. WHITE (Minister for Education and Children's Services):** I thank the honourable member opposite for his suggested answer to this question.

**The SPEAKER:** Order! Interjections are out of order.

**The Hon. P.L. WHITE:** I would like members to know that it is a priority of this government in the education portfolio to take steps to raise the status of the teaching profession. Promoting quality and status of teaching is absolutely fundamental to what this government aims to achieve in our classrooms. There is no other profession quite like teaching, I believe. Teachers make a difference in people's lives—they educate, they nurture and they guide children's growth and development. A teacher can impact on the course of a person's life. Most adults can remember a significant teacher and the impact that person had on their life. I see a lot of members nodding on the other side and it would appear that the leader had some good teachers.

Yesterday I had the welcome opportunity to attend a recognition ceremony of SACE achievement by Aboriginal students. This year, 57 young men and women achieved SACE, which is a considerable increase over the past few years, and one of the things that struck me as I listened to the experiences of a number of those young people was that they each identified, along with family supporters, at least one significant teacher or Aboriginal education worker (AEW) who provided the environment and the incentive for those young people to achieve.

Teachers are the backbone of our schools and our public schools, and, together with the supporting work of an army of school leaders, including support staff, parents and volunteers, they are the key to this government's aim of strengthening our public education system, particularly. They deserve to feel valued, they deserve to be recognised for the work they do, and they should be supported, given the environment, to weave the magic that takes eager young

children through a journey of learning to become knowledgeable and skilled young adults.

Unfortunately such appreciation of the value of teachers in the classroom has not been forthcoming in recent years. The confrontational approach by the former government succeeded only in making teachers feel undervalued and despondent, and it led to quite a morale problem within our teaching force. Add to that the poorer chance of gaining permanent employment under the previous government's deliberate policy to move to contract and casual employment, and it really is no wonder that the morale of our teachers has been at an all-time low.

It is crucial that we take on the problem of the status of teaching, particularly in our aim of attracting more males into the teaching profession. The under representation of males in primary and junior primary schools is an Australia-wide issue. Giving teaching the professional status it deserves is also an essential ingredient in achieving a highly motivated work force. Teachers are an essential key to achieving classroom success from students. Respect is driven from the top and, as minister, I recognise that, and I will certainly be doing all in my power to ensure that we give priority to the quality and status of teaching and ensure that the government continues to value teachers and protect and promote the status of teaching in South Australia.

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## GRIEVANCE DEBATE

### INSURANCE, INDEMNITY

**Dr McFETRIDGE (Morphett):** After hearing the ministerial statement and answers to questions today, and after reading the Soapbox in the *Sunday Mail*, my advice to people like Michael Kalleske, Serita Stratton and the hundreds of other horse owners and horse industry operators in South Australia is to get their horses in, pull their shoes off, do their teeth and turn them out—there is not much hope.

*Members interjecting:*

**Dr McFETRIDGE:** I said, get those horses in, pull their shoes off, do their teeth and turn them out because there is no future for some horse industry members. A shocking thing is happening.

*Members interjecting:*

**Dr McFETRIDGE:** If some of the members on the other side had any idea—

**The DEPUTY SPEAKER:** Order! I remind the member for Morphett that the chair has the authority to turn people out, as well, and there will be no interjections from the member for Wright or the member for Torrens. The member for Morphett.

*Ms Rankine interjecting:*

**The DEPUTY SPEAKER:** The member for Wright will be named on the spot if she speaks over the chair. The member for Morphett.

**Dr McFETRIDGE:** If members opposite were to listen to their constituents and read the newspapers they would see that there is a dire crisis facing the community, not only in the horse industry but also in the tourism industry. On Friday night I was talking to a chap from Victor Harbor who said that his public liability insurance has increased from \$13 000 to \$73 000. How the heck is he going to be able to afford

that? He has had two claims in the last five years. Some riding schools and pony clubs have had minuscule claims, yet they are the meat in the sandwich. What can we tell these people? We just cannot keep delaying.

More consultants are coming in, not that this government calls them that: it calls them teams of eminent lawyers. The Minister for Health said today that a team of specialists is coming in—consultants are coming in. That is not what we require: we need an answer. I am patron of the Metropolitan Show Jumping Club and I was at the club yesterday to present some prizes. The riders had to fill out an indemnity form, and I am happy to table it. They had to sign that indemnity form before they could ride. They are covered by the EFA insurance but they still had to sign an indemnity form. Fortunately for them, not only was a vet present but also a lawyer, and he was able to give them some good advice. That lawyer, Jacob Van Dissel, is well known to this house and I know that he is a very keen horserider and I will be interested to learn what his legal advice is to members of this house.

Yesterday in the Soapbox, the Treasurer said that we will consider capping, we will consider how to make waivers, we will consider legislation and we will cooperate. Indeed, he said most of it again today; I thought he was going to read the Soapbox to us in his statement to the house. We are not getting any action. We are getting consideration but we want action from this government. We do not just want delays. To say at the very end of the Soapbox that three very eminent legal minds will investigate and report back in a couple of months is not good enough. A couple of months? We need answers in a couple of weeks—30 June is a couple of weeks away, not a couple of months. I ask again: what am I going to tell Mike Kalleske and Serita Stratton when their businesses close in a couple of weeks, not a couple of months?

I acknowledge that the Treasurer appears to be genuinely concerned about this matter. However, more than concern is needed—we need action to be taken. Some members opposite find this a laughing matter, but I assure them that this is not a laughing matter. It is a serious matter to proprietors of riding schools that have been established businesses for 30 to 40 years. I have known Serita Stratton for 18 years. I know how hard these people work: they work long hours seven days a week. They just do not get up in the morning, get dressed and go to work. They get out there and clean the stables and care for the animals. The animals are not considered as a means of providing an income, they are part of their family and a way of life. If this house does not do something about fixing the problem—and I mean fixing it fast—what will they do? These people cannot be allowed to just sit out there.

There were no government members there on Saturday morning: there were two members of the opposition there, and I was proud to be one of them. While there, we talked to these people and found out first-hand what their problems were. They are not just the rich kids, they are not the silver spoons; they are people who have worked their backsides off to get these businesses up and going. They had no option other than to protest on the steps of Parliament House. It is a travesty of justice that this government is not doing more to assist them. We do not want platitudes, delays and considerations—we want more action, and we want that action today, not in a couple of months time. We should not just rely on advice from consultants—let us do the right thing. Members can call these consultants whatever they like—consultative committees, specialists, teams of lawyers, staff

lawyers, but do not criticise those who have done the right thing by seeking specialist advice. Admit it, do the right thing by the people of South Australia and do it today.

#### KIDMAN PARK COMMUNITY CARE GROUP

**Mr CAICA (Colton):** I rise to speak today about a group within my electorate called the Kidman Park Community Care Group. While doorknocking in the lead-up to the election, I doorknocked the old part of Kidman Park—

**Mr Rau:** You doorknocked the whole of Kidman Park.

**Mr CAICA:** As the member points out, I doorknocked the whole electorate. In this older section of Kidman Park, which is predominantly a Housing Trust area, I came across a woman called Maureen Bragg, who said that if I was successful—or even if I was unsuccessful—in my pursuit of election to parliament I should take the opportunity of going back after the election to visit the Kidman Park community care group. I found it interesting, anyway, because all of us are associated with a number of community-type groups, but what struck me within this organisation was the word ‘care’. They are a group of people who care for a lot of things and not just each other.

Following the election, accompanied by my beautiful wife, I took the opportunity to attend a meeting of the Kidman Park community care group. They are all volunteers and, quite frankly, it was like walking into a room full of my mother. I know that cloning is an interesting subject, but it was like walking into a room full of clones of my mother. I say that because my mother is a delightful lady as well. These women, who are aged between 60 and 80, were meeting on a Monday afternoon and caring for each other—and that is a very good thing.

I have one of the programs which they have adopted for this current year. They do such things as afternoon tea, flower arrangements and show and tell. They meet on Mondays, and I invite any member in this house to attend with me. In fact, the group had this week off for the Queen’s birthday, which I found very surprising because I think they would mostly be royalists. However, be that as it may, the group will not be meeting on 10 June. I am certainly interested in attending, along with any other interested member, the ‘sing along with us’ function they are holding on 17 June. As I have said, I would encourage all members to attend. The beautiful thing is that they made me and my wife feel welcome. They also make each other feel welcome. You would have to come along to see their ages. They get together on a Monday afternoon and care not only for each other but also the broader community. It is a shame that there are not more groups such as this in the broader community.

**Ms Rankine:** You are singing their praises and not just singing along.

**Mr CAICA:** That is right. I am singing their praises, and they are a magnificent group of people, but they do have a problem. I asked them, ‘What is troubling you women here today?’ There is not too much. Most members would look at them and say that there is not a great deal within their lives with respect to what they have. They have struggled all their lives, and they have struggled together, and they are very happy with what they have. However, someone in their infinite wisdom decided that the letterbox where they post their letters should be removed. It must be remembered that these are not women at the cutting edge with respect to information technology.

Unlike other areas where people might decide not to use such information because they may be Luddites, these people have no choice. They actually write letters on occasions such as Christmas time or their friends’ birthdays. Well, their local letterbox was removed on the basis that it was decided that they did not post enough letters. I believe that is disgraceful, because they now have to walk. Bearing in mind that many of them depend on walking frames to walk and they do not own cars, they have to walk a significant distance to post letters. In fact, they do not write as often because they cannot walk that extra distance.

One of my first responsibilities when I first became a member of parliament was to write to the relevant authorities to ask, ‘Why did you take the letterbox away?’ and ‘Why don’t you put it back?’ Of course, those people who are further up the food chain than I, or indeed these women from Kidman Park, do not bother to respond to my correspondence. I expect that from Senator Alston and the relevant people at the federal level, anyway, with respect to how they really care for the people they represent. They could take a leaf out of the book of this community care group and care a little more for the people whom they represent than they are showing at the moment. I am certainly not going to give up—and nor are they—and sooner rather than later they will ensure that they will get back their letterbox. I encourage any member to come along with me to any one of their Monday afternoon functions.

#### FAIRVIEW PARK SHOPPING CENTRE

**The Hon. D.C. KOTZ (Newland):** I raise an issue of concern in relation to the Fairview Park Shopping Centre, which is located on Hancock Road just outside my electorate of Newland and entirely within the electorate of Elizabeth. However, I do share a boundary with the member for Elizabeth and the constituents of Banksia Park and Ridgehaven in my electorate, all of which share a close proximity to the shopping centre. The owners and tenants of the Fairview Shopping Centre have chosen to send a delegation to me because both the member for Elizabeth and the Minister for Transport have supported a traffic management measure which seriously impacts on the financial livelihood of the centre and, therefore, the livelihood of the tenants at the centre.

Prior to the Easter weekend holiday, the Department of Transport sent officers to erect a no U-turn sign affecting northbound traffic on Hancock Road. The positioning of the sign has meant that all northbound traffic no longer has direct access from that side of the road directly into the shopping centre. On 22 April, I sent a letter to the Minister for Transport saying that this is an issue that first arose in 1994 when Transport SA initiated a no U-turn sign on Hancock Road adjacent to the Fairview Park Shopping Centre. The matter was resolved at that time after discussions and negotiations with Transport SA.

The major concern for small business traders is the loss of trade from people travelling north on Hancock Road who would have to bypass the centre to a point beyond the centre and then complete a U-turn to enter the shopping centre. It was shown at the time this matter was first raised that a majority of people who had intended shopping and spending their dollars at the centre were put off by the inconvenience of no direct access to the shopping centre and would therefore continue to another outlet. Access to the centre is enabled by two access and exit points. The location of the centre starts

at the top of a hill and the roadway past the centre is on a downhill slope. There is one access just below the peak of the hill and another halfway down the slope. This is where an island crossover enables people seeking access to the centre from the northbound carriageway to make a U-turn into the centre. There is a further exit road from the residential area, which is on the northern side of Hancock Road, directly opposite the island crossover.

After the whole matter was assessed in 1994, the U-turn was removed once again and normality prevailed. It is somewhat disturbing that Transport SA would appear to have arbitrarily taken a decision that will have a severe impact on small business traders without prior discussion or warning that this actual change would take place. Most disturbing is that the shop owners and traders were not consulted on this arbitrary decision. The residents of the area who had this access denied to them were not advised of the change. Their having been able to access this point for some 30 years it is now a major point of contention for the residents, and a greater concern to the 50 families who are supported by the businesses that are run through the centre, because of the substantial loss of income. There has been no advice or consultation, and it is not acceptable for Transport SA to conduct its business in this manner.

To add insult to injury, it would appear that the only notification given by Transport SA was to the South Australian police, who have undertaken to locate a police vehicle and officers, strategically placed, outside the centre. These representatives have now, on numerous occasions, followed vehicles into the centre, issuing expiation notices for people who have inadvertently breached the No U-turn direction.

I sent a letter to the minister on 22 April, and at this time I have not had the courtesy of a reply. The minister did, however, reply to a letter sent by the member for Elizabeth on 19 April. His one concession was to limit the no U-turn between the hours of 4.30 p.m. and 6.30 p.m., which he stated was the afternoon peak period. The irony of that concession is that it is indeed a peak period for the shopping centre. Commonsense needs to prevail on issues such as this, and I call on the minister to revoke his decision and let commonsense dictate the outcome, as occurred in 1994.

Members would have heard that a petition tabled in this house today was signed by some 885 people. This petition was signed over this weekend, and I can assure members, the Minister for Transport and the member for Elizabeth that these concerns are extremely aggravating for all the people in the area, and particularly for these tenants, some 50 families who rely on the businesses in that area and whose livelihood is therefore dependent on consumers being able to access their centre. The minister advised in his letter that, if further contact with Transport SA was required, a certain officer from the department could be contacted. The people in the shopping centre found that person was on holidays for a month.

Time expired.

**The DEPUTY SPEAKER:** Before calling the member for Enfield, I remind members of what I said last week—that I will allow members to finish a sentence, even if the clock is showing zero time but that members must not abuse that.

### TATTOO PARLOURS

**Mr RAU (Enfield):** Before raising the matter on which I rise, I cannot help but reflect on something that occurred to me when I was listening to the member for Morphett's

contribution. I know that he has a background in the veterinary sciences and that he was talking about issues relating to horses. My mind spun off, as it occasionally does, and I was reminded of that great television program, *Mr Ed*, which got me through many of my young years and which the member for Morphett might recall. Of course, *Mr Ed* had a great injunction to anyone who bothered to listen to him, namely, never to speak unless he had something to say!

Anyway, I want to move on to another matter which I am sure will concern everybody in the chamber, and that is the question of—

**Dr McFETRIDGE:** I rise on a point of order. I hope the honourable member is not implying that what I had to say was frivolous in any way, shape or form.

**The SPEAKER:** There is no point of order.

**Mr RAU:** I will read it with interest. I would like to raise another matter that occurred to me also, although not quite at the same moment, and that is a question that has been brought to my attention by people over time, that is, the proliferation of tattoo parlours around Adelaide. It appears that these places are popping up all over the city and suburbs. It has been put to me that they are often associated with unsatisfactory elements; I do not know the truth or otherwise of that. However, I do know that a number of people have said to me that they have serious regrets that at some stage in their lives they visited one of these places and are left with the outcome forever, unless they find a doctor who is able to remove it, at great expense and probably with an unsatisfactory outcome.

I suggest to members that we give some thought to introducing what amounts to a cooling off period for people who want to go to a tattoo parlour. I suggest a system whereby you go to the tattoo shop and go through the extensive array of fantastic photographs of skulls and other things that are there. You ascertain which one you want (whether it is a skull with a lightning bolt through it or one of the other excellent designs) and, having come to a particular conclusion about what you want, you then fill in a form that says, 'I wish to be disfigured in this fashion with this particular design.' You then go away and wait for three days (which I think is an appropriate time) and then you come back and have the job done. The reason I suggest this, as many members would be aware, is that these are often spur of the moment decisions; and, anecdotally, I have had it reported to me that alcohol occasionally has something to do with it.

It seems to me that unless you are very serious about drinking, and assuming that most drinking occurs on Thursday, Friday or Saturday night, a three day cooling-off period should enable you to sober up and get past the weekend so that in the new week, and in the cold light of day, you can make a decision about whether you still want this excellent design put onto you. Members of the house might be interested to know that my quick research this afternoon suggests that, presently, there is probably only one offence that is of any value and this is section 21A of the Summary Offences Act, which makes it an—

*The Hon. M.J. Atkinson interjecting:*

**Mr RAU:** —it is an excellent act—offence to tattoo a minor, although, of course, you can defend such a charge by saying that you thought that someone was older. I think that might be something that requires a bit of a review. It is interesting to contrast that with the Criminal Law Consolidation Act sections 33A and B, which deal with female genital mutilation. That is, of course, a very serious matter; but that prescribes a seven-year penalty as a maximum offence,

whereas tattooing a minor presently incurs only a \$1 500 fine, and even then you have the defence of being able to say, 'Well, I thought that the person was older because they arrived in a car' or, 'They said they were older.'

*The Hon. M.J. Atkinson interjecting:*

**Mr RAU:** No, it does not, and that is another interesting point. Where are these tattoos—

**The DEPUTY SPEAKER:** Order! The member for Enfield will address the chair and ignore the Attorney-General.

**Mr RAU:** I will; I will return to the story. In any event, I think that there is time for us to have a revisit of this whole subject of tattoos and, for that matter, body piercing. I think that we need to move it all under one piece of legislation so that we, first, protect minors; secondly, provide some sort of licensing arrangement—

Time expired.

### GOMERSAL ROAD

**The Hon. M.R. BUCKBY (Light):** This afternoon I want to raise an issue regarding the Gomersal Road, a project of the previous government and one which was allocated some \$7.7 million in the budget. Last Friday, the mayor and the CEO of the Light District Council and I inspected the volume of traffic that is currently using the road. Prior to the election, members may have been aware of the publicity the amount of traffic that travelled through Murray Street, Gawler, received not only through the local Labor mayor but also through the *Advertiser*. It has been an issue for a long time. Certainly, Gomersal Road has vastly removed a great deal of traffic from Gawler.

In fact, the current figures are some 2 500 movements on that road per week as against what was estimated to be about 1 500, and the estimate is that the figure will rise even further once people get to know that they can save about 10 to 15 minutes of travel time from Tanunda to Adelaide by using Gomersal Road instead of going via the Barossa Valley way. One issue it has raised, though, is the fact that, in the final top dressing of the road, 14 millimetre stone was used rather than seven millimetre stone. The impact of this is that there is a significant noise problem for those residents who are living adjacent to the road.

This issue was raised by local residents with Transport SA while the road was in the planning stage, and also while the road was being built. However, Transport SA indicated to the residents that there would be 'no more noise than the normal gravel road they had previously'. Well, what they do have is noise that is around three to four times the level of acceptable EPA standards for road traffic noise. I am pleased to say that the Minister for Transport (Hon. Michael Wright) is investigating this matter. We are undertaking a review to look at the level of noise and what sort of surface might be able to be laid on top of this stone, either just in front of residents' homes or, in fact, for the length of the road.

I visited the site and stood talking with residents for probably a half to three quarters of an hour and, certainly, there is a significant issue. I am pleased to see that the minister is acting on the issue. I am also pleased to see the tremendous reduction in traffic Gomersal Road has had on Murray Street. If one stood on Murray Street, Gawler, prior to the opening of this road, one would not have stood there for any more than about, I would say, one or two minutes at the absolute outside before semi trailers with containers from Orlando travelled down the road, as well as vehicles carting

sand or other heavy vehicle traffic. Murray Street had become very congested.

It was particularly difficult for older pedestrians wanting to cross the road. In terms of negotiating traffic, quite an effort was involved to get across Murray Street, particularly as there is only one set of pedestrian lights for people to use. The design and actual road has been an outstanding success. There is a problem with just this one factor. As I say, residents raised this issue with the engineers in the planning stages of the road. I have written a letter to the minister asking that this problem be investigated. The residents have had discussions with Transport SA officers asking the same thing. Currently under consideration is what might be able to be done in terms of the reduction of noise on the road.

One other issue, in terms of where one enters the Gomersal Road from Sturt Highway until the first crest, is the reduction in speed limit. Currently the limit is 90 km/h, but it could be worth while for Transport SA engineers to look at reducing that limit to 65 km/h so that it improves the safety for local people.

Time expired.

### INSURANCE, PUBLIC LIABILITY

**Mr HANNA (Mitchell):** I rise to speak on the subject of public liability insurance and the debate about whether there should be legislative change to limit the payments to injured people and to increase insurance company profits. There has been talk about a range of legislative reforms, in part based on the New South Wales experience, and I will speak more about that in a moment. We, as a compassionate Labor government, would have no cause to attack, of all groups in the community, those who were injured in public events. By that I mean the range of sporting activities, organised beach events, riding schools, etc., to which there is public access.

On these occasions people may be injured; they make compensation claims and they may well deserve compensation for their injuries. When we talk about tort reforms, I cannot help but think of what the Treasurer (Hon. Kevin Foley) said in this place on 29 May in answer to a question. He said:

... [there is] debate among financial writers for the *Financial Review* who are questioning whether tort law reform will indeed deliver the reduction in premiums that some are hoping for, because we do not know how the insurance companies will react.

That makes a lot of sense, because if you restrict what insurance companies have to pay out to injured people, but you have no control put in place over their premiums, the obvious thing to do is to maintain or increase premiums and make even more profit at the expense of injured people—those people about whom we, as a Labor government, care more than the insurance companies. That is the way I see it. I want to address two common misconceptions in respect of insurance payout, especially in respect of the stories that have been fed to the press by the insurance companies and their publicists. One is in respect of payouts. Regularly, in the *Advertiser*, we read about a payout for \$50 000, \$100 000 or \$200 000 for an injured person. If we read the fine print, we see that invariably most of that goes to the payment of medical costs; in other words, a direct payment to medical providers, hospitals, doctors and the like for treatment of the injuries that that person has sustained. So, it is not money in the pocket: it is not money with which to take a trip to Paris.

Secondly, people talk about a pot of gold in respect of insurance company payouts, and the member for Enfield laid

the ground for this with his contribution in this place a few weeks ago on the same issue. The fact is that these payouts are for the result of injuries from negligent actions of someone. You do not go along to the beach, the fairground or the riding school, fall over and get an entitlement to a payout. That is not how it works: they are based only on the negligence of other people. If people are not negligent, there is no payout. It is bad luck. It is an accident. In that case, there is no insurance payout at all.

So, we have to bear in mind that these payouts come about only because of the wrongful acts of people, and the people who are now complaining that they cannot afford insurance premiums need to bear in mind that risk management here is critical. If they are careful, there will not be successful damages claims which, in turn, lead to the insurance companies wanting to increase their premiums.

I will briefly say something about insurance company profits. A short time ago there was an excellent article in the *Financial Review* by Chris Merritt and Ashley Crossland which referred to a report by the actuarial firm Cumpston Sargeant. On behalf of the Plaintiff Lawyers Association, they studied the profits that insurance companies were making from public liability premiums. I am not a member of the Plaintiff Lawyers Association but I declare my interest as a legal practitioner. The report stated that profits over the last 20 years had averaged 18 per cent of premium income.

So, when these riding schools and sporting clubs in our electorates pay their premiums, the insurance companies are pocketing 18 per cent of that as profit. The small businesses in my electorate would love to make 18 per cent profit a year, yet the New South Wales tort reforms, according to this actuarial report as reported in the *Financial Review*, will double those profits to about 35 per cent. We are giving the insurance companies a ticket to double their profits in the public liability area if we act in the same way as New South Wales did. We need to be very careful about our priorities. In my submission, our priorities should be those people who have the misfortune to be injured through the wrongful act of others at public events.

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#### MATTER OF PRIVILEGE

**The SPEAKER:** Order! In response to the inquiry made by the member for Waite at the commencement of proceedings today, I have to inform the house that my remarks about that in this instance and in any subsequent instance in which I need to report to the house are not about the merit of the policy, either way, which was the subject of contention in the question that was asked but, rather, merely whether the minister may have misled the house and whether there appears to be prima facie reason to entertain a motion accordingly.

The material put to the chamber by the member for Waite contains quotes from cabinet documents. I have not seen those documents, nor has the house had the opportunity of seeing them and, before I am able to deliberate on whether or not the assertions made by the member for Waite are valid in any particular, I will need to see them and, accordingly, I order that they be brought to me for careful examination forthwith—and that is the entire file in the possession of the member for Waite.

That goes to another matter which is not currently being entertained by the house but which warrants any member's, and perhaps every members', serious contemplation. I will say at this juncture that ministers might avoid awkward predicaments if, when ministers are answering those questions, they stick to what they are doing and are proposing to do rather than what former ministers may or may not have done or proposed to do.

Therefore, I will leave final determination of the matter until I have received in the chamber those documents from which the member for Waite was quoting, and I will get back to the house later this day if opportunity for me to consider them enables me to come to an opinion in time before the house adjourns.

#### AGRICULTURAL AND VETERINARY CHEMICALS (SOUTH AUSTRALIA)(ADMINISTRATIVE ACTIONS) AMENDMENT BILL

Second reading.

**The Hon. K.O. FOLEY (Deputy Premier):** I move:

That this bill be now read a second time.

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

Leave granted

This Bill is part of a legislative response to the decision of the High Court in *The Queen v Hughes* (2000) 171 ALR 155 and other related matters, which includes the *Co-operative Schemes (Administrative Actions) Act 2001* and the *Commonwealth Agricultural and Veterinary Chemicals Legislation Amendment Act 2001*.

The legislative response will—

- (a) validate things done or omitted to be done by certain Commonwealth authorities or officers in pursuance of the National Registration Scheme (NRS) for agricultural and veterinary chemicals that are potentially invalid following the decision of the High Court in *Hughes*; and
- (b) validate things done or omitted to be done by certain Commonwealth authorities or officers that are potentially invalid due to certain gaps in the NRS legislative scheme that have arisen independently of the decision in *Hughes*; and
- (c) ensure that things done or omitted in the future by Commonwealth authorities or officers in pursuance of the NRS have a constitutionally sound basis.

The decision of the High Court in *Hughes* has cast doubt on the ability of Commonwealth authorities and officers to exercise powers and perform functions under State laws in relation to several inter-governmental legislative schemes. In *Hughes*, the High Court indicated that, where a State gave a Commonwealth authority or officer a power to undertake a function under State law together with a duty to exercise the function, there must be a clear nexus between the exercise of the function and one or more of the legislative heads of power of the Commonwealth Parliament set out in the Commonwealth Constitution. *Hughes* also highlighted the need for the Commonwealth Parliament to authorise the conferral of duties, powers of functions by a State on Commonwealth authorities or officers.

The decision in *Hughes* affects the NRS by casting doubts on the validity of the exercise of powers in relation to the NRS by the National Registration Authority for Agricultural and Veterinary Chemicals, the Commonwealth Director of Public Prosecutions, the Commonwealth Administrative Appeals Tribunal and Commonwealth inspectors and analysts.

The proposed Act (which amends the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*) makes changes to the NRS to place it on a more secure constitutional footing and closes certain gaps in the conferral of duties, functions and powers on Commonwealth authorities and officers relating to the Commonwealth Administrative Appeals Tribunal and inspectors and analysts appointed under Commonwealth law.

The proposed Act complements the *Co-operative Schemes (Administrative Actions) Act 2001*. That Bill validates past actions of Commonwealth authorities and officers that were not linked to a

head of power under the Commonwealth Constitution, and ensures that no duty, function or power is conferred on a Commonwealth authority or officer that is beyond the legislative power of the State.

The proposed Act is supported by the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2001* of the Commonwealth. That Bill proposes to clarify the powers, functions and duties of Commonwealth authorities and officers within the NRS, and also addresses the gaps in the NRS legislative scheme arising independently of the decision in *Hughes*. The Commonwealth Bill was introduced into the Senate on 3 April 2001.

Explanation of clauses

*Clause 1: Short title*

*Clause 2: Commencement*

These clauses are formal.

*Clause 3: Amendment of s. 3—Definitions*

This clause inserts definitions of "confer" and "function" into the principal Act.

*Clause 4: Substitution of Part 5*

This clause repeals and remakes Part 5 of the principal Act, which contains provisions that apply certain Commonwealth administrative laws as laws of the State. The effect is to re-apply those laws and to re-confer functions and powers on Commonwealth authorities and officers.

There is doubt about the efficacy of the previous purported conferral of functions and powers by Part 5, since the Commonwealth has not expressly authorised the conferral of those powers and functions by the States and the Northern Territory.

The substitution of Part 5 complements provisions in the *Agricultural and Veterinary Chemicals Legislation Amendment Act 2001* of the Commonwealth that proposes to authorise the conferral of those functions and powers on Commonwealth authorities and officers.

*Clause 5: Insertion of ss. 28A and 28B*

This clause inserts new sections 28A and 28B into the principal Act. Proposed section 28A confers functions and powers on Commonwealth inspectors and analysts and thereby closes a gap in the NRS. The principal Act as it stands does not purport to confer functions and powers on Commonwealth inspectors and analysts.

Proposed section 28B will validate things done or omitted to be done by inspectors and analysts before the commencement of proposed section 28A.

*Clause 6: Insertion of s. 33A*

This clause inserts a transitional provision to provide that the re-made Part 5 applies to matters arising and things done or omitted to be done before, on and after the repeal and re-making of Part 5.

**Mr HAMILTON-SMITH** secured the adjournment of the debate.

### EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from 13 May. Page 139.)

**Ms CHAPMAN (Bragg):** I support the bill. Before specifically addressing the matter, may I acknowledge my appreciation to the Hon. Iain Evans for interrupting, in the course of this debate, the Nuclear Waste Bill which, of course—

**The SPEAKER:** Order! The question before the chair is Order of the Day No. 2, Education (Compulsory Education Age) Amendment Bill. It is not orderly for the member to refer to any other matter on the *Notice Paper*.

**Ms CHAPMAN:** I appreciate your guidance, sir. I think I have expressed my compliments for interrupting his debate. May I also say that the advancement of the debate on this matter being brought about to accommodate the proposed future leave of the minister is something that I willingly do, and I am sure that my colleagues do, as all of us in this house will be looking forward to the happy occasion that she will have in the near future. We are happy to accommodate that and wish her well. In fact, I note that the minister will

probably be eligible for the federal government's new baby bonus, so I hope that that will be cheerful and something to which she will respond positively.

The bill before the house, stunningly brief as it is, proposes to bring about a reform—in particular by way of one sentence—to increase the compulsory attendance and enrolment of children at school until the day they attain their 16th birthday. The importance of this bill, and that clause, in particular is added to by further amendments to still restrict but nevertheless allow, at the discretion of the minister, exemptions for a child to not attend school either with conditions or unconditionally. I will refer to that in due course, but I come back to the principal amendment.

The introduction of anything compulsory, on the face of it, needs to be for good reason. Indeed, there is good reason to require a child aged 15 years to remain enrolled at and to attend school in a formal education sense. The reason is not, I suggest, that which has been proposed and illustrated in speeches in this house by the minister, the Premier and, indeed, other speakers in previous debates on the substance of this matter but, nevertheless, those matters have been raised and I briefly address them because I am aware that they will be addressed in some detail by numerous other speakers on this bill.

The allegation that it is necessary to increase the compulsory age to 16 years to ensure that we redress decreasing retention rates at schools and, in particular, the decreasing number of children who complete their education I suggest is quite a nonsense. The facts and figures are quite clear and have been repeated during a number of debates. There is no question that during the period that the former government had charge of education in this state, in particular from 1993 until 2002, there was substantial and serious encouragement of children's attendance and continued attendance at school on a voluntary basis and, indeed, as of last year the statistics show that some 93 per cent of 16 year olds were at school, in employment or in training.

Certainly, of the minority percentage remaining, whilst there is a portion who may not be able to continue to attend school or, indeed, employment, for reasons beyond their control—maybe because of health or other considerations—there is a small portion who, if possible, one would like to encourage and, for the purpose of this bill, to compel to attend school. On my calculations, approximately 900 children will be affected by this clause who otherwise would leave school at age 15 years but who will have imposed on them an obligation to remain at school.

The major thrust for opposition support of this bill is the acknowledgment that in this day and age children who have a higher education achievement are likely to obtain employment—and good employment—and that the expectation of employers today is clearly much greater—that is, that the level of education is higher—and that is absolutely critical if we are to ensure that those extra 900 children, or at least a good proportion of them, maximise the opportunity for future study and/or employment that they are otherwise likely to be denied. That is why an increase in the school leaving age to 16 years has been and remains a policy of the opposition since the year 2000—I repeat that: since the year 2000—notwithstanding comments that have been made during previous addresses in this debate, and that is why we are prepared to support this bill.

The former government, under the Hon. Malcolm Buckby as minister for education, undertook a major review of the Education Act and, after careful consideration by the

committee chaired by the Hon. Caroline Schaefer, a comprehensive new education bill was advancing, and that included a provision to increase to 16 years the school leaving age. That provision was clearly in the bill and, as I have indicated, was advancing. Of course, that progress was aborted by the subsequent election earlier this year and the consequential change of government. However, in her remarks in the house on 9 May 2002, the minister stated:

Unlike a government that talked much about doing something in this area and unlike a government that said it was going to raise the school leaving age for all of its last term of government, this government is not about excuses: this government today moves at the first opportunity to introduce this change.

This is a statement made by a minister who not only sat on that education committee but also made that statement to this house in the full knowledge that the comprehensive reform was on its way, under way and, indeed, incorporated in the substance of this bill today.

The difference between the government's proposal and the former government's proposal is that the former government well understood the importance of ensuring that if you impose an obligation on students, on parents, on teachers, on school councils and on educators generally, then you have a reciprocal and clear responsibility to provide them with the means to carry out that obligation. Much will be said in the course of the debate about the current situation and, indeed, the many students who have, to date, voluntarily, as I have said, continued to stay at school post the age of 15 years and enjoyed the privileges and benefits of further education in the years since 1993; and, in particular, about the significant programs to facilitate young men and women enjoying the benefits of traineeships and the opportunities to complement their educational and vocational advancement.

More will be said, and I will not mention all of those things for the benefit of other speakers, but this bill will mean that: first, many children will be forced to stay at school when they do not want to be there; secondly, their parents will be legally bound to continue to enrol them and to ensure that they do not truant; thirdly, their teachers will be legally bound, as is clearly set out in the principal act, to continue to supervise and educate them, ensuring that they have the advancement as is set out in the objectives of the act; and, fourthly, school councils will be legally bound to accommodate them in their schools with only the threat from the minister of the following, and I read again from the speech by the minister on 9 May when she stated on the question of exemptions:

However, exemptions will not be a rubber stamp, and it will not be acceptable for schools to allow students at risk of leaving early to waste their middle years of schooling or to disrupt their peers, nor will it be acceptable for schools simply to use suspension or expulsions to avoid supporting these students in the future.

So, that is the exemption, that is the task, that is what everyone has to face, with little opportunity to avoid the obligation which is about to be imposed. Therefore, for the program to be successful—and this is important for the students in particular, because they are the ones on whom we are imposing the obligation to remain at school—firstly, it is critical for 15 year olds to have a reason to stay that they will embrace. Even if this measure is imposed upon them, they must accommodate and embrace it, and they must feel motivated to ensure their own advancement. Secondly, schools must have the resources to provide them with that productive outcome. I will quote what the minister—and, indeed, the Premier in his address to this house—has said in

relation to the provision to achieve those outcomes. Firstly, the minister said:

... schools must and will develop specific mechanisms to meet the needs of those young people who do not find that schooling suits their present needs or is relevant to their lives. There will be enhanced counselling and one-on-one support to help those students on a clear path and, if they falter, to be there to help reset them on their course. In addition, there will be targeted programs based around schools where there are particularly high numbers of students who leave early.

That is what is proposed by the minister. Earlier that day, the Premier added to the contribution in his commitment to education and the means by which the advancement of the 15 to 16 year old age group will be met, when he said:

We know that schools cannot accommodate students who are at risk of dropping out without adjusting their curricular and structures. To deal with this, we plan to include more career planning and more vocational options in the South Australian curriculum. We will provide the strong support that teachers need to implement this change in policy. Increased pastoral care programs and mentoring will help vulnerable students in developing individual plans for their education and training needs.

So there we have it. We have the announcement by the Premier that we are going to have more career planning, more vocational options and increased pastoral care programs and mentoring. Supplemented by the minister, we will also have enhanced counselling and one-to-one support, and some other undefined but targeted programs based around schools, where particularly high numbers of students leave early.

The current minister has had since 5 March 2002—indeed, he could have done this on 9 May 2002—so he has had plenty of opportunity to identify to this house and to the people of South Australia what these programs are all about and how they are going to accommodate and target the objectives of the 900 or so students who will be held in school as of January 2003. However, the minister—and, I suggest, the Premier—have failed to detail these programs, who will provide them and how they will be resourced, yet we know that during the election period in January this year the current government was apparently in a position to identify in its promises that it would need an extra 43 teachers to undertake and service this provision where children are kept at school until age 16 years, and that they would need that for this purpose. Yet we hear that general programs are to be extended when already there are substantial training and vocational opportunities in the system. Apparently there will be more, there will be mentoring and there will even be one-to-one counselling. All these things sound fantastic. I am sure that, if students have an opportunity to access them, they will be good. However, we are entitled to know what they are, how they will be delivered, who will deliver them and what resources they are going to have.

The government is asking us to press ahead with the obligation on those students, parents, school councils and the existing teaching staff and educators without any real hint or detail as to what will be provided and how, indeed, this new provision of services—this new one-to-one counselling, for example, or mentoring—is going to achieve a considerable turnaround of the attitude of these students and make them want to be in a school and not otherwise. I raise this point because I noted that in the significant debates last year the Hon. Bob Such, himself highly regarded in the field of education, in supporting the then private member's bill for the extension of the school leaving age to 16 years, said:

Of course, seeking to make young people attend school on a compulsory basis will be flawed if the curriculum and the strategies in the school arena are not adjusted accordingly. New Zealand has

gone down the path of raising the school age and, whilst it has worked in general terms, it has created some problems, because you have young people at school, conscripted, who do not wish to be there. The way in which to address that, of course, is to have programs that are relevant and of interest to them which they can find satisfying and which will help them to not only obtain employment but also provide meaning in the context of their current age.

We need to be careful and not assume that simply compelling people to be at school longer will necessarily involve the issue of education and training. How wise those words are, and how disappointing it is to note that we do not have yet outlined the detail of those extra relevant programs that are going to change the attitude, as I have said, of current 15 year olds who now leave school.

I highlight this because, already in the short time that I have been the shadow minister for education—and I have that privilege along with being the shadow minister for children's services and the office of the status of women—I have noted that the minister has raised the issues of truancy and vandalism—and, indeed, these issues have had some currency. Indeed, in the short time that I have been the shadow minister, substantial costs have been incurred in schools being burned or portions of their classrooms burned to in excess of \$1 million. I hope that is no reflection on my new appointment, and, clearly, nor do I suggest it is something that the minister has direct control over, but it has been highlighted by the concerns that have been raised. Clearly those schools have been the subject of arson and, regrettably, suffered periods of at least low level and some medium level vandalism over sustained periods of time, and this is concerning.

Only in the last week or so, the minister has raised the issue of staff and students in schools being exposed to violence, either by students toward their fellow students and towards staff or by persons external to the school, including parents. Concern has been raised about that behaviour, along with the importance of securing protection for teachers, staff and fellow students in that school environment. These are issues of concern that have been raised, and, as has been highlighted by the Hon. Bob Such, keeping children conscripted into a school classroom is, at the very least, likely to add weight to and increase the burden of difficulties in these areas. Before we proceed with the imposition, which is to have effect as of the academic year 2003, it is absolutely critical that we know what programs are going to occur and that they will be properly resourced.

In having the opportunity to debate this bill, we advance the principle and, as I have indicated, we support that. What we are missing, though, is the substance of how that will be applied. We are told that we will receive a budget for consideration on 11 July 2002, and we are yet to see what provision will be made for this significant extra resource that will be required and what capacity and program will be undertaken to ensure that they are in place and ready to accommodate the position for children in the year 2003.

Last year, when this matter was considered at some length, I had read other debates in which there had been some rather passionate speeches—indeed, even by the learned Speaker, who felt that this issue should be advanced very quickly. He said that he fully supported the bill that the previous minister was putting forward and, indeed, that it should be hastily done to ensure that it could be implemented in the 2002 year.

Well, we are now in June 2002 and we are looking to a situation where this bill is to have effect on children who will be required to stay at school and be ready for action in

January 2003. We can only hope that this will be followed up; that the Minister's general statement to date will be developed with the detail that we expect will be provided; that these programs will be effective; and that they will be sufficiently resourced to ensure that they achieve the objective that I think almost universally members of this house will support, that is, the advancement of children to be as qualified in their formal education as highly as possible, and according to their capacity and expectations. So, in principle, that has my support and indeed I expect that it will have the support of a number of others.

May I say, Mr Acting Speaker, that I am concerned to note the exemptions provisions. Clauses 4, 5 and 6 of the bill propose to repeal section 77 of the principal act (which deals with the question of exemptions generally); and to amend the act by striking out subsection (2) of section 78 of the act which, as members will be aware, makes it an offence for an employer to employ a child during the hours at which he is required to attend school, or during any part of a day or night in any labour or occupation that would render the child unfit to attend school as required by this part, or to obtain proper benefit from the instruction provided for him. I sometimes wish I had known about that section when my children were doing some work after school and working late, as one wonders whether that might mean that their employer could be prosecuted for failing to allow them to be able to do their homework.

Nevertheless, the purpose of that section which will remain, because the amendment does not affect subsection (1) of section 78 of the act, is that it makes it an offence for an employer—indeed any person whether they are a parent or otherwise of the child—to employ a child of compulsory school age. That will capture a good number more children who are in that category, who will now be required to stay at school, and who may participate in some after-school, part-time employment or on weekends, to assist in their own support or otherwise for some vocational advancement—usually for pocket money, in my experience. Nevertheless, it is a practice which is quite considerable and I do not think anyone in this house would propose to speak against its continuing.

What is proposed under the bill before the house for consideration is that subsection (2) of that exemption will be removed, which otherwise enables the minister to provide an exemption, and, in addition to that, as I have said, to remove section 77. New section 81A, which is to make provision for exemptions by the minister, is quite brief and I suppose it is all under one area, but it makes provision to ensure that there is still a prosecution of a person who allows a child not to attend school and to employ them in those circumstances, and the minister may now by written notice, if the minister considers it appropriate to do so, grant an exemption from the requirement of this part in relation to a child conditionally or unconditionally. Subsections (2) and (3) really just make provision for the contravention power and for that to be varied or revoked. They are consequential to the principal position of the minister, and that is to enable the minister to grant the exemption.

One of the aspects that I raise of some concern, and I hope the minister might address this perhaps later in the debate and provide some clarity and explanation, is that there is no identification as to the circumstances under which exemptions would be granted, and that may be the very purpose. We are yet to hear that. The presentation by the minister to date does not explain why that is the case. Historically under the

previous act and the regulations, to the best of my assessment (and I may be wrong in this), there is no definition to identify when these exemptions may apply. So there is absolutely no guidance to parents, teachers, students or educators generally as to the circumstances under which they may make an application for exemption.

Whilst that keeps the spectrum open and flexible, which is always the argument when there are no defined terms, my concern is that the very area where one might consider it appropriate for there to be an exemption from that very section in the act that imposes a liability on a person who employs a child under that section—namely, that the child has secured or has the opportunity to secure good, fruitful, positive and advancing employment—has been removed.

I can imagine circumstances where, through ill health or for other reasons, a child might seek an exemption, and probably one that few parents have the opportunity of sharing, but a few parents do, is because their child has significantly achieved in the advancement of their secondary education so that by the time they are 15 they are actually finished school. None of my children was ever that clever, but there would be obvious circumstances where exemptions would be granted. However, the very circumstance where we would be wanting to encourage children to attain secure and productive employment, if they had an opportunity, ought to be defined as an opportunity for exemption, not just generally but so that the person who employs a child in that situation and who attracts a fine may have an exemption granted to them.

With that cautionary comment on clauses 4, 5 and 6 of the bill relating to the question of exemptions, I indicate that I propose to support the bill and, in doing so, with or without amendment in due course, I will wish it success in its implementation in a positive way for the outcome of 15 year olds in this state.

**The Hon. R.B. SUCH (Fisher):** I support the bill. I have been a consistent supporter of increasing the school leaving age, although I have also been consistent in pointing out that just raising the age in itself does not address the key issues, and some of those have been mentioned by the previous speaker, the member for Bragg; for example, having an appropriate offering in regard to curricula and having adequate resourcing, because this measure will require significant additional resources.

South Australia lags behind many parts of the world in regard to the school leaving age, way behind most of the states of the United States, way behind Europe, and it is time that we did increase the school leaving age, although in itself it will not, as I said earlier, address all the current shortcomings in regard to education. I have been concerned for a long time, as the current minister and the previous minister have been aware, about the many young people who hang around shopping centres and who have been asked to leave school, which is the polite euphemism. They number many hundreds, and I would imagine that this relates not only to the city but to country areas as well. They have left school early and, basically, they are going nowhere. I am not prepared to continue to sit back and allow these young people to be idle.

Indeed, I am very passionate about this because I left school at 14. I think the school was happy to see me go as well, but I then had to claw my way back through adult education, night school, riding the old Matchless motorbike, which I wish I had kept because it would be worth quite a bit now. I am passionate because education provides the

opportunities that many of us in this house enjoy, and I want to see everyone have those opportunities.

If we look at some European countries, Scandinavia in particular, we find that young people are not allowed to be idle outside of a school, training or work environment. Young people are not allowed to hang around and be idle, as is the case currently in South Australia. I do not regard it as a draconian measure. I think it is in the interests of young people that they are not allowed to be idle; that they are in education, in accredited training, in work or in a combination of all three. This bill, which I support, as the member for Bragg has pointed out, does not contain much of the detail which will prove whether or not it is a worthwhile innovation. So, I look forward to examining the detail in the future. That will be absolutely critical in determining whether, as a measure, it will work.

Currently, with a compulsory school attendance age up to 15, we still have a lot of problems with truancy and, in my view, an ineffective use of school learning time. It is one thing to specify the age until a person must remain at school and the length of the school day but it is even more important what happens whilst students are at school. It is time we took a close look to ensure that what we are providing is relevant, appropriate and serves the needs not only of young people but of the wider community. There is no reason why we cannot link school, work and training. In fact, it happens now to some extent in some schools but there is an opportunity to do even more in that regard.

It was the member for Hammond in a previous session of parliament who raised the suggestion that there be no compulsory school age, and I guess that his view was based on the notion not only of freedom of choice but the fact that some people could be educating themselves, in a sense, by being in the workplace. We need to acknowledge that education and training are indeed lifelong. One would be kidding oneself if one thought that staying at school until the age of 15, 16 or 17 was the end of education and learning. That would be a nonsense. We need to accept that learning, in whatever form, takes place throughout the remainder of one's life. So, we have to get across to the community this idea of continuous learning and the continuous need for training.

I guess a lot of people in the community still have a hostile memory of their school experience. I believe that comes out whenever teachers are linked to a pay rise or whenever teachers' hours are mentioned. I believe that residual hostility in the community still exists towards teachers and education generally, and that is unfortunate because without the opportunity of a good education one is denied not only the enjoyment but also the possibility of maximum achievement and the realisation of potential in one's life.

This bill not only will provide a statutory requirement but also, signals to the community that if this bill passes—and I believe that it has a good chance of passing—the government, the opposition and other members of parliament believe that it is important to extend the time of formal education. So, not only is it about passing a law but also it indicates quite strongly that we as legislators believe that, in this day and age, it is important to spend a longer period of time in a formal school environment.

It is fair to say that many schools, in one way or another, have rid themselves of many students—as I have hinted at previously—if they did not show any academic prowess or did not bring glory to the school. I do not believe that that is acceptable in this day and age. I note that the bill makes clear

that there will be no rubber stamp exemptions; otherwise it would be farcical if the school leaving age was raised and yet the various schools could exempt students and, in that way, bypass their obligation to provide for the education of those young people.

As I have said, I am strongly committed to this measure, but I want to see the detail. We do not want to see a situation, as has happened in New Zealand, where resistant learners are kept at school and cause trouble to others. I believe that, with goodwill and proper management of this issue, and with adequate resourcing, the proper implementation of a relevant curriculum will go a long way to giving young people in South Australia a greater start in life—one that they cannot afford to miss out on in an increasingly competitive world and that increasingly requires, as a minimum, a component made up of compulsory education.

This measure needs to be added to in relation to post secondary education—not only the informal variety but also through the use of TAFE, university and private providers. We need to get across very strongly to all Australians, particularly South Australians, that if they want to become and remain key players in this part of the world we must have a highly educated community. As it is sometimes said by people smarter than I, we need to ensure that we exercise the muscle between our ears or we will become, in regard to this part of the world at least, the poor relations.

It is vital that we put more effort into education. Countries such as Ireland and Spain, that have done so are now reaping the benefit and are getting a lead on us in many areas. We cannot afford to allow that to happen. Apart from the economic spin-off, everyone is entitled to develop their full potential in regard not only to what I would call training but also in the broader sense of education, having a small 'l' liberal education. I believe that it is an essential component of making up a civilised person. I commend the bill to the house and look forward to hearing from the minister the fine detail, which will accompany this bill and which will, I hope, ensure that it does deliver for all young South Australians.

**Mr SCALZI (Hartley):** As clearly outlined by the member for Bragg, the opposition supports this measure, as we did in government. In doing so, it is important to note the concerns, as outlined by the member for Bragg, that we on this side have. There is no question that there is wide community support for raising the compulsory school leaving age and that employers want a better educated work force.

Given the right support in schools, and the education sector in general, we will have a better educated work force and, in theory, raising the school leaving age will give us a greater potential of realising that aim. So, the opposition supports the measure, which is in keeping with what has happened in other countries. For example, there are over 50 states in the United States with a school leaving age of 16 or over, and it has been in force in Britain, Canada, Finland, Spain, Sweden, Germany and, we note, in Tasmania for the last seven years. The opposition agrees with this.

Last year, the former government was working towards ensuring that it implemented an increase in the school leaving age, but it wanted to ensure that the right programs were in place so that the transition was beneficial to students and did not impose an unfair burden on teachers, schools and school councils. In other words, when there is a change you have to make sure that it is properly resourced. That was the former government's concern prior to the recent election, and that is still our concern now. It is clearly outlined in the government's comments—the then opposition—that they saw that raising the school leaving age as a panacea to deal with the low year 12 retention rate.

At various functions, we all heard members of the then opposition talk about the sad state of affairs in relation to school retention rates. It was a continuous theme of the then opposition. Indeed, on Thursday 9 May the Minister for Education said:

That is of course, South Australia's agenda, as my colleagues pointed out. Fewer of our young people today are completing year 12 in South Australian schools than was the case in the 1990s, particularly in the early 1990s. After eight years of a Liberal government more concerned with manipulating the statistics and figures than actually addressing the problem, we have seen our year 12 retention rates plummet in recent times.

There is no question that the longer—and more fruitfully—you stay at school, with proper education programs, the greater chance you have of employment and a fulfilling life. No-one questions those statistics. It is the use of statistics that is of concern. It is important for the government to note that, unless it resources the change and addresses the concerns that schools and teachers have, just increasing the school leaving age will not solve the problem, nor indeed increase the retention rate in year 12. At this point I seek leave to have inserted in *Hansard* a table headed 'Apparent retention rates', relating to secondary school students to year 12 from 1988 to 1993.

**The DEPUTY SPEAKER:** Is the table purely statistical?

**Mr SCALZI:** Yes.

Leave granted.

Table 16. Apparent Retention Rates (a) of Secondary School Students to Year 12, 1988 to 1993

Year	States and Territories								Australia		
	NSW	Vic.	Qld	SA	WA	Tas.	NT	ACT	Males	Females	Persons
1988	51.3	56.9	66.9	66.6	59.2	37.6	45.0	81.4	53.4	61.8	57.6
1989	54.4	60.5	69.7	66.7	61.8	39.7	42.7	85.6	55.5	65.2	60.3
1990	56.8	65.4	74.0	72.1	64.2	44.7	47.7	86.9	58.3	69.9	64.0
1991	61.4	75.7	79.6	83.5	71.1	52.6	57.5	95.6	66.1	76.7	71.3
1992	68.5	81.1	85.0	92.7	72.8	60.2	56.7	97.2	72.5	82.0	77.1
1993—Government	66.5	75.6	79.2	80.5	72.9	58.9	50.7	112.6	67.5	78.7	73.1
—Non-govt	80.0	85.3	91.4	102.1	82.2	65.9	36.8	67.0	81.0	87.4	84.2
—Total	70.6	79.1	82.9	86.3	75.6	60.6	47.5	94.2	71.9	81.4	76.6

(a) See the glossary for details of the calculation of apparent retention rates.

**Mr SCALZI:** I have chosen this table because 1993 is the year that the government has cited as being a year involving a high retention rate compared to later years. The table provides an interesting statistic: in 1993 the retention rate for government schools in South Australia was 80.5 and 102.1 in non-government schools—a differentiation of 22—and the total was 86.3. In New South Wales the government school retention rate was 66.5, the non-government retention rate was 80 and the total was 70.6; in Victoria, government school retention rate, 75.6 and non-government schools, 85.3; in Western Australia, government school retention rate, 72.9 and non-government schools 82.2. If we look at those figures we find that the differential for South Australia is 22, well over twice that of Western Australia, almost twice that of New South Wales, and certainly more than twice that of Victoria.

I highlight these statistics because these are the statistics that the then opposition cited as its main theme for education. Why is the participation rate in 1993 for non-government schools so much higher than it is in state schools? One could ask: who was in government 10 years prior to 1993 in South Australia, and who was in government federally? We often hear these days that the federal Liberal government and the state government neglected public education in the last eight years, so why was there such an increase in the retention rate in this period in non-government schools compared to the state schools in South Australia? I suggest that the Labor government's support for state education, despite what they often tell us, was not all that rosy, at least in respect of any action taken to ensure that the retention rate for state schools was at least comparable to the other states. This table clearly shows that that is not the case. Increasing the age to 16 will not necessarily result in greater retention rates in year 12, unless the proper programs are implemented.

The opposition, as I have stated, supports the increase but we want to make sure that the Education Department is fully resourced and that teachers have in place the resources and the programs to cope, because, it is a little like what happened in our schools: we turned away from tech schools and moved to fully comprehensive schools; however, we did not have in place the programs to ensure that those students who needed particular vocational education received it. Too many schools—and I can say this from first-hand experience—catered to students in year 12 and entry into tertiary education (which, in those days, was limited to universities and teachers college) without catering to those students who would not make that their choice.

That was a sad policy, which forced many students to be at school without being fulfilled. As a teacher, I saw first-hand students who were at school because they had to be at school but who were not enjoying it because they did not have a clear career path. This government has until January 2003. Has it budgeted for the extra resources required for the 43 extra teachers? Has it budgeted for the estimated \$12.5 million that is required to implement this change in education? Does it have programs and funds to in-service the teachers because, if it has not, increasing the age to 16 will not be the panacea to our educational problems.

Like the member for Bragg, I note that we still have the exemption provision. Clearly, students who do complete their education before the age of 16 will be able to find employment, if that is what they wish. I speak from experience. I have a step-daughter who will complete year 12 at the age of 15 with six subjects. Indeed, at age 13 last year she received a 20 for modern history. There are exceptions. I am glad that the minister has retained that exemption provision for students not to be at school if they have completed their studies; or, indeed, as the previous government set out (and I note that the present government has included it), if they are pursuing other pathways that can be coordinated in the school.

That is a very good provision because schools need to have greater interaction with the community and with the world of work. We know of excellent examples where students are involved in businesses and programs. I note the excellent work that was done by one of the northern schools, Salisbury, in fact, in terms of work education and that line of business where students really get a good understanding of what is taking place outside.

So, the much talked-about retention rate has to be looked at with caution. Then there are the statistics that we must also incorporate when talking about the retention rate, and I am proud to have been part of a government that did so much with regard to linking vocational and further education to schools and reincorporating some of the vocational schools in our education system. I have another two tables that I wish to incorporate, if the house gives me leave, and it shows the rate of participation of VET to different age groups by state 2000, and the source is the NCVER National VET Provider Collection 2000.

Leave granted.

Table 1: Rate of participation in VET for different age groups by state, 2000  
(Source: NCVER national VET provider collection, 2000)

	SA	NSW	Vic.	Qld.	WA	Tas.	NT	ACT	Australia
15 to 19	32.9	28.8	27.1	31.2	24.8	23.0	36.6	18.5	28.5
20 to 24	21.7	21.9	22.9	16.1	15.1	18.1	19.8	17.6	20.2
25 to 39	14.4	13.5	13.9	10.6	9.4	11.4	14.6	8.7	12.6
40 to 64	8.8	10.0	9.5	6.8	5.5	6.4	9.8	4.6	8.6
Other	0.7	1.0	0.7	0.4	0.3	0.2	1.0	0.1	0.7
Total	9.8	9.9	9.8	8.0	6.9	7.3	11.5	6.5	9.1
Working age (15 to 64)	14.4	14.4	14.3	11.7	10.0	11.0	15.8	9.1	13.2

Table 2: 15-19 year old VET students who are still at school, 2000  
(Source: NCVER national VET provider collection, 2000)

	SA	NSW	Vic.	Qld.	WA	Tas.	NT	ACT	Australia
Still at school (%)	48.3	18.3	17.0	38.0	6.7	28.7	38.4	6.0	24.2
All students (%)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of students	32 476	124 052	85 691	80 449	33 377	7 778	4 966	4 447	373 236

**Mr SCALZI:** For ages 15 to 19, South Australia has a participation rate of 32.9 per cent compared to 28.8 per cent in New South Wales, 27.1 per cent in Victoria, 31.2 per cent in Queensland, 24.8 per cent in Western Australia, 23 per cent in Tasmania, and 36 per cent in the Northern Territory, the only other territory or state that has a higher participation rate in further education. So, when we are talking about education we cannot just look at the retention rates in year 12 if it is incorporated with further education, because education is a lifelong process.

I believe that the previous government did much to marry the further education sector with the secondary education sector to make those pathways available to students and to make it more meaningful for students to be involved in further education. If we look again at the NCVR National VET Provider Collection 2000, we see that 48.3 per cent of students in South Australia are still at school whilst in New South Wales the figure is 18.3 per cent; in Victoria, 17 per cent; in Queensland, 38 per cent; in Western Australia, 6.7 per cent; in Tasmania, 28.7 per cent; in the Northern Territory, 38.4 per cent; and, in the ACT, 6 per cent. Australia-wide it is 24.2 per cent.

This shows that South Australia has been successful in having that further education sector working in conjunction with our secondary system, which has to be seen as something very positive. As I was saying earlier, we do support the measure but we must be cautious and understand that we must put those resources in place; we must in-service teachers; we must prepare the system to enable this increase in the school leaving age to be a benefit to students as well as providing the benefits for the future for the work force. I do not believe that was the case in the past.

I do not believe that when we moved to more composite classes, for example, we adequately looked after the needs of specific students; for example, those who had learning difficulties, those who were disinclined or those who had emotional problems. When you put them all together in one classroom—and I know because I have experienced it as a teacher—it becomes very difficult for teachers to cope with the wide range of abilities as well as the wide range of emotional difficulties that students have. We also need to have that career education in place.

I note that the opposition, prior to the election, made many promises of having greater numbers of counsellors in primary schools and in the secondary schools, and I trust that in the forthcoming budget all those programs will be fully funded so that the government's promises will materialise and so that, when we do have an increase in the school leaving age to 16, it will be a success and that students will have the opportunities to fully participate and find their school experiences worth while and a good base to have pathways either into further education or into employment. For those reasons I support the bill but look forward to the detail in the committee stage.

**Dr McFETRIDGE (Morphett):** I support this bill. I took note of what the member for Enfield said, and I do have something to say on this matter. I believe it is vital to emphasise that this bill will impact not only on the present life of many young people but also on their future. The bill was introduced by the minister in October 2000, and that was the third time it had been introduced. Under this bill, students will in future be required to remain at school or in training (and that is something we need to talk about) until they reach the age of 16. This is the same legislation (I am not sure

whether it is exactly the same legislation) that Labor's then shadow minister the Hon. Carolyn Pickles introduced in the Legislative Council in July 1996. The current minister said in the house in October 2000:

... we have had public consultation and thousands of submissions to the then education minister on this and a range of other submissions dealing with raising the school leaving age, yet we see no bill.

She was criticising the government at the time. That would probably be a valid criticism if it were not for the fact that perhaps we do not need this bill, because past Liberal governments have improved the standard of education and improved the range of educational options. We see the government grabbing headline after headline, with a lot of smoke and mirrors, but we are yet to see some real substance.

I am pleased to see that the Premier acknowledged in the house on 9 May this year that our education is up to world standard. It is lovely to hear that he also has admitted that we have a vigorous economy. There has been all this talk of turning the economy around, but I do not know what he will do: if we turn it around we will be going backwards. The Premier also said on 9 May that a first-class public education system is the greatest contribution that a government can make to its young people. I hope that he is once again acknowledging the fact that we do have a first-class education system in this state. Over the last eight years, the former Liberal government worked very hard to ensure that this state and the students at our schools had a first-class education system. The Minister for Education and Children's Services has established yet another task force. We are seeing review boards, development committees, teams of specialists, eminent minds—every term one can possibly conceive of—to disguise the fact that this government is using more consultants than were ever used by the previous Liberal government.

We were promised honest and open government. This government is more concerned with manipulating the statistics and rewriting history than addressing the problem. The truth is that we have very good retention rates here in South Australia, and that is because the Liberal government has offered many options for school students in their latter years. With particular attention to this bill, 'simply raising the school leaving age will not address the problem'—and those are the words of the Premier. The Premier also said that this government is not about excuses. We have to get away from the whingeing, whining and carping. We really have to start getting away from the politics of blame and get on with the politics of progress.

The minister said in the house on 13 May 2002 that the government has a commitment to improve economic and social outcomes for young people. I do not think that anyone in this house would disagree with that in any way, shape or form. The minister said that the amendments to the Education Act 1972 were intended to send a strong message to schools about their responsibility for the education and welfare of these young people. I know that the minister would not be implying that schools are being negligent and that our teachers are not acting in a truly professional manner. I know for a fact that the teachers who are employed by the department are as dedicated now as they were when I was teaching back in the early 1970s. A few weeks ago, I had the pleasure of attending Brighton Secondary School for its staff development morning. I know, from talking to the teachers there, that they are a dedicated bunch of people. I know what it is like to have to teach children who are not motivated, and I con-

gratulate teachers in both primary and high schools. In fact, I am going to the governing council meeting at Brighton secondary school later tonight.

Under this amendment, from January 2003 children will be required to remain enrolled at school until they turn 16 years of age. They will be able to participate in other forms of education and training, but we still need to know what they are. I am rather partial to the term 'VET training' (vocational education training). It has been wrongly used in relation to Vietnam veterans, although the Vietnam vets is a group that we should support as well: in many cases they have sacrificed more than just their time for this country.

Compelling students to stay at school without motivation, direction and guidance will not be good enough. A number of speakers have said as much and I do not need to keep reiterating it. The Liberal Party has a fine history of providing training options. One only has to look at Salisbury High School—my old high school. It was a pretty good school when I went there. It managed to do something with me—not a lot, but that was not its fault: it was more my fault. But it did enough: it started me on my way. I have seen the light. Look where I am today. Salisbury and Windsor Gardens high schools today are fine examples of schools where extra training is made available to students.

Members are probably aware that we are not the first state to look at raising the school leaving age. We heard before that a number of other states have raised the school leaving age to 16 years. In some countries it is not 16, but 17 and 18 years. When will we see it at 19 and 20 years, perhaps? I do not think that we need to focus on the age: it is the quality that we need to look at, not the quantity. That will be reflected in many debates in this place—it is the quality of the debate, not the quantity, that is important, so I will not keep prattling on about things that have already been said.

Honesty is the best policy, and we need to keep being honest and open in this house. The longer students stay at school the better chance they have to attain new skills which will be needed throughout their lives not only to find employment but also to be leaders in the community, and not only just at a local level but also, hopefully, at a state level, as we see in this house today. The member for Fisher said in November 2000 and again today that New Zealand has gone down the path of raising the school leaving age to 16 years: the problem is that they did not go down the path of providing motivation, courses and options, and they are having more problems. I have seen it.

When I taught at Port Augusta High School in the early 1970s, there were children from various backgrounds—many from indigenous backgrounds—who were absolutely fantastic kids, but they did not have the motivation and they did not see the options that were available. I took great delight in taking some of them under my wing and showing them that staying at school was a viable option, and they benefited from that. Nowadays I know that a number of children whom I taught in the 1970s—both indigenous and non-indigenous children—have benefited from my input, and I take succour from that. We need to keep students motivated. Age 16, 17 or 18 does not matter: it is the quality, not the quantity, that is important. It really does not matter what the school leaving age is: if the curriculum, the programs and the approaches are not appropriate, we will not get anywhere.

In November 2000 the then Premier proposed that the school leaving age should be increased from 15 to 16 years. Young South Australians will have to remain at school or engage in some sort of accredited training. That is what we

need to talk about. What is it going to be? In previous speeches the Premier said that it should be a blend of TAFE and school. Let us have more than that, with some form of training. Once again, we are left with a bit of a policy and an options vacuum. Let us have some direction and leadership on this and be open and honest about where we are going. Certainly, the opposition supports in principle the concept of 16 years but, more importantly, we will help promote the opportunity for students to get real life training. We need to encourage opportunities to work with employers, not only in the hospitality industry but also in trades and industries of all sorts.

We must remember that we are educating people for the rest of their lives. Education is not an end unto itself: it is a stepping stone to a more fulfilling life, and this is what the Liberal Party is all about—lifelong learning. South Australia is among the top states and territories for spending per student. We have some of the highest student-teacher ratios. We provide good quality education and the Premier admitted that, which I was pleased to hear.

The former Liberal government improved the outcomes for South Australia substantially over the past eight years. The Labor Party would have us believe that this bill is to increase the school leaving age, which will create a clever country. That is not what it is—we need more than that. I hope members of the government realise that. The figures do not lie. You cannot change the truth. You can try to hide the truth, but the fact remains that we have one of the best education systems in the world. Let us see whether outdated ideology and sociology will be transferred into the year 2002. Let us have it updated.

The member for Hartley said previously that he recognised that education is a life-long process. Like him, I know that forcing students to stay at school is not the answer. The former Liberal government was well and truly aware that, as with Reconciliation Week, we had to not only walk the talk but, as stated in previous debates by the member for Hammond, we need to talk the talk and walk the walk. Let us see this government doing that and promoting education. Certainly I would concur with those remarks and encourage this government to take notice of those remarks. We are all here to encourage our students to achieve to their individual potential. That is what it is all about. We all recognise that education is not just a right but a privilege, and we are privileged in South Australia to have one of the best standards of education in the world.

I refer to remarks I read in *Hansard* last year by the member for Elder, the now Minister for Police and Emergency Services. He dragged out the old class war scenario: it is the rich who gets the pleasure and the poor who get the blame. I came from a working class background and went to Salisbury primary and high schools. I worked hard and they did their best with me. It is not just the rich who get the pleasure. I have worked hard and I am getting a lot of pleasure from being in this place today, and I thank the electors of Morphett for that opportunity.

*Members interjecting:*

**Mrs REDMOND:** I rise on a point of order, Ms Acting Speaker. In regard to the interjections from the other side of the house, my understanding is that standing order 142 requires that no noise or interruption be allowed during debate and that no other member be interrupted.

**The ACTING SPEAKER (Ms Thompson):** There is no point of order.

**Mrs REDMOND:** I am sorry, but I wish to move a motion of dissent against that ruling, because it is clearly a contravention of standing orders.

*Members interjecting:*

**The ACTING SPEAKER:** Order! I suggest that we will all proceed much more quickly if I simply remind members on all sides that the debate will proceed in silence. The member for Heysen will find that it will make for a more boring debate, but we will proceed.

**Dr McFETRIDGE:** For the benefit of the member for West Torrens, who is a keen advocate of standing orders, it was standing order 142 that was referred to. I have almost finished. This government must not rehash what the Liberal government has done in the past. We need to be focused, and we need to be positive. Let us not simply be ideologically driven but bipartisan on this approach to educating our children.

*An honourable member interjecting:*

**Dr McFETRIDGE:** Thank you. I know that the member for Playford is a studious fellow. We see him studying at the back of the chamber all the time and he appreciates that a good education is vital. Providing a good education for our children is a subject close to my heart. The Minister for Education is an electronics engineer, and my son is an electronics engineer. He started school at four years and finished his matriculation at 15 years. I am not sure what he was supposed to do until he was 16 years. I am sure that under the proposed legislation he would have to apply for an exemption.

*Members interjecting:*

**Dr McFETRIDGE:** Give him one—I am glad the minister would do that. I support the bill and urge this government to continue promoting the standards of education the Liberal government has been providing for the past eight years. I support the bill.

**Mr VENNING (Schubert):** I rise to support this bill. Before I get to the meat of the argument, I first want to congratulate our new shadow minister, the member for Bragg, on the way she has handled this bill. This is the first bill the member has had carriage of, and I do not think it will be her last.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Schubert will resume his seat. There is too much interjection from my right. The member for Schubert does not need any encouragement.

**Mr VENNING:** Thank you for your protection, sir; I think I may need it in the next few minutes. I acknowledge and welcome the first conveyance of a bill by the member for Bragg. There is no doubt that she has done it well, considering it is her first one, and the member will mark it in her diary as numero uno—No. 1. As I said, there is no doubt that it will not be the last one she handles as a shadow minister. I am sure that it will only be four years before she will be handling bills as a government minister. I welcome that. I note the honourable member's father was here today, too, and that was quite a strike. The member certainly has a lot to offer.

My interest in education goes back a long way. I have been on the so-called backbench committees of education ever since I have been in this house, first, under education minister Lucas, then education minister Buckley and now I am pleased to serve under shadow minister Chapman. I have always taken an interest in education, purely because it was in the early days when I, as a country person, was interested

particularly in isolated students and also in distance education. One of the first people I had to ring on this matter—and members would not believe this; it is such a small world—was the present member for Unley. He was teaching in the bush at the time, and he had a certain expertise in the supplying of distance education. I was working on a committee of the Hon. Kym Mayes.

**Mr SNELLING:** I rise on a point of order, Mr Deputy Speaker. As fascinating as the ruminations of the history of the parliamentary Liberal Party are from the member for Schubert, they do not really seem to address the point of the bill. Sir, I ask you to bring him back to the substance of the debate.

**The DEPUTY SPEAKER:** Order! I do not believe the member for Schubert has strayed all that far.

**Mr VENNING:** I am now discussing education. I was discussing the reasons for my interest in the bill. I am building the debate. As a new member, I am sure the honourable member will learn, given a year or two. I am building on my argument. I appreciate that in those days, because I was on a committee—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Schubert will resume his seat. The member for Giles is getting carried away. Members need to be orderly in their behaviour. I call the member for Schubert.

**Mr VENNING:** Thank you, sir. This is a serious matter and I am trying to handle it in a serious manner. People would wonder why I would be particularly interested in the area of education, and I am just telling members why. In those days I was on a committee serving under minister Kym Mayes. I held a nominated position on the committee, and we were looking at distance education options. That is why I happened to ring Mr Brindal on the matter of whether he would come and speak to the advisory board on this matter of distance education. That is how I became involved. I spoke to a bill similar to this one on 31 May last year. I support this bill as of today, but then I did not support the bill, because then I thought it was a political stunt, prior to the education bill being drafted when it was in the offing and out for public consultation.

The shadow minister then brought this bill in early as a stunt, and I did not agree with the basic principle of the last bill. It was far too simplistic and it contained no detail. Similarly, this bill is also short on detail. This is panic legislation, because there is not much on the *Notice Paper*, and I believe the government and the minister should have kept this bill off it for another two or three weeks and worked through some of the finer detail, particularly the exemptions of this bill. The bill has been thrown in, is uncooked and is not ready to be eaten, so to speak. I believe the bill should not have been introduced, but now that it is here I hope that in committee it will be tidied up via explanations by the minister or our amendments which will clarify, in particular, the exemptions in this bill.

The minister was formerly a member of the select committee which looked into this subject. The committee looked at DETE funded schools, and the school retention rate was one of its terms of reference. The committee had not handed down its decision when we discussed the bill last May. Without being unkind to her, the then shadow minister (now the minister) was, I believe, pulling a political stunt. The review reveals that the school leaving age is an issue together with other considerations including discipline and school standards. I believe that just saying that you cannot

leave school until the age of 16 is basically wrong unless that statement is qualified. This is a big decision which should be made within the total concept of an all-encompassing educational climate. Why hold people at school for a year if there is no benefit? Also, the perceived benefit needs to be clarified.

Speaking as an agriculturalist, we have on-farm training in all sorts of facilities. So, not just education happens in our schools, a concept that was put very capably by the shadow minister and the member for Hartley this afternoon. The current school leaving age in South Australia is 15. I believe that most other states have moved to 16, but 12 months ago only two states had done so. I ask the minister whether that is still the case. Are there still only two?

**The Hon. P.L. White:** No, only one has.

**Mr VENNING:** I thank the minister for that clarification. That is a question of itself. I should have thought that in the past 12 months it would have gone further than that, because I understand that it has been discussed at ministerial conferences between the states. I am a little amazed that other states have not moved to the age of 16.

**The Hon. P.L. White:** They're talking.

**Mr VENNING:** There must be reasons why not, because it would be very simple to move the school leaving age from 15 to 16 years. So there must be some other qualification. A number of factors have prompted the consideration of school leaving arrangements as part of this legislative review. As I said, Tasmania and Western Australia in recent years raised the school leaving age beyond 15, and I note that the other states, as the minister just said, are considering it.

Overseas, the trend has been to raise the school leaving age and extend the period of compulsory education in recognition of the fact that educational achievement and standards promote economic advancement. Research indicates that students who leave school early are at a much greater risk of becoming trapped in marginal activity. That is a phrase that I got out of a report. I think 'marginal activity' covers many sins, and I agree with that. It is a very basic and bland statement to make, but it is generally true: they find no secure place for either learning or work, and engagement with lifelong learning and work opportunities increases in proportion to the level of education achieved in secondary schooling.

I understand that the minister is about to become a parent for the second time. The greatest satisfaction for a parent is if their children get meaningful work after they leave the education system. If they leave school without gaining meaningful work it is certainly a worry for parents. This is one argument for keeping children at school: to give them another year to consider their options in the work force rather than leaving and trying to find work. It is a nightmare for many a parent. I am lucky that all three of mine have true and meaningful jobs and are safe in the work force. Even for us, although our kids were highly educated, there were a couple of years of some anxiety. I think it is natural for every parent to experience that.

This is all about raising standards, but we must first raise the school leaving age. There is significant community support for raising the school leaving age. However, responses through submissions and public fora have highlighted a range of parallel concerns which are being addressed through current government initiatives, such as curriculum quality and diversity and relevance to industrial students; alternative education training pathways; and, of course, support for the students themselves. Last year's figures indicate that more

than 95 per cent of South Australian 17-year-olds are in school. So we are talking about 5 per cent of these people, who are either in school, in training or in employment. When the state's record number of part-time students is included in the apparent retention rate calculation, the percentage of students continuing at school from years 10 to 12 (that is, 74.3 per cent) is expected to be higher than the national average.

The Australian Bureau of Statistics data shows that South Australia's years 10 and 12 retention rates have increased steadily over the past three years, rising from 63 per cent in 1997 to 64.2 per cent in 1998, and 64.8 per cent in 1999; part-time students are not included in published retention rate data and South Australia has the highest number of part-time students. When these figures were included for all states and territories, South Australia's retention rate rose to 74.9 per cent in 1999, which was above the national average of 72.4 per cent. Our records stand very well with the national standard.

I have heard many speeches on this subject over many years, and I note the speech last year by the Minister for Government Enterprises where he said: 'I left school at a young age.' He did not say that he regretted that, but all I can say is that if he did regret it he should look at the final outcome—he is a minister of the Crown. I have to say that whatever he did he must have got something right because he is here now as a senior minister.

One of my own children left school early because he was sick of studying; he was a very good student. He left school early, took a year off, got refocused, went back and did very well. The minister obviously went back to school too. I think you need to get out into the wide world to see. That is part of this argument, that to say: 'You shall stay at school,' could be the worst thing you could do for some students. They need to get out of the system and find out what it is like in the real world. As we know, young people mature at different ages. Some need to get out into the real world and taste it, and say no, and come back.

My main problem with this bill—and it is the core of this bill—is the exemptions to it. These are clauses 4, 5 and 6, but there is not much detail in the bill about this. It is critical, as you, Mr Deputy Speaker, said in your speech. Truancy is a problem, as is class behaviour. Disruption in classes and even crime in our schools has something to do with this. School work and training go hand-in-hand.

I know the Minister for Government Enterprises had that concern, but I think in some instances he is living proof of the counter argument: he left school, went back and here he is, a lawyer and senior government minister. So I think his own argument stands for the opposite argument.

I notice in clause 4 of the bill that section 4 of the principal act is to be repealed. It is a bit confusing because all this bill does is change 15 to 16. The rest is a tidy up because section 77 had the exemption clauses in there. It is still vague, but this does tidy it up: it is in new clause 6. Section 81A does tidy it all up.

**The Hon. J.D. LOMAX-SMITH (Minister for Tourism):** I move:

That the time for moving the adjournment of the house be extended beyond 5.40 p.m.

Motion carried.

#### SEEDS ACT REPEAL BILL

Received from the Legislative Council and read a first time.

**EDUCATION (COMPULSORY EDUCATION AGE)  
AMENDMENT BILL**

Debate resumed.

**Mr VENNING:** I was discussing clause 4. Clause 6 talks of the exemptions, and I quote from new section 81A(1) as follows:

The minister may—

and I see the word ‘may’ is there—

by written notice, if the minister considers it appropriate to do so, grant an exemption from the requirement of this Part in relation to a child, conditionally or unconditionally.

I would like the minister to explain that when she replies to the second reading, because it could be interpreted either way; it is certainly very open. For the record, I would like those conditions spelt out for any future legislator. The minister may care to clarify what is conditional and what is unconditional, because I think it makes a big difference. New section 81A(2) provides:

The minister may, by written notice—

I question whether it should be ‘may’, ‘will’ or ‘could’. As bills are drafted indirectly, I would like the minister to spell out what more powers may be contained within that word ‘may’, because it makes a big difference, particularly when it is being done by written notice. The provision continues: if the Minister considers it appropriate to do so, vary or revoke an exemption granted under this section.

It is indecisive as written, and that is probably done deliberately to give the minister that power. All ministers should have some limiting factor, because it could otherwise cause difficulty. As I was saying to the member for Bragg earlier, I often wonder whether something should not be written into the bill stating that the chief executive of the education department, or even the superintendent of the school in question, should, or could, be involved in this measure. That opens it up and takes the political sting out of it and involves the higher level of the education system, particularly those who are out there administering and organising the department. The bill provides:

A person must not contravene or fail to comply with a condition of an exemption granted under the section.

There is then the question of the penalty of \$500, which is a pittance. I wonder why that figure was chosen; it is not a lot. If the minister ever chooses to impose the penalty for a serious case, I am sure the minister will give defaulters warning. In the future, should the minister wish to impose this penalty, I think \$500 is far too puny. I would say it needs to be at least double that if it is to have any meaning.

I support this bill, which has been a long time coming. I am pleased that at least we are debating it now when we should be debating it—after the review has been completed—and I will be interested to hear the minister’s comments during committee. I support this bill on the condition that the exemptions are spelt out quite clearly. I have heard members say that they left school early—so did you, sir; I could not believe it was at the age of 14. That is younger than when I left. I left school at the age of 17 and went out into the education of the paddocks of the great Outback of our state, to learn with the greatest teacher, my father. Anybody who thinks that they have finished learning I believe is a basic fool, because we learn every day. If you have not learnt something today, I believe that you are either sick in bed or you are a fool. Certainly, many people left school early, had

a year off and then became much the better for it and have understood what it is all about.

I certainly support this bill and will be interested in what the minister has to say during the committee stage. I support it with those exemptions clarified.

**Mr MEIER (Goyder):** I see some commonsense in this bill, but I also appreciate that simply making people stay at school until the age of 16 will not solve the problem. I say that for a variety of reasons. When I first went out teaching way back in 1970, I remember the first home group I had, which I think was either year 9 or year 10; my memory is starting to fail me a little. I emphasised to those students the importance of working hard, getting a proper education and, if you wanted to get on in this world, the necessity to have a tertiary education. I soon learnt that my philosophy was way out because quite a few of the students in that class were simply not capable, in my opinion, of tertiary education. In fact, for at least two whom I remember, the sooner they left school the better off they were going to be.

**Mr Venning:** And everybody else.

**Mr MEIER:** As the honourable member interjects, and everyone else in that class. Simply raising the leaving age to 16 will not solve the problem of ensuring that we have a more learned society in South Australia. I recognise that clause 6 of the bill identifies the fact that the minister may, by written notice, if the minister considers it appropriate to do so, grant an exemption from a requirement of this part in relation to a child conditionally and unconditionally. I hope the minister will outline in a little detail to what extent that option will be fairly automatic. I hope they will not have a major committee of inquiry for every student who wants to be exempt from school before the age of 16.

I cite a second example, which comes from my own electorate, involving a local plumber. I called in just to say hello and he indicated to me that he had recently hired a student at the age of 14, but I am not sure that he was hired as an apprentice. That young man is two years younger than 16 and, even under our current arrangements, he is under the age that he is required to attend school. This student apparently was absolutely hopeless at school, was a major problem to the school, was a disruptive influence at the school, and you could have said that it looked like he was headed for not much good in life.

However, the plumber happened to know that the student seemed to have skills that many people did not have and decided to try him out for a week’s work experience. He found that that person was exceptionally good at welding, so good that the plumber sought to get exemption from the school for the student. The plumber said that this person, at the age of 14, was a far superior welder to anyone he had ever employed in his life, and he would have been 55. He said that he was just brilliant in welding.

If that student had been forced to continue through to age 16, he would have been a truant on many occasions. He would have been a disruptive influence continually, he probably would have been forced out of school or the school would have waved him goodbye with a great deal of pleasure. He found it very difficult to read and write, and that is the one problem he has to face when doing a traineeship, but, from a practical point of view, that student was excellent. I could multiply that by hundreds of times around this state, and we must never forget those students. I also hope that we will not forget those students who have a very unfriendly home life,

who literally are unwanted from the time they are born, whose parents want to kick them out of home at the earliest opportunity. If we are going to force those students to continue at school until they are 16, it will not be in their best interests.

The third issue that concerns me about this bill is how much it is going to cost the state. We have just seen a resolution by the SAIT executive, I believe it was, accepting the government's pay offer. I would say that the teachers are entitled to and undoubtedly deserve a pay rise, but a lot of other things came in with that pay offer, for example, extra maternity leave. I will not take argument with that, but it does set a precedent. It also involves country incentives, and it is great to see that, but I notice that teachers can receive up to \$5 400 for working in remote areas. I have mentioned the 12 per cent pay rise over 33 months—it is not even over three years (I would have thought that perhaps it could have been over four)—and various other things. That will cost a huge amount of money. I believe a figure of something such as \$240 million was—

*The Hon. P.L. White interjecting:*

**Mr MEIER:** No, I heard it on the radio, sorry, that I thought it was to be \$240 million. How much is it, minister—170, 180—

**The DEPUTY SPEAKER:** Order! The member for Goyder should address the chair and not question the minister. We are not in committee.

**Mr MEIER:** If I remember correctly, under the previous government it was anticipated that the pay rise would cost in the vicinity of \$170 million, and then of course there could be some extras. If it is as little as that, well fine but, if it is over \$200 million, I am not sure where the money will come from. Then on top of that we have the compulsory school leaving age being increased to 16, so that will involve extra. I just do not want to see this government blame the previous government for not having budgeted properly in education, because that would be a totally incorrect assessment. I will be interested to hear exactly what those figures are.

Nevertheless, I recognise the importance of education and I can see the value of it in today's society. However, I hope the exemptions are sufficient so that students who find education in our formalised structure so difficult will not be penalised.

**Mr WILLIAMS (MacKillop):** From what I have heard, I am probably one of the few members in this chamber who oppose this bill, and I do so for a variety of reasons, which I will try to get through in the next few minutes. The minister in bringing this bill before the house gives very little indication of exactly what she is trying to achieve. From past experience, we know that Labor governments both at federal and state level have utilised education and keeping children at school by various means as a way of manipulating unemployment figures. We know that—

*Mr Koutsantonis interjecting:*

**Mr WILLIAMS:** The member for West Torrens scoffs at that, but it is pretty evident if members look back at history. The minister in bringing this matter before the house gives no indication, firstly, of what she intends to do with this small handful of students who, currently, are leaving school at the age of 15—and my understanding is that it is only a very small number of students. I think that someone suggested that it might be as many as 900. To be quite honest, that does surprise me somewhat. What will she do with these 900 students, if that is the number? How will she involve them in

meaningful education? What cost will accrue to the taxpayer in attempting to do that? What disadvantage might that cause to other students in the school system who, without compulsion, attend because they want to and because they want to increase their level of education so that they can have a meaningful life of their own?

Education is probably one of the most important things that we can pass on to the next generation, but I do not believe that we can do it through compulsion. In speaking to educators over the years, I think it is pretty fair to say that enthrusing someone to develop their education skills to enable them to become highly educated and motivated members of the community must occur very early in their education. Resources have to be put into the junior primary level where students will be given the basic skills in numeracy and literacy to whet their appetites so that they will of their own volition want to carry on their education for as long as possible in order to maximise their education.

There is no argument that education leads to better outcomes, whether it be in finding worthwhile employment or even providing those skills to allow people to live in a complex society. The argument is how best to maximise education. Is it through compulsion? I would say no. Is it through providing a relevant curriculum and, as I have said, building the basic numeracy and literacy skills at an early age to allow students not only to cope with the material put before them but also to enthuse them to push on and maximise the amount of material that they can get their minds across?

I would suggest that the main reason why the minister has introduced this legislation (and, unfortunately, I recognise that this measure will pass at least through this house) is as a sop to the Australian Education Union: to build the numbers of students in our schools, not for the benefit of the schools but for the benefit of the union. Of course, the union is a strong supporter of Labor governments both here in South Australia and nationally. So, unfortunately, I believe that this bill has been brought to this place for the wrong reason and will have very little effect on increasing the educational outcomes of students and will provide very little benefit to our society as a whole.

Education should be about quality and not quantity. If you get the quality aspects of education right, the quantity aspects will look after themselves quite readily. I suggest to the minister and members opposite that if we are going to set some criteria about when students should be free to leave school either to enter the work force or into society generally, the criteria should be based on skills rather than on their age. We know that there is a great discrepancy between the various skill levels that students have at any particular age.

I note the time, and I am happy to conclude my remarks. However, I hope the minister will read my contribution and take note of it.

**The Hon. J.D. LOMAX-SMITH** secured the adjournment of the debate.

#### MATTER OF PRIVILEGE

**The SPEAKER:** Order! Earlier today the chair told the house that it would consider the substantive point raised as to whether there was a prima facie case to answer in relation to a breach of privilege. As it stands at the present time, that explicit inquiry has resulted in some very important and relevant further research which I have had to do and upon which I must take advice to the extent that it is not possible

for me today to rule on that point and it will have to wait until sometime after the house sits at 2 o'clock tomorrow. I regret the delay, but I am afraid that there is no other way for it to be dealt with and with the gravity I believe it deserves.

**ADJOURNMENT**

At 6 p.m. the house adjourned until Tuesday 4 June at 2 p.m.