HOUSE OF ASSEMBLY

Tuesday 4 June 2002

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

MATTER OF PRIVILEGE

The SPEAKER: On 3 June (yesterday) the member for Waite raised a matter of privilege, and the chair takes this opportunity to respond. The matter concerned the statements made in this house on 30 May by the Minister for Science and Information Economy in relation to funding for a proposed national information communications technology centre. The minister had stated:

> . . . this is another project for which there was no provision in the forward budgets.

In response to another question on the same subject asked by the member for Waite later that day, the minister replied:

> 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.

In raising the matter of privilege, the member for Waite produced copies of cabinet papers which revealed that funding had in fact been made available. The member stated:

> I have available a copy of a cabinet document dated 14 January 2002 that approves an innovation funding package in the forward estimates of $40.5 million.

The member also made available a signed cabinet office document dated 11 January on the same topic relating to cabinet discussion of the funding. This cabinet document states:

> That cabinet office notes that 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 ITC Centre of Excellence.

The member for Waite then alleged that the minister had misled the house. The member asked the chair to rule on whether a prima facie breach of privilege had occurred. I have conducted a very careful review of the matter and in doing so have spoken to the minister and the member for Waite. On 3 June (yesterday) the minister made a personal statement to the house and said that $40.5 million had been approved by cabinet. The minister stated:

> 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.

The minister continued:

> 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.

I note that the minister had ensured that the ministerial statement explaining what had happened was made at the earliest opportunity on yesterday's *Notice Paper*. That was a proper choice of the method by which she addressed the matter to the house. I am assured that the confusion in the minister's original statement was discovered later in the same day, that is, Thursday 30 May last, but that it was too late for an explanation to be made that same day. The statement was made on the next available sitting day, that is, 3 June 2002 (yesterday). The chair is satisfied that the personal explanation was made by the minister at the earliest possible opportunity. The chair is also satisfied that the minister did not deliberately mislead the house and, if at all, it was minor to the extent of its significance. To the extent that the original statement was inaccurate, this was, in my belief, inadvertent. The chair accepts the minister's personal explanation. So did the house. Consequently, I do not believe that this is a matter relating to the privileges of the house. I remind the house of the Latin phrase 'De minimus non curat lex' which, translated, means the law does not concern itself with trifles. Nor should the house.

This sequence of events raises another issue, perhaps of greater consequence. In his statement to the house, the member for Waite disclosed that he had copies of cabinet documents, and in my careful consideration of them, and the fact that they were in his possession compelled me to further consider this situation. Yesterday, in this place, I directed the member for Waite to deliver those documents to me. The member has provided me with pages 10 and 11 of what appears to be a cabinet document, and I remind him that he was directed to deliver the entire document and the entire associated file in his possession. Section 17(1) of the State Records Act 1997 provides:

> If a person, knowing that he or she does not have proper authority to do so, intentionally—
>
> . . .
>
> (b) disposes of an official record or removes an official record from official custody,
>
> the person commits an offence.
>
> Maximum penalty: $10 000 or imprisonment for 2 years.

Members interjecting:

The SPEAKER: Order! Section 3(2) of the State Records Act provides:

> For the purposes of this act, a reference to a record includes a reference to:
>
> (a) a part of a record; and
>
> (b) a copy of a record.

I inform the house that I am seeking advice on this matter. I intend to proceed very carefully and with the utmost circumspection. I do not intend to prejudge the matter.

STOCK STEALING

In reply to **Hon. G.M. GUNN** (16 May).

The Hon. P.F. CONLON: The Minister for Police has provided the following information:

I am advised that police service to these communities is well established with support readily available from surrounding police districts. In addition, resources from northern operations service such as the motorcycles are utilised when necessary.

Police are aware of the number of stock thefts and have been proactive in their approach.

The police are working together with the various stakeholders to rectify the problem. The matter is being handled locally and within current resources.

COMMONWEALTH GRANTS

In reply to **Hon. I.F. EVANS** (29 May).

The Hon. K.O. FOLEY: I am advised that the $50 million estimated reduction in commonwealth grants for 2004-05 is a contin-

gency for the impact of the Commonwealth Grants Commission's 2004 methodology review.

Treasury considers a contingency necessary in the light of its continuing review of issues before the CGC, in particular the commission's preliminary views expressed in its published discussion papers, and of the CGC's likely reaction to those issues.

Treasury will of course seek to reverse the position indicated in the discussion papers but it is considered prudent to make some allowance for these issues in the forward estimates.

A $20 million contingency was included in the former government's mid-year review.

The increase to $50 million was advised to the former treasurer in February 2002. An explanation of the increase and copies of relevant CGC papers were also provided to him.

The $30 million adverse contingency movement was incorporated in the Budget Update issued on 14 March which caused some offset to the $98 million gain from the CGC 2002 Update and other revisions to general purpose grants also incorporated over the forward estimate period.

The $50 million contingency remains incorporated in the forward estimates but is ultimately a matter for judgement as further information emerges.

MURRAY RIVER FISHERY

In reply to **Hon. R.G. KERIN** (27 May).

The Hon. K.O. FOLEY: The Minister for Agriculture, Food and Fisheries has provided the following information:

Labor's policy is to 'consult with rural and remote communities on the provision of government services before formulating regional impact statements to implement any changes to those services.

In the case of the commercial river fishery, cabinet in considering the process of structural adjustment for the fishery noted the social, environmental and family impacts of the proposed adjustments.

The structural adjustment process includes consultation with the affected fishers on the development and implementation of an assistance package that will see the removal of gill nets by 1 July 2002 and access to native fish species by 1 July 2003. The assistance package will be for licence holders to exit the fishery during 2002, or continue commercial fishing for non-native species after 1 July 2003. An assistance package will need to take into account the social, environmental and family impacts of implementing the government's policy.

The Minister for Agriculture Food and Fisheries, the Hon. Paul Holloway will be personally meeting with the affected river fishers on Friday 7 June 2002 to develop the assistance package.

LONZAR'S LODGE

In reply to **Hon. I.F. EVANS** (16 May).

The Hon. J.D. HILL: The honourable member asked whether my staff or I were aware the Friends of Parks had written to my department opposing demolition of the ranger's residence on Kangaroo Island known as 'Lonzar's Lodge'. I replied that I would check with my staff.

In response I can advise that neither I, nor my staff were aware that the Friends of Park members had written to the department in relation to Lonzar's Lodge approximately four weeks prior to my visit to the island.

TRAM BARN

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

Leave granted.

The Hon. M.D. RANN: I am pleased to report today on the proposed sale of the surplus former tram barn site on the south-eastern corner of Victoria Square. The site will be sold to the owner of the adjoining property, the Catholic Church Endowment Society, which is proposing to develop the site. I am confident that the proposed development will be sympathetic to the adjoining heritage buildings and capable of complementing the cathedral precinct and Victoria Square. The design for the site will be subject to the state's normal planning requirements and the need to satisfy the Adelaide City Council's urban design guidelines.

An honourable member interjecting:

The Hon. M.D. RANN: There has been a great deal of speculation about the future of this site for many years, to the point where it has become controversial. My colleague the Minister for Administrative Services will also be required to approve the redevelopment concept plan for the site. I understand that the development will incorporate an office building and will provide additional educational facilities for the adjacent St Aloysius College, which is presently bursting at the seams. The provision of additional office space will also assist in meeting a growing demand for good quality accommodation to service this part of the city.

Of course, the sale of the property will be subject to the church's paying the current market value. In my view, this is very much a positive outcome for all stakeholders, particularly the City of Adelaide. There will be a clear synergy with the cathedral and the Catholic church, as well as meeting the pressing needs of St Aloysius College.

NATURAL RESOURCE MANAGEMENT COUNCIL

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I am pleased to announce the formation of the Natural Resource Management Council. This council will integrate existing natural resource management institutional arrangements which will provide alleviation of land use conflicts; more efficient management of inter-catchment issues; better access to expertise; and a reduction of redundancies and overlap, especially in the use of consultants and education programs. The new council will facilitate the integration of the existing range of regional resource management boards. The council will oversee the development and implementation of new overarching regional boards which will meet the planning and management needs of each regional catchment area. These new boards will be skills based and will be formed around water catchment area boundaries.

The council will consist of representatives from the Native Vegetation Council, the Soil Conservation Council, the Water Resources Council, the Environment Protection Authority, the Animal and Plant Control Commission, the National Parks and Wildlife Council, Aboriginal land-holding bodies, Landcare Association of South Australia, the Local Government Association, the South Australian Farmers' Federation and the Conservation Council of South Australia.

I am also pleased to announce the appointment of Mr Dennis Mutton as Chairperson of the Natural Resource Management Council. Mr Mutton will bring a wealth of knowledge and experience to the council. He has experience in natural resource management, industry development, regional development and human resources. Mr Mutton was formerly Chief Executive of both the Department of Primary Industries and Resources of South Australia and the former Department for Environment and Natural Resources. He was Deputy President and Commissioner of the Murray-Darling Basin Commission, and he has served on a number of state and national boards. Mr Mutton will use this experience to work with stakeholders in regional areas and the relevant government agencies to reform current resource management institutional arrangements and to ensure that South Australia's valuable natural resources are managed sustainably for current and future generations.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Urban Development and Planning (Hon. J.W. Weatherill)—

Outback Areas Community Development Trust—Report 2000-01.

QUESTION TIME

INSURANCE, PUBLIC LIABILITY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer advise the house what options are currently available to those organisations which are not affiliated with a council and which cannot access public liability insurance after 30 June? Yesterday in a ministerial statement the Treasurer assured those facing imminent expiry of policies on 30 June that options are already available to overcome the problem and that more options are emerging. However, the opposition has been contacted by enterprises unable to obtain any public liability cover beyond 30 June.

The Hon. K.O. FOLEY (Treasurer): The problem and dilemma facing governments around Australia is that, whilst schemes are available, there are still difficulties for many groups in the community. The Local Government Association, as I have said, has a scheme that is operating, and we understand that about 4 000 community groups that have linkages with local government have been able to access that scheme. As I said to the leader, I met with the Local Government Association on Friday, and SAICORP—the South Australian government insurance corporation—to see how that scheme can be expanded to make available insurance to groups that are outside the normal criteria for the existing scheme. I said that we had very good talks. We are hopeful that we can announce a broadening of that scheme over the course of the next few weeks but at this stage those negotiations have not been concluded.

When I talk of options emerging, I mean that the states are doing everything possible to indicate to the insurance market that governments nationally—and, importantly, the federal government—are prepared to take significant measures, including caps on payouts, as well as waivers. It is hoped that insurance companies will quickly read the signals from governments and take that into account when either offering or considering the rate of their premiums that they offer in the marketplace. In answer to an honourable member yesterday, I said that we will have serious issues confronting us about horse riding come 30 June. I have not walked away from. There is not complete coverage; there are significant gaps in the marketplace.

An honourable member interjecting:

The Hon. K.O. FOLEY: What I said yesterday is what I stand by: that options are developing and emerging. They are not—

An honourable member interjecting:

The Hon. K.O. FOLEY: I say to the Leader of the Opposition: options are emerging and, as they emerge, can be agreed to and can be put in place, announcements will be made.

MINISTERIAL DOCUMENTS

Mr RAU (Enfield): My question is directed to the Attorney-General. Given the comment made in the Speaker's ruling concerning the possession by a former minister of a cabinet document, could you advise the house of what, if any, action—

Mr BRINDAL: I rise on a point of order. Mr Speaker, you said that this was a matter which you were considering. Therefore, I ask you to rule this question out of order. How can the minister be asked a question on a matter you, sir, are considering?

The SPEAKER: Order! As the member for Unley and all other honourable members will have noted, there were elements of the statement I made to the house which have been deliberated upon. It is only those matters arising under the State Records Act on which I am still cogitating. It does not mean that questions about the State Records Act, for that matter, could not be asked. However, they ought not to presuppose or pre-empt any statement I might make. From what I have heard of the question thus far, it is in order. The member for Enfield.

Mr RAU: I will start again. Given the comments made in Mr Speaker's ruling concerning the possession by a former minister of a cabinet document, could the Attorney advise the house what action, if any, he has taken about possible breaches of the law?

Mr MEIER: I rise on a point of order, Mr Speaker. It would appear the member is reading the question—that it has actually been written down and prepared. Mr Speaker, I ask you, therefore, whether the member was made aware of your ruling before it was given to this house.

The SPEAKER: Order! That is a very serious implication; I will take the question seriously. I have had no discussions whatever with the member for Enfield, or for that matter any other member of this chamber, at any time about this matter. If the member has written down what he wishes to ask, that, to my mind, is simply because he wishes to get it right when he puts the question to the house. Whilst it is a practice that other similar parliaments do not allow, this parliament has allowed that practice. I accept that, for the purpose of practice at this point, it is in order for him or other members to read it. If they can develop the skill to ask their questions arising from their mind, it will make parliament that much stronger, I think. However, the member may continue, and I see the question as being in order.

Mr RAU: I have actually finished the question, Mr Speaker, thank you.

The Hon. M.J. ATKINSON (Attorney-General): I have sought and received urgent advice from the Crown Solicitor's Office on the question whether former ministers are entitled to retain possession of copies of cabinet documents or budget documents that they may have obtained when they were in ministerial office.

Members interjecting:

The SPEAKER: Order! The Treasurer will come to order. The leader has a point of order.

The Hon. R.G. KERIN: I rise on a point of order, Mr Speaker. This is a quite serious point of order. Mr Speaker, given your previous ruling involving the member for Enfield, it appears not only that the member for Enfield read his question but also that the Attorney-General has a prepared, typed answer in front of him to that question. That raises the question whether or not they knew of your ruling, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The inference in the point of order is very flattering. It presupposes that I alone would have had the wit to examine the implications of what came before

the house last Thursday and yesterday. I can tell the house that people other than myself and members of this house have had the same consideration actively in their mind, because a journalist rang me, without prompting from me, and put a question to me that I had already been cogitating upon for several hours. It is not unique that I alone would think of these matters, flattering as the inference is, and I therefore take it that the Attorney-General has likewise either been—

An honourable member interjecting:

The SPEAKER: Order! I have no idea what goes on in his mind. It is not my province to divine it. The Attorney-General.

The Hon. M.J. ATKINSON: For the interests of the house, the Crown Solicitor advises: 'The short answer to the question is no.'

The Hon. I.F. Evans: What was the question?

The Hon. M.J. ATKINSON: The question was whether former ministers are entitled to retain possession of copies of cabinet documents or budget documents that they may have held when they held ministerial office. That is the question and the Crown Solicitor's Office advises that the short answer to the question is no. The advice continues:

> Section 17 of the State Records Act provides that it is an offence (punishable by imprisonment for up to two years or a fine of up to $10 000) for, amongst other things, a person to intentionally remove an official record from official custody knowing that they do not have proper authority to do so. Section 21 empowers the Manager of State Records to demand the return of an official record. Failure to comply with such a demand is an offence.

The advice goes on to say:

> I advise that a person who has been a minister only gains access to official records by virtue of that office. The right of access ceases to apply upon the person losing ministerial office. Former ministers are not entitled to take copies of documents with them when they lose office. By doing so they may expose themselves to prosecution under section 17, although I note that to secure a conviction it would be necessary to prove that the former minister knew that he or she did not have proper authority to remove the official record. Regardless of the minister's state of knowledge, the Manager would be entitled to demand the return of the record.

The advice concludes:

> To summarise my advice, former ministers are not entitled to retain copies of official records when they lose office. Cabinet and budget papers would fit that description.

Members opposite should be under no illusions. This government is rightly and properly concerned about their apparent disregard for the law of the land. The individuals concerned are former ministers and members of this place or the other. They should have no capacity to claim ignorance of the law.

The use of official documents in this chamber yesterday is prima facie a breach of the State Records Act, punishable by imprisonment for up to two years or a fine of up to $10 000. Those who spent the three or four weeks after the general election combing through cabinet documents and retaining those they thought would be to their political advantage in the future have acted improperly and unlawfully. They should do the decent thing and return those documents which are not theirs to keep.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition.

INSURANCE, PUBLIC LIABILITY

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Premier. Is the Premier prepared to recall parliament to sit next week to ensure that the house can address the current public liability insurance crisis as a matter of urgency? Mr Speaker, as you would be aware, parliament is scheduled to rise at the end of this week and is not scheduled to meet again for one month. In our absence, many community sporting clubs, recreational facilities, volunteer groups and tourism operators and other small businesses will face huge increases in costs or the prospect of not being able to gain public liability insurance. It is a fact that a number of events have been cancelled and a number of businesses have already been forced to close. Yesterday, the Treasurer informed the house that the government would be introducing bold new legislation as soon as possible. He went on to say:

> I will meet this week with the Law Society and have instructed government officials to begin drafting as an urgent priority.

The Hon. M.D. RANN (Premier): I am delighted to answer the Leader of the Opposition's question. This is an area where there could be a degree of bipartisanship where the Leader of the Opposition can help. I can inform the house and the Leader of the Opposition that during the break legislation will be drafted. But what I would like the Leader of the Opposition to do—just as the former premier contacted me back in 1994 to talk to Paul Keating and Laurie Brereton about the upgrade of the Adelaide Airport, which I did, and the leader acknowledged that—is to go to New South Wales during the break to talk to his counterpart there, the Leader of the Opposition Mr Brogan, because nothing can be done in Australia until the New South Wales law is passed, and it is being blocked. I am told that the Leader of the Opposition and the Liberal Party in New South Wales has been doing their best to frustrate the process.

Members interjecting:

The Hon. M.D. RANN: Can I just say this: we will be drafting legislation here, but in the meantime I ask the Leader of the Opposition to go to Sydney to meet with his counterpart there to tell them to get off their backsides.

MINISTERIAL DOCUMENTS

Mr KOUTSANTONIS (West Torrens): My question is directed to the leader of government business in the house. In the light of the Attorney-General's response to the question asked by the member for Enfield, can the minister advise the house whether there have been other instances of former government ministers using what appear to be illegally obtained documents in parliament?

The Hon. P.F. CONLON (Minister for Government Enterprises): I thank the member for his question on this serious matter, and it would be good if the opposition would treat it with the seriousness that it deserves.

Members interjecting:

The Hon. P.F. CONLON: I said crooks are incompetents, if you must know.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: This is not the first time that this matter has been raised. Much to the great surprise over there, the *Hansard* will show that during a grievance debate, I think it was, by the former police minister, I took a point of order and I raised the issue that he appeared to be referring to government documents. I asked the Deputy Speaker, the Hon. Bob Such, to deal with this matter. On that occasion, the Deputy Speaker did ask if the former minister voluntarily would show him the documents, but unfortunately on that

occasion the member for Mawson declined to do so and scurried out of the place. I can say that what we know is this: that on Wednesday 8 May, the honourable—

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The deputy leader will come to order.

The Hon. Dean Brown interjecting:

The SPEAKER: I warn the deputy leader.

The Hon. P.F. CONLON: The Deputy Leader of the Opposition appears to be of the proposal that someone did something—

The SPEAKER: Order! The minister will not inflame the situation.

The Hon. P.F. CONLON: I can indicate that on Wednesday 8 May the Hon. Rob Lucas in the other place referred to a confidential Treasury document dated 15 January 2002 and a memo and attachment from the Under Treasurer. On Thursday 16 May the member for Mawson, the former minister for police, had his people distribute a minute, dated 13 November 2001, from the General Manager, Business Advisory Services of the Justice Portfolio Services Division. On Monday 3 June, the member for Waite, the former minister for tourism, referred to a cabinet document dated 14 January 2002, and a signed off cabinet document dated 11 January 2002. On Monday 3 June, the member for Finniss, the former deputy premier, referred to a copy of a cabinet submission relating to HomeStart loans for aged care facilities and a memo signed by Frank Turner of the Department for Human Services.

To compound their problems, the former ministers have referred to other documents which I believe must have been illegally obtained. In particular, on 13 May the member for Davenport referred to a Treasury minute dated 21 December 2001, one already referred to by the former treasurer. I can indicate, as was indicated to this place earlier by the Treasurer, that not only did they have copies of that document but also a search indicates that we do not have the entire file anymore. The entire original file is gone. On Thursday 28 May the member for Waite referred to a Treasury minute mentioned by the former treasurer in the Legislative Council.

What we have here is not an isolated incident of somebody having something that was left in their bag by accident. What we have is a systematic stripping of government documents. The facts—

Members interjecting:

The SPEAKER: Order! The member for Unley has a point of order.

Mr BRINDAL: Sir, I believe you have consistently ruled and actually spoken to this house many times on imputing improper motives to members other than by substantive motion. If this is not imputing improper motives, I ask you what is.

The SPEAKER: The member for Unley is wide of the mark. The minister is simply, in whatever manner he thinks appropriate, so long as it is within standing orders, relating to the house a list of the occasions which he recalls were instances of where members relied on such documents for remarks or assertions they made to the chamber. I do not see that as imputing improper motives to the member concerned. I do not believe there is a point of order, but if the minister strays into the area of speculating about why it was done, that could constitute a point of order.

Mr WILLIAMS: I rise on a point of order, Mr Speaker. I contend that the minister indeed was straying into speculation. He was alleging that there was a 'systematic stripping of documents'; I think they were his exact words, which is not listing instances.

Members interjecting:

The SPEAKER: Order! I hear what the member for MacKillop is saying. Such an allegation is not directed at any one person but at all such people who were involved. It strikes me as quaint that the activity was so widespread, and it disturbs me. I will leave it at that for now.

Members interjecting:

The Hon. R.G. KERIN: On a point of order, sir, I would contend that you just imputed improper motives to us.

The SPEAKER: As I began observing, I can tell the leader that it was when the member for Davenport first brought the Treasury document to me that I first became anxious about what might be afoot here and took advice myself from prominent legal people in this town who were silks.

The Hon. R.G. KERIN: So, sir, you are imputing improper motives to the opposition?

The SPEAKER: I am simply relating to the house what has gone on in my mind: I wonder what has gone on in theirs, and I leave it at that.

The Hon. P.F. CONLON: Let me make what I am saying absolutely clear. A whole series of former ministers have turned up with documents that they should not have in their possession. I will not impute improper motives: I will simply say what the Crown Law advice was. There are only two explanations for why they had the documents: one is that they broke the law in getting them and the other is that not a single minister in the former government knew what the law was. Neither of those conclusions reflects very well on the former government.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I take a point of order, Mr Speaker. The minister has now specifically implied that a member or members have breached the law, and that can only be done by way of a substantive motion within this house.

Members interjecting:

The SPEAKER: Order! In response to the point of order that has just been raised, it is my judgment that the answer being given by the minister has not strayed into the area of disorderly response to a question, but the government ministers might do well to consider carefully the manner in which they pursue this matter, if at all, during the remainder of the proceedings today until I have had a chance to make a further statement to the house. Finally, the answers that ministers give to the house must be factual and relevant to the questions raised, and they should not debate them. I do not see that as having happened.

The Hon. DEAN BROWN: I take a further point of order, sir. The minister has implied that a member or members have breached the law. That is a reflection on a member in this house, and on numerous occasions you have ruled that a member cannot reflect on another member of the house without a substantive motion. The minister is implying that members have broken the law; that is a reflection. I ask you to rule immediately that the minister should withdraw that reflection on members.

The SPEAKER: Order! I do not uphold that point of order, for the reasons I have just given.

The Hon. R.G. KERIN: Could I ask that the Treasurer be asked to withdraw his accusation that I provided him with cabinet documents?

The Hon. K.O. FOLEY: I apologise, sir. The Leader of the Opposition did not supply me with any leaked documents; you were one of the few of your colleagues who did not.

The Hon. P.F. CONLON: I will not take the time of the house for much longer. It is plain that members of the opposition are pained by listening to this, and so they should be, because it reflects extremely poorly on them. I repeat what is a factual matter. The fact is that I have detailed to the house numerous instances of former government ministers being in possession of documents that Crown Law—not I, but Crown Law—says they should not have. The Attorney-General's answer made abundantly plain that Crown Law said they should not have the documents. I further offered the only explanations as to why the documents would be in the possession of the former ministers. The first is that they took them unlawfully and the second is that not a single minister of the former government knew what the law was in regard to government documents. Can I say that neither explanation reflects well on the former government, does it? I mean, it is very obvious that neither explanation—

The Hon. M.D. Rann: That's what they were doing for three weeks.

The Hon. P.F. CONLON: Sir—

Mr McEwen interjecting:

The Hon. P.F. CONLON: I am sorry?

Mr McEwen interjecting:

The Hon. P.F. CONLON: In answer to the member for Mount Gambier, we were a good opposition and a better government. What we saw with the previous government in terms of standards of openness and accountability was appalling, and it was a point made frequently in this place previously. It was the impetus for the major openness and accountability legislation that is currently being promoted by the Premier. We saw minister after minister fall over in this place. We saw premiers go one after another and, finally, when the judgment of the people got there—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —they still clung onto government.

Members interjecting:

The Hon. P.F. CONLON: They still clung onto government. What we know about the former government is that it had form with the shredders. We know that it had form with the shredders. What I hope we do not see now is that it has form in other areas as well, because it certainly appears that way now. I will not go on, but can I say that it is no wonder now, when we travel around the country to country cabinets, that people welcome the new government as a breath of fresh air, and might I say a breath of fresh, clean air.

The Hon. M.D. Rann: Shredders and collectors.

The SPEAKER: Order! I call the member for Goyder.

INSURANCE, INDEMNITY

Mr MEIER (Goyder): Will the Minister for Transport override his department's guidelines to ensure that tourist rail operators in South Australia can be appropriately covered by a $10 million indemnity insurance cover rather than the $20 million cover expected of his department, namely, Transport SA? The Yorke Peninsula Rail Preservation Society runs the tourist train from Wallaroo to Kadina to Bute.

The Hon. M.J. Atkinson: Are you reading this question?

The Hon. P.F. Conlon: You're not reading that are you, mate?

Mr MEIER: I am onto the explanation now. I am explaining what the Yorke Peninsula Rail Preservation Society has sent to me; is that all right?

The SPEAKER: Order!

Mr MEIER: I sought leave.

The Hon. M.J. Atkinson: So that is all right now?

The SPEAKER: The Attorney-General will come to order.

Mr MEIER: The Yorke Peninsula Rail Preservation Society is run entirely by volunteers. Transport SA guidelines for operator accreditation indicate that a satisfactory indemnity insurance cover is $20 million. The premium in 2000-01 for $20 million was $1 925. This year (2001-02) the premium is $5 588. The insurer has advised the Yorke Peninsula Rail Preservation Society that, for next year (2002-03), the premium will be $6 000 for the first $10 million and a further $19 000, that is, a total of $25 000 for $20 million of cover. It has been put to me that such an impost would close the tourist railway overnight.

Members interjecting:

The SPEAKER: Order! I call the minister.

The Hon. M.J. WRIGHT (Minister for Transport): I am not in a position to make a snapshot decision about that today. I appreciate the issues raised by the member for Goyder. As a former resident of Kadina, certainly, I share the honourable member's concerns for that tourism rail line about which he talks, and I am sure that all members on both sides of the house would feel very passionate about the issue and about the industry. I will be happy to go to the department to seek some advice about the information that has been provided and return with some further detail for the honourable member.

MINISTERIAL DOCUMENTS

Mr SNELLING (Playford): I refer to the Attorney's earlier answer to the member for Enfield's question regarding the illegal possession by those opposite of ministerial and other documents. Has the Attorney-General taken any action to draw this breach of the State Records Act to the appropriate authorities?

The Hon. M.J. ATKINSON (Attorney-General): This day I have written to Mr Terry Ryan, Acting Manager of State Records for South Australia, and drawn his attention to the conduct to which the Minister for Government Enterprises just referred. Pursuant to section 21 of the State Records Act 1997, if Mr Ryan believes that a person has custody or possession of an official record otherwise than in an official capacity he may, by notice in writing, require the person to deliver the record into the custody of State Records within a period specified in the notice. I have asked Mr Ryan to exercise his authority under section 21 of the State Records Act.

I have also drawn Mr Ryan's attention to the possibility that the conduct to which the Minister for Government Enterprises has referred constitutes an offence for the purposes of section 17 of the act.

INSURANCE, INDEMNITY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier advise the house what the government is doing to assist those builders who will not benefit as a result of the government's proposals to address the worsening crisis in building indemnity insurance that is threatening the state's building industry? The opposition has been inundated with calls from members of the building industry who have indicated that the government's proposals to address a building indemnity crisis do not go far enough.

The President of the Australian Institute of Building Surveyors summed up the concerns of the building industry in a letter to me, in which he commented on the government's proposals as follows:

> It will not address the immediate problem faced by builders, many of whom are on the brink of bankruptcy, simply because they cannot get insurance. . . The problems faced by the industry, including members of our institute, continue to grow and cause major if not irreparable damage to the industry and the state at large.

His letter went on to say that the proposals put forward by the government would assist only a very small percentage of the industry, possibly as low as 5 per cent of builders. A letter to the opposition from a prominent Adelaide building firm states:

> Our letters to the government go unanswered, our cries for help are falling on deaf ears. If something is not done within the next few days some builders will be closing their doors. The roll- on effect to the state's economy will be enormous.

The Hon. M.J. ATKINSON (Attorney-General): The government has consulted extensively with the Housing Industry Association and the Master Builders Association to get the best from building indemnity insurance, and we announced a quite detailed scheme of exemptions last week. Indeed, we were criticised by the opposition for not announcing it earlier, but we did not announce it at the time we had hoped because we wanted to consult the peak bodies of the industry, and they agreed with what we were doing. They regarded our conduct as contributing to improving the situation.

The problem we have is that a Swiss reinsurer has pulled out of the market, with the result that Dexta does not any longer write building indemnity assurance, so that leaves just one insurer, Royal and Sun Alliance, through the Housing Industry Association. In the longer term it is not satisfactory to have just one insurer in the building indemnity insurance market. We would like two, three or more. That would serve the building industry best.

So, we have announced quite openly a scheme of exemption, and we have taken steps to change the law in South Australia to make sure that the law relating to building indemnity insurance is as uniform as possible across Australia, in order to encourage more insurers back into the market. What we cannot do is have the government and the taxpayer standing behind warranties of South Australian builders. What the opposition is, at bottom, advocating is that the government ought to pick up liability for every builder who fails to complete a job or who fails to fulfil the warranties over a period of five years. We are not going to expose South Australian taxpayers to that kind of long-term risk. On this side, we have learnt our lesson about exposing taxpayers to risk.

So we have a scheme of exemptions. The exemptions are being looked at by the Office of Consumer and Business Affairs. I would be very surprised if the opposition leader is able to give the house examples of builders who have already been refused, because those applications are still being assessed. I ask him to wait and see, but I also ask the house to accept that the taxpayers of South Australia cannot stand behind builders' warranties. I also ask the house to accept that we must have some consumer protection in this area. It would be with great reluctance that I would allow any consumer to be exposed to the possibility of a builder going belly up and there being no means by which consumers can have their homes completed or the statutory warranties upheld over a five year period.

NURSES

Ms RANKINE (Wright): Can the Minister for Health confirm that the previous government failed to budget for an undertaking given to nurses in their enterprise agreement to replace the Excelcare nurse staffing system, and is this undertaking now in default? Excelcare is a computer system used by major hospitals to help determine the numbers and qualifications of nursing staff needed to meet patient care requirements on each roster.

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for her question, because any breach of an enterprise agreement by a government is a very serious matter. However, that is the situation left by the former minister for human services. On 22 February 2001 the Liberal government agreed to enter into an enterprise agreement with the Australian Nursing Federation that included an undertaking to replace the Excelcare staffing system. This undertaking is not in the budget or the forward estimates. Because a tender is now in process, I am unable to inform the house of the final cost, but I can say that it is likely to run into several million dollars. The former minister also agreed, in section 8.6 of the enterprise agreement, that the new system would be determined by March 2002 and implemented by August 2002. However, the former minister failed to act to meet these deadlines. I record my appreciation to the Australian Nursing Federation for giving the new government the opportunity to work through this serious problem left by the member for Finniss.

INSURANCE, INDEMNITY

The Hon. R.G. KERIN (Leader of the Opposition): Can the Attorney-General advise the house why the government has not responded to urgent pleas from the building industry to implement on an interim basis a moratorium for building indemnity but with a levy for each house built? The building industry has consistently maintained that a six month moratorium on the requirement for builders to take out indemnity insurance underwritten by a trust fund, with contributions by means—

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. I trust, after the kerfuffle earlier, that the leader of the opposition is not reading.

The SPEAKER: There is no point of order.

The Hon. R.G. KERIN: I will start the explanation again: the building industry has consistently maintained that a six month moratorium on the requirement for builders to take out indemnity insurance underwritten by a trust fund, with contributions by means of an industry levy, is the only way to get the state's building industry back to work. A proposal for such a scheme prepared by the Master Builders Association was presented to the Treasurer a fortnight ago, and the

Treasurer's office indicated a response would be provided by last Wednesday. As of today there still has been no answer to the pleas of the building community. In a letter to the opposition, the CEO of the Master Builders Association stated:

> I cannot stress the grave urgency of this matter to alleviate the current crisis that is engulfing hundreds of residential builders in South Australia. The master builders have submitted a proposal that does not require any unbudgeted funds from the SA government and provides an immediate relief for the industry.

The Hon. K.O. FOLEY (Deputy Premier): The meeting and the request was to the Treasurer, as you said in your letter from the leader. This is a very serious question. I am pleased that it has been asked, and I am happy to make a number of very important points. First, as was said on the way through, the government acknowledges that there is a problem. However, the suggestion that the crisis is dominating the building industry is not correct. Here we have a problem. As the leader and the deputy would know—indeed all members of this house would know this—the Housing Industry Association, which covers the vast majority of home builders, has been writing to government, communicating with government, and to many people putting its side of the argument. It actually says that there is not a crisis. It says that for the vast majority—

An honourable member interjecting:

The Hon. K.O. FOLEY: And you're dead right. The Leader of the Opposition says the HIA has vested interests. Of course it does, and the MBA has vested interests, too. Obviously; I accept that. You have to put it into context: the vast proportion of home builders in South Australia are quite comfortable and can live within the current arrangements. It is not ideal; I accept that. They can do it, but a number of builders cannot.

An honourable member interjecting:

The Hon. K.O. FOLEY: Yes, that's correct. The Attorney-General has announced that the government has taken a number of very significant steps, for example, exemptions limiting the amount of liability. They are very important steps welcomed by the MBA and the industry. However, the proposal that the honourable member just suggested to me was put to me a week or two ago.

An honourable member interjecting:

The Hon. K.O. FOLEY: Exactly. I have not as yet been able to formally get to the MBA. We have been informally negotiating with it because it is not an easy issue. However, the Leader of the Opposition is wrong to suggest that the MBA proposal has no risk and costs no money to government. That is not correct at all. I applaud the MBA for coming up with a proposal that is worthy of serious consideration by government. We may not yet agree to it; we have not made that decision. However, it is worthy of serious consideration. Under this scheme—which, I might add, I am sure will not be appreciated by HIA; but that has not deterred the government from considering it—my recollection of the specifics is as follows. It would require a very serious financial contribution from the MBA members themselves to a fidelity scheme, I think it was called from memory; I can get the exact details. It would be a financial contribution from builders and from government, they have said paid for by the excess available to government in what is called the HIH emergency fund that was established quite correctly by the former government to deal with the HIH collapse.

The reality is that I am advised that there is not sufficient surplus in that fund to meet the funding requirements of this MBA scheme. More importantly, the MBA scheme requires government to go guarantor for a larger amount of money. My recollection of what was put to us was that it would require a government guarantee of sorts for the first call on a set amount. From memory it might have been $1 million, and over time that would reduce. That is my understanding from memory. If any of the details I have given you—

The Hon. Dean Brown: Take the levy that was established previously and put that towards—

The Hon. K.O. FOLEY: That is what I am saying, but there is just not enough surplus, though, in the levy. I anticipate what the Deputy Leader might have wanted to say was that the HIA levy is collected from all builders. The dilemma and one of the problems you have with the MBA scheme is that not all builders will voluntarily continue to want to provide that levy because they might already be getting insurance through Sun Alliance.

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: Exactly. I am not saying that there is not disquiet with the system. All I am saying is that it is not as easy as it first looks. I applaud the MBA for coming to government with a scheme that attempts to minimise and limit the amount of risk by government. That is the demand I put to it when I first met with it, and I congratulate it for brining it to us. I apologise that we have not been able to get back to it as quickly as we would have liked; we have been dealing with one or two other insurance issues.

However, this scheme requires serious consideration by government because, at the height of the building boom in this state, if we incorrectly sign up to a scheme without considering the potential liability, as a state we could be up for significant losses, as would potentially members of the MBA. We are not considering it lightly; we are giving it serious consideration. I hope to be in a position soon to say whether we will support it, but I applaud the MBA for putting into the proposal some good, serious work and we will now have to see whether it is one that government can support.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Consumer Affairs now admit that the ministerial exemption scheme announced by the government last week to address the building indemnity crisis is unworkable? The opposition has been contacted by a number of builders and building industry groups who are concerned about the workability of the government's ministerial exemption scheme as announced by the minister last week. The concerns put to the government have been twofold: first, that the announced exemptions will not assist the majority of building commencements; and, secondly, the criteria for ministerial exemption are neither fair nor commercially viable.

The CEO of the Master Builders Association, Mr Rob Stewart, has written to the opposition outlining the problems faced by builders in gaining exemptions to commence work. In his letter, Mr Stewart reveals that, under the government's proposal:

> A small builder who only has 10 commencements a year would have to place 10 bank guarantees to the total value of $800 000 plus the interest and establishment costs.

The Master Builders Association letter goes on to say:

> Builder A, with insurance, passes on a premium of approximately $800 to their client where Builder B, without insurance, pays up to $4 500 for establishment fees, plus annual interest, and has to commit to $80 000 worth of assets to provide the same product.

The letter goes on to say:

> This financial burden is impossible for a small to medium enterprise to fund and the builder who pursues this course of action would be at an incredible market disadvantage in competing with a builder who has access to building indemnity insurance at the current premium rate.

Concerns have also been raised about the government's capacity to be able to process the large number of exemptions that are likely to be claimed, and I am told that could be several thousand.

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): I understand that the number of exemptions that have been sought so far amounts to about 40, not thousands. The government has done all it can, consistent with consumer protection and protecting the taxpayers, to get uninsured builders, mainly small builders, back to work. Moreover, the exemption scheme has been in place only a matter of days, so I am not sure how the member can pronounce it a failure already. I refer the member to my previous answer.

GRAVES, HISTORICAL

The Hon. R.B. SUCH (Fisher): Is the Minister for Local Government concerned about the lack of protection for historical graves in South Australia and is he also concerned that many modern cemeteries currently only provide secure tenure for a grave site for 50 years? Pioneer graves are not protected in South Australia at the moment and, in addition, many modern cemeteries provide for a plot licence or lease for only 50 years. If relatives are not contacted or cannot be contacted after the expiry of the 50 years then the headstones can be removed and the grave site reused.

The Hon. J.W. WEATHERILL (Minister for Local Government): I thank the honourable member for drawing public attention to this important issue. I am concerned because it is alarming to think that something as important as a person's grave can be subject to the vagaries of whether you can find someone's address to ask them whether the grave can be renewed. However, the issue is a little more complex than that. The Heritage Act actually enables historical graves to be protected. For example, the West Terrace Cemetery is a state heritage area, and many of our pioneers are interred there. However, I appreciate that many of the grave sites referred to by the honourable member may not fit the criteria for heritage protection, as set out in that act, and are associated with churchyards and are not dedicated cemeteries. In such cases, this issue falls to be determined by the churches involved; they are responsible for determining the fate of those graves prior to the sale or redevelopment of church properties. So, in the first instance, those concerns need to be raised with the churches in question.

However, with respect to old dedicated cemeteries, the Local Government Act 1934 provides powers for councils to take over those cemeteries. So, in some cases, it would be a question for council. With respect to modern cemeteries providing tenure for 50 years only, it is a matter of concern if the cemeteries do not make sufficient effort to contact relatives to ensure that tenure is renewed by families, and that is an issue that I am currently investigating. However, it should be noted that current legislation does not prohibit denominational or private cemeteries from offering perpetual tenure on grave sites.

While we are addressing this issue, it is probably important also to raise the equally important issue of war graves, which are affected by similar issues. That matter has also been raised in recent weeks. At the federal level, the Minister for Veterans Affairs recently wrote to the Premier seeking to protect the graves of war dead buried in South Australia, in particular, Vietnam war graves.

While the issue of ensuring that official war graves are adequately protected and that tenure is renewed, when required, it is primarily an issue for the Office of Australian War Graves to resolve with individual cemeteries and the relatives. I have asked that discussions be undertaken between relevant government agencies and the Office of Australian War Graves in order to clarify the status of and ongoing arrangements for tenure of war graves, in particular, Vietnam war graves.

The Premier and this government have great sympathy for this action, and we have sought advice on how we can deal with this issue generally to ensure that people's family members are respected. Of course, they are all important but some are of historical interest and should not be at the whim of whether or not somebody can be found or whether somebody has changed their address and cannot be found to renew these important graves.

DOG REGISTRATION FEES

The Hon. I.F. EVANS (Davenport): My question is directed to the Minister for Environment and Conservation. Given the public criticism of the minister for his failure to consult community groups on the demolition of Lonzar's Lodge—

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: Mr Speaker, I will repeat my question. Given the public criticism of the minister for his failure to consult community groups on the demolition of Lonzar's Lodge, why is the minister breaching the proposed ministerial code of conduct by now undertaking urgent secret negotiations with the Dog and Cat Management Board to significantly increase dog registration fees without consulting canine clubs and dog owners? The opposition has received a copy of a memo from the Dog and Cat Management Board to local government revealing that the board is urgently negotiating with the minister to increase dog registration fees. The memo states:

> Please be advised that we are holding urgent negotiations with the Minister regarding an increase in dog registration fees effective from next financial year.

Councils have received urgent advice to delay sending out dog registration renewal notices. The memo continues:

> We believe it is appropriate at this stage to urgently advise councils to delay sending out their dog registration renewal notices until further notice from the Board and the LGA.

The Local Government Association and the Dog and Cat Management Board believe that the minister supports their proposal for increased dog registration fees. The memo goes on:

> We believe the Minister is in agreement with the proposal. . .

With the new financial year only three weeks away, canine clubs and dog owner groups have not been consulted about the proposed significant increase in dog registration fees.

The Hon. J.D. HILL (Minister for Environment and Conservation): It is a fascinating question by the opposition spokesman. He raises two issues, and I would like to address them both. The first one relates to the public criticism over the destruction of a building on Kangaroo Island. I must say

that I am not aware of any public criticism. I think I have had two—

The Hon. I.F. Evans: What about the National Trust? The National Trust wrote to you on that. Aren't they the public?

The SPEAKER: Order!

The Hon. J.D. HILL: He is very excited about this issue. I think I have had two letters to date on this issue. I am not aware of any criticism in the public arena on the matter, but I may have missed a letter to the editor in the Kangaroo Island newspaper. As I say, I am not aware of any public criticism, but I stand to be corrected: I will search it out with a magnifying glass in due course. If this is the biggest issue that the former minister can bring before us, having been a minister for the environment for three years—he has asked me three questions, I think, all of them on Lonzar's Lodge on Kangaroo Island—then I find his sense of priorities extraordinary.

The honourable member also asked a question about the Dog and Cat Management Board, which is an interesting board and which I understand the former minister was not able to talk to because he and they had a falling out.

The Hon. M.D. Rann: Fought like cats and dogs?

Members interjecting:

The Hon. J.D. HILL: They did. Members of that board are appointed by local government, yet it is a board which purports to speak on behalf of the minister for the environment. It is a board that I want to seriously consider restructuring because I think the arrangements in—

The Hon. I.F. Evans: You're going to flick it to local government. You're going to give it to the local government minister.

The Hon. J.D. HILL: I tried that option but he said no. There are problems with the way this board is structured and I intend to sort out these problems. It is inappropriate that a board that is appointed by another body is then responsible to the government and can speak on behalf of the government. In relation to—

The Hon. I.F. Evans: Why not consult the community? Why not consult canine clubs about increasing dog registration fees?

An honourable member: You're barking up the wrong tree.

The Hon. J.D. HILL: You are barking up the wrong tree, as the honourable member said. In relation to the fees I can advise the house that the Dog and Cat Management Board approached me, through an intermediary (a departmental officer), and said there was an urgent need to put up fees for dog licences; they asked me to consider it, and I said that I would. The Local Government Association, which also met with me, put the same view forward, and I told them I would consider it, and I am considering it.

FURTHER EDUCATION

Mr BRINDAL (Unley): My question is directed to the Minister for—

The SPEAKER: Order! The Attorney-General will come to order so that the member for Unley can get on with his question.

Mr BRINDAL: Can the Minister for Employment, Training and Further Eduction tell the house how much it will cost to establish the new department of further education incorporating TAFE, vocational education and higher education; and what systems will be created to ensure that the move will strengthen the provision of these vital services, including the ability of the minister's office to answer the telephone? Today the government announced the establishment of a new department of further education. The Premier has said that forming the new department would create the systems necessary 'to strengthen TAFE, vocational and higher education', and I assure the government that I do not have any cabinet document here.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I am very grateful to the member for Unley, and I am willing to take any advice he has about answering telephones, as he is obviously an expert in this matter.

Members interjecting:

The SPEAKER: Order! The Minister for Government Enterprises and the Attorney-General are making it difficult for me to hear the Minister for Employment.

The Hon. J.D. LOMAX-SMITH: Education, child care, preschools, primary and secondary schooling, TAFE and the vocational education and training sectors, as well as higher education, are critical for the wellbeing of this state. Previous coverage of this area has been relatively unwieldy as it has been bundled into one large portfolio: the Department of Education, Training and Employment. The government has reviewed this arrangement and feels that it is inadequate. Our literacy and numeracy outcomes are not all they could be, and the links between business, industry and training have also been inadequate in the past. The government has decided to split the education functions to rebuild a strong focus on each of its parts. We need to have clear support for the work of schools under the Minister for Education and Children's Services and, in order to achieve this, a position of chief executive—

The SPEAKER: Order! It is difficult for me to hear the Minister for Tourism—not because she lacks eloquence but because other members are muttering. The Minister for Tourism.

The Hon. J.D. LOMAX-SMITH: In order to achieve this, the position of Chief Executive for Education was advertised in the weekend press. People would be aware that there is currently an acting chief executive occupying this role in the current department as it stands. Our decision to separate these two parts of the department is predicated on the view that there should be no extra cost, and the costs involved in restructuring will be absorbed within our current budgets.

CONSTITUTIONAL CONVENTION

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier inform the house on the progress of the proposed constitutional convention? On several occasions during the sitting I have reiterated my party's commitment to full participation in the convention. Twice already we have asked for more information and we have still not received answers regarding timetabling, costings or staffing.

The Hon. M.D. RANN (Premier): I am delighted to be able to announce to the house that the Attorney-General will be making a ministerial statement on Thursday about the constitutional convention. I look forward to the Leader of the Opposition joining me at that convention in making keynote speeches.

NORTH TERRACE REDEVELOPMENT

The Hon. M.R. BUCKBY (Light): Further to the Minister for Local Government's media announcement today concerning the redevelopment of North Terrace, will the minister detail to the house how savings amounting to $2 million will be achieved? In his media release today the minister says:

> There is also a saving of about $2 million with the new plan, but we have managed to retain the integrity and the quality of the project.

The minister has not yet provided details as to how this will be achieved.

The Hon. J.W. WEATHERILL (Minister for Local Government): As I reported to the house on 7 May, the fact is that a public consultation process was in place at that time. That has concluded. It is a little difficult to listen to the member for Unley talk about money in relation to this project. In relation to this project, we had an arrangement where two-thirds of the works would be on local government land, yet the deal that has been negotiated by members opposite involved our paying half the price. It is not surprising that we are in as much strife as we are with the budget. What needs to be said is that the Premier has—

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The question was asked by the member for Light, and the member for Newland's assistance to clarify what he intended is not needed. The minister.

The Hon. J.W. WEATHERILL: I have been asked by the Premier to look at this project in a way which will save the trees, the grass and some money. I have identified a design that will achieve those objectives. We will save $2 million of government money and we will apply those savings into government priorities. That will be the way in which we choose to deal with this project. This is a partnership with the Adelaide City Council. The Adelaide City Council has cooperated and been very respectful of the fact that this is a new government with new priorities. It has allowed us the time to consider the project, and it has done something that those opposite should have done. It has allowed us to engage in a public consultation, which should have been undertaken by those opposite.

I remind members of the house that $1 million was spent on getting this project organised, yet they could not organise themselves to undertake public consultation. We have undertaken public consultation and responded to the concerns that existed out of that public consultation process. We have now rescoped the project and have put a proposition to the council. We are confident that the council will consider that proposition when it meets next Monday, and we are hopeful that this project will be capable of being sent out to tender within a short time limit. We will need to report back to the Public Works Committee. We are confident we have met the concerns of the Public Works Committee, and we are hopeful that we will be able to begin this project in the latter part of this year.

MINISTERIAL DOCUMENTS

The SPEAKER: Earlier in the course of question time, members will recall that several points of order were raised about allegations against members. I draw members' attention to the material contained on pages 386 and 387, particularly 387 of the Twenty-Second Edition of Erskine May. For the benefit of members I will quote a point at the head of that page:

> Abusive and insulting language of a nature likely to create disorder. The Speaker has said in this connection that whether a word should be regarded as unparliamentary depends on the context in which it is used. For example, expressions which are unparliamentary when applied to individuals are not always so considered when applied to a whole party. A charge that a member has obstructed the business of the house or that a speech is an abuse of the rules of the house is not out of order.

I also invite members to consider the other material on that same pages about citing documents that are not before the house, but will not quote from it now, as it relates to those matters upon which the serious matter of privilege, which I still have under active consideration, arose in the first instance.

GRIEVANCE DEBATE

INSURANCE, PUBLIC LIABILITY

The Hon. R.G. KERIN (Leader of the Opposition): The opposition shares the anxiety of many small operators and organisations in South Australia at the moment, some of which are finding it extremely difficult to get public liability insurance, and this is a major problem for them. Of those who are able to obtain insurance, we are hearing that many are being quoted up to 600 per cent on previous premiums. That is a major problem. This Thursday will see parliament rise for four weeks, in which time obviously nothing can happen as far as legislation goes. During that time we will see many clubs, organisations and medium and small business—many of them tourism businesses, adventure parks and horse riding businesses—put in the very anxious position of not knowing whether or not they will be able to continue in operation after 30 June. What concerns us is that, along with building indemnity, this very important issue has not necessarily been given the priority it needs. We now find ourselves in a situation where parliament will rise with no great move toward a solution on either of these issues.

The government really needs to come up with a package to manage the short term problem and work towards a long term, sustainable solution to this. A number of areas of reform should be considered in arriving at a full package. We would point to eight areas. First, there is capping of damages, and most members would understand what that asks for. The second one is a minimum threshold on claims, to eliminate the many small claims that are made at great legal cost. A lower limit could be set on the claims that can be made. Thirdly, the investigation of waivers has been put forward, and the issue of self assumption of risk could be looked at, particularly for some of the high risk businesses. Fourthly, structured settlement for larger pay-outs in cases involving larger sums of money should be looked at; it may well be of some assistance.

The fifth one is really about assisting group insurance in terms of not-for-profit organisations. We know of the LGA scheme. I think there are some possibilities for group insurance of some of our smaller organisations—perhaps not just smaller organisations but particularly not-for-profit ones. The sixth one relates to the new definition of 'negligence'. We need to look at what is considered as negligence. The seventh point relates to the market reform of the insurance

industry and all that that issue entails. Importantly, I think we need to look at the culture of litigation and the nature of advertising, such as the issues relating to a 'no win no fee' approach.

The impact of this public liability crisis is really starting to be felt in many areas of the community. Events are being cancelled, including the Hills Affair and the South Australian Masters Games Equestrian Event. The Ulysses Annual General Meeting Concert in Mount Gambier could not go ahead. Four gymnastic clubs have been forced to close, in addition to Adelaide Fast Karts. The premium for Stockport Stables, which is a horse-riding business about 75 kilometres north of Adelaide, tripled. The Mount Gambier roller skating rink closed—again as a result of a rise in insurance.

South Coast Go-Karts experienced an increase of more than 300 per cent, from $3 500 to $12 000, and that signalled the death of that small business; and a range of events that are very important in our community are under threat. The Compass Cup is under threat, as well as the Parade Food and Wine Festival. The scouts have had an increase in premiums from $98 171, which is pretty tough for such an organisation to wear.

The opposition is very pleased to work with the government towards some solutions of this problem. The public liability issue is massive. We will see some fantastic businesses—which have been around for a long time and which have achieved a lot—put at risk and some having to close. What we need is a concerted effort and, yes, some work needs to be done nationally. However, on a state basis, we need to work together to try to look at the needs of and the threat to these businesses to make sure that we help them out of the situation in which they find themselves.

NATIVE TITLE

Ms BEDFORD (Florey): As the Premier reminded the house yesterday, it was the tenth anniversary of the Mabo decision. Eddie Mabo was a remarkable man, and I acknowledge his struggle on behalf of his people and, in turn, on behalf of all indigenous people. His time spent in the courts of this land was not in vain. The decision of the High Court overturned the notion of Australia being terra nullius, or an empty land, and provided a legal basis to the rightful indigenous ownership of the land and, most importantly, recognised indigenous culture and traditions.

It was a time of celebration for, in the tradition of the film *The Castle*, the underdog had won the day; in the face of such enormous opposition, it was indeed a truly remarkable victory. And the decision to recognise traditional ownership is significant to the wellbeing of indigenous people whose connection with the land is central to their way of life. Former Prime Minister Paul Keating said:

> In a country like Australia the way to substantial dignity and self-regard and power is ownership of land.

Despite difficulties encountered in negotiations with miners, pastoralists, indigenous leaders and state premiers and parliaments, in December 1993 Keating's Native Title Act passed in some of the most emotional scenes ever seen in Canberra. Three years later the High Court handed down another momentous decision, the Wik decision, enabling native title and pastoral leases to coexist. In response, a 10 point plan was brought down by the Howard government in 1988 with 314 amendments because Howard felt that the pendulum had swung too far towards Aboriginal interests, but was that really true?

Even with land, meaningful self-determination seems a long way off, and I use the example of the Northern Territory, where nearly half the land mass and a big proportion of the coastline is under indigenous control, and where many Aboriginal communities still suffer severe problems of conflict, substance abuse and ill health, often in remote areas where people have always had connection with their lands. So, it is yet to be shown how land rights impact on the disadvantaged, for the question remains: how will traditional communities exist once land rights are recognised?

Aboriginal Social Justice Commissioner Bill Jonas has rightly pointed out that the aspect of Keating's Mabo vision that was not pursued was that of social justice. In an article appearing in the *Weekend Australian*, Rosemary Neill states:

> Years ago, indigenous leader Pat O'Shane attacked the cargo cult mentality of 'Give us land and everything else will flow.'

The failure to challenge this, O'Shane argued, exposed a 'rut of thinking that is stultifying'. Crucially, O'Shane also thought that with the right expertise and resourcing strong indigenous communities could evolve on their own lands so long as they had some form of economic sustenance. In those days what O'Shane said was taboo. Today, there are signs that the cargo cult is slowly dissipating. This week on Radio National's Law Report, the Aboriginal and Torres Strait Islander Commission's Brian Stacey was asked whether land was the be all and end all for indigenous communities. Mr Stacey said:

> I don't think on its own it will be, and I think we've already seen that from land rights in the Northern Territory that returning land is not going to create healthy economically and socially viable communities. And you could say that for other parts of Australia as well.

Rosemary Neill's book *White Out: How Politics is Killing Black Australia* will be published soon, and I look forward to reading it. At the end of her article in the *Weekend Australian*, Ms Neill says that Stacey is correct, stating:

> The despair of those northern Australian communities that ostensibly have benefited from radical legislative reform shows that a model of lands rights divorced from questions of employment, education and training is a hollow promise.

In another *Weekend Australian* article, Pat Dodson said recently to the Tjurabalan people:

> The challenge today is how you rebuild your nations.

When asked what they wanted from native title, they said that they wanted to get their children off drugs and alcohol. They wanted them to be strong in tribal law but also to be able to walk confidently in what the native Americans call the 'Wall Street way'. Ten years after Mabo, native title has emerged as a breathtakingly complex intersection of white law and Aboriginal culture—a work in progress.

Labor's Aboriginal Affairs spokesperson Carmen Lawrence said yesterday that it was unreasonable to expect that native title would be a panacea for all indigenous problems and attacked the Howard government for winding back indigenous rights in the 1998 Wik amendments. Carmen Lawrence said that in the 10 years since its recognition the potential outcomes of the native title compact have not been realised. Reconciliation Australia's co-Chairman, Fred Chaney, in the first Eddie Mabo memorial lecture in Melbourne argued, that secure land tenure does not necessarily bring a secure future for Aborigines. He said:

> What secure tenure does provide is one of the building blocks for a better future. Without effective governance for the future, a people can perish even when they still have access to their land and culture. In almost all cases where indigenous people's traditional rights to

land are protected many of the tools the community needs—including the instruments of effective governance, access to finance. . . are likely to be absent.

Time expired.

MINISTERIAL DOCUMENTS

The SPEAKER: Before I call the deputy leader, can I tell the house that, on reflection, I stand by the remarks I made to the chamber at the time of the point of order being raised by the member for Enfield. However, I do not want any member to misunderstand the inquiry that I made conversationally to the Attorney-General last evening to get information about the State Records Act. In the context of that discussion, no mention was made of why I wanted that information from the Attorney-General; and, I guess, it would not take a genius to work out that is probably what was going on in my mind.

The discussions I have had about this matter, where it is of consequence, are with those people upon whom I rely for legal opinion and advice about my work here and other matters which all members know are before the courts, which are sub judice and in which I am involved at this time. Hence, the reason for my continuing cogitation on the point. Indeed, many points are to be seriously considered before my making a further statement about it to the house. The deputy leader.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Mr Speaker, I presume from your statement you have just made that you are confirming to the house that you talked to the Attorney-General on the issue of the state records last night?

The SPEAKER: Yes, but not—

The Hon. DEAN BROWN: Last night?

The SPEAKER: Yes, to the extent that I have just explained.

The Hon. DEAN BROWN: Yes, last night; thank you.

STATE RECORDS ACT

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to talk about the State Records Act, because one has to look only at the objects of the act to see the extent to which the issues raised by the Attorney-General this afternoon are nothing but a storm in a tea cup. Therefore, I hope that you, Mr Speaker, refer to the objects of the act when further considering the issue before you. The State Records Act is there to make sure that the state records are kept intact. It was, in fact, amended by the former Liberal government in 1997 when I was a member of cabinet. I remember it going through cabinet and I remember it going through this parliament, and the objects are very specific. It has nothing to do with ministers taking from their office working papers they used as ministers.

In fact, the former Labor government in 1993, when the now Treasurer and Deputy Premier was the chief of staff of the Premier, literally removed truckloads of working papers out of the government offices. I happened to be around at the time and I saw the loads and loads of copies of various working papers, at least, if not other documents, also going out of the cabinet office. The State Records Act is quite clear: it is there to protect state records. So, all this ballyhoo in the house today is nothing but an absolute storm in a teacup. Section 17(1) provides:

> If a person, knowing that he or she does not have proper authority to do so, intentionally—
>
> (a) damages or alters an official record; or
>
> (b) disposes of an official record or removes an official record from official custody. . .

The issue is that ministers have always removed working papers so, in terms of the accusation made across the house earlier today about my knowing what it was, I know what was put in working papers that then became part of the final cabinet submission. I know that, and there is no offence whatsoever. I have checked with a former Attorney-General who, I might say, happens to be a QC, which is more than our present Attorney-General is, and he assures me that, first, the State Records Act is there to preserve the state records and make sure they are not damaged and, secondly, that the sorts of accusations being made across the house today about ministerial working papers are a lot of ballyhoo.

It is a reflection on the Attorney-General that he should even attempt to raise the issues that he brought up in the house this afternoon. I also point out that under section 21 it is an offence to have any leaked document, such as the leaked cabinet submission that the former Labor government had.

The Hon. M.J. Atkinson: Is it an offence to give it to us? Answer that one, Dean: is it an offence to give it to us?

The Hon. DEAN BROWN: I do not know where the opposition got it from, but under section 21 any journalist with any document at all could face the demand to return that document to the government. I think it is about time that this was put into perspective. This is about preserving state records. I, like other ministers, was given specific instructions as we left government: we were allowed to take working papers. We were not allowed to take government dockets, and I can assure members that no government documents were taken. We were, in fact, allowed to keep working papers.

I have kept my working papers as I was authorised to do by the head of the Department of the Premier and Cabinet. I know that other ministers had similar guidelines put down, and I can therefore assure members that the sorts of accusations made across the house today are nothing but absolute humbug. I think that it reflects poorly on the present Attorney-General that he is even trying to make an issue over it.

Time expired.

ADELAIDE AIRPORT

Mr KOUTSANTONIS (West Torrens): First, the act that the deputy leader was quoting was enacted in 1997. He mentioned alleged offences in 1994 and said that he is getting advice from a former attorney-general. Well, thank god there has been a change in the administration because the advice you are getting under your thinking—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I think you have ruled on a number of occasions that we cannot use the second person pronoun.

The SPEAKER: Quite so. I uphold the deputy leader's point of order. The member for West Torrens.

Mr KOUTSANTONIS: I apologise: you have warned me about this many times. A former attorney-general and the current deputy leader would have us believe that an alleged offence in 1994 is covered by the 1997 act. Well done, because the deputy leader has again shown his incompetence. However, I have another issue I want to raise. I want to talk about the hapless member for Morphett. He is new to this place, and I am going to give him a lesson in local politics, because I understand that he is not from the western suburbs. I will give him a quick lesson on issues relating to Glenelg North and to his electorate of Morphett. In the 29 May issue

of the Messenger *Weekly Times*, the member for Morphett, talking about greater technology being used to enable aeroplanes to be quieter, and greater insulation in homes so that noise will not be detected, stated:

> But, once this technology is in place, there may be an opportunity to review the curfew and even eliminate it.

He had the hypocrisy to get up in this house and ask the Premier whether or not we support keeping the curfew, when his own words come back to haunt him. I will be writing to Heini Becker, who lives in Glenelg North and who, I understand, has been a champion, fighting for the curfew, when members opposite abandoned the western suburbs in 1993 and 1997.

Dr McFETRIDGE: I realise that the member for West Torrens' comprehension level is about grade 7, if he was to get someone else to explain that level to him—

The SPEAKER: Order! The member for Morphett has a point of order: what is the point of order?

Dr McFETRIDGE: I am being misrepresented by the member for West Torrens.

The SPEAKER: The member for Morphett would know or may wish to take advice enabling him to understand that, if he has been misrepresented, after the remarks being made by the member for West Torrens have been concluded, he can make a personal explanation, but it is disorderly to take a point of order of that kind. It is not a point of order at all. The member for West Torrens.

Mr KOUTSANTONIS: Thank you, sir, and it just proves my point about how green he is—

The SPEAKER: And might I advise the member for West Torrens not to reflect upon the member for Morphett. If he is drawing attention to factual inaccuracies, that is another matter.

Mr KOUTSANTONIS: I am amazed that a member of this house, who claims to represent the western suburbs, would actually say in print, in the local newspaper, that he wants the curfew eliminated one day. Talk about taking a step backwards: talk about abandoning your constituents! The airport has jumped on this: the airport corporation cannot believe its luck. It cannot believe that it has someone who is on its consultative committee—which it has stacked with its own people—actually arguing for the curfew to be removed.

The federal member for Hindmarsh, Chris Gallus, is smart enough to stay out of this, but I have to say I am surprised that the person who represents Glenelg North, where more complaints come from about airport noise, gets up and says,'We should eliminate the curfew.' Does the honourable member know that Glenelg North is not entitled to insulation? No, he does not. What does he know: that is the question. What does he know about the airport? I think that he was raised in Blackwood: if I am wrong, I will retract that, but I do not think that he is a native of the western suburbs. He might have practised in the western suburbs but, obviously, he is new to the western suburbs.

One thing about us in the western suburbs is that we are passionate about the airport and about the curfew, and we want it. And his own members of the Liberal Party, like Chris Gallus, have moved a private member's bill to enshrine it in law. What is the first thing you do at your first consultative meeting? You want it removed. I will be telling all his constituents that the member for Morphett wants the curfew removed, and I will be letting them all know by direct mail what the member for Morphett has said in the paper, in case they missed it. I have never seen a local member abandoning his people this way.

Time expired.

TOURISM MINISTER

Mr HAMILTON-SMITH (Waite): What we have seen this afternoon from the line of questioning by the government is an attempt to move the focus of debate away from the Minister for Tourism onto a separate, dreamt-up issue. The Attorney is quite happy to bring bills into this house that talk about accountability in government, about honesty and about holding the government open to public scrutiny, whilst at the same time raising issues today that have one object, namely, to conceal accountability, to cover up and to deny scrutiny of the government's actions. He is quite happy to stand here and organise dorothy dix questions with the object of ensuring or trying to bring about a situation whereby the opposition cannot substantiate with documentary evidence the points it makes about the government misleading parliament in regard to black holes, budgetary matters and a range of issues that we have already debated.

The Treasurer has been caught out misleading parliament on his facts and figures that have been the subject of a matter of privilege. We now have the Minister for Tourism being caught out misleading the parliament on facts and figures that have been shown to be wrong and have been proven to be wrong by documents tabled in this house. Now we have the Attorney and the Minister for Government Enterprises—

The SPEAKER: Order! The Minister for Government Enterprises has a point of order.

The Hon. P.F. CONLON: I understand that the member for Waite is making accusations about a member misleading the house. I understand that he has to do that by substantive resolution or on a privileges matter. I think that, having failed once, he should perhaps pull his head in.

The SPEAKER: I confess that my own attention was distracted at the time whilst I was discussing another matter with the deputy leader. I will listen carefully to what the member for Waite is saying. The member for Waite.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The real issue that I raise is that the Minister for Tourism has made a serious gaff, by her own admission. I refer to *Hansard,* where she stood up in parliament yesterday and apologised, on her own admission, for misleading the house. She has indicated that the facts as reported to the house were wrong; she has admitted that. She said, and I quote, 'apologise for any unintentional confusion in my answer last week'.

The SPEAKER: Order! May I help the member for Waite understand that I have already deliberated upon that point, acknowledged the facts involved and, in order to prevent quarrels between members, I advise him that it is not appropriate for him to revisit the matter in debate now. It reflects on the ruling of the chair.

Mr HAMILTON-SMITH: Very well, sir. Let me say that the real issue is the performance of the Minister for Tourism, who has not got off to a terribly good start. Not only has she been involved in this confusion about financial matters in her portfolio area, which clearly she does not understand, but also there has been a range of other issues of serious concern. She has contradicted her leader, the Premier, in expressing the view that upgrading Adelaide International Airport is, in her word, crazy, while the Premier says it is the government's policy. She has refused to answer a number of questions or simply flicked them off to other ministers. I refer

in particular to a question on 7 May about what decisions she has made in regard to the structure and function of her portfolio. Her answer was, 'We are having a review and I refer to the Treasurer.' I am not surprised, because one of the first things that the new government did was slice the motorsport board out of tourism, carve it out and give it to the Treasurer. What the Clipsal 500 and the motorsport board were doing in the hands of the Treasurer is anybody's guess, but already we have seen the start of this carving up of the tourism portfolio and, obviously, one would expect it to gain momentum as we approach the budget.

There are a number of questions that I would like to ask the minister which I will save for another grieve, and in particular I will respond to her address to the parliament in the form of a grievance on 16 May—a bit like a slap in the face with a wet cabbage—when she tried to explain why she did not attend the opening of the ATEC conference which South Australia hosted, and a range of other issues. However, I will leave that until a separate day when more time is available.

Suffice to say, the government prides itself on accountability and openness, but what has occurred this afternoon flies in the face of that. This has been a step to shift the issue from the Minister for Tourism—who has made a major gaff—to some fabricated story that the Minister for Government Enterprises and the Attorney have dug up, and that will be refuted in the coming hours.

INSURANCE, INDEMNITY

Mr RAU (Enfield): I would like to address the issue of insurance, which seems to be of concern to people on both sides of the house at present. In particular, I refer to the statements made by the Treasurer about amendments that he intends to make to the law in this regard.

First, in relation to the issue of some sort of waiver, in my view it is a very sensible initiative on the part of the government. I am sure that the member for Bragg and others opposite would agree that there are circumstances in which individuals engage in activities that are, from my point of view, so inherently stupid or, from their point of view, perhaps so exciting that there is proper ground for a waiver, provided that the individual is clearly able to comprehend the terms of the waiver; and I am sure that parliament will in due course ensure that that is one of the provisions that is clearly placed in whatever bill passes through this place.

The second issue referred to by the Treasurer is that of structured settlements. Again, I think the member for Bragg in particular would be aware that structured settlements are very important to ensure that people receive funds, but they do not necessarily place a large burden on the taxpayer or on the insurer. The problem with structured settlements is that the Taxation Office, which is a federal instrumentality, has had a habit of taking a fairly large slice out of any payments. Until such time as appropriate federal legislation is in place, one of the important limbs required to deal with the insurance problem will not be present.

The other matter that I think all members should consider is the question whether this parliament and others around the country should look at the major cost of insurance premium increases, and that major cost is, in fact, care. Care is the most important element because, as members would be aware, many years ago if somebody was seriously injured or if they were born with an illness or infirmity there were public or private institutions whose purpose it was to look after these people and ensure that they had a reasonable standard of living.

I know that there are critics of institutional care, and that is an argument that will no doubt be had here in due course perhaps many times, but it is the case that when institutional care was provided the state picked up the burden of caring for these individuals, and it was not flung onto their families; nor was it imposed on insurance companies. I pointed out to the house the other day that, in the celebrated case of the wrestler who was awarded several million dollars because he was thrown uncomfortably and broke his neck, most of the money that was paid to him was, in fact, paid on account of care.

It is probably important for us also to note that one of the consequences of deinstitutionalisation, like it or not, is the fact that we now have more people who suffer from physical or mental infirmity in the community. Some of those people are well cared for, either by their families or by way of other sources of assistance. Unfortunately, a number of them—and many of them have mental illnesses—are largely unregulated. We have people living in the parklands and by the River Torrens. We have people who are homeless for a whole range of reasons which have very little to do with their personal choice in the matter. These individuals are the very sorts of people for whom institutional care at one stage at least provided some hope, whether it was in the form of a hostel or some other form of institution. The time may come where we have to consider whether or not the state is to provide such services and, if so, in what circumstances.

The other point that needs to be considered is that the Housing Trust has increasingly become an agency that is expected to absorb large numbers of these people. It is expected to pick them up and look after them in circumstances for which the trust is not designed. Of course, the people who bear the major burden for that are other Housing Trust tenants who live in the same area and who are obliged to deal with the eccentricities and sometimes anti-social behaviour of individuals who are, in many cases, unwell and should not be left in such circumstances. There is urgent need for some move on the insurance crisis, as it is described, but there is no simple answer to this matter. I urge people to consider the question of care among the other issues.

Time expired.

LAW REFORM (DELAY IN RESOLUTION OF PERSONAL INJURY CLAIMS) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to provide for the award of damages for the benefit of the dependants or the estate of a deceased person where a person against whom a claim for personal injury lies unreasonably delays resolution of the claim; to amend the Wrongs Act 1936 and the Survival of Causes of Action Act 1940; and for other purposes. Read a first time.

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

That this bill be now read a second time.

The bill was introduced into the last parliament and was passed in another place, but lapsed when parliament was prorogued before the last election. The bill—a government bill—was an adaptation of a private member's bill moved by

the Hon. Nick Xenophon to try to help victims of mesothelioma and asbestosis. The bill would add a new division 10A to Part 3 of the Wrongs Act 1936. The new division is entitled 'Unreasonable delay in resolution of claim'. The bill would also amend the Survival of Causes of Action Act 1940 and update it by removing references to obsolete causes of action.

New division 10A would create a new entitlement to damages in the nature of exemplary damages in certain circumstances. Courts and tribunals would be able to award damages under section 35C on the application of the personal representatives of a person who has suffered a personal injury (including disease or any impairment of physical or mental condition) and who has a made a claim for damages or compensation, but died before damages or workers' compensation for non-economic loss have been determined. The section 35C damages could be awarded if the defendant is found liable to pay damages or compensation to the person who suffered the injury and certain other factors exist.

The damages would be awarded against the defendant or other person who controlled or had an interest in the defence of the claim such as the insurer, a liquidator, or the personal representatives of a deceased defendant. They are called in the bill 'the person in default'. The section 35C damages would be payable if the court or tribunal finds that the person in default knew, or ought to have known, that the claimant was, because of advanced age, illness or injury, at risk of dying before resolution of the claim and that the person in default unreasonably delayed the resolution of the claim. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The question of whether the person in default unreasonably delayed is to be determined in the context of the proceedings as a whole, including negotiations prior to the issue of proceedings in a court or tribunal, and including the conduct of the deceased person and any other parties.

Damages may not be awarded under this bill if damages for non-economic loss have been recovered already or are recoverable by the estate under section 3(2) of the *Survival of Causes of Action Act 1940* as amended by the *Survival of Causes of Acton (Dust-Related Conditions) Amendment Act 2001* (Act No 49 of 2001).

The amount of the damages would be at the discretion of the court or tribunal. In determining the amount of these damages the court or tribunal would be required to have regard to the need to ensure that the defendant or other person in default does not benefit from the unreasonable delay in the resolution of the deceased person's claim, the need to punish the person in default for the unreasonable delay and any other relevant factor. The first element is based on concepts of unjust enrichment and is restitutionary in nature. An amount by which the person in default would benefit or be unjustly enriched by unreasonable delay is the amount of the liability for non-economic loss. The second element is punitive in nature. The third element ensures that any other factors that are relevant are taken into account.

However, the amount that may be awarded when the claim that has been delayed unreasonably is a claim for workers' compensation may not exceed the total amount that would have been payable by way of compensation for non-economic loss under the relevant workers' compensation Act if the worker had not died.

In Australia liability for exemplary damages is several. This means that when there are several tortfeasors, exemplary damages may be awarded against only one or some of them or different amounts may be awarded against different tortfeasors.

The bill would direct that normally the damages be paid to the dependants of the deceased claimant, but the court or tribunal has a discretion about this. If they are not paid to dependants, then they are paid to the estate. In apportioning the damages between dependants, the court or tribunal would be required to have regard to any statutory entitlements, such as those that are conferred on dependants by the workers' compensation legislation.

A claim for section 35C damages could be added to proceedings commenced by the deceased person and continued by the personal representative or the personal representative could issue separate proceedings within 3 years of the date of death of the deceased person.

The object of these new provisions is to deter delay by persons who stand to gain by a reduction in their liability if the claimant dies before the claim is resolved. The bill should remove the incentive for them to delay claims and also provide an incentive to deal with them quickly.

The need for this reform arises because of the current state of the law, which gives an incentive to those who are liable to pay damages or compensation to delay a claim if it is thought that the claimant is likely to die in the near future. The manner in which this comes about is now summarised.

A person who suffers personal injury because of the civil wrong (tort) of another person may sue for common law damages, including for non-economic loss, i.e. for the claimant's personal pain and suffering, loss of mental or bodily function and loss of expectation of life. However, the liability for damages for non-economic loss ceases upon the death of the claimant. (Damages for economic loss have survived the death of the claimant since enactment of the *Survival of Causes of Action Act 1940)*.

A worker who suffers a permanent compensable disability in the course of his or her employment has a statutory right to compensation for his or her non-economic loss without proof of any fault on the part of the employer. The lump sum for non-economic loss is not payable under the *Workers' Rehabilitation and Compensation Act 1986* unless the worker survives for 28 days after suffering the disability, although the surviving spouse and any dependants become entitled by operation of that Act to death benefits on the death of the worker from the compensable injury.

Thus, if the claimant dies before the claim is settled or determined by the court or tribunal, the defendant is relieved of liability for damages or compensation for non-economic loss.

The new remedy would be available in any case in which the claimant dies after the Act comes into operation. This would have the effect of discouraging delay by defendants of claims that have been made already. It would ensure also that people who have been exposed to injurious substances in the past, but who have not yet made a claim, perhaps because they have not yet developed manifest symptoms, will have the benefit of the effect of this reform. It is thought that it is a fair approach because a defendant against whom a good claim is made is liable to pay damages or compensation for non-economic loss if the claimant lives. If the claimant dies, thereby relieving the defendant of that liability, a risk of a different liability would arise in its place, i.e. the risk of liability to pay the section 35C damages if the defendant is found to have unreasonably delayed the proceedings knowing that by reason of advanced age, injury or illness the claimant was at risk of dying before the claim was resolved. Unreasonable delay in the circumstances in which this new remedy would apply is unconscionable and the defendant should not be permitted to benefit from it regardless of whether it occurred before or after the Act came into operation.

Obsolete Provisions of the Survival of Causes of Action Act 1940

Section 2 of the *Survival of Causes of Action Act 1940* provides that the causes of action of defamation, seduction, inducing one spouse to leave or remain apart from the other and claims under section 22 of the *Matrimonial Causes Act 1929-1938* for adultery do not survive the death of the plaintiff or the defendant. Actions for seduction, enticement and harbouring were abolished in 1972 by the *Statutes Amendment (Law of Property and Wrongs) Act 1972.* The time limit within which these actions must be brought is 6 years and all pending proceedings would have been finalised by now. Section 22 of the *Matrimonial Causes Act 1929* (SA) concerning actions for damages for adultery ceased to have any effect when the *Matrimonial Causes Act 1959* of the Commonwealth came into operation in 1961. Although the 1959 Commonwealth Act, which replaced it, allowed a husband or wife to sue for damages for adultery, this right was abolished on 1 January 1976 by the *Family Law Act 1975.* The High Court ruled that an action for damages for adultery could not be maintained after I January 1976. Thus the reference in the *Survival of Causes of Action Act* to damages for adultery became obsolete in 1961, or at the latest in 1976. Thus, the only one of these causes of action that can now be pursued is an action for defamation. Section 2 of the Act has been repealed and recast to modern drafting standards with reference to the obsolete causes of action removed.

Although a cause of action for breach of promise to marry survives the death of the plaintiff or defendant, section 3(1)(c) of the

Survival of Causes of Action Act limited the damages recoverable for the benefit of the estate of the jilted party. The right to sue for damages for breach of a promise of marriage was abolished in South Australia on 18 November 1971 by the *Action for Breach of Promise of Marriage (Abolition) Act 1971*. All proceedings issued before 18 November 1971 would have been finalised by now. Section 3(1)(c) of the *Survival of Causes of Action Act* is now obsolete and so is to be repealed.

I commend this bill to the house.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of Survival of Causes of Action Act 1940

This clause provides for the amendment of the *Survival of Causes of Action Act 1940* to update its application in the light of Division 10A of Part 3 of the *Wrongs Act 1936* (*see* clause 4).

Clause 4: Amendment of Wrongs Act 1936

This clause provides for the amendment of the *Wrongs Act 1936*. It is intended to provide that a court may award damages, on the application of the personal representative of a deceased person, in certain cases involving unreasonable delay in the resolution of a claim for compensation or damages with respect to personal injury suffered by a person before he or she died. An award may be made if *(a)* the person in default, knowing that the claimant in the personal injury case was, because of advanced age, illness or injury, at risk of dying before the resolution of the claim, unreasonably delayed the resolution of the claim; *(b)* the person in default is the person against whom the claim lay, or is some other person with authority to defend the claim; and *(c)* the deceased person died before compensation or damages for non-economic loss were finally determined by agreement by the parties or by a judgment or decision of a court or tribunal. A court or tribunal will, in determining the amount of any damages, have regard to *(a)* the extent to which unreasonable delay in the resolution of the claim is fairly attributable to the person in default (and his or her agents), and the extent to which there are other reasons for the delay; and *(b)* the need to ensure that the person in default does not benefit for his or her unreasonable delay; and *(c)* the need to punish the person for the unreasonable delay. Damages will be paid, at the direction of the court or tribunal, to the dependants of the deceased person, or to his or her estate. The provision will apply if the deceased person dies on or after the commencement of the measure (whether the circumstances out of which the personal injury claim arose occurred before or after that date).

Ms CHAPMAN secured the adjournment of the debate.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ON-LINE SERVICES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Classification (Publications, Films and Computer Games) Act 1995. Read a first time.

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

That this bill be now read a second time.

The bill was previously before the parliament and is reintroduced. It would insert into the act provisions dealing with on-line content. These are based on the modern on-line content provisions devised at national level to complement the 1999 amendments to the Commonwealth Broadcasting Services Act 1992, dealing with on-line services.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I seek your advice; I do not quite know how to do this. The minister appears to be reading the second reading explanation. Am I able to move that it be inserted in *Hansard* without his reading it? Why did the minister not do that? I do not know; I do not understand.

The SPEAKER: Order! That is a specious point of order. However, for the benefit of the member for Unley, ministers have for almost all my time here read the second reading explanation of their bills. In the early 1980s the provision to allow second reading explanations to be incorporated in the record without reading them was not possible. It has only been since standing orders were amended to allow for it that the practice has arisen for better or worse. Ministers—indeed, any honourable member—introducing a bill to the house may give the second reading explanation in part or in whole from their place as a speech, whether referring to copious notes or, indeed, reading explicit passages. That is more important to the proceedings of the chamber than the practice of incorporating it.

The minister may choose to give the explanation verbally, and I believe it is better parliament if that occurs. At least it illustrates that the minister has read what has otherwise been incorporated in the record. On many occasions, I can tell all honourable members, ultimately to the discredit of the minister, the material furnished as a second reading explanation has been grammatically incorrect or factually inaccurate—or both—and has not reflected well on the intended meaning of the legislation yet has become an important reference as a point of law. If I had my way, all speeches made to the second reading, including the explanation, would be made using copious notes alone and no more.

The Hon. M.J. ATKINSON: Thank you, Mr Speaker, and may I respectfully agree with your response to the member for Unley's point of order. My feeling is that the practice introduced in the early 1980s whereby ministers could insert the entire second reading speech and explanation of clauses in *Hansard* without reading them has led to complacency and that ministers often insert material into *Hansard* by this device which they themselves have not read. Moreover, it seems to me discourteous to the house, and what I have endeavoured to do in the short time that I have been minister is read a portion of the second reading speech which is prepared for me by my department and then seek leave to incorporate the rest of it in *Hansard*, after I have extended the courtesy to the chamber of explaining what the bill is about.

There is one exception to that. I read the entire speech on guideline sentencing because I had made a substantial contribution to the drafting of that speech and because it was a very important change to our sentencing law, and I intend to read all of this second reading explanation because I think this bill is a matter of great public importance. The bill could be misconstrued, and has been by the pornography industry, which has been lobbying hard to defeat it or to delay its introduction, and I think it is a courtesy to the house for me to read this second reading explanation. I respectfully agree, sir, with your response to the member for Unley's point of order, which I think was made from the standpoint of ignorance.

Returning to my text: similar provisions passed the New South Wales parliament last year, although they have not been brought into effect pending the report of a parliamentary committee, which is expected in June 2002. Victoria, the Northern Territory and Western Australia have previously enacted provisions of their own dealing with unlawful internet content.

The aim of these provisions is to deter or punish the making available on the internet of material which is objectionable, and the making available to children of material which is unsuitable for children. What is objectionable or unsuitable is determined by reference to the National Classification Code and the guidelines for the classification of films and of computer games. Thus, 'objectionable matter'

is internet content consisting of a film or computer game which is or would be classified X or RC, that is, refused classification. This could include, for example, sexually explicit material, child pornography, or material instructing in crime or inciting criminal acts.

Similarly, 'matter unsuitable for minors' is material which does not fall into the X or RC category but is nevertheless appropriate to be legally restricted to adults and is or would be classified R. In the case of the former, the material must not be made available or supplied at all. In the case of the latter, the material may be made available or supplied only if protected by an approved restricted access system, that is, a system which restricts who may access the material, for example, by means of a password or personal identification number.

These provisions aim to catch the content provider, but not the internet service provider, which merely provides the carriage service through which the material is accessed, nor the content host who provides the means by which the content is made available. These entities will not usually have the relevant mental element of knowledge or recklessness in relation to content carried by their services. Instead, these are regulated by means of the Commonwealth Broadcasting Services Act. Under that act, anyone may report offensive material found on the internet to the Australian Broadcasting Authority, which can arrange for the site to be classified. If the site content proves to be illegal, and the site is hosted in Australia, the authority can require the internet service provider to remove access to the site. The two sets of provisions are therefore intended to be complementary.

It should be noted that the provisions do not catch material which is not stored and not generally available. Thus, they do not apply to ordinary email that is only made available to its designated recipient, or to real time internet relay chat, which is ephemeral and is limited to the participants in the group at the time. However, if the content of the email or chat were stored and later uploaded so as to be generally available, then it would be caught.

When this bill was introduced by the former government, it proved somewhat controversial. As a result, it was examined by a select committee of the Legislative Council in 2001. The committee advertised nationally and received submissions from 16 individuals and organisations, including representatives of the internet industry, legal practitioners, private individuals and organisations concerned for one reason or another with internet content. The committee took evidence from four organisations, one being a peak body representing various internet industry organisations. It published its report, analysing the various issues raised in submissions and in evidence. The report recommended, by majority, that the bill pass with amendments, which are incorporated into the present bill.

The government believes that many South Australians are concerned about the availability of objectionable material on the internet. While no South Australian law can, on its own, provide a complete solution to the problem of offensive or illegal internet content, much of which is made available from outside South Australia, or indeed outside Australia, it is nonetheless appropriate that South Australia does what it can to address the problem of offensive content that originates here. The bill forms part of a complementary national scheme designed to address such content, and I commend it to honourable members. I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Insertion of Part

This clause inserts a new Part in the principal Act as follows:

PART 7A

ON-LINE SERVICES

75A. Interpretation

This clause defines certain terms used in the Part (consistently with the Commonwealth Broadcasting Act).

75B. Application of Part

The Part applies to on-line services other than those prescribed by regulation. The provision makes it clear that a person is not guilty of an offence under this Part by reason only of the person owning, or having the control and management of the operation of, an on-line service (which is defined to include a bulletin board) or facilitating access to or from an on-line service by means of transmission, down-loading, intermediate storage, access software or similar capabilities.

75C. Making available or supplying objectionable matter on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person objectionable matter. The maximum penalty is a fine of $10 000.

75D. Making available or supplying matter unsuitable for minors on on-line service

A person must not, by means of an on-line service, knowingly or recklessly make available or supply to another person any matter unsuitable for minors. The maximum penalty is a fine of $10 000.

It is, however, a defence for the defendant to prove that an approved restricted access system operated, at the time of the offence, in relation to access by means of the on-line service to the matter or that the defendant intended, and had taken reasonable steps to ensure, that such a system would so operate and any failure of the system to so operate did not result from an act or omission of the defendant.

75E. Recklessness

This clause defines the concept of recklessness for the purposes of the Part.

Ms CHAPMAN secured the adjournment of the debate.

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Legal Services Commission Act 1977. Read a first time.

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

That this bill be now read a second time.

The Legal Services Commission (Miscellaneous) Amendment Bill was introduced into the last parliament and passed in another place but lapsed when parliament was prorogued before the last election. The Legal Services Commission Act establishes the Legal Services Commission as the statutory authority responsible for the application of funds granted by the state and commonwealth government for the provision of publicly funded legal assistance to the people of South Australia. The Legal Services Commission Act (the act) was enacted in contemplation of a relatively uncomplicated scale of operation. It was enacted when there was a different basis for commonwealth funding than is now the case and under a system of legal aid where there was no national uniformity of administrative practice, as there is now.

The bill proposes a number of changes to that act. Some will help the commission to operate more efficiently by formalising existing administrative practice and removing unnecessary restrictions upon it. Others recognise the changed nature of the relationship between the state government and the commission and the commonwealth government

since the act was enacted in 1977. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In 1997-98 the Commonwealth instituted a purchaser-provider model of funding for Commonwealth law matters only, in place of the previous partnership arrangement under which the State and the Commonwealth shared responsibility for the funding of all matters.

Some parts of the Act no longer assist sensible business practice. The Act presently unduly restricts the ability of the Commission to delegate its power to expend money from the Legal Services Fund and prevents the Director from delegating the power to grant and refuse aid. In order to conduct its daily business in a way which does not offend these provisions, it has long been the practice of the Commission to authorise fixed financial delegations to senior management annually, and for an appropriate officer other than the Director to authorise the grant or refusal of legal aid.

In his 2000-2001 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in the absence of appropriate amendment to the Act, the Commission and the Director were continuing to delegate authority in this way.

This Bill amends the Act to give the Commission and the Director appropriate powers of delegation.

Another provision in the Act, which has been abandoned on a national scale, and is not complied with by the Commission in practice, is the requirement for applicants for legal aid to statutorily declare that the contents of their applications are true and correct. In the past, the practice amongst Australian Legal Aid Commissions was not uniform on this requirement. Some Commissions required statutory declarations, and others did not.

In 1995, a national uniform application form was adopted by all Australian Legal Aid Commissions, including the South Australian Commission. The form does not require verification by statutory declaration, on the basis that this is unnecessary. Standard conditions of all grants of legal aid are that the Director may terminate or change the conditions or terms of the grant at any time, and that an applicant who knowingly withholds information or supplies false information is guilty of an offence.

Since the adoption of the national uniform application form, the Commission has not required applicants to sign such declarations, and has continued to pass resolutions (under s17(2)*(a)* of the Act) exempting applicants from complying with these verification requirements.

In his 2000-2001 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in the absence of appropriate amendment of the Act, the application form contained no requirement for a statutory declaration.

This Bill removes the requirement for applicants to verify their applications by statutory declaration.

Another minor amendment is to remove restrictions on the name and location of the Commission's offices to ensure that the Commission may not only continue to conduct its business from a head office and branch offices, but may operate under any other office configuration that it considers 'necessary or desirable'.

I now turn to the provisions in the Act that refer to arrangements between the State and Commonwealth Governments with respect to legal aid, and to the Commission's position vis a vis the Commonwealth Government under those arrangements.

In meeting the cost of providing legal aid, the Commission receives funds from the State and Commonwealth Governments under agreements negotiated between the State and Commonwealth Governments. In 1996 the Commonwealth Government announced a radical change to the basis of its funding to legal aid commissions. It moved from a partnership with the States in the provision of legal aid services to a purchaser-provider model of funding, under which the Commonwealth, as a principal, contracts with the legal aid commissions to deliver legal aid services in matters only involving Commonwealth law. By the end of 1997, all legal aid commissions had signed the new agreements.

The Act does not reflect this changed relationship in a number of ways.

Since its establishment in 1977, the Commission has included members who are nominees of the Commonwealth Government. Now that the Commission is a provider negotiating the supply of services to the Commonwealth, it is not appropriate for nominees of the Commonwealth Government to remain on the Commission.

At the expiry of the terms of the Commonwealth Government nominees to the Commission in July and September 1999, the Commonwealth Government indicated that it would make no further nominations. It has taken the same position with all other Australian Legal Aid Commissions.

In his 2000-2001 Interim Audit, the South Australian Auditor-General commented adversely on the fact that, in spite of the requirements of Act, there were no Commonwealth nominees on the LSC.

In recognition of the changed nature of the funding relationship between the Commonwealth Government and the Commission, this Bill removes the requirement for there to be two nominees of the Commonwealth Government on the Commission.

Section 27 of the Act, which describes legal aid funding agreements between the State and the Commonwealth, is couched in terms of the pre-1997 'partnership' agreement between the State and the Commonwealth with respect to funding for legal aid, now superseded by the Commonwealth's purchaser-provider arrangements. The Bill changes the wording of this section to reflect the fact that the current agreement is a standard purchaser-provider agreement under which the Commission has the status of a provider of services in respect of Commonwealth law matters.

Other incidental amendments safeguard the Commission's competitive advantage by no longer imposing a duty on the Commission to liaise with and provide statistics to the Commonwealth at its behest, allowing this to happen when agreed between the Commission and the State Attorney-General, and by releasing the Commission from any statutory duty to 'have regard to the recommendations of any body established by the Commonwealth for the purpose of advising on matters pertaining to the provision of legal assistance'. This should now be a term of the funding agreement between the Commonwealth and the State and/or Commission, not a statutory requirement.

In addition, the Act has undergone a statutory revision, to replace outmoded language and remove obsolete provisions such as the one which refers to the appointment of the first Director of the Commission, and to replace references to obsolete Acts.

I commend the bill to the house.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Constitution of Legal Services Commission

This clause amends section 6 of the principal Act, which establishes the Legal Services Commission and deals with its constitution, by removing the requirement that two persons nominated by the Commonwealth Attorney-General be appointed to the Commission. This requirement is no longer appropriate in the light of current funding arrangements. Section 6(5), which provides the Governor with the power to appoint deputies of the members nominated by the Commonwealth, is no longer required and has been removed.

Clause 4: Amendment of s. 10—Functions of Commission

Section 10 of the principal Act describes the functions of the Commission. Clause 4 amends this section by:

1) removing the requirement that the Commission establish an office to be called the 'Legal Services Office';
2) deleting the word 'local' from subsection (1)*(e)*, which requires the Commission to establish 'such local offices and other facilities as the Commission considers necessary and desirable', thereby allowing the Commission to establish an appropriate configuration of local and branch offices;
3) deleting subsection (1)*(ha)*, which currently requires the Commission to cooperate with any Commonwealth legal aid body for the purpose of providing statistical or other information, and inserting a new subsection that permits, but does not require, the Commission to cooperate with a Commonwealth body for such purposes.

Clause 5: Amendment of s. 11—Principles on which Commission operates

This clause amends section 11 of the principal Act, which describes the principles on which the Commission operates. Paragraph *(c)* of this section requires the Commission to have regard to the recommendations of any Commonwealth body established for the purpose of advising on matters pertaining to the provision of legal assistance. This paragraph is removed.

Clause 6: Substitution of s. 13

Section 13 of the principal Act provides the Commission with a power of delegation but prohibits the Commission from delegating the power to expend money from the *Legal Services Fund*. Clause 6 repeals this section and substitutes a new section that does not

include this prohibition. The substituted power of delegation is in a standard form and is consistent with the Director's power of delegation, which is inserted by clause 7.

Clause 7: Insertion of s. 14A

This clause inserts a new section, which provides the Director with the power to delegate any of the Director's powers or functions to a particular person or committee. The delegation must be in writing. The written instrument may allow for the delegation to be further delegated. The delegation may be conditional, does not derogate from the delegator's power to act in a matter and can be revoked at will.

Clause 8: Amendment of s. 15—Employment of legal practitioners and other persons by Commission

Section 15 of the principal Act deals with employment matters. Section 15(8) currently requires the Commission to make reciprocal arrangements with other legal aid bodies for the purpose of facilitating the transfer of staff, where such an arrangement is practicable. Clause 8 amends this section by removing subsection (8) and substituting a provision that allows, but does not require, the Commission to make such arrangements.

Clause 9: Amendment of s. 17—Application for legal assistance

Clause 9 of the principal Act amends section 17, which deals with applications for legal assistance. The amendment removes the requirement that an application for legal assistance be verified by statutory declaration.

Clause 10: Amendment of s. 27—Agreements between State and Commonwealth

Section 27 of the principal Act deals with agreements between the State and Commonwealth. Clause 10 amends this section by deleting subsection (1), the wording of which reflects earlier funding arrangements, and substituting a new subsection that allows the State or the Commission to enter into agreements or arrangements with the Commonwealth in relation to the provision of legal assistance. The Commission can only enter into such arrangements with the approval of the Attorney-General. Although the section does not limit the matters about which the agreements or arrangements may provide, subsection (1a) does suggest that the agreements or arrangements may be in relation to money to be made available by the Commonwealth or the priorities to be observed in relation to such money in the provision of legal aid.

Clause 11: Statute law revision amendments

Clause 11 and the Schedule set out further amendments of the principal Act of a statute law revision nature.

Ms CHAPMAN secured the adjournment of the debate.

SEEDS ACT REPEAL BILL

Second reading.

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

That this bill be now read a second time.

This is a very important piece of legislation, and I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill has one purpose—to repeal the *Seeds Act 1979*.

The principal function of the *Seeds Act 1979* is to provide a regulatory framework in the marketplace for the labelling of seeds for sowing and to prevent the spread of noxious weed seeds, both being consumer protection measures.

A secondary function of the Act is to provide for an official government seed testing laboratory and facilitate the charging of fees for services performed by that laboratory.

The passing of the Commonwealth *Mutual Recognition Act* in 1992 sought to eliminate regulatory impediments to national markets in goods and services and to expedite the development of national standards. As a consequence it is no longer possible for the SA Government to consistently enforce their current labelling laws because the *Mutual Recognition Act* applies to virtually all provisions of the SA *Seeds Act*.

To facilitate the continuance of labelling of seed for sowing as a consumer protection measure States have assisted national peak industry bodies in the seed industry to formulate and put into practice alternative measures in the form of an industry Code of Practice. This Code of Practice became operational in August 1999 and it was agreed by the Standing Committee on Agriculture and Resource Management that it is an appropriate alternative regulatory framework and that States could repeal their seeds legislation when the Code was effectively in place.

Cabinet approved the drafting of a Bill to repeal the SA *Seeds Act 1979* on 29 October 2001.

Measures for the control of movement of noxious weed seeds in South Australia have been reviewed and responsibility for all-important agricultural weeds has been shifted to the *Animal and Plant Control Act 1986*. Other weeds of concern to the industry can be brought under the provisions of this Act, provided a risk assessment and management plans providing some probability of eradication of those weed species is presented.

The Government consultation process that led to the recommended outcome was initially undertaken through the Working Group on which all States and the Commonwealth government and peak industry bodies of the seed industry were represented. At the State level, consultation has taken place between Primary Industries and Resources SA (PIRSA) and State affiliates of the national peak industry bodies, particularly the Seed Section of SA Farmers Federation. All parties, both national and State, have agreed to the recommended outcome.

An ongoing issue of concern to the seeds industry is the issue of farmer to farmer trade of unlabelled seed. On repeal of the Act the issue would be subject to the Trade Practices section under the *Fair Trading Act*. The rules under this Act apply to labelling behaviour for farmer sale of seeds.

Under the Code of Practice grower seed sales of participating members would be subject to the same standards as labelled seed, including the provision of test results. For greater certainty of seed quality it is important for seed buyers to demand certificates of analysis at the point of sale of seed.

A national education program has been developed to explain in more detail how the Code of Practice will operate without the labelling legislation. An agreement by the industry to proceed with the establishment of an Australian Seeds Authority will go some way to providing an industry watchdog on all seeds issues.

Through Seed Services, PIRSA carries out a seed certification service for genetic quality control and a seed testing service for germination and physical purity. The newly appointed Seed Services Board will recommend to the Minister fee charges for these services and ensure that they meet cost-reflective pricing principles. The objective is to remove any net competitive advantage available to government owned business activities. Prices for seed testing and certification will continue to require Ministerial approval following the Seed Services Board recommendation.

I commend this Bill to the House.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Repeal

This clause repeals the *Seeds Act 1979*.

Ms CHAPMAN secured the adjournment of the debate.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 470.)

Mr McEWEN (Mount Gambier): I rise to support the bill but, in so doing, I place on record some concerns about problems that I see with the implementation of this proposition. I hope that the minister will be able to reassure me on some of those matters during the committee stage.

I believe that it is the wish of society that children stay at school as long as possible—not necessarily to age 15 or 16 years, or any other age, but as long as possible to achieve a number of primary goals. Schooling must be for a purpose, and should develop fully the talents and capabilities of all students. In particular, when students leave school, they should have the capacity for and the skill in analysing and problem solving; the ability to communicate ideas and

information; to plan and organise activities; and to collaborate with others.

Students should have qualities of self-esteem, optimism and a commitment to personal excellence as a basis for their potential life roles as family, community and work force members. They should have the capacity to exercise judgment and responsibility and matters of moral, ethical and social justice, and a capacity to make sense of their world, to think about how things got the way they are, to make rational and informed decisions about their own lives and to accept responsibility for their actions.

When students leave school, they should be active and informed citizens with an understanding and appreciation of the system of government and civic life in Australia. They should have employment-related skills and an understanding of the work environment, career options and pathways as a foundation for and a positive attitude towards vocational education and training, further education, employment and lifelong learning. They should be competent, creative and productive users of new technology, particularly information and communication technologies, and understand the impact of those technologies on society.

These students should have an understanding of and concern for stewardship of the natural environment and the knowledge and skills to contribute to ecologically sustainable development. They should also have the knowledge, skills and attitudes necessary to establish and maintain a healthy lifestyle and for the creative and satisfying use of leisure time.

They are the reasons why we use public money to fund a school system. Until such time as students have achieved those eight key goals, we should continue to resource them. So, this is a matter that goes far beyond age 16. By simply raising the leaving school age from 15 to 16 years we may not as a society be achieving those goals.

Elsewhere around the world there has been a trend over recent times to keep young people at school longer in an ever more complex world. The trend in Europe is to prolong the period of compulsory education in recognition that educational standards promote economic advantage. Countries with a longer period of compulsory education and a school leaving age higher than 15 years include Germany, England, Northern Island, Wales, New Zealand, Netherlands and Norway. Further, states in the US have a leaving age of at least 16 and, as the minister would know, 12 states have a leaving age of 18.

But it begs the other question: where are these students who are not now in school but are aged over 15 and less than 16? How many of them are there, and where are they? Importantly, we need to know that many of the children who are not in school are not there for a very good reason. It is not simply that they choose not to be at school: they may be carers; they may have a disability; they may be travelling; or they may be out of employment and seeking employment. So, we need to be careful about simply saying that they should be in school.

Mr Koutsantonis interjecting:

Mr McEWEN: Obviously, the member who interjects has been snoozing the last little while, because I have made it very clear that the key objectives—

Mr Koutsantonis: I wasn't being critical.

Mr McEWEN: Yes, I understand that. The key objectives are to achieve a set of exit goals, irrespective of age. The real challenge with this proposition is to ensure that the resources are there to actually achieve those objectives, and I am not confident that the skills or resources presently provided are able to do that. The present school system has not accommodated this small number of 15 to 16 year olds well in the past, and that is why they are not in the system at the moment. So, we need to carefully analyse all the reasons why they are not in the system and then ask ourselves what we can now do—whether it be within or outside the school system—to set about to achieve those eight fundamental goals to which I referred—those fundamental life skills—that will be necessary for those young people to contribute to the economy in the future.

The interesting thing is that if we do not invest in them now we as a society pay a price for the rest of their life in terms of their under-performance. Some people will tell you that for every dollar not invested during this crucial time we can, over the life of these individuals, suffer 10 to 15 times that amount in lack of achievement for society and the economy.

The key point is that we have not yet thought through exactly how this mechanism will work, and this notion that these 15 and 16 year olds are attached to a particular school, which then takes charge of them, whether they are in school or seeking work or have some other reason not to be in school, will not be easy to implement. It is not a core skill that our teachers and our school administrations have. The notion is that many of our school people will now need to be beyond the school during the school day because the students this refers to will not be in the school. Therefore, those with the responsibility for them will be on the school gate. In order to achieve that objective, the role of the teacher and the resource base we need to provide for that teacher and that school will now change significantly.

I am not sure that the notion of simply attaching them nominally to a school will work. We need to think through more thoroughly how we intend to achieve the objective. The principle is fine, and in applying this principle to 15 and 16 year olds we need to ask ourselves whether the chronological age is actually relevant or whether it is more important to ensure that those eight key competencies are achieved before anybody is allowed to exit the school system.

Ms THOMPSON (Reynell): I am pleased to be able to speak after the member for Mount Gambier because I really welcomed his serious contribution to the debate, and his reminder of what our goals are for young people who leave our school system. Indeed, the need to advance the achievement of those goals is the reason that we are bringing in this measure of requiring young people to stay at school until they are at least 16 years old. There are many reasons for this, and the member for Mount Gambier has indicated some of them. I would like to take the matter further in terms of talking about why it is necessary to introduce the legislation and indicating how the government understands that it is a large task. It is an important challenge that we are setting for ourselves in making this commitment to young people.

It is quite clear that this state needs a smart work force. We are moving from a time where our dependence has been on blue-collar, manufacturing workers, as well as primary industry, to a time when we need to look at elaborately manufactured products and services. We also need to be able to compete in the expanding world of information and communication technology. When I was on the Public Works Committee and looking at some of the firms establishing in South Australia in the information industry and the finance industry, it was quite common to hear that every one of their

workers was expected to have at least a basic degree. Some firms were expecting their workers to have masters or honours degrees. The level of education required in our community has lifted incredibly in even the last 10 years.

What was quite suitable for our parents and what was quite suitable for me is not suitable for the young people who are coming forward today. It is important that we remember those who are not easily able to cope with the current education system and who may take an easy way out. It is not really an easy way out because I do not think young people run away from school just because they want to. It is not necessarily because they think there is another life somewhere else. There are a number of incredibly complex reasons for young people not participating in schooling to the full. Fortunately, we have quite a bit of information about this from the House of Representatives Standing Committee on Employment, Education and Training and the study it undertook in 1996 on truancy and exclusion from school. I would like to quote extensively from that report because it really helps us understand why some young people are not at school, and it helps to understand the challenge ahead of us in ensuring that these young people stay at school, or are linked to a school, in a very worthwhile manner, until they are at least 16. Personally, I share the aspirations of the member for Mount Gambier, and I would like to see them staying at school until they are really competent in all those core competencies.

The House of Representatives found that causes of exclusion from school include a wide range of possible explanations, from learning difficulties, personal development and behavioural problems, low socioeconomic or dysfunctional family background, parental lack of interest, lack of school support structures and welfare provisions, inappropriate and inflexible curriculum, and rigid school structures. Suggestions about solutions are equally wide ranging, but all the evidence to the inquiry indicates that there is agreement that the problem of young people becoming alienated from school and the benefits of education belong to the entire community—to the young people themselves; to governments which provide funds and set guidelines; and to the schools, teachers, parents and community—and that it must be addressed by adequately resourced, integrated, coordinated programs and services developed in partnership with all these key players.

The standing committee considered at some length the causes of truancy and behaviour which leads to exclusion, and it also considered linkages to criminal activity, poverty and homelessness. I am focusing on this area of truancy and exclusion, because it is an indication of young people who are disconnected from the education system, and that must surely be a description of those who leave school at the young age of 15.

In looking at the causes of truancy, the committee found that aspects of a person's personal and family experience which can lead to non-attendance at school include transience and mobility; lack of parental interest/support/recognition of the value of education; low socioeconomic status; culture and cultural expectations; unemployment; family dysfunction; substance abuse; abuse of or by individual family members; learning difficulties and under-achievement, particularly illiteracy; boredom and lack of motivation for learning; homelessness; disadvantage; isolation and inability to make friends; low self esteem; and inappropriate anger responses.

The committee notes that the ages 10 to 16 represent the most momentous changes in the physical, and hence emotional and psychological, aspects of human experience. It is the period when children begin the process of maturation to adulthood. These years are characterised by the concept of youth culture, with its emphasis on music and ever-changing fashions in clothing, food, demeanour, enthusiasms for friendships and peer group influences. The demands on time are considerable for many young people, given their wide range of activities, interests and commitments and concerns. Sometimes the demands of the school are a responsibility to be evaded, ignored or compromised.

Further on, the committee notes that during the inquiry a number of discussion forums with young people themselves were held whenever possible. They referred most frequently to problems coping with school, boredom with school, inability to cope with specific learning, bullying or violence, conflict and a desire to challenge the system and peer pressure. But generally it was found that there is a significant relationship between early school leaving and family socioeconomic disadvantage.

Unemployment, low income and dependency on welfare affect the family's ability to provide sufficient support to encourage the student to stay at school. The cost of books, uniforms, equipment, excursions, lunches, transport and study space for one or more students is frequently beyond the family's budget, and a young person may opt out of school rather than be embarrassed or disciplined for failure to comply with requirements. The committee is concerned that young people are educationally disadvantaged because of family poverty and stress and that this disadvantage must be addressed.

Elsewhere, the committee notes that young people who are not at school and who are involved in truancy, etc., are generally very unhappy young people, not the sort of young people who hold the competencies mentioned by the member for Mount Gambier. So, indeed, we have a challenge in making it possible for young people to stay at school until at least the age of 16, but at least we are coming to this challenge with a commitment to deliver on it. As members would know, it was a core promise of our election campaign, and I am confident that the funds will be available to deliver on this promise.

The member for Mount Gambier mentioned the challenge presented to schools in ensuring that young people who are disaffected really participate in the schooling system, but it is certainly my experience that many schools are starting to deal with this problem and, with the availability of appropriate resources, they will be able to tackle it well and confidently.

I found it quite interesting that some members opposite were referring to the fact that students who were disaffected from school would be forced to stay at school and that this would be a disruption and disadvantage for other young people. My information is that the common youth allowance requirements have already imposed just that situation. Last year I raised that issue in the house. Schools in my electorate were finding it really challenging to be able to provide effective programs for these young people who were required to stay at school as a result of the Howard government's implementation of the common youth allowance.

Unfortunately, my pleas for special resources to enable schools to deal effectively with this went largely unheard. To their credit, many of the schools in my area have devoted resources to these young people to try to give them a meaningful educational experience, but they have not been able to do it for all. They do notice, however, that there are

some young people who, while enrolled, virtually never attend. However, they do turn up for one special teacher who inspires and engages them. So, we see that one aspect of dealing with this problem will be to identify and support those special teachers who are able to engage with young people who are disaffected. They find that the Youth Pathways program which provides youth workers is a major support in this area.

This points to another aspect of funding that we will have to consider. As I have indicated from the House of Representatives report, these young people who are not at school usually come from a background where there are family difficulties; it is not just a matter of making the curriculum more interesting. That is one of the contributing factors, but it is also a matter of making their life easier for them. That is an important and major factor that must be addressed.

I have long been helping and championing a program in my area called the Flexible And Mobile Education (FAME) program, which is run by the Christian brothers for young people within the compulsory schooling age who are simply not attending school or who are at risk. I really enjoy meeting those young people and celebrating with them some of their achievements. One of their important achievements of last year was their building a pergola for the children's play area at the Christie Downs Community House. After our celebration and morning tea, I spent some time sitting around with some of these youth and talked with them about their future.

It was really interesting to see the commitment of these young people to go on in the education process, now that they had had a positive experience. However, I know from their teachers and the youth workers on the program something about their experiences. FAME has a bus, which enables it to get out and educate young people in areas that have meaning to them. When a young person joins the FAME program, the bus goes to their home to collect them in the morning. Generally it is found that, for at least the first week, somebody has to get out of the bus, go to the door and welcome that young person onto the bus. Next week they stop at the gate. Then they go to the corner. There is a progression in the young person's confidence to be able to join the FAME program.

This indicates some of the outcomes of the causes of truancy and absenteeism mentioned in the report of the House of Representatives. Many of these young people lack confidence and an awareness of the world and they just find it all overwhelming. They need our special care, love and attention if they are going to have a chance to share in the exciting future of this state. Not only do youth workers need to be involved, but we must also be able to support the TAFE system and to offer appropriate placements. At the moment this is done through many of the links with vocational education in my area.

We need to be able to support employers to offer effective work placements, but they must all be done in a structured way so that the young person is learning all the time, whether they are at TAFE or at work. They must maintain a relationship with the education system so that, when they are ready, like the young graduates from FAME, they can feel confident about going back into the mainstream education system and taking their place in our future. I noticed recently that, as part of the Blair commitment to the elimination of poverty in Britain, that government has introduced a measure called Connections, which is established to provide information, advice, guidance and access to personal advisers for all young people aged 13 to 19.

This commitment from the Blair Labour government in Britain just shows us that we are taking only a very small step in the whole task of engaging young people who, not only in South Australia, are often failing to be engaged with tomorrow's world; but it does seem that it is a worldwide phenomenon. Many young people are just finding it difficult to cope with the pace of change and to enter the world of work at a much higher level than was required when I started work. When I started work I had to be able to copy down a couple of sets of figures and remember a few formulae.

That is just not on for young people today. They are asked to do so much more than we were. Some of them need very special help to get through, and this is a real challenge, particularly for young men. Too often, when I am talking with year 12 students, I notice so few young men in the classroom, and it is not because they have obtained an apprenticeship. I do not have the figures at hand at the moment, but I understand that most of the young people entering apprenticeships now have at least completed year 11 and mainly year 12. TAFE teachers talk to me about the fact that their greatest challenge in dealing with some of the young people is that they do not have the math necessary to understand the current demands of, say, an electrician, a mechanical engineer or a plumber.

The answer that trades is the reason why young people are not at school, particularly as it relates to young men, just does not stand up. Too many of them are lost to our community. I have great pleasure in supporting this important move of the Rann Labor government. I regard it as a commitment to our young people. It is a commitment that will be a challenge for us all. We will have to learn new ways of engaging young people and we will have to examine from where funds can be accessed to enable this to happen. However, if we do not find those funds, if we do not find the new ways and if we do not support our schools, our youth workers and our community workers, we are failing in terms of our future and we will stand condemned.

This is just a small step in expressing a commitment to our young people but it is an important first step. It needs to be taken into account with the social inclusion units commitment to reduce absenteeism throughout schools because, if we can ensure that young people at primary school are able to read, write and feel engaged with the education system, we will not need to be worrying about their not being at school when they are 14, 15 and 16: they will already love school. School will be a place where they feel happy, confident and rewarded.

So, together, these commitments of the Rann government will give us a better future for our young people and a better community in South Australia. It is just a small step but a very important one.

Mr BRINDAL (Unley): I, too, commend the member for Mount Gambier on his contribution to the house. I think that it was well reasoned, well considered and well argued. However, I believe that the honourable member who last spoke misunderstood what I interpreted the member for Mount Gambier to say, because I wanted to develop the same theme, that is, that rather than come into this place with an inconsequential three or four clause piece of legislation simply to amend the school leaving age, what we should be talking about is competency based. I understood that the line of logic taken by the member for Mount Gambier—and if I am correct in this I agree with him—may well mean that some people stay beyond the age of 15 or 16 to get the competency. However, it may also mean that some other

children, having obtained those competencies before that age, are equally free to leave. It is a—

Mr McEwen interjecting:

Mr BRINDAL: The member for Mount Gambier, I am glad, concurs. I thought that is what I understood him to be saying. In fact, some years ago that happened. I can cite several instances of students with very high intellectual potential who—the university not then having a minimum age requirement of 18—were in the university as early, in some cases, as 14 and 15 because their accelerating learning through the lower grades and through the public examination system was such that they were able to progress through the system and be in university probably before their maturation said they should be. So, on that matter I agree with the member for Mount Gambier.

To me, it is very sad that this government—although I admit it is a new government—comes in here and its first act in educational reform is something as tokenistic as this. I know, from my close work with the previous minister, that major work was undertaken on the review of the Education Act, and that the government, at quite short notice, could have come in here with a substantial review of the Education Act 1972, which is well overdue. But it takes what I think is becoming a hallmark of this government—the safe, quick option—to come in here with a trite amendment to lift the school leaving age from 15 to 16.

Mr Koutsantonis: This speech is beneath you.

Mr BRINDAL: The member for West Torrens says that this speech is beneath me. I want that interjection put on the public record because I would like to say to the member for West Torrens that it is not beneath me. I was a teacher. I believe in students and I passionately believe that no parliament, let alone this parliament, should exercise the cop-out of locking kids into an irrelevant system of schooling purely by dint of their age and keep them where they are unhappy simply because the teachers do not have to work, the teachers do not have to adjust the curriculum and the teachers do not have to take any other steps.

Indeed, the government does not have to resource this at all because simply by law it will compel those students to stay until they are 16. I am all for the greater retention of our young people in the education system, but not by compulsion: by, as many other speakers (including the member for Mount Gambier) have said, adequately resourcing our schools and by providing appropriate forms of learning for young people that they find relevant, enjoyable and motivating enough to stay at school. Indeed, the previous Labor member just spoke about the problems of school retention and truancy. I would like to ask in committee how many truant officers are employed in South Australia, what work they did last year and what problems they encountered.

Ms Thompson: Not enough.

Mr BRINDAL: The honourable member interjects, 'Not enough,' and I agree. But I would ask the honourable member what the relevance of the truant officer is to go to places such as Westfield at Marion and drag back into the school system young school refusers who do not want to be in the system and who, the next day, will be back at Westfield at Marion, or under a bridge down by the Torrens River, or in a number of other places. The failure of the system is not the failure of the children who refuse to attend school. If the honourable member had listened to her own speech she would understand that, if you are disempowered by the system, if you are embarrassed because your parents are too poor to conform to the norms of the school and be there, then hell and all the forces therein will not be able to drag you back into a school system that you think treats you with disdain. The honourable member was right: she talked about social justice, about social inequality and about the needs of those families. But those needs must be addressed separately from this bill.

Some compassion, some understanding and some relevance in education need to be put into the system before we sit here and congratulate ourselves on passing a new compulsory leaving age. I remind this house that the clue to all wisdom in learning is not in academe and not in university education, and the relevance in the system, if I can truncate what the member for Mount Gambier pointed out, was to gain employment related skills. I would put the others in two classes, civic and social survival skills.

Again, members opposite said, 'We live in a different world, and what is expected of our children is not the same as was expected of our parents and of us.' But I would say to members opposite that a good grasp of numeracy and literacy and a good grasp of social skills was in fact—

Mr Koutsantonis interjecting:

Mr BRINDAL: If the goose from West Torrens was himself capable of even developing a line of argument, I would listen to his inane interjection, but I would ask him not to detract—

The Hon. M.J. ATKINSON: On a point of order, there are countless examples in *Hansard* and Erskine May where the Speaker has ruled that referring to another member as an animal of any sort is unparliamentary language and should be withdrawn. The member for Unley has referred to the member for West Torrens as a goose, and I ask you to require him to withdraw.

Mr McEWEN: On a point of order, it is my understanding that the person so offended is the person who should rise to request that the offensive remark be withdrawn, and does not need the protection of a third party in that regard.

The ACTING SPEAKER (Mr Goldsworthy): I uphold that point of order, but I ask the member for Unley if he will withdraw that word.

Mr BRINDAL: In view of the fact that the current Speaker of this house referred to me as a snake and was not required to withdraw, I find it difficult. However, I will withdraw on behalf of the geese. In fairness, this government has promised some resourcing to this area, and my colleague the shadow minister tells me that, taken from the Labor Party campaign material, it is $2.5 million and 43 specialist teachers. If that is forthcoming in the budget—and it is interesting that we must prior approve the compulsory raising of the school leaving age before the provision is put there—then it is a step in the right direction, but only a step in the right direction.

It is time that this place and this government directed its serious attention to an overall review of the Education Act and looked seriously, as the member for Mount Gambier pointed out, to the purposes of that—

Members interjecting:

Mr BRINDAL: Members interject that I do not like reviews. I do not like reviews for the sake of having reviews, but most of this review was undertaken by the last government. I am sure that members opposite have access to that information and, after 30 years, it is timely that this act should be reviewed. It is not 'No reviews at all' but it is 'Which reviews are worth having?' and a review of the Education Act is certainly worth having.

The member for Mount Gambier, as I said, spoke well on this, and even members opposite spoke well on the needs of

the socio-economically disadvantaged and the need for different structures. For instance, in this act I note that we are required to approve the raising of the school leaving age in a manner that will compel people above the age of six years and under the age of 16 years to attend a school. If one then looks at the definition of 'school', it is arguable that a very good project such as the Hallett Cove Youth Project, of which members opposite will be aware—

Ms Thompson interjecting:

Mr BRINDAL: That particular one is associated with a school, the honourable member is quite correct, but it is possible and perhaps probable that new forms of education will arise for these types of socio-economically disadvantaged students who are not linked to formal schools and formal schooling. And this act precludes that. The member for West Torrens nods his head and again shows his ignorance.

Mr Koutsantonis interjecting:

Mr BRINDAL: He looks like Noddy to me, so I think it was a nod of the head rather than a shake of the head. This act clearly requires that they will attend institutions that we currently know as schools, and I simply argue that there may be evolving forms of education which do not involve a traditional form and which should not be overlooked. People opposite argue in terms of industrial rights for education in the workplace. Who is to say that in a transition from school to work there may not be a form of education legitimately undertaken in workplaces for these sorts of students?

That, I think, would fulfil the requirements of greater education and also allow some flexibility, which is obviously not looked for here. Simply to lift the school leaving age for its own sake is no justification, and I claim, with some embarrassment, to have the support of the AEU in that. The AEU has carefully made a number of statements saying that this may be fine in so far as it goes, but only if the whole system is properly resourced in a manner that will allow the young school people who are then compelled to stay at school to get a relevant and appropriate education. As yet, we have seen nothing presented before this house to say that they will do it.

Members opposite quoted other countries. In some places in Germany, for instance, there are systems under which school attendance is required for 5¼ hours a day for instruction, sometimes from 7.30 or 7.45 until about lunch time, and then students are required to attend either community service or workplace experience. Part-time schooling is also an option. In the Republic of Ireland there are some measures in place whereby students are actually excused from schooling for a year at around the age of 15 and are required to do community service. In Ireland they believe that that is a rapid hormone growth time and it might be good to get the kids out school to let them have experiences in the community and then bring them back into school.

I would also say that, for a government that argues multicultural inclusion, that may well be a very relevant provision for the Pitjantjatjara and other indigenous peoples living on their traditional homelands and required to undertake the traditional cultural values of initiation. I will be very interested to hear how this minister will explain forcing young Pitjantjatjara men to stay in these European institutions that we call schools—

The Hon. P.F. Conlon interjecting:

Mr BRINDAL: The leader of the government's business will know that, when an Aboriginal male is initiated, he may no longer undertake education in the same form with female counterparts. Indeed, in the Pitjantjatjara lands, those youth who are fortunate enough to undergo traditional initiations just go missing. They quite clearly do not attend school, and this law will require them to do so. I do not think that this is anything other than a knee-jerk reaction by this government to try to look as if it is doing something for education by lifting the school leaving age. Let it be cross-cultural, let it be sensitive and let it acknowledge the traditional values which have been long held for thousands of years by the traditional owners of this land and tell me how it will accommodate them.

The Hon. P.F. Conlon: Your government did nothing for years. The minister closed down the committee.

Mr BRINDAL: I remind the leader of the government's business that we are no longer in government and I am now quite free to say exactly what I think, and you have to wear the consequences. And the government, sir—

The Hon. P.F. Conlon: I am prepared to wear it over here, mate.

Mr BRINDAL: —has to deliver on it. Well, we will see, sir. Talk was cheap on this side of the house when we were in government and we had to answer within the constraints of the Treasury. It will not be so cheap on this side now, but it will be responsible—and it will be responsibly raised for the sake of our kids and for the sake of the next generation of South Australians. The minister might not like that, but I remind him that I am not here simply for my own self-serving interests. No union has put me here: nobody has put me here so that I can get a good pension at the end of it. I am here to do a job.

Mr Caica interjecting:

Mr BRINDAL: I don't care. Members opposite can interject all they like. I have just about had a stomach full of hypocrisy. I have sat in this place for 12 years and, sir, during that time I have seen a lot: I have seen certain standards put in place by an opposition which now sits on the government benches and thinks that no-one has a memory. I do not think many members opposite could ever accuse me of being rude, discourteous or in any other way offensive to other members on the other side of the house. However, if what I have seen represents the standard that they want to sit there and be proud of, then let them be proud of it, but do not let them think for one minute that I and others on this side are not capable of having a long memory and are not capable of the same sort of retaliatory bloody-minded tactics that have been used by the opposition in the past.

There is a rule in this place, and it is a rule of decency and of decent debate and, if the people who have transferred from the opposition benches to the government benches think that they can apply to themselves rules that they did not apply to themselves in opposition, I will look—

The Hon. P.F. CONLON: Mr Acting Speaker, I have heard references to the rules of decency. I do not know about that, but there is a rule of relevancy, and I think the former minister should bring himself back to talking somewhere around the bill that is before the house.

The ACTING SPEAKER: There is no point of order, but I ask the member to get back to the relevance of the debate.

Mr BRINDAL: I conclude by saying that this is an education bill that purports to be about raising the school leaving age a little more. It should be about more than that. I conclude by saying that I am giving nobody a lesson: I am trying to contribute in this place, and I am getting very sick of trying to contribute in this place when some people act like fools.

There being a disturbance in the chamber:

The ACTING SPEAKER: Order! The two members will leave the chamber. If you want to have that sort of discussion, members can leave the chamber. I call the member for Chaffey.

Mrs MAYWALD (Chaffey): I have no doubt that the intention behind the proposition that is before us tonight is honourable. However, I have some concerns about how the implementation stage of this bill will apply and how it will impact upon schools. To put the issue into perspective, I quote from a briefing paper that was provided to me last year in response to the then private member's bill that was introduced by the minister. This briefing was given to us by the department, and the statistics have been sourced from the ABS labour force summary data of April last year.

These statistics tell us that there were, as of March last year, 20 500 15 year olds in South Australia, 95 per cent of whom were at school, 1.5 per cent of whom were in full-time work, and 1.7 per cent to 3 per cent—which is in the range of 350 to 630—of whom were either unemployed, not in the full-time labour force (some may have been in part-time work) or not in full-time school or training. It was explained that there were many reasons why these young people were not at school, and I will list the categories of exemptions for students from school at the age of 15 years. They were temporary incapacity; physical, psychiatric, intellectual or learning difficulties; pre-natal and post-natal conditions; recent full-time job loss; inability to secure an appropriate place; caring for another; major personal crisis; instability of residence; major disruptions at home; substance abuse; refugees; community service orders; job seeking; and case management. As members can see, there is quite a range of categories for which exemptions were provided to 15 year olds under the existing system.

I recognise that the minister has identified another group of former students who seems to disappear off the radar and whose fates we have no way of tracking. This is a very unfortunate sector of our community that I believe needs addressing, but merely raising the education age to the age of 16 years is not the answer.

The minister in her second reading speech stated that programs will be put in place to provide individual learning programs for students and that they will be able to enter into particular learning contracts whereby they can undertake further education through vocational training programs and apprenticeships, but that there will be a structured learning environment for these individual students who have fallen through the cracks—that the key to this bill is keeping them registered at the school.

Whilst I also believe that that has merit and I believe that having some capacity to track what happens to these students is important, unless we can resource schools adequately to enable them to manage the difficulties that these young people face, I believe that other students may suffer the consequences of reduced learning outcomes.

The public education system is already stretched to the maximum in respect of resources. Teachers are already under enormous pressure to provide more and more of society's needs in respect of our youth. They are required to be counsellors and to provide all sorts of other learning that would normally happen in the home but has not happened because they have dysfunctional families or mum and dad both work, or perhaps these children are not getting the kind of support that they deserve. So, the onus is falling onto teachers to provide more of those skills.

It is important to note that such pressures on teachers are taking their toll and, if we place another onus on teachers to support individuals (as the minister says, in the form of one-on-one counselling), we will find ourselves in a situation where we are stretching the system further and providing fewer education opportunities for those students who are doing the right thing. We will be concentrating the efforts of teachers on trying to keep that 1.7 per cent to 3 per cent of students within the system and not necessarily providing the best possible education outcomes to the other students.

There are many issues in respect of retaining students at school. Just retaining them at school for the sake of it can be incredibly disruptive to the rest of the students in the class. Teachers already complain that class sizes are too large, and forcing young people who perhaps would rather not be at school or are not achieving any further learning outcomes to stay in an environment where they disrupt the rest of the class will certainly impact on the rest of the students. Forcing students to stay at school or in the education system without providing them with the opportunities to tailor their needs to what might be appropriate for them could result in worse outcomes for the individual. It could lead to lower self-esteem and it could lead to greater resentment of the system, not to mention the disruption in the classroom that I spoke about beforehand.

The link between school leaving age and unemployment rates is strong, and I guess that is statistically correct, but keeping young people in school longer will not necessarily redress this situation and it will not mean that they necessarily learn any more. I believe that for too long in our education system the focus has been on education towards tertiary achievement and, as a result, there has been a lack of focus on other career paths within the system. Not all students are academically inclined and we must provide a better curriculum structure along with other measures to keep students at school and to provide them with opportunities that would be better suited to them.

We can see that the system is failing because we have such a low uptake of apprenticeships and traineeships. While it is improving, it has been a real struggle, and I know from my personal experience in the Riverland that vocational education and training in schools was not welcomed initially by the broader teaching sector, and it has taken a long time to develop a relationship with teachers to accept the vocational education and training programs that are now proving to be successful. We must build on the strengths that have been established.

The lack of apprentices and tradespeople is an indication of how far we have moved from one side of the equation to the other, and the emphasis that has been placed on the necessity for a person to have a tertiary qualification to be successful has created a number of problems in itself. I know from the discussions I have had with youth groups that many students feel that, if they do not achieve academically and attain a tertiary education, they are considered to be second-rate students, and that pressure may come not only from the school but also from the family. I do not know how often I have heard the comment that, if you do not work hard at school, you will end up back on the block.

Ending up back on the block can be a very worthwhile and successful career path for some people, but the school system downgrades it and, if people consider that that is where their qualifications and skills base lie, their esteem is undermined

by the fact that the school system does not recognise it as an appropriate career path. There is enormous pressure on students who are not academically inclined.

Let me give the house an example of a young boy who lives at Renmark. His name is Nick Ormsby and he has been incredibly successful. At the age of 14 he was having extreme difficulty learning and fitting into the school environment. His self-esteem was incredibly low and he was turning into himself more and more. His parents recognised that the school system was not providing him with an environment that gave him any opportunities for success in the future. So they went to a registered training authority and begged them to help their son. Their son was signed out of school at age 14, he was put into a horticultural traineeship, and, in doing so, there had to be a very sympathetic employer who was prepared to work with him.

Nick did a traineeship in level 1, he has since done level 2 and he is now embarking on level 3 in a horticultural learning program, and it has proved to be a successful career path for young Nick. His is a success story which shows that career pathways do not necessarily line up with what schools offer all students. If this legislation were to impose a blanket provision that students have to stay at school until they are 16, it would not have worked well for Nick, who was able to formulate an individual package. His parents were caring enough to want to go around the system and get him signed out at the age of 14, which many parents would say is dreadful. The school said that Nick could not leave school at 14. However, Nick had other skills, other abilities and other talents which needed to be nurtured but which the school system was not providing for him.

I have been fortunate to be involved in the school industry links program in the Riverland, and I believe that has worked very well in promoting our vocational education and training programs within our schools and in improving the traineeship and apprenticeship uptake in the region. With the VET in schools program, however, when talking about the difficult students—the ones who have fallen through the net, who need special care and attention, who need one-on-one programs to help them develop some sort of career pathway that suits them—we must also consider the employers who are prepared to take on these students. In young Nick's situation, the employer who took on the responsibility for his traineeship took a big gamble, and it has paid off. Unfortunately, there are not always happy endings.

In many instances, it does not necessarily result in good outcomes for the employer and, if we are going to put in place packages to deliver better outcomes for students, we need to consider the employers who will be expected to take on the role of providing traineeships, part-time work or full-time work to enable the best opportunities and the best learning outcomes for these students.

I will support the bill because it takes a step in the right direction but I do so cautiously, given that there is no commitment in it or in the budget as yet (and we will wait with interest to see the budget) for the resources that will be needed to support the schools to make this work. It is my fear that it will have a significant impact in the long term on the learning outcomes of other students in the classes if it is not managed properly and, if we merely expect that the existing system will absorb the extra requirements, we are sorely mistaken. I believe it will put extra pressures on teachers who are currently stressed to the maximum and, if we do not adequately resource this proposal, it is doomed to failure.

Mr KOUTSANTONIS (West Torrens): I support the bill and congratulate the minister and cabinet on bringing it into parliament as one of the first pieces of legislation during our first 100 days in government. I think it is a bold step. I understand the criticisms of some members opposite who say that it is not that bold and not that big a step, but I believe that the principle is important and it is an important message to send to our young people. I have just downloaded from the internet the Liberal Party's policy from the 2002 state election. Headed 'Bright futures', the education policy of the Liberal Party of South Australia shows a nice picture of John Howard and Rob Kerin.

An honourable member interjecting:

Mr KOUTSANTONIS: The Leader of the Opposition, I apologise. Actually, this is the current Liberal Party policy, because underneath Rob Kerin's name is 'opposition leader', no longer premier, so they have changed their policy. On two occasions they mention some interesting things. In the section on secondary schools and youth pathways, they say that one of their first objectives is, believe it or not, raising the school leaving age to 16, but the opposition does not want it done this year. They say in the policy document that is published today that they want it done in 2003. They complain in their speeches that we are not doing enough immediately; yet in their own policy on two occasions they flag as one of their key successes a plan to increase the school leaving age to 16.

Perhaps they are happy to rest on their laurels and talk about their achievements, although I have their key achievements here in front of me and it is pretty scary to think that members opposite believe that they have secured some achievements in education. I will go through them one by one to educate members opposite about what they believe are achievements in education. Apart from closing schools when they promised they would not, apart from—

Mr Scalzi: Which school, Tom?

Mr KOUTSANTONIS: Sturt Street Primary School, Netley Primary School. Do you want me to keep going on? Members opposite pretend to have an interest in education, and I am sure some members do, but when in government they closed schools. Given that the Liberal Party claims to be a party of individuals who are not bound by party policy, how many of them yelled out, how many of them fought for their local communities? None—not one! I do not remember former members of this house who lost their seats in the 1997 election talking about schools that were closed. Anyway, that has nothing to do with this bill, and I would appreciate the member not interjecting while I am speaking.

The member for Mount Gambier raised the significant point of how important it is for some teachers to reach out to students when they are at school. During my time at Adelaide High School I had a troubled youth: I was more interested in playing soccer and other sports than studying. I had a teacher called Margaret Fenwick, who later was a member of the board of the West Beach Trust. She was one of those teachers who had an impact on me for life. She sat me down one day and told me the facts of life about how important education was and that it was time to get a serious focus. I was lucky that I had a good teacher who took an interest in me, not because she was forced to or because somehow it might go on her record but because she cared, and I think it is important to encourage teachers like that.

Via this bill we are saying to students throughout the state, 'We're not trying to force you to learn or to be model students, something that you don't want to be, but we are forcing you to engage.' It is like compulsory voting. Mem-

bers opposite rally against compulsory voting, but we cannot ask students to vote formally in an election. All we can ask them to do is to consider the proposition before them or at least to think about government and their future. What we are saying in this bill is: 'We understand that you can't all be physicists, doctors, teachers and lawyers, but we want you to consider your future and become involved in some form of education and learning that will assist you in life.' The level of education is a mark of a civilised country. It is our last best hope. In an economy like South Australia's, we cannot compete with the big economies of New South Wales, Victoria and Queensland. We need our education base to be the best in order to compete with those states on a different level where we can beat them.

Mr Scalzi interjecting:

Mr KOUTSANTONIS: The member for Hartley can calm down. I am not attacking the government; I am just talking about a policy issue. I know that the honourable member is finding it hard to be relevant on the backbench for a fourth term in a row. Let us talk about education. The government is trying to give young people a chance to be involved in a system of education for an extra year. We are not saying that an extra year will change people's lives forever, but it might save one or two, or even 10. It is worth the effort and the energy of the government saying, first, as a matter of principle, 'We want people to stay at school until age 16.' I think it is a good foundation for education that we want our citizens to be in a learning environment until the age of 16 and to encourage them to go on further.

Secondly, if we can somehow keep people in an environment where learning is available and encouraged, they might go on to some other form of learning, whether it be TAFE or university. It may even sow a seed so that, later, they come back and do a mature entrance into a university or some sort of tertiary course. Whilst I understand why members opposite think this is just another form of window dressing, I say that it is not window dressing, that it is an important first step that we are making. It is a standard; we are drawing a line in the sand; we are saying that we want our citizens at least to complete schooling to the age of 16.

I know that members opposite, especially the former minister, have a great deal of compassion for education and learning. In his own special way, the former minister tried to bring about changes in education not for his own party or ideology but for the benefit of South Australians and our children. I expect members opposite to understand that we are doing the same. We care about the future of South Australians and our children because we see education as being the great equaliser. The people whom we represent and whom we are fighting for cannot afford private education. They are the ones who rely on the public system to get an education.

Every now and then there are some great successes, great leaders who come out of the public system. We owe it to every South Australian child, no matter where they were born or their economic circumstances, to give them the opportunity to get a great education. Making our first 100 days matter is important to our political party. It is also important that we make education one of the key principles of our first 100 days and it will send a message to the community that we are taking education seriously.

Some members opposite spoke about social justice and the inequities in education. The Premier has set up the social inclusion unit, and its major charter of investigation is education. We are taking education very seriously. I am not saying that we will find the answers in the first 100 days or the first 1 000 days—or whatever it was that someone else said. However, we are making a start. I hope that members opposite will join us in that endeavour, because it is something that is bigger than all of us.

As the member for Hartley might know, we will be forgotten in 30 years. I hate to say it, but the member for Hartley is not a household name, and nor am I. However, what we do in this place today will affect future generations, and we should take that seriously.

The Hon. S.W. Key: You are in my household, Tom.

Mr KOUTSANTONIS: The minister says that I am a household name. I hope I am, she being a constituent of mine! I hope I am.

Members interjecting:

Mr KOUTSANTONIS: Yes, I am comforted by the fact that the member for Light has raised a pertinent point that when I die there will be a condolence motion in this place, and some of the staff will look up *Hansard* and think, 'Who was this guy?', and whomever the Premier is at the time will get up and read a speech, saying how impassioned I was and what a great advocate I was for the western suburbs. Of course, no-one will remember me because I will live a long and prosperous life, being a heavy smoker and eating the food I do! I hate to think what members would say if I died early, especially the member for Unley after his latest little fit.

I commend the government on what it is doing. I think it is an important beginning. It will not solve the problems associated with truancy, especially in regional areas such as Ceduna, which has up to 90 per cent truancy amongst indigenous students, and that is a tragedy. I do not claim to have the answers. I do not believe that the former government claimed to have the answers. We do not claim to have the have the answers, either, but we must try something different, and part of that is to reinforce the message that we expect our children to attend school and to be there on time in the morning.

One of this government's election promises—and if it is not implemented I will be phoning the minister and putting forward my case—is that a phone bank would be set up so that, when students are absent from school, the parents are informed by telephone.

I believe that the former government talked about setting up something called a truancy panel. I do not know what that involved or whether it was set up, but I believe it was along the lines of working out why truancy is a problem and using a form of guilt or emotional blackmail to encourage students to be at school on time, which I think is the best way to do it.

It is important that we do whatever we can to limit truancy. Every child skips school every now and then. It will always happen. I know that some members on this side never skipped school, and it shows today. I skipped school, and I am not proud of it. Many times I was not at school but was doing things that I should not have been doing. The price I paid for truancy was being told off or a note being sent home to my parents. Although it was effective, it really did not stop me. The problem of why school is not relevant or important to some people has to be addressed.

Some students see education as a way out of their present situation; they want to get an education to get a better job and a better life. However, some students see it as something that they are forced to do, and that is not good enough. I believe that we should do whatever it takes to make education relevant to every child in South Australia and give them every opportunity. Not everyone will graduate and be a star. Not everyone will become a doctor or a lawyer, but at least we

can instil in our students community values and the values in which we believe, the first and foremost being education.

If the best we can do is to say to one student, 'Even if you are not interested in education, maybe you can learn the importance of it so that when you marry and have children (or whatever the politically correct terms is for having a family), you will instil in your children the belief that education is important.'

Ms Rankine: And good citizenship.

Mr KOUTSANTONIS: And good citizenship. I think that being a good citizen is about passing onto the next generation a set of values that is right and one of those is education. I commend the bill to the house and hope all members support it.

The Hon. M.R. BUCKBY (Light): I support this bill. A number of issues need to be addressed not only in relation to this bill but also in relation to education. I am pleased to see that the minister has included the fact that students up to the age of 16 years have to remain connected to their school. When she introduced her previous bill to amend the Education Act in the last parliament when I was minister, it did not address that issue, which I see as being very important. The reason why I did not support her bill at that time was that it did not keep those young people connected to their peers, school councillors and the school. In this bill they have to be registered at the school. That is a very good idea: it is what I said all along and it is what we said in the draft education bill.

It is important because of a number of factors. One is the fact that these days students have the ability to undertake school based apprenticeships, school based traineeships or vocational education and it is important that they remain a member of their school community. If they are attending TAFE or some other form of private learning institution, they are still able to maintain a connection with their peers and their teachers and, therefore, if required, they can seek advice or support. I think that is a good thing in this bill. Let us also remember that, as the member for Chaffey commented earlier, this affects a very small number of our young people in schools. The member for Chaffey quoted—I think I am right in saying—that 95 per cent of our 15 year olds are still at school, and she is correct. If my memory stands true, 94 per cent of all 16 year olds are still at school; 3 per cent are undertaking an apprenticeship, a traineeship or some other form of study; and the other 3 per cent are either unemployed or unaccounted for.

That is the 3 per cent on whom we are concentrating in this bill. We are saying that these days, if you want the opportunity to get a reasonable job in the community to ensure that you are an effective community member, you need more than just year 10 level at school. If members look at all the jobs available to the majority of people in our community today, they will see that most jobs have some form of information and communication technology attached to them. It does not matter whether you are a farmer and you have a computer in your tractor or harvester, a sales assistant working with a cash register which has a computer component or a secretary undertaking work on a computer, just about every job has some form of technology attached to it.

It is due to that sort of mechanisation that we have witnessed the disappearance of many manual jobs in our community. I remember when I was at Wasleys Primary School and our local council, the District Council of Mudlawirra, employed a gang of men (who were located in Wasleys) to work on the local roads. Many of those men had not gone past grade 7 at school and their job was basically maintaining the roads around Wasleys and the Mudlawirra council area. Many of them were involved in filling potholes and doing a range of manual work, jobs for which they had an adequate education to undertake at that time. Now those jobs have disappeared. There is a range of jobs now—nearly all jobs, I would say—that have a greater degree of technology to go with them and, as a result of that, our young people must get a longer education now to cope with those jobs and have the ability to get one of those jobs.

One of the things that I was very pleased to do as minister was reintroduce vocational education training. I will never forget a letter I received from a former teacher at Goodwood Technical High School. When we reintroduced vocational education training he wrote to me and said, 'Thank goodness you have reintroduced vocational education, because when I was a teacher at Goody Tech I had five young fellows coming to me that no other school would accept because of behavioural problems. When they came to Goody Tech, three of them were getting up at 5.30 in the morning, catching three buses to get there, and I never had a problem with them—not one.' He said that the fact was they were young people who were very good at working with their hands, were not interested in the academic side of school, but would turn out to be very good tradespeople. He said that it was great that we had reintroduced it, because the fact was that only 30 per cent of that school's population went on to a university career and that 70 per cent of those young people went out into a trade or into some other form of work that did not involve a university degree.

So that is where vocational education can really link young people with a workplace that they are interested in, or that they can trial. I was at a meeting in Gawler six or eight months ago where we were looking at vocational awards for young people. One young fellow who went to Trinity College in Gawler ended up working at the Gawler Health Service, in the local hospital. His job was in the catering division making sandwiches for the local people in the hospital. He said that vocational experience had made up his mind about one thing and that was that he did not want to make sandwiches for the rest of his life. That was a good experience for him because it told him something that he did not want to do and he had therefore made up his mind that he wanted to be involved in something other than the catering industry.

That is where vocational education has an enormous scope for these young people, who may not be interested in the academic side of school but who can either undertake a career in a trade or get involved in an industry. Staying this extra year and linking in heavily with vocational education will thereby give them a greater opportunity for a successful career once they leave school. Links with industry was one of the things that I as minister wanted to improve, and I did certainly improve that, I believe. I encouraged that to the full. It was at Smithfield Plains High School that as minister I set up a $1 million vocational education project, and where the school has received commonwealth funding as well to set up a business hub there. Some 26 businesses will be located on-site so that these young people can have contact with those businesses and see what the opportunities are within business, first-hand, on the school site.

There is an enormous range of other opportunities, which I have spoken to the member for Napier about, in terms of that school. There is a very high unemployment rate, but, across government agencies, it should be possible to bring

Family and Youth Services officers on to the site to provide counselling to parents or students if they need it, and to make it a community school, so that we get a much better bang for the buck, so to speak, out at that particular school, and deliver a better service to that community.

One of the things that I also saw a need for, and I hope that the current minister will also see a need for, is information communication technology qualifications. This year will be the first year that all year 10 students will take a level 1 information and communications technology certificate, so that when they go to a future employer or undertake an apprenticeship or traineeship they will be able to say: 'I have competency in Microsoft Word, Excel'—in this range of programs. Employers then know that they do not have to train these young people in this particular area as they already have expertise in it, and so we are giving these young people life skills because, let us face it, it is part of our life now. I also believe that a number of other benefits come from that. Without losing sight of the fact that students still need to read books and do those sorts of things, it links them with the skills to be able to get on and operate on the Internet and get information when they need it, and to provide that sort of benefit to the employers that they will work for.

The need is also there for flexibility of school hours with these young people who are coming back to work. One high school has worked on an 8 a.m. to 5 p.m. day, with Friday as a free day. The students attend school for the same number of hours and the teachers are there for the same number of hours per week, and each school has the ability to make changes, as nothing in the act or the departmental guidelines stops them from doing this. I hope that schools will start to look at this issue of involving young people who might be disaffected by our current system so that you can build a flexibility to say: 'All right, it's better for you to attend school between midday and 5 p.m. rather than between 8 a.m. and 1 p.m. or 9 a.m. and 3 p.m.' The young person concerned might have a part-time job, or there may be some other reason, and Friday or some other day can then be the vocational education day that that person can go off and get experience in the industry in question; or attend a TAFE class, for example.

This is one of the things that I believe really does need addressing. The school day has stayed the same for 100 years. Children turn up at 9 o'clock in the morning and they go home at 3.15 p.m. When I was at primary school we used to go home at 3.45 p.m., but that was because we had a recess break in the afternoon in those days and that no longer applies. Basically, though, that has not changed ever since we have had education in the state, yet our community has changed immensely in that time. If you look at the large number of people now in part-time employment as against full-time employment, even going back 20 or 30 years, the flexibility within our community has changed immensely, and schools need to change with that as well.

The Hon. S.W. Key interjecting:

The Hon. M.R. BUCKBY: It is interesting that the minister says that they have no choice. It is interesting to note—I think I read an article—

The Hon. S.W. Key: Quote me properly.

The Hon. M.R. BUCKBY: Sorry?

The Hon. S.W. Key: I said some of them don't have a choice.

The Hon. M.R. BUCKBY: Some of them; sorry, my apologies. I read an article the other day about California where they have turned around and are now going back to full-time employment because they found that the part-time members of their work force are not as committed as they would be if they were full-time employees. It is interesting to see how the wheel turns many times through history.That flexibility, I believe, really does need to be investigated. Likewise, I think in the statement earlier on by the Minister for Education and Children's Services she noted that there would be a review of the Senior Secondary Assessment Board, which I think has been operating since 1985. There has been no review of that board since that time, and certainly if I had continued as minister it would have been one that I would have been looking to review, because of this very group of people, in terms of what subjects we need to be offering that are relevant to these young people who might have dropped out of school—this 3 per cent we are talking about. We must ensure that we can give them some qualifications that are recognised by employers, universities or TAFE. It may be that they are quite different forms of subjects than currently exist, but I believe that some research needs to be undertaken on that.

I am pleased to see that the rules for vocational education have now been changed so that all subjects will attract a tertiary entrance ranking score. That is a step in the right direction, recognising that we achieved a great deal of what we set out to achieve, namely, seamlessness through education. So, when you went to secondary school and had undertaken, for instance, information and communication technology and you moved on to TAFE, that prior learning was recognised and, if you went from TAFE to university, that prior learning was recognised. Previously it was not recognised and now it is, which is a step in the right direction by a long chalk.

One other area which I believe needs addressing, which we tried to address and in which a lot more needs to be done, is that of parent involvement in our schools. As a parent of a five and seven year old I am very interested to look at the enthusiasm of parents when their children come into kindergarten and then, as they gradually move through school, it starts to disappear. We had a working bee at Lyndoch Primary School only two weeks ago on a Sunday, and the same faces turn up every time. It is a question of not only how we engage our students but also how we engage their parents in taking an active role in the education of their children as well.

If the parents are enthusiastic about education then, because they are the role models, so will the students be enthusiastic about education. That is part of the problem in this whole situation; we now have a much larger number of dysfunctional families in our community and, in many cases where there is not an emphasis on receiving a good education, that carries on to the young person and we then end up with second and third generation unemployed people. That issue needs to be addressed because, if we can involve more parents in our schools, it goes from being a school in the community to being a community school. If I remember the quote correctly, it takes a village to raise a child. It does, because we want the input of all the community rather than just one area. It does not just come from school.

I heard a very good interview this morning on the ABC with a past teacher who was talking about community involvement in schools when he first began as a teacher and how the role of a teacher has changed from the time when he started. He remembers when he was at Mypolonga School as a single teacher school and the mother of one of the children turned up in her gloves and best Sunday finery and apolo-

gised for being there, just to ask whether her son could leave school an hour early to go to a wedding in Victoria. That sort of respect within the community has now changed immensely, and teachers are now expected to do much more.

This gets back to dysfunctional families and children who become disengaged from school. So, I look forward now to a new education bill, because the previous government undertook a lot of work on community consultation and received some 5 000 submissions on the new education bill. I look forward to the minister dealing with not only this issue but also a new education bill. It is all ready to go. I believe that there are only about two outstanding issues on the books. One of those was to do with non-government schools and the power of the minister and the other one was to do with qualified early childhood teachers being employed in child-care centres that advertise themselves as kindergartens. I supported the need for qualified early school teachers, because if you advertise yourself as a kindergarten the community believes that the normal kindergarten program is being offered.

The Hon. S.W. KEY secured the adjournment of the debate.

ADJOURNMENT

At 5.56 p.m. the house adjourned until Wednesday 5 June at 2 p.m.