HOUSE OF ASSEMBLY

Wednesday 4 June 2003

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

DOG CONTROL

A petition signed by 246 residents of South Australia, requesting the house to repeal current legislation banning dogs from accompanying their owners at alfresco dining areas as dogs pose a negligible health risk to patrons dining in such circumstances, was presented by Dr McFetridge.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

- Regulations under the following Acts—
  - Land Tax—Certificates Fees
  - Petroleum Products Regulation—Fees
  - Tobacco Products Regulation—Licence Fees

By the Minister for Police (Hon. K.O. Foley)—

- Regulations under the following Acts—
  - Firearms—Application, Licence Fees

By the Attorney-General (Hon. M.J. Atkinson)—

- Regulations under the following Acts—
  - Associations Incorporation Act—Fees
  - Bills of Sale—Fees
  - Business Names—Fees
  - Community Titles—Fees
  - Co-operatives—Fees
  - Cremation—Permit Fee
  - Criminal Law (Sentencing)—Forms, Fees
  - District Court—Criminal, Civil Division Fees
  - Environment, Resources and Development Court—
    - General Jurisdiction Fees
    - Native Title Fees
  - Fees Regulation—
    - Probate, Guardianship Fees
    - Proclaimed Managers and Justices Fees
  - Magistrates Court—Civil, Criminal Division Fees
  - Partnership—Fees
  - Public Trustee—Commission and Fees
  - Real Property—
    - Fees
    - Land Division Fees
  - Registration of Deeds—Fees
  - Sexual Reassignment—Certificate Fees
  - Sheriff's—Fees
  - Strata Titles—Fees
  - Summary Offences—Application Fee
  - Supreme Court—
    - Fees
    - Probate Fees
  - Worker's Liens—Fees
  - Youth Court—Fees

By the Minister for Consumer Affairs (Hon. M.J. Atkinson)—

- Regulations under the following Acts—
  - Births, Deaths and Marriages Registration—
    - Application Fees
  - Building Work Contractors—Fees
  - Conveyancers—Fees
  - Land Agents—Fees
  - Liquor Licensing—
    - Application and Licence Fees
    - Long Term Dry Areas—Coober Pedy
  - Plumbers, Gas Fitters and Electricians—Periodic Fee and Return, Fees
  - Second-hand Vehicle Dealers—Fees
  - Security and Investigation Agents—Fees
  - Trade Measurement Administration—Application and Licence Fees, Testing Charges
  - Travel Agents—Fees

By the Minister for Health (Hon. L. Stevens)—

- Regulations under the following Acts—
  - Controlled Substances—
    - Pesticide Licence Fees
    - Poisons Licence Fees
  - Public and Environmental Health—Waste Control Fees
  - South Australian Health Commission—
    - Recognised Hospitals and Health Centre Fees
    - Private Hospitals Fees

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Regulations under the following Acts—
  - Botanic Gardens and State Herbarium—Admission, Advisory and Identification Fees
  - Crown Lands—Application, Document and Miscellaneous Fees
  - Environment Protection—
    - Beverage Container Fees
    - Fees and Levy
  - Heritage Act—Fees
  - Historic Shipwrecks—Register Copy Fees
  - National Parks and Wildlife—
    - Hunting Fees
    - Kangaroo Harvesting
    - Wildlife Fees, Permits, Royalties
  - Pastoral Land Management and Conservation—Lease Fees
  - Prevention of Cruelty to Animals—Fees
  - Radiation Protection and Control—Ionising Radiation Fees
  - Water Resources—Permit, Licence and Other Fees

By the Minister for Social Justice (Hon. S.W. Key)—

- Regulations under the following Acts—
  - Adoption—Fees

By the Minister for Housing (Hon. S.W. Key)—

- Regulations under the following Acts—
  - Housing Improvement—Section 60 Statement Fees

By the Minister for Transport (Hon. M.J. Wright)—

- Regulations under the following Acts—
  - Goods Securities—Fees
  - Harbors and Navigation—Schedule 14 Fees
  - Motor Vehicles—
    - Expiation Fees
    - Schedule 5 Fees
  - Passenger Transport—Schedule 4 Fees
  - Road Traffic—
    - Expiation Fees
    - Miscellaneous Fees

By the Minister for Industrial Relations (Hon. M.J. Wright)—

- Regulations under the following Acts—
  - Dangerous Substances—Licence and Other Fees
  - Explosives—Explosives and Fireworks Fees
  - Fees Regulation—Registered Agents Fees
  - Industrial and Employee Relations—Agents Fees Revoked
  - Occupational Health, Safety and Welfare—Inspection, Application and Licence Fees

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

- Regulations under the following Acts—
  - Mines and Works Inspection—Fees
  - Mining—Fees, Annual Fees and Rents
  - Opal Mining—Fees
  - Petroleum (Submerged Lands)—Fees
  - Petroleum—Application, Licence Fees

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

Regulations under the following Acts—
Development—
Private Certifiers, Fees
Significant Trees Variation

By the Minister for Gambling (Hon. J.W. Weatherill)—

Regulations under the following Acts—
Authorised Betting Operations—Licence Fees
Gaming Machines—Indemnity, General Fees
Lottery and Gaming—Licence Fees

By the Minister for Administrative Services (Hon. J.W. Weatherill)—

Regulations under the following Acts—
Freedom of Information—Fees and Charges
Roads (Opening and Closing)—Fees
State Records—Document Record and Other Fees
Valuation of Land—Fees and Allowances

By the Minister for Local Government (Hon. R.J. McEwen)—

Regulations under the following Acts—
Local Government—Schedule 2 Fees
Private Parking Areas—Expiation Fees

ECONOMIC GROWTH SUMMIT

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

Leave granted.

The Hon. M.D. RANN: I want to update the house on the government's progress in response to the Economic Growth Summit and the framework put forward by the Economic Development Board. As all members are aware, on 11 and 12 April, 280 people from across the state and across our community met in this chamber to help map out a plan for growth for the state. That plan (that framework) is one to which this government is committed in the interests of creating a more vibrant economy that will deliver jobs and economic prosperity into the future.

The government is already responding to this bold agenda and, in line with my commitment to keep all delegates informed of progress, I thought it was important to advise the house of the progress being made so far. The Economic Development Board presented its framework for the economic development of South Australia to cabinet on 12 May. It contained more than 70 recommendations. Honourable members may like to know that a copy of the framework for the economic development of South Australia is available on line at www.southaustralia.biz. I have already indicated that the government can be expected to implement about 85 per cent of the EDB's recommendations in one form or another, and has already adopted and begun to implement more than a dozen of the recommendations. I thought I should advise the house of that fact because I know that the summit had bipartisan support. The government has:

- allocated $11.4 million to the establishment of a venture capital board and fund to coordinate existing and proposed government initiatives; and to stimulate investment-generating activity and, specifically, the development of the venture capital industry in South Australia (EDB recommendation 68).
- Earmarked $8.4 million over four years for broadband infrastructure to increase access and affordability of broadband communications across the state, together with $3.1 million to develop high performance computing facilities, including a high bandwidth telecommunications link that will benefit our universities and research bodies as well as other industries (supported by the EDB report, page 94).
- Allocated $6 million for initiatives in science, technology and innovation across government, including the establishment of the Science and Innovation Fund, as recommended by the Science and Research Council, and supported by the Economic Development Board (EDB report, page 15).
- Slashed over $31 million from the Industry Investment Attraction Fund (EDB recommendation 66).
- Put aside $4 million to fund incentive packages for skilled and business migrants to come to South Australia (which is a part response to EDB recommendations 31 and 32).

In other moves in line with the EDB's work, the government has:

- Appointed the Treasurer as Minister for Federal/State Relations (an EDB recommendation from November 2002 Pathfinder report).
- Established the Higher Education Council, under the Minister for Further Education (another EDB recommendation from the November 2002 Pathfinder report).
- Agreed to develop a state strategic plan for South Australia, which will bring all the worthwhile but separate plans of government into a single framework under the direction and leadership of the Department of Premier and Cabinet. This will help to get the discipline and results across government we need (EDB recommendation 5).
- Agreed to develop a comprehensive population policy (EDB recommendation 31).
- Agreed to change the composition of the Economic Development Board by bringing in at least two members to reflect full community involvement in the areas of community and social welfare, and regional development (EDB recommendation 3).
- Reorganised ministerial responsibilities in the light of the EDB report, resulting in:
  - the appointment of a Minister for Infrastructure, to be supported by a new Office of Infrastructure (EDB recommendation 69);
  - the Treasurer as Minister for Federal/State relations has been tasked with the development of the state's population policy (EDB recommendation 31); and
  - Independent cabinet minister Rory McEwen's appointment to the portfolio of Industry, Trade and Regional Development.

I have assumed full responsibility for the Economic Development Board and the implementation of agreed actions, as Premier.

As well, we have commenced a major review of government statutory authorities, advisory bodies, committees and boards, with the goal of eliminating as many as possible (EDB recommendation 9). We have also allocated $3.4 million to assist South Australia's bid to ensure that Adelaide is the centre for a rationalised Australian naval defence industry, providing $2 million to creative industries, and increased base funding for biosciences by $1 million, all of which were given support in the EDB framework.

There is more to come, as the government continues to meet the challenges set by this bold agenda. As we have said all along, this is not about government alone. We need a commitment from business, the community and government to this vision of a vibrant, thriving state. I am confident that, together, we as a state can meet these challenges.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 28th report of the committee.

Report received and read.

Mr HANNA: I bring up the 29th report of the committee.

Report received.

Mr HANNA: I bring up the report of the committee on regulations Nos 259 and 273 of 2001, made under the Fisheries Act 1982, concerning giant crabs.

Report received.

Mr HANNA: In accordance with the preceding report, I advise that I no longer wish to proceed with Private Members Business: Bills/Committees/Regulations: Notices of Motion Nos 15 and 16.

QUESTIONS, ADMISSIBILITY

The SPEAKER: Following the requests made to me, particularly by the deputy leader and other members yesterday, with respect to those matters that arise from the inadmissibility of questions that anticipate debate on a matter that is already on the *Notice Paper*, particularly in this case as it related to the budget and to the River Murray Bill, I advise that the relevant standing order is 184.

Members will recall that that really means that lower order proceedings in terms of effectiveness should not anticipate the higher order ones, that is, a question should not anticipate a motion or a bill because a question is a lower order proceeding of the chamber. Nor should grievances anticipate a motion or a bill. A bill may anticipate a motion or questions on notice or without notice, the bill being of a higher order. For my authority as the chair, I refer to Erskine May, 22nd edition, page 335, which states:

> It is reasonable to assert that there are very few rulings by speakers specifically about questions anticipating budget debate being out of order for the very reason that such questions were always known to be out of order and therefore not asked.

From my own understanding of it as chair, I point out to the house that in 1979 under speaker Eastick not one such question was asked between the introduction of the budget and its passing the house 10 days later. That happened again in 1980. In 1981 there was one question that related to the budget, and speaker Eastick's ruling, although allowing the question at that time, nevertheless upheld the standing order and practice that the budget debate is the appropriate time for specific budget questions, and that is to be found in *Hansard* of 24 September 1981. It arose when Mr Trainer asked a question of the minister of education and Mr Randall rose on a point of order, saying that on previous occasions he had endeavoured to ask relevant questions about the budget and found that one has to be very careful in asking those questions, being instructed to do so by those of senior years of experience than himself. He went on to say:

> I believe the member for Ascot Park is asking about a budget line and that that is out of order.

There was some argy bargy. The speaker then ruled, however:

> I do not uphold the point of order. I accept the situation that detailed information relative to budget lines comes up in estimates committees, but there has always been to my knowledge the opportunity to answer questions of a general nature—not specific—
>
> related to financial matters.

During the course of time since yesterday I have had the opportunity to look at Blackmore's opinions on these matters as well. Members should know that Blackmore is another of the authorities, widely regarded throughout the international fraternity of Westminster parliaments as being a superior authority to most, ranking at least with Erskine May.

Members may also realise that Blackmore for a very long time was clerk in this chamber and that, further, he became clerk in the House of Representatives, and in no small measure that is the reason why the South Australian House of Assembly standing orders of that time, and still in some measure today, are reflected in the standing orders of the House of Representatives in Canberra. Of course it was not just Blackmore's influence but was also what was seen by the other colonies of the day and the commonwealth itself, after the parliament was properly constituted, as a more realistic range of standing orders. Blackmore makes the point on page 311 of his time of 1885:

> There is no rule of debate more clearly established than that it is irregular to anticipate and raise a discussion upon any matter which is to come on at a later period. Greater latitude of debate is allowed in the motion for going into committee on supply than on any other question, but even in this case it is irregular to discuss the details of any bill to be considered or any motion of which notice has been given or votes standing for consideration in the committee or votes passed.

Since the time of speaker Eastick's ruling, there has been no speaker in this house who has consciously and deliberately shifted that position and I sought yesterday, consciously and deliberately, to maintain it because, as I explained yesterday, not only did members of the general public feel in the general case that standards of conduct had deteriorated in the chamber but in the specific instance they found it more difficult to understand the matters before the chair—that is, the subject matter we have under debate—because of the wide range given to honourable members by the chair in the way in which they approach the subject.

Some members of the general public have even remarked to me that they note that that is not in keeping with standing orders. Maybe it is because members of the general public see me as someone interested in these things that they have made such remarks to me and that other honourable members may not have had as many such remarks made to them. It does not alter the fact, however, that our standing orders and our practices come to us from those that are written and the deliberate statements that have been made by speakers over the time that the parliament has been here. Accordingly, for the benefit of honourable members, I propose—indeed, I will continue—to uphold those standing orders in that manner, until and unless any honourable member brings a motion that is supported by a majority of other honourable members, and enables the standing orders to be amended to vary the practice accordingly.

As an aside, and before I conclude, can I point out that South Australia—this chamber, more particularly—has made an even greater contribution than honourable members may have realised to the development of standing orders in many other parliaments around the world that are members of the Commonwealth Parliamentary Association, and that we now have in prospect at the beginning of this century the chance to do that again. Should any honourable member wish to discuss that with me further, I would be happy to do so.

Mr HANNA: Mr Speaker, I rise on a point of order to seek clarification about that ruling. Leaving aside the fact that the public expects questions on the budget in the week following the introduction of the Appropriation Bill, and leaving aside the Treasurer's gibes during question time to the effect that he was not being asked about the budget, I seek clarification because of the question asked yesterday by the deputy leader. At least part of that question was whether or not additional staff would be engaged by the Department of Family and Youth Services, without any reference to time frame. I put to you, Mr Speaker, that that is not directly referrable to the budget papers—although, of course, there are financial implications. If that type of question is considered referrable to the Appropriation Bill and, therefore, out of order, can you enlighten me as to why all questions relating to government policy and resources would not similarly be out of order?

The SPEAKER: Quite simply (and I agree with the general thrust of what the honourable member alludes to),questions about policy are not out of order; indeed, they are in order, and it is, in no small measure, the reason for question time, to enable honourable members to seek information about government policy. In the specific case to which the member referred—that is, the question asked by the Deputy Leader of the Opposition—it is not within the power, nor is it the domain or province, of the chair to edit members' questions to bring them into order in any deliberate way. The chair, in this chamber, and in most other similar chambers, will, however, help honourable members redraft questions if they are found to be, in part, out of order, such that it makes it possible for the information sought (which is properly sought) to be so obtained, or at least made the subject of an inquiry, with the possible likelihood of obtaining the information. Without going into too much minutiae, had the deputy leader chosen to approach the chair with a view to seeing whether the question could have been redrafted, the immediate response from the chair would have been to say, 'Well, delete this bit.'

QUESTION TIME

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is directed to the Minister for Social Justice. I appreciate your ruling today, sir, but I just stress the fact that, as you know, and as we have had a subsequent discussion, I am making it—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I rise on a point of order, sir. Is the deputy leader asking a question or taking a point of order?

Members interjecting:

The SPEAKER: Order! The deputy leader is asking a question and the remark that he makes is not something disrespectful to the chair or too distracting of attention of the chamber from its purpose. The deputy leader.

The Hon. DEAN BROWN: As I said, sir, I appreciated the discussion we had on this matter last night. Will the Minister for Social Justice confirm that a senior officer in a Family and Youth Services metropolitan office is suspected of having misappropriated up to $400 000 of FAYS money, and what steps has the minister taken to ensure that FAYS services to children at risk will not be compromised in any way by any such misappropriation? The opposition has received information that a senior FAYS staff member is on leave for an extended period, suspected of having misappropriated these funds to feed a poker machine gambling habit.

The Hon. S.W. KEY (Minister for Social Justice): It is my understanding that an accusation has been made in the form mentioned by the deputy leader. I understand that the accusation has been made within the operations of a FAYS office over the past four years. That matter is being investigated at the moment and I am awaiting advice. On the more general part of the honourable member's question, I am taking measures—which I will be reporting to the house shortly—with respect to general issues of probity and budgeting.

AFL MATCHES

Ms CICCARELLO (Norwood): My question is directed to the Premier. What action has the Premier taken to ensure a fair go for South Australian and other non-Victorian AFL clubs when it comes to staging finals football?

The Hon. M.D. RANN (Premier): I have just received a telephone call from the Premier of Western Australia, which I should—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. Will the member for Norwood repeat that question, please?

Members interjecting:

The SPEAKER: Order! The member for Norwood has the call.

Members interjecting:

The SPEAKER: Order! The member for Norwood has the call.

Ms CICCARELLO: Will the Premier advise what discussion has taken place to ensure a fair go for South Australian and other non-Victorian AFL clubs when it comes to staging finals football?

The Hon. M.D. RANN: Just prior to coming into question time, I spoke with the Premier of Western Australia, who phoned me to express his strong support. I have written to the premiers of Queensland, New South Wales and Western Australia seeking their support in fighting for a truly national AFL competition and justice for non-Victorian clubs in the highest grade of football. We are on the verge of the formation of a 'coalition of the winning', representing, as we do, the states that boast the top AFL teams. Our office has had very positive indications of support from the offices of Premier Carr of New South Wales and Premier Beattie of Queensland and, of course, this pledge of support from Premier Gallup of Western Australia.

Members interjecting:

The Hon. M.D. RANN: It is interesting because it appears that members opposite would rather support the Vics. Well, I guess, that is the position they are in.

Members interjecting:

The SPEAKER: Order!

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson will come to order.

The Hon. M.D. RANN: The six teams from our four states are holding down the top six spots on the AFL premiership ladder. It could be argued—perhaps unfairly—that the 10 Victorian clubs are there just making up the

numbers at the moment. So, I want our four states to form the coalition of the winning to take on what can only be described as the axis of arrogance of the Victorians which has its heart in the boardroom of the MCC. It is a place where its members refuse to acknowledge the significant changes to the national sporting landscape in the past decade. It seems that some MCC members want all the trappings of a national league but want to act as if they are still playing in the Victorian Football League. It seems that they have not noticed that the VFL is now the AFL.

I have been fighting for almost a year to earn the right for non-Victorian clubs to host finals if they have won the right to do so under AFL rules. And that is what members opposite have to realise—just take a look at the AFL rules. The MCC insists that one final must always be played at the MCG in each week of the major round, even if no Victorian team is playing.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat.

Mr HAMILTON-SMITH: Mr Speaker, I refer to standing order 107 regarding ministerial statements. The premier is referring to a conversation he apparently had with the Premier of Western Australia just before question time, but he is reading from a prepared ministerial statement which he is holding in his hand. I ask you to rule whether it should have been a ministerial statement and whether the time for questions without notice should be wasted by such statements which can be made at another time.

Members interjecting:

The SPEAKER: Order! The member for Waite raises a valid point. He overlooks the fact, however, that that was explicitly the point of the question asked by the member for Norwood. The question itself is only marginally relevant in that it sought from the Premier whether he had had any discussions about the matter. Whilst the premier is not responsible to the parliament for the AFL, it is within the province of the Premier to have discussions with other premiers about matters of social import, in the Premier's opinion. He is providing the house with that much information. Some of the material in the more recent part of the remarks made in answer has been wider of the mark than I would have thought appropriate in the circumstances. However, it is not so wide of the mark as to be irrelevant to the question. The Premier has the call.

The Hon. M.D. RANN: I had discussions last month with Wayne Jackson that I will also refer to in a minute. The MCC signed a 40-year deal to this effect in 1992 in relation to the MCG before clubs such as Port Adelaide and Fremantle joined the competition. But the world has moved on since then, and so must the MCC. We could very well see the ridiculous situation this year with, say, Port Adelaide playing Sydney, Brisbane, West Coast, Fremantle, or even Adelaide in Melbourne, hundreds or even thousands of kilometres away from their fans. How many Melbourne fans will turn up?

This is all due to the arrogance of the Melbourne Cricket Club, which last year dismissed my plea to relinquish its claim to a guaranteed preliminary final. I am not arguing that the Grand Final should be moved from the MCG: I believe the Grand Final should stay there. But what about the rest of the major rounds? Perhaps, with the six non-Victorian clubs holding down the top six positions on the AFL ladder, clearly dominating the national competition, it is time for commonsense.

The AFL came courting Port Adelaide and Adelaide to join the national league because they wanted Australian football to be the national game. It could not be considered to be a national competition without South Australian teams, and it could not be considered to be a national competition when six of the 16 teams are discriminated against on geographical grounds.

The AFL indicated to me last year, and again at a meeting with Wayne Jackson in Melbourne last month, that it was keen to see the problem solved. The MCC has been offered compensation, I understand from media reports. In other words, if they are prepared to relinquish a preliminary final to be held in South Australia, Western Australia or Queensland, depending on the performance of the teams, they would get a slice of the action financially. So, perhaps people such as Brisbane Chief Executive Michael Bowers are now calling for political pressure to be put on the MCC. We on this side of the house are happy to oblige because, ultimately, it is about fighting for your state. If the Liberals will not fight for our state, we will.

Mr BRINDAL: I rise on a point of order, Mr Speaker. Standing orders are quite clear that ministers, in answering a question, may not enter into debate. It is grossly unfair for the Premier to grandstand in this fashion without allowing the opposition any right of reply, and using this forum as a debating platform when he is supposed to be answering questions.

The Hon. M.D. RANN: I am sorry to have responded to interjections, but I am happy to be in the honourable member's faction—

The SPEAKER: Order! I uphold the member's point of order.

FAMILY AND YOUTH SERVICES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Social Justice confirm that, due to a lack of resources, children who are wards of the state have been placed in homes where it is known that they will be at some risk of abuse? This morning, a social worker telephoned me in what she called 'total exasperation'. She informed me that at present FAYS is knowingly placing children with foster carers where they are at risk of further abuse because there is no other option.

The Hon. S.W. KEY (Minister for Social Justice): The leader has raised a very serious question, about which I have previously spoken in the house. My understanding of the briefings I have sought from the department is that all urgent and potentially serious cases of child neglect and abuse are being taken up as a matter of urgency and dealt with by officers in both the family and youth services and community services areas. In addition to the reform our government has introduced in the foster care area, measures are being examined at my request to ensure that we can say that in the alternative care area—whether it be foster or other care—children are not being neglected or at risk. If the leader has evidence of such a claim, I will make sure that we follow up on that claim immediately. I invite the leader to provide me with any information so that I can follow it up and provide him with a full report.

AGED, MISTREATMENT

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Social Justice. What steps are being taken

to promote awareness of the way in which some older people are mistreated?

The Hon. S.W. KEY (Minister for Social Justice): I thank the member for Torrens for her question, and I acknowledge in this house her tireless work as an advocate in this area. This is a problem that is not widely discussed or recognised. I recently had the honour of launching a very useful booklet dealing with the difficult problem of abuse of the elderly. The booklet assists older people who find themselves in situations over which they have no control to regain control and assert their rights. The booklet, with the appropriate title of 'Regaining your control', was developed after a series of forums to discuss the issue of mistreatment of the elderly in our community. In some cases, it is abuse by family members or other people whom they trust. This abuse could be physical, financial or emotional. In other cases, the forum heard about neglect of the elderly in our community. The forum showed that older people had a general lack of knowledge about their rights. They certainly had a lot of wisdom, but had a general lack of knowledge about their rights and the services that were available to them.

It is my view, as the Minister for Social Justice (and I know my colleagues share this view), that no older person should experience the fear of abuse or of being treated unfairly. Assistance and support are available from organisations such as the Aged Rights Advocacy Service. This booklet is the culmination of the efforts of the Helping Hand Centre, the Aged Rights Advocacy Service and the Department of Veterans Affairs. It outlines the various signs of elder abuse, the myths and facts surrounding abuse, and the contact details of service providers, including crisis care and the Legal Services Commission.

Mr Speaker, I recommend this booklet to you and also to members of this house, because I believe that it will be a good resource in our electorate offices. I have arranged for the Aged Rights Advocacy Service, the Helping Hand Centre and my ministerial office to ensure that all members receive a copy of this booklet to take to their electorate office. I am advised that the booklet contains details about where multiple copies can be obtained.

SOCIAL WORKERS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Social Justice confirm that new graduate social workers are being assigned child abuse casework without an appropriate level of training, mentoring, orientation, or practical experience?

The Hon. S.W. KEY (Minister for Social Justice): I thank the leader for his question because, again, I think he has raised a very important issue in relation to the area for which I have responsibility. I cannot confirm that matter, because I am not aware of that being the case. I have had some comments made to me that this is part of the reason why we need to have the assessment that I have put in place, which looks at workload levels, training, responsibility, probity, and at the work that is being done by the very hardworking and, I think, most impressive workers in the Family and Youth Services area.

As a result of that investigation and the working party that we set up, I am happy to try to answer as quickly possible not only this workload issue but also the other matters that I have mentioned and to provide that information to the leader, along with the other issues that I have just raised.

COMPUTERS, HIGH PERFORMANCE

Mr O'BRIEN (Napier): Will the Minister for Science and Information Economy advise the house how South Australia will benefit from the government's support for high performance computing facilities? A year ago, the Premier established the Premier's Science and Research Council to develop a long-term strategy for science, research and innovation in South Australia. This council recommended the establishment of a high performance computing facility to be one of the highest priority short-term actions we needed to support research and innovation in South Australia.

The Hon. J.D. LOMAX-SMITH (Minister for Science and Information Economy): I thank the member for Napier for his interest in this important area. Like all members of the government, he was shocked to discover that the previous government had allowed the broadband cable to be built from Perth to Melbourne, but bypassing Adelaide by way of Gawler, which obviously left our high performance computing and scientific community at a great disadvantage in terms of research capacity in this state.

The high performance computing capability in our universities and our economic communities is of significance, because it is not possible to assess data, for research in either proteomics or gene technology, or to work on complex engineering, computer-aided design and manufacturing, without good computer capacity in the city and also that broadband linkage.

It is essential for South Australia to maintain its international representation in science so that we have high performance computing capacity and also the broadband link. The areas of particular importance are geosciences, petroleum engineering, computational chemistry, biotechnology, minerals processing, physics and applied mathematics, the industries of mining, automotive engineering and other manufacturing, and defence.

Until recently, South Australia had very slow capacity in this area and a new super computer called Hydra has been launched today my me. One interesting facet of this computer system is that it is jointly owned and operated by our three universities, which have put resources and money into the South Australian Partnership for Advanced Computing (SAPAC) facility.

On the day of opening Hydra, our capacity has suddenly jumped to be within the top 80 of computer capacities in the world, and, when the state government puts additional funding into the benchmark that we have already produced, we will be up in the top 40 in the world. That will take us into the teraflop from the gigaflop range. In addition, when we join into the broadband network, we will have affordable access to world-class broadband communications for both research and other non-commercial activities.

Members interjecting:

The Hon. J.D. LOMAX-SMITH: The member for Waite is obviously still in the gigaflop range.

FAMILY AND YOUTH SERVICES

The Hon. R.G. KERIN (Leader of the Opposition): Can the Minister for Social Justice assure the house that the Elizabeth and Salisbury FAYS offices are not understaffed and that some staff are not undertrained or lacking appropriate resources? The opposition has been informed that, due to a lack of training and adequate resources, staff at the Elizabeth and Salisbury FAYS offices are requesting transfers

and that other FAYS staff are refusing to work at these locations.

The Hon. S.W. KEY (Minister for Social Justice): I am not aware of those claims. I explained in my answer to the last question from the leader that, through a comprehensive review of work force levels, and with the roll-out of the child protection review recommendations, we are trying to make sure that we do have the correct resources and appropriate levels of staff. We are looking at training and the need for retraining in all those areas. To talk about specific FAYS offices would be inappropriate at this stage, so if the leader is really concerned about both those offices perhaps he would be interested in contributing to the work force review that we are currently undertaking.

SMOKE ALARMS

Ms CICCARELLO (Norwood): My question is directed to the Minister for Urban Planning and Development. What is being done to ensure that households have working smoke alarms, given that the risk of house fires increases during winter because of the use of fires and heaters?

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): This is an important question because, sadly, between July 2000 and April this year some 16 people died as a consequence of house fires, and 11 of those were in homes where there was no working smoke alarm. In total, there were 919 emergency calls to house fires across the state in 2001-02. Fortunately, many of those were minor and many remained minor because they were caught as a result of smoke alarms.

While most home owners would be aware that they must have working smoke alarms installed, it is extremely important that landlords are aware of their obligation to fit their properties with smoke alarms, and they face a $750 fine for failing to do so. Rental tenants are the focus of a new state government campaign to raise awareness about landlords' responsibilities to install smoke alarms.

With winter approaching, the risk of house fires increases as many people use open fires and heating appliances to warm their homes. We know from statistics compiled on fires in this state and overseas that the risk of severe injure or even death from fire is increased considerably. Residential rental tenants have to rely on their landlords to install smoke alarms. Many tenants, particularly elderly, disabled and low income tenants, may be unaware of the landlord's responsibilities, so the campaign we are undertaking in winter 2003, the Smoke Alarms Save Lives Campaign, will involve the distribution of a fridge magnet to help raise tenants' awareness about smoke alarms and what to do if their property does not have such an alarm. Over the coming months they will be distributed across the state to local councils, community groups and other relevant government agencies. As part of the campaign, councils will be reminded of their obligations to ensure landlords in their area comply with smoke alarm requirements.

FAMILY AND YOUTH SERVICES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Social Justice. Given the $4.4 million cut in funding allocated to FAYS in last year's budget, will the minister ensure that the FAYS funds will be fully supplemented for any funds that were lost through misappropriation of a staff member with a gambling addiction? The Liberal Government allocated $89.3 million for FAYS in 2001-02. In last year's budget the Labor government allocated $84.9 million for the FAYS budget—a cut of $4.4 million, hence any loss of funds through misappropriation should be supplemented.

The Hon. P.F. Conlon: Comment.

The SPEAKER: Fair comment.

The Hon. S.W. KEY (Minister for Social Justice): I thank the deputy leader for his question. Possibly the deputy leader is suffering from aphasia. I say this because he seems to have forgotten about the track record the previous government had with regard to not only the funding of FAYS but also work force levels and issues raised with regard to the FAYS area.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. S.W. KEY: I find it interesting that he has chosen to ask this question. It is my understanding that the person who is alleged to have used FAYS's moneys incorrectly in a particular FAYS office has not had the opportunity, as far as I am advised, to answer those allegations. The matter is under investigation. Obviously the deputy leader seems to have more information about this situation than I do at this stage. I also remind the deputy leader that, if the information I have received is correct, at least three of the four years of alleged misuse of money were part of the responsibility he had as minister.

Getting back to the substance of the question he asked, it would be inappropriate at this stage for me to make any assumptions as minister that there is a case to be answered by this person until they have had an opportunity to defend themselves and for the matter to be investigated. As far as any misappropriation of money within the FAYS area, as I said to the deputy leader's first question, I am not only looking at the whole issue of workload and training but also at probity, the way in which public moneys are distributed to people in need and whether we need to put more checks and balances in place. I remind the deputy leader that the checks and balances we have in place now are the ones that were in place when he was minister and I have seen them to be wanting and have asked for that work to be done.

I have also asked for work to be done regarding workload levels and concerns that I have had in inheriting a budget that, quite frankly, is not explainable very easily without undertaking some further investigation. But, as I said, once this becomes a little clearer, I will be more than happy to give the parliament a very extensive report on the history of budgeting and probity in regard to funding in the FAYS area.

MURRAY RIVER

Ms BEDFORD (Florey): Can the Minister for the River Murray update the house about the progress of the dredging operation at the mouth of the Murray?

The Hon. J.D. HILL (Minister for the River Murray): I certainly can, and I thank the member for her question. The dredging operation to keep the mouth of the Murray open commenced almost eight months ago, as members will know. In that time, about 330 000 cubic metres of sand has been shifted. It is almost certain that the mouth would have closed as a result of that sand build-up if the dredging had not occurred. I am pleased to report that the tidal flow in the Goolwa channel has improved significantly since the dredge returned there about two months ago—and I know that the member for Finniss will be pleased about that.

I can also report that the dredge will be halted for about four or five days for urgent maintenance. I want to let the house know that because, if someone sees the dredge being removed, they may jump to the conclusion that it is being taken away permanently. That is not the case: it needs some maintenance. I just make that very clear to the public, because I know how these things can develop a life of their own.

I am also advised that this very short interruption will have only a minimal impact on the dredging program. The Goolwa channel has been reopened, and maintaining that channel is the best option for keeping the mouth open. However, the amount of sand that builds up in the mouth each year is about equal to the amount of sand that one single dredge of this size can move in a year. Therefore, a second dredge is required to dig the channel to the Coorong before spring of this year.

The last Murray-Darling Basin Ministerial Council meeting approved funding for a second dredge, and committed at least $1.1 million for that project. I expect that that approval from the commission will be received very soon, and that the second dredge will be deployed in early July, well and truly in time for the next spring/summer season.

AFL MATCHES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Premier assure the house that his interference in the affairs of the AFL has been in full consultation with our AFL clubs and the SANFL, unlike last year, when members of the football community saw his interference as a political stunt and were greatly concerned by the Premier's involving the ACCC in the sporting arena?

The Hon. P.F. CONLON: Sir, I rise on a point of order.

Members interjecting:

The SPEAKER: Order! I warn the member for Morphett for the second time.

The Hon. P.F. CONLON: Not only was the explanation a comment, but also no leave was sought to make an explanation.

The SPEAKER: No leave has been sought, nor would it be granted. The question is plain enough as it stands. It is the kind of question that, as I said earlier, is only marginally relevant, and stands in consequence of the fact that the earlier question was allowed.

The Hon. M.D. RANN (Premier): I am delighted that the opposition now believes this was a relevant matter to raise during question time—

Members interjecting:

The Hon. M.D. RANN: Do you or don't you? Are you with the state or are you against it? If you want to stick with the Vics, stick with the Vics. I will just say this.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Apparently I got it wrong last year—

Mr Williams interjecting:

The SPEAKER: Order, the member for McKillop!

The Hon. M.D. RANN: —when I fought on behalf of the state. Okay, that is fine. That is the member's view. I have a different view. The member wants to know whether I consulted with the AFL. Last month, I was in Melbourne and discussed these matters with Wayne Jackson, and he was well aware that I was going outside to make public comments. Indeed, the AFL, through Wayne Jackson, has been raising these matters now with the MCC and has offered compensation. If the Leader of the Opposition had read the *Advertiser* yesterday, he would have seen the comments made by all the non-Victorian clubs, and I think you will find that he should join with the coalition of the winning, not with that of the losers.

REGIONAL OFFICES

Mrs PENFOLD (Flinders): Will the Minister for Industry, Trade and Regional Development advise the house why the two people employed by the government to run regional offices now report to the Premier and not to the Minister for Regional Development? In July 2002 the Labor government announced the establishment of two regional offices at Port Augusta and Murray Bridge. At that time both offices were the responsibility of the regional affairs minister and were to 'encourage stronger relationships between the regional affairs minister and local community leaders, business and organisations'.

The opposition has since been advised that the staff hired to run these offices are both former Labor candidates: Justin Jarvis, who ran for the seat of Stuart, and Jeremy Makin, who ran for the seat of Heysen. We have also been advised that, since the member for Mount Gambier took over as the minister for regional affairs, the two ex-candidates now report to the Premier. A constituent has raised concerns with me that, since these former Labor candidates are no longer connected to the minister for regional affairs, the regional offices will become more concerned with politics than the real concerns of regional communities.

The Hon. M.D. RANN (Premier): Can I just say that I saw the comments made in the house, I think it was yesterday, by the honourable member in relation to our community cabinet meetings in her district, and it seemed to me that those comments were at odds with her reaction when we were there, but that is a matter for the honourable member to say. I just wonder exactly what that was all about: it certainly lacked a certain grace, and I would have expected better of the honourable member. I can say that I think it is fantastic that we have community cabinet meetings, which we have held in Mount Gambier, Penola, Tailem Bend and in the Riverland at the end of last year. We have also been to Murray Bridge, Port Augusta, Ceduna, Port Lincoln, Port Pirie and to the southern and northern suburbs. Most people think that this is a good thing. We do not do the fly in/fly out routine of the past.

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

Members interjecting:

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

Mr WILLIAMS: My point of order relates to relevance. My recollection of the question from the member for Flinders was about the regional offices in Port Augusta and Murray Bridge being staffed by failed ALP candidates from the last election and had nothing to do with regional cabinet meetings.

The SPEAKER: Order! I uphold the point of order. The Premier will come to the substance of the question.

The Hon. M.D. RANN: I am delighted to be able to announce that we do have regional offices, and I would have thought that this would be welcomed by members opposite. I think it is more than appropriate that, given that I am the Minister for Economic Development as well as the Premier of the state, they report to me.

JETTY FEES

Mr WILLIAMS (MacKillop): Will the Minister for Industry, Trade and Regional Development assure the house that he made his cabinet colleagues aware that nearly all professional fishermen in his electorate either have no access to jetties or choose not to use them? The minister's colleague the Minister for Transport has confirmed that a regional impact statement regarding fees for professional fishermen to fund jetties was not prepared for cabinet. Yesterday, the minister for regional affairs told the house that he has 'been robust in demanding that the views of regional South Australia are taken into consideration in every cabinet decision'. It is a fact that no jetties in the minister's own electorate exist in the fishing ports of Carpenters Rocks, Blackfellows Caves or Nene Valley and, further, I am informed that nearly all the fishermen from the biggest port, by boat numbers, in the South-East choose not to use the jetty at Port MacDonnell.

The Hon. R.J. McEWEN (Minister for Industry, Trade and Regional Development): In response to a question from the member for Flinders yesterday, I indicated that I had put further effort into the process of requiring regional development assessment statements for every significant decision, not only in cabinet but also—

Members interjecting:

The Hon. R.J. McEWEN: Mr Speaker, I know you are at least interested in the answer—for every significant decision made at senior management level. Because I am also mindful, Mr Speaker, that you have earlier ruled that it is discourteous to the house not to bring to the attention of the house any detail that I have in relation to this matter, I was preparing to make a ministerial statement today to update the whole of the house on the process which will come into effect from 1 July this year (as I said yesterday, but this is something the member for MacKillop probably missed). But I will tomorrow—

Mr WILLIAMS: I rise on a point of order that is, again, one of relevance. My question was not about the process that is to come into effect. My question was specifically: can the minister assure the house that he made his cabinet colleagues aware that nearly all professional fishermen in his electorate either have no access to jetties or choose not to use them? It is not about the process of regional impact statements; it is about the minister's claim that he had been robust in having the views of regional South Australia taken into consideration. I was seeking clarification from the minister using an example in his electorate.

The SPEAKER: Whilst the thrust of the question may have been as the member for MacKillop describes it, I acknowledge that the explanation provides for the minister the opportunity—indeed, the obligation—to respond in order to set aright any matter of fact which may be in error, or to elucidate upon it. The question is not, where an explanation accompanies it, just the substance of an inquiry, but the explanation is meant to be an indication of the background against which the member has asked the question. I therefore cannot uphold the point of order.

May I further assist honourable members in framing questions by saying that they would probably do better if they simply asked the question and sat down, leaving it to the minister—and for the house, likewise—to determine what it means, rather than casting the net more widely, perhaps where the opposition is involved, enabling the minister to escape beneath or around it.

The Hon. R.J. McEWEN: The member for MacKillop asked me to further expand on the question that I addressed yesterday in relation to regional development impact statements. I indicated to you, Mr Speaker, understanding that you believe it is discourteous to the house not to bring all these matters to the house, that this morning I was preparing a more detailed ministerial statement because I believe the whole house has the right to know exactly what we intend to do. Other events overtook me, but I give an undertaking that tomorrow I will bring to the attention of the house all the details relating to the process that we will bring into effect on 1 July. I think it is important for all members to know how it is intended that this will work because I am inviting all of them to be engaged in the process.

INTERNATIONAL HORSE TRIALS

The Hon. D.C. KOTZ (Newland): My question is directed to the Minister for Tourism under her responsibility for major events. Will the minister advise the house why she waited for two months before announcing that her government would no longer financially support the Adelaide International Horse Trials, knowing the necessity for crucial lead time and preparation required to stage such an internationally acclaimed major event in our state? Under freedom of information, I have the South Australian Tourism Commission board meeting minutes of Wednesday 5 February 2003, which state:

> The board endorsed the recommendation that AME exit the International Horse Trials event this year and license the event back to the Gawler Three Day Event.

The following meeting of the board held on 5 March indicated concern that a public announcement had not yet been made. The minutes state:

> The board acknowledged the significant exposure associated with this event and, in light of the recommendation endorsed at the 5 February board meeting that AME exit the event this year, stressed the need for an early decision by government regarding its future links with this event.

The decision was announced in parliament by the minister on 2 April, two months after the decision was made.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Newland. I think her question brings to light the fact that very significant research and thought was put into the future of the Mitsubishi Adelaide International Horse Trials. As her comments make quite clear, the decision was made on the basis of the economic impact statement (the study of the impact of the previous events), but not just the 2002 Mitsubishi Adelaide horse trials: it was based on the 2001 Mitsubishi horse trials; the lack of an increase in visitation; the lack of a significant increase in economic benefit; and a very clear view from Australian Major Events and the SATC that the event should cease immediately.

My view was, however, that it would be quite inappropriate to exit the event, as the member terms it, this year. I thought it would be quite inappropriate for us to take no responsibility for the event in the future, and that is why I sought a transitional period and a means by which a horse event could continue into the future. So, my choice was not to accept directly the advice to stop AME involvement, but to develop a transitional response that would allow the event to be committed for the next four years. So, my view was not, as I have said before, to take the bare advice, which was to exit this year, but to allow the event a transitional period and

to continue into the future. Do I take it from the question that the member for Newland asked that she would rather that we exited this year and have no transition and support into the future?

SHEARERS

Mr VENNING (Schubert): My question is directed to the Minister for Employment, Training and Further Education. Will the minister advise the house who called for a review of the successful shearer and wool handling training, and at what cost, and who was consulted in the appointment of Mr Andrew Brown to undertake the review? Constituents have raised this matter with me and are very concerned that this review is occurring. Our current shearer and wool handling training has been well recognised. The current world champion shearer, Shannon Warnest, was trained through this course, and the course coordinator, Mr John Hutchinson, has been recognised with an OAM for his services to shearer training.

Constituents are concerned at the appointment of Mr Andrew Brown and that the minister, or her office, did not consult any farming body, particularly the South Australian Farmers Federation. Mr Brown has been known to have union sympathies, and there are now concerns that the scheme will be an unworkable, union-based traineeship scheme.

Members interjecting:

The SPEAKER: Order! The member for Wright will withdraw that comment.

Ms CICCARELLO: I withdraw the comment: it was mine.

The SPEAKER: I apologise to the member for Wright. I now realise that it was not possible for her to have made the statement. I remind the member that it is highly disorderly for her to eat in the chamber. For the benefit of all honourable members, the kind of explanation just provided by the member for Schubert crossed the line, in the final analysis, between what is necessary and what becomes comment and debate. It does not add anything to an understanding of the question, other than to get in a free kick; and where it gets it in, very often, is not quite where it was aimed. It does not enhance the standing of the chamber, or any of us as part of it. It pains me to have to constantly remind the chamber that we are trying to improve the level of public regard for our efforts in the proceedings we undertake in the public interest.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I want to thank the member for Schubert, who has shown a keen interest in sheep shearing over the last few weeks. However, I believe he demonstrates a certain lack of understanding of trainee and skills development. He may not know that we have just completed a skills inquiry, the basis of which is to tease out the issues faced by the state in training people in a range of areas when there are poor levels of matching for recruitment, and poor retention levels. It is quite clear from this state's long-term commitment to sheep shearing that, despite training 1 060 people since 1997, with the assistance of $800 000 state government funding, the pastoralists and those employing sheep shearers appear to say that there is a shortage of sheep shearers. This is inexplicable when one considers how low the sheep population in our state is at the moment due to the drought and other changes in the economy.

The issue for me is that we do not have any formal packages or contracts of training in this area, so the sheep shearing we do undertake is not part of the normal ANTA framework for training, and it is not accredited in the same way as our other training packages. There seems to be some major structural problem in the industry in that we are constantly starting young people into the training scheme without any prospect of career advancement, and some considerable churning, and yet we do not have any advancement or improving courses for sheep shearers. This indicates to me that the recruitment is ineffective in that we have poor retention.

The poor retention levels may reflect not only the nature of those taking up shearing but also a structural problem in the sheep shearing industry. Decades ago, the shearer could probably expect to have six months of shearing, followed by a touch of crutching or a bit of fruit picking, and could somehow put together a smorgasbord of annual employment opportunities, which included a whole range of activities across the rural sector. I understand that employers are now keen to condense the shearing season down to one or two months, which would allow them to operate only if they ranked up the number of shearers, producing considerable structural imbalance within the employment sector.

As we have learnt from the skills inquiry, one of the tricks in investing in skills for the future is that there is a balance of training and employment opportunities. I would like to see the underlying problems and structural issues within the shearing industry teased out for the good of employers and shearers. What is needed in order to undertake this process is an in-depth inquiry into the number of training places required and, in particular, an indication as to the reason why we have starting courses that amount to 180 a year, but apparently no improvers or improvement classes for those shearers. There is a huge drop-out rate, which perhaps means that, structurally, those starting have no long-term prospects in the industry.

We would be derelict in our duty, and I would blench at the thought, if we put more funds into training programs in the knowledge that we were starting off people as beginners without putting money into improvement or improver courses. So, I share the fascination of the member for Schubert with the shearing industry, but our government will not be fleeced by putting more money into a structurally unsound industry.

As members would appreciate, my background is not in the rural sector, but I have a scientific approach to an understanding of the industry. For that reason, as the member for Schubert has indicated, I have asked for an assessment of the underlying and optimum training arrangements, so that not only will this year be the last during which we will proceed without understanding the needs of the industry—and I think it is important that we acknowledge that there are needs within the industry—but also we will recognise, with the employers, the changes in the diary and the general annual requirements for shearers.

I think that it is particularly important that those shearers in the industry have a viable opportunity for employment throughout most of the year, and that we find a way of providing opportunities and training that are sustainable. It is important in the shearing industry—as it is in the nursing sector; as it is in automotive engineering; and, indeed, as it is in the manufacturing sector—that we train and sustain those people in the sector throughout their career.

I do not understand enough about the changes in primary industries, and I do not understand enough about the need to reduce the shearing season, although I know that, far from importing shearers from overseas, I have had complaints

recently that there are unemployed shearers. So, if there are unemployed shearers, one wonders why there is still a claim that we need to train more. If there is a shortage of sheep shearers, there is a need for us to look at the structure of the industry. As I have said, it is my wish that we maximise opportunities for young people in the rural sector, particularly recognising that these job opportunities will be spread across regional and rural South Australia, and provide opportunities for unemployed youth throughout the season ahead.

There has been no cessation of funding. There have been some completely unfounded complaints that we have reduced funding, and these scurrilous comments have really caused some distress in the rural sector. We have not cut the funding, and we have not restricted the number of starting courses. In fact, 20 000 hours of training per year is provided by this government for the shearing industry. If the member for Schubert is interested in the quality of shearers, there is such an issue of unemployment in the sector that some of our shearers are forced to go to Europe to find employment and, interestingly enough, our shearers are held in very high esteem. There are some sheep breeders in Italy who look upon our shearers with astonishment, and ask, 'Do they hypnotise the sheep?'

Members interjecting:

The Hon. J.D. LOMAX-SMITH: I understand that in Italy, where some of the sheep-owning farms have only a dozen sheep, when they see that one South Australian can immobilise a sheep single-handedly, they believe that we are in the business of hypnotising. I do not know whether members have heard these reports, but I can furnish them with an account that was published in the *Australian* listing these opportunities.

MATTERS OF PRIVILEGE

Mr BRINDAL (Unley): I rise on a matter of privilege. In answer to a question in this house on 2 June 2003, found in *Hansard* at page 3276, the Leader of the Opposition asked the Minister for Transport, in regard to the fishing industry:

> Did the minister consult with industry and prepare a regional impact statement before implementing another broken election promise. . .

Without quoting the whole reply, the minister was quite clear in his assertion as follows:

> . . . and the answer to his question is no.

However, on 3 June 2003, in answer to a question from the member for Flinders, the Minister for Industry, Trade and Regional Development said, and I quote from *Hansard* at page 3325:

> I have been robust in demanding that the views of rural and regional South Australia are taken into consideration in every cabinet decision.

Later, he went on to repeat 'every cabinet decision', and that was after an assertion from the member for Flinders—

The Hon. K.O. Foley: You have no privilege. Sit down, you goose!

The SPEAKER: Order! The Deputy Premier will withdraw that statement.

The Hon. K.O. FOLEY: I withdraw.

The SPEAKER: The member for Unley has the call.

Mr BRINDAL: That was in spite of the fact that the member for Flinders, in her question, asserted:

> A number of decisions have been made by cabinet which I believe have not had regional impact assessment statements.

So, the minister was directly answering that question. Today, he was asked a similar question, and we can see from examining the *Hansard* that he claimed that certain actions were going to be taken from 1 July, which he did not assert yesterday. I therefore claim that the answers given by the Minister for Transport and the Minister for Industry, Trade and Regional Development are at variance and that, in view of the statements in *Hansard*, it can be contended that the Minister for Industry, Trade and Regional Development knowingly and deliberately misled this house. In accordance with parliamentary tradition, I ask you, sir, to examine this matter.

Members interjecting:

The SPEAKER: Order! Notwithstanding what the member for Unley quotes, it is not a measure, in my judgment, that warrants convening a privileges committee, in that it was not the Minister for Transport who misled the house in the remark that he made, and nor can it be claimed or proven that the Minister for Industry, Trade and Regional Development misled the house. None of us in this place can know, nor would it be proper for us to know, whether all cabinet ministers are present all the time at all cabinet meetings. It is not, in my judgement, a material misleading of the house, especially given that the Minister for Industry, Trade and Regional Development has explained to the house that a further, more detailed statement of what he has undertaken to do in cabinet will be provided tomorrow. I therefore do not consider the matter to be a matter of privilege.

Mr BRINDAL: Mr Speaker, do I take it that that is your ruling made on the spot, without examining the details that I have presented?

The SPEAKER: Yes, you can. It is for the simple reason that, whilst the account the member gives us is accurate in its quotation of *Hansard*, it is, nonetheless, an abstraction of the *Hansard* and, secondly, cabinet itself is not a body that can mislead the house. Yet the implication of the member's proposition on privilege is that it is cabinet that has misled the house, not one minister or the other. It is not possible for the house to inquire into which or either or both such ministers did, since it goes to the proceedings of the cabinet itself, not this house. There may be differences of opinion in the statements made by ministers from time to time about related matters, but that does not mean that either of those ministers has misled the house. It is impossible, let me repeat with emphasis, for cabinet to be held collectively to have misled the house.

FAMILY AND YOUTH SERVICES

The Hon. S.W. KEY (Minister for Social Justice): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.W. KEY: During question time, the leader asked me a question about training in the Salisbury and Elizabeth FAYS area. I have just received information that states that all FAYS social workers are required to have a degree, or equivalent, in social work, the exception being some Aboriginal positions. In those cases, the workers are grandparented, and it is ensured that they have mentors and support for doing that work. I understand it is thought that

one or two workers may not have these qualifications, and I am certainly happy to provide the leader with that information. The other point that I need to make is that the FAYS training was reinstated in 2002-03. So, that means that it was reinstated under the Rann government, with the training branch, which is in the Citi Centre. Currently, 0.5 per cent of the FAYS budget is allocated to training, and this will increase over the next two years to 2 per cent of the FAYS budget.

GRIEVANCE DEBATE

CONSCIENCE VOTE

Mr SCALZI (Hartley): Today I want to continue my grievance on support for a conscience vote. I know that members opposite have said that I have a fixation with the conscience vote, and that is the case. I have advocated a conscience vote for the many years that I have been here. Notably, the last time, prior to the current bills before the house, was the Citizenship Constitution Bill, again in which a conscience vote was not exercised. That concerns me, because there are matters of conscience on which the public, the voters, deserve to know where their members of parliament stand. I believe it is important that, when we have a conscience vote, it be made clear that it is a conscience vote, and when it is not that should also be made clear. People should put their position on why it is not to be considered as a conscience vote by their party.

I am particularly concerned because, on 2 April, I asked the Premier whether he had received letters from organisations, individuals and mainstream churches, advocating a conscience vote. I received the reply, 'I'll check.' I subsequently did a grieve, asking for a reply, but I did not receive an adequate answer. Eventually I received a written answer from the Premier, in which he stated:

> I have received letters advocating a conscience vote on the Domestic Co-dependent Superannuation Bill. I have also received letters in favour of the Statutes Amendment (Equal Opportunity Superannuation Entitlements for Same Sex Couples) Bill.

Yesterday I asked:

> Has the Premier responded to correspondence and representation by family organisations and mainstream churches advocating a conscience vote on the same sex superannuation bill and the domestic co-dependents superannuation bill? If so, will the Premier outline the government's position on this matter?

The Premier's answer was:

> I understand that my learned colleague the Attorney-General, Minister for Justice, Minister for Consumer Affairs and Minister for Multicultural Affairs has responded to that question.

The following supplementary question was asked:

> What is the government's position on this matter?

The Premier answered:

> I think that we have made the government's position patently clear.

If it is so clear, why does he not state it in the house? On 27 April, in front of Parliament House, the Attorney-General at least admitted that he had supported same sex legislation reluctantly. This question about a conscience vote is important. In just over a week, 2 345 residents of South Australia signed a petition advocating that the bills referring to superannuation should be referred to the Social Development Committee. A petition was also presented on 28 April by the member for Florey, signed by 184 members of the public, wanting legislation to stop discrimination against same sex couples. I say that the Premier should listen to the 2 345 petitioners, as well as the 184, and give us an answer.

At least he was consistent on the citizenship bill, stating that he had three citizenships: British, New Zealand and Australian. If he supports this great reform to superannuation for same sex couples, if it is so important, as it is in the other states, he should put it in the house so that people know the government's position.

Time expired.

The SPEAKER: For the benefit of the house, I say that the honourable member came very close to offending against anticipation of debate of item 25 on the *Notice Paper* for debate later this day under Notices of Motion, Private Members Business, Bills/Committees/Regulations. He transgressed that line in the last sentence of his contribution. All members need to know that that is not an orderly way to proceed. Had it been restricted to the merits or otherwise of what the honourable member was saying about a conscience vote, it remained orderly but on thin ice.

I do not wish to be involved in the proceedings of the house so long as seems to be necessary, but I cannot allow practices to develop that I think are against what standing orders require and then have members tell me later, as having been in the chair, that I did nothing about them. Hence the reason for the abundance of caution in warning the honourable member—no more and no less. It ought not be taken as a rebuke, rather as an illustration of the extent to which care needs to be taken to observe what we say we will observe. It is the same in any other enterprise in life: you plan the work and then work the plan. So far, our standing orders are our plan. We have to adhere to them.

SCHOOLS, CHELTENHAM DISTRICT

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I want to speak about some experiences that I recently enjoyed in my electorate when visiting local schools, particularly the Pennington Junior Primary School and, on the same campus, the Pennington Kindergarten, and, a few hundred metres away, the Pennington Primary School. To give members some appreciation of the complexity of education at these institutions, I had great pleasure to be invited into a classroom and was introduced to children who had recently arrived from Uganda, Bosnia, Afghanistan, Serbia, Vietnam, Sierra Leone and the AP lands. I was greeted not only in English but also in each of those languages, and in the way that children greet people in such classes, with much sing-songing. It was an enormous pleasure to see that degree of diversity in our local schools.

One needs only to think about that degree of diversity to understand the challenges that exist for teachers in schools of that sort, so I pay tribute to the leadership in each of those educational institutions. They are led tremendously by wonderfully dedicated educators, and these schools are also strengthened by the fact that their school council arrangements have managed to attract a dedicated group of parents who willingly give of their time to involve themselves in the educational life of their children. They are welcome to be involved, and parents are often seen around the school assisting with all manner of things on the school site.

One particular matter that I wish to share with the house (and it is a matter of great pride that I can report this to the house), is that, before Labor formed government, that junior

primary school had class sizes of 30 children. When one considers that degree of diversity and the issues associated with English as a second language, in addition to three or four children who are on specially negotiated curriculum programs and the difficulties and special needs of those children, one has to acknowledge that a class of 30 would be virtually impossible to control.

Since additional resources have been introduced by the new Labor government into this school, those class sizes have decreased from 30 to 18—just 18 students. The difference that has made to the educational opportunities of those children is difficult to overestimate. For a start, the teachers have the space to be able to think creatively about the individual needs of the children. Rather than just performing riot control, they have the capacity to pay attention to the specific and important idiosyncrasies of each of the children in the class. When one considers the diversity involved, it is not difficult to imagine that that is an important issue.

At the Pennington Kindergarten I was also heartened to see a new playground garden (I was invited back a few days later to open it) that had been rebuilt by the parents of the children who attend the kindergarten. Louise, the 15-year-old turtle, now has a brand-spanking-new enclosure, which is a great relief, because she was living in substandard conditions. It is great to see that that has been remedied.

I also went to the Pennington Primary School, where I met a range of wonderful children, one of whom announced to me that she wants to be prime minister. I will be attempting to secure for her an Emily's List T-shirt, which I understand is ideal for girls who have an ambition to become prime minister. I will dispatch that to her in the hope that she realises her ambition—the first prime minister from the suburb of Pennington!

In closing, I pay tribute to the dedication of the teachers, the students and the parents to their education. It was a wonderfully uplifting experience and one of the great privileges of being a member of parliament.

SHEARERS

Mr VENNING (Schubert): I refer to the question I asked in question time this afternoon. Again, the current government seems hell bent on taking away support for successful organisations or events that help the community or industry—organisations that are performing well and are supported by industry and all those stakeholders involved. Our shearing training program is vital for the future well-being of our agricultural industry. The Agricultural and Horticultural Training Council approached the minister recently to continue funding the highly successful shearer and shed-hand wool handling scheme. The minister responded with an inquiry into the scheme, and I wonder why she has done that. I believe it is because the Hon. Mr Sneath asked her to do it.

The scheme is privately run and managed by Ausgrow Training Services, which currently gives entry level training to 120 to 150 people, approximately 40 per cent of whom then enter the shearing or wool handling industry. They train 20 to 30 shearers in improver shearing schools, and almost 90 per cent stay on in the industry in one way or another. The trainees include none other than the world champion shearer. The best shearer in the world was trained by this scheme. The overseer of the scheme is John Huchison, a person well known to you, sir, the member for Finniss and others. He is a champion of the industry and has been awarded an OAM, and he is directly involved with this scheme.

Our great training services are well recognised in industry and by the government as professional and successful. Ausgrow TS runs well over 100 agricultural and viticultural-related training courses in our state. Ausgrow is the only non-government provider of shearing training east of Port Lincoln. The current training scheme prides itself on taking on the occasional very high risk trainee. The training takes place within the workplace, in many sheds in the real world environment—in 19 sheds all over our state. Ausgrow prides itself on having a high standard of husbandry and health and safety, which it enforces. It also promotes ethics in the industry.

People being trained by Ausgrow receive full award pay while training is being undertaken. Ausgrow Training Services is committed to the betterment of the industry. The question then remains: why is the inquiry occurring and what is to be gained from it? The rumblings from constituents—who would know and whom I trust—seem to evoke some very unpalatable reasons for this inquiry. It seems to be set up so as to give the AWU a foothold back in the shearing industry, once one of its strongest realms. The AWU, through the Shearing Competition Federation of Australia (SCFA), wished to control the training of shearers.

My sources state that Mr Bob Sneath has moved at a meeting of the SCFA that it be set up as a provider of training to the industry. SCFA is union owned and controlled and, according to my sources, Mr Sneath directed SCFA to allow only union members to compete in competitions such as the Royal Adelaide Show, leading to its decimation, as I hinted earlier. No consultation with the true stakeholders in industry has taken place. Wool growers and peak farming bodies were not consulted in the matter of a review and on who was to be appointed. The head of the inquiry, Mr Andrew Brown, was appointed without consultation with the South Australian Farmers Federation or the Agricultural and Horticultural Society of South Australia. There could have been only one recommendation: that of the Hon. Bob Sneath.

I come back to my main query: why was such an inquiry set up, at what cost and who stands to benefit? It is most inappropriate that a member of parliament use his influence to bring about unwanted changes for the benefit of his former mates in the shearers union. I am not personally aware of Mr Andrew Brown's affiliations, and I apologise if I misrepresented him in the question I asked earlier.

POVERTY

Mr O'BRIEN (Napier): I commend the Social Development Committee of this parliament for the poverty inquiry it has carried out and for the detailed and thoughtful report that has emerged from this inquiry. The issue of poverty is central to the broader question of state development because, without economic growth and the creation of employment opportunities, poverty cannot be eradicated. Conversely, without a concerted attack on the causes of poverty, which largely manifest themselves in education under-achievement, this state will not have the pool of trained work-ready people available to both attract new industry to this state and fill positions in expanding enterprises.

South Australia can no longer refuse to deal with the widespread and debilitating poverty within our midst. We cannot, because to do so is not only ethically wrong but economically wrong headed. For those reasons I welcome the report of the poverty inquiry. The aspect of the report on which I will focus in this grievance is that of intergenerational

poverty. While the extent of intergenerational poverty has not been quantified, the committee believed it to be widespread. It cites OECD studies of the incidence of persistent long-term unemployment in many regions of the developed world, despite strong and prolonged economic growth.

The fact that Australia is currently in the longest economic upswing since the Second World War, yet has areas of persistently high unemployment, particularly in South Australia, bolsters the conclusion of the OECD in respect of intergenerational poverty. The inquiry, in analysing intergenerational poverty and its root cause—unemployment—isolated a number of contributing factors. The most dominant of these causal factors was parental education and unemployment experiences. Put simply, children whose parents have completed secondary school are more likely to do so themselves. Obversely, those whose parents did not complete secondary school are less likely to complete secondary school and to be in receipt of income support. As Anglicare submitted to the committee:

> Children growing up in households where their parents' educational experiences are limited or unfavourable have limited concepts of what can be achieved through education and employment.

The committee also considered the issue of family structure as a factor in intergenerational poverty. While the direct influence of family structure was found to be only weakly associated with educational attainment in children, the long-term negative effects of childhood poverty are found to be most marked in children whose mothers were very young when they were born, children from sole parent families and children from large families.

Evidence received by the committee revealed that many families that have experienced generations of unemployment tend to see child rearing as a primary goal in life, and people from these families are more likely to have children at an early age—in their teens. University of Adelaide research indicates that the fertility rates are highest in the poorest areas of Adelaide and that there is a strong statistical correlation between high total fertility rates and people who left school at age 15 or earlier.

To encapsulate the conclusion of the poverty inquiry in respect of intergenerational poverty, the committee found unemployment in families and over several generations to be persistent in certain regions of the state, despite sustained economic growth. In explaining the reasons for this phenomenon, the committee concluded that the impoverishment of these people was due to poor educational outcomes. This in turn was due to the poor educational attainment of parents and the transmission of apathetic, if not negative, parental attitudes to education. This antipathy to school, which was transmitted across generations, was bolstered by family structures.

The Social Development Committee made a number of specific recommendations in relation to early childhood intervention strategies to overcome family imposed obstacles to educational attainment. The committee also recommended a number of changes in the functioning of schools in disadvantaged areas. A number of these recommendations have been fulfilled by the government's Futures Connect program and a school mentoring program.

The Social Inclusion Unit's recommendations regarding school retention rates will, I believe, further support the major thrust of the poverty inquiry with respect to dealing with intergenerational poverty. The first tentative steps in dealing with poverty have been taken—

Time expired.

PARLIAMENTARY PROCEDURE

Dr McFETRIDGE (Morphett): When I was elected as the member for Morphett in February 2002, I realised that I was joining a group of people who are very fortunate to represent not only their electorates but also the state generally. While I am brand new to this place, in relative terms, compared to many others, and I am still learning the protocol, the convention and the standing orders, on days like today I start to wonder where we are going. I do not know how much an hour it costs to run this chamber, but after observing the behaviour of some members of the government today, I was really ashamed to be an observer of that behaviour.

I know, Mr Speaker, that it is your judgment that allows affairs in this house to be conducted in an orderly manner, and I will always be guided by your judgment, but today I was very concerned to see people getting away with what I would have thought were unconventional answers and statements. Certainly, we expect the ministers to be asked dorothy dixers: it is a reasonable way of disseminating information and making announcements. We also expect ministerial statements. We expect the ministers to get up here and make announcements, because that is their job. They are elected to govern, and it is their right to let the people of South Australia know what they are doing.

We all know the history of this house. In fact, I was talking to year 12 students from Sacred Heart College this morning about the history of this place. We have the sword line, and we have the mace. There is a history of robust debate in the lower houses—the House of Commons and the House of Assembly. We expect that, and I would never wish to see a stop to the clever interjections, the light banter and, certainly, the robust debate that occurs in this place.

However, when the Premier comes into this place and is asked a dorothy dixer regarding, certainly, a subject that we are all keen about—AFL football—it really has nothing to do with running the state. That use of the precious time of this house could have been put to much better purposes. In my opinion, the Premier's announcement today could have been handled, as usual, by his meticulous media management. He could have gone down to footy park or Adelaide Oval and made that announcement at some other time, rather than taking up the time of this house. It really is something that I hope we never see again—the grandstanding, the media management, the posing for the cameras in the house here so that we could get that grab on the 6 o'clock news, with some distraction from the real main game, which is not the AFL but the running of this state. They are the government, and the sooner they realise that, the better we will be for it.

This afternoon some bills will be presented to us that will have been dropped to us on the run. I think there is a convention in this place that, after the second reading speech, bills lay on the table for seven days. Certainly, that has not happened in the last few weeks. I am no stranger to long hours. In my former profession as a veterinary surgeon, I worked many hours. I have been up at all hours of the day and night. I have never shirked hard work. I do not mind finishing at 4 a.m. or, like last night, half past 12—and I have been told that today we will be finishing about 1 a.m. or 2 a.m. in the morning if the house does not get through the business in a quicker fashion than may in this case be considered normal.

I would also like to comment on private members' motions. I never want private members to be restricted and restrained, but do we have to congratulate every netball team—every small organisation? I know that it is a very important announcement to them but, as far as running the state is concerned, perhaps we can use the time of the house more efficiently.

It is a wonderful privilege to be a member of parliament. The state deserves to be run in an orderly fashion. We deserve a government that will deliver the goods—not just media management, not just rhetoric, and not just revamping, reporting, revising and revisiting. We do not want people standing up in this place, who are being paid hundreds of thousands of dollars (and I know that they work very hard, long hours), just making a mockery of this place.

Time expired.

RECONCILIATION, YOUTH AMBASSADORS' BALL

Ms BEDFORD (Florey): Last Saturday, I was honoured to attend the Youth Ambassadors' Ball for Reconciliation at the Convention Centre, along with the federal Minister for Education, Science and Training and his wife, and his parliamentary colleague Senator the Hon. Penny Wong from South Australia and my colleague the wonderful member for Heysen, who was representing the leader. Also present that evening were Sophia Provatidis, member of the Council for Multicultural Australia, representing the Hon. Gary Hargrave, and Matt Wenham, chair of the Minister's Youth Council, representing the Hon. Stephanie Key, Minister for Youth and Minister for Social Justice. Also in the government contingent was Steve Marshall, CEO of the Department of Education and Children's Services, and Peter Buckskin, CEO of Aboriginal Affairs and Reconciliation.

The co-chairs of Reconciliation South Australia (which co-hosted the function), the Hon. Justice Edward Mullighan and his wife Jan, and Ms Shirley Peisley AM, also were present. They were part of a wonderful evening, very much planned by the Executive Officer of Reconciliation SA, Ms Trish Cronin—and I know that she puts her heart and soul into the event each year. Steven Page, the Artistic Director of the 2004 Adelaide Festival, was our MC for the evening, and he certainly gave the night a great deal of flair. Also present was the principal of Salisbury High, Helen Paphitis. What can we say about her: she is a dynamic and wonderful woman. She was ably assisted by her staff—and there were several there, of course, running around and making sure that everything went to plan. Cheryl Bermingham and Julianne Schiller were there, as was Helen's husband Nick, who ran the raffle and the auction, which was used to raise funds to offset costs for students hiring their wonderful outfits.

I also understand that the federal minister arranged a limousine to pick up the student ambassadors to bring them to the function. From the description of their ride, I can certainly that say it is a very worth while thing that he did, and I understand that he will be doing it each year.

Student youth ambassadors Christina Coots from Golden Grove High, Adam Robinson from Salisbury High, Damien Ralphs from Woodville High and Jade Neiman from Le Fevre High were selected as either indigenous or non-indigenous ambassadors for 2003. One of the students, Jade, gave a particularly moving speech about why she was involved in the evening, and how important she felt it was for everyone to consider the person and not their physical appearance. I think everyone in the room identified with what she had to say.

About 45 couples were presented to the audience, which included (apart from the government contingents and MPs) many elders from the indigenous community, and proud family members, who cheered the students on as they were presented and came onto the dance floor. The students were then involved in group dancing, prior to being seated for the dinner. While that dancing seemed like an ordeal for them, I know that they were happy to undergo that ordeal, because later that evening they participated in a disco.

During the night we were entertained by the Paitya and Talkin Jeri Aboriginal dance groups, which have been very busy during Reconciliation Week. Torres Strait Islanders also made a presentation of their cultural dance. Later on, a troupe of Greek Cypriot dancers amazed the audience with their absolute fitness as they went through the movements of their cultural dances, which are, again, very old and are very much looked upon as an important part of their culture and in the community at large.

The judges for the evening were Ann Prime, Deputy Principal, Salisbury High School; Barry Buckskin, an Aboriginal education worker/coordinator, northern area; and Nolan Foster, Aboriginal education teacher, Campbelltown Primary School. Youth ambassadors will be part of a reconciliation youth committee working on reconciliation programs, including leadership skills, focus on organisations, conducting seminars with mentors and getting the reconciliation message across to the wider community. About 13 schools were involved. Apart from Salisbury High we had Kaurna Plains, Fremont Elizabeth City High School, Para West, Golden Grove, Gepps Cross, Enfield, Concordia, Woodville, LeFevre, Oceanview, Seaview, Ceduna and Immanuel.

Members can see that it is a very involved event. It covers a great number of schools and I think that, as it grows each year, it would be good to see how many new participants will be involved in this function, which is truly a highlight of Reconciliation Week for young indigenous people throughout the state.

CONTROLLED SUBSTANCES (MEDICAL USE OF CANNABIS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

Over a period of time I have heard numerous anecdotes about people suffering from chronic, painful conditions where they have sought relief from the symptoms of those conditions through the use of marijuana, or to use the more technical name, cannabis. I therefore bring a bill before the house which, under very strict regulation, would allow people in that kind of situation to gain relief from their symptoms. The sorts of illnesses or diseases which might warrant this sort of treatment might be diseases such as cancer, perhaps chronic pain arising from a severe back condition, or perhaps an illness related to HIV/AIDS.

The sorts of symptoms which might usefully be treated by the consumption of small and appropriate amounts of cannabis could be chronic pain, loss of appetite or feelings of nausea. A substantial body of medical opinion supports the assertions which I put forward today. Dr Bucket from our own Controlled Substances Advisory Council has made statements to the effect that the evidence supports these general propositions, namely, that cannabis can be usefully used to relieve symptoms of certain illnesses and diseases, and I have given examples of those. Also, a comprehensive report has been produced in New South Wales. The Premier of New South Wales, Mr Bob Carr, referred to that report when he made a speech in the New South Wales parliament on 20 May. In that speech he outlined that in New South Wales he would be proposing the medical use of cannabis in the same way as I have outlined here today. He gave similar examples of the types of illnesses and the types of symptoms that might be treated with cannabis. The bill which I propose is similar (although not the same as) to the concept proposed by Premier Carr, and I will come to the detail of the bill in a moment.

The report to which I have referred was the July 2001 report on consultation on the findings and recommendations of the working party on the use of cannabis for medical purposes. I would like to make a political point in relation to this proposal, which is not so radical as might be assumed by some people at first glance. For those who have a knee-jerk reaction against the use and abuse of drugs in our society, whether they be currently legal or illicit drugs, it may well be that the very mention of consumption of cannabis brings a negative reaction. But this proposal has not only been put forward by the conservative Labor Premier of New South Wales, Mr Bob Carr: it also has support from perhaps our most well-known conservative politician, the Prime Minister, Mr John Howard. In the *Age* of 22 May 2003, Mr Howard said that he was all in favour of using marijuana for pain relief but only where there was no mainstream treatment available and when it was dispensed by a doctor in tablet or spray form. So, there is certainly qualified support from the Prime Minister for this measure.

I inform the house that I am not putting forward one of those proposals which came out of the Premier's Drugs Summit held in the middle of last year which went so far as to propose steps towards decriminalisation of cannabis. I note that, despite the fact that the Premier made such fanfare of the Drugs Summit and that there were present at the summit a broad cross-section of experts and community representatives, the Premier and the government chose to focus on punitive measures for abusive drugs rather than look at how certain substances might be usefully used in our society. So, in the South Australian Drugs Summit report of the government called 'Tackling Drugs: Government and Communities Working Together', dated December 2002, there was no mention whatsoever of those recommendations of the summit to ease the criminality in relation to marijuana. This proposal is on a totally different tack. It is a proposal to permit the medical use of cannabis in tightly confined circumstances. I will outline those circumstances and the way the bill works.

Currently, of course, it is unlawful to smoke, consume, possess or sell cannabis or cannabis resin. An expiation notice scheme applies to the cultivation of one plant of cannabis. That simply means that, although it is not lawful, the offence is expiated by the payment of an expiation fee. The expiation fee system is essentially a state system of bribery so that the state does not proceed to prosecution of a person for behaviour considered undesirable in our society.

So, given that legislative background, the function of this bill is to provide a lawful defence for smoking, consumption, possession or cultivation of a small amount of cannabis for personal use, and personal use only. The defence will be available to people who hold a valid medical certificate which has been issued to that person by a medical practitioner responsible for the medical care of that person on an ongoing basis. So, we are talking about the regular medical practitioner of that person, who may be their general medical practitioner, oncologist or orthopaedic surgeon, but somebody who has ongoing care of that person.

The certificate must certify that the person has a certain illness or disease; it must specify the symptoms associated with the illness or disease; and it must declare that, in the opinion of the medical practitioner, the smoking or consumption of cannabis by the person would mitigate the symptoms of the person's illness or disease. By the very nature of the drug, we are not talking about a magic cure-all. We are talking about the relief of symptoms such as pain, nausea and loss of appetite.

Second, it is important that people using cannabis for this medical purpose be properly informed, so the certificate must also state that the doctor and the person have discussed the risks associated with using cannabis. Like all drugs, whether they be legal or illegal under our current framework of laws, there are some advantages to many drugs and there are certainly disadvantages when drugs are abused. So, this bill is very alive to the prospect of drugs being abused, and that is why there is a tight framework within which medical use of cannabis should be allowed.

Further, the certificate must refer to the dosage of cannabis to be taken, the method of administration and the period for which the cannabis should be used for the purpose of treating the symptoms of the person's illness or disease. Certificates issued will not last longer than 12 months (they will not be valid for longer than that time). They could, of course, be renewed if the doctor and the patient go through that process again.

The doctor must also furnish the minister with a copy of the certificate, that being the Minister for Health who is the minister responsible for the administration of the Controlled Substances Act. In this way, the government can keep a check on the use of cannabis pursuant to this bill and can assess whether abuse begins to creep into the system contrary to the spirit and intention of the bill. There are penalties in the bill for doctors who wrongly or falsely provide such certificates to patients. So, without going through the bill line by line, one can see that there are many safeguards in place.

This is a compassionate measure. It is desirable to create an exception to the criminal law because there are people who will benefit from the use of this drug. In principle, it is no different from any other drug. This parliament needs to consider the potential benefits of a drug and the potential for abuse of that drug. The same principle should apply, whether it be alcohol, cannabis or amphetamines. Each of these will be dealt with differently by this parliament because we assess the potential benefits and the relative risks and potential for abuse in different ways. We can be sure of one thing in regard to cannabis: there is now a sufficient body of medical evidence to warrant the permission for patients to use cannabis for things such as pain relief, overcoming feelings of nausea and appetite stimulation.

I submit the bill to the house as a compassionate measure, and one with which we can safely proceed.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (EQUAL SUPERANNUATION ENTITLEMENTS FOR SAME SEX COUPLES) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 1 May. Page 2878.)

Ms BEDFORD: I move:

That the Legislative Council's amendments be agreed to.

The amendments permit the suppression of certain information from general publication by the media. In particular, they prevent the media from identifying a party seeking a declaration before the District Court as a putative spouse in a same sex relationship. This amendment has come from the other place, where some concern was expressed that the provision of this amendment, dealing as it does with same sex couples, is discriminatory as it would not also apply to opposite sex couples.

The provisions of this amendment would mirror similar information privacy provisions contained in section 121 of the federal Family Law Act, which applies to married opposite sex couples. Under the relevant laws as they now stand, opposite sex couples are not required to seek a declaration from the courts, although they may choose to, in order to access relevant benefits. The reason why this could not be included in this bill should be clear: it would not be cognate with the substantive matter the bill seeks to address, namely, discrimination against same sex couples.

Mr SCALZI: I oppose the amendment restricting the publication of court proceedings, not because I do not agree to the right of privacy, which is why the Hon. Angus Redford in another place has put them, but because it is not what this chamber voted for. The Family Relationships Act 1975 and the De Facto Relationship Act 1996 give some degree of protection but not the same as is proposed in this amendment. It is quite clear that these amendments to restrict publication are broader than those afforded to heterosexual couples. The provisions might seek protection from publication, but this amendment makes it automatic. In the spirit of equality, there should not be discrimination against same sex couples. I believe that differences even in the fines is different from what is afforded to heterosexual couples, and I believe they should be opposed.

I know some members will say that considerable discrimination is suffered by same sex couples, and I understand that. That is precisely why I believe that the definition should have been broader and not based on sexuality.

Mrs Geraghty interjecting:

Mr SCALZI: Madam Acting Chair, I believe that the member is out of order in questioning my honesty. It is not a matter of the intent of this amendment. The reality is that this amendment offers different protection to same sex couples to that offered to heterosexual couples. My understanding is that the government might change the legislation to ensure that the same provisions are afforded to heterosexual couples. I ask the member for Florey whether that is the case.

Ms BEDFORD: I reiterate again that, for opposite sex couples, unless challenged by superannuation trustees, there is no need to seek a putative spouse declaration in the courts. However, this process is required for same sex couples seeking to use the provisions proposed in this bill.

While the issue of unwelcome exposure as a result of open court proceedings is not a concern exclusive to same sex couples, it is one which, because of social prejudice, the issues of coming out and the alarming threat of homophonic violence would likely be more immediately concerning to a greater proportion of couples seeking a declaration and may, therefore, undermine the intent of the bill. This being the case, the effectiveness of the amendments to include same sex couples in the superannuation schemes would have been nullified, because any people now entitled to seek benefits as same sex couples would be wary of having to go to court and having their relationship given public exposure.

As I have said, these measures, while not applicable to everyone, cannot be, because there are so many different laws involved. As to what the government will do with a larger raft of amendments, no-one knows at the moment.

Mr HANNA: I move:

That the motion be now put.

The ACTING CHAIRMAN (Ms Ciccarello): Is that motion seconded? All those in favour?

Mr MEIER: What motion is that, Madam Acting Chairman?

The ACTING CHAIRMAN: That the motion be put.

Mr MEIER: No. I have a question or two.

The ACTING CHAIRMAN: This is a procedural motion.

Mr MEIER: As a point of explanation, what does the motion seek to do?

The ACTING CHAIRMAN: The member for Mitchell has moved that the motion be put, and it has been seconded.

Mr MEIER: But we have had only one speaker. I cannot believe it. Are we gagging debate?

The ACTING CHAIRMAN: The motion has been moved and seconded. All those in favour—

Mr MEIER: So the member has moved that motion and it has been seconded? I would certainly have to oppose it.

Mrs REDMOND: I rise to oppose that motion, Madam Acting Chair.

The ACTING CHAIRMAN: The motion cannot be debated, because it is a procedural motion. All those in favour? Those in favour say aye, against no.

The committee divided on the motion:

The CHAIRMAN: There being only one member for the ayes, I declare that the question passes in the negative.

Mrs REDMOND: I am a little confused by the comments made by the member for Hartley in his previous question. He was indicating that the amendments would give same sex couples rights different from those given to heterosexual couples in the court. My understanding of the amendments is that, in fact, although there is a minor difference in terms of whether those rights are automatic or requested, that is the only difference. In fact, we already have a situation where heterosexual couples in the court have those rights. Can the member clarify that issue?

Ms BEDFORD: I understand that that is the case. The member in the other place has put this together, but he has also flagged that he intends to introduce other legislation to bring the whole measure into line. I cannot say whether or not he will do that as a private member's bill. However, this is the best measure we can come up with.

Mr SCALZI: My understanding is that there is a considerable difference. Under this provision, there is a $5 000 fine, or one year's imprisonment. If we look at the 1975 Family Relationships Act (which incorporates spouses and heterosexual couples), in relation to the confidentiality of proceedings it provides:

> Unless the court otherwise determines, proceedings under this act shall be held in a room that is not open to the public—

and that is true—

> Any person who publishes by newspapers, radio or television the name of any person in relation to whom proceedings are taken under this act, unless authorised to do so, shall be guilty of an offence and liable to a penalty not exceeding $1 000.

There is a big difference between $1 000, $5 000 and one year's imprisonment. Unless heterosexual couples have the same provisions, I believe that this amendment is discriminatory. I ask the member opposite whether the government (and I understand that it is not a government bill, but she is a member of the government) intends to change legislation to enable heterosexual couples to have the same provisions.

In her last comment, the member for Florey said that she does not know, because this amendment was introduced by a member in the other place, and she does not know whether or not he will introduce it. Why are we voting for this amendment? This is not the measure that this house passed. This is not a question whether someone supports same sex couples superannuation. I am a realist, and I understand that we did not have the numbers either in this house or in the other place. We have had discussions about conscience votes, but this is not the will of this house.

We are accepting the will of the other place. We do not know who will make the same provisions for heterosexual couples. There is a big difference between this provision and that which is in the 1975 Family Relationships Act. I am mindful that the other acts are much broader and do not deal specifically with superannuation.

The CHAIRMAN: Before calling the member for Florey, I point out that she has no responsibility for government policy. However, if she wishes to comment in response, that is her choice.

Mr BRINDAL: My colleague the member for Hartley prompts me to make a contribution. I do not often disagree with the member on matters of parliamentary principle and procedure. However, in this case I say to the member for Hartley that, whilst I think that he makes a debating contribution (and I do think that he seeks to pre-empt a vote of this house), what we are now debating is not the will of this house but, as he says, an amendment from another place. Whether or not we are minded to accept that matter is the matter under debate. So, I gently admonish the member for Hartley for suggesting that the house has already made its up mind. The house remains to be convinced by him, or by anyone else. I remain to be convinced, although I have not heard the honourable member give me any reason why I should not support the amendment. Frankly, I do not think that it shows quite the wisdom that we exercised in transmitting the bill, but you cannot expect the intellects of both places to be entirely equal. If the other place wants to have a bit of a win, I am minded to move along with the flow.

The Hon. D.C. KOTZ: On a point of clarification, on your comment a moment ago about the member for Florey not having responsibility for government policy, are you ruling that this is a government bill? If it is a government bill, do we have someone in charge of this bill on the government side of the house from whom we can obtain information that is necessary for members on this side to have?

The CHAIRMAN: I am restating that the member for Florey is not responsible for government policy and cannot be held accountable for or asked to explain or justify government policy unless she feels free to do so as part of a general contribution. It is not a government bill. It is her bill, as I understand the situation. She is at liberty to respond if she wishes, but she cannot be compelled to comment or speak on behalf of the government.

Mr BRINDAL: Just a point of clarification, as it is a private member's bill and therefore not a government bill, and as we are discussing an amendment from the upper house, perhaps you, sir, or Mr Speaker might like to consider this point: who is responsible to answer questions about the amendment?

Ms Bedford: Me.

Mr BRINDAL: I hear the interjection 'me'. I wonder, because as the bill left here it was as sponsored by the private member. The amendment as it comes back was not necessarily supported by the member—

The Hon. M.J. Atkinson: As a matter of fact, the mover has adopted it.

Mr BRINDAL: That partly answers my question, but there is a question about private members' business when alterations come back.

The Hon. M.J. Atkinson: There would be a problem if it were not adopted.

Mr BRINDAL: Exactly. The Attorney raises a good point. What happens if a bill comes back and there is an amendment in it that is not accepted?

Ms Bedford interjecting:

Mr BRINDAL: Yes, but that needs consideration for another day because it is important for the house. Who answers for the amendments if it is not a government bill?

Dr McFETRIDGE: This is a bit like the Roosters bill; it could be the Roosters amendment. The member knows that I have a lot of sympathy for her position, and I have had a difficult task in deciding not to support her because it was my opinion that the member for Hartley's bill was a fairer bill. I do not know why the member in the other place has introduced this amendment. I am not a lawyer—and I am boasting, not apologising—but this amendment restricts and discriminates. Surely we should be governing for all, not just for minorities, not just for exceptions, not just for the Roosters, and not just for same sex couples living in a sexual relationship. We should not be governing just for them. Why was this amendment so readily agreed to? Is it in desperation to get the bill through? I encourage private members to get their bills through, but it is really just the Roosters amendment.

Ms BEDFORD: According to the Australian Institute of Criminology, lesbians are six times more likely and gay men four times more likely to suffer violent crime than heterosexual men and women. That is part of the problem that we are trying to deal with. Because of social prejudice, the issues coming out of, and the alarming threat of, homophobic violence, it would be likely to be more immediately concerning to a greater proportion of couples seeking a declaration and may therefore, as I said before, be part of the reason why they would not try to access their super. It is very obvious.

Dr McFETRIDGE: As I understand it (and I would welcome the advice of the Attorney or other learned lawyers in this place), heterosexual couples can apply for a suppression of names. Why is it that homosexual couples cannot

apply for a suppression of names? It would make it exactly the same. Some gay couples would be proud to have it known that they are living in a relationship like this. Do they have to apply to have the suppression removed? Why is it that they cannot apply for a suppression, just like a heterosexual couple can, and be non-discriminatory?

Ms BEDFORD: Apparently there is a bill before the chamber that deals with that, and all that the member from the other place has done is anticipate that bill.

Mr WILLIAMS: I seek clarification of that answer because I do not know whether I heard correctly what the member said. The member for Morphett asked the same question that I was going to, and to my mind it has not been answered. Can the Attorney explain what the situation is and why we need this amendment? Why does the bill need this amendment? Like the member for Morphett, I would have thought that persons wanting to avail themselves of new section 7A could make representation to the court to put a suppression order on the information that this would convey automatically.

The Hon. M.J. ATKINSON: Liberal Party members do not talk to one another in their party room. Listening to members opposite on this amendment, one would think that this amendment was space junk—that it came from the depths of outer space. It came out of the Liberal Party room. It came from the Hon. Angus Redford. He moved the amendment. It was not originally in the member for Florey's bill. It was a Liberal amendment. It was an amendment from a Liberal MP.

Mr SCALZI: I take a point of order.

The Hon. M.J. Wright: What do you mean 'point of order'? He has been asked a question.

The CHAIRMAN: Order! The member for Hartley.

Mr SCALZI: The Attorney says—

The Hon. M.J. Wright: It has already been asked. Is it a point of order or not? What is your point of order?

The CHAIRMAN: Order! What is the point of order? I do not need help from the Minister for Transport.

Mr SCALZI: My understanding is that this is a private member's bill and the Attorney referred to it as a Liberal bill. That is wrong and I ask him to withdraw.

The CHAIRMAN: I cannot control what the Attorney says. He is expressing a view which he is entitled to do in committee, as long as he keeps within standing orders.

The Hon. M.J. ATKINSON: This amendment was moved by a member of the Liberal Party room.

The Hon. D.C. Kotz: A member of parliament.

The Hon. M.J. ATKINSON: So, according to the member for Newland, he is no longer a member of the Liberal Party. He is just a member of parliament when he moves an amendment to which she is opposed.

Mr WILLIAMS: On a point of order, notwithstanding what the Attorney is saying, my question is—and I still fail to understand—

The Hon. M.J. Atkinson: I am coming to that.

Mr WILLIAMS: Can you come to it? Can you come to the question?

The CHAIRMAN: What is the point of order?

Mr WILLIAMS: The point of order is relevance. We have now had two questions asked from this side wondering whether the court be limited to offering suppression to any person who applied, and what is—

The CHAIRMAN: The member has gone beyond a point of order. The Attorney is entitled to express a view in here as long as he does so in accordance with standing orders. I cannot gag the Attorney.

Mr BRINDAL: On a further point of order, there is a standing order that does not allow the Attorney to misrepresent. Any member who believes he is misrepresented is entitled to protection under standing orders. I claim to have been misrepresented, and I ask the Attorney to withdraw. I claim to have been—

The CHAIRMAN: Order! The honourable member is going beyond a point of order. If he is alleging that someone has misrepresented or misled the chamber, he should move the appropriate motion. As I understand it, the Attorney is expressing a point of view, which he is entitled to do under standing orders in committee. If the member disagrees with him, he has the chance to disagree.

The Hon. M.J. ATKINSON: This is the kind of infantile disruption we used to see in the Australian Union of Students in the 1970s.

The Hon. D.C. Kotz: You are well versed, then.

The Hon. M.J. ATKINSON: Yes, I am, as a matter of fact, but I tried to leave that behind when I became a member of parliament. I will state this in a way that not even the member for Newland can disagree with. This amendment was not in the member for Florey's bill. In another place it was moved by a member of the parliamentary Liberal Party. Are we agreed on that? I notice that the member for Heysen nods, so we must be in agreement on that. It is not space junk. It did not come from the depths of outer space. It came from a member of the Liberal Party.

The answer to the question is: it so happened that, at the same time the Hon. Angus Redford had the thought that it would be a good idea to forbid the publication, broadcast or telecast of details of a court case about property division between same sex couples, the government had the same idea about de facto couples generally.

Our idea is that de facto couples whose property division goes to court here in South Australia should have the same protection from publication, broadcast or telecast of their private affairs as married couples divorcing in the Family Court. In the Family Court since 1975 there has been blanket suppression of the details of a court case about property division. If any member opposite disagrees with that provision in the Family Law Act, let them speak now or forever hold their peace.

Mr BRINDAL: I rise to simply clarify this point. The member is quite right in saying that the Hon. Mr Redford from another place is a member of the Liberal Party. However, what he misrepresents is that this matter, as my colleagues have explained, is a conscience vote. It is a reasonable criticism for the Attorney to turn around and say, 'As he's your colleague, why haven't you discussed it with him?', but it is not reasonable to suggest that this matter was fully canvassed in the party room, as it is a conscience vote—

Ms Rankine interjecting:

Mr BRINDAL: We can do this the easy way or the hard way.

The CHAIRMAN: Order! The member for Wright is out of order. The member for Unley has the call.

The Hon. M.J. Atkinson interjecting:

The CHAIRMAN: The Attorney is out of order.

Mr BRINDAL: As this is a matter of conscience in the Liberal Party, the matters are often discussed in general in the party room, but it will and does happen that a member in their house will make a decision or move an amendment, which not everybody is aware of at the time because that is the member's right according to our rules. That is the situation in this case, and the Attorney might rightfully say that

perhaps somebody should have talked to the Hon. Mr Redford outside, but it is not unreasonable to seek an explanation in this place, and it is wrong to suggest, as did the Attorney-General when he started, that it came out of the Liberal Party room: that is wrong and gives a wrong impression. It came from a Liberal Party member who is a member of the Liberal party room, but it was not a matter of discussion or explanation in so far as that explanation occurred personally between friends in the corridor.

The Hon. M.J. ATKINSON: Let us be clear about this. The members for Hartley and Newland, all through debate on the bill, publicly have tried to pin exclusive responsibility for this bill on the parliamentary Labor Party. The members for Hartley and Newland are in high dudgeon because the members for Heysen and Unley and the Hons Angus Redford and Diana Laidlaw are the reason this bill is going through. They are the causa causans: but for those four members of parliament, the same sex superannuation bill would not be going through. As far as the member for Hartley and the member for Newland are concerned, this pertinent fact has disappeared down the memory hole because it is inconvenient.

When you are rabble-rousing in front of the Australian Family Association and the Festival of Light, as the member for Hartley was doing a few weeks ago, it is awfully inconvenient that, but for his Liberal Party colleagues, this proposed law would not be going through, so he has to avoid mention of it. Part of living this lie is that when the bill is in committee you have to pretend that the provision on blanket suppression did not come from a member of the parliamentary Liberal Party, as in fact it did, but that it came from the Labor Party, which is why questions are being asked of the member for Florey and me. But, in the interests of helping the house and being a friend of the committee, I have consented to come down here and answer a few questions about the Hon. Angus Redford's Liberal amendment.

The CHAIRMAN: The committee should be discussing the merits of the amendments and not straying into extraneous matters. The member for MacKillop.

Mr WILLIAMS: I certainly appreciate your comment, Mr Chairman. It is the Attorney's wont to play politics with everything he touches. The problem the Attorney has is that the Labor Party has been whipped into submission on this matter, which generally has been taken by both major parties as a conscience issue: that is the problem. The Attorney would want the committee to think that the Liberal Party is not treating this as a conscience issue. The Liberal Party is treating it as a conscience issue. The Attorney would also want the committee and the community to think that the Labor Party had not been whipped into submission on this matter. Let us not beat around the bush on that.

The Labor Party is treating this as though it were a government measure. They are voting on this—and have done so in both houses—as though it were a government measure. No member of the Labor Party is allowed to dissent: that is the reality. It ill behoves the Attorney-General to make out that is not the case. To come back to the matter at hand, I came in here and asked, as did the member for Morphett, a very simple question.

The Hon. M.J. Atkinson: And you got an answer.

Mr WILLIAMS: I have received no answer.

The Hon. M.J. Atkinson: You got an answer.

Mr WILLIAMS: I am still unaware of whether it is within the capacity of the court, if this amendment, which the member for Florey has asked us to support, does not go through and her bill passes through the parliament without it: is it within the capacity of the court to accede to a request by a person before the court to have the relevant information, specified in this amendment, to be suppressed by the court? That was the question and nothing to do with all the other political nonsense. The Attorney might answer the question.

The Hon. M.J. ATKINSON: There is a suppression provision in the Evidence Act, but it would be unlikely in a civil case such as this to be able to make a successful application to suppress the parties' names, so the existing law does not give de facto couples, whether heterosexual or same sex, the same protection when their property disputes are before the courts as have married couples under the Family Law Act. If this amendment from the Hon. Angus Redford (Liberal) did not go through, that capacity to maintain privacy would not be available but, as it happens, the government has a bill before the house (I think it is the courts legislation) that would apply this provision to all de facto couples and, if it were to go through both houses and become law, privacy would automatically be obtained for de facto couples.

An honourable member: Automatically?

The Hon. M.J. ATKINSON: Automatically. I think the *Advertiser's* coverage of the property disputes of some de facto couples, who are not famous people, who are not public figures, has been prurient and undesirable.

The CHAIRMAN: I again remind the committee that we should get back to the substance of the matter.

Mr WILLIAMS: I thank the Attorney for the explanation. Unfortunately, many of us are not legally trained and do not have experience of the court system. I know that a lot of work we do relates to what happens in the court system but, not having a complete understanding, sometimes when legislation goes through this place it is a little difficult for some of us to understand exactly the ramifications of it. I guess my understanding of the court system that we enjoy, as limited as it is, is that most of the things that happen in a court happen in an open and exposed way, so that the general citizenry but, in particular, those who might otherwise have an interest, will not be caught in ignorance of a process that is going through the court. This is my concern about this measure.

There may be parties who may, if they knew what was happening in the court, have an interest. But if they were in complete ignorance—as they would be held in ignorance because of these provisions—they may not know that a process was going through the courts in which they may have an interest. That is my concern about the measure. I certainly take on board the points that the Attorney made in his answer to my previous question. But can the Attorney assure me that this measure will not have an unintended consequence—that it would leave some parties, through their ignorance of the matters before the court, outside the deliberations of the court and not in a position to put evidence to the court that may change the court's final determination?

The Hon. M.J. ATKINSON: After taking advice from a learned member of the opposition, and comparing notes, together we can give the member an answer, which is two-thirds the member for Heysen's. I think the superannuation fund would be a respondent to the claim. So, the superannuation fund would have an interest in putting the claimant to the test in order to protect the assets of the superannuation fund. Also, I think that, at the first directions hearing of the case, the judge would ask, 'Who else is interested in the outcome of this action?', and that would include beneficiaries and potential beneficiaries of the will—and not just named beneficiaries, but also people who might have a claim under

the Testators (Family Maintenance) Act (as it was called when I was at law school), that is, people not named in the will, but who think they have an entitlement to the will. I think it has a different name here in South Australia.

So, the court would insist on notice being served on other parties, such as members of the deceased's family, that the action was on foot. If the claimant swore on oath that there were not other people interested in the estate when there were, that claimant would be in serious trouble, indeed, if they later emerged. Moreover, not only would the superannuation fund be a respondent, but I would imagine that the executor would also be roped into the case. I would be very surprised if people with an interest were not notified of a relevant case and that their interests were defeated by the blanket suppression provisions. Just as it would not occur for heterosexual de facto couples, I do not believe that it will occur for same sex de facto couples in the way in which the member for MacKillop suspects.

Mr BRINDAL: Notwithstanding the histrionic outbursts that the Attorney occasionally adopted in this debate, he has convinced me of the merits of the case. The member for—

An honourable member interjecting:

Mr BRINDAL: Sorry, and the member for Heysen. The member who sponsored this bill knows that I have been worried about this provision. The Attorney, in putting his case, said that the Family Court sends a date, and the Attorney gave a date as giving a blanket suppression order to all these people. I simply ask the Attorney: is a blanket ruling a matter of the procedure of the court or is it a matter of law? While I support what the Attorney is doing, the situation could arise (unless it is a matter in the law related to the Family Law Court) where the Family Law Court, having done this, could lift that suppression order and you would be in the bizarre situation where, following its example, we have protected de factos and we have protected gay couples.

I ask the Attorney whether it is a matter of law or a matter of principle. Also, as an adjunct, I ask the Attorney whether, in general, he thinks that the Family Law Court is a good exemplar of law making and law jurisdiction? I would be very interested in his answer to that last question, as we are now following the Family Court because it does it. Is the Family Court a jurisdiction of competency that we should be following, because in some other areas I wonder whether it is?

The Hon. M.J. ATKINSON: The suppression is a matter of law. As far as I know, there are no exemptions, and I am not going to be tempted by the honourable member's irrelevant question.

The CHAIRMAN: Could I clarify whether we are dealing with these amendments en bloc? I take it that we are dealing with all the scheduled amendments?

Mr SCALZI: We did. If we went through the bill clause by clause we would have a lot more questions. The member for Florey stated in her earlier contribution that same sex couples are likely to suffer six times more violence than heterosexual couples and that is one of the reasons for this provision. Does the honourable member not say then that a provision for protection is equally warranted for the one in six, or should the protection be afforded only to minorities?

Ms BEDFORD: In my contribution I mentioned that lesbians were six times more and gay men four times more. So, I mentioned both.

Mr SCALZI: Than heterosexual couples, you mean? Okay. The provisions that will be legislated for heterosexual couples will not mirror this legislation with the same provisions of one year imprisonment and a $5 000 fine. If it does not, we will not be affording the same provisions.

The CHAIRMAN: Just before the Attorney responds, if he chooses to do so, my understanding is that there was a motion that these amendments be considered en bloc. However, if any honourable member wants them to be voted on separately they can be. Does the committee understand that? They are being considered en bloc in discussion and questioning, but if an honourable member wants them to be voted on separately they can be at the end of that process. Does the Attorney wish to respond?

The Hon. M.J. ATKINSON: The answer is that I do not know because I am not responsible for the Hon. Angus Redford (Liberal) amendment to the bill. I have just come in here for this debate to try to be helpful as a friend of the committee in answering questions, with the assistance of my learned friend the member for Heysen. But if there is an inconsistency between what I have put in the court's bill by way of punishing the breach of the blanket suppression for de facto couples' property settlements generally and what the Hon. Angus Redford (Liberal) has moved in this bill, I imagine it will be resolved either during the committee consideration of the courts bill or subsequently when the Hon. Angus Redford (Liberal) amendment becomes redundant when the courts bill becomes law.

Mr Brindal interjecting:

The CHAIRMAN: Order! The member for Hartley.

Mr SCALZI: The Attorney is going to bring that in, but could the Attorney just tell us whether, in that provision, there is a $5 000 fine or one year imprisonment? Surely the Attorney would be able to remember whether that provision was there.

The CHAIRMAN: The Attorney can choose to reply or not.

The Hon. M.J. ATKINSON: The material is available to the member for Hartley if only he will read his bill folder.

The CHAIRMAN: The chair is being flexible given that we are dealing with these amendments en bloc. I do not want to be unduly restrictive so that members feel they are denied an opportunity to question, but the questions must be relevant to the substance of the amendments.

Mr SCALZI: The Attorney has answered the question in part. It is pleasing to see cooperation with the members opposite with respect to this amendment. I just wish to put the matter in perspective. When the Attorney states that this bill would not have been passed if it were not for four members of the Liberal Party, the reality is that all members of parliament are equal and their votes are equal. The Attorney fails to acknowledge that the Labor government voted en bloc. Four members of parliament, regardless of which party they belong to, cannot pass the bill.

I just wanted to put that on the record. The Attorney fails to put that in perspective and tends to gloat that members of parliament from this side of the house have a conscience vote. In fact, I have the greatest respect for the member for Heysen, who does not agree with me on—

The Hon. M.J. Atkinson: You never talk about her at Festival of Light rallies, do you? She does not exist there.

Mr SCALZI: No, I have said to many people that I agree to defend her right as she agrees to defend my right.

The Hon. M.J. Atkinson: She disappears down the memory hole when you are rabblerousing.

Mr SCALZI: No, she does not. In fact, I have the greatest admiration for the member for Mitchell, because he is consistent and open, as is the member for Florey. I will disagree with her position but I will defend her right to

express that position.

The Hon. M.J. ATKINSON: It was I who turned up at the rally and supported the bill—

The CHAIRMAN: Order! The committee has to focus on the amendments and not canvass second reading-type debates. We need to come back to the schedule of amendments made by the Legislative Council.

The Hon. M.J. ATKINSON: My understanding is that in the amendment that comes from another place the penalty for breaching the blanket suppression is a maximum fine of $5 000 or one year's imprisonment and, if the member for Hartley will only refer to his bill folder and look at proposed section 14A of the De Facto Relationships Act, he will see that the penalty for unlawful publishing of the details of a court hearing of a property division between de facto couples is a maximum penalty of $10 000 or imprisonment for two years and, at the end of the day, I would imagine that would prevail.

Mr SCALZI: If that is the case, why not mirror that amendment? I just wanted to make sure that the committee was aware that there was a difference.

Mr MEIER: After listening to the debate so far, I can see that many members here are flying blind. They do not really understand the situation.

The Hon. M.J. Atkinson interjecting:

Mr MEIER: I will acknowledge that the Attorney has sought to help. I thank him very much for providing his services to the committee; that is acknowledged. I should have thought that the Attorney would be the first to agree with me that many members seem to be flying blind. Members would know that I was totally opposed to the original bill, and I am equally opposed to this amendment. I do not believe that it is right for us to seek to pass this amendment now—

The Hon. M.J. Atkinson: Will you be voting against the court's bill? Tell us about that.

Mr MEIER: We have another bill before us with a different penalty, so why not get some similarity into it—some consistency—or does this government not want consistency? Maybe it does not, I do not know. Surely, the obvious way around this would be to report progress so that further discussions can occur, and have legislation dealt with the way it should be dealt with—in other words, given appropriate time and consideration. This bill has been before us for about four years now, and the member for Florey would surely know that another few weeks will not make a scrap of difference, and it may resolve this in a positive way.

The Hon. M.J. Atkinson interjecting:

Mr MEIER: Obviously, the Attorney-General does not agree with me: he wants it to be in bits and pieces—one to be $5 000 and the other to be $10 000. I cannot see why he would advocate that. Maybe I am interpreting him incorrectly. The Attorney said earlier that heterosexual couples are protected in the Family Court through divorce and that no detail is released. I have no objection to that, but I am still to be convinced.

The Hon. M.J. Atkinson: You only want to deny it to same sex couples. They have to have their property division in a blaze of publicity.

Mr MEIER: No. The member mentioned the divorce court. What does the divorce court have to do with superannuation? Is that determined in the Family Court as well?

An honourable member: Absolutely.

The Hon. M.J. Atkinson: Yes.

Mr MEIER: All right, so there is protection there. But, again, my point is that it is very different for homosexual couples. In the case of heterosexual couples (or, should I say, married couples) it is quite clear: you can find out who you were last married to, and that would be the person who inherits the superannuation.

Mrs Redmond interjecting:

Mr MEIER: Or I guess it can always be before the courts. Marriage does not yet apply in this land for homosexual couples, and I hope it never does, but that is another issue. Therefore, what hope does another partner have of challenging for a superannuation entitlement if it is held in secret and never disclosed? Surely, those issues have to be considered as well. Again, we are flying blind. I do not believe that the majority of members have any idea of the implications of this bill.

I will make just a few comments on the Attorney's very early remarks when he indicated that, surely, this had been discussed within the Liberal Party room. It was highlighted, I think, by the member for Hartley, and I restated it: it is a conscience issue, so members make up their own mind. It is not something which is discussed within the party as a whole to determine a position, which is very different from other legislation that is not considered to be a conscience issue. So, let us get that clear in our minds. And, certainly, being a conscience issue, members are entitled to move amendments as they see fit, and one member in another place did that. I personally disagree with what the member was trying to do, but I disagree totally with this bill, so I guess that is not surprising.

I believe the only way around this is that progress be reported so that due consideration can be given to this bill and we do not pass legislation that will have problems—and another few weeks will not make any difference. Other members may want to speak before I move that motion.

Dr McFETRIDGE: I seek a further point of clarification on the penalties. The courts bill amends the De Facto Relationships Act 1996, which provides:

> 'de facto relationship' means the relationship between a man and a woman who, although not legally married to each other, live together on a genuine domestic basis as husband and wife.

It does not mention partners of the same sex. Will we then have to amend the courts bill to include the same sex superannuation bill so that the penalties are consistent? Or is it separate like the Roosters amendment?

The Hon. M.J. ATKINSON: In practice, I do not think the penalties are very inconsistent. It will not make any difference, in practice, to the punishments applied by the court, and I think breaches of this provision will be very rare if, indeed, there is ever a breach. But the member is right in thinking that, as things stand, the De Facto Relationships Act is confined to heterosexual couples although, as the member would also know, there is in train a revision of all those laws which treat homosexual people differently from heterosexual people, and the government will introduce some legislation on that matter later this year or next year which will cover many topics. But I can assure the honourable member that there will be a bill to that effect, and I would be surprised if a change to the De Facto Relationships Act was not part of it.

Mr MEIER: To endeavour to avoid bad legislation being passed by this parliament, I move:

> That progress be reported.

The committee divided on the motion:

AYES (19)

Brokenshire, R. L. Brown, D. C.

AYES (cont.)

Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	McFetridge, D.
Meier, E. J. (teller)	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (26)

Atkinson, M. J.	Bedford, F. E. (teller)
Breuer, L. R.	Brindal, M. K.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Redmond, I. M.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Wright, M. J.

Majority of 7 for the noes.

Motion thus negatived.

The committee divided on the motion that the Legislative Council's amendments be agreed to:

AYES (25)

Atkinson, M. J.	Bedford, F. E. (teller)
Breuer, L. R.	Brindal, M. K.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (21)

Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Scalzi, G. (teller)	Venning, I. H.
Williams, M. R.	

PAIR(S)

Majority of 4 for the ayes.

Motion thus carried.

STATUTES AMENDMENT (DUTIES TO PREVENT FIRES) BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 3191.)

Dr McFETRIDGE (Morphett): Bushfire prevention is a topic of which every South Australian should be aware, having watched television footage showing the suburbs of Sydney and Canberra burn. Let us hope that that never happens here in South Australia. However, Ash Wednesday 20 years ago does not seem too far away if you live in a bushfire-prone area. We could have a Sydney or Canberra situation at any time during our long, hot fire seasons in South Australia.

I spent 14 years in the Country Fire Service, part of which was spent in the Happy Valley CFS. I attended many bushfires in the outer urban areas of the southern metropolitan area in the seats of Fisher, Davenport, across into Heysen and certainly into Mawson and Finniss, out to Morialta and up to Kavel. All those electorates have areas which are tinderboxes by the end of January and early February, which is the peak of the fire season in South Australia.

Some of my time in the Country Fire Service was devoted to bushfire prevention. That does not just mean going out and educating people, although that is a crucial part of bushfire prevention today. We have to make people aware of the potential situation in which they live. There is nothing nicer than sitting out on your back verandah in some of the beautiful foothills of South Australia, with the birds singing in the clean, crisp air and a bottle of McLaren Vale wine on the table, to which the member for Mawson referred. Ignorance can be bliss but, with a change in the weather and a north wind, the fire index can soar, and some careless person, who has no awareness of bushfire prevention, can cause an absolute disaster. We saw such a situation in Canberra, in Sydney and in South Australia on Ash Wednesday.

People living in the outer urban areas and in the hills around Adelaide do not realise that the fuel loads which exist now, and which existed last summer and the summer before, are becoming more and more dense. It does not take much to maintain a fire when there is low humidity, high temperature and high winds. In Canberra, we saw the woodchip gardens and the bark on the trees burn for hours in just such conditions. I shudder when I think about the crown fires that could go through Stirling, Mitcham, Burnside and some of the outer suburbs. The television footage that was shown at the bushfire summit was a very salient reminder of what can happen.

My father was involved in fire prevention and fire safety with the Metropolitan Fire Service for many years. All my life, I have been aware of the potential danger of bushfires. It is so important that this house and this government do what the people of South Australia require of us, that is, to take a responsible attitude to bushfire prevention. The bushfire summit was attended by many of my former colleagues in the CFS, and certainly I have a great deal of faith in their ability to do the right thing by the people of South Australia.

Bushfire prevention is one small part of the whole spectrum of bushfire safety in South Australia. However, this bill, introduced by the member for Mawson, ensures that people who live in the Hills and in rural and outer urban areas take precautions. I have attended bushfires where people have said, 'It won't matter. We've got overhead sprinklers. We'll be okay. We'll go out the back and do some welding today,' and then suddenly the next-door neighbour's place and the whole of the valley is on fire. Hundreds of thousands of dollars of damage can be caused by one careless act.

The duty to prevent bushfires extends not only to complying with the regulations and stipulations of a fire ban, such as clearing around a work area, which is only a small part, but

also to having some commonsense. Unfortunately, commonsense is rare, so we have to introduce regulations and legislation to ensure that people realise their obligations. It is a crying shame to see the suffering of innocent victims—the neighbours of people who do not take care. I know that there are those in this place who have suffered family and property loss through bushfires ravaging their properties. Many of these bushfires and much of the harm suffered and damage caused could be prevented by simple hazard reduction and bushfire prevention. The onus is not on members of the CFS, the MFS or the local council: it should be on the individual, and this bill achieves that. We must never forget that we are responsible for our own actions.

We have seen the drunk's defence with drink-driving and crime. We never want to hear any lame excuses, such as, 'I didn't know there was a fire ban'; 'I didn't know I had to clean around my house'; or, 'I didn't know I had to have a knapsack, a hose or a long-handled shovel around when I was doing a bit of welding or a bit of grinding.' We do not want those lame excuses.

So, whilst education is a significant and very vital part of bushfire prevention, ensuring that people put measures in place to reduce the chances of accidental fire on their property spreading to their neighbours should be paramount. I would feel devastated if I owned a property and I caused my neighbours terrible grief, involving not only property loss but, more drastic still, loss of family or stock. The need for everybody in South Australia to be vigilant cannot be overemphasised—not only to prepare for bushfires but also to prevent them by prophylactic action.

We should never forget Sydney, Canberra or Ash Wednesday. The government needs to get its act together but not with summit after summit. The bushfire summit was a great talkfest, and I know that a lot will come of it—not because of the government but because of the people who participated. They are genuine people who volunteer and who are genuinely concerned about the welfare not only of themselves but of their neighbours and their communities.

It is so heartening to have these volunteers, who must save this state millions, and probably billions, of dollars. The member for Mawson will remind me of the number of members of the CFS we have in South Australia.

Mr Brokenshire: There are 16 500.

Dr McFETRIDGE: We have 16 500 members in the CFS at $25 an hour! They are something to behold. I have great pleasure in supporting this bill.

The Hon. G.M. GUNN secured the adjournment of the debate.

[Sitting suspended from 6 to 7.30 p.m.]

MINING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 3048.)

The Hon. G.M. GUNN (Stuart): I indicate that I am not the lead speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. GUNN: I am in a particularly good mood tonight and, if members want to provoke me to speak at considerable length, if they want to make me the lead speaker, I will keep them here for two hours tonight; but that is not my intention. Let me say from the outset that the mining industry is not only important but it is absolutely essential if the economic welfare of the people of South Australia is to maintained. Therefore, the government and the parliament have to be particularly careful in passing any amendments to the Mining Act that may cause difficulties, unduly interfere with or make life more difficult for those involved in the extractive and mining industries. Therefore these amendments, which are of a miscellaneous nature, need to be taken into account very carefully.

In my time in this parliament, Mr Speaker, as you would know, I have had the privilege of representing all the opal fields in South Australia. I was a member at the time of all the controversy of the Roxby Downs development, which has turned out to be one of the great mining developments in the world, and I well recall going to the Olympic Dam site when the first bore was put down. I have also had the pleasure of representing Iron Knob, Iron Baron and Iron Duke, and Iron Knob was where BHP was founded. I have also represented the goldfields at Teetulpa, with which you are somewhat familiar, Mr Speaker, Radium Hill, and a number of minor operations such as the copper mines south of Woomera. Until some time ago, I had the only remaining gold battery operating in South Australia at Peterborough in my electorate. So, I have some general knowledge.

This measure gives the minister a number of particularly interesting powers. The first one deals with exploration licences and the ability of the minister to extend an exploration licence beyond five years. It is essential for people carrying out exploration that they have certainty and know that, if they are spending a lot of money in very detailed exploration, they have a licence that will allow them to continue into the future so that they can assure themselves that any mineralisation is of substantial quantities and will allow further work to be carried out.

The bill also provides that, in general circumstances, the minister cannot issue an exploration licence in excess of 1 000 square kilometres, although there are one or two exceptions. It also mentions the opal fields and precious stone operations, which cannot exceed 20 square kilometres. It is true to say that the opal mining industry has been a particularly interesting exercise and, in my time in the parliament, some of my first experiences dealing with the Mines and Works Inspection Act concerned how it operated in relation to the opal fields. It is important that we give people encouragement to explore in the opal fields. If the exploration is successful, they should have the ability to peg enough claims so that they can have some surety and so that they know that they can get a return on the investment they have made in expensive exploration.

One of the problems facing the opal mining industry at present is that not enough exploration is taking place. There is not enough prospecting, so new fields are not being opened. In recent times a considerable amount of work has been done and opals have been found at Lambina in my electorate. Unfortunately, there has been a great curtailment of operations at Mintabie. There is a need to come to terms with the difficulties that have been caused by the unreasonable restrictions in the Pitjantjatjara lands. I do not believe that it is to the short-term or the long-term benefit of our indigenous communities in the AP lands to have in place these unreasonable restrictions, which have prevented responsible mining.

I am aware of the history of the mining activity at Mount Davies at Pipalyatjara, and of the sort of villains who were

involved in the chrysoprase mining there. It is very important in any new measures that we grant to the minister that these provisions encourage and assist people to come to South Australia and invest with confidence, because, in my view, a great deal of exploration work is still to be carried out in South Australia. Hopefully we have the ability and the opportunity to find more areas like Roxby Downs.

The bill also contains amendments dealing with entry to land and how it may be authorised in relation to the Native Title Act, and various other miscellaneous provisions. Let me make clear from the outset that the opposition supports it, as we strongly support the mining industry. I sincerely hope the provisions of this legislation in no way affect the exploration at Yumbarra. I sincerely hope that it is not used to restrict exploration in national parks where there are provisions. I have been told that certain elements within the Department of Environment are trying to get their claws into the Paney station, the Gawler Ranges National Park, where a lot of money has been spent on exploration work, and into the Pinkawillinie National Park, where there are mining exclusions. I understand that pressure is being put on the government to restrict activities in those areas.

Who is leading the charge? Is it the former Wilderness Society officer in the minister's department, Vera Hughes? Who is it? People are most concerned about it. I say to the minister that the government needs to stand up to these people and put South Australia first because the mining industry has the ability and capacity to generate thousands of jobs, provide huge amounts of revenue through royalties and indirectly to the economy of South Australia, which will benefit everyone. I support the bill. My colleague the shadow minister is now present and I will allow him to speak unrestricted.

The Hon. W.A. MATTHEW (Bright): I rise on behalf of the opposition to support this bill and in so doing commend my colleague the member for Stuart for his spirited defence and advocacy on behalf of the mining industry tonight, as is his way. As you and I know, sir, the member for Stuart represents a significant proportion of the mining interests in this state through his electorate coverage. He and you also, sir, represent a significant proportion of the mining industry area and know full well that this is an important industry to our state. The mining industry contributes more than $2.2 billion to our state's economy—more than 7 500 direct jobs—and any bill that comes before this place that affects an industry of such import must be scrutinised in a very serious manner.

We are pleased to support this bill on this occasion because essentially the bill was drafted in our time in opposition, and my only disappointment is that the bulk of this legislation has taken so long to come to this place, as has other legislation that was commenced during our time in office. In view of the priority that has been given by this government to the mining industry, its laxity in bringing forward important legislation is hardly surprising. This legislation has been introduced at the eleventh hour. An important aspect of this legislation is needed because we have part of an act expiring on 17 June this year—and I will come back to that shortly.

Essentially, the bill is non-contentious. It is a procedural bill and makes a number of amendments of an administrative nature to the Mining Act and the Opal Mining Act. Effectively, the existing Mining Act does not recognise indigenous land use agreements (or ILUAs, as they are commonly referred to), even though such agreements can be validly negotiated under the commonwealth Native Title Act.

The bill provides for minor amendments to part 9B of the Mining Act to enable the minister to grant mining leases to proponents who have negotiated an ILUA and have had that agreement subsequently registered by the national Native Title Tribunal. It also makes various amendments to part 5 of the Mining Act dealing with exploration licences to effectively enable a more efficient turnover of exploration ground in order to facilitate new exploration. I negotiated this in detail with my department in my time as minister. The amendments were drafted at that time and I am pleased they have now finally made their way into this chamber. They also include the introduction of smaller maximum size areas for licences and effectively a more prescriptive process for the renewal of exploration licences at the expiration of five years.

The bill defines 'mining' under section 6, so that investigations and surveys carried out by authorised officers under section 15 of the act are not classified as mining. These activities are essentially either geological or geophysical investigations and are consistent with the role of the department and the orderly management of the crown's mineral resources and the promotion of the mineral potential of this state. A particularly important activity and a significant component of this activity has been funded through the TEiSA program. You, Mr Speaker, are a strong advocate of that program, as am I, and it is particularly disappointing that the government has seen fit to reduce the program by almost $1 million. It is a tragedy because it means there will be less exploration at a time when this amendment, drafted by our government, is going through to encourage greater exploration and turnover, and that is tragic.

Flowing on from that amendment the bill also makes changes to section 15 to provide that the minister may publish a notice in the *Government Gazette* setting out areas of the state that will be subject to government investigation and surveys. It is particularly important because it keeps the whole process above board and ensures that people in the industry know those areas where data is to be collected in advance. This will particularly be used where it is expected that surveys will take some time and, for the benefit of South Australians, the areas effectively will be exempt from exploration mining for a specified period. Importantly, the owner of any land affected by any such investigation or survey will retain the right to compensation for disturbance of the land.

A further amendment through this act is the introduction provision whereby the minister may delineate exploration licences in such a manner as the minister deems appropriate, thereby allowing geodetic data system GA94, currently used by other states and territories, to be used as a new standard for South Australia, and we believe that is an important change.

The bill also repeals section 87 of the Mining Act, which provides that where a company making application for a mining tenement is a subsidiary of another company evidence of that fact must be presented to the minister. Further, where the parent company, the tenement holder, is taken over by another corporation, the minister's approval to that takeover is required. No other state or territory has this provision in legislation. It is considered to be an unnecessary administrative procedure. It was put in the legislation at a time where there was concern about takeovers and significant companies operating in South Australia and has passed its use-by date.

The operation of the South Australian right to negotiate schemes under both the Mining Act and the Opal Mining Act 1995 generally has been acknowledged as being relatively successful to date, and at present these schemes contain a sunset clause. That is an important reason why this bill is now being rushed through the house. That sunset clause expires on 17 June—a few days' time. The bill provides for the repeal of these provisions, so these schemes, which are acknowledged as being effective, can continue to operate for the future. Therefore, it is vital that the bill be proclaimed prior to 17 June, and for that reason the opposition was eager to agree to the government's request that this bill move through.

It is somewhat of an irony that this bill in relation to mining is going through our house at a time when I have seen an uncharacteristic attack on the government by the South Australian Chamber of Mines and Energy. The chamber is not a political body. In fact, the chamber supports the mining industry in this state and advocates on its behalf, but it and the companies are so distressed by the approach taken by this government to the mining industry that on 29 May this year it put out a media release, which refers in part to the issues covered by this bill. It refers in particular to the funds available for native title works and clearances and states:

> Access to land in a timely and cost effective manner is critical to many companies with business interests in the resources industry.

Mr Phil Sutherland, the Chief Executive of the chamber, is quoted as saying:

> . . . it is of very serious concern the budget does not include a clear statement of continued fiscal support to the Aboriginal Legal Rights Movement so that they can continue to be at the negotiating table (with the resources industry, government and other stakeholders) in the development of regional land access agreements templates (ILUAs). All of the parties to these negotiations expect a successful outcome in the near future. The withdrawal of government support now, at the eleventh hour, would be a deplorable waste of resources to date, and a step backwards.

Those are, indeed, very concerning words, for here we have before us a bill that recognises indigenous land use agreements within the Mining Act while, at the same time, the state government is pulling out the funding that goes to groups such as the Aboriginal Legal Rights Movement to enable them to negotiate those very agreements. What an irony it is that we have this bill before this house at this time.

I wish to acknowledge and put on the record formally tonight my respect for Mr Parry Agius from that organisation, who is, indeed, an individual who champions the cause of Aboriginal people in this state, and who does so with efficiency, professionalism and dignity. I am pleased to say that he has provided me with an enormous amount of education as to the beliefs of Aboriginal people and the importance of the ILUA agreements, and he has been singularly successful in helping to instigate this process. It would be tragic if the role of people such as that was thwarted through a lack of state government funding. The legislation going through is fine, but the funding needs to be behind it. Mr Sutherland also stated in his press release something else that I believe is important to put on the record. He said:

> The resources industry is at the cusp of realising significant economic benefits for South Australia. We would have thought that the budget would reflect this potential. Unfortunately, it doesn't. Putting aside the budget, any government recognition of the resources industry falls short of its commitment to some other industries including defence, wine, motor vehicles and tourism. We are not saying that these industries are unimportant. What we say is that the government must, in the allocation of its resources, give consideration to the capacity of the various sectors to contribute, over the long term, to the growth and prosperity of South Australia. For example, the resources industry is the second largest export industry in South Australia, ahead of the wine industry. With appropriate government support, the resources industry could be the largest exporter.

Mr Speaker, I know that that is something of which you are also appreciative, as is the member for Stuart, and the member for Schubert, who is also in this chamber. It is vital that the government does not simply pass legislation before this parliament and give lip-service to supporting the mining industry. It is important that it demonstrates its support through the funding of the industry and, further, through ensuring that bureaucracy is out of its way. The industry is particularly distressed at the government's announcement of its intention to increase mining royalties from 2½ to 3½ per cent. Again, the chamber has had a lot to say about that, and I have put that on the record in this house during another debate.

It is vital that this government takes note of the resources sector for, if it does not, be it upon this government's head. What I now see is an industry sector that is angry about this government, and it is an industry sector that will not sit down and keep quiet. It is an industry sector that will not be battered again, for it has been there before. It has been battered under a Labor government before—it has been battered under a Labor government that referred to Roxby Downs as 'a mirage in the desert'. It is suspicious about a Premier who was, during that time, a public advocate championing the rally against Roxby Downs. That mirage in the desert is now a significant mining operation, and returns more royalties to this state than does any other mining operation and, if this government does not thwart it, it will significantly increase in size.

I am pleased to support this bill. It is the opposition's intention that the bill does not go into committee stage but, rather, that I use my address to put a question to the minister—to which I appreciate he may not have an answer, and we would be happy for him, in his round-up, to take the question on notice and to have the appropriate minister bring back an answer to this chamber. But I simply ask, on behalf of the opposition, what funding the government is committing to the ILUA process, how much this funding compares to last year and whether it intends, in the event of the passage of this bill, to increase the funding so that indigenous land use agreements can be funded appropriately and negotiated and put effectively in place.

Mr VENNING (Schubert): I have taken a great interest in mining in our state, particularly since premier Brown (as he then was) gave me the honour of being the parliamentary secretary of mines and energy, which you, sir, would remember. I was parliamentary secretary to the Hon. Stephen Baker, who was then minister for mines and energy. I really appreciated that time—getting to know the portfolio and the industry as we did. I thought that the whole concept was a very good idea. They certainly were heady times. Under the early days of the Liberal government, certain things were happening; there were many new projects. There are so many things that I could mention—one of which was Krakatoa, the Indonesian involvement with our steel industry which, of course, fell away with the problem with the Indonesian economy.

I note what this bill is trying to do. When one considers where we have come over the years, this bill is tidying up and recognising that we have accepted that native title exists. It

enables us to recognise land use agreements, and also enables the minister to grant mining leases to the proponents who have negotiated on indigenous land, and for that to be registered by the Native Title Tribunal. We certainly have come a long way. In the old days, one could not put the native title issue anywhere near the mining issue. But now we have turned a full circle. Our Native Title Tribunal will enable the agreements for mining on indigenous land to be signed.

The bill also sets out various amendments to part 5 of the act, which deals with exploration licences (in which I was always interested), to encourage more efficient turnover of the exploration ground. We have had various people sitting on exploration licences that they have not used. Also, the humbug of getting them transferred was often too hard and, therefore, we could not accelerate the activity in South Australia of keeping the mining tenements open, encouraging people to take up mining tenements and licences and not just sit on them and keep other people out. These will include smaller maximum size areas, which I think is a good idea, because the licences were on a large area. The bill is also more prescriptive on the process for the renewal of the exploration licences at the expiration of five years. It also redefines the word 'mining'.

An honourable member interjecting:

Mr VENNING: I think the shadow minister just said that we do have an inspector and officials going up there conducting surveys and such things. They now will not be classed as mining, which enables them more freedom. There is also the matter of the minister's approval for the takeover. I believe that is important because, although it is sort of controversial, when a mining company is dissolved or is taken over by another, it gives the minister the power of veto over this, as the shadow minister just picked up.

Sir, you would have some thoughts about this matter. I would invite you to comment, as has been your wont in recent times. I would be interested to hear what you have to say on the matter, because I have knowledge of certain transactions (which we will not talk about here) that question whether the minister should have this power. I question it, but I will not oppose the bill on that issue. But giving the minister power to say, 'This is a takeover, but we won't transfer these licences,' as you would know, sir, effectively validates a lot of the value of the company, because the takeover value is often some of the tenements that are being held. If one does not have guaranteed transfer, what does it do to the value? It is an interesting question and I invite you, sir, to give some advice on this matter.

Mining has not traditionally enjoyed the support of Labor governments. We know this from way back to when I first became involved in politics, in the Dunstan and the Bannon years. I do not think that much has changed. I have always said that everything we do is either mined or grown. We cannot get past it: whatever we do, whatever we eat, whatever we wear, is either mined or grown. Mining is a vital part of this state's activities. It is very sad to consider the Playford years when South Australia led Australia in mining exploration and in creating cities built around mines and to look where it is today. It speaks realms of an industry that has existed through a large era of Labor governments—the Dunstan and Bannon years. They were tough years until Roxby Downs came along, and that was an enlightenment. We know the history of the mirage in the desert, and now the government has the temerity to increase the royalties.

I would love to go on about Yumbarra; I was on the select committee inquiring into Yumbarra, and I could wax lyrical about that. However, I will not. So much has gone before and history will prove that our government did attempt to do the right thing. I support the bill with this hesitation about the ministerial power. Mr Speaker, you might like to enlighten the house with your wisdom. I support the bill with those qualifications.

The Hon. J.W. WEATHERILL (Minister for Urban Development and Planning): I thank members for their contributions and, in particular, their support for the bill. I place only a few brief matters on the public record. The government supports, obviously, a strong and vital mining industry. I welcome the remarks made by the member for Bright concerning the legitimate claims of Aboriginal people in relation to land that is the subject of mining interests. I note that the member for Stuart raised questions concerning the use of this bill for purposes that may restrict exploration in national parks and, in particular, Yumbarra.

Of course, it is not the purpose of this bill to deal with matters of that sort. The government's position in relation to Yumbarra and, indeed, other parks remains as has been expressed in various contributions to this house. I note the question that has been raised by the member for Bright concerning the government's intentions in relation to committing resources to, I think, the Aboriginal Legal Rights Movement in terms of dealing with native title claims; and I am informed that, indeed, meetings are scheduled as soon as tomorrow to deal with those matters. However, I will undertake to communicate with the minister in the other place to provide a more detailed response to the honourable member. On that basis, I ask that the bill be supported.

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

Mr MEIER: Mr Speaker, I draw your attention to the state of the house.

The SPEAKER: Order! The member for Florey may not leave the chamber whilst the bells are ringing.

A quorum having been formed:

APPROPRIATION BILL 2003

Adjourned debated on motion to note grievances.

(Continued from 2 June. Page 3315.)

Mrs PENFOLD (Flinders): Any recommendations for a more extensive report on the possible closure of the Eyre Peninsula rail system must ensure an appropriate level of industry and community consultation. For example, the effect on the ability of the local council to maintain roads is a major issue. In the May 22 edition of its local paper, *The Tribune*, the District Council of Cleve stated:

> Grain transport marketing boards will be advised of council's disappointment and alarm over recent decisions to transfer grain from Ausbulk silo storage facilities by road when those silos are serviced by the Eyre Peninsula rail transport network. These decisions have caused a major impact on council roads, specifically the Balumbah/Kinnaird Road (Buckleboo to the Lincoln Highway), which runs parallel with the railway line for much of its length. The cost of additional road maintenance is increasingly beyond the council's capacity to finance at the levels required and this trend also puts at risk the future viability and survival of the rail transport network.

In 2001 a Rail Transport Facilitation Fund was established by an act of parliament specifically to extend or improve a railway or associated equipment or infrastructure. Funding for the upgrade of rail on the Eyre Peninsula from such a

source is well within this fund's purpose. In his recent AusLink statement regarding the improvement of the national rail system, John Anderson, Deputy Prime Minister and Minister for Transport and Regional Development, stated that the federal government proposes to invest more than '$870 million in rail infrastructure over the next five years'—that is in New South Wales. What about South Australia, Mr Anderson?

It has been estimated that $50 million is needed to ensure that these lines stay open. This is a similar amount to the $56 million that recently has been allocated for the upgrading of the Adelaide to Glenelg trams. Surely, the generated benefits of the upgrade of the railway on Eyre Peninsula would far outweigh the benefit to the environment and the economy of new trams. Even local government bodies have taken up the challenge of trying to keep the lines open, with councils such as Elliston District Council looking at options for getting involved in assisting. The funding decision for infrastructure such as this should consider carefully not only the economic benefits but also the greater external cost and benefits, such as the health and wellbeing of all who access the region, the amenity of our towns and the environmental considerations.

A decision is required. Will the government assist in rail or will it increase road use with its associated wear and tear and accidents? Ultimately, the fate of the Eyre Peninsula rail network will lie with the state Minister for Transport, with perhaps some help from Canberra. Let us hope it is a decision that is right for the people of Eyre Peninsula and South Australia, with a permanent reduction in the mortality risk on the roads, a reduction in the cost of the replacement or upgrade of roads to heavy transport standards, and a reduction in the environmental impact.

I wish to conclude by quoting from a letter from Mr Kindinger of Kindinger International Consultants in Johannesburg, South Africa, who has been studying Australia's railways and Eyre Peninsula's in particular for some time. The letter states:

> I feel convinced that our efforts to get the Eyre Peninsula railway widened, made more viable and joined from a point near Whyalla to Kimba, plus connecting line [from] Kimba to near Wudinna will proceed within the next three to four years.

I certainly hope he is right, but it will take visionary governments at local, state and federal level to do it.

The SPEAKER: The honourable member having concluded her remarks, I draw attention to standing order 370 when there is a lack of quorum or, indeed, in any other circumstances. Quite simply, standing order 370 says:

> No member may leave the chamber while the bells are ringing.

The very obvious reason for that is that members—although one would never suspect any member capable of so doing—may choose, nonetheless, to exercise, in mischief, the right to prevent a quorum from being formed by simply leaving the chamber as fast as other members came in to prevent the house from reaching a quorum within the requisite three minutes, whereupon the house would automatically adjourn to the next day of sitting.

Ms RANKINE (Wright): Natural hazards exist everywhere and are part of our everyday life. Indeed, they are part of our growing up and learning processes. Some hazards, however, can and should be avoided or reduced, particularly in relation to man-made facilities. Indeed, we have a responsibility, and we have accepted responsibility, in relation to providing and requiring that safety measures are put in place. Swimming pool fencing is one obvious example of protections that we have put in place for our children.

I want to talk tonight about a man-made stormwater control facility that, on the face of it, has been a great engineering feat and is a very attractive setting. However, it is particularly attractive, unfortunately, to young children, and that is part of my concern. This particular facility is a major safety hazard for children. Two years ago, I raised my concerns about this facility and nothing has happened to make this site reasonably risk free.

In September 2001, I met with the Golden Grove developers at the site of Braeburn Reserve on the corner of John Road and the Golden Way to talk about my concerns in relation to this stormwater retention facility, and we talked about the situation and how we could make this area as risk free as possible. It took 12 months of negotiation between the developers and the council for some remedial landscaping work to be undertaken. This, however, has been amazingly inadequate and inappropriate.

On 2 October last year, I was advised that the Tea Tree Gully council had indeed taken over and accepted responsibility for this site. I met on site with two of the officers of the council on 4 October last year. On that day I received an email from one of those council officers which is addressed to one of the officers of Delfin, and it refers to the meeting I had with them on site and says, in part:

> Our response to Ms Rankine today was that we would investigate some options for further consideration. To this end, we intend to take advice from council's insurers and risk manager in evaluating what action we will take.

On 8 October a question on notice asked by Councillor Osterstock was recorded in the council minutes. He asked, 'When did council take over the management and maintenance of this reserve?' The date recorded was, in fact, 2 October. He then asked, 'Has council undertaken a risk assessment of this reserve?' The answer was, 'Yes, a risk assessment has been undertaken, given our concerns relating to safety issues.' The assessment was undertaken by council's insurers and took place on 27 August 2002. That is two months before they actually took control of that site. So, when they signed off and accepted that site, they had already had a risk assessment undertaken. The next question was, 'Is it planned to take any action based on the risk assessment?' The response from the acting CEO was, 'Yes, action is necessary.'

Four months later, no further action had been undertaken. I then contacted the Injury Surveillance Unit to undertake an independent audit of this site to confirm or otherwise my view of the dangers at this site. This audit, and the report that was delivered to me, makes some very disturbing reading and points to several significantly dangerous hazards that are clearly life threatening, particularly to young children. I will briefly read some excerpts from that safety audit. The audit was undertaken and focused solely on assessing the pond for hazards that could cause injury or death. The purpose of the audit was not to evaluate any other hazards or risks—for example, water quality or pollutants. It should be borne in mind that this facility was built to take stormwater and underground water from this development and therefore has water in it all year round that is muddy and murky and cannot be seen through. The hazards that were identified related to the entire pond. It was determined that it, in fact, is a drowning hazard and needs fencing surrounding it.

There was also the stormwater inlet which was surrounded by rocks, and it was identified in this report that the stormwater inlet by the built-up rock garden presents both a significant drowning and fall hazard. The report acknowledges that both these hazards have been recognised by the installation of some chain fencing around the rock inlet garden. That was put in place only after my discussions with the developer. There is a partially submerged headwall, which has been determined as posing a serious drowning hazard. It is about 1.2 metre out from the grassed area, and photographs in the report show that there is a nice little ledge there that an adventurous child could leap on and fall into this murky water and disappear.

The stormwater overflow drain has been identified as both an entrapment and strangulation hazard. I have been advised that the grates on that overflow drain are wide enough for all but the child's head to fall through. A child could fall between the bars and possibly break their neck or be strangled. The slimy banks of the pond are another hazard identified in this report. Very simple, clear and affordable suggestions have been made by this independent authority to remedy this problem. This drain is located close to a kindergarten and two primary schools. The facility is adjacent to a very popular cafe which attracts young families.

The stormwater facility is very attractive, and attracts a lot of ducks, and children play there all the time. I think we need to start thinking very clearly and carefully about providing water facilities in this type of development. They are becoming increasingly popular, but there does not seem to be a lot of control or care taken either in their design or the hazards they pose.

Indeed, the injury surveillance unit determined that the degree of hazard present at this site is high, and the feasibility of recommended countermeasures is also high. The hazards have been identified in a fairly detailed, easy to read report, so it would be reasonably easy to fix so as to make the whole facility a lot safer for our children. It is very disappointing that the council has sat on this report for months and taken no action. The council's insurers have identified that there is a risk hazard, and the council itself has admitted that some work needs to be done. I urge the Tea Tree Gully to get out there and have a look at this site.

I have sent the council a copy of the report and a detailed letter requesting urgent action. The last thing I want to see is a child injured or drowned at this particular site, and I am sure the council and councillors feel the same. I urge them to take immediate action in relation to this facility.

The Hon. M.J. ATKINSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Second reading.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a second time.

I will be moving that I insert the second reading explanation in *Hansard* without my reading it, which is a departure from my normal practice.

The SPEAKER: The minister cannot move that; the minister may seek leave to do so.

The Hon. M.J. ATKINSON: Yes, sir, I will be seeking leave. I realise that this bill arrived from another place only yesterday evening and, although the great majority (if not all) members of the house have indicated their support for the bill, nevertheless it is, in my view, a discourtesy to seek leave to insert the second reading explanation and then go directly into debate. That would be improper. So, I propose to insert the second reading explanation and then adjourn the matter on motion, so that the opposition will have an opportunity to read the bill and the second reading explanation. Debate can be resumed at a later date. I do that in order to fulfil the desires of the managers on both sides of the house. Accordingly, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The SPEAKER: Is leave granted?

Mr VENNING: No.

The SPEAKER: Leave is not granted.

Mr VENNING: I believe it ought to be read out so that we know what is going on.

Members interjecting:

Mr VENNING: It has been clarified with me that both sides of the house agree that they want it to lay as it is, so, sir, I withdraw that comment and allow the leave.

The SPEAKER: Then, if you withdraw, I will not allow it. Leave is not granted.

The Hon. M.J. ATKINSON: Mr Speaker, the bill reverses a measure made in parliament 51 years ago. The bill rights a wrong that was done to the victims of sex offences committed between 1952 to 1982, apart from those offences that were detected within three years. The wrong was the creation of what was then a three-year statute of limitations for laying an information alleging a sexual offence.

In its original form (and until 1952) the Criminal Law Consolidation Act 1935 provided a time limit for laying an information for only one sexual offence, the offence of carnal knowledge. Where the victim of carnal knowledge was either 'any female above 13 but under 16 years' or 'an imbecile or idiot woman or girl' no information was to be laid more than six months after the alleged offence.

The six-month time limit was abolished as part of a package of changes instituted in 1952. However, these 1952 changes created a longer time limit for laying an information alleging any sexual offence.

In the early 1950s, the South Australian government appointed a committee to examine the 'treatment of sexual offenders'. That committee consisted of Dr H.M. Birch, Superintendent of Mental Institutions, Dr Frank Beare (nominated by the British Medical Association, SA Branch), Mr Roderick Chamberlain KC, Assistant Crown Solicitor, later the Honourable Mr Justice Chamberlain, and Mr Claude Philcox (nominated by the Law Society of SA).

The Committee reported to the government in 1952. One of its recommendations was that the existing six-month limit on the commencement of a prosecution for carnal knowledge offences was 'illogical' and 'too short'. However it continued:

> We think there is a good case for the imposition of some general time limit for the laying of all sexual charges. The courts frequently remark on the difficulties both in proving and disproving these offences, and it is obvious that these difficulties increase with the lapse of time. . . We think there should be a time after which events such as this could be regarded as buried.

A bill was prepared and introduced to parliament. After reading the committee's report, my predecessor, the member for Hindmarsh (Mr Hutchens) commented on the 1952 bill:

> The provision in clause 10 is desirable. It sets out a time limit in which a charge for a sexual offence may be laid. We have all heard of the past being raked up against a man when it is should have been forgotten long ago. Often it is done after a man has settled down to married life and it causes disharmony between the man and his wife.

Some of the criticism of the 1952 parliament is an example of what I would call the 'parochialism of the present'. We are judging the 1952 parliament by our values. Yes, it almost certainly did not take sexual offences against children as seriously as it should, but its principal purpose, as the quote from Cyril Hutchens shows, was to be merciful to consenting adult homosexual couples, one of whom might subsequently be charged with sodomy or gross indecency.

With little debate, the parliament enacted what became section 76a of the Criminal Law Consolidation Act. The section imposed a limitation of three years on the laying of informations for sexual offences. Both the 1952 committee and the parliament rationalised this decision on four grounds as follows:

- evidential—the difficulties of proving sexual offences;
- to protect men with homosexual histories from blackmail;
- to protect the victims from unnecessary publicity and shame; and
- to protect offenders from the consequences of past indiscretions, best now forgotten.

On 1 December 1985, 33 years later, section 76a was repealed. The repeal occurred with little parliamentary debate and no debate on how this would affect offences committed more than three years earlier. The result of that repeal was that offences committed before 1 December 1982 could still not be prosecuted as the repeal did not have retrospective effect. Put another way, those who acquired immunity through the effluxion of the statutory three years up to 1 December 1985 were allowed to keep that immunity.

Section 76a was part of the Criminal Law Consolidation Act 1935 for 33 years, from 27 November 1952 to 1 December 1985. That 33-year history, in effect, created a gap of 30 years during which sexual offenders could be assured of getting away with their crimes if they could keep them secret for three years or more.

Sexual offences committed before or after this period have faced no such barrier. However, the barrier remains for sexual offences committed in the 30-year gap. Those who committed sexual offences in that 30-year gap have an immunity from prosecution. The bill proposes to remove that immunity. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

> There are some misconceptions about the effect of the immunity or the effect of this Bill. The immunity is not restricted to crimes against children. It is relevant to all sexual offences committed in that 30-year gap up to 1982, but not relevant to any offences committed after that date. Another misconception is that if the immunity is removed by this Bill, victims will then obtain a legal right to confront their sexual abusers in court. Criminal prosecutions in this State are under the direction of the Director of Public Prosecutions. The DPP has a duty not to spend public funds on prosecutions for which there is no reasonable prospect of obtaining a conviction, and the DPP has expressed concerns 'about raising the expectation of victims in circumstances where there is little prospect of a matter proceeding.'
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> The Joint Committee that investigated this matter provided, in its Report, a list of arguments both for and against removing the immunity. One of the main arguments against removing the immunity was that the lapse of time would make successful prosecutions almost impossible. There is certainly some force to this argument. The long delay will make successful prosecutions extremely difficult, and will require consideration to be given to whether an accused can obtain a fair trial in the circumstances of the case. Can any member here say with certainty where they were and what they were doing on 4 June 1982?
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> Allegations of sexual crimes are often not reported to police. When they are reported, they are notoriously difficult to prove beyond reasonable doubt. According to a 1996 Australia-wide study, only 10 percent of women who had experienced sexual violence since the age of 15 reported the incident to police. In 78% of the cases reported to police, the alleged offender was not charged. In South Australia, about 2 000 persons each year report sexual crimes to police. Most are not prosecuted. In the year 2001 there were 323 prosecutions. This resulted in only 128 convictions.
>
> Relying on the South Australian figures, a rough guide is that about 85 per cent of sexual offences reported to police are not prosecuted because there is no reasonable prospect of conviction. Of the 15 per cent or so that are prosecuted, fewer than half result in convictions. Thus, fewer than 7 per cent of sexual offences reported to police are finalised by a conviction being recorded. This is the conviction rate when a complaint is recently made, when a prosecution is started shortly afterwards, and when, in most cases, at least some other evidence is available to support an alleged victim's own testimony.
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> However, when sexual allegations are many years old, the prospects of obtaining a conviction are much lower. That is because there is generally little or no supporting evidence such as the accounts of others, evidence of the victim's distress soon after the incident, DNA samples or medical reports.
>
> Whenever sexual offences, allegedly occurring between 1952 and 1982, were reported to South Australian police more than 3 years after they occurred, it was police policy (consistent with the legislative policy) to take no action. Police did not interview persons who might have been witnesses and did not try to obtain medical reports or other scientific evidence. The police cannot be criticised for that. There would have been no point in gathering such evidence because these offences were statute-barred and no prosecution would have been possible. Today, much of this evidence is no longer available. Persons who might once have been witnesses might now be dead. Documents might have been destroyed. This cannot be remedied merely by removing the immunity.
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> Even the main evidence, the testimony of the alleged victim, needs to be prepared and presented to a court with sufficient detail so that the accused is able to prepare and present a defence for a fair trial. However it is unlikely that a victim will be able to recall, with sufficient detail, events that happened more than 20 years ago. The DPP has warned:
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> > The alleged victim cannot remember things simply because it was such a long time ago. Often that lack of memory due to the passage of time is compounded by the fact that the alleged victim was a child at the time of the alleged offences. As a result, the allegations are very general in nature and often very vague. This does not lend itself to proof beyond reasonable doubt.
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> Similar difficulties would confront alleged offenders who were trying to establish their innocence, perhaps by proving their whereabouts at particular times. This disadvantage might be sufficient to make their trial unfair and thus provide grounds for a permanent stay of any prosecution.
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> Another serious difficulty is the fact that the judge must warn the jury that it is 'dangerous to convict' an accused on the evidence of the alleged victim alone. In *Longman v The Queen* (1989) 168 CLR 79, the High Court held:
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> > The jury should have been told that, as the evidence of the complainant could not be adequately tested after the passage of more than twenty years, it would be dangerous to convict on that evidence alone unless the jury, scrutinizing the evidence with great care, considering the circumstances relevant to its evaluation and paying heed to the warning, were satisfied of its truth and accuracy. To leave a jury without such a full appreciation of the danger was to risk a miscarriage of justice.
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> The same approach was confirmed by the High Court more recently, in *Crampton v R* (2000) 176 ALR 369 where the Court said:
>
> > The trial judge should have instructed the jury that the appellant was, by reason of the very great delay, unable to adequately test and meet the evidence of the complainant.
>
> A similar warning was given again by a majority of the High Court in *Doggett v The Queen* [2001] HCA 46. These High Court rulings are not merely words of advice. They are binding on other Courts.

Therefore, if this sort of warning is not given, any conviction risks being overturned on appeal.

Comparisons have been made between alleged sex crimes that might be prosecuted more than 20 years after the event and the war crimes trials of the 1990s that were prosecuted more than 40 years after the event. Despite great expense these trials produced no convictions. The difficulties inherent in prosecuting such old matters led some senior legal practitioners to advise the Joint Committee that it would be futile to remove the immunity. That is also, presumably, why the previous Government did not remove the immunity and why my predecessor, as Attorney-General, the Hon. Robert Lawson, was opposed to removing the immunity.

However there are also powerful and persuasive reasons, identified by the Joint Committee, why the immunity should now be removed. Firstly, a successful prosecution is not impossible. The delay of 21 years or more in bringing charges is less than half as great as the delay in the 1990s war crimes trials. There have been successful criminal prosecutions interstate in cases more than 20 years old. Second, many interstate defendants, charged with offences after a similar lapse of time, have pleaded guilty and been sentenced. That is not possible now in South Australia when the information alleging the crime cannot be laid.

Third, the serious nature and long-term effects of sexual offences were not appreciated when section 76a was enacted in 1952. When section 76a was repealed in 1985, there was still little research on this subject. Only in recent years has there been a widespread understanding of the way offenders typically silence their victims with bribes or threats, that it often takes many years for a victim to obtain courage enough to confront the offender or take action against him, and the long-lasting effects that the crime often has on victims.

The Joint Committee suggested that removing the immunity would also:

- right a wrong that was done in 1952;
- reflect a change in public attitudes and values over recent years;
- bring South Australia into line with other states where no such immunity has ever existed;
- bring sexual offences into line with other indictable offences for which no statute of limitations exists; and
- acknowledge the discrimination suffered by women and aboriginal persons who have been over-represented as victims of sexual offences.

Removal of the immunity cannot recover evidence that has been lost or never collected, so action not being taken in the past will create inevitable difficulties for the conduct of any future trials for offences committed before 1 December 1982. However, the principles at stake in the removal of the immunity are more important than these legal difficulties. Even if we were to conclude that the removal of the immunity would not lead to any convictions at all for old offences, this Bill should still be supported because of the important message it would send to victims. It would say to victims that the offences that occurred so long ago are, nevertheless, regarded as serious crimes and not something for which an immunity from prosecution can be tolerated any longer.

Compensation

This Bill does not address issues of compensation for victims, but the Joint Committee did raise that topic. A person who was the victim of a sexual crime before 1 December 1982 might bring civil proceedings against a perpetrator, seeking payment of compensation. The immunity from criminal prosecution has not ever been relevant to these type of civil proceedings, but there are separate time limits on bringing civil actions, and a claim for damages arising from abuse more than 20 years ago would be well out of time. However if a victim can rely on the recent discovery of a new material fact, an extension of time might be possible.

There are significant obstacles to success in such a claim. It is costly and unsupported by either the DPP or the Legal Services Commission. The Law Society's Litigation Assistance Fund has funded one such case, but this was indeed exceptional. As one lawyer told the Joint Committee:

> In no case that I have seen so far in the past few years have I been able to say to these people: 'It is worth your proceeding to civil action.' Civil action is an expensive process, and we have the whole difficulty of the matters being brought out of time. … [I]n hardly any cases would the victims of these sorts of crimes be able or advised to bring civil action

On the matter of criminal injuries compensation, the Solicitor-General has provided this advice:

> Before 1969 there does not appear to have been any criminal injuries compensation scheme.

The *Criminal Injuries Compensation Act* 1969-1974 required a conviction before compensation could be awarded. That Act was repealed on 1 July 1978. There may be persons who were the victims of offences between 1969 and 1978 who were never able to secure convictions because of the limitation period and who were left without compensation.

The *Criminal Injuries Compensation Act 1978* applies to all offences committed on or after 1 July 1978 and the commencement of the *Victims of Crime Act 2001* which came into operation on 1 January 2003.

Under the *Criminal Injuries Compensation Act 1978* applications must be brought within three years (section 7(1)) but the Court may extend that time (section 7(4)). It is not necessary for there to have been a conviction but the offence must be proved beyond reasonable doubt and with corroboration.

Accordingly, victims of sexual offences between July 1978 and December 1982 have always been able to claim under that Act. An application for compensation could still be brought even though the criminal proceedings were time barred.

The Government, of course, can make ex gratia payments to any person when sufficient cause exists. This Bill does not alter the existing law as to compensation.

Finally, I want to address the question raised yesterday in another place by the Hon. Angus Redford, where he asked whether the Government had considered the constitutional validity of this legislation. I have sought advice from the Solicitor General on that question and he has no concerns about the validity of this legislation.

The Solicitor-General advises there is a rule of statutory construction that any law creating an offence or defining the elements of an offence will be construed to apply prospectively only. The rule of statutory construction is a strong one based as it is on the protection of individual liberty. It follows however from the very existence of the rule that the law recognises that Parliament does have legislative capacity to enact a criminal provision with retrospective effect if it so wishes and that the Courts will apply the provisions retrospectively if Parliament has made its intention clear.

The Hight Court has accepted the validity of the retrospective criminal legislation in *R v Kidman* (1915) 20 CLR 425 and more recently in *Polyukhovich v Commonwealth* (War Crimes Act case) (1991) 172 CLR 501.

It is significant that retrospective Commonwealth legislation has been held valid not withstanding the implications which arise from Chapter 3 of the Constitution. In *Polyukhovich* the retrospective element of the legislation strongly influences the dissenting opinion of Brennan, Deane and Gaudron JJ.

However, any difficulties that Chapter 3 might hold for Commonwealth legislation do not arise in the case of State legislation. Moreover in this case the conduct itself was always criminal. The proposed legislation removes the limitation period only. In the Solicitor-General's opinion the law is valid.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Criminal Law Consolidation Act 1935

Clause 3: Insertion of section 72A

This clause inserts a new section into Division 14 of Part 3 of the *Criminal Law Consolidation Act 1935*, providing that any immunity from prosecution arising because of the time limit imposed by the former section 76A is abolished.

Mr MEIER secured the adjournment of the debate.

APPROPRIATION BILL 2003

Adjourned debate on motion to note grievances (resumed on motion)

(Continued from page 3397.)

The Hon. M.R. BUCKBY (Light): I rise to add to my comments in the earlier debate on the budget this year. At that stage, I had progressed into the budget for Transport SA and noted that some 211 staff from Transport SA will disappear. I question the impact that this will have on the services that are delivered by Transport SA and whether those staff will

come from regional offices, from road gangs that are currently maintaining our roads, or from administration positions in offices such as those in North Terrace. It will be interesting to hear what the minister has to say in the Estimates Committees about this issue. However, as I said earlier, it amounts to a cut of $22 million.

I now want to turn to one area that has been of significant moment in my electoral office and, I imagine, that of many other members, that is, small vehicle inspections at Regency Park—and not only small vehicle inspections but also inspections of articulated vehicles and heavy trucks. I have had a number of truck and small vehicle operators approach me, because the time for their registration and inspection will run out before their truck is inspected. In many instances, this has run out to some six to eight weeks, and it has meant that we have had to approach the Regency Park office on behalf of constituents to ask whether this can be brought forward because the registration is about to run out.

In most cases, Regency Park has been able to accommodate that request, but the fact remains that it appears that not enough staff are undertaking this process. So, I looked in the budget to see exactly what was happening. There are some very interesting figures, because the target for the 2002-03 budget (last year's budget, the year just about to end) was 100 000 inspections.

When we look at the inspections that have occurred during the year (an estimated number up until 30 June), we see that only 57 000 inspections have occurred. Is it any wonder that my constituents are tearing their hair out because they have to wait longer and because of the risk of their registration running out? However, the budget contains an even more interesting figure. The target for 2003-04 is only 50 000 inspections—half the number that were targeted to be inspected last year, which is 7 000 less than were actually inspected in the year 2002-03.

I can see that I will have more telephone calls and letters to the minister about this issue and will be approaching the Regency Park office on behalf of my constituents. When they do contact me, I think that I will put in my newsletter that the government has reduced this area and that anybody who has to have a small vehicle inspection had better start making a booking about three months before the registration is due to expire so that it can be done in time.

This is not acceptable. It did not happen under a Liberal government, and for this to occur is an inconvenience for small business running their operation and is another cut that this government has made in the transport area.

The Hon. M.J. Atkinson: Is there anything good in the budget? Is there one thing that's good?

The Hon. M.R. BUCKBY: The member for Croydon asks whether there is anything good in this budget. I found a couple of things and, in the last few minutes, I will speak to them. I have already spoken about the Glenelg trams, and I congratulated the government for undertaking this project. As I said earlier, I cannot understand why it has not undertaken a PPP (public private partnership) with this issue, because there were 70 registrations of interest for a $56 million project. One would hardly expect that to occur when there are 70 people lining up wanting to invest.

However, I also looked at the figures for the purchase of new buses and I see that, this year, there will be a reduction from 50 purchased in the year 2002-03 to 25 purchased in the year 2003-04. The program of replacing older buses with new ones is being halved by this government, and, again, if we look at the public private purchase of the Glenelg trams, the $56 million tag that goes with that, and the interest that was shown in it, it is hard to work out why government money would be used for that while the number of new buses for our roads and bus patrons has been halved. That bewilders me.

One thing I did hope to see in the budget was funding for regeneration of the Peachey belt area. That area is a tragedy and embarrassment to governments of both persuasions because nothing has been done there for 30 years. This project has been talked about for 30 years, but no money has been put towards it. If members drove through that suburb they would be embarrassed that such an area exists within the Adelaide metropolitan area and that people live in it. From my first glance at the budget and the figures, I cannot see that there has been any appropriation for refurbishment or commencement of the refurbishment of the Peachey belt area. That is a shame on this government because it is desperately needed. I can only hope that some more planning is going on and money is allocated in next year's budget, otherwise the residents and constituents whom I represent in that area and I will continue to hound the government to put money into the area, because I do not know another area like it anywhere in Adelaide. That is not the residents' fault: it is a matter of neglect over time.

There were a couple of good things in the budget and, funnily enough, they happen to be in marginal seats, my seat being one of them. So I guess there is an advantage to representing a marginal seat.

The Hon. M.J. Atkinson: To your credit.

The Hon. M.R. BUCKBY: The member for Croydon says it is to my credit, and I thank him for that because I did lobby hard for them. I am pleased to see that the Hewett Primary School has received funding for solid buildings. It has to be one of the fastest growing primary schools in the state because of new housing development in the area. It began four or five years ago with just 97 students and it is now well over 300—I think it is up to about 370 or 380 students—so these solid buildings were desperately needed.

Elsie Ey Preschool is to be completed on that site, and the integration of Elsie Ey Preschool, family day care and Hewett Primary School has given that suburb of Gawler, and Gawler as a whole, a fantastic facility. The Elsie Ey Kindergarten will be ready for students in the first week of third term, so I am particularly pleased about that.

I am also very pleased to see that the government has put forward some money for further planning for the retention dam on the North Para River. That is particularly important because the last flood on the Gawler River, which occurred in 1991, caused $10 million worth of damage. It is an accident waiting to happen. This retention dam will slow the flow of water down the North Para, so, in a flood event, the North Para and South Para do not meet at the same time and cause a problem for downstream farmers and residents.

Dr McFETRIDGE (Morphett): Tonight I want to speak about the State of the State report and reflect on the wonderful way that report reflects Liberals' values and principles. In many ways I thought I was reading the Liberal Party platform. To remind members of the values of the Liberal Party, I will read from the Liberal Party platform and then I will point out the highlights in the State of the State report and the challenges that have been set by the Economic Development Board for this government. The Liberal Party platform states what is really an obvious way of life in any free, open democracy like Australia:

Australia is one of the world's great democracies, founded on liberal ideals of human dignity, freedom and equality. Australia is among the most prosperous and stable nations the world has ever known.

There is no doubt about that and South Australia ranks right at the top. South Australia is the jewel in the crown of the nation of Australia, and I am not just being a parochial South Australian. It is true. We have the fastest growth rate, and the last eight years of Liberal government has got this state going. Let us hope this government does not let us down. It is trying to move as far to the right as possible without changing into this great party, the Liberal Party. The Liberal Party platform continues:

One of the defining features of our nation has been its commitment to social equality.

The Labor Party is trying to grab that at the moment, but the Liberal Party platform has better social inclusion and better social equality policy than the Labor Party will ever have. It continues:

. . . the disdain for rigid class structures, the celebration of mateship, a belief in a 'fair go' and an uncompromising commitment to democratic freedoms as well as the development of our institutions: universal suffrage, the early enfranchisement of women and the trade union movement.

Once again, the Labor Party is just copying the Liberal Party platform. It is desperately trying to emulate the Liberal Party. It knows that the Liberal Party, with its policies and platform, is the only party that should be ruling federally and in every state and territory. The platform continues:

The heritage of our natural environment, no less than our cultural heritage, is one of our most precious assets to be preserved and passed on to future generations.

The Labor Party has picked up what the Liberal Party has been doing for many years, and that is looking after our natural heritage. This country was built on the back of the wool industry and our primary industries. Let us hope that this government, with its slashing and burning of the primary industries budget, does not forget our roots and where this state wants to go. The party platform continues:

The life we enjoy in modern Australia would not have been possible without economic prosperity.

We cannot be a nanny state. We cannot stifle individual enterprise or the right of business to want to take a risk, invest and prosper. I continue:

Nation building in Australia is not just a matter of institutions, cultural values and environmental protection—it is also about providing economic security and opportunity for advancement to all Australians. All Australians should be rewarded for their productive enterprise and those in crisis or need should be assured of proper support.

Once again the Liberal Party, with its social inclusion policies, is way ahead of the Labor Party, which is desperately clawing away at the Liberal Party values and its platform.

I turn to the State of the State report, now that I have looked at some of our Liberal values. The gentlemen and ladies of the august Economic Development Board found six themes that they wanted to put up to help the state. I have identified two of them as being paramount. First, this government needs to recognise and identify competitive advantages and develop a plan around them. Secondly, the region has to develop targeted action plans with deliverable and measurable outcomes. It has to have a vision and a plan. We know what they are trying to do: they are trying to emulate the Liberal Party, but so far it is just a spin, it is just media management, and a lot of rhetoric without too much substance. I read from the introduction of the State of the State report and ask, where have we heard this:

Australia is a great and relatively safe country with an economy outperforming most others around the world.

It sounds like good Liberal values. It continues:

The EDB's decision to focus on six key economic 'building blocks'—

That is to set challenges for this government. It continues:

The framework's underlying philosophy is that a dynamic and growing business sector is essential to achieving the rate of sustainable economic and social progress required to restore South Australia's traditional prosperity and self confidence. Economic development is primarily a private sector responsibility, and the private sector should be supported by government actions that encourage investment and entrepreneurial spirit, not replace it.

It sounds like a Liberal Party platform to me. It continues:

The community's reward for economic change will be more jobs, higher incomes and better schools and hospitals.

You do not need to slash and burn or shut down every arts program and every sporting event to try to squirrel away money for the old mantra of health, education and law and order. If we have a prosperous economy we can all prosper—the arts, sports and recreation, hospitals, schools, police, law and order. It continues:

For the South Australian government, this framework represents a fundamental shift.

It is a shift in ideology. This is contained in the Economic Development Board's State of the State report, and it points out that the Labor government needs a fundamental shift in ideology. The report continues and sets some parameters and benchmarks. The EDB report contains a comprehensive list of benchmarks to enable close and constant monitoring of the implementation of this report. I guarantee we will be watching every move this government makes. The Economic Development Board had better do what it said it would do and watch what the government does. There is no excuse for doing nothing, as the EDB says: no more boards, no more reviews, no more summits—get on with the job. There is no more excuse for doing nothing.

Through hard work we can build on the many achievements of the past to ensure that South Australia remains a great place in which to live, work and do business. This is what the Economic Development Board is saying about South Australia: it is a great state, a great place to be. With this government we see the media management—the politics of populism. We saw it today with the abuse of time in this place when the Premier talked about the AFL football. He could have done it through a media announcement.

There is a creation of fear about nuclear waste—the use of the politics of populism. What does the EDB say:

When communities truly understand their economic circumstances, they can be a powerful force in changing them.

I have a saying about politics and public opinion: the most totalitarian despot is public opinion in a democracy. This is what the government is playing to: the politics of populism, the knee-jerk reactions. The Economic Development Board has faith in the future of this state. Increasing globalisation could result in the departure of more South Australian headquarters, with national and international operations going overseas and interstate. Under the Liberal government, Motorola, SAAB and British Aerospace are here and are developing. Mitsubishi is redeveloping and Holden is putting on a third shift because the Liberal government over the past eight years created a sound base for them to work from. We

need to create positive community attitudes; we need some media management; and we need to get out there. However, we do not need the spin and rhetoric and politics of populism that we are getting from this government at the moment.

The EDB's market research identified a number of motivating factors. There needs to be a vision for the future, and that is what the Liberal Party platform gives people. It encourages people to get out there, have a go, take a risk, reap the rewards and benefit from those rewards. We need not just reaction but positive pro-active leadership to drive this. We do not need a reactive government looking at using rhetoric, reviews and reruns to keep going.

This government has a lot to live up to with its economic State of the State report. I hope it is able to put its money where its mouth is. Government members should put their votes where their mouths are and do the right thing by the state because, if they do not, the Economic Development Board will need to watch carefully. Certainly, I and other members of the Liberal Party will be watching the Economic Development Board because it has been set up as a body that will help steer the Labor Party in the right direction. We have seen it politically try to come over to the right and grab Liberal values; it is trying hard. It is trying to show the Liberals as poor economic managers, which is impossible. Let us see whether they can do the right thing and manage this state.

Time expired.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I wish to make only a brief contribution to this debate, simply to put on the record some facts to correct some of the misinformation that has been given by members opposite. This budget delivered an increase in spending on education to South Australia's schools. The government has increased spending in the public school sector by $66 million. If you include the non-government school sector, the state government has in this budget increased spending by $71.9 million, including growth and grants to non-government schools between this current financial year and 2003-04. That is a 1.9 per cent increase in real terms, not nominal terms. That means that expenditure per student will rise by at least 2.9 per cent in real terms with this budget.

Misinformation has been given by the opposition on a number of fronts. This budget delivers several new initiatives and, although I will not go through all of them, I will mention a few. On top of the additional $1 million put into schools in terms of extra primary school counsellors in the 2003 school year, in this budget we have an extra $2 million on top of that which will deliver to about an additional 76 primary schools. That will see the number of primary schools serviced by counsellors increased to 244 schools, which is over 100 more than was the case with the Liberal Government this time last year, so that is quite significant. An amount of $5 million will be spent on teacher housing and $500 000 will be spent in the Pitjantjatjara lands, so $5 million will be spent on teacher housing to help attract and retain the high quality teachers we need to provide a good quality education for country students. More than 180 new staff through initiatives will be seen by schools in this budget.

One of the big misinformation points put around by the opposition was a claim made by the member for Bragg and unfortunately repeated by the Leader of the Opposition, who will regret it when I give this information. In his speech he outlined where the member for Bragg had got the information for her claim that there was a reduction of $16 million in the capital works budget. The Leader of the Opposition on 2 June said in this place that in 2002-03 the capital works budget was $71.234 million and in 2003-04 will be $54.934 million—a reduction of $16 million. Most people in this chamber would have been able to ascertain, had they looked at the budget papers, that that comparison by the member for Bragg was about the schools and TAFE portfolio in 2002-03 compared to just the schools portfolio in 2003-04.

Contrary to her embarrassing claim, if the honourable member had turned to the investing payment statement, which as most members know shows the amount of capital works in the budget, she would have found that, rather than a decrease of $16 million, there was actually an increase of almost $5 million in the capital works budget this year. It has gone from $50.388 million in 2002-03 to $54.844 million. That does not include the administered items, which are very small in this portfolio. After that very embarrassing mistake for a front bencher to make, not only has the member herself been responsible for repeatedly making that mistake, but also the Leader of the Opposition and other members opposite have made that very embarrassing mistake.

Today, I announced $30 million worth of improvements to South Australian government schools. I issued work orders today with the Department for Administrative and Information Services. Those orders have been placed for $28 million of that $30 million, and orders for the other $2 million will be placed in the coming weeks. The $28 million order that was placed today is for 1 171 maintenance projects for public schools across our state. It is for things such as repairing roofs, gutters, downpipes, ceilings, replacing worn floor coverings, treating salt damp, underpinning buildings, replacing sewerage and stormwater services, paving, fencing, irrigation, upgrading electrical systems, improving heating and cooling systems, upgrading student toilets, upgrading staff toilets—very necessary maintenance orders in our public schools.

What the house needs to understand is that, in January last year, the Liberal government, in its annual maintenance program, distributed $10 million into school bank accounts for their annual program. Today, and over the coming weeks, work orders will have been placed for $30 million of capital works in this state, and the increased annual program will again be distributed at budget time next year. So, not only has Labor increased the maintenance funding in our schools but it has also brought forward expenditure. And the really important thing is that the work is being done. The money is not sitting in school bank accounts, as had been the case, for sometimes months or years. This work is being done today, for today's children, most importantly.

The government has made other changes associated with asset maintenance by taking over activities which in the past have involved schools with the bureaucracy and red tape in relation to getting works carried out. The bureaucracy is now being cut, and our departments are taking on that headache for them and making sure that the work is done.

Ms Chapman interjecting:

The Hon. P.L. WHITE: The member for Bragg can bleat all she likes. But the fact is that this government has increased spending. We increased spending on asset maintenance works by $8 million in the last budget over four years. In this budget, we again increased it by another $2 million for this year, and that work is being done. The work is being packaged, so the money is being driven further than has been the case previously. All this means better value for money for

schools. The work is being done today, for today's students, and the inefficiencies and ineffective practices of the past will be just that: a past reminder of the former Liberal government. Not only is more money and more priority being placed on education by this government but it is also being done more effectively, and schools and South Australian taxpayers are receiving better value for their money—a big difference. We are delivering on education.

The Hon. I.F. EVANS (Davenport): I wish to take the opportunity in my 10-minute contribution to this grievance debate to talk about some matters relating to my electorate, which has generally been poorly served by the budget. The reason why it has been poorly served by the budget is that it receives funding for only two projects, and that really is carryover funding from previously planned projects. One carryover project is the Blackwood High School visual arts centre. The previous Liberal government put in money towards a $4 million recreation centre for the high school and, as a result, the existing arts facility had to be demolished and moved to another location on the site to build that recreation centre. So, that project really is being delivered as a result of the decision and funding by the previous government. It is really a carryover project. I knew that the Minister for Education would not want to be in the chamber when I talk about the next project, because that involves the Coromandel Valley Primary School.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: I will reflect on the Attorney's comments about manners—

The Hon. M.J. Atkinson: Why don't you maintain the conventions—

The Hon. I.F. EVANS: The Attorney mentions manners. The Attorney and I might speak about manners in the future, and when I wish to have that discussion I will go to the Attorney and remind him of this interjection. It will be interesting to have a discussion with the Attorney about manners and the—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: No, on another matter. We will see about the Labor Party and their manners. The other project is the Coromandel Valley Primary School. The previous Liberal government promised a $2 million contribution to that school—$1.2 million from the feds and about $800 000 from the state government. As a result of the change of government, the Coromandel Valley Primary School community has lost all the funding from the state government in relation to the project. In the school community's words, it has been bullied by this government into taking a project of $1.2 million or nothing. In other words, it has been told, 'You get a project funded purely by the federal government and no state government money, or you get no project at all.' Faced with that decision, the Coromandel Valley Primary School, as I understand it, is now proceeding with its project—a much reduced project. That school is 125 years old and does not have a solid classroom. There would not be too many primary schools in the state that are left in that situation—particularly in, I guess, one of the wetter areas of the state.

The Coromandel Valley Primary School community is very disappointed at the way in which it has been treated by the government in relation to this matter, and it is unfortunate that the full funding could not proceed. The school community had worked tirelessly with the bureaucracy for a large number of years to come up with a $2 million project. It was, basically, agreed; the funding was there, and then the change of government occurred and, as a result, the school has lost $800 000 towards its project.

That was not the only project that was cut in my electorate by the government. The Old Belair Road project was, basically, cut in half. It was a $1.8 million project, and the project was in two parts. The first part was so far under way prior to the election that the government really could not interfere with it too much. But it did manage to cut the second part of the project. Of course, this was the party that signed off on the Blackwood Park development, which will increase the population in the Blackwood community by 25 per cent. If you increase the size of the community of Blackwood by 25 per cent, you will need—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: They were good booths. That is because I spent some time in my electorate, as the Attorney suggested, prior to the election. As a result, the 25 per cent increase—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: Actually, the Hon. Mike Elliott bought some land there. The result is that there will be a continual traffic build-up in relation to Old Belair Road. The government has chosen to cut the project rather than enhance the project, and approximately 700 houses are still to go into that development, and therefore those booths, for the Attorney-General's interest. It will add a further pressure in relation to the Old Belair Road project.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General has a curious mind, but his curiosity may not extend to the inquiries he is now making as interjections on the member for Davenport. They are highly disorderly.

The Hon. I.F. EVANS: The other area in which the government needs to do more relates to train noise through the Adelaide Hills, and particularly the electorates of Kavel, Heysen and Davenport.

The Hon. M.J. Atkinson: Wheel squeal.

The Hon. I.F. EVANS: Wheel squeal is the issue.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: I missed the interjection by the member for Torrens.

Mrs Geraghty: I said, 'Did we cause that'?

The SPEAKER: Order! The member for Davenport should not provoke interjections.

The Hon. I.F. EVANS: Yes, Mr Speaker, I accept your guidance. The issue with train squeal is simply this: the government has released a draft environmental noise policy that sets levels for industrial noise and all sorts of noise but not train noise. Every member in this house, the Premier included, applauded, quite rightly, the success of the Adelaide-Darwin railway line being constructed, and I note that it is 80 per cent finished, on target and on budget.

The Hon. M.J. Atkinson: They will come down to my electorate.

The Hon. I.F. EVANS: Ultimately that will increase freight considerably. That will increase both the weight and length of the train and, in my view, the level of wheel squeal, although I am not an engineer in that particular matter; but commonsense says to me that is what will happen. The EPA, basically, is not doing a lot in relation to trying to solve an issue which, I believe, will become a health issue for those people who live close to the line. I have been there on cold, clear winter nights and I have been there in the day when the trains go through and the squeal is simply unbelievable. It

will cause those residents, I believe, some long-term harm, and there is a considerable view within the electorate that the government needs to step in and do something. It seems surprising to me that, given that it has known about the issue now for three years, the EPA has drafted, since this government's been in place—

The Hon. M.J. Atkinson: You can hear the locos coming for 10 minutes before they arrive.

The Hon. I.F. EVANS: The Attorney mentions locomotive noise. We are not so concerned about locomotive noise but, on occasions, the high pitch squeal of a train that is a kilometre long, when it can squeal for the whole kilometre the train is going past, is different to having a locomotive going past once. It is a different experience for the resident. I notice that the federal government has occasionally stepped in and poured heaps of money around the airport for environmental noise reasons. I think that issue is coming for the state government.

Eventually, some resident is going to take matters into their own hands and say to the authorities, 'There is a legal issue about health.' It just surprises me that, since this government has been in place, it has released a draft environmental health policy for public consultation but, to my knowledge, has totally avoided the issue of the train noise, that is why I have supported—

The Hon. M.J. Atkinson: There was six years when you were in government.

The Hon. I.F. EVANS: Well, the Attorney says that we were in government for six years: it was actually eight.

The Hon. M.J. Atkinson: Six years of wheel squeal.

The Hon. I.F. EVANS: It was less than six years when the issue was first raised and we put in place a program with the EPA to at least take the initial steps. It has done nothing since the initial steps. That is why I have supported the concept of at least doing some engineering work, a consultancy, on moving the train route basically to the north of the Adelaide Hills, from Callington, or somewhere there, and getting it out of the main population centres, the main bushfire area in the hills, and over the steepest part of the hills.

If you were designing the railway line today, I do not think you would run it up over the steepest part of the Mount Lofty Ranges, through your largest populated centre, through your water catchment area and through your bushfire zone. It seems to me that there is an opportunity with respect to infrastructure for the government to take up that cause. The reason it is difficult to upgrade the current track is because of the tunnels. You cannot double stack freight from Melbourne with the tunnels. There is a big cost in increasing the height or decreasing the depth of the track.

They are just some of the issues that are not in the budget or in the budget, depending on the issue in this particular year. Of course, the issue of sports cuts is very unfortunate and disappointing for the electorate, as is the government's response to Black Road, which has been a project a long time coming. I guess that it is just not putting in enough money to satisfy the concerns of residents along Black Road.

Mr BRINDAL (Unley): It is a pity to have to grieve about a budget, especially when it is a budget not of the making of this side of the house. That is, indeed, what is necessary in this budget. I am disappointed at the failure of a Labor government to address issues with which a Labor government should traditionally or primarily be more concerned than people on this side of the house; yet, again, it is left, as it has been in most of the time since I have been here, for the Liberals, about whom the Labor Party likes to poke fun, cajole and generally point the finger, to carry the social conscience of South Australia.

I am constantly bemused when we are called the silvertails, when we are accused of having only, as part of our membership, ladies whose hair colours are predominantly blue and all of whom, according to Labor tradition, live in the electorate of the member for Bragg. I do not know how her membership is so diverse with such a small catchment area. They are all Bragg old ladies with blue rinsed hair, according to the Attorney and many others.

The Hon. M.J. Atkinson: And ever thus.

Mr BRINDAL: The Attorney says, 'Ever thus,' yet there are more pleas, I believe, in any given year for social conscience and justice for battlers coming from this side of the house than I hear coming from that side of the house. Where this budget disappoints me—

The Hon. M.J. Atkinson: Is there anything good in the budget? Is there anything good at all?

Mr BRINDAL: —and disappoints me mightily, is the fact that, again, Labor has sold its heartland, Labor has sold its soul.

The Hon. M.J. Atkinson: You are so easily disappointed.

Mr BRINDAL: The Attorney interjects that I am so easily disappointed. I am so easily disappointed. Before all things, I am not a Liberal first, I am an Australian first, and I believe that if there is one ethic this nation stands for, one thing above all things, it is a genuine belief, no matter whether you are Labor, Liberal, communist, Callithumpian or even Anglican—

The Hon. M.J. Atkinson: Hey, hey, don't go too far.

Mr BRINDAL: I did get an anonymous email today, which suggested this person knew that the Attorney-General held some magnificent high office in the Anglican Church. I was appalled. I have been an Anglican for 55 years and if my archdiocese gave the Attorney some glittering prize, let alone any other office, I would be appalled. The man subscribes to a form of Anglicanism which many Anglicans believe is verging on heretical—but that is a matter for another time. The point is this, to return to what I was saying: what is in this budget for people who live in the electorates of those members who sit on the government benches and purport to represent them?

What is in it for the people of the western suburbs, the northern suburbs and the southern suburbs? Where is the relief? Where are the concessions? Where is the compassion? Where are the things that, for eight years, the member for Florey and others pointed the finger at us and said, 'You are not doing enough for these people,' and that might have been—

The Hon. M.J. Atkinson: The member for Florey hasn't been here for eight years—four.

Mr BRINDAL: Well, she has made such a magnificent contribution in the four years she has been here it seems like eight.

Ms Bedford: It feels like eight.

Mr BRINDAL: And it looks like eight!

Ms Bedford interjecting:

Mr BRINDAL: The honourable member fell into that one! I do apologise. The honourable member does not look a year older than she actually is. The fact is that, for many years, Labor members, when we were in government, said, 'You should be doing more for this group. You should be doing more for that group.' Now Labor has, despite our

protestations otherwise, a chance to prove whom it represents, but in this budget there is very little evidence. The best I can find, in answer to the Attorney-General, in this budget in terms of compassion and social justice is that it is not putting the River Murray tax on absolutely everybody. It will exempt pensioners and exempt a very limited class of people. It is too bad that outside that very limited class of people are tens of thousands of electors who are not pensioners but who are on low incomes and have limited means of support who will be hit across the board. I will pay the same for a River Murray levy as a person living in Mansfield Park. I can share with the house the fact that I can afford to pay a little bit more and they probably would appreciate paying a little bit less, but this government had neither the wit nor the intelligence even to apply a progressive tax fairly.

Mr Goldsworthy: It's an attack on fairness.

Mr BRINDAL: It is an attack on fairness; it is an attack on Australian values; and it is an absolute derogation of the responsibility of the Labor Party to represent those people who have supported it for more than a century. It is the oldest political party in this country, founded on the needs of workers. It lauds its championship of the battlers, but it does not do that in this budget. If the Attorney, as a member of the dominating, bullying faction of the Labor Party, can sit there and be proud of it, that is fine. But I doubt whether those who are in the other faction and who have a real social conscience are as proud of it.

The Hon. M.J. Atkinson: No, I am not in the left.

Mr BRINDAL: Yes, that is what I said. I doubt whether those who have a real social conscience (those in the left), are as proud of this budget as the Attorney is. I also comment, as my colleague did before me, on the lack of vision in this budget. The Attorney is making whoopee about law and order and, quite frankly, I, for one, am a little appalled at the hairy-chested attitude of many politicians. I can beat—

The Hon. M.J. Atkinson: Well, the victims don't share your concern.

Mr BRINDAL: The Attorney says that the victims do not share my concern. I would put to the Attorney that if somebody sat down and explained to the victims—and that is one of the Attorney's fallacies; that is one of the problems, because everybody sees themselves—

The Hon. M.J. Atkinson: Are you going to re-educate the victims?

Mr BRINDAL: The Attorney has only just started to re-educate paedophiles and people who, for years, have needed re-education and, having said that the evidence was inconclusive on whether rehabilitation would do any good in prisons, I notice that he has erred on the side of bringing in some rehabilitation, anyway. I put to the Attorney that everybody in this state identifies with the victim—everybody sees themselves as potentially a victim—and that is fine. However, there are a number of people in this state who are not only related to victims but also related to perpetrators. And the state owes a duty of care to the rehabilitation of the perpetrators as well.

There is an emphasis at present on 'Let's get tough, let's support the victims and let's ignore the other side of the equation.' Justice demands three things: justice demands retribution; justice demands a punitive element; and justice also demands some rehabilitation. The only way to help victims is to ensure that those people who would create victims are less likely to do it after they have served a prison sentence. And just ramping up the sentences and pretending to get tough on crime but actually doing little about it—

The Hon. M.J. Atkinson: What about the DNA testing? Have you supported that?

Mr BRINDAL: We supported that before you did, and we were prepared to apply money before you were.

What I briefly want to talk about in the one minute available to me is what the member for Davenport touched on, namely, the standardisation of the line behind the Adelaide Hills. I would put to the member for Davenport that the other bit of the equation that would be needed is a new transport corridor down the Onkaparinga Valley—a standard line connecting with the Brighton line so that Adelaide would be on a magnificent transportation loop.

The Hon. M.J. Atkinson: Having spent the gross state product twice over in the course of this debate, you now want a couple of major capital works as a coda to end the debate?

Mr BRINDAL: Yes, a couple of major works. The member is quite right. That is called vision. I remember that Tom Playford and Don Dunstan had the wit to plan for South Australia in the future. They were not limited by the myopic introspection of people such as the Attorney, whose sole interest is surviving week by week to the next election.

Time expired.

Mr MEIER (Goyder): I want to make a few more comments about the budget but I do not want to go over ground that I touched on last night. It is very disappointing that, despite the rhetoric of the Premier and a few other members opposite about their priorities for health and education, in reality, whereas the health budget for 2001-02 under the previous Liberal government was 24.7 per cent, the Labor allocation in the 2002-03 budget and the 2003-04 estimated result respectively is only 24.1 per cent, which is .6 per cent less. In respect of education, the Liberal actual expenditure was 24.2 per cent and the 2002-03 estimated result was 23.9 per cent; and the Labor budget for 2003-04 was 24.3 per cent, again at least 1 per cent less as a total percentage of the budget.

So, the government's rhetoric about spending more as a percentage on health and education than the Liberals is wrong. I think it highlights what the member for Unley was just saying, namely, that the Liberal government looked after the welfare of people better than the Labor Party is doing.

There is no doubt that much of this budget is rhetoric. As one of my colleagues highlighted, the spin doctors certainly have been working overtime endeavouring to sell the budget, and it is a great shame that so much is said in relation to this budget, whereas the actual action compared to the verbiage is minimal, in my opinion, or certainly will be minimal in the coming year.

Last night, I touched on the positives of transport in my electorate and highlighted that, thankfully, the initiatives of the previous Liberal government that started the better part of two years ago are still continuing, and I am thankful for that. But where are the new projects? They are conspicuous by their absence. The amount in the budget for transport equates to something like a $22 million cut in transport, and quite a few staff will be cut from the department. That may not worry the people in the metropolitan area too much, but I can tell you that it will worry people in rural areas, because the transport department is already working very much on a shoestring budget in regard to staffing levels. So often we have a situation where urgent works are needed, either due to potholes as a result of rain or water lying on a road, or maybe undulations—and, certainly in my electorate, which has a clay base, there are many undulations. In fact, I was

delighted to take Transport SA officials along a section of a road about two months ago, after an approach to them, to see the undulations along the road.

The Hon. M.J. Atkinson: They are sensational, aren't they?

Mr MEIER: They are. As the Attorney says, the Department of Transport officials are sensational. They were not able to fix up all the undulations—it was between—

The Hon. M.J. Atkinson: Kulpara and Arthurton.

Mr MEIER: No, it is Paskeville and Kadina, actually. They have undertaken minor works in three areas and it was just phenomenal the way things went. I thought that the cars and caravans—let alone semi-trailers—would lose control. So, they have done their worst. When we were travelling together, they said, 'We can't repair some of these roads, they're not bad enough.' I replied, 'Well, it's bad enough when you travel along there on a regular basis.' However, the positive thing is that some of the road is being resurfaced, owing to some of the initiatives of the former government. I will continue to push for a continuation of roadworks, because my area is growing at a rapid rate, and I want to see road infrastructure keep up with that growth.

The problem is not only with road infrastructure but also with water infrastructure. Once again, I was approached by a prospective developer in the Ardrossan area who wants to open up quite a few blocks for residential development, but the problem is that there is no mains water available. The mains water runs close by, but SA Water has told them, 'We're sorry, but we're not going to let you tap into the mains water, because there's not enough water available.'

So, the only way around the problem is to install rainwater tanks, which is fine. When I lived in Maitland (which I believe has the highest rainfall in the whole of my electorate), our rainwater tanks could not provide our household water requirements throughout the whole year. In a very good year, it would last probably seven or eight months, but in lower rainfall years it would last about six months. What do you do for the rest of the year when you rely on rainfall for your water supply? I guess you tell the kids not to have baths or showers! That is an unsatisfactory situation, and so urgent work is needed to upgrade and boost the reticulated water system.

Again, it is very easy for SA Water to say, 'We don't have the funds to pay for it,' but the development is going ahead. I guess we could have a situation like the one that has occurred at the Port Vincent marina, where the marina developers agreed to provide the large part of the funding for the water upgrade of the whole of Port Vincent. However, not all companies have the finances available to undertake a major upgrade. In relation to the Port Vincent upgrade, the local council also contributed, and I believe SA Water had something to do with it, too.

Some projects are either under way or proposed for areas such as Balgowan, where storage tanks have been installed. At least residents have a restricted water supply and have reticulated water whereas they did not have it previously. However, that is a stop-gap measure. It was wonderful when the previous Liberal government replaced the storage tanks at Paskeville so that at least those people have clean fresh water. Members would recall (and I highlighted this matter in the house a couple of years ago) that we had the filtered water, but when it got to Paskeville it was kept in earthen dams. It was useless to filter the water when it was kept in earthen dams and became contaminated, but that problem has now been overcome. Millions of extra dollars need to be allocated to water extension.

Because of the problems with the River Murray, we may have to look at alternatives. Again, I recently spoke in this house about installing desalination plants along Yorke Peninsula. If we do not have water from the River Murray, we have to look at providing an alternative water supply. The government does not seem to be doing anything about this problem. Let us at least start some more trial plants like those started on Kangaroo Island. Wind power also has to be actively promoted and assisted by the government through its regional development boards to ensure that government works hand in glove with the industry.

I also want to highlight the lack of money being spent in regional areas. I said last night that the previous Liberal government had directed considerable resources towards regional development, which had boosted our exports enormously. The flow-on effect from that has continued, but I am extremely worried that, unless the government takes a more active role, things will start slowing down. Of course, that will have an effect on our regional communities as well. If we do not have a good break this season (although, at the moment, it is looking positive in most areas), we are in for hard times. If we marry this situation with the River Murray water problems, a lot of things need to be done in South Australia.

Time expired.

Mr GOLDSWORTHY (Kavel): I want to continue my remarks from last night.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: It is interesting that the Attorney-General interjects. Earlier today, the Attorney accused the member for Unley of being the 'member for trivia', but I think that we can call the Attorney-General the 'minister for trivia' if he persists with his interjections and activities that he seems to find so enjoyable. I want to continue my remarks from last night about the road infrastructure needs in my electorate of Kavel. I spoke about the need for the government and Transport SA to investigate the possibility of a second freeway interchange at Mount Barker. The whole area of Mount Barker, including Littlehampton and Nairne, has experienced significant population growth. Sooner rather than later—

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: I am not too sure about that. They certainly will not when they realise the effect that this increased tax regime will have on them, particularly the River Murray tax, which is attacking all the mums and dads of middle South Australia.

The Hon. M.J. Atkinson: I reckon Mount Barker will move our way next election.

Mr GOLDSWORTHY: That has yet to be determined. I will not respond to any more interjections.

The SPEAKER: The Attorney may see himself as a prophet, but not Mohammed.

Mr GOLDSWORTHY: Indeed, sir. That region in my electorate is experiencing significant population growth, and sooner rather than later Transport SA and this government will have to bite the bullet and look at progressing the issue of constructing a second freeway interchange to bring traffic in and out of that area.

I also want to talk about the issue involving the main street in Hahndorf. I have spoken about this issue in the house previously, and I will continue to raise it in this place until the

matter is resolved. Every week, there are thousands of vehicular movements through the main street of Hahndorf (which is one of the main tourism icons in South Australia), including heavy transport such as semi-trailers, grape trucks and logging trucks moving to and from Kuitpo and Mount Crawford. This street is a major tourism attraction in this state, and those heavy vehicles as well as buses using that street have become a real issue.

We had the pleasure of hosting the Minister for Tourism at a luncheon in the main street at a restaurant that is one of the many magnificent restaurants in the Hills. The Minister for Tourism—

The Hon. M.J. Atkinson: What restaurant was it?

Mr GOLDSWORTHY: It is Muggletons, actually. It is a really lovely restaurant in which to wine and dine, and the Minister for Tourism was gracious enough to accept our invitation to attend. We had a lovely meal with representatives from the Hahndorf Community Association and the Hahndorf Business Association, the District Council of Mount Barker and other interested folk. We discussed the impact that the transport issue in and around the town has on tourism. The minister is a fine lady. She understands the issue and, hopefully, she will have some influence around the cabinet table.

I now want to turn my remarks to some social policy issues. I have not spoken much in the house previously about social issues. However, I want to raise a couple of concerns that have been raised with me by constituents about social policy, particularly concerning the Cora Barclay Centre. I understand that the centre has had financial difficulties over a number of years, and it is only by the good grace of the previous Liberal government that we have been able to see an adequate and satisfactory level of funding for that centre so that it can do its marvellous work with the children, who suffer from hearing impairment and, as a result, speech disabilities.

A husband and wife, and their eight year old daughter (a beautiful child named Bethany) came to see me. Bethany is profoundly deaf. She was born with acute profound deafness and, because of the tremendous work of the Cora Barclay Centre and a cochlear plant (which they sometimes call a 'bionic ear'), Bethany is able to hear and to learn to speak. Her mother told me that without the assistance of the Cora Barclay Centre the public system would have taught Bethany only how to speak using sign language. It was only because of the tremendous work of the Cora Barclay Centre in supporting that child through her schooling in the early years of kindergarten, reception, and now year 3 that Bethany is able to hear and speak. She is a credit to her parents' perseverance and their loving care. It is incumbent upon this government to maintain the funding to the Cora Barclay Centre.

Recently, I read articles in the *City Messenger* concerning this centre. The government is being, as usual, heavy-handed and mean spirited (as we have seen in this budget) by prevaricating and procrastinating over funding issues. I met with the Minister for Social Justice (Hon. Stephanie Key), who is a fine lady and for whom I have the utmost respect, a woman who—

Ms Thompson interjecting:

Mr GOLDSWORTHY: If that is what the member for Reynell wants to describe—

Ms Thompson interjecting:

Mr GOLDSWORTHY: That is the member's opinion. I met with the Hon. Stephanie Key, who is a fine lady (and I will refer to her as a lady). She listened with empathy, and she has undertaken to investigate the issue and report back to me. I have faith in the minister that she will keep her word.

The other issue I want to touch upon in the couple of minutes remaining concerns FAYS. My electorate office and I have quite a bit to do with the FAYS office in Mount Barker. It does a fine job with the limited resources available. Yesterday, we heard interviews on ABC radio with the Chief Executive of the health department saying that this government is not providing any more resources for FAYS. If there is one thing that this government needs to do in terms of social policy, it is to adequately fund—

The Hon. M.J. Atkinson: No; to fund adequately!

Mr GOLDSWORTHY: Either way, the Minister for Trivia, who is being pedantic—those agencies. Following on from my comments last night, the Treasurer and this government are really playing the oldest trick in the book, that is, holding funds back right up until the last moment, until the most opportune and politically advantageous time (probably just prior to budget time in 2005), when we will see it open the floodgates with a whole raft of funding initiatives to try to pork-barrel the electorate. It will not work!

Ms BREUER (Giles): For the last day and a half I have been listening to the comments of my colleagues and my neighbours, the member for Stuart and the member for Flinders. Tonight, I feel compelled to speak briefly to rebut some of the nonsense that has come from both those members. I am absolutely amazed at the sour grapes that have emanated from both the member for Stuart and the member for Flinders, and I am even more amazed at their logic.

They have been griping about the appointment of the ministerial officers at Port Augusta and Murray Bridge. The ministerial office at Port Augusta is in the centre of the Stuart electorate. It is at the top of the peninsula, which is in member for Flinders' electorate, and it is ideally suited for all three of our electorates. When the Premier visited Port Augusta recently and opened the regional ministerial office, he announced that the government had allocated $254 000 to the first phase of the Upper Spencer Gulf's enterprise zone. This is money that you do not snipe at or gripe about and say is a waste of space.

That initial funding included $100 000 for the Upper Spencer Gulf Common Purpose Group to implement its strategic plan and to encourage investment and reinvestment in the region. Whyalla also benefited, with $70 000 to continue the development of the Whyalla aquaculture industry and the harbour facilities and examine the proposal of exporting fish. The amount of $50 000 was allocated to employ an investment attraction officer for the region to look particularly at the defence and aerospace industries, resource processing, transport and tourism. Some money was also allocated to the Port Pirie Regional Development to continue to employ its SAMAG project officer.

The opening of the northern regional ministerial office was an important part of the process of getting this funding into our region, because it provides the region with a direct line of contact to the state government and to the ministerial officers. That is its purpose: to encourage stronger relationships between state government ministers, local community leaders, business and organisations. It does not take the place of the Economic Development Board: it is there to encourage liaison and to assist wherever it can. The office has a strong emphasis on regional development issues, but it also focuses on the provision of state government services.

Responsibilities of the office will be to provide direct feedback and advice on rural and regional issues to government ministers and departments and to help develop good policy. How can anybody from our part of the state complain about that? It is incredible. A second ministerial office will be set up in Murray Bridge (about which I am sure our Speaker is very happy) which will service a large region. I believe that this office is the first opportunity we have in country regions and demonstrates our government's commitment to listening and responding to rural and regional South Australians.

I was very happy when the current Minister for Industry, Trade and Regional Development was appointed, because he is a real bushy who comes from the country. He does not come from Clare, Mount Barker, or any of those nice little suburbs of Adelaide. He comes from somewhere four hours away from Adelaide. He understands the issues about regional development, so I am very happy to see him in that role.

The office in Port Augusta services the Upper Spencer Gulf cities, Orroroo-Carrieton Council, Mount Remarkable Council, Peterborough Council, Flinders Ranges Council and all areas north of Port Augusta. The member for Stuart is absolutely feral about it. What is his problem? Why is he so frightened of it? Why do we have these constant grieves about this office in Port Augusta? Obviously, he is very worried.

The member for Stuart implies that the person who is running those offices will again be a candidate for the seat of Stuart at the next election, and the member seems to be setting up a smear campaign against Justin Jarvis, whose name is mentioned regularly when the member for Stuart makes a speech. Every opportunity he gets, he smears Justin Jarvis and this government. I think the honourable member won the seat at the last election by 501 votes. If the member for Stuart runs at the next election, it is amazing that he is bothering with this ongoing campaign, 2½ to three years out from the election. He is always trying to smear the person he believes will be his opposition.

If he can foresee the future, that is great, but what is his problem? He is obsessed by it. The member for Stuart and the member for Flinders keep saying that the offices in Port Augusta and Murray Bridge are run by failed Labor candidates, as they put it. First, the regional ministerial offices answer to the Premier and to the Regional Development Office. It is a breakthrough, given the bureaucratic gobbledegook that we have had to put up with in the past. It is also an extra commitment above and beyond that made by the former Liberal government. It is a great asset for our communities. Why moan about it?

Justin Jarvis is manager of both regional offices: that is his role. However, the day-to-day running of those offices is a completely different matter. There is a ministerial officer in each office and administrative support. The person who runs the office in Port Augusta has never been a candidate for the Labor Party. She comes from a very strong regional development background and has an excellent resume for the sort of work that she does. The person who runs the office in Murray Bridge ran for the Labor Party in the previous election in a totally unwinnable seat, and people knew he had no chance of winning it. To say that he is a failed Labor candidate is ridiculous. The minister responsible for those offices is the Hon. Jay Weatherill.

Yesterday it was interesting to hear comments on the radio from the Northern Regional Development Board CEO, Mr Andrew Eastick. The name Eastick is well known in this place, and the person who bore that name here was well known to Mr Andrew Eastick. In fact, I suspect he read him many a bedtime story at night. Mr Andrew Eastick said that the appointment of Justin Jarvis to the Port Augusta office has been invaluable. He said on radio yesterday:

> Yes, I think he has been brilliant for the region. Justin's knowledge of the region has come about because he has been a long-term resident of this region, which means that, if he is going to stand for parliament, he has to come from this region because that is where he lives. Justin's understanding and knowledge of government and his personal relationships with the ministers of the government have been brilliant.

Mr Eastick, who is in the forefront of regional development in Port Augusta and has done some incredible work for the Port Augusta community, is very much in favour of Justin being in charge of those offices.

The member for Flinders has also been griping in here over the last two days about the state budget, and one of her biggest gripes is that the Eyre Peninsula desalination plant has been not been included in the budget. That is just absolute rubbish and, as minister Jay Weatherill has said, she has been giving out quite misleading information. The budget papers are quite specific about the desalination plant for Eyre Peninsula. They allocate money, they refer to the project and they even estimate the total project costs. One must question all the other budget issues that the honourable member has brought up in this place, because the budget specifically says that that project will be included.

The member for Flinders also spoke about the railway infrastructure on Eyre Peninsula, stating that an injection of $50 million is needed because the infrastructure is so poor, it is totally neglected and needs a lot of work done to it. Why did the previous Liberal government do nothing about this infrastructure for eight years? Railway infrastructure does not deteriorate in 12 months. It is absolutely ridiculous. They did nothing about it. She is now trying to blame our government for the Liberal government's neglect of her electorate for so many years. That government could not have cared less about the railway infrastructure in her electorate, so why bring it up now and try to blame us for the problems she has been having for years but could not get anyone to do anything about while the Liberals were in power?

So many other things that have been brought up in the last two days have been similar—it is all our fault! Members opposite were in government for eight years, and now they are trying to blame us. So many of the things they have mentioned do not deteriorate that quickly in 12 months. It is absolute rubbish and they are hypocrites, and the member for Flinders and the member for Stuart are total hypocrites, given the rubbish that we have heard from them over the last two days.

The member for Flinders spoke about the $30 levy on the River Murray, complaining that, because they do not use the River Murray water, they should not have to pay it. What a narrow view is that? How ridiculous is that? It is just ridiculous to think that, because they do not use River Murray water, they should not have to pay the levy. How many times do they come to Adelaide? How many times do they work down here and have to use that water? We are all part of South Australia: we should all pay the levy and try to save the River Murray. If we pay SA Water bills, we pay the levy. It is just ridiculous.

Eyre Peninsula and the Flinders electorate are among the richest areas in the state. The member for Flinders com-

plained that the $28.60 levy they already pay is enough. I do not think that too many people on Eyre Peninsula and around Port Lincoln cannot afford to pay both levies.

The Hon. S.W. KEY (Minister for Social Justice): I move:

That time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to grieve for 10 minutes on the Fleurieu schools and the lack of commitment by this Labor government to build these schools. I will also touch on the Kangaroo Island school situation. I begin with Victor Harbor, where there was a firm commitment made and an enormous amount of community work done in terms of building a new TAFE college, a new senior secondary school and to have a community library in conjunction with TAFE, the senior secondary school and the Victor Harbor council. We have already put on that site the new Encounter Centre, which is a centre for people with disabilities, because it wanted to link into the TAFE college.

The previous Liberal government bought the land, which is immediately west of the existing high school. The existing high school is very old. It is also a rapidly growing school because Victor Harbor, Goolwa and the Southern Fleurieu Peninsula comprise the fastest growing area of South Australia. It has had a population growth about eight times the state average for the last 10 years. That population growth is not just in older people. Certainly, there are a lot of older people there, but it is interesting to look at the statistics. The proportion of older people is remaining static, so we now have growth right across the age spectrum. Victor Harbor has one of the largest primary schools in South Australia, and it has completely outgrown its facilities and urgently needs work.

I return to this complex, which was to house the TAFE college, senior secondary school and community library. After about 12 months of negotiation, the council decided to be a part of the community library and to put in money to help cover the recurrent operating costs. There was a very high level of expectation. The Department of Education and Children's Services, over a 12-month period, had carried out a lot of discussions with the local community about what subjects should be taught at the senior secondary school and, in particular, how vocational training should be developed within that school. Vocational training would then link in very closely with the TAFE college.

The need for the TAFE college cannot be disputed at all. We have a population from Goolwa through to Yankalilla of about 25 000 people. We also have a very small, temporary TAFE facility sitting on an otherwise magnificent block of land, one of the most valuable blocks of land in the whole of Victor Harbor. That land could be sold and many people say it could fetch $4 million or $5 million, which largely could have covered the cost of building the new TAFE facility. You have the asset sitting there that could have been sold and the money could have gone into building the facility on the new land already purchased—so there is no need to go out and incur cost for that—in conjunction with building the senior secondary school. What happened? About 12 months ago, when everyone was expecting the detailed design work to be finished, the minister said she would have a three-month very quick review. On radio she claimed it would not hold up the development of the schools at all. The three-month review turned out to be about a nine-month review and we have never as a community seen one report out of that review. There has been absolutely no response. How dishonest it was of the minister to make a public claim that she would carry out this review, that it would be a short one and then the developments would proceed.

In the budget documents we find instead a heading 'Southern Fleurieu schools—commencement October 2003; due for completion in March 2006', apparently stage 1. The other project that was so crucial to this was the development of the new school at Port Elliot. The Port Elliot Primary School is built to cater for about 180 students, just about all of them in temporary facilities. The student population is now up to about 220 and rapidly growing. If you see the development there now close to Port Elliot at Chippendale one realises how the school will continue to grow. We had identified land where the Port Elliot Show Society was willing, on a long-term lease, to lease the land to education. It could have sold its existing site, which would have been a valuable development site in Port Elliot, where vacant land is now short, and could have again used the money largely to have funded or gone a fair way towards funding the new facilities, but they chose not to. So, no common sense is being applied at all.

But, we have stage 1 and we have allocated $1.01 million and we find that the only money allocated is to build the special education facility at the Victor Harbor High School—not on the new site but on the old site and not next to the brand new Encounter Centre for people with disability but further down the road back on the old site. There is no sense and no logic in terms of the decision made by the minister, nor was there any consultation with the local community over it because the local community would like it to be part of the new development.

I am glad the Minister for Further Education is in the house and I ask her to read the speech in terms of the TAFE college. The level of neglect of tertiary education at that level on the Fleurieu Peninsula is a damnation on this government because this facility should have been funded in this budget. I also point out that Flinders University has negotiated with the proponents of the TAFE facility to look at trying to put some of the Flinders University courses in down on the Fleurieu. Equally, the University of the Third Age was expecting to use this facility. We have a promise over a three-year period of $4.5 million. They have allocated $1 million for the special education unit at the high school. However, the real hoax is that I have before me an official document out of the education department that shows that the concept valuation estimate for the special education unit is $2.079 million. So, they have only allocated half the money to build this facility and I understand the Victor Harbor High School has been told to cut the facility in half and halve the cost because only $1 million is available. So ridiculous is it that it has designed it with wide enough corridors so that you can get two wheelchairs down the corridor, in other words, they can pass each other with ease—the sort of thing needed in a special education facility.

We have now effectively, after this review, no response from the government whatsoever. Equally, on Kangaroo Island we were to have a quick review. They had the review, which came out with a disastrous result, and the member who chairs that review sits in this house and should be ashamed—her face should go red over the lack of community consultation and the stupid recommendations. Under the recommen-

dations that came up she was to advocate that children going to secondary school should travel four hours a day to get to and from school. What a farcical situation! That shows the extent to which she has not even bothered to find out the real facts.

To make matters worse, the review was to be the prelude to the redevelopment of the Kingscote Area School. We open up the budget documents and do not find a single dollar allocated to the redevelopment of the Kingscote Area School. The whole thing has been an absolute hoax and, boy, are the local communities on the Southern Fleurieu and Kangaroo Island angry about the way in which they have been neglected on education. They have repeatedly invited the Minister for Education to come to the Fleurieu and she does not even bother to respond to the correspondence sent to her. Not even the Victor Harbor council can get an answer as part of its co-development of the library, to which it has committed funds. It cannot get an answer. She is rude to the extent that as a minister of the crown she completely ignores the education of the children of the Fleurieu Peninsula. Even the union representative is angry.

Time expired.

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

The Hon. M.J. Atkinson: Good member!

Mr WILLIAMS (MacKillop): Thank you! I am delighted that the Attorney-General recognises me as a good member. There are a range of issues that I hope to touch on tonight, but I have not been in the house for a great deal of the time and have not heard the contribution of a lot of members, but I had the pleasure of hearing the contribution by the member for Giles and I will make a couple of comments on her contribution, particularly when she talked about the sham offices being created in Port Augusta and Murray Bridge and staffed by failed Labor candidates. She sought to justify these offices. It is obvious to everybody in South Australia why the people staffing these offices are now reporting to the Premier and not to the Minister for Regional Development. I contend that the Minister for Regional Development did not want anything to do with them: he did not want anything to do with blatantly political officers working for nothing other than the ALP's cause. That is why the members for Stuart and Flinders sought to highlight that issue.

The member for Giles also talked passionately about the new water tax levied on every South Australian—this miserable tax. The excuse that we have a drought and are facing water restrictions has been used by this mean and tricky Treasurer to introduce another tax, notwithstanding the fact that he and his Premier stood before the people of South Australia a little over 12 months ago and promised not to introduce any taxes. We have seen a raft of them over the past 15 months, but this one is particularly mean. The member for Giles says that it is the role of every South Australian to contribute to this cause. There is nothing wrong with the cause, but $20 million will not fix it—that is the first thing. The Labor Party—

Ms Breuer interjecting:

Mr WILLIAMS: I can assure the member for Giles that $20 million is not even a start. It is a much bigger issue than that, and it is time that the government got out of denial on this issue. If it really wants to do something about it, the government should get serious about the matter. Some of the windfall profit, the couple of hundred million dollars windfall excesses that are flowing into the Treasury, might, indeed, be a start.

Ms Breuer interjecting:

Mr WILLIAMS: I will just point out to the member for Giles (because she might have overlooked this fact) that 80 per cent of the water that is extracted out of the River Murray in South Australia is not extracted via the SA Water distribution system. It is extracted by irrigators along the River Murray, not one of whom will contribute to the government's miserable little tax. That is something that the member might think about, because I think that has been overlooked—

The Hon. Dean Brown interjecting:

Mr WILLIAMS: A miserable tax. The member for Giles talks about why the people at Ceduna or Mount Gambier should contribute—and do not get me wrong: it is a good cause; we have to do something about the River Murray. But when the member talks about why the people at Ceduna, or even Penong, should contribute (although I think that the people at Penong probably are) she should just remember that the people who are extracting 80 per cent of the water out of the River Murray will not be contributing. I think the member should question the Treasurer and a couple of the senior ministers who have made this decision about the rationale behind this. It is pretty obvious to me that the rationale, once again, is about the headline rather than about getting an outcome, because $20 million will not deliver an outcome.

While the Leader of the Opposition was making his contribution, he mentioned the promise of a review into the expenditure on the schools within his area. I thought he might have had time to expand on that matter, but obviously he did not. I am still waiting to find out the outcome of the generational health review. It has not seen the light of day. It still has not been released, to my knowledge. This review, which was to be released at the end of March (a little while ago), still has not been released. Why has it not been released? I would contend that the generational health review contains a few things that are quite unpalatable to this government. I think that is a fairly good guess—particularly when this government has made so much in the media about health being one of its major priorities, education and law and order being the others, and it has reduced the amount of money spent in all three areas, in real terms, in this budget. So, why would the government want to release some of the report, which will bring out the truth of the matter and embarrass this government?

The Hon. M.J. Atkinson interjecting:

The ACTING SPEAKER (Mr Goldsworthy): Order!

Mr WILLIAMS: What I really want to grieve on is something that affects rural landowners, particularly in my area. I want to talk very briefly about Ovine Johnes disease, which is a sheep wasting disease—and maybe some of the members on the government side might read this in *Hansard* tomorrow, because I can assure members that the Minister for Tourism has no understanding whatsoever of the shearing industry, or the sheep industry in general. She demonstrated that today, and I think her contribution showed her absolute ignorance of part of her portfolio area. I think it was a shameful act that a minister of the Crown in this state would come in here and carry on like that about one of the major industries that has been the backbone of this state ever since white settlement.

I have some concerns about the way in which Ovine Johnes disease is being handled by the department of agriculture. I have here an article which appeared in the

Border Watch in February of this year and which states that there are currently 19 properties in the South-East that are classified as having an infected status for Ovine Johnes disease. Some 12 of those properties arose from an outbreak in 2001, which came out of one stud property in the Millicent area and, through trace forwards, 12 other properties achieved infected status. I think members should be aware that there are at least seven other properties, two of which may have been connected to that outbreak. So, there are at least five other properties in respect of which no connection to that outbreak can be found.

The point I want to make is that we in the farming community, in the sheep community, are being told that the abattoir tracing (that is, inspectors in the abattoirs inspect the intestines of the sheep when they have been sorted, looking for signs of Ovine Johnes disease) and the abattoir inspections show that we have a very low instance, and for a long time we were told that we virtually had a zero instance, of Ovine Johnes disease in South Australia, apart from on Kangaroo Island. I contend that we do not know what the incidence is. In fact, it has more recently come to my attention that the abattoir tracing only happens in certain abattoirs. It is not happening across the board. My understanding is that it is quite simple for producers to ensure that what we call their cast for age sheep, the older sheep that have been sold off, which end up for slaughter, can go through the system where they will not be tested.

I can tell members many stories of some of the impacts that the current management process has had on farmers in my area. One of the treatment programs is to destock—to remove sheep from the property, have the property without sheep running on it for one summer, or at least 15 months, and then stock are allowed to be put back on the property. This is one of the official treatments. It is my understanding that, in a number of cases, having gone through this process, the newly introduced flock, after a period of time, has broken down with a recurrence of the disease.

I can see that the clock is ticking down, and there are many other things I would like to say about this insidious disease, but might I just say at this point that I feel that the program that the department has in hand at the moment is causing much anguish to many land-holders. It is totally unfair and inequitable, and I think that it needs to be looked at.

Motion carried.

The Hon. S.W. KEY (Minister for Social Justice): I move:

That the proposed expenditures for the departments and services contained in the Appropriation Bill be referred to Estimates Committees A and B for examination and report by Wednesday 25 June 2003, in accordance with the timetables as follows:

Estimates Committee A

TUESDAY 17 JUNE 2003
- Premier
- Minister for the Arts
- Minister for Volunteers
- Minister Assisting the Minister for the Arts
- Department of the Premier and Cabinet
- Administered Items for the Department of the Premier and Cabinet
- State Governor's Establishment
- Arts SA
- Auditor-General's Department
- Administered Items for the Auditor-General's Department
- House of Assembly
- Joint Parliamentary Services
- Legislative Council

WEDNESDAY 18 JUNE 2003
- Minister for Police
- Attorney-General
- Minister for Justice
- Minister for Consumer Affairs
- Minister for Multicultural Affairs
- South Australia Police
- Administered Items for Police and Emergency Services (in part)
- Courts Administration Authority
- State Electoral Office
- Attorney-General's Department (in part)
- Administered Items for the Attorney-General's Department (in part)

THURSDAY 19 JUNE 2003
- Minister for Education and Children's Services
- Minister for Aboriginal Affairs and Reconciliation
- Minister for Correctional Services
- Department of Education and Children's Services
- Administered Items for the Department of Education and Children's Services Department for Administrative and Information Services (in part)
- Department for Correctional Services

FRIDAY 20 JUNE 2003
- Minister for Urban Development and Planning
- Minister for Administrative Services
- Minister for Gambling
- Planning SA
- Administered Items for Planning SA
- Department for Administrative and Information Services (in part)
- Administered Items for the Department for Administrative and Information Services (in part) Independent Gambling Authority

MONDAY 23 JUNE 2003
- Minister for Environment and Conservation
- Minister for the River Murray
- Minister for the Southern Suburbs
- Department for Environment and Heritage
- Administered Items for the Department for Environment and Heritage
- Environment Protection Authority
- Department of Water, Land and Biodiversity Conservation
- Administered Items for the Department of Water, Land and Biodiversity Conservation Offices for Sustainable Social, Environmental and Economic Development

TUESDAY 24 JUNE 2003
- Minister for Transport
- Minister for Industrial Relations
- Minister for Recreation, Sport and Racing
- Minister for Emergency Services
- Transport Services
- Administered Items for Transport Services
- Transport Planning
- Passenger Transport Board
- TransAdelaide
- Department for Administrative and Information Services (in part)
- Administered Items for the Department for Administrative and Information Services (in part) Attorney-General's Department (in part)
- Administered Items for the Attorney-General's Department (in part)
- Administered Items for Police and Emergency Services (in part)

Estimates Committee B

TUESDAY 17 JUNE 2003
- Treasurer
- Minister for Economic Development (representing the Minister Assisting the Premier in Economic Development)
- Department of Treasury and Finance (in part)
- Administered Items for the Department of Treasury and Finance (in part)
- Office of Economic Development

WEDNESDAY 18 JUNE 2003
- Minister for Tourism
- Minister for Science and Information Economy
- Minister for Employment, Training and Further Education
- South Australian Tourism Commission
- Minister for Tourism
- Department of Further Education, Employment, Science and Technology

THURSDAY 19 JUNE 2003
- Minister for Health

Minister for Social Justice
Department of Human Services (in part)
Administered Items for the Department of Human Services (in part)
FRIDAY 20 JUNE 2003
Minister for Agriculture, Food and Fisheries
Minister for Mineral Resources Development
Department of Primary Industries and Resources (in part)
Administered Items for the Department of Primary Industries and Resources (in part)
MONDAY 23 JUNE 2003
Minister for Industry, Trade and Regional Development
Minister for Small Business
Minister for Local Government
Minister for Forests
Department for Business, Manufacturing and Trade
Administered Items for the Department for Business, Manufacturing and Trade
Office of Local Government
Administered Items for the Office of Local Government
TUESDAY 24 JUNE 2003
Minister for Energy
Minister for Housing
Minister for Youth
Minister for the Status of Women
Department of Treasury and Finance (in part)
Administered Items for the Department of Treasury and Finance (in part)
Department of Primary Industries and Resources (in part)
Administered Items for the Department of Primary Industries and Resources (in part) Department of Human Services (in part)
Administered Items for the Department of Human Services (in part)

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Sir, is this a procedural matter or is it a formal motion that can be debated?

The ACTING SPEAKER: The advice I have received is that the motion can be debated.

The Hon. DEAN BROWN: I wish to comment on the estimates committees that have been set up. There have been discussions between me and the government representative in term of the times allocated for ministers for these estimates committees. Whilst we have reached some general agreement, certainly, in terms of some of the issues and the allocation of times, there is enormous dissatisfaction from the opposition about the overall time allocated for the estimates committees.

The Hon. M.J. Atkinson: After you cut it when you were in government.

The Hon. DEAN BROWN: The Attorney-General, in making that interjection, is wrong. When I was Premier, there were 13 ministers. Each minister was expected to come to the estimates committees for a day. They started at 11 a.m. and finished at 10 p.m., which is eight hours if you take out the time allocated for both morning and afternoon tea. Now, if one looks at the time allocated by this government there is a very substantial reduction in the amount of time. The government has 14 cabinet ministers and, it would be fair to say, on the same basis, those 14 ministers should appear one a day from 11 o'clock in the morning until 10 o'clock at night. But they are not doing that. The government has very—

Members interjecting:

The ACTING SPEAKER: Order!

The Hon. DEAN BROWN: —substantially reduced the time available to the point that, effectively, there are 12 sittings of committees and many of those committees finish by about 6 p.m.

The Hon. M.J. Atkinson: By agreement.

The Hon. DEAN BROWN: By no agreement whatsoever, and let me make that absolutely clear. There has been no agreement. In fact, I have argued and I have asked for additional time and I have been refused that time. I want to make sure that it is recorded in this house the extent to which this Labor government, elected on the claim that it was going to be open and accountable, has cut back on estimates committee times—

The Hon. S.W. KEY: I rise on a point of order, Mr Acting Speaker. The motion to set up the estimates committees does not include times. It does include dates. In the case of Tuesday 17 June 2003, that day is allocated to the Premier to answer questions. No times are listed. I am saying that the matter raised by the deputy leader is not within the motion we are being asked to consider. We have dates.

An honourable member interjecting:

The Hon. S.W. KEY: No, what we have are the dates and the ministers allocated for those particular days, whether it is Estimates Committee A or Estimates Committee B.

The ACTING SPEAKER: I ask the minister to resume her seat; we have heard enough. The times set down for estimates are in the standing orders. There is no real point of order. The Deputy Leader of the Opposition.

The Hon. DEAN BROWN: Here is this Labor government, elected on the basis of being open, accountable and honest, and what do we find? One of the first things it has done is to cut back substantially on the time allocated to estimates committees available for examination of these very issues. So, the very issue on which this government went to the election and what it has talked about since is absolute baloney. This government has continued with falsehoods prior to and since the election about how accountable it is. We are still waiting for 100 questions from last year's estimates to be answered in this parliament.

What does it do? Even when a freedom of information application was put in, the government tried to claim that it should not answer it because of parliamentary privilege. What rubbish! And the Attorney-General is part of this. I am amazed that he is not willing to be accountable. The government has 14 cabinet ministers, and 14 cabinet ministers ought to be prepared to sit here from 11 o'clock in the morning until 10 o'clock at night. To go back and compare it with what we did in 1994, 1995 and 1996 would involve taking 13 days and dividing those 13 days, from 11 o'clock in the morning until 10 o'clock at night, among the 14 ministers. But, no, there is a very significant reduction, indeed. Not only have we gone, effectively, from 13 sittings back to 12, but those sittings have dropped, on average, by about 2½ hours per sitting. It is very clear that this government is scared to expose itself to questioning.

An honourable member interjecting:

The Hon. DEAN BROWN: Exactly; it is scared to expose itself to questioning in the estimates committees. Even where questions are taken on notice, as they were last year, the government is not prepared to come back with the answers. Let it be understood that there is no agreement with the opposition in terms of the times allocated. Let me give an example of what we requested. We asked for an additional half an hour for the Economic Development Board. Here is the whole economic strategy in South Australia, together with its report and the summit, and the government has allocated one hour. We asked for that to be increased to 1½ hours and we were told no. That is absolutely appalling.

It is the whole strategy of the government. The Premier made a ministerial statement on it today that lasted for about

15 minutes. Therefore, partly, it is not prepared to face detailed questioning from the opposition to the Chair of the Economic Development Board and to the Treasurer, who will be here to answer questions about the board. Another issue is the fact that we are sitting on a Friday when, in fact, the parliament has traditionally sat on the Monday, Tuesday, Wednesday and Thursday. Again, I think that is a very valid issue. Members have traditionally been able to go to their electorate offices on Friday, yet this year two estimates committees are sitting on the Friday.

The Hon. D.C. Kotz interjecting:

The Hon. DEAN BROWN: It is cutting some off at six, some even before six, and it is not going through until 10 o'clock at night as it used to. One can see that that means that about 2½ hours is cut out of the estimates committees. I want to make it very clear that what we have been offered in terms of times and arrangements are unsatisfactory. Another classic example is WorkCover, which has been given a very limited time, indeed. We have heard the minister responsible for WorkCover carry on about what has occurred with the unfunded liability of WorkCover and how it has blown out to $350 million.

One would have thought that was an appropriate issue on which we would have plenty of time to ask questions. No, the government was not prepared to allocate additional time. I think, to be absolutely correct, it gave us 15 minutes more for WorkCover—15 minutes only when we asked for up to half an hour. Let it be understood that the opposition has asked for additional times. We have asked the government to subject itself to the same level of scrutiny as we offered. When we went into government we offered members opposite the opportunity to go from 11 o'clock in the morning until 10 o'clock at night. I therefore voice my objections to the time allocations and the way in which these estimates committees are being run.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I ask you to rule that this motion is disorderly and cannot be considered by the house at this time. I ask you to do so for the following reasons: standing order 270 clearly states:

> An estimates committee meets only in accordance with a timetable adopted by the house or as varied by the Speaker.

The minister herself was very clear to point out that the document as circulated by the house has a timetable in so far only as it contains dates. In fact, it contains no times. Therefore the house cannot approve this document because it lacks a timetable, which the house is asked to approve under standing order 270. I therefore contend that this is a disorderly motion and cannot be discussed until a timetable is included.

The SPEAKER: The honourable member raises interesting queries. Quite simply, his experience, whilst by comparison with many other members in terms of years perhaps is above average, does not extend to the point in the history of the house when we adopted the use of estimates committees as the means by which we would scrutinise the budget. Those committees are a replacement of the committee's consideration of the clauses in the budget bill itself, and we have adopted sessional orders that have enabled us in the past to do that. Those sessional orders have been incorporated now into the standing orders.

There is no requirement upon the government or the house to delineate at what time certain ministers' votes will be considered. That does not imply: it simply states that there is a guillotine on every committee on every department. That, in the past, has been left to the discretion of the members of the committee and came from the practices of the house which do not and have never guillotined consideration of one clause, other than to restrict members to the ability to speak only three times to that clause and for as much as 15 minutes on each occasion.

The house has been silent in its view of what time ought to be allocated to each of the departments. If the honourable member seeks to amend standing orders to require that to be included therein, or otherwise through consultation perhaps with members of the government and other members of the chamber at large, to ascribe time and put a guillotine on the debate of each of the departments, then it is quite competent for the member to do so. However, to expect me at this point to rule that the motion is out of order is against the explanation I have given of the history of it and the current practice with every other bill, and therefore not orderly.

Mr BRINDAL: I acknowledge the wisdom of your ruling, Mr Speaker, and you have indeed explained a lot to the house. Could I ask you, Mr Speaker, a further question? I have seen a timetable for starting the house passed between the parties. I point out that, in terms of timetable, there is no starting time listed. I know that is covered in the sessional or standing orders, but I believe, from memory, that some of the starting times set down by the committee are other than those set down by the standing orders.

The Hon. Dean Brown: No, that's been adjusted.

Mr BRINDAL: I am corrected on that: that has been adjusted. But perhaps the deputy leader can assist me as to whether this has been adjusted. Standing orders say, quite clearly, that if the committee is meeting at 6 o'clock it is suspended for an hour and a half. I also believe that various breaks according to the timetable have been otherwise altered. I accept what you are saying, sir, but my understanding is that those matters should not be altered unless so ordered by the house or so ordered by you, sir, in variance of an order of the house. And that is not in regard to the length of time a speaker can speak and it is not the truncation of the debate, which you rightly point out cannot be done: it is the time at which the house sits in the morning and the time at which the house may be suspended and for what duration the house may be suspended.

The SPEAKER: I share the concerns of the member for Unley and, for many years, was annoyed by the decision that was made by two whips as to what would happen against the interests of other members, in some circumstances—albeit unwittingly, I am sure, with no malice intended. The simple fact remains that practices grew up within those committees because they were left to be masters of their own destiny, wherein the wider interests of all members who are entitled to be present and ask questions (notwithstanding the composition so nominated) were therefore denied simply because deals were done within the committees.

I share the view of the member for Unley that it needs to be revisited. That does not mean that the house is incompetent to pass this motion now. It just means that the ambiguities remain and that the Standing Orders Committee ought to give its earnest consideration to this part of standing orders early enough in the next 12 months, after this estimates committee's hearings are over, to amend them and give a greater measure of certainty incorporating the sort of consensus that the honourable member obviously considers to be desirable in making those decisions.

The Hon. M.J. ATKINSON (Attorney-General): I point out, for the record, that the Deputy Leader of the Opposition was careful to make the comparison between estimates hours of the current government and those of the government of which he was premier; and he was careful to avoid making the more relevant comparison between the estimates hours of this government and the estimates hours of the government that immediately preceded it.

The Hon. D.C. KOTZ (Newland): I want to add perhaps my 2 cents' worth. It appears to me that, on many occasions, the Attorney-General rises to reinvent history or reinterpret history. I was a member of the government about which the Attorney-General was speaking, and the hours that were stipulated for estimates committees by the deputy leader also applied during the time that I was a minister in the Olsen government. I can also remember that the times that were negotiated were negotiated with the opposition and, on many occasions—on most occasions—when we did not sit until 10 o'clock or when we started later in the morning, it was after negotiation with the opposition. I cannot recall any occasion when the government did not accede to the opposition if it wished longer hours. On most occasions, negotiations were had with opposition members of the time, and it was a matter of negotiating the hours down rather than increasing the hours. So, I suggest to the Attorney-General that his memory may not serve him quite as well as the record will show.

Motion carried.

The Hon. S.W. KEY (Minister for Social Justice): I move:

That Estimates Committee A be appointed, consisting of Ms Breuer, Ms Ciccarello, Ms Geraghty, Mr Hamilton-Smith, the Hon. R.G. Kerin, Mr Snelling and Mr Williams.

Motion carried.

The Hon. S.W. KEY: I move:

That Estimates Committee B be appointed, consisting of Mr Evans, Mrs Hall, Mr Koutsantonis, Mr O'Brien, Mr Rau, Mrs Redmond and the Hon. R.B. Such.

Motion carried.

CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3399.)

Ms CHAPMAN (Bragg): This bill amends the Criminal Law Consolidation Act 1935, and seeks to abolish the time limit for the prosecution of certain sexual offences. This bill was originally introduced in 2002 by the Hon. Andrew Evans in another place. It is fair to say that the bill was introduced following submissions over a period of several years from many in the community who felt they had been discriminated against or disadvantaged as a result of child abuse and other forms of sexual abuse. Although they had survived the experience, they felt very strongly (particularly as a result of certain legislation) that they had been neglected and/or emotionally, sexually, spiritually, ritually or physically abused.

This cry came from those in the community, and even culminated in a petition to this house and, indeed, the other place. Without going into detail of the circumstances of the cases where they felt they had been prejudiced by this particular legislation, their stories were heart rending and heartfelt, and they were anxious to see some relief from this anomaly in the law and to ensure that they were duly recognised by at least having an opportunity to pursue and participate in a prosecution, if that was legally available to them.

A number of concerns were raised in the community, including the legal community, relating to time limitations on legislation and retrospectivity in the application of law. Others were concerned that there may be some prejudice or even damage to those seeking relief, in that there might be a significant and unrealistic expectation raised as to the relief they sought. In respect of retrospective legislation, leaving aside the legal aspects of it, very cogent arguments can be presented for introducing a law enabling people to travel back significantly in time and raise issues—issues, incidentally that can do more harm than good.

I can think of only one example after years of legal practice, and I do not particularly pick an example of a sexual abuse victim, as in this case, because I do not want that to be in any way a reflection on the difficulty they face. A man in his 80s attended my rooms, and he wanted to legally challenge the paternity of his then 60-year-old daughter. He claimed that she was the product of a liaison between his male friend and his wife while this gentleman was away fighting for Australia during the First World War. For whatever reason, he had decided that he wanted to disinherit his daughter. Tragically, the mother of the child (his former wife) had died 10 years earlier, but he wished to disown his daughter and wanted to proceed to determine parentage. I explained to him that would be difficult, particularly as the child's mother was dead and, because his daughter was 60 years old and clearly an adult, he would require her consent. So, there was an impediment to proceeding.

The tragedy was that he had fallen out with his daughter and wanted to dredge up an issue from the past—an event that had occurred some 60 years before—and use it at this time. His evidence was a little note he found in his wife's handbag when he returned from the war, which he suggested was cogent evidence to support his position. The ironic twist to this story is that, some years later, I learnt from his 60-year-old daughter (who had actually come in to pay her father's bill after he had died) that she actually knew there was a question mark over her parentage. She understood that her mother had been raped during the war, and that she may possibly be a child from that liaison, if one could describe it as that. However, she had not raised this matter with her deceased father (that is, my client) for fear of the hurt it might cause to him if he discovered that he was not her father. That is the ironic twist and the hurt that can be caused when issues are raised many years later.

I do not want that example to be used as a suggestion that victims of sexual abuse ought not to have an opportunity to have some relief, remedy or opportunity, where appropriate, for compensation, recognition, as well as an apology and all the other things that go with such a heinous crime. However, I raise it to highlight that the answer is not always simply to go back and try to undo inequitable situations by changing a law and think we are tidying up this sort of problem.

After the Hon. Andrew Evans introduced his bill, in recognition of the complexity of this sort of issue, both the government and opposition speakers indicated that this was a matter that should be further adjourned, and the mover

withdrew the bill in order for a joint select committee to be appointed to inquire into the issue. That motion was carried on 29 August last year and, as members would know, on 28 May this year, a report from the joint committee was tabled.

I want to express my appreciation for the committee's work. I note that my colleagues the member for Hartley and the Hon. Rob Lawson in another place, the Chair (the Hon. Gail Gago) and other members of that committee had the unenviable task, most of us would agree, of hearing the submissions of those aggrieved and those wanting to present the other side and other aspects of this very complex issue. So, I do appreciate the work they undertook and, after careful consideration, they produced a recommendation which is supported by the Liberal Party and, as we have heard from the Attorney-General, the government.

The joint committee unanimously concluded that the statutory bar against prosecuting sexual offences committed before 1982 should be repealed. I note that the government was quick to announce that it would accept the recommendation and that the Criminal Law Consolidation Act would be amended to remove that bar. It is clear that the bar was an anomaly. Sexual offences are the only criminal offences that have a time limit for prosecution. Serious offences, such as bigamy, sacrilege, stealing, wounding, murder and so on, can all be prosecuted at any time. They have no such limitation.

The Hon. M.J. Atkinson: That's an odd collection. I recall reading that exact same list somewhere else.

Ms CHAPMAN: Yes, that's right. I will not traverse the Attorney-General's second reading explanation as to where there are acknowledgments or otherwise. The joint committee had observed that this was not an impediment that was placed on other serious offences, examples of which I have given and which ought not clearly apply to sexual offences. However, this anomaly had arisen in relation to sexual offences which are committed before 1982 as those that could not be prosecuted, that is, those that could not be prosecuted where, for whatever reason, the victim had been unable, or perhaps had even been threatened, to proceed with the prosecution in the three years. It appears that the only offenders who enjoy immunity from prosecution are sexual offenders.

In his second reading explanation, the Attorney-General referred to the circumstances that had occurred leading up to 1952, when we saw a significant change to the Criminal Law Consolidation Act. Before 1952, sexual offences were treated in the same way as other criminal offences, that is, there was no time limit for prosecution. However, the 1952 amendment required any prosecution for sexual offences to be brought within three years. Even by the standards of the day, the reasons advanced for the amendment were hardly convincing but, of course, that is to refer to it by today's standards; 1952 was clearly a different time.

However, at that stage, the proponents were thinking mainly of the then prevalent and imprisonable offence of carnal knowledge of a girl under the age of 17. The idea that the threat of prosecution for an act of consensual sex could remain over the head of a young man for the rest of his life was seen as anathema. I note that, in the Attorney-General's second reading explanation, he referred in some detail to the circumstances surrounding that. The repeal included all sexual offences—rape, indecent assault, acts of gross indecency and carnal knowledge.

The 1952 act effectively precluded prosecution for any offence committed before 1949 and then, as each year passed, the cut-off date advanced. In 1985, the then government introduced legislation to reform the law considerably in relation to sexual offences at that time. I refer to the debates in September 1985, when the Hon. J.R. Cornwall, the Minister for Health, introduced a bill to amend the Criminal Law Consolidation Act 1935. He did so within the parameter of a number of reforms in relation to sexual offences. The concern that was raised at that time (1985) again had been raised by victims of sexual assault. The amendment sought to extend the definition of sexual intercourse which, for the purposes of the crime of rape, had been significantly confined to aspects in relation to penetration. I will not go into the detail, but that definition was expanded to cover any acts that were regarded as attacks on one's body and integrity.

There was also significant law reform at that time that highlighted the fact that a person who does not offer physical resistance to a would-be rapist was not, by reason of that non resistance, to be taken as consenting to sexual intercourse. That was a major reform at that time.

The third amendment, which did not attract a lot of attention in the debates but sent a very simple message, repealed section 76a of the Criminal Law Consolidation Act, which was the offending section providing a time limit of three years within which charges of sexual offences under the act must be laid. The Hon. J.R. Cornwall said at that time:

> There is no time limit on the laying of charges for other offences under the act. It can happen that a person will make admissions concerning sexual offences after the three years' limit has expired. No action can be taken against such a person.

That appears to be the extent of the contribution at that time to support this amendment. Along with the rest of the amendments, it passed without dissent. I note that the Hon. T. Griffin also moved an amendment in relation to a penalty matter, which is irrelevant for the purposes of our discussion. However, there was no question that it had the support of the house at that time.

As we are now proposing to change the law again in 2003, it is important to remember the era that we were in in 1985, because I do not think that it is overly helpful to raise criticism as to why this issue was not tidied up at that time. We are talking about a time when I note that a petition was presented to this house to amend the Equal Opportunity Act to give all children protection from homosexual influence in curricula, personnel, literature and sexual humanism and sexual education in all South Australian schools.

Mr Hanna: Some things don't change!

Ms CHAPMAN: Yes. It is important, rather than rushing to criticism (which I have noted in some previous debates), to consider the prevailing circumstances and the community attitudes in 1985 to ensure that we place it in proper context and not be judgmental of the decisions made in 1952, which imposed a limitation and which extended the limitation, because there were offences where you had to report the carnal knowledge within six months. In fact, in some ways, there had been a weakening of the restriction.

In any event, it is unfair to say, 'This is what happened in 1952,' or 'This is what happened in 1985,' and simply ignore the prevailing circumstances or, worse still, attempt to prevail and make a determination based on current knowledge, circumstances and community acceptance without taking those into account.

Nevertheless, the immunity, which the joint committee recommended be repealed, had the government's agreement and, as I say, the opposition's agreement. Given extensive presentation has been made already, I will traverse as quickly

as I can whether in fact removing the bar will have the desired effect, that is, give the relief that the victims are seeking and give them some benefit. In fact, it has been raised as a specific objection in the report that it creates the false expectation in the minds of victims and their advocates that the pre 1982 offenders will be brought to justice and that there will be some remedial benefit from that.

The committee noted the advice of the Director of Public Prosecutions that it is highly unlikely that prosecutions could be successful in respect of offences committed more than 21 years ago. It was noted that, before any prosecution could commence, the DPP would have to be satisfied that there is a reasonable likelihood that a jury would convict on the basis of the available evidence. That is not something that is peculiar to this type of victim. There are situations today where people feel that they have been the victim of an offence. They expect that there is going to be a prosecution, but still the DPP makes that assessment, sometimes without the support of a victim and sometimes with it. Sometimes he makes a determination not to proceed notwithstanding the plea of a victim. He has to make that judgment on behalf of the public before the matter is prosecuted.

Secondly, if the DPP did elect to proceed or if a private prosecution were launched, the accused person could apply to the court for a stay of the proceedings on the ground that he or she was unfairly prejudiced by the effluxion of time, the death or departure of witnesses, or the destruction of evidence, etc. Again, that is not unique to the prosecution in this situation. If there has been a delay in relation to any other offence, that is a remedy that can be sought quite properly by an accused.

Thirdly, the DPP pointed out that, if the prosecution were to proceed, the required warnings to the jury about late complaints, etc., would mean that a conviction would be highly unlikely. Again, that is entirely proper practice and a requirement by law that the jury understand the implications in relation to a late complaint. The fact is that there can be significant prejudice and difficulty for a victim and an accused to be facing a prosecution at a much later date. The destruction and unavailability of evidence in itself is obvious.

The removal of the bar for many would be an empty victory, and that is something about which we need to be very careful. I note that, in the report that was presented to the parliament, that was something that the committee was careful to ensure that the house took notice of, and that is the importance of the prospective winners out of this legislation: to ensure that they do not have undue and unrealistic expectations.

Notwithstanding the removal of the bar to prosecution, the standard six-year limit for bringing a civil action for damages will remain. It is possible to have that time extended by the court. However, it is very difficult and costly to pursue civil action for damages, even if the offender is still alive and has assets. The usual avenue for compensation in respect of criminal activity is an application to the District Court under the Victims of Crime Act. For these victims, there are also serious impediments to obtaining compensation.

In relation to criminal injuries compensation, that is, compensation where it is usually necessary to obtain a conviction before compensation can be awarded, it must usually be made within three years of the date of the offence and applies only to offences committed since 1 July 1978.

There is also the avenue of the Attorney-General's having the capacity under the act but in his absolute discretion to make ex gratia payments to a victim who failed to meet the eligibility criteria. For obvious reasons, those claims are not common, and the Attorney-General, in his presentation to the parliament, detailed some history in relation to that. There is also the question whether victims should be given a right to apply to the court for compensation rather than having to rely on the absolute discretion of a government minister.

I note in the contribution made by the Attorney-General that he acknowledges, it is fair to say, the difficulty of access to compensation. He does not go so far as to support other means and other remedies to facilitate assurance to victims in this category, that is, in this 30-year gap, who may not be able to access the benefit of this compensation or a civil claim or possibly an ex gratia payment. He leaves it rather open-ended, notwithstanding that he is aware of the Hon. Rob Lawson's indication in another place of his intention to move a private member's bill to amend the Victims of Crime Act and to include a special right of compensation for the victim of a sexual offence that is committed before 1982 in respect of which no prosecution was launched before 1985 and where the court is satisfied (on the balance of probability) that the offence was committed, that the victim suffered physical or mental injury, and that the matter was not properly reported or prosecuted for obvious reasons, the most obvious being that the victim knew at that stage that the offender could not be prosecuted.

For that group that are left in limbo, the Hon. Rob Lawson has flagged his intention to move a private member's bill. It does not appear to have attracted any support from the Attorney-General, not that he is required to give an indication, but I would hope that the Attorney-General will favourably consider this bill when it comes to the parliament because, if the government is genuine—and I accept that it is—in a desire to assist those who are trapped in this 30-year period without real relief, he will work with the opposition to ensure that, where those persons do not get relief in being able to successfully prosecute or even have the opportunity in real terms to prosecute at all, they may have some chance of compensation. I urge the government to consider that with sympathy and properly recognise that, and then as a parliament we can unanimously go forward to recognise the predicament of these people.

One other matter was raised in the debate in another place by the Hon. Angus Redford, when he asked the government to consider the constitutional validity of the legislation. He had traversed in his speech his concern as to the validity of this legislation, particularly highlighting the retrospective nature and the High Court's determination of that, and whether that might strike down what we are attempting to do here. The Attorney-General has informed our house tonight that he has obtained the advice of the Solicitor-General on this question, and he advises that there is a rule of statutory construction and that any law creating an offence or defining the elements of an offence will be construed to apply prospectively only. I continue to indicate the Attorney-General's advice to this house, apparently on the Solicitor-General's advice, that:

> The rule of the statutory construction is a strong one, based as it is on the protection of individual liberty. It follows, however, from the very existence of the rule, that the law recognises that parliament does have a legislative capacity to enact a criminal provision, with retrospective effect, if it so wishes, and that the courts will apply the provision retrospectively if the parliament has made its intention clear.

He relies on some authorities, including the Polyukhovich case—the famous war crimes case which proceeded here and

which clearly had a retrospective element. Apart from dealing with the fact that this was commonwealth legislation, the Attorney points out:

> Moreover in this case the conduct itself was always criminal. The proposed legislation removes the limitation period only.

So, we have presented to the house at least the Solicitor-General's view, which I do not suggest is in any way in error, but we at least have that reassurance that the issue of constitutionality will not impede the proper progress of this bill and that it will be able to at least give a victory to a long-standing plea over a number of years by some of these victims to have relief, with the same status of having the right to have their case considered for prosecution and to proceed with that prosecution if they so wish, and with the support of the DPP.

I hope that this legislation will put some closure on the work, submissions and presentations of those who have had to fight for this opportunity. I hope it will give some relief to those who have suffered and I hope that, with the support of the house for an adequate opportunity to receive compensation, they will be able to join others in receiving some benefit of that remedy. I thank the government for supporting the measure and particularly record my appreciation to the Hon. Andrew Evans, who had the courage to bring this matter to the parliament and make us all address this issue. I also thank those on the committee who canvassed this issue at some length and traversed all the difficulties carefully and presented a balanced report. Finally, I thank all of my colleagues in this parliament who support the passage of this bill.

The Hon. S.W. KEY (Minister for Social Justice): I, too, rise to support this bill, of which the Attorney-General has carriage in this house. The sexual abuse of children cannot be and should not be tolerated in the community. It is a serious betrayal of trust by those in positions of power and exposes children to life-long serious and damaging consequences. Dealing with allegations and complaints of sexual abuse is a complex issue. No one single solution will right the wrongs of the past or solve all problems in the future. This is a difficult and grave issue and must be dealt with in a planned approach so that children today can feel safe and secure in the knowledge that wherever they are—in the playground at school, in a church group camp or at home—there are proper safeguards, strategies and laws in place to deter, detect and deliver swift responses to those who abuse their power over children.

Legislation before the house will not offer comfort to all individuals who have been victims of abuse. As the Attorney says, successful prosecutions rely on adequate legal evidence, and without that evidence past injustices will not be put right in the legal sense. The government has now received the child protection review report, which contains a wide range of measures and strategies to get our approaches right in future. The sexual abuse of children provokes strong emotional responses from the community. Concerns about how sexual abuse was being dealt with by child protection agencies was one of the reasons the South Australian government established a review of child protection in this state in the first place.

Some have been critical that this review did not deal with past issues of abuse. It was never intended that the review would deal with individual cases of abuse but would refer any evidence before it relating to the abuse of children to the proper authorities for full and appropriate investigation. The main task of the review was to provide an overall framework for child protection, which would be our best practice model, suitable for implementation in South Australia. The review has proposed a comprehensive framework for preventing abuse in future and for providing programs and responses to child sexual abuse from within an early intervention and prevention framework.

The review, however, does draw on the tragic experiences of the past, and I want to address some of the lessons that can be learnt from what we now know. The prime focus of the review from the start has been about ensuring a child's right to protection. The 206 recommendations offer a number of specific initiatives to remedy the current problems with the child protection system in this state, and the government is currently examining these in detail. Specifically in relation to how to deal with child sexual abuse, the following points are noted. It is proposed that a mandatory reporting system be extended. All church personnel, including the clergy, with the exception of perhaps confessionals, are proposed for inclusion as mandated notifiers. This position is strongly supported by a number of major churches in light of disclosures of abuse that have been made within Australia and overseas and the view that the public interest and the relationship of the church, person or children and the wider community warrants this.

This extension will place a legal obligation on priests and ministers of religion to report any incident of child abuse or neglect to the child abuse report line or the police. The absence of this legal obligation has resulted in responses being managed internally by the church and, as we recently heard, often inadequately, with the failure on the part of religious institutions to report a serious crime to the appropriate authorities.

The public acknowledgment by the churches of the inadequacy of their response is an important step and one the government supports. In order to assist the churches, a number of strategies have been addressed and will be discussed with the heads of churches to determine how to best put in place proper mechanisms to support victims and families and to deal with perpetrators of sexual abuse within the church. These proposals will be discussed with the heads of churches at a meeting on Friday. An offer will be made to the churches to support them in dealing with the current crisis, including assistance with the development of appropriate procedures, provision of access to counselling services, if required, and support for any ecumenical service in South Australia, providing an opportunity for the entire community to acknowledge the pain and suffering of victims and their families.

It is my intention, with the assistance of the Attorney-General, to meet with some of the non-Christian areas and organisations of faith to discuss these issues with them, and it is important that we look to the non-government sector in general, as well as within the Public Service itself. The Layton review made a number of other recommendations. For example, the review highlights many inadequacies within the criminal justice system and the struggle to deal effectively with child victims of criminal offences such as sexual assault and to successfully prosecute sexual offenders due to the vulnerability of child witnesses. It proposes a number of changes to the criminal court procedures and the development of new legislation to enable a greater number of children who are victims of sexual abuse and who are vulnerable to be more effectively protected by the law.

The review recognises that the community needs to be adequately informed about the sexual abuse of children, including understanding that most child sexual abusers do not fit the profile of stranger danger but are most likely to be known to the child and family. Parents must be educated and supported to provide information to their children in a way that builds protective and trusting environments, where children are encouraged to speak about their feelings and the things of concern to them. The review makes a number of recommendations about improving this educational support. It also acknowledges that parents require adequate parenting skills and knowledge as well as practical supports, and that parents need to be supported in their role and provided with the skills and assistance to ensure that children are safe and protected.

The establishment of personal safety and protective behaviour programs conducted in schools and children's services require a high level of commitment by government and community to ensure that they are appropriately and consistently provided, and that they are based on the empowerment of children model that involves increasing the self-esteem and confidence of children.

In making recommendations, the Layton report acknowledges the importance of appropriate personnel in schools to support children and the school community. The government's budget has made an allocation of $2 million for the expansion of school counsellor positions in government schools, and that is over a four-year period. The review noted the lack of appropriate and adequate screening and monitoring processes in the community to deal with the issue of child sexual abuse. Recommendations were made requiring all employers to screen people doing paid or voluntary work in organisations providing services or working with children, and the establishment of a paedophile register, which is being acted upon by this government. I should also say that I have put the issue of the national paedophile register and ways of coordinating with the other states and territories on the next community services ministers' agenda, so that we can talk about a number of issues to do with child protection and also the very serious issue of cross border issues, where we need to make sure that there is a coordinated approach.

The Layton review also noted one of the major issues with respect to the question of treatment and therapy services for victims and their families. Treatment and therapy services need to be viewed as a preventive mechanism for reducing the likelihood of further victimisation, and enable appropriate support and healing. We believe that the community needs to realise that, without proper treatment and supports, victims may never feel that they have ever been adequately heard and their experiences understood.

The improvement of treatment and therapeutic services to child victims and adult survivors of abuse has also been strongly recommended. In the budget, funds have been made available for the provision of treatment services for offenders in prison. It is important to see treatment of offenders from within a protection and preventive framework, as it is only with thorough, effective treatment that offenders can be supported so as not to reoffend against children.

The Police Commissioner recently announced that SAPOL has established a paedophile task force specifically to look into allegations of abuse within the Anglican Church. SAPOL is already examining a number of allegations linked to alleged offenders within the Anglican Church, and its inquiries will extend to complaints against personnel in other churches.

I believe that these measures, along with our working through the child protection recommendations in the Layton report, and also giving the community an opportunity to make further comments on the recommendations in the Layton report (and I have asked that most of those comments be in by Monday 18 July—I am calling for comments not further submissions), will help South Australia to address what the framework should be and how we should make sure that we end up with the best child protection system in Australia and, I hope, on an international level. I believe, too, that the bill is really important, because it removes the immunity from prosecution for sex offences that have occurred before December 1982. I commend the bill to this house.

Mr HANNA (Mitchell): I rise to speak in favour of this bill. Before I turn to the remarks made by the Attorney-General, I will briefly comment on the preceding speaker. I have great respect for the Minister for Social Justice, and particularly her sincerity in seeking adequate funding (no matter how unsuccessfully) for Family and Youth Services workers dealing with child abuse. However, I respectfully suggest that most of what she has said tonight is irrelevant to this bill, notwithstanding the importance of the recommendations of the Layton report.

With respect to the Attorney-General's second reading speech in relation to this bill, I give credit to the Attorney for his sober and considered report to the house about the implications of this bill. He certainly did not shirk from the difficulties faced by people who were abused sexually more than 19 years ago. He has spelt out the prosecution difficulties, and quoted from the Director of Public Prosecutions in that regard. He has referred to High Court cases which remind us that there are impediments facing witnesses and victims going to court to prove these sorts of cases, particularly when the crimes occurred long ago.

Indeed, that is my grave reservation in relation to this bill: I would not want it to give false hope to those people who were abused long ago. It is certainly not the panacea: it certainly will not bring justice to most of the people who were abused more than 19 years ago. It may give them an opportunity to take their case to the police and to the Director of Public Prosecutions, but very few of those cases, if any, will see the light of day in our courts. Indeed, the Director of Public Prosecutions has a duty to filter out cases that do not have a reasonable prospect of success. In the light of the evidence that will be available in some of these cases, even though it might be the credible testimony of one person, without any corroboration, there will be real difficulties. So, it was pleasing to see that the Attorney-General has given us a very realistic picture of the difficulties faced by people who wish to bring claims of sexual abuse that relate to events over 19 years ago.

Of course, that is in contrast to the media sought by the Premier in relation to this measure, where it has been trumpeted as a really important step forward in terms of combating child abuse in our society. It is no such thing. However, it does give people an opportunity that they should have. It is also ironic that with this bill we abolish a time limit for prosecution of certain sexual offences when, at the same time, the government moves to implement the Ipp recommendation in relation to public liability, which included recommendations to further restrict time limits in relation to the bringing of civil actions, in particular, for people under 18 years of age.

There is a problem that I believe the Attorney has skated around, and that is the difficulty presented by the prospect of false claims being brought. I believe that most claims that will be brought and enabled by this legislation will be genuine claims. But I do not think we can rule out the prospect of false claims being brought. I think that fighting false claims, which might relate to events that allegedly occurred 20 years ago, will be difficult. So, although we are giving victims an opportunity to go to the police to try to get their claims before the courts, we are also creating a danger, and that was adverted to in the parliamentary debates in the 1950s to which the Attorney referred. I do not want to make too much of it, but I will just give one example. We need to bear in mind that claims need to be proved beyond reasonable doubt but, at the same time, when a jury is confronted with an alleged victim and an accused, I suspect that in the minds of members of the jury it often becomes a credibility contest rather than proof beyond reasonable doubt (that is put forward by both the prosecution and defence), which is the appropriate test.

The example that I give is one claim of sexual abuse. The alleged victim said that in the vicinity of Port Noarlunga at a particular point among the vegetation right on the beachfront there was an incident of sexual abuse decades ago. The alleged perpetrator fought the case in court. It proceeded to trial. The perpetrator was concerned about how he could disprove that the alleged event ever occurred. It was only because there happened to be an aerial photograph of the coast taken literally a few days before the date alleged by the alleged victim that the prosecution was successfully met.

The aerial photograph, which is one of those on record with the appropriate government department of a series regularly taken of the coastlines to check on the sand dunes and coastal vegetation, showed that the type of vegetation described by the complainant had, in fact, not been there at the relevant time. This minute detail shed sufficient doubt on the story put forward by the complainant so as to result in an acquittal. It will often be the case that there is no such objective fact which can be put to a court to aid a jury or a judge in coming to an assessment of credit when it is a matter essentially of someone's word against another's.

I did not understand one point in the remarks of the Attorney-General. I am not sure whether this is naivety, but when the Attorney cited the *Hansard* report of 1952 and suggested that the quote from Cyril Hutchens showed that there was a purpose of the amendment at that time to be merciful to consenting adult homosexual couples, I was not sure whether he meant consenting adult heterosexual couples or homosexuals who subsequently married. I am just not sure quite what he meant. He might wish to clarify that in his response.

The Hon. M.J. Atkinson: He didn't want them blackmailed. It was an offence at that time. It was a sexual offence.

Mr HANNA: The quote from Cyril Hutchens, of course, refers to people who marry, but I am sure that point can be clarified. Notwithstanding the reservations I put forward in relation to the bill, I am happy to support it, particularly because it is the result of recommendations of a parliamentary committee. It is therefore something that has been the subject of support from more than two parties. Often parliamentary committees can get to the heart of the matter without the heat of the debate. We often pursue maters theatrically in the House of Assembly or the Legislative Council, and a committee is an appropriate forum for dealing with sensitive and difficult matters such as this.

Indeed, that is why, in February of this year, I put to this house that there should be a committee investigating child abuse in relation to those in institutional care in South Australia over the last 30 years. It would be an appropriate forum of inquiry for this terrible problem. I could do no better, in summarising my view, than refer to the Attorney's remarks. Toward the end of his second reading explanation, he said:

> The principles at stake in the removal of the immunity are more important than these legal difficulties.

I think that sums up the balancing act very well.

Mrs REDMOND (Heysen): I do not want unduly to delay the house. I am on a promise to speak for no more than three minutes, but I want to put on the record my support for this bill. Other speakers have already indicated in this and in the other place that, really, what we are doing is correcting an anomaly that has arisen in our law, and I do not think it is necessary for me to go back over that in great detail or the history of it. Suffice to say that in 1952 we got it wrong and in 1985, when we tried to correct it, we mostly corrected it but forgot about a 30-year gap in the middle.

It left us with that strange anomaly where, for that 30-year period (from 1952 to 1982), people could get away with a sexual offence provided no-one brought the prosecution against them within three years of the commission of the offence. Clearly, to me, it is opportune now, in 2003, for us to correct that wrong and get it right, and I support the bill in so far as it does that. I am sorry that, at the same time, we are not introducing the compensation aspect because it is quite clear that (as I think other speakers in both this and the other place have indicated) we are removing a barrier so that there will be no impediment imposed by the state to someone bringing a prosecution.

However, the reality is that it will still be very difficult, indeed, for anyone successfully to prosecute. There is a line of authority from the High Court which says that it is unreasonable when someone is an accused, in circumstances such as that, to force them to try to defend themselves, and the court can find that it is so difficult that they could not possibly have a fair trial and it can grant, in effect, a permanent stay of proceedings. So, it will remain an extremely difficult thing for anyone to bring a prosecution.

The other thing I wanted to put on the record, just very briefly, is the fact that, in my view, we should, in due course, support the amendment to the victims of crime legislation. Of course, that was previously known as criminal injuries compensation legislation in this state. It seems to me that the hurt done to these people will not, generally, be rectified by the introduction of this amendment. Certainly, the prosecution—if the DPP thinks it is able to mount a successful case and if there is not a stay of the prosecution by the court—can get some satisfaction that way; but it is extremely unlikely, especially given that it is a criminal prosecution and therefore the criminal onus of beyond reasonable doubt must be taken into consideration.

So, the chances of getting up on a successful case for any person damaged by events that occurred pre-1982 will be very remote. In my view, it would be appropriate for us to support the idea that we introduce, hand in hand with this (and I know that it is not going to happen at exactly the same time, but concurrently to this in due course), an amendment to the victims of crime legislation so that rather than there being a very vague hope at the moment of an ex gratia

payment from the Attorney-General under that act, in fact, we allow claims for compensation.

A claim for compensation under that act would be on the balance of probabilities, which means that a court merely has to be satisfied that it is more likely than not—sometimes just 49 per cent, 51 per cent; 51 per cent is more likely than 49 per cent—that the civil onus is more easily satisfied. People who have been damaged, and often quite profoundly, by events that happened a long time ago will never be cured of that hurt but the compensation would at least allow some redress for them and some sense that justice had, in some way, been done. In my view, therefore, it would be appropriate for us to move to amend the victims of crime legislation now that we have taken the impediment to the prosecution out of the system.

The Hon. R.B. SUCH (Fisher): I welcome the bill and will support it. The passage of time does not make evil behaviour any less evil, and I look forward to those who have committed evil acts against young people being dealt with and brought to justice.

Ms THOMPSON (Reynell): As a member of the joint committee which examined this matter, I want to speak briefly on a couple of issues arising out of submissions which lent weight to the need for the urgent passage of this bill. I have no need to canvass the legal history or arguments again; that has been done very well by other speakers, particularly the Attorney-General. I want to talk about the strong desire that was expressed by many victims, support groups and service providers for this change. The submissions that we received were truly heart-wrenching, and conveyed much anguish through their words on their pages. Overwhelmingly, the submissions pleaded for the change and were not simply in support of the change.

We received submissions from people who had experiences of being accused of sexual crimes and had subsequently been found not guilty of these crimes, and they also spoke of their anguish. However, we know that the prosecution of sexual crimes, even in current times, is very difficult. Only about 7 per cent of sexual crimes reported to police result in convictions, even in current times. The difficulties of achieving a successful conviction through history have been great, indeed: similarly, for somebody who has been accused of such a crime, the fear that they will never have their reputation cleared is also great.

However, the weight of evidence was hugely on the side of the need for action to, in some measure, relieve some of the pain felt by people who have been through this horrendous experience. It was quite clear from the evidence that many people felt that the crime against them, whether proven or not proven, was simply not treated in the same manner as other crimes by society because of the immunity from prosecution. Many people recognised that they were not likely to achieve a successful prosecution in their case, but the fact that the community recognised that the hurt done to them is equivalent to the hurt done to the poor people who are raped today is a small measure of relief to them.

The committee was so moved by the hurt reflected in many of the submissions that it took the unusual step of emphasising the fact that the removal of the immunity would not necessarily solve many of the problems, and did not want further distress to be caused to victims who thought that they would, at long last, achieve some measure of justice, only to find that the hurdles along the path were huge. This is the reason for the warnings in the committee's report. I am concerned that some may see that it has given on one hand and taken on the other hand, but this was certainly not the intention of the committee. Members simply wished to do everything they could to prevent further pain being experienced by victims and survivors, as some see themselves—and truly it is best that we think of people as having survived, because the term 'victim' does give a very powerless impression. Some people have survived and lived very strong and healthy lives.

The bill itself is very simple and requires no further explanation from me. I highlight that, on a number of occasions in the committee's deliberations, we noted that previous parliaments had agreed on the measures, with very little debate. Again, there has not been much debate in this parliament but I have certainly had every indication from colleagues that they believe this is a measure that needs to be taken, and that the work undertaken by the committee has been sufficient consideration of the issue and all the arguments that have been put.

I also comment on the fact that, while some victims asked that we hear their evidence, we felt no need to do so. Their written submissions were very persuasive, and our aim was to proceed as rapidly as we could to reporting so that the legislation could proceed, the bar be removed and they could get on with the processes under the law or get on with their lives rather than have to tell their stories, yet again, in ways that could be unpleasant.

So, I thank all members for the support they have indicated in the passage of this bill and hope that it provides some measure of relief for some victims and, indeed, that there are some successful convictions, as there have been in other states.

Mr VENNING (Schubert): I support this bill. I have to be very calculated and careful in what I say, but I congratulate the Hon. Andrew Evans for introducing this bill. I have been to several members of parliament during the last three or four years to discuss this issue and was told that nothing could be done. I live in the community of Kapunda, and you know, sir, what the community has been through in recent times. Several people have been to my office—families and individuals—to discuss this problem and, to be told that nothing could be done about it because it happened on or before 1982, beggared belief. So, after all the public comment, we still could not get it retrospective before 1982. Again, I commend the Hon. Andrew Evans for actually doing it.

I say to all the people out there—not only those in my electorate and the community that I move in—who have been harbouring these thoughts, that now is the opportunity to talk to somebody and have it addressed. I believe this was a very unfortunate trap in time that caught people, and I do not know why this arbitrary date was ever set. But I know that there will be telephone calls to my office tomorrow, or I will be making them myself, to free these people of this burden that they have been carrying, some of them for many years.

I support this bill strongly, and I am amazed that this has taken so long. To all those people in Kapunda who have been, in recent days, besmirched and had their reputation sullied or damaged in any way by the well-publicised happenings (and one person is since deceased), I give them my pledge that I will be a willing ear and do all I can to assist them in what they think they must do.

So, I commend this bill to the house and, again, congratulate the Hon. Andrew Evans for doing something that I thought was impossible.

Mr SCALZI (Hartley): I, also, wish to make a brief contribution on this very important issue and, like the member for Schubert and others before him, I commend the Hon. Andrew Evans, first, for introducing the bill in another place and, secondly, for being a member of the select committee, along with the member for Reynell, the Hon. Gail Gago as chair, the Hon. Robert Lawson and the member for Enfield. I certainly learnt a lot whilst serving on that committee.

On 24 March, I was honoured to present the petition signed by 2 407 residents on behalf of the Hon. Andrew Evans. It is a credit to him that he pursued this important issue. As the member for Heysen said in her succinct contribution, this was a wrong done in 1952; we almost got it right in 1982; but a gap was left that needed to be addressed. I commend the report, which outlined the reasons why this anomaly had to be addressed.

I also agree with the Hon. Rob Lawson in another place and support his introducing a bill to amend the Victims of Crime Act to include a special right to compensation for victims of sexual offences which were committed before 1982 and in respect of which no prosecution was launched before 1985. This will provide the right to apply to the court. It will be necessary for the victim to satisfy the court on the balance of probabilities that the offence was committed and that the victim suffered physical or mental injury (including mental or nervous shock), or a psychological or psychiatric reaction, and the matter was not reported or prosecuted for good reason. It is important that we address that aspect of compensation. Otherwise, in the future, we could be accused of not getting it completely right. If we remove that anomaly, we need to address the disadvantage that will be faced by that group of victims once that bar is removed.

I again commend the bill, and I invite members to read the report. We all agreed that something had to be done, and I commend the Hon. Andrew Evans, the government and the opposition for supporting this important measure.

The Hon. M.J. ATKINSON (Attorney-General): I thank all those who have contributed to the debate, particularly the thoughtful contribution of the member for Bragg, and also the Minister for Social Justice, the members for Mitchell, Heysen, Fisher, Reynell, Schubert and Hartley. I commend the bill to the house.

Bill read a second time.

The SPEAKER: Before the house determines whether or not it wishes to proceed to the third reading forthwith, I wish to make some remarks myself. I am impressed by the level of insight which all those who have contributed to the debate have demonstrated in dealing with this subject. It has some subjective implications for me, and I am personally still unable to contain my fury, which often rises in the form of tears at the time, in recalling personal incidents. I can say quite plainly to the house that it is long overdue, and that most victims are affected in much the way that the committee has reported it.

The honourable member of the Legislative Council who introduced the measure to the parliament is to be commended for doing so. It forms yet another one of those things that is being done, but on the periphery of the core problem we confront. Detaching myself from the subjective experiences and addressing those of others, I can tell the house that, until a commission of inquiry that protects the people who have been affected in their lives, and who have evidence of those events, is undertaken, it will not be properly addressed.

This is still peripheral to the problem. I guess the problem arises because, in some measure, there are people in high places throughout government administration in a variety of the services who have either been guilty of this offence or similar offences, at some point in recent time, who have found their way to positions of responsibility, and who know each other and protect each other.

Victims who have attempted to make that plain in the past have been vilified in what I know to be quite unsatisfactory and personally very damaging attacks on them, their lives, and their careers. No victim dares to pursue it, yet those who have attempted to do so have done so at great cost to themselves, in my experience.

With those remarks, I wish the measure swift passage, and trust that people will understand when I say that the Catholics have confessed, the Anglicans have confessed, but the government still seems to want to cover up.

Bill taken through its remaining stages.

ADJOURNMENT

At 11.58 p.m. the house adjourned until Thursday 5 June at 10.30 a.m.