HOUSE OF ASSEMBLY

Monday 19 July 2004

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

SEXUAL ABUSE

A petition signed by 219 residents of South Australia, requesting the house to take action to establish an independent inquiry to fully investigate and report upon allegations of sexual abuse of wards of the state and others in institutional care, was presented by the Hon. R.G. Kerin.

Petition received.

CONSTITUTIONAL CONVENTION

Petitions signed by 66 residents of South Australia, requesting the house to pass the recommended legislation coming from the constitutional convention and provide for a referendum, at the next election, to adopt or reject each of the convention's proposals, were presented by Mrs Maywald and Mr Hamilton-Smith.

Petitions received.

PARLIAMENT HOUSE, HERITAGE LISTING

The SPEAKER: I bring to the house's attention a matter of privilege, which the house will need to take into consideration, as standing orders provide, at its earliest opportunity. It concerns the control of the building and the precincts of the Parliament of South Australia, which are at serious risk. Parliament is a unique institution: so is the ownership of the buildings, surroundings and land upon which it has been erected. It belongs to the people: the people are sovereign. They have chosen, through their Constitution and other conventions and laws, to delegate that authority to elected representatives, that is, us as MPs.

Let me explain, albeit with an abundance of caution undertaken by me in this instance, in order to ensure that all members will have some greater measure of understanding and insight into the framework of ideas (ancient and recent) against which the Chair makes these remarks. The delegated authority to MPs enables them to do things on behalf of the citizens, and these come within the six following categories of parliamentary work:

- to make laws controlling and regulating personal and commercial behaviour;
- to make laws raising money (taxation), which is then used to protect the citizens against evil deeds (crimes and maladministration) and war; to take care of the citizens and provide for their enjoyment of civilised life (food, shelter, education) and movement (for commerce and entertainment) from within the available resources of society (the economy);
- to make laws authorising the recruitment and appointment of appropriately qualified members of society to the specialised roles (jobs) which provide the services that are considered necessary in the context of the foregoing (establish departments, agencies and appoint all public servants which are called the administrative government);
- to review the processes of the administrative government through committees of the parliament (called standing committees); and
- to enable the elected representatives, exercising the delegated authority of their electors, to ventilate grievances, giving feedback to the executive government (the ministry) and administrative government (the Public Service) about the effect of their policies and any inappropriate practices and wrongdoing against or mistreatment of any person or class or group(s) of people.

The most important of these is to maintain, uphold and protect the institution and the buildings of parliament. I refer members to the gunpowder plot of 27 January 1605 in which Robert Winter, Thomas Winter, Guy Fawkes, John Grant, Ambrose Rookwood, Robert Keyes, Thomas Bates and Sir Everard Digby were tried at Westminster. I also remind the house of the A.P. Herbert case of 1934. This enables the parliament, through the exercise of its practices, conventions, traditions and privileges, to thereby do its work and deliver the foregoing processes from the buildings within which it functions.

The houses do that through the framework of our conventions and standing orders. The houses delegate authority to various officers of the parliament. In the context of these remarks about this matter of responsibility for the buildings and precincts of parliament, the authority and responsibility in the first instance is vested in the Speaker and the President and the Clerks in their various roles. In some part there then follows a mishmash of ministers who have further delegated their power and responsibility to public servants in ways over which the parliament has no control at present (perhaps regrettably, methinks).

In this particular matter, it is in the first instance and in the main the responsibility of the Speaker and the President. The risk is quite simply that Parliament House will be listed on the National Heritage Register. On the face of it, most of us would probably support and applaud such an action. However, if you scratch the surface of the concepts in law and the practices which underlie such a listing, you will see that we are in peril. The National Heritage Register is controlled by the Australian Heritage Council, which is established under the Natural Environment Assessment Section as a part of the Heritage Division of the Department of Environment and Heritage.

Consider section 109 of the Commonwealth Constitution. That is a commonwealth law (and regulations and guidelines made under it) which overrides and makes invalid any state law on the same matter. Consider what has happened since South Australia built its capital city GPO before Federation. It is a very architecturally significant and very historically significant building. It was the nerve centre of telegraph (that is, the work of Todd and the overland telegraph through Alice Springs and Darwin) and telephone services for this continent as the telegraph line connecting the eastern states to the United Kingdom, Europe and other places on the way and beyond, all of which went through Adelaide's GPO.

Consider the following: no-one gave a second thought then that there would be any adverse consequences. Firstly, it was transferred to the commonwealth government under the constitution of the new nation and placed in the hands of the PMG and telecommunications, which belonged to the commonwealth. Secondly, the commonwealth has now corporatised and privatised all its services. Thirdly, the commonwealth and the new privatised businesses have decided that they no longer need the buildings, which are strategically located in the very centre of the central business district.

Fourthly, they now have the power to sell it off or lease it for other purposes without necessarily having any regard for what South Australians think about their private business proposals—that is, the business proposals of those entities to which the commonwealth has passed its property and responsibilities—to raise revenue to finance their political agenda.

The South Australian parliament is effectively neutered—or should I say to those people who feel sensitive about such expressions that we have no power to do anything other than protest because we did not place any conditions on the property and its title at the time of transfer, determining what could be done there when we delegated our power to the commonwealth.

We must not make the same mistake with our parliament and its buildings. We have been under pressure to do so since late afternoon on Thursday 8 July. The Australian Heritage Council sent an email wanting, it said, to inspect the building and hold a catered reception in the Old Chamber on Thursday 22 July (this week), or at least on Friday 23 July. They had also written to the Clerk of the other place. By the time the staff had clarified from them what it was they had in mind, it was already late on Friday and the Speaker was the only person available to deal with the matter.

Both Clerks had expressed the view that it was inappropriate to do that at such short notice and, in particular, that it was against the rules of the JPSC for outside organisations to hold receptions, particularly catered receptions, within the building. The chair stated that view and let them know.

During the course of the ensuing week, the officers of the parliament were at the conference of Presiding Officers and Clerks in Melbourne. During last week, the chair made it plain that we will not welcome their interest in placing our buildings on the National Heritage Register unless they respect the privileges of our parliament, which has to operate from within it.

It is the chair's belief that we must now pass a motion and send it to the other place in which we outline our willingness to support the proposed nomination from Senator Meg Lees, but only if they acknowledge and place on the register any reservations in writing which we may have about our own powers (that is, the powers of the South Australian parliament) to decide all things and anything about what should happen to the building and how it should be used.

Given the current debate about the 'shed a tier' proposal should the states be abolished at any time in the future (to which I personally say 'God forbid'), then proposals for the proposed new use of the building should be first adopted by the people at a referendum which should require an absolute majority of the whole number of electors on the roll in the state at the time the Federation of the Commonwealth of Australia is dissolved.

Accordingly, as this is a matter of privilege, the house must now decide whether to draft a resolution forthwith or defer consideration of it until tomorrow (at least no later) so that there is time for the other place to consider the resolution we may move and pass before close of business on Wednesday, thereby enabling the chair to take the appropriate well-mannered steps to advise the National Heritage Council that it can continue with the proposed reception, which I will then host at my own expense for them on Friday and at which they propose to announce that they will accept Senator Meg Lees's nomination of the building onto the register.

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

That consideration of this matter be adjourned.

The SPEAKER: Is that motion seconded?

An honourable member: Yes, sir.

The Hon. G.M. GUNN (Stuart): No, Mr Speaker; I move:

That the house note your statement.

Mr VENNING (Schubert): And I second that.

The SPEAKER: I accept the motion of the leader, and I put that motion. Those of that opinion say aye.

Mr Venning: Which motion?

The SPEAKER: In the absence of a seconder, I have accepted the motion of the leader. The member for Stuart's proposition fails on two grounds: first, there is no seconder to the proposition—

Mr Venning: I have seconded it, sir.

The SPEAKER: —and even if there were then it needs to be in the form of an amendment to the proposition put by the leader of the house, the Minister for Infrastructure. I put the motion of the leader of the house.

The Hon. G.M. GUNN: I accept your advice, Mr Speaker, and I move the amendment accordingly:

That the house note the Speaker's statement.

The SPEAKER: After contemplation of the proposition put by the member for Stuart, as a matter of privilege it lacks sufficient definition as to when the matter will be dealt with and is still therefore out of order. To save time, I am sure that the debate which the honourable member may wish to have will be forthcoming soon. I put the motion from the leader of the house. Those of that opinion say aye; to the contrary, no.

Mr BRINDAL: I rise on a point of order, Mr Speaker. As matters of privilege take precedence over all matters before the house, is it competent for the house to debate the adjournment? The motion of the leader of the house is that this matter be adjourned. As a matter of privilege takes precedence, is it competent for members of the opposition to rise to speak against the adjournment of this motion?

The SPEAKER: The adjournment proposition is put without debate; otherwise, the house would adjourn, so far as I am aware. I believe the ayes have it.

Motion carried; debate adjourned.

MATTER OF PRIVILEGE

The SPEAKER: I received a letter from the member for Unley on 1 July in which he states:

Mr Speaker,

Last night I viewed with great concern the program *Today Tonight* on Channel 7. I believe that you viewed the same program.

A very erudite young man was quite clear in his assertions that, in respect to his story, our Parliament has been misled by the Deputy Premier.

Mr Speaker, I have viewed the *Hansard* and accordingly I draw this matter to your attention.

It may well be that the misleading was inadvertent if, indeed, wrong information was supplied by the Police Commissioner. However, if the House was misled by an action of the Commissioner, then the House should demand an explanation and his resignation should be considered.

Notwithstanding that the Minister—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The letter continues:

Notwithstanding that the Minister is responsible to the House for his statements, I believe that 'prima facie' a case exists for a Breach of Privilege and I ask you to examine this matter.

I say to the member for Unley and to all honourable members that I have carefully considered the matter. I have noted the way in which events have unfolded in relation to the question. At the request of members in the house I examined the email relied upon by the Leader of the Opposition for the quotes which he gave to the house, and it was clear to me from the outset that it was authentic. I advise members of the house on both sides (and, indeed, some of the Independent members) that I found it to be authentic and that the quotes from it which the Leader of the Opposition had provided were factual (factual, that is, in that they were contained in the email) and accurate.

Further, the Deputy Premier, as Minister for Police, has consistently provided the house with knowledge such as he has had it conveyed to him by the Commissioner, who, the Deputy Premier has assured this house, was acting on the best available information which he, the Commissioner, had at his disposal at any time. The Deputy Premier, the chair is satisfied, made those explanations and statements to the house in a timely manner to ensure that the house was not at any time left in any doubt as to the state of knowledge of either himself or the Commissioner.

In consequence of that, it is within the province of the house to consider that there is a prima facie case to answer for a breach of privilege. It is another matter altogether as to whether or not the Commissioner may have been misled and that there may have been some inappropriate practices within the administrative structure of the police force in the communication arrangements up and down the line. That is a matter for the house to decide by other means at its disposal and not under the aegis of privilege.

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

The Hon. K.O. Foley: It is an outrageous allegation, Mark. You should be ashamed. Call the Commissioner in for questioning. I will stick up for the Police Commissioner if you will not.

Mr BRINDAL: Mr Speaker, I seek leave to make a personal explanation, and I object to the Deputy Premier's trying to participate in the debate on the rights or wrongs of the conduct of the Police Commissioner. I ask for a ruling. I wrote a letter about the privileges of this house, and whether the Police Commissioner or anybody else is in error is for this house to decide. If the Deputy Premier thinks that is attacking the Police Commissioner, that is tough luck. This house is sovereign—not the Police Commissioner, not the Deputy Premier, and not the Premier. Sir, I seek leave—

The Hon. K.O. Foley: That is a cheap shot, Mark.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley: It is criticising the Police Commissioner.

Mr BRINDAL: It is not.

Mr HANNA: I rise on a point of order, Mr Speaker. The member for Unley is using his purported personal explanation opportunity to attack the minister.

The SPEAKER: Yes, entirely inappropriately. The member for Mitchell is correct, and I uphold the point of order.

DEPUTY CLERK, ABSENCE

The SPEAKER: I inform the house that, in the absence of the Deputy Clerk, I have appointed Mr Rick Crump to perform his duties today and tomorrow and Mr David Pegram to perform his duties on Wednesday and Thursday.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999 the following reports of Local Councils

City of Tea Tree Gully—Report 2003-03

District Council of Yankalilla—Report 2002-03.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 340, 349, 351, 372, 377, 378, 385, 401, 402, 416, 419, 420, 421 and 426; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

POLICE, MOUNT BARKER STATION

In reply to **Mr GOLDSWORTHY** (3 May 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised the following:

The construction of a new police station at Mount Barker is part of a package of police station and court facilities, which are being progressed as a Public-Private Partnership project (PPP). The PPP project will also deliver new facilities for SAPOL at Port Lincoln, Gawler and Victor Harbor, as well as a building extension at Berri.

The current position is that the project has progressed to the 'Request for Proposal' (RFP) stage, following the selection of three preferred tenderers from the earlier call for expressions of interest. The RFP stage is expected to be completed by August 2004 with the detailed examination of bids following. At this stage, construction is expected to commence in the first quarter of 2005.

LAND TAX, DECEASED ESTATES

In reply to **Dr McFETRIDGE** (23 September 2003 and 3 June 2004).

The Hon. K.O. FOLEY: All land in South Australia is liable to land tax in accordance with the *Land Tax Act 1936*, unless a specific exemption applies. The Government provides a range of exemptions, including very significant exemptions for land used by the owner as their principal place of residence and land used for primary production.

Land tax is determined on circumstances existing as at midnight on 30 June, prior to the financial year for which tax is to be levied (i.e. for the 2002-03 financial year as at 30 June 2002).

Where an owner dies during a financial year, any exemption recorded as at 30 June remains in force for the remainder of that financial year. If the property is sold by the following 30 June no land tax is payable by the deceased estate on the property in respect of the year that it is sold.

RevenueSA advise that where a property in the ownership of a deceased estate is not sold by the following 30 June, if the owner for land tax purposes is residing on the property as their principal place of residence, then the property remains exempt from land tax. RevenueSA advise that in these situations a copy of the deceased's Will is required to show that the person residing at the property is the owner for land tax purposes.

Alternatively, where a property is not occupied by the owner and is not sold by the following 30 June, that is, it is left vacant pending sale, or rented, then land tax is payable.

I am advised by RevenueSA that for the 2002-03 financial year, approximately $301 000 in land tax was payable in respect of deceased estates. This amount includes all properties held by deceased estates including commercial and residential rental

properties. It is important to note that these commercial and tenanted properties would not have been entitled to an exemption even if the owner were still alive.

To determine the amount of land tax raised from properties in circumstances where in the past it was the owner's principal place of residence would be a difficult and resource intensive exercise.

SCHOOLS, PAMPHLETS

In reply to **Ms CHAPMAN** (2 June 2004).

The Hon. J.D. LOMAX-SMITH: The Department of Premier and Cabinet Circular number 12, Information Privacy Principles Instruction, was complied with in relation to the distribution of information from the Government of South Australia to the Chairs of Governing Councils of public schools.

The information brochure entitled 'Education in South Australia' is an official publication of the Government of South Australia and was distributed to Chairs of School Councils using information held by the South Australian Government. The provision of the information in the brochure was relevant to their position as Chair of a Council.

BASIC SKILLS TEST

In reply to **Ms CHAPMAN** (27 May 2004).

The Hon. J.D. LOMAX-SMITH: The mean literacy test scores of all Depart of Education and Children's Services students who were tested from 2001 to 2003 are shown in the table below.

Associated with the mean score is an error margin of approximately ±0.5. Differences within this range may be attributed to errors associated with measurement and may not be a result of variations in student learning.

Consequently, the 2003 mean scores for literacy are virtually unchanged compared with the results of the previous years and 2001 in particular.

State mean literacy and numeracy test scores 2001 to 2003

	2003	2002	2001
Year 3 Literacy	49.0	49.0	49.2
Year 5 Literacy	55.4	55.9	55.8
Year 7 Literacy	60.1	60.4	59.7

SNOWTOWN NEWSAGENCY

In reply to **Hon. R.G. KERIN** (27 May 2004).

The Hon. K.O. FOLEY: The Snowtown Newsagency has been a member of the SA Lotteries agency network since 1990.

SA Lotteries does not transfer agencies. Therefore in late 2003 when the Snowtown Newsagency was sold, the new owners applied for, and were subsequently granted, an SA Lotteries agency. All new agents entering into an agreement with SA Lotteries are required to install a standard SA Lotteries shop fit-out (ie SA Lotteries Corporate fit-out) and the Snowtown Newsagency is no exception.

Indicative costings relating to agency establishment fees and the corporate fit-out requirements were advised to the proprietors of the Snowtown Newsagency prior to application, as they are to all parties interested in obtaining a SA Lotteries' agency. These costings and requirements were then fully detailed throughout the application and agreement process.

Any new agency, that is one that has not previously been a member of the SA Lotteries network, is required to install the corporate fit-out prior to start up of their agency. So that SA Lotteries' customers are not inconvenienced, those agents that have taken on an agency that has previously been part of the network, such as the Snowtown Newsagency, have three months post establishment, in which to complete the installation of the SA Lotteries standard corporate fit-out.

The Agent Agreement, which details all SA Lotteries' business requirements, including the installation of the corporate fit-out, is provided to all approved applicants. In accordance with the Franchising Code of Conduct all applicants are required to take 14 days to review the documentation and seek legal advice before entering into any Agent Agreement with SA Lotteries.

I am advised that the proprietors of the Snowtown Newsagency sought legal advice in relation to the SA Lotteries' Agent Agreement prior to its execution.

SA Lotteries advises that it has no plans to terminate the Snowtown Newsagency at this time despite them having not yet installed an agreed corporate fit-out and as such there is no need for my intervention as the Honourable member requests in this matter at this time. Nevertheless, for consistency across the network of 527 outlets, the majority of which are small businesses, it is important that the owners of the business abide by the Agent Agreement into which they willingly entered.

For this reason, SA Lotteries has worked closely with the Snowtown Newsagency to install a corporate fit-out that meets SA Lotteries standard requirements but is affordable to the owners. I understand that a more accurate quote sourced by the proprietors of the Snowtown Newsagency for the installation of a corporate fit-out is approximately $10 725 GST inclusive, not the $19 000 as quoted by the Hon Rob Kerin.

POLICE NUMBERS

In reply to **Mr BROKENSHIRE** (27 May 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that there will be no increase in police positions for Operation Mantle 6. As in previous years, the 6 teams will comprise of 1 Sergeant, 1 Investigator Senior Constable and 4 General Duties Constables.

There are 36 officers allocated to Operation Mantle whose primary objective is to reduce street level accessibility and availability of illicit drugs. In addition to the dedicated resources to Operation Mantle, all operational police, including general patrols, Criminal Investigation Branches, or other specialist areas such as Drug and Organised Crime Branch are cognisant of their responsibilities in respect to the reduction of crime, including illicit drug related crime.

SAPOL BUDGET

In reply to **Mr BROKENSHIRE** (1 June 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that the main reason for the decrease of $8.6 million in supplies and services in 2004-05 for program 1 Public Order compared to the 2003-04 budget is the completion of the Hand Gun Buy Back scheme in 2003-04. This was a one off scheme that was finalised in 2003-04.

POLICE, RESOURCES

In reply to **Hon. D.C. KOTZ** (1 June 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has provided the following information:

Holden Hill LSA Staffing Levels as at 31 May 2004:

	Establishment	Absent
Officers	3	1
Senior Sergeant	9	3
Sergeant	37	1
Senior Constable	90	13
Constable	152	9
Established Strength	291	27

An additional 4 members were on secondment to the Local Service Area in May 2004 *(1 Sergeant 2 Senior Constable's 1 Constable)* resulting in a net total absence of 23 sworn members under normal establishment.

Absences from the Holden Hill Local Service Area are due to a combination of:

- 12 secondments to other areas of SAPOL to accommodate corporate obligations including attachment to investigation of serious crime, training and corporate Projects.
- 4 long term absence for reason of ill health.
- 11 sworn member vacancies to be filled as selection processes are brought to a conclusion and progressively for those at Constable Rank as Cadet Courses graduate from the Academy. One Senior Constable included in this figure is awaiting transfer into the LSA.

The Officer in Charge Holden Hill Local Service Area continually monitors personnel numbers to ensure that the number of members on duty is appropriate and commiserate with the requirements of the Community.

POLICE NUMBERS

In reply to **Hon. G.M. GUNN** (27 May 2004).

The Hon. K.O. FOLEY: The Commissioner of Police advised that the Far North Local Service Area has a Drug Action Team Sergeant located at Port Augusta. Working with the Sergeant is an Indigenous Community Constable who assists the Sergeant with activities specifically focussing on Indigenous Communities.

The role of the Drug Action Team Sergeant is to facilitate, support and coordinate the activities of local Drug Action Team Committees which have been formed in various communities throughout the Far North Local Service Area. Committees operate at Port Augusta, Roxby Downs and Coober Pedy. In addition ongoing liaison is occurring with Northern Territory Police and Liquor Licensing authorities relative to substance abuse within the Anangu Pitjantjatjara Lands. The Drug Action Team Sergeant and Community Constable are also working closely with Indigenous communities at Oodnadatta, Davenport and Nepabunna to form similar committees. In addition the Drug Action Team Sergeant undertakes audit and reviews to ensure compliance, particularly in relation to licensed premises, and where appropriate makes recommendation for improvements or change.

Some of the notable achievements of the Drug Action Team Sergeant have been the introduction of Licensing Accords in Port Augusta and Coober Pedy, and the development of a Solvent Misuse response protocol to ensure those who suffer the effects of misuse, can get treatment outside of normal hours of business.

Drug Action Team Sergeants are supported by the Drug and Alcohol Policy Section, Adelaide, and no Local Service Area has more than one Drug Action Team Member.

MOTOR VEHICLE BURNOUTS

In reply to **Dr McFETRIDGE** (3 May 2004).

The Hon. K.O. FOLEY: The Commissioner of Police has advised that SAPOL does not have a Memorandum of Understanding with Local Councils for the release of information for this purpose and as such does not release vehicle ownership details.

Local Councils should report the offending vehicle to Police. Police would conduct inquiries and initiate any subsequent Police action.

SCHOOLS, BUS CONTRACTS

In reply to **Ms CHAPMAN** (2 June 2004).

The Hon. J.D. LOMAX-SMITH: In 2000, after significant consultation and agreement with the SA Bus and Coach Association (BCA), the former Government initiated Fixed Term Contracts (5 years with a 5 year right of renewal) for school bus operators. A new contract was established (in conjunction with Crown Law) and agreed to by the BCA that included specific details of the Index by which the contract remuneration would be adjusted.

This contract was signed and agreed to by all existing school bus operators when their contracts were renewed between 2000 and 2003.

A significant part of the contract was that contractors were permitted to negotiate higher rates of remuneration to enable them to purchase newer buses.

The re-negotiation of contracts and subsequent Index adjustments has resulted in an increase to contractors payments of $4.5 million per annum since 2000 bringing the total level of funding provided to school bus operators for the provision of transport services to $15 million per annum.

Since June 2000, school bus operators' remuneration has increased by a cumulative total of 14.6 per cent. However, quarterly adjustments have had a compounding effect yielding a net increase of 15.42 per cent.

In September 2003, DECS sought advice from the BCA to inform an examination of the Index. A proposal was received from the BCA on 24 May 2004. The proposal is being assessed and further information has been sought from the BCA.

Pending approval of any update to the Index, school bus operators' remuneration continues to be adjusted in accordance with the current index.

WINE INDUSTRY

In reply to **Mr VENNING** (31 May 2004).

The Hon. R.J. McEWEN: Abandoned and derelict production units and feral plants are increasingly becoming a concern for horticulture industries generally. The problem is not specific to vineyards but equally applies to fruit orchards and olive groves.

It is a community issue that can have significant impact on the viability of active commercial producers.

Government is aware that vineyards and fruit orchards may have their management abandoned during periods of market downturn or when properties change from commercial to rural residential use. This may be for short-term or long-term periods. In the case of apples and pears, feral plants can also establish on roadsides and railway banks through careless disposal of fruit cores.

Unmanaged production units or individual feral plants are potential reservoirs for pests and diseases that can impact on adjacent commercial enterprises. They increase the need for preventative sprays creating additional expense for growers, reduce the effectiveness of integrated pest management programs, and potentially put more chemicals into the environment.

In addition these unmanaged plants pose a significant biosecurity risk to industry because they can act as a bridgehead for exotic disease incursion that may go un-noticed and enable spread.

The problem is not caused by the active commercial industries but by those people that leave the industry or by the community generally.

The Animal & Plant Control Board has powers to enforce removal of abandoned olive groves that have not been harvested for two consecutive years. Similar legislation does not exist for other crops and some difficulties would arise to precisely define what constitutes a derelict vineyard or orchard.

PIRSA has been working with the apple and pear industry on the issue of abandoned orchards and feral trees and has concluded that the issue may be effectively handled through negotiation between landholders. Mapping techniques have been established that can pinpoint the targets for attention and some negotiation techniques have been developed. Funding to continue this negotiation process is currently being sought.

Primary producers are the major custodians of our landscape, our wildlife, our clean air and water resources. This issue that results from poor community activity should ideally be funded through Natural Resource Management funding to secure a good outcome for both the commercial producers and for the community generally.

I will be seeking an Inter-Agency State Government and Local Government approach to progress this issue.

FIRE BLIGHT

In reply to **Mr GOLDSWORTHY** (31 May 2004).

The Hon. R.J. McEWEN: The member for Kavel in his question on Fire Blight sought information on the contribution the SA Government was making to Biosecurity Australia's assessment of New Zealand's request to import apples into Australia.

New Zealand initially applied to the Australian government to allow imports of apples in 1999. A science-based process of Import Risk Analysis has been undertaken by Biosecurity Australia and is in its final stages.

A revised draft Import Risk Analysis (IRA) Report was released by Biosecurity Australia on 23 February 2004. This document was open to public comment until 23 June 2004. The draft IRA identifies 8 pests and diseases that pose a potential risk to Australia's apple industry via uncontrolled imports (the "unrestricted risk"), including the bacterial disease Fire Blight. The draft IRA document proposes that apples from New Zealand should be allowed entry into Australia provided that specified measures can be met. These measures include sourcing of fruit from orchards free of disease, chlorine dip treatment, prescribed periods of cool storage and on-arrival inspection procedures.

This process of establishing protocols and imposing the controls on import of produce into Australia is handled at a national level by Biosecurity Australia and the Australian Quarantine Inspection Service.

The Federal Government also needs to take account of Australia's obligations to WTO agreements in considering NZ's application to import apples into Australia.

As part of the public consultation process, officers from within Primary Industries and Resources reviewed the 700+ pages of the draft IRA and have produced a Comments Paper that I have forwarded to Biosecurity Australia. This Comments Paper raised a series of significant technical concerns relating to the import protocols for NZ apples being proposed by Biosecurity Australia. This included issues such as processes being used to define orchard area freedom for pests and diseases, maintaining chlorine dip concentrations, processes to ensure fruit is trash free, maintaining packing shed cleanliness, monitoring cool storage conditions, alternate entry pathways for Fire Blight, integrity of fruit shipments, and inspection processes.

Fire Blight is a significant concern to Australia's apple growers, and our Government will continue to work with federal agencies as they deal with NZ's application to import apples into Australia.

GAMING MACHINES

In reply to **Hon. R.G. KERIN** (4 May 2004).

The Hon. M.J. WRIGHT: Firstly I understand that the package of gambling reforms proposed by the Australian Hotels Association and referred to by the Leader of the Opposition was not supported by the concern sector.

The government subsequently consulted with the Independent Gambling Authority on this package. The Independent Gambling Authority also did not support this alternative approach.

The government is serious about tackling the issue of problem gambling and the legislation reflects the recommendations of the independent Authority on this complex issue. Ultimately these matters are a conscience vote for members.

LOTTERIES COMMISSION, ADVICE

In reply to **Mr BROKENSHIRE** (31 May 2004).

The Hon. M.J. WRIGHT: As I have advised Mr Brokenshire and other members of this house recently, I have no reason to believe that any current activity or promotional material of SA Lotteries is in contravention of the Practice. In fact, SA Lotteries has been extremely committed to adopting all elements of the Codes of Practice and ensuring that all members of its broad agent network across the state are fully aware of their responsibilities.

I am advised that the statements to which Mr Brokenshire refers are not from any current SA Lotteries' promotional or informational document nor, most importantly, do they represent the current thinking or advice of SA Lotteries.

It appears that the statements in question are from an informational booklet prepared by SA Lotteries exclusively for its agents in 1996 and last updated in early 2001.

I, and indeed SA Lotteries, agree that, even internally, such statements, were they made today, would be inappropriate in the strict responsible gambling environment that we have now achieved in South Australia. To this end I understand SA Lotteries has gone to great efforts to review all documentation that is in the public domain to ensure that it is supportive of the government's mandate to minimise the harm caused by problem gambling and SA Lotteries own corporate commitment in this regard.

I am informed that the document to which Mr Brokenshire refers was only ever issued to SA Lotteries agents. I am advised SA Lotteries will now request all of its agents to remove any such historical documentation from their personal archives.

REEVES PLAINS COMPOST SITE

In reply to **Hon. M.R. BUCKBY** (31 May 2004).

The Hon. P.L. WHITE: The EPA finalised its report on this matter and the application for the composting site at Reeves Plains was considered by the Development Assessment Commission on Thursday, 10 June 2004. The Commission refused the application.

MATTER OF PRIVILEGE

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: Mr Speaker, on or about 14 July 2004, I received a letter signed by you dated 6 July 2004—that was because I had not been to my box. After unsuccessfully trying to see you in Parliament House that week, I wrote you a letter dated 19 July 2004. I did so because your letter, as I then understood its contents, caused me the gravest of concern. Indeed, so seriously did I view the contents of your correspondence that I copied my reply to you to a number of members charged with leadership responsibilities in the parliament, both on the government, the opposition, and the cross bench sides of the house.

I regret any embarrassment that may have been caused by the publication of the letter, either to individual members or to the house as a whole. However, subsequent to your visit to my electorate office last Friday, I have assured myself—and I assure this house—that no copy of my correspondence was sent to any other party prior to its being sent to your office, both by email and facsimile. I felt compelled to write because, as I explained in my letter, the interpretation which I then placed on your words called into question the privilege of which each member of this place is sworn to be the custodian. I draw your attention to your words Mr Speaker, as follows:

> Most importantly, when the government and opposition show a willingness to pass the legislation which I have drafted and which sits on the *Notice Paper* for the House of Assembly, I will show a willingness to authorise the expenditure of committees to send members to their national conferences and not before.

However, as a consequence of our conversation on Friday I accept your assurances, sir, that the words that you used in your letters did not accurately reflect your intention.

RADIOACTIVE WASTE

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

Leave granted.

The Hon. M.D. RANN: I am proud, as Premier of this state, to stand here today and to put on the record for generations to come that last Wednesday 14 July 2004 the federal government abandoned its plans to establish a national radioactive waste repository in the north of South Australia. This is a great victory for the people of South Australia, for our children, and for our children's children. It is a victory for our wine industry, a victory for our food industry that promotes our clean green image, and a victory for our tourism industry that is spending millions of dollars promoting our pristine outback and wilderness.

No longer will our regional communities need to fear the rolling of hundreds of trucks loaded with radioactive material from the Lucas Heights nuclear reactor past their schools and homes on their way to the repository. Our great state will not have to bear the damaging ridicule that would go with the insidious title of the nuclear dump state. South Australia, as a community, fought this dump for 12 years, and today we can say that it was worth the fight that the commentators said we would not win.

There have not been many occasions in the history of Australia since Federation in 1901 when a state has overcome the will and financial, political, legal and constitutional power of the federal government. As we have said on countless occasions, South Australia has already done more than its fair share for the nation with regard to the atomic tests carried out at Maralinga and Emu in the 1950's and 1960's, and we are still paying the price for our national duty more than 50 years later.

As was the case then, the federal government tried to impose its policy on South Australia, without true consultation with the community. But this time it failed. Not only did they not listen but the federal government threatened our state's science funding. They tried to seize, unlawfully, the land earmarked for the facility by denying the state natural justice, and they paid hundreds of thousands of dollars, apparently, to a public relations firm to sell the virtues of the dump to South Australians. This was all to no avail, because this was a battle of the people by the people and for the people. Since the federal government's backdown I have been accused—

An honourable member interjecting:

The Hon. M.D. RANN: No, it was not Kennedy, it was Lincoln, and if you do not know that then you do not know history or politics. Since the federal government's backdown

I have been accused of being selfish and parochial. If being selfish means that I have put the needs of South Australians ahead of those people outside of our state, I stand guilty as charged. I have also been accused by the federal government of being a political opportunist. I think members will agree that a political opportunist is someone who has a determined, fixed policy position and then reverses it for political gain before an election. We stuck to our guns, year after year, decade after decade. I did not reverse our policy, and Senator Minchin and Peter McGauran have to learn to lose with dignity. The name calling had no impact and has no impact because it is results that count.

Members interjecting:

The Hon. M.D. RANN: I am listening to the interjections of members opposite. I respect the fact that members opposite and the Leader of the Opposition and his team supported a radioactive waste dump in this state. Well, I disagreed, so did Mark Latham, and so now does John Howard. So take your pick. I pledged before the last election that we would do all we could to prevent a nuclear waste dump being imposed on us, and we did and we have. The state government ultimately challenged the illegal acquisition of the land at Arcoona Station in the courts and we won with a three:nil federal court decision in our favour. Despite their opportunity of acquiring the land through the normal legal process, the federal government decided not to test the ultimate court of public opinion, the federal election, and abandoned its plans for the dump in South Australia.

It has been a long, hard battle and many times we have been told to give up, that we are wasting time and money, delaying the inevitable. How many times were we told or asked questions by the media that our challenge in the courts would cost millions of dollars. Well, I can reveal now how much it cost us to challenge in the courts. I am advised that there will be no cost to the state of South Australia for the legal proceedings. No cost. The federal government will have to pay all of South Australia's legal costs. Persistence and belief in the cause has paid off. The vast majority of South Australians opposed the federal government and its attempt to put a dump in South Australia and it was our duty as their representative to continue the opposition.

I would like to take the opportunity today of thanking the Minister for Environment and Conservation and his diligent staff for all their fantastic efforts. I would like to thank the Crown Solicitor's Office for their great work, especially Mark Johns and the Solicitor-General, Chris Kourakis. I would like to acknowledge the campaign of the Australian Conservation Foundation, led by David Noonan. I would especially like to acknowledge the campaign of the Kupa Piti Kungka Tjuta—senior Aboriginal women—of Coober Pedy. They have continued to share their personal stories of the impact from the atomic tests in Maralinga on their people and continued their opposition to the radioactive waste dump through a dignified campaign, based not on science or law but on their personal experience and connection with the land. I am delighted that I will have the opportunity this weekend to visit these extraordinary women in their aged care facility in Coober Pedy to celebrate the victory with them in person.

I would like to pay tribute to Ivy Skowronski, who was most effective with the 'I'm with Ivy' campaign on Channel 7, the *Today Tonight* program, and also on radio station 5DN. Her campaign received widespread support. So, my heartfelt thanks to Ivy for her commitment and hard work for South Australia once again. She is a testament to what can be achieved by ordinary people who believe in a cause and believe in our state. Someone else who also had a great impact on me was a five year old boy called Andrew Malnai from the Salisbury area. In 2000 he ran a campaign with a petition and a letter, and came to my electorate office to voice his opposition to the radioactive waste dump. He wrote then—this is a five year old lad:

> Please don't let anyone dump their poison in South Australia because it will get into the underground water and make all the people, animals and plants very sick.

He called my electorate office last week, over the moon with the victory which, of course, is as much a victory for him as it is for the state government. Andrew's message was and remains a poignant reminder to us about what type of world we are bequeathing to the many generations who are to follow us.

CHILDREN IN STATE CARE INQUIRY

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: On 1 July 2004 I introduced into parliament the Commission of Inquiry (Children in State Care) Bill 2004. The bill provides for the appointment of a commissioner by Her Excellency the Governor to conduct the commission of inquiry. Subject to the passage of the bill, the government intends to recommend to Her Excellency the appointment of the Hon. Justice Edward Mullighan, currently of the Supreme Court of South Australia, as the Commissioner. Justice Mullighan will take up the appointment following his retirement from the Supreme Court. He will complete outstanding matters and, subject to that, will resign later this year. The government has consulted the Leader of the Opposition, the Hon. Robert Lawson MLC and the member for Heysen.

The Chief Justice (Hon. John Doyle) has been consulted about the arrangements for the proposed appointment. The Chief Justice is satisfied that the proposed appointment is consistent with the independence of the court. Justice Mullighan has decided to advance his retirement in order to take up this most important appointment. Following his proposed appointment, Justice Mullighan will receive the same remuneration as if he had remained a judge of the Supreme Court. His pension entitlements will be suspended until his appointment is concluded, and he will continue to accrue service towards his suspended entitlement. Amendments to the bill will be required to give effect to these arrangements.

The government is very pleased to be able to secure the appointment of a person of the calibre of Justice Mullighan. Justice Mullighan has a well-earned reputation as a jurist of impeccable ability, coupled with a compassionate and commonsense approach. His competence and integrity both as a judge and formerly as a barrister is universally acknowledged. A former president of the Law Society of South Australia, Justice Mullighan was appointed a Queen's Counsel in 1978 and was made a judge of the Supreme Court in 1989. He is co-chair of Reconciliation SA, Chair of the Centre of Restorative Justice, Offenders Aid and Rehabilitation Services of South Australia, and Chair of the Organising Committee, Aboriginal Cultural Awareness Program for the Judiciary in South Australia.

PUBLIC WORKS COMMITTEE: STURT STREET COMMUNITY SCHOOL

Mr CAICA (Colton): I bring up the 208th report of the committee, on the Sturt Street Community School redevelopment.

Report received and ordered to be published.

QUESTION TIME

RADIOACTIVE WASTE

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Environment and Conservation. Given that *The Advertiser* dated 15 July reports that the minister said, 'We have found a solution to the storage of our waste and that is at Olympic Dam' will the minister explain what that solution is and, in particular, whether it involves both the storage and disposal of waste at Olympic Dam?

Members interjecting:

The Hon. R.G. KERIN: Well, if you other guys would shut up you might—

Members interjecting:

The SPEAKER: Order!

An honourable member: Feeling pressure?

The Hon. R.G. KERIN: Not at all.

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The Hon. R.G. KERIN: The truth always wins out at the end of the day, Kevin.

The SPEAKER: Order! Maybe we ought to skip question time and just go to grievance. That probably would suit members better; though, for the meantime, I will persist. The minister.

The Hon. J.D. HILL (Minister for Environment and Conservation): Mr Speaker, I just missed the last bit of what the leader said.

The Hon. R.G. Kerin: I said, '. . . and, in particular, whether it involves both the storage and disposal of waste at Olympic Dam'.

The Hon. J.D. HILL: I think I understand the question. It is understandable that the Leader of the Opposition would ask this question because he is purely grieving about the policy decision made by the commonwealth government last week which has left him and his colleagues like shags on rocks.

The SPEAKER: Order!

The Hon. R.G. KERIN: Sir, on a point of order, the question I asked was pretty clear. Obviously, the minister did not hear it. Would he like me to repeat it?

The SPEAKER: Order! The chair would request the leader to repeat the question.

The Hon. R.G. KERIN: Given the minister's statement reported in *The Advertiser* on—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: Do you want to hear it or not, because it gets to the truth of the issue?

The SPEAKER: Order!

The Hon. R.G. KERIN: Given that *The Advertiser* on 15 July reported that the minister said, 'We have found a solution to the storage of our waste and that is at Olympic Dam,' will the minister explain what that solution is and, in particular, whether it involves both the storage and disposal of waste at Olympic Dam?

The Hon. J.D. HILL: As I say, no doubt the Leader of the Opposition is grieving as a result of the decision made by the federal government last week—

The SPEAKER: Order!

The Hon. J.D. HILL: —and I can understand his sensitivity in relation—

The SPEAKER: Order! The minister must understand that, under standing order 98, he cannot debate the matter, nor is it sensible for him to second guess the sentiments of the Leader of the Opposition. The question does not go to the sentiments of the opposition (and particularly the leader's feelings) about the matter. Clearly, the minister is not responsible to the house for the emotional reaction, if any, from the Leader of the Opposition to any related or unrelated event or decision. The question is clear enough. Either the minister addresses the question or we move on.

The Hon. J.D. HILL: Thank you, Mr Speaker. Last week the government announced an agreement with Western Mining Corporation to investigate storing the state's radioactive waste at Olympic Dam—

Mr Brokenshire interjecting:

The Hon. J.D. HILL: Do they know about it? Yes, they know about it, member for Mawson. The opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It is delightful. I will not comment on their emotional state but I do observe that, as usual, the interjections of members opposite are inane, particularly those from the member for Mawson. The reality is that, for some time, the government has been talking at an informal level with Western Mining on—

Members interjecting:

The SPEAKER: The members for Bright, Mawson and MacKillop will come to order.

The Hon. J.D. HILL: On a number of occasions the government has had discussions with Western Mining Corporation.

The Hon. W.A. Matthew interjecting:

The SPEAKER: I caution the member for Bright for the second time.

The Hon. J.D. HILL: I visited Western Mining just recently and had further conversations while I was at Olympic Dam. I was there primarily to look at the Arid Area Recovery Scheme which is in operation at that site and which is a remarkable scheme, and I did have conversations with the corporation about radioactive waste as well. We have now reached an agreement with Western Mining Corporation to investigate storing the state's radioactive waste at Olympic Dam. This commonsense agreement was criticised heavily by Senator Minchin, who accused the government of bullying Western Mining; and, no doubt, that is colouring the comments made by members opposite.

I can assure the house that there has been absolutely no bullying at all. In fact, the only bullying done was by Senator Minchin and his colleagues when they threatened to take away science funding from South Australia. What we have with Western Mining is a practical agreement to investigate storing about 22 cubic metres of low level and short-lived intermediate waste that has accumulated over many decades in South Australia. That waste is stored at over 170 sites in South Australia, and I am advised that the waste will accumulate at the rate of about one cubic metre a year. Western Mining has engaged, or will engage, an expert from

the Australian Nuclear Science and Technology Organisation to undertake the feasibility study. We will have to wait to see what the results of that study will be, but I am very confident that Western Mining, which is expert in managing radioactive materials, including waste, will be able to look after the relatively small amount of radioactive waste that we have deposited in a range of locations in South Australia.

This is a commonsense solution to a problem. It has to be remembered by members opposite that the commonwealth government is trying to put all Australia's waste in South Australia. The commonwealth is responsible for about 90 per cent of the waste that is generated and stored in Australia. What we are talking about in South Australia is a very small percentage of the remainder which is a very small percentage indeed—around about 22 cubic metres. We will work closely with Western Mining to see whether we can reach an outcome that will suit the people of South Australia. I find it extraordinary that the state opposition in South Australia seems to be the only group left supporting a national dump in South Australia.

The Hon. R.G. KERIN: I have a supplementary question.

Members interjecting:

The SPEAKER: Order, the Deputy Premier!

The Hon. R.G. KERIN: Given that the minister just—

The Hon. K.O. Foley: Surely laughing is not unparliamentary, sir?

The SPEAKER: In that manner it is.

The Hon. R.G. KERIN: Given that the minister just told this house that the agreement with Western Mining is about investigation, why did he tell South Australians last week that a solution had been found which would see the waste stored at Western Mining?

The Hon. J.D. HILL: At the press conference, at which the Leader of the Opposition was not in attendance—

Mr Brokenshire interjecting:

The SPEAKER: I warn the member for Mawson for the second time.

The Hon. J.D. HILL: —I made a statement very much along the lines of what I have said. I believe that we do have a solution and that is being investigated by ANSTO at the moment; and, when we receive that response, we will see what it says. However, I am very confident that we have found the solution.

TEACHERS REGISTRATION STANDARD ACT

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. How will the government ensure that children are better protected in all our school sectors; and how will the Teachers' Registration Board's role be expanded?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her interest in the safety of children in South Australia. The creation of a new Teachers Registration Standard Act 2005 will be an important one in restoring the community's trust and confidence in the professional people who work with children and young people. It is critically important that we make decisive moves to ensure consistent child protection across our government, independent and Catholic school sectors. A new act is required to expand the powers of the Teachers' Registration Board in order to deal with the evolving issues of child protection and standards for teachers registration in South Australia's public and private schools. The new act will establish the board as a regulatory body whose role is to ensure that the teaching profession in South Australia is properly monitored and carefully regulated as a professional group.

As a complementary measure, the state cabinet has approved funding of $700 000 to conduct criminal history checks en masse for all the state's 35 700 registered teachers in government, independent and Catholic schools. Under the current regulation, police checks are being done only on new teachers registering since 1997, and the board is prevented from instigating checks on renewal or at any point in between the registration of a teacher.

The passing of the bill will allow us to undertake these retrospective checks on all teachers across sectors immediately. This will ensure that we have a clean slate for implementing firmer protective measures provided for under the new act. The new act will also make it an obligation for all teachers to have mandatory reporting training before registration and allow the board to instigate checks at renewal, as well as during investigations. It will give the Teachers Registration Board the ability to screen, monitor and make decisions on the suitability of people who work with children in the school environment and also increase the board's ability to communicate with other states and jurisdictions to ensure safety for children beyond our state borders. Better screening and enhanced powers of the board will span the public, independent and catholic sectors and build on the agreed standards across school sectors established recently for responding to allegations of sexual abuse made against staff, volunteers and students.

This is an important piece of work that needs to be undertaken by the board in its role in the future development of the social and economic well-being of the state. Once drafted, the bill will be released for public consultation before it is presented to parliament in the next session. This important legislative change and significant investment by the government will help the police, education authorities and school communities to work closely together to ensure the safety of students. Once passed, the act will add to other child protection measures already in place in our schools.

I encourage members to become involved in the consultation process and to get behind these important measures so that South Australians can continue to have the utmost confidence in the quality, professionalism and fitness to teach of all the state's teachers. I add that this is not a matter of political intervention but one for which we might well get bipartisan support for the good of South Australian children and their parents.

RADIOACTIVE WASTE

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Environment and Conservation. Will the minister tell the house how often he discussed this issue with WMC before the federal government's announcement last week and whether any agreement had been reached prior to that announcement being made?

The Hon. J.D. HILL (Minister for Environment and Conservation): What I can do is read a statement on which the Western Mining Corporation and I agreed on the day last week—

Members interjecting:

The Hon. J.D. HILL: Your grief is distressing, I can see.

The SPEAKER: Order!

The Hon. J.D. HILL: The Western Mining Corporation and I agreed on the following statement on whatever day it was last week that the Prime Minister announced his backflip. It reads:

In line with its policy to continuously improve its operations to meet international best practice, WMC has commissioned a consultant to review management of some of the operational wastes generated at Olympic Dam. This includes small quantities of low level radioactive waste. The consultant, from the Australian Nuclear Science and Technology Organisation, has already provided some advice to WMC. After discussion with the South Australian Government, WMC has agreed to a proposal from the government to extend the consultancy to consider the management of the State's low level waste at Olympic Dam. Any final decision on the use of Olympic Dam for this purpose will be subject to further appropriate government approvals and commercial negotiations.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Regarding the number of times that I have spoken to Western Mining, I cannot tell the house exactly, but I have had—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Members object too strongly. I have had a number—

The Hon. R.G. KERIN: On a point of order, Mr Speaker, the question was simply whether or not there was any agreement before the minister said there was last week.

The Hon. J.D. HILL: That was not the question. The question was how many conversations I have had with Western Mining. I say to the house that I have had a number of conversations face-to-face, and members of my staff and officers of the EPA have had conversations with Western Mining over a period of time. No agreement was reached until the day of the announcement by the Prime Minister, and that agreement is recorded in the words that I have already provided to the house.

The Hon. R.G. KERIN: By way of a supplementary question, was the agreement reached with WMC after the minister said publicly that there was an agreement?

The Hon. J.D. HILL: The Leader of the Opposition is whistling in the dark.

Members interjecting:

The Hon. J.D. HILL: Well, I am answering the question.

The SPEAKER: Order!

The Hon. J.D. HILL: The Premier and I held a press conference on the day on which the announcement was made by the Prime Minister. At that press conference we made the reference to Western Mining, and I read the statement which I have just read to the house. If you ask any of the media who were there, they will confirm that, because that is the statement that I read, and the agreement had been reached with Western Mining that morning.

MEDICARE

Ms BEDFORD (Florey): My question is to the Minister for Health. Have all the state and territory governments agreed to a plan to work together with the commonwealth to rebuild Medicare as a unified health care system?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this question. The plan is about improving health services and will be of special interest to people living in our northern and southern metropolitan areas such as the electorate of Florey. All state and territory governments have agreed to work on a plan to enable structural and funding reforms to improve health services for all Australians. Under the plan a national health reform commission will report within 12 months on ways to improve funding and the delivery of health services, including hospitals, specialists, GPs, community health services and aged care services. It will enable reforms to reverse fragmentation, reduce duplication and get the public and private health systems working together rather than competing against each other.

Working Together for Medicare is federal Labor's plan to work with the states and territories to rebuild Medicare as a unified national health care system and is supported by all states and territories. Just as South Australia needed to implement generational change in the way it runs and delivers its health services, we urgently need reform at a national level. Federal Labor, the states and territories agree that we must direct funding to prevention, develop integrated services, provide long-term solutions to national health work force needs and set national health standards to lift performance and quality across the country. This plan is a strong point of difference between Labor and Liberal on health care.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): My question is to the Minister for the Environment. Will the minister advise the house of the terms of reference of the consultancy that is being undertaken to consider the use of Olympic Dam for the storage of the state's radioactive waste?

The Hon. J.D. HILL (Minister for Environment and Conservation): I will seek advice from the EPA and provide those—

An honourable member interjecting:

The Hon. J.D. HILL: Well, they are being developed at the moment.

Members interjecting:

The SPEAKER: Order, the Minister for Infrastructure and the member for Davenport!

EDUCATION, REFORM

Ms THOMPSON (Reynell): My question is to the Minister for Employment, Training and Further Education. What action has the minister taken in response to the education reform package announced by the commonwealth on 2 July 2004?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for her question and acknowledge her passionate support of the higher education sector over many years. On 2 July 2004 the federal Minister for Education announced that 1 500 extra commonwealth-supported university places would be allocated to South Australian universities by 2008. These places are from a pool of 25 000 places to be allocated over the next four years. This state's share is about 5.5 per cent of the places on offer, and I am advised that the federal government's shuffling of places around the nation will mean that Queensland, Tasmania and Western Australia have all won additional properly-funded places at South Australia's expense. Sadly, South Australia has done quite poorly from the federal government in the allocation of places.

South Australia has a high level of unmet demand from qualified students. Our universities have been trying to cope with this demand by over-enrolling to the tune of approximately 2 000 places per year. Additional funded places are

welcome but this proposal does very little to address our unmet demand. In order to take up these new commonwealth places, the universities must reduce over-enrolments from 2 000 places to approximately 780 places by 2008. At the start of next year, additional commonwealth places over enrolments will provide 2 296 places. By 2008 this will have grown to 2 354 places. In short, we will have just 58 extra university places in this state, not the 1 500 places that the federal government claims.

I might add that the federal opposition has announced that it would allocate 20 000 commonwealth places per year rather than the 25 000 over four years that the government has offered. That would really do something to address unmet demand. I also note the 475 national priority places available next year for private higher education institutions. Out of those, only 30 have been allocated to South Australia, and that is to the Tabor College.

I am disappointed, and I am sure that others will be, that South Australia has been treated so poorly. I contacted Minister Nelson's office on the day of his announcement to seek urgent discussions with him. To date there has been no response. We believe that South Australian students have as much right to access university places as any other state and we will continue to lobby to make sure that we are put on an equal footing.

RADIOACTIVE WASTE

The Hon. I.F. EVANS (Davenport): My question is the Minister for Environment and Conservation. Is the government considering—

The SPEAKER: Order! The noises on my right sound pretty much akin to those two minutes before feeding time in the monkey area of the zoo.

The Hon. I.F. EVANS: Is the government considering Olympic Dam for the interim storage of radioactive waste or the final disposal of radioactive waste, or both?

The Hon. M.D. RANN (Premier): There seems to be something missing here that the opposition does not realise: that the war is over on this nuclear waste dump, and that the people of this state have won—and only you are still fighting it. We have won this campaign, and the people of this state have won.

Members interjecting:

The SPEAKER: Order! The member for Mawson and the Deputy Premier are both out of order. The honourable the Leader has a point of order.

The Hon. R.G. KERIN: I rise on a point of order. It is relevance. The question was quite clear.

Members interjecting:

The Hon. R.G. KERIN: The question was quite clear, and it is an important question about whether or not the people of South Australia were told the truth on Friday.

The Hon. M.D. RANN: The question of relevance has been raised. The relevance of the matter is this: that we opposed a national nuclear waste dump and you supported it, and that is the difference.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The honourable the Deputy Premier is out of order for the third time.

The Hon. K.O. Foley: Why was that sir?

The SPEAKER: Because of the loud interjections being proffered across the chamber and because, although laughing is fine, disruptive laughing is not, and because continuing to interject after the chair has called for order is disorderly.

The Hon. K.O. Foley: Laughing is out of order then sir, is it?

The SPEAKER: Order! The chair does not debate with any honourable member, especially when the honourable member, even if it is the Deputy Premier, is sitting in their place. I repeat, laughing is fine. Disruptive laughing is not.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Environment and Conservation. Who at ANSTO is conducting the study that he referred to in his answer to the first question and what are the terms of reference?

The Hon. J.D. HILL (Minister for Environment and Conservation): The opposition clearly does not get it. The Federal Government has ruled out a nuclear dump in this state. They are the only ones clinging to that reality. The state government has a responsibility—

Members interjecting:

The SPEAKER: Order, the honourable the member for MacKillop!

The Hon. J.D. HILL: The state government has a responsibility to look after the waste in South Australia. That is the position we have adopted over the—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: I rise on a point of order. The question was a direct one based on who is doing the study from ANSTO and what are the terms of reference. I am trying to work out whether any such study actually exists.

The Hon. J.D. HILL: As I say, the federal government ruled out a federal dump last week and in the days since that time the state government has been working with Western Mining to get a resolution of where—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —to put the state's waste.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: That is waste that everybody on the other side—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order—

Members interjecting:

The SPEAKER: Order! The leader of the house.

The Hon. P.F. CONLON: I just wonder whether that is a little more disruptive than laughter, sir.

The SPEAKER: It is clearly far more disruptive, in spite of the fact that I called for order six times—and did not raise my voice once. No-one bothered to pay attention. The honourable the minister.

The Hon. J.D. HILL: Thank you, Mr Speaker. I was explaining to the house that last week the ground rules changed. The low level dump that the opposition wanted in our state for all of Australia's waste is no longer going to happen. You lost that one. What this state government is trying to do is properly and sensibly work out what to do with the waste that South Australia is responsible for, the 22 cubic metres. The policy we have is the same policy that the federal Liberal Party, the current federal government, has. We have the same policy as they have, that is, each state will look after its own waste. Last week we reached an agreement with Western Mining—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I know that the members opposite do not like the fact that the Labor government has reached an agreement with Western Mining—

Mr Brokenshire interjecting:

The SPEAKER: Order, member for Mawson!

The Hon. J.D. HILL: —but Western Mining is going to conduct a study into looking after radioactive waste that they have, and expanding that study to look at whether or not the radioactive waste that is the state's responsibility—

Members interjecting:

The Hon. R.G. KERIN: Point of order, sir.

The Hon. J.D. HILL: You don't want to hear the answer.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: The question was quite specific and I think that the minister has made it clear that he has not got an answer.

Members interjecting:

The SPEAKER: Order! The honourable minister will resume his seat. The point of order is that the question is not being answered but, rather, associated or, in the minister's opinion, related material is being provided to the house. No attempt has been made to address the specifics of the question. The opposition leader will have to accept the fact that that is not going to be answered, and we should move on. Accordingly, I call the member for West Torrens.

The Hon. J.D. HILL: Point of order, Mr Speaker: the point I was making to the Leader of the Opposition is that an arrangement had been reached with Western Mining only a few days ago.

The SPEAKER: Order! The Leader of the Opposition's question did not ask about that. The matter sought, by way of question from the Leader of the Opposition, involved the state of knowledge of the minister about ANSTO, and no mention was made of that whatever at any time during the course of the reply the minister was giving in his answer. The honourable member for West Torrens.

HOME AND COMMUNITY CARE FUNDING

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Ageing. What action has the minister taken in response to the commonwealth changes to the Home and Community Care funding arrangements?

The Hon. J.W. WEATHERILL (Minister for Ageing): A very strange thing has happened out of the federal government. They have told us that instead of funding us on a two to three year basis for the HACC program they are only prepared to provide funding on a yearly basis. That very point was raised by the honourable member for Heysen during Estimates and she was agitating that we should do something about it. I will give the house two examples. For projects including the Milang and Clayton Community Care Project, auspiced by the Alexandrina Council, in this case the state recommended two years, which was rejected in favour of one year funding. Port Adelaide Enfield Council sought three year funding for residential facility support but, again, this was rejected in favour of one year funding. It is obvious the sort of difficulties this will incur for often quite small community based organisations. First, there is the cost of having to make a repeat application when the project is in fact a two or three year project, not a one year project. It is obviously easier to plan and also to evaluate these projects. And there is the important point that attracting and retaining skilled staff, when you know that you can offer funding for only 12 months, is nigh on impossible for smaller community organisations.

We know that this also puts additional burdens on not only the state, in terms of its having to evaluate and reconfigure its programs each 12 months, but also on these small organisations that do not have the logistical support to enable them to correspond to the federal government's bureaucratic requirements. This is bureaucracy gone mad. The federal government is imposing on the states a ridiculous burden. People are complaining about this to members opposite. We ask them to join with us in approaching the federal Minister for the Ageing to ask her to drop this ridiculous requirement and return to the custom and practice that existed in South Australia (and, indeed, existed under the arrangements entered into by the previous government) to allow us to be funded on a two to three year basis where that is appropriate.

CHILD ABUSE INQUIRY COMMISSIONER

The Hon. R.G. KERIN (Leader of the Opposition): Why did the Minister for Families and Communities this morning give the Liberal Party an assurance that Justice Mullighan would be appointed Commissioner of the child abuse inquiry only if the Liberal Party agreed, but now has announced the appointment contrary to that agreement? The shadow Attorney-General got back to the minister and informed him that the Liberal Party had a different preference of putting in an amendment to make sure it was an interstate judge.

Members interjecting:

The SPEAKER: Order! The Premier is out of order.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): So much for offering the hand of peace and reason! So much for a briefing to those opposite to allow them to consider their position.

Members interjecting:

The SPEAKER: Order! The Deputy Premier, the Minister for Infrastructure and the Premier, and the Deputy Premier for the seventh time.

The Hon. J.W. WEATHERILL: We have attempted to build a consensus around what we believe is a tremendously well-credentialled appointment for this very delicate task. I might say that the honourable member has said to the house something that simply is not true: I made absolutely clear that we were not providing the right of veto to those opposite when we spoke to them, and I used those words.

The Hon. R.G. KERIN: As a supplementary question to the minister, why then did the Attorney-General and the Minister for Families and Communities this morning tell the opposition that there is no way that Justice Mullighan would take this position unless he had the agreement of the opposition? And that is what he told us.

Members interjecting:

The Hon. P.F. CONLON (Minister for Infrastructure): You'll get the truth, you bunch of grubs.

The SPEAKER: Order! The leader of the house will resume his seat. The leader cannot have knowledge of that meeting: he was not present.

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

The SPEAKER: Order! The honourable leader will not defy the chair.

The Hon. P.F. Conlon: Don't bet on it.

Members interjecting:

The SPEAKER: Order! Did the leader of the house rise on a point of order?

The Hon. P.F. CONLON: Yes, sir. My point of order was this: that while the house has great tolerance on supplementary questions, if you examine *Hansard* you will see that the leader asked a different question. His first question was about what we promised we would do. His second was about what the judge said he would do. They are two different questions. It is not a supplementary and he is abusing the leniency of the house on supplementary questions.

The SPEAKER: Order! Notwithstanding the umbrage of the leader of the house, the Minister for Infrastructure, can I point out to him and to the house that, at the discretion of the Government Whip, presently the government members are not asking any questions, and whether the leader prefaces the question with the word 'supplementary' or not then is immaterial: the question stands. Nonetheless, the leader of the house, whilst he makes an interesting observation, does not have a point of order. The question stands: it is not a supplementary question. The minister.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I made no such commitment at that meeting.

The Hon. R.G. KERIN: Sir, this is a very important issue. Does the Attorney-General remember this morning the government's giving the opposition an assurance that Justice Mullighan would not take up this appointment if the opposition did not absolutely agree to his appointment?

The Hon. J.W. WEATHERILL: Mr Speaker—

An honourable member: No, not through you.

The Hon. J.W. WEATHERILL: It does not matter.

The SPEAKER: The Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): My recollection of the meeting was that we would have preferred to have the support of the opposition for the commissioner. We outlined the merits of the commissioner, and I am sure that the commissioner himself would have preferred to have the support of the Liberal opposition. Nevertheless, that—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I rise on a point of order, Mr Speaker. The member for Morphett displayed something. Sir, you took great umbrage with my laughing in the house. I would ask you, sir, to consider the item just shown by the member for Morphett and rule accordingly.

The SPEAKER: Order!

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry? You say that I can dish it out but I can't take it? I am happy to be called into question for laughing, but I want that member dealt with.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! The member for Morphett?

Dr McFETRIDGE: Yes, sir.

The SPEAKER: I ask the honourable member whether he made a display. I did not see him do so.

Dr McFETRIDGE: I made a display. This one here.

Members interjecting:

The SPEAKER: Order! That is highly disorderly, and the member for Morphett knows it. The honourable member will apologise to the house for having done so.

Dr McFETRIDGE: I unreservedly apologise to the house, sir.

The SPEAKER: The Leader of the Opposition.

The Hon. R.G. KERIN: Does the Attorney-General agree that the opposition was told this morning that Justice Mullighan would not take up this position if the opposition did not agree with the appointment and would criticise it?

The Hon. M.J. ATKINSON: No, I cannot agree to that proposition. As I said, it was highly desirable that the opposition supports the commissioner—highly desirable. The Hon. Robert Lawson (the shadow Attorney-General) expressed some reservations about Justice Mullighan on the ground that Justice Mullighan had been counsel assisting in Roma Mitchell's inquiry into the dismissal of Harold Salisbury. Apparently, that was going to create some sort of obstacle in the Liberal Party room.

The Hon. W.A. Matthew: Absolutely!

The Hon. M.J. ATKINSON: 'Absolutely,' says the member for Bright. Well, I find that an ad hominem objection. It is just an entirely unpleasant and irrelevant consideration of a person doing his job as counsel assisting a royal commission now, I think, more than 25 years ago. I cannot share the recollection of the opposition. However, I can say that, in the view of the two ministers at that meeting, it was highly desirable that the opposition supports the commissioner. I am sure that the commissioner would prefer to have the support of the opposition; but, nevertheless, at the end of the day, the government reserved to itself the executive function of appointing the commissioner. I am sure that the Liberal Party room regarded that as the desirable position. At the end of the day, the government was responsible for appointing the commissioner.

The Hon. R.G. KERIN: Again to the Attorney-General, given what we were told this morning and the fact that Justice Mullighan has now been appointed, has he been advised that it was done without the agreement of the opposition and therefore the opposition will be criticising the appointment?

The Hon. J.W. WEATHERILL: I have had a conversation with Mr Mullighan and I relayed to him precisely the words that were said to me by the Hon. Robert Lawson: that is, that it was the preference of the opposition that the appointment should a judicial officer of some sort from interstate but that there would be no personal criticism of the judge. On that basis, he was prepared to accept his name being put forward. I must say that it is an absolute disgrace if any doubt is cast upon this fine judicial officer. I put his name forward to this house on the basis of the discussions I had with the Hon. Robert Lawson. We have an opposing and different proposition being put to this house for the most base political reasons and for the things which have been whispered in the ear of the Leader of the Opposition during this very parliament.

HOSPITALS, EYRE PENINSULA

Mrs PENFOLD (Flinders): Will the Minister for Health give the house an assurance that the acute care services will still be available in the 10 hospitals on Eyre Peninsula beyond 2004 and that those acute care services that have already been removed will be replaced? On 6 August 2002, in estimates,

the minister said that she was happy to say on the record that there was no intention to make any changes to acute care services on Eyre Peninsula. However, surgery and obstetric services have already been removed from some of the hospitals.

The Hon. L. STEVENS (Minister for Health): I am rather surprised that the honourable member would ask the question, because I have seen yesterday's quite stunning press release of the deputy leader asserting all sorts of misinformation about matters in relation to services on Eyre Peninsula. I am surprised that, in the face of that press release full of misinformation, the honourable member would stand up in this house again today. However, let me put some things on the record. There were so many things in the deputy leader's release—

The Hon. M.J. Wright: Why are you surprised about that?

The Hon. L. STEVENS: I am not surprised any more, in answer to my colleague, but we are getting rather tired of this approach by the deputy leader; that is, his standing up on the weekend and throwing a whole lot of misinformation into the media which upsets and scares people, and then, of course, the next day, or shortly afterwards, this is all found to be wrong. Of course, he hopes that some of it might have stuck. We have become used to the way in which the deputy leader behaves. I believe that it is not a very ethical way of behaving, but then again that is the deputy leader.

Today, I have had very clear information provided to me from the General Manager of the Eyre Regional Health Service, Mr Gary Stewart, in response to all the allegations and insinuations made by the deputy leader. Mr Stewart said he was stunned when he was made aware of the recent claims by the opposition health spokesman Dean Brown. I will put on the record what Mr Stewart said in his press release. The press release goes on to say that Mr Stewart indicated categorically that there would be no hospital closures on Eyre Peninsula, which is one of the things the deputy leader was asserting.

Mr Stewart said that the Eyre Regional Health Service was responsible for the planning and funding of health services on Eyre Peninsula, and the subject of hospital closures had never been contemplated, considered or discussed at any time by either the management or the board of directors of the Eyre Regional Health Service. Mr Stewart further said that he had no knowledge of any hospitals being targeted as claimed by Mr Brown. He said that, some three weeks ago, the board of directors and he were briefed on the budget for the 2004-05 financial year. The key points that came out during that briefing were that an increase in the budget would occur for the Eyre region, and he expected that, as a result of this, additional funding would be able to be provided to the Port Lincoln Health Services. He also expected that the funding levels provided to hospitals in the previous financial year would be maintained and that there would be no reduction in services across Eyre Peninsula.

Further, Mr Stewart said that there was absolute support for the maintenance of existing Eyre Peninsula health services and that the claims of closures and locations being targeted were fanciful and at complete odds with the reality of what was occurring. He said that, at that time, builders were on-site at the Cowell Hospital enlarging and upgrading the accident and emergency departments and that this upgrade, at a total cost of in excess of $300 000, was being jointly funded by the Department of Health, the Eyre Regional Health Service and the Eastern Eyre Health and Aged Care Service. Mr Stewart also said that obstetric services had been reintroduced into the Wudinna Hospital in the last month.

An honourable member interjecting:

The Hon. L. STEVENS: I haven't been there, actually. He said that in the last two weeks representatives of the Department of Health, the Eyre Regional Health Service and the Mid-West Health Service had met to discuss the planned $600 000 upgrade of facilities at Elliston and that, in the last three months, work had just been completed on the upgrade of patient accommodation at both Cummins and Tumby Bay hospitals at a total cost of some $2 million. Further, he said that in respect of Streaky Bay it was correct that elective surgery had ceased on a temporary basis 12 months ago. That decision was made by the Mid-West Health Board on safety and quality grounds following advice provided by its senior management team. So, in answer to the question, I suggest to the member for Flinders that she cease listening to the deputy leader. If she would like a briefing on all of the things that are happening in her region, all she has to do is ask and we will provide.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Will the minister inform the parliament when she was first made aware of the March 2004 Review of Elective Surgery at Flinders Medical Centre? The review found that, in the past two years, the average wait for urgent surgery has more than doubled and is now outside national standards, that less surgery was being done than in the previous year, and that cancellations of surgery had increased by 33 per cent in the last year.

The Hon. L. STEVENS (Minister for Health): I presume that the deputy leader is referring to the report that was featured in *The Advertiser* last week.

The Hon. DEAN BROWN: No. I am referring to the actual report that was done by the Flinders Medical Centre entitled 'March 2004 Review of Elective Surgery at Flinders Medical Centre'.

The Hon. L. STEVENS: That is the report that was featured in *The Advertiser* last week. It is an internal report prepared by the Flinders Medical Centre as part of their redesign and care initiative. I became aware of this report a couple of weeks ago as a result of having been informed of an FOI application by *The Advertiser*. I would like to make a few points. The issues—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, I believe that the minister is now transgressing standing order 98. My question is specific: when did the minister become aware of the report?

The SPEAKER: Does the minister have anything to add to elaborate on that point?

The Hon. L. STEVENS: I can find the exact date, but it would be about two to three weeks ago. It was an internal document of Flinders Medical Centre as part of its redesigning care initiative and is now significantly out of date in relation to a number of assertions made therein.

The issues at Flinders Medical Centre have been exhaustively discussed in this place, but I think it is about time that we congratulated it and its doctors and nurses for tackling the problems at the hospital which have been brewing for many years and which, would you believe, were not tackled until this government came to power and gave a commitment to

its hospitals to rebuild and improve services. Since 2001-02, sir—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The minister is now clearly debating the issue. The question was very specific.

The SPEAKER: Notwithstanding the interesting information the minister may be able to provide about what happened in 2001, it is wide of the mark in the question.

PAROLEES, SUPERVISION

Ms CHAPMAN (Bragg): My question is to the Attorney-General. Will he give a public assurance that parolees are adequately supervised? The deputy presiding member of the Parole Board, Mr Philip Scales, has written a resignation letter that states:

> The board must set appropriate conditions for prisoners' release on parole but knows many of the conditions will not be observed. It is apparent that there are insufficient numbers of parole officers. A dramatic increase is required if they are able to perform their work at an acceptable level.

The Hon. M.D. RANN (Premier): I think it needs to be made clear that we have seen an extraordinary situation in this parliament today. We have seen the Liberal opposition attack the Police Commissioner and a Supreme Court judge and support a nuclear waste dump.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Mr Deputy Speaker, the Premier was not attempting to answer the question which was asked. He decided to go off and deal with other issues raised in other questions, which is not the point.

Members interjecting:

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

The Hon. M.D. RANN: It is interesting that, whenever I try to say anything, they all start screaming. Let me give a message to the Parole Board. Today we have heard that the deputy presiding officer has resigned. I have read his letter and he does not like our position on parole, law and order, and crime, and he has chosen to resign. Let me make clear to the house that I do not care which member of the Parole Board resigns because we will not soften our position on law and order. I know that members opposite do not like the fact that we intervened in the Nemer case and that we locked up McBride and Watson. They do not like the fact that we went to the people and said we would be tough on law and order, and we are. The Parole Board wants more money—not just for their pay (that has been done)—to speed up the release of prisoners. I am not going to lose one wink of sleep over the fact that they are being locked up for longer. That is why I find it bizarre that today the opposition supports the Parole Board but attacks the Police Commissioner and a Supreme Court judge and supports a nuclear waste dump in this state, which is why it will be in opposition for a long time.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: I have a supplementary question for the Attorney-General—or the Premier, if he wishes to answer. Will you give a public assurance that parolees will be adequately supervised, yes or no?

The Hon. M.D. RANN: I will give you a public assurance that we will be tough on parole as we have been tough on Nemer, as we have been tough on McBride, and tough on Watson, and tough in fighting a nuclear waste dump.

Ms CHAPMAN: I have a further supplementary question. What action is the government taking to increase the number of parole officers?

Members interjecting:

The Hon. M.D. RANN: I am quite happy to get a report from Terry Roberts, but if you want me to keep going I am happy to keep going. We have put money into rehabilitation, we have committed $200 million for child protection, we have put millions of dollars extra for police, but if I have to decide between putting money into prisons or hospitals I am going with hospitals every time.

Members interjecting:

The SPEAKER: Order!

GRIFFIN PRESS

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Economic Development. Has the government today ruled out providing any support or assistance to Griffin Press for relocation within Adelaide rather than to Sydney and, if not, what is the dollar value of assistance contemplated or offered? The minister has been reported in the media today stating that, 'There is no point' in such assistance to the company. Griffin presently employs 300 full time equivalents, 200 to 300 contractors, and over 40 apprentices.

The Hon. K.O. FOLEY (Minister Assisting the Premier in Economic Development): I thank the member for his question. A fundamental difference exists between the government and the former government when it comes to industry assistance. We do not believe in unchecked corporate welfare, as we do not believe in financial mismanagement, or as we do not believe in overspending budgets. The company Griffin Press has approached government with a request for financial assistance. We have considered that and, on considering it, we think that there is an argument—although I have to say not without some internal debate—that a modest package of assistance, structured around making the company more competitive, is an appropriate response. It is not what the company has asked for, but the member for Waite—and please do not be offended, some of my colleagues—operates like an old time socialist. He reckons that the state should mollycoddle this company, or any other company, that we should somehow subsidise production, like the old Soviet.

The member for Waite has a philosophy that this government does not agree with. We will offer modest assistance but we will not hand over millions and millions of dollars of assistance. I think that Griffin Press is a great company and I hope that Griffin Press remains in South Australia, but to remain in South Australia Griffin Press will have to do so based on the fact that it is a competitive business model and that it can make a profit in South Australia. If its decision to operate in Adelaide is based only on the quantum of government support then that clearly is a company that cannot be competitive here in South Australia. We have a philosophy that we want an economy to be open, competitive, entrepreneurial and risk-taking. We do not want a subsidised, featherbedded, inward looking, old time economy here in South Australia, and if the member for Waite cannot get that, if members opposite cannot get that, I am sorry for them. We are happy to have the debate. We are happy to put our economic and financial management credentials ahead of

members opposite. All members opposite want to do is spend, spend, spend. They want the old Soviet style economy. This government will reject that notion of economic management. We will reject the old Soviet style of economic management and we will put forward our philosophy, and we believe that the electorate will support it.

SEX OFFENDER TREATMENT PROGRAMS

Ms CHAPMAN (Bragg): My question is to the Attorney-General. How many psychologists employed to service parolees have been moved out of community corrections into the prison system to conduct the sex offender treatment corrections programs?

The Hon. M.J. ATKINSON (Attorney-General): I will refer that question to the Minister for Correctional Services and obtain an answer for the member for Bragg.

Ms CHAPMAN: I have a supplementary question. How many psychologists are available in community corrections to counsel parolees?

The Hon. M.J. ATKINSON: I am not responsible for the correctional services portfolio in the house. Indeed, the Minister for Environment and Conservation is the minister representing the Minister for Correctional Services. The Parole Board is not part of the Attorney-General's Department, but I will, in deference to the member for Bragg, obtain an answer from the Minister for Correctional Services.

MEMBER'S CONDUCT

The SPEAKER: Order! During the course of question time, the disorderly conduct of the member for Morphett in displaying a sign caused offence to a considerable number of members and more especially to the chair because it is in breach of standing orders.

I remind the house and all members of the media, who have accreditation to be here with photographic equipment, of standing order 133, which provides:

> Complaints against the media. A member who complains to the house as a breach of privilege about any statement published, broadcast or issued in any manner whatsoever is to give all details that are reasonably possible and be prepared to submit a substantive motion declaring the person or persons in question to have been guilty of contempt.

I simply advise the media of that standing order and the consequences should they choose to ignore it.

MEMBERS' TRAVEL

The SPEAKER: Order! On 6 July, subsequent to a personal explanation given by the member for Unley, I wrote a letter to members of this house relating to the annual national conference of statutory committees of the parliament. This letter has caused some consternation and resulted in three or four letters, depending on how you count them, being written to my office, which may have originated out of honourable members not understanding the background.

It appears to have been inflamed by the media for its own purposes. A number of members have told me that they think it was inappropriate to link my discretion relating to travel allowances given to committees on the one hand with the passage of a bill before the house on the other. It was not my intention to so do.

Let me explain. There is a link between the two. I refer to the Statutes Amendment (Parliament Finance and Services) Bill, the Public Finance and Audit Act and the Treasurer's Instruction No. 8, in which the Treasurer has determined that the Speaker is to be regarded as the responsible person to the House of Assembly. Further elaboration of those points is not warranted here.

Suffice to say that it deals with authorisation of funds for parliamentary travel. In simple terms, under the current arrangements, I am ultimately responsible for authorising parliamentary travel arrangements for members. I have continuing concerns about authorising these funds, especially where they are being met from discretionary funds of the Assembly in addition to, rather than the ordinary, travel allowances available to members of this parliament which, I might point out for honourable members' benefit, is without exception more generous than anywhere in the commonwealth, including the national parliament.

In our case, the travel allowances provided to members of parliament, which I strongly argued for in 1980 and 1981 before the introduction of the scheme, to enable honourable members to go to places elsewhere—particularly overseas—to broaden their outlook and their understanding and to assist South Australian businesses to make a better job of their work and which I still believe should be supported are, nonetheless, in a four-year term, approaching $37 000.

The nearest parliament to that, for a four-year term, is the Western Australian parliament, with $19 000. The nearest parliament to that is the federal parliament, which provides for about $11 000 in one parliamentary term, whether it be two and a half or three years. It is, indeed, determined by the cost of one around-the-world first-class air ticket for each member of parliament for each term.

All members of other state parliaments have to obtain explicit approval from their respective houses' Presiding Officers after submitting a detailed itinerary of the places and people to whom they wish to go, and that includes visits and attendance at national committees' conferences. In some parliaments, no funds are made in addition to the members' salary, leave alone from their allowances. In no circumstances, however, to return to the substance of my letter, did my letter relate to MPs' ordinary requests for travel, or even the majority of committee-related travel. The letter related to the relatively minor area of travel by committee members to their relevant national conferences where that involved an additional appropriation from the House of Assembly budget lines for which I have responsibility to the Office of Audit.

My ongoing concern relates to my approval of expenditure beyond what has been expressly budgeted for in the course of the determination of the parliament itself of that budget. Notwithstanding the misrepresentation of my position in the media, members can see that I have not trammelled their personal prerogatives. I unconditionally apologise for any imagined offence which appears to have been a consequence of the inadequate information that members were given through the media or from my own letter, or from any other source they may have consulted. No offence was intended. If any was taken, I apologise without reservation.

PRISONS, PORT AUGUSTA

The Hon. J.D. HILL (Minister for Environment and Conservation): I table the ministerial statement made today by my colleague the Hon. Terry Roberts in another place.

WATTLE POINT WIND FARM

The Hon. J.D. HILL (Minister for Environment and Conservation): I table the ministerial statement made today by my colleague the Hon. Terry Roberts in another place.

CITY CENTRAL PROJECT

The Hon. P.F. CONLON (Minister for Infrastructure): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.F. CONLON: The Premier and I were pleased to announce last week the South Australian government's support for one of the biggest private commercial investments this city has seen for many years. We announced that the government would lease office space in the first stage of the new $600 million City Central project.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: They believe this is like the EDS building! That is why they are in opposition and we are over here. If they think this is EDS, they are suffering massive self-delusion.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: I should not respond to interjection, but it would help if Homer Greenspan over there did actually understand the difference and, if he would be quiet, I will finish the ministerial statement and he will know the difference.

Members interjecting:

The Hon. P.F. CONLON: They have had a bad day, haven't they. They got after the commissioner; they got after Justice Mullighan. They are like the Japanese soldiers still fighting the Second World War—

The Hon. DEAN BROWN: On a point of order—

Members interjecting:

The SPEAKER: Order! I advise the Leader of the House that the cameras have gone, and I would much prefer his frontal visage to his rear visage. Can I take the Deputy Leader's point of order?

The Hon. DEAN BROWN: On a point of order, the minister sought leave for a ministerial statement, not to debate some other subject.

The SPEAKER: I remind the minister that he has leave for a ministerial statement, which should be factual.

The Hon. P.F. CONLON: I was responding to the entirely disorderly interjections of the member for Waite. For more than three years, Caversham Pty Limited—

Mr Scalzi interjecting:

The Hon. P.F. CONLON: Now the fellow down the back, the lion of Lochiel Park, is going! For more than three years, Caversham Pty Limited, which is a subsidiary of the Adelaide based Futuris Corporation, has been assembling an impressive group of properties situated within the Advertiser and GPO block. Caversham has identified a number of uses to revitalise what is a vastly under-utilised part of our city. The development will include:

- a 17 storey office tower and underground car park;
- the redevelopment of the Advertiser building (members would be aware that the new building for News Ltd is already under construction in Waymouth Street);
- the redevelopment of the GPO building and the land at the rear of the site (the GPO's splendid architecture and prime location lends itself to a number of uses. The developer is considering a combination of retail and hotel facilities. Caversham recognises that the decision to develop the hotel will be market driven);
- developing low and high-rise residential apartments facing Victoria Square; and
- Electra House will be used as a hospitality complex incorporating a microbrewery, restaurant and bars.

The first stage of the City Central development is a 17 storey office tower facing Waymouth Street, containing 24 000 square metres of premium grade office space. It will be built to achieve a five star Australian Building Greenhouse Rating (an energy efficiency rating) and a five star Green Building Council of Australia Green Star rating. This will be a first for Adelaide. The building will use cutting edge technology to achieve impressive energy savings and also bring about increases in productivity. It will use a passive chilled beam air-conditioning system that will deliver a 30 per cent saving in air-conditioning consumption. This, together with other features, will reduce the 'sick building syndrome' leading to significant productivity gains, which have been identified by research to be at least 4 per cent.

The building's engineers estimate that the City Central office space will perform 15 to 30 per cent better in terms of energy costs than comparable new office buildings and up to 100 per cent better than some B-grade office stock in the CBD. In the State Strategic Plan, the government clearly identified energy saving as one of our goals and, through this project, we are showing we are serious about achieving it. In terms of the government's financial commitment to this project, we have agreed to take up 10 000 square metres in the office tower. This represents about 7 of the 17 floors, or just over 40 per cent of the floor area.

Subject to final negotiations and documentation, the government has agreed to pay a gross rent of $375 per square metre, escalated annually at 4 per cent for a period of 10 years with a right of renewal. There will also be costs associated with the fit-out of the new accommodation, estimated at $4 million. If one calculates the net present value of the 10-year rental commitment, it comes out to little more than a commitment of $30 million. This is not a premium: it is the cost to house 670 public servants in the CBD.

What we have agreed to with Caversham (to make this distinct with respect to the interjection earlier about the EDS building) is in effect a straightforward commercial transaction. There are no financial handouts to the developer. We have taken the extra precaution to ensure that the government does not end up indirectly subsidising someone else's rent. In our agreement with Caversham we have agreed that no other tenant in the building—and I am referring to the commercial tenancies for the remaining 60 per cent of the building—will be charged a lesser rental.

The government's primary interest was to bring about the coordinated development of a major city block, which would give the city a number of benefits in return, such as creating jobs, creating city pride and private sector confidence, providing a catalyst for other developments and reinforcing Adelaide as a green city. To structure a tender process to secure this type of development by asking the market to provide rental offers for office space, with all the other add-

on benefits and the public spaces and walkways, would have been disingenuous and a 'sham'. Dealing direct with Caversham was not just about bringing a green office building to the market but aimed at the development of the other key elements in the City Central project. To make sure that this happens, the developer has agreed to a government request to put up a $5 million performance bond to ensure that Caversham follows through on other key aspects of the project during the next six years.

In conclusion, I would like to say that, to secure one of the biggest private sector developments in the city for many years, the government was called upon to display leadership and transparency in its dealings with the developer. This has been clearly demonstrated, and I look forward to watching the progress on the transformation of this key city block.

GRIEVANCE DEBATE

YOUTH PARLIAMENT

Mr SCALZI (Hartley): Today I wish to congratulate the organisers of the Youth Parliament, which was held in both chambers from 12 to 16 July. I was privileged to attend the opening and closing ceremonies, as well as attending many of the debates during the week. I am sure that I speak for the minister when I say that an excellent and worthwhile program took place last week. We should congratulate the YMCA for organising both the program and the camp in conjunction with the Department of Youth.

The sponsors included the South Australian government, the Department for Families and Communities, the Office for Youth, the South Australian Parliament, Three Reasons, Mango Chutney, *Rip It Up* magazine, the Law Foundation of South Australia and so on.

It is an excellent program which, this year, attracted a record number of applications totalling almost 200. Approximately 110 students participated; 120 applications were accepted with a record number of 48 rural participants. One could say that having 48 participants from the rural area would be malapportionment or a gerrymander, but it is excellent that so many young people from our country areas participate in this program. It is also good to see that the training team this year consisted of past participants of the South Australian Youth Parliament who were able to get the young ones involved in the program and assisted them with the various duties.

The Youth Parliament provides young people with a unique insight into our parliamentary system. They experience first hand bill writing, the parliamentary process, parliamentary etiquette, debating, public speaking and working with the media. All aspects are covered. I must commend all those people responsible, including Penny Cavanagh, our education officer, for this year's excellent program. It is part of a five-day camp which enables young people to build team skills as well as providing the opportunity for them to grow as individuals and to build lifelong skills such as debating and public speaking.

As I said, the program involves aspects of speech and bill writing. Some of the bills covered in the program included the Cultural Studies Act 2004, the Sexual Health in High Schools Act, the Relationships Act, the SACE Reform Act, the Voluntary Euthanasia Act, the Young Men's Health Act, the Rural Immigration Act and the Use of Cannabis for Chronic Pain Sufferers Act. All these important issues were covered in the discussions. I believe that the young people were given an excellent opportunity not only to participate but also to contribute in a worthwhile program.

Often I attend school assemblies, and I am impressed with schools such as the East Marden Primary School, the student representative council (SRC) of which organises some assemblies. Indeed, every year the SRC of the Norwood Morialta High School comes to Parliament House for acceptance of its office bearers and so on. I believe that if democracy is to have meaning in our society we must develop a culture of democracy, and programs such as this and those in the various schools and the community, such as the advisory committees in local government areas, are important.

I am aware of the excellent work of the advisory committee of the Campbelltown council. All those programs are important in developing a culture of democracy. I congratulate the Youth Governor for 2004, Hayden Coonan and, of course the incoming Youth Governor for 2005, Janice Nicholson. Also, I congratulate the Youth Premier, David Gustafeson, and the Youth Leader of the Opposition, Steve Arland. I congratulate all those who took part in this program. It is a worthwhile program which gives young people the opportunity to have a say in our democracy.

Someone said that youth is a beautiful thing and that it is a pity it is wasted on the young. I say that it is a pity that too often the youth are ignored by the so-called wise in our community. We cannot say that the youth are our future unless we help them to participate and acknowledge the worthwhile contribution that they make now.

As a teacher of 18 years, I have seen first-hand many of the programs which young people organise and in which they become involved both in the education system and at the local government level, as well as the contribution they make as volunteers. They play an important part in our society. Programs such as this should be promoted and supported. I commend all the members of parliament who attended the Youth Parliament this year. From speaking to many of the young people, I know that they really appreciated the support of parliamentarians—and many members of parliament did support them. Again, congratulations to the organisers and all the youth who participated in the YMCA Youth Parliament for 2004.

GILLES PLAINS LIONS CLUB

Mrs GERAGHTY (Torrens): I take this opportunity to congratulate the Lions Club of Gilles Plains on the occasion of its 25th anniversary. The club was chartered on 27 June 1979 and at the time consisted of 32 members with a bold vision to set forth and serve the community. The initial service to the community, whilst consisting of a humble effort of raising $400 for the purchase of a typewriter, nonetheless set in train what is now an enduring history of community participation and service. In 2004 alone, members of the Lions club worked 2 500 volunteer hours. Whilst this figure has varied from year to year, the overall contribution made by Gilles Plains Lions Club has been of great value to the north-eastern community, and it cannot accurately be measured by the amount of time volunteered alone. In fact, many of the events, donations and sponsorships that occur within the community are either directly attributable to the Gilles Plains Lions Club, or the club is involved in some way.

The club districts are incorporated within the suburbs of Gilles Plains, Hillcrest, Holden Hill, Klemzig, Northgate, Oakden and Windsor Gardens, which means that the Lions Club of Gilles Plains serves many of the people and groups residing within my electorate of Torrens.

It would be impossible to speak about the Gilles Plains Lions Club without mentioning the Highlander Hotel, which is located in what I have to say is lovely Holden Hill and which has been the meeting place for the Gilles Plains Lions Club since 1979. Indeed, it has been host to countless meetings and dinners and, of course, has been involved in the provision of meat trays.

One of the wonderful things about Lions clubs in general is that they are a readily identifiable point of contact for the community when money is needed for a charitable purpose. Lions clubs are famous for their fundraising abilities, and the Gilles Plains Lions Club is certainly no exception.

As I mentioned previously, members of the Gilles Plains Lions Club can always be found at a community event operating a barbecue or selling raffle tickets. As I mentioned, the Gilles Plains Lions Club meat tray is certainly a legend within our community. The Gilles Plains Lions Club has provided, and continues to provide, support to a wide range of organisations, including Blind Welfare, North East Community Assistant Project (NECAP) about which I have spoken many times in this house, Meals on Wheels, Neighbourhood Watch, the Heart Foundation, the McGuinness McDermott Foundation, Camp Quality, CanDo4Kids, the Epilepsy Foundation, the SES and the Adelaide Cranio Facial Unit. That list of charities consists of a number of names that are easily recognisable by most people.

However, a good portion of work that the Gilles Plains Lions Club does is far more localised in its effort, and it is this grassroots support that really makes a difference within our local community. The Gilles Plains Lions Club has been actively involved in supporting a number of breakfast programs in local schools, including Gilles Plains Primary, Klemzig Primary and Wandana Primary, which is now in the electorate of Florey. They contributed $500 to the Klemzig Primary School solar boat team so that the team could travel to Sydney in 2002 to contest the national finals.

Gilles Plains Lions Club is actively involved with a number of local senior citizens groups, particularly the Cameron Avenue and the Windsor Gardens Senior Citizens clubs, through the provision of fundraising and the donation of Christmas cakes. The club has also made a significant contribution to the Strathmont Centre by laying pavers, donating and installing sprinkler systems, constructing a greenhouse and donating curtains. All this work greatly contributed to making Strathmont a far more pleasant place for residents.

The Gilles Plains Lions Club is an integral part of the Blind Welfare Association's Christmas carols night, as well as having on stand-by any number of members who operate a barbecue; and I must say that they wield a set of tongs with very deadly precision at any community event. In short, the Gilles Plains Lions Club is a fundamental part of the north-eastern community, and the service that the club provides makes a real difference to many folk in the community. It is fair to say that the Gilles Plains Lions Club makes things happen where they otherwise might not.

I have to say that I am proud to be a member of the Gilles Plains Lions Club and have seen first-hand the excellent work that Lions clubs do and the difference they make. I congratulate the club on its 25th anniversary, which is in every respect an anniversary of 25 years of dedicated service to the north-eastern community. Our community is exceptionally proud of them and very grateful for the service that they provide and the support they give, particularly to our young people.

RADIOACTIVE WASTE

Mrs HALL (Morialta): I rise today to speak on the actions of this government and, in particular, the Premier and the environment minister, concerning a low level waste repository that until last week had been planned for South Australia's north-west. I wonder how having three radioactive waste dumps within a few hundred kilometres of Adelaide, instead of one, could be described as a people's victory. No-one should be under any doubt about the real agenda here: it was not about the truth, it was all about politics. The environment minister confessed as much on the ABC when he said, 'We played politics with this; we used politics to get an outcome.' Well, thank you very much, Mr Premier and Mr Environment Minister, now we have three radioactive waste dumps instead of one.

Our state still needs a low-level radioactive waste facility. Victoria and New South Wales now have to build their own repositories, too, and guess where? Right alongside our border—as far away from Sydney and Melbourne as they can get. That is also where the Victorians are going to put their toxic waste: just over the border from Pinnaroo, where they are going to dump 30 000 tonnes of toxic waste every year. You can bet that they will not put their radioactive waste any closer to Melbourne.

Premier Bracks says that there should only be one radioactive waste site Australia, and that it should be in South Australia. So, the Victorian Labor government is just like our NIMBY Premier and our NIMBY environment minister playing their political games. Unfortunately, South Australia is going to pay the price literally now with three dumps on our doorstep instead of one.

I think I have looked objectively at the matter of radioactive waste handling, which is more than our NIMBY Premier and NIMBY environment minister can say. I visited France in 2002 and the United States in 2003 to see what they do with their radioactive waste. Guess where they put it? In France, they store it in the middle of the champagne district in the Centre de L'Aube near Reims, surrounded by small villages, vineyards and farms. This is a medium level radioactive waste facility. It is more than 300 times as big as the low-level repository planned for Woomera. It has not affected their champagne sales, Mr NIMBY Premier; it has not affected their beef, cheese or tourism industries, Mr NIMBY Environment Minister, and it has not turned off more than 70 million tourists to France and more than 50 000 tourists to the centre itself each year. People have not stopped drinking French champagne, and they store radioactive waste right in the middle of prime farmland in the premium winegrowing region of France.

Could it possibly be that our NIMBY Premier and our NIMBY environment minister have been a little careless with the truth on this issue? Would it be the first time that they have been guilty of that? Guess where the Americans are going to store their medium and higher level radioactive waste? At a place called Yucca Mountain, 150 kilometres east of Las Vegas in Nevada. Las Vegas is the fastest-growing city in the United States and the destination of more than 40 million tourists a year. So much for the tourism industry

being jeopardised by the impact of this radioactive waste storage facility!

I am here today to highlight the utter hypocrisy of this NIMBY government and its NIMBY leaders. They ran a political campaign and they got the decision they sought. For those who really care about democracy, it was a campaign marked by deceit, dishonesty and duplicity—and those are just the words that start with D; I am not even going near those that start with L. Our NIMBY Premier and our NIMBY environment minister have been too clever by half. Now we are going to get three radioactive waste dumps closer to Adelaide.

The experience of the champagne region of France and Yucca Mountain in Nevada show how nuclear waste storage can be managed effectively. It also shows how misguided it is to say that South Australia is going to suffer immeasurable harm to its economy and reputation by storing this waste safely in what is considered to be the safest location in our country. They know they have to store it somewhere and they know that they cannot answer—and have not thus far answered—the questions that we are entitled to know about as we are now dealing with three dumps and not one, and all closer to Adelaide than was the case under the original proposal. You know that you are wrong!

SPORTING CLUBS

Ms BEDFORD (Florey): Sporting clubs serve the community well, and the dedication and commitment that the voluntary committees put into their clubs cannot be replaced. It has been my pleasure to attend several functions in the last little while and, whilst each would easily take my allotted time here today to describe, because this is the final time on which I may be able to speak during the session I will try to do justice to each of them in this five-minute grievance.

The first concerns the 40th anniversary of the Modbury Soccer Club, which was celebrated at a wonderful function that went long into the night (entertainment for which was provided by the Adelaide group *The Fab 4*) at the Sfera's on the Park Function Centre. It was also a reunion for past and present players, members and their families and friends. The organising committee sent out many letters to help augment attendance. The club was started in 1964, and the club historian has compiled a few highlights that I would like to put on the record.

The first committee got the club ready for its first game in the third division reserves in 1966. In 1973 it won the third division, which was the first trophy for the club. In 1975, the club formed a building subcommittee. With 10 club members taking out personal loans and using their own homes as collateral, they built the grounds. Roy Burdett won the Bob Telfer Medal in 1975, and it was the first award of its kind for the club. The club applied to change its colours in 1977, and in 1978 finished the clubrooms. The club colours again changed in 1984, and in 1985 Modbury went on to win the second division championship, its highest ever achievement to date, under dual coaches Mick Dye and Nick James.

In 1986, Modbury was accepted into the first division but did not hold onto that spot at that time. In 1987 the name of Gordon Pickard appeared, as it has in many soccer clubs around the state, and he assisted in getting new floodlighting for the grounds. The Modbury Soccer Club has had many achievements over the years and the grounds have been improved enormously. They hosted Olympic soccer matches prior to the 2000 Olympics in Sydney.

One of the many highlights which I have been happy to attend was against the Blue Eagles at the Hindmarsh Soccer Stadium. I would like to commend all the people involved with the Modbury Soccer Club for everything they do. They have a very strong commitment to junior programs, something which is exceptionally important, as we know.

I also travelled to Canberra in my role as patron for the Calisthenic Association of South Australia to support the teams for the 16th National Calisthenics Championships which were held there. Almost 80 girls in our state teams, accompanied by team managers and chaperones, CASA committee members, and family and friends travelled to Canberra.

I saw perhaps the finest competitions I have had the privilege to watch in my eight years of involvement with calisthenics. The level of performance was exceptional, as was the organisation behind the competition. Logistically, it is a nightmare moving so many girls, teams, costumes and so forth to and from competitions, and it was an amazing feat that everything arrived at the right spot and ran according to schedule.

I congratulate all who were involved, from the CASA team under president Darren Eames to the Canberra organising committee under CACTI president Liz Kratzel and her wonderful team who made me and many other guests most welcome. I thank them for that and their professionalism throughout the competition. Also, it was a pleasure to have a chance to speak with the president of the ACF, Lynne Heyward, who is a passionate advocate for calisthenics and women's sport. I particularly want to mention Beverley Alley and Rex and Meryl Packer's hospitality. All our teams did a fabulous job and are therefore winners.

However, it would be remiss of me not to mention the intermediate team, which won its very tough section and its coach Cassie Smith, who was ably assisted by her wonderful mother Kay Smith. It will be South Australia's turn to host the national calisthenics competition in 2007 and it will be very important to ensure that our girls are given the same support as were the girls hosting in Canberra.

Finally, I mention that last night I attended the finals of the SA open dancesport championships at the Wonderland Ballroom at the invitation of Mr Oryst Tkacz and his wife Janet, who were finalists in one of the sections and have worked tirelessly for this sport over many years. Stiff interstate competition no doubt raised the level of performance, and I am happy to be able to inform the house that South Australia was successful in the adult open couples Latin American final, with Ben Donahue and Annalisa Zoanetti producing an inspired performance; and in the master 1 open couples Latin American event Chris Gruber and Raveane Glenys stylishly took out the title. Many good things are happening in dancesport and, from what I observed of it at this elite level, you not only must be perfect in technique and artistry but you also need a great level of fitness. I wish I could elaborate more on the competition because it was excellent.

Time expired.

SPEED LIMITS

Mr MEIER (Goyder): One would hope that when one sends a letter to a minister entitled 'Urgent. Minister only' it is acted on as soon as possible. I sent a letter to the Minister for Transport on 2 April this year with an 'Urgent. Minister only' sticker on it and, as yet, do not have a formal response.

The letter was in relation to roadworks coming out of Maitland—in fact, it was shoulder widening. As I was going from Wallaroo to Maitland on 2 April, I stopped and spoke with the contractors doing the work. I indicated that they were doing an excellent job and that it was great to see the widening occurring. It was certainly necessary because that road needed to have the speed limit increased from 100 km/h to 110 km/h, and the previous minister made it clear to me that, until some roads were widened, he would not consider increasing the speed limit to the original limit. When I asked the contractors when they would seal the road, they said that they would not seal this five kilometre section after the shoulder widening because the money was not there. I asked what sort of money would be required to add the seal, in reply to which they said it would be about $200 000 or $250 000. I would rather have one kilometre of road less widened and have it sealed: hence my urgent letter to the minister.

When my office contacted the minister's office, it was twice told that the letter was under the minister's nose. The last time contact was made, which I think was about two weeks ago, I was told that a reply would be in my office the next week. I am still waiting for an answer. It is extremely upsetting that nothing has been done. The widening has been done but there has been no sealing so the road is starting to break up, which is a total waste of taxpayers' money (probably the better part of $1 million). Why would the government allow such waste? I do not know. I plead with the minister to use his ministerial powers and discretion and order that this section of road be sealed so that it lasts for the next 10 years, not the next 10 months.

The changes in speed limits that have occurred under the previous minister have caused chaos so far as I am concerned. In one area coming from Wallaroo into Moonta and exiting to Maitland I come down from 110 km/h to 80 km/h to 60 km/h, back to 80 km/h, down to 50 km/h, up to 80 km/h and then to 100 km/h. That is five different speeds through seven changes. It is little wonder that I am not able to watch the road as I would like to watch it, because I have to check the speed limit and what limit is coming up.

But it is even worse when I come into the metropolitan area. I have been picked up for speeding coming into Adelaide, I think on Peacock Road. I was caught for travelling at, I think, 63 km/h in a 50 km/h zone. At that stage I did not know that the speed limit on that road had changed because, if you exit the city on certain other roads (I think I am right in saying Goodwood Road), the speed limit is 60 km/h. Again, I am watching the speed signs, not the road. The worst situation is when one comes from West Terrace to North Terrace (and I know now, as I have travelled it often enough) because the sign is such that, unless you are not watching the road as you turn into the corner, you will not see the 50 km/h sign. It is a total shambles, as far as I am concerned. The only positive from the government's point of view is that it must be reaping a huge amount of money from people who are transgressing, but that should not be a reason to lower speed limits.

I urge the current minister to review the speed limits on Yorke Peninsula, because I can tell the house that my constituents in many areas are extremely upset at the 100 km/h speed limit. As several of them again said to me the other night, it is very difficult to stay awake when travelling for the better part of two and, in some cases, almost three hours, and a lot of that is on a road with a 100 km/h limit that used to be 110 km/h. So, for heaven's sake, review the speed limits again and get some commonsense back into this state. I am sick and tired of it.

The last point I highlight is health spending, about which the minister made some comments in the house today. Northern Yorke Peninsula hospital has asked for extra funding. I believe the minister has given an assurance to the community cabinet meeting that extra funding would be forthcoming. I await that funding.

Time expired.

RADIOACTIVE WASTE

Ms BREUER (Giles): I am one of those NIMBY people that the member opposite was talking about earlier, and I am very proud to be one of those NIMBY people when we talk about the radioactive waste dump in South Australia. Placed right in the middle of my electorate, I fought long and hard on this issue, and it was the first time that I could say that I was very happy with our Prime Minister last week for his decision to backflip on the previous four or five years, and say no to that dump in the electorate of Giles, and on Arcoona Station.

The message has come loud and clear for me for years from the people in my electorate—and not just those in the area, but from the whole of the electorate—that we did not want that dump in our backyard, and we did not want that dump in outback South Australia, which is not far away from us. It may be a long way from Adelaide, it is certainly a long way from Canberra, but it was not far from us, and we did not want that there. We are very pleased. It is great for our tourism industry because I had real fears about our tourism industry in outback South Australia if we had a radioactive waste dump there.

There was a succession of errors in the whole plan and there was a succession of errors in the procedures that went on for the last four or five years. Things such as the proposal to put the dump right in the middle of the bomb testing range at Woomera. What a ludicrous proposal it was, and for years I said that they could not put it there. They changed their minds and they decided to put it on Arcoona Station. Finally, we have this backflip and they have said no to it. They have listened to what the people of South Australia said, and I am very pleased about that. I particularly want to pay tribute to the Kupa Piti Kunga Tjuta women for their role in this. They were certainly the most outstanding spokespeople on this. They were wonderful in the campaign that they have waged, and I was very interested and sad to hear Emily Austin say today 'It nearly wore us out', because they worked so hard on this campaign. They really did not want to see this in outback South Australia.

I also want to pay tribute to Sister Michelle Madigan, who was based at Coober Pedy for some years working with these women, for her role in this fight. The other person that not many people have heard of, but I worked with him quite closely in the early years, was Bob Norton from Andamooka, who brought to my attention over and over again scientific facts. He showed me evidence, he showed me information about what would happen if the dump was to go there, and he fought very hard against this dump, and certainly fought very hard in the early years, and I think that tribute needs to be paid to him also. So, my congratulations to all those that have been involved in the campaign against the dump. We have won, it is now a dead issue, although the opposition does not seem to have noticed that, and I am very happy about the results.

The other issue that I want to bring up today relates to PATS, and I have brought this up on a number of occasions before in different venues. I believe that we need an amendment to the legislation regarding PATS and I wrote to the minister last year but I am still not satisfied with the results, and I think that we need to relook at the legislation as it stands. One of my constituents raised the issue with me. Their partner had a motor vehicle accident in July 2002 in which his lower leg, ankle, and foot were seriously injured. He was hospitalised at the Royal Adelaide Hospital for three weeks after the accident and he was allowed to return home but he had to have the support of the Whyalla Hospital and Health Service home nursing. He also had to attend ongoing specialist appointments in Adelaide with an orthopaedic foot and ankle specialist at the Royal Adelaide Hospital outpatient services.

The Royal Adelaide advised him that as an outpatient he would be eligible to use PATS (Patient Assistance Transport Scheme). However, unfortunately, because he was injured as a result of a motor vehicle accident, he was not able to claim the PATS because he may have been entitled to receive compensation from third party insurance. Third party insurance has refused to pay any of his medical and associated costs because liability for the accident is in dispute, and PATS would not pay his airfares. Trips to Adelaide involve considerable expense for country patients, particularly if they are not able to drive, and from Whyalla, if you have an injury, a four hour drive is really a bit beyond your capability, so often you have to fly and usually the airfares cost a minimum of $300 per person per return trip.

I think that this really disadvantages our country people because it does not cost city people $300 to visit a specialist but it does cost our people. If they get their compensation, then fair enough, they are covered. I would like to see PATS in some away assist them with their fares. The argument is that if they get compensation they do not have to pay the money back, that they only have to do it for the good of their heart. I would like to see that changed and I think that we have to reconsider our country patients and make sure that they get some assistance because many of them cannot afford to pay that airfare.

NATURAL RESOURCES MANAGEMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 3, page 18, line 4—After 'not)' insert:
in which water is contained or flows whether permanently or from time to time

No. 2—Clause 3, page 18, line 24—After 'stormwater' insert:
(to the extent that it is not within a preceding item)

No. 3—Clause 3, page 19, line 13—After 'environmental' insert:
, social and economic

No. 4—Clause 3, page 19, lines 14 to 20—Delete subclause (3) and substitute:

(3) For the purposes of this Act—

(a) a reference to a watercourse is a reference to either—

(i) the bed and banks of the watercourse (as they may exist from time to time); or

(ii) the water for the time being within the bed and banks of the watercourse (as they may exist from time to time),

or both, depending on the context.

(b) a reference to a lake is a reference to either—

(i) the bed, banks and shores of the lake (as they may exist from time to time); or

(ii) the water for the time being held by the bed, banks and shores of the lake (as they may exist from time to time),

or both, depending on the context.

(3a) For the purposes of this Act, a reference to an estuary may include, according to the context, a reference to—

(a) any ecosystem processes or biodiversity associated with an estuary;

(b) estuarine habitats adjacent to an estuary.

No. 5—Clause 7, page 21, line 29—After 'seeks to' insert:
enhance and

No. 6—Clause 7, page 22, after line 38—Insert:

(ha) consideration should be given to other heritage issues, and to the interests of the community in relation to conserving heritage items and places;

No. 7—Clause 9, page 24, after line 7—Insert:

(6a) In addition, if a person can demonstrate that he or she has acted in a manner consistent with any best practice methods or standards in the relevant industry or sphere of activity that are recognised as being acceptable for the purposes of subsection (1) by the relevant regional NRM board, then, to the extent of the consistency, no action can be taken against the person in connection with the operation of this section.

No. 8—Clause 10, page 25, line 21—After 'an NRM authority under this Act' insert:
(other than a direction that, in the opinion of the NRM authority, is of minor significance taking into account its function and powers)

No. 9—Clause 10, page 25, after line 23—Insert:

(6) The Minister must, in acting in the administration of this Act, seek to act fairly and reasonably and recognise the need to enhance and support sustainable primary and other economic production systems.

No. 10—Clause 12, page 26, line 13—After 'Minister' insert:
(but the Minister cannot give any direction with respect to any advice or recommendation that the NRM Council might give or make or with respect to the contents of any report)

No. 11—Clause 13, page 26, line 33—Delete 'a reasonable time' and substitute:
2 months

No. 12—Clause 14, page 28, line 7—Delete '4 years' and substitute:
3 years

No. 13—Clause 14, page 28, line 10—Delete '8' and substitute:
6

No. 14—Clause 14, page 28, after line 20—Insert:

(da) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

No. 15—Clause 17, page 29, line 37—After 'under subsection (1)(i)' insert:
(other than a function that is not, in the opinion of the NRM Council, a significant extension to its current functions)

No. 16—Clause 20, page 31, lines 7 and 8—Delete 'received under Part 3' and substitute:
and NRM groups provided under this Act

No. 17—Clause 20, page 31, after line 15—Insert:

(5) In addition, if the Minister fails to lay an annual report of the NRM Council before both Houses of Parliament by 31 December in any year, the Minister must—

(a) ensure that a copy of the report is furnished to the Natural Resources Committee of the Parliament by that date; and

(b) until the report is laid before both Houses of Parliament, furnish to any Member of Parliament, on request, a copy of the report.

No. 18—Clause 22, page 31, line 24—Delete 'The Minister may, by notice in the Gazette' and substitute:
The Government may, by proclamation made on the recommendation of the Minister

No. 19—Clause 22, page 31, line 26—Delete 'The Minister should, in establishing NRM regions' and substitute:
The Minister must, in formulating a recommendation for the purposes of subsection (1)

No. 20—Clause 22, page 31, line 31—Delete 'The Minister may, by subsequent notice in the Gazette' and substitute:

The Governor may, by subsequent proclamation made on the recommendation of the Minister

No. 21—Clause 22, page 32, lines 1 and 2—Delete 'If the Minister takes action under subsection (3), the Minister may, by notice in the Gazette' and substitute:

If a proclamation is being made under subsection (3), the Governor may, by the same or a subsequent proclamation

No. 22—Clause 22, page 32, line 7—Delete 'publishing a notice' and substitute:

a proclamation is made

No. 23—Clause 22, page 32, line 8—Delete 'Minister's intention to publish a notice' and substitute:

proposed proclamation

No. 24—Clause 25, page 34, lines 1 to 7—

Delete paragraph (b) and substitute:

(b) must give to—

(i) each peak body; and

(ii) such other bodies representing the interests of persons involved in natural resources management, or Aboriginal people, as the Minister considers to be appropriate in the circumstances,

notice of the fact that an appointment or appointments are to be made and give consideration to any submission made by any such body within a period (of at least 21 days) specified by the Minister.

No. 25—Clause 25, page 34, line 11—Delete 'should' and substitute:

must

No. 26—Clause 25, page 34, line 31—Delete 'endeavour to'

No. 27—Clause 26, page 35, line 26—Delete '4 years' and substitute:

3 years

No. 28—Clause 26, page 35, line 27—After 'reappointment' insert:

subject to the qualification that a person cannot serve as a member of a particular regional NRM board for more than 6 consecutive years

No. 29—Clause 26, page 36, after line 2—Insert:

(da) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

No. 30—Clause 29, page 36, after line 39—Insert:

(2a) However, if a regional NRM board acts with respect to a particular matter in the circumstances described in subsection (2), the board must furnish a report on the matter to the Natural Resources Committee of the Parliament (unless the matter is not, in the opinion of the board, significant).

No. 31—Clause 30, page 38, after line 8—Insert:

(5a) However, if a regional NRM board acts outside its region, the board must furnish a report on the matter to the Natural Resources Committee of the Parliament (unless the matter is not, in the opinion of the board, significant).

No. 32—Clause 32, page 39, line 38—Delete '$20 000' and substitute:

$10 000

No. 33—Clause 38, page 42, line 30—Delete paragraph (c) and substitute:

(c) be accompanied by the annual reports of the NRM groups within its region;

No. 34—Clause 43, page 45, lines 8 to 10—Delete subclause (2) and substitute:

(2) A regional NRM board must, before seeking the approval of the Minister under subsection (1)(c), give notice of the proposed assignment to any owner or occupier of the land and give consideration to any submission that he or she may make within a period (of at least 21 days) specified by the board, and then prepare a report on the matter (including details of any submission that has been made) for submission to the Minister.

No. 35—Clause 45, page 46, lines 21 and 22—Delete subclause (1) and substitute:

(1) A regional NRM board may, by notice in the Gazette, designate an area within its region as an area within which an NRM group will operate.

No. 36—Clause 45, page 46, line 23—Delete 'The Minister' and substitute:

The relevant regional NRM board

No. 37—Clause 45, page 46, line 26—Delete 'the Minister takes action under subsection (2), the Minister may' and substitute:

a regional NRM board takes action under subsection (2), the board may, with the approval of the Minister

No. 38—Clause 45, page 46, lines 33 and 34—Delete subclause (5)

No. 39—Clause 45, page 46, line 35—Delete 'The Minister' and substitute:

A regional NRM board

No. 40—Clause 45, page 46, line 37—Delete 'the Minister's' and substitute:

the board's

No. 41—Clause 45, page 47, lines 1 to 4—Delete subclause (7) and substitute:

(7) Two or more regional NRM boards may jointly establish an area under this section (on the basis that the area of the group will include parts of the areas of each of the boards).

(8) A regional NRM board must, in connection with the operation of this section—

(a) consult with the Minister before taking action under this section; and

(b) comply with any guidelines prepared by the Minister.

No. 42—Clause 46, page 47, line 7—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 43—Clause 46, page 47, line 12—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 44—Clause 46, page 47, line 15—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 45—Clause 46, page 47, line 20—Delete 'A notice' and substitute:

Subject to subsection (6)(b), a notice

No. 46—Clause 46, page 47, lines 30 and 31—Delete subclause (6) and substitute:

(6) A regional NRM board must, in connection with the operation of this section—

(a) consult with the Minister before taking action under this section; and

(b) in the case of proposed action under subsection (5), not proceed without the specific approval of the Minister; and

(c) comply with any guidelines prepared by the Minister.

No. 47—Clause 48, page 48, lines 22 to 30—Delete subclauses (1) and (2) and substitute:

(1) An NRM group consists of up to 7 members appointed by the relevant regional NRM board or boards, being persons who collectively have, in the opinion of the board or boards, knowledge, skills and experience determined by the board or boards to enable the NRM group to carry out its functions effectively.

No. 48—Clause 48, page 48, line 31—Delete 'A regional NRM board must, before making a nomination under subsection (2)(b)' and substitute:

The relevant regional NRM board or boards must, before making an appointment under subsection (1)

No. 49—Clause 48, page 49, line 4—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 50—Clause 48, page 49, line 4—Delete 'should endeavour to' and substitute:

must

No. 51—Clause 48, page 49, line 11—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 52—Clause 48, page 49, line 13—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 53—Clause 48, page 49, after line 16—Insert:

(10) A regional NRM board must, in connection with the operation of this section—

(a) consult with the Minister before taking action under this section; and

(b) comply with any guidelines prepared by the Minister.

No. 54—Clause 49, page 49, line 19—Delete '4 years' and substitute:

3 years

No. 55—Clause 49, page 49, line 20—After 'reappointment' insert:

subject to the qualification that a person cannot act as a member of a particular NRM group for more than 9 consecutive years

No. 56—Clause 49, page 49, line 21—Delete 'The Minister' and substitute:

The relevant regional NRM board or boards

No. 57—Clause 49, page 49, line 28—Delete 'Minister considers' and substitute:

board or boards consider

No. 58—Clause 49, page 49, line 33—Delete 'the Minister' and substitute:

the relevant regional NRM board or boards

No. 59—Clause 49, page 49, after line 34—Insert:

(da) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

No. 60—Clause 49, page 49, line 35—Delete 'by the Minister'

No. 61—Clause 52, page 50, line 20—Delete 'the Minister or'

No. 62—Clause 57, page 52, line 28—Delete '30 September' and substitute:

31 October

No. 63—Clause 69, page 58, lines 6 to 9—Leave out subparagraphs (ii) and (iii) and substitute:

(ii) is acting in a case where the authorised officer believes , on reasonable grounds, that a Category 1 or Category 2 animal may be present on the premises.

No. 64—Clause 69, page 58, lines 14 and 15—Leave out paragraph (b) and substitute:

(b) if the authorised officer believes, on reasonable grounds, that a Category 1 or Category 2 animal may be present in the place or vehicle.

No. 65—Clause 69, page 59, after line 29—Insert:

(19) In this section—

Category 1 or Category 2 animal means an animal assigned to such a category under Chapter 8.

No. 66—Clause 71, page 60, line 37—Delete ', or ought to know,'

No. 67—Clause 71, page 61, line 5—Delete 'Maximum penalty: $20 000.' and substitute:

Maximum penalty:

(a) in the case of an offence against paragraph (a) or (e)—$5 000;

(b) in any other case—$10 000.

No. 68—Clause 71, page 61, line 9—Delete '$10 000' and substitute:

$5 000

No. 69—Clause 75, page 67, line 3—Delete 'should' and substitute:

must

No. 70—Clause 76, page 67, after line 34—Insert:

(ba) in providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land; and

No. 71—Clause 79, page 71, line 17—Delete subclause (14) and substitute:

(14) The presiding member of the board will conduct the public meeting but if he or she is unable to attend then the board must appoint a suitable person to conduct the public meeting.

No. 72—Clause 81, page 75, line 6—Delete '(7)' and substitute:

(8)

No. 73—Clause 89, page 77, after line 33—Insert:

(3) If the Minister makes an amendment under subsection (2), the Minister must furnish a report on the matter to the Natural Resources Committee of the Parliament.

No. 74—Clause 97, page 82, line 25—Delete 'occupier of rateable land is' and substitute:

owner of any rateable land will be taken to be the occupier of the land and so

No. 75—Clause 97, page 82, line 27—Delete 'occupier' and substitute:

owner

No. 76—Clause 97, page 83, line 1—Delete 'occupiers of land' and substitute:

persons liable to pay a levy

No. 77—Clause 101, page 85, line 7—Delete paragraph (f)

No. 78—Clause 102, page 87, after line 2—Insert:

(8) This section will expire on the third anniversary of its commencement.

No. 79—Clause 116, page 97, lines 37 and 38—Delete 'Consolidated Account' and substitute:

NRM Fund

No. 80—Clause 123, page 102, line 15—Delete '$20 000' and substitute:

$10 000

No. 81—Clause 127, page 106, line 16—After 'the regulations' insert:

made on the recommendation of the Minister

No. 82—Clause 127, page 106, after line 16—Insert:

(3a) The Minister must not make a recommendation under subsection (3)(f) unless or until the Minister has consulted with the Natural Resources Committee of the Parliament in relation to the proposed regulations.

No. 83—Clause 146, page 121, line 4—Delete paragraph (e) and substitute:

(e) on any other reasonable ground.

No. 84—Clause 146, page 121, after line 36—Insert:

(6a) If a condition of a licence restricts the purpose for the use of water to a particular crop, that restriction will cease to apply on 1 July 2006.

No. 85—Clause 147, page 123, after line 7—Insert:

(ca) on or after 1 July 2006, insofar as the variation is being made on account of the operation of section 146(6a) in order to provide for the allocation of water under the licence on a basis that does not relate to the use of water for a crop; or

No. 86—Clause 151, page 124, line 34—After 'SA Water' insert:

to

No. 87—Clause 151, page 124, line 34—Delete 'the Corporation' and substitute:

SA Water

No. 88—Clause 170—Leave out the clause.

No. 89—Clause 172, page 141, line 7—Delete paragraph (a) and substitute:

(a) must consult any council whose area may be directly affected by the operation of the by-law;

No. 90—Clause 172, page 141, after line 22—Insert:

(8a) The Minister must not give an approval under subsection (8)(b) unless the Minister has given any council whose area may be directly affected by the operation of the by-law notice of his or her proposal to give the approval and given consideration to any submission made by the council within a period (of at least 21 days) specified by the Minister.

No. 91—Clause 184, page 150, line 21—Delete '$20 000' and substitute:

$10 000

No. 92—Clause 194, page 158, line 2—After 'at the earliest opportunity' insert:

(and in any event within 2 business days)

No. 93—Clause 194, page 158, line 26—Delete '$20 000' and substitute:

$10 000

No. 94—Clause 202, page 165, line 30—Delete '(d) or (e)'

No. 95—Clause 203, page 168, line 1—Delete '123(3) or (8)' and substitute:

123(4) or (10)

No. 96—Clause 203, page 168, line 32—Delete '184(3)' and substitute:

184(4)

No. 97—Clause 206, page 170, lines 34 to 36—Delete subclause (3) and substitute:

(3) The Minister must not enter into a management agreement that provides for the remission of any council rates under subsection (2)(j) unless the Minister has given the relevant council notice of the proposal to provide for the remission and given consideration to any submission made by the council within a period (of at least 21 days) specified by the Minister.

No. 98—Clause 209, page 173, lines 31 and 32—Delete 'and the land is unoccupied' and substitute

, the land is unoccupied, and the person seeking to serve the notice or document has taken reasonable steps to effect service under the other paragraphs of this subsection but has been unsuccessful

No. 99—Clause 222, page 179, line 4—After 'is liable' insert:

, subject to any determination of a court

No. 100—Clause 222, page 179, line 7—After 'the conviction' insert:

, subject to any determination of a court

No. 101—Clause 226, page 181, after line 23—Insert:

(3) This section only applies with respect to a matter that relates to the River Murray.

No. 102—Schedule 1, clause 5, page 188, line 3—Delete '$20 000' and substitute:

$10 000

No. 103—Schedule 1, clause 5, page 188, line 20—Delete '$20 000' and substitute:

$10 000

No. 104—Schedule 1, clause 5, page 188, after line 28—Insert:

(7a) If the Minister acts under subclause (7), the Minister must furnish a report on the matter to the Natural Resources Committee of the Parliament.

No. 105—Schedule 1, clause 5, page 188, line 40—After 'member' insert:

or officer

No. 106—Schedule 1, clause 5, page 188, line 42—After 'member' insert:

or officer

No. 107—Schedule 1, clause 5, page 189, line 3—After 'community' insert:

within which the prescribed body operates

No. 108—Schedule 4, clause 18, page 194, after line 13—Insert:

(1a) Section 67(1)—delete 'an application'

(1b) Section 67(1)(a)—before 'for an increase' insert:
an application

(1c) Section 67(1)(b)—before 'to transfer' insert:
an application

(1d) Section 67(1)—after paragraph (b) insert:
or
(ba) the use of water under a water allocation,

(1e) Section 67(1)(c)—after 'additional water allocation' insert:
is or

(1f) Section 67(1)(e)—delete 'will authorise' and substitute:
authorises, or will authorise,

No. 109—Schedule 4, clause 19, page 194, after line 20—Insert:

(2) Section 68—after 'the operation of the Scheme under this Act' insert:
after taking into account the provisions of the relevant water allocation plan

No. 110—Schedule 4, clause 26, page 195, after line 26—Insert:

(a1) Section 25(1)—delete subsection (1) and substitute:

(1) The Council must prepare draft guidelines in relation to—

(a) the application of financial and other assistance provided by the Council; and

(b) the management of native vegetation; and

(c) the operation of section 29(4a).

No. 111—Schedule 4, clause 26, page 195, line 33—Delete 'the application of financial and other assistance' and substitute:

a matter under subsection (1)(a) or (c)

No. 112—Schedule 4, clause 27, page 196, after line 1—Insert:

(a1) Section 29(1)—delete 'subsection (4)' and substitute:
this section

(a2) Section 29—after subsection (4) insert:

(4a) The Council may give its consent to the clearance of native vegetation that is in contravention of subsection (1)(b) if—

(a) the Council has adopted guidelines under section 25 that apply in relation to the region where the native vegetation is situated (being guidelines envisaged under subsection (1)(c) of that section); and

(b) the Council is satisfied—

(i) that a significant environmental benefit, which outweighs the value of retaining the vegetation, is to be achieved through the imposition of conditions and the taking of other action by the applicant; and

(ii) that the particular circumstances justify the giving of consent.

No. 113—Schedule 4, clause 50, page 204, after line 20—Insert:

(2) The Governor may, on the recommendation of the Minister, appoint some or all of the members of the Interim NRM Council as the first members of the NRM Council under this Act.

(3) An appointment under subclause (2)—

(a) may be made despite the fact that the constitution of the NRM Council under this clause would be inconsistent with Chapter 3 Part 2 Division 2; and

(b) may be made without the need to follow any process set out in Chapter 3; and

(c) will have effect for a term not exceeding 12 months, as specified by the Governor at the time of appointment; and

(d) will be made on any conditions specified by the Governor in the instrument of appointment.

(4) The Governor may appoint a person appointed under subclause (2) as the presiding member of the NRM Council.

(5) In the event of a casual vacancy in the office of a person appointed under subclause (2), the Governor may, on the recommendation of the Minister, appoint a person to the vacant office for the balance of the initial term of appointment.

(6) A person holding office under this clause is eligible for reappointment to the NRM Council at the end of the term specified under subclause (3)(c).

(7) A reference in this Act to the NRM Council will be taken to include a reference to the NRM Council as constituted under this clause.

(8) In this clause—

Interim NRM Council means the *Natural Resources Management Council* established by the Minister in June 2002.

No. 114—Schedule 4, clause 55, page 209, line 14—After 'the Minister' insert:

(in accordance with those sections)

PARLIAMENTARY REMUNERATION (NON-MONETARY BENEFITS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

PITJANTJATJARA LAND RIGHTS (EXECUTIVE BOARD) AMENDMENT BILL

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

AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT BILL

The Legislative Council agreed to the bill without any amendment.

SELECT COMMITTEE ON THE JUVENILE JUSTICE SYSTEM

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That the time for bringing up the report of the committee be extended until Thursday 22 July.

Motion carried.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 2686.)

The Hon. R.G. KERIN (Leader of the Opposition): I rise to partly support the bill that has been put forward by the government. We will have amendments which we wish to put and hope to get up, and I will leave it to the shadow minister to outline more detail what those amendments actually are. In a way, it has been a long trip to where we are. This was called for a long time ago, and certainly I think it is an inquiry which South Australia needed to have. I think there is a class of people out there that we owe a lot to. We did not look after them and the state did not have the duty of care that it should have had. It has left those people in a very difficult position. They have been disadvantaged, and it is about time that we, as a parliament, face up to our responsibilities, look back, and give these people a chance at some justice, and allow them then to get on with their lives.

Over the last couple of weeks, I thought we were getting closer to a bipartisan approach to this particular inquiry, and had some hope that, finally, the government had come to a position where they would support a proper inquiry into this. We certainly have had some discussions in that direction, some more successful than others. We are very disappointed at the way the government has handled the appointment of Justice Mullighan, for a couple of reasons. One is that this morning we were given an assurance, we were told, that Justice Mullighan would not take this position if in fact the opposition did not agree to his appointment, because Justice Mullighan was sensitive, understandably so, to having any criticism of his appointment as the commissioner. We were told that he would not take the position without us giving an assurance.

The shadow attorney-general, witnessed by the shadow minster, got back to the government and told them that we were sticking to our preference of having a judge or a senior judicial person from interstate as the commissioner. The government has then come into this house today and gone ahead and announced Justice Mullighan. I am not too sure where that leaves Justice Mullighan, if what we were told this morning was his position at the time. I doubt whether Justice Mullighan has changed his position from this morning. But it may well leave him in a difficult position.

The other issue there, which really is hard to understand, is that we actually had a bill before the other house, before the government came around to agreeing to an inquiry. Here today we have the government announcing who the commissioner will be without this parliament having any opportunity whatsoever to debate the issue of how we appoint the commissioner. This parliament may well come down with a decision that it needs to be someone from interstate and Justice Mullighan in that position would not even be eligible. It is totally pre-emptive of the rights of this parliament, the decisions of this parliament, for the government to today announce an appointment, not knowing whether or not that will be within the ambit of what the legislation will say about how the government will actually do the appointment. So it is extremely pre-emptive, and, once again, I do not know where that pre-emptive nature leaves Justice Mullighan.

We have had some hope over the last week or so that we were actually getting somewhere, that we were getting closer to an agreed position. It is important that we have an agreed position on this, because it is not just this government; it is governments for quite a few years in South Australia that have a fair bit answer for with this. Most of us had no idea. Since early last year, when some of these people decided to come out, most of us have become far more aware of what has gone wrong in this state over a long time.

As I said before, I have been making repeated calls for this inquiry since 12 February 2003. At the time, when I called for the inquiry that morning the government went into an extreme case of media control. The Minister for Infrastructure (the Leader of the House) was the one sent out to speak on behalf of the government, and all he could talk about was, 'the police can handle this job: it's a waste of money and a waste of time,' and he got quite abusive towards us for even calling for the inquiry. But since that first call and the first couple of shows on television, I think that the number of wards of the state who have come forward has surprised absolutely everyone; that this had happened for so many years yet we collectively had not acted on it. To a large extent, in defence of both sides of the house, I do not think that ministers had any idea just how deep-seated this problem has been or for how long it has been happening.

But it has become very obvious that we had a major cultural problem, a systemic problem and, basically, at the end of the day, there is a group of youths in this state who were the responsibility of the state, of government, of this parliament—they were our responsibility and we let them down incredibly badly. We made them feel as if their lives were not valued at all. Some of the stories are really quite heartwrenching. It makes you wonder how in this state this was allowed to happen for so long. But, as I said, it was systemic. I think that it was covered up at a level within the bureaucracy, and there is no doubt that it is not just people within the bureaucracy. There were some fantastic people within institutions but, from what we can gather, there are also some people who are best described as beasts.

On one hand you had some enormously good people working in these institutions, trying to do the best they could for these kids, but we also had a system that allowed others to absolutely use these children for their own purposes. And it is not all institutions. As a primary school child I went to a convent school in Crystal Brook that had about 100 children. About 50 of those were orphans from the Crystal Brook orphanage, and I have no doubt that the love and care they received from the four nuns there was absolutely fantastic. One thing we want to make clear is that not only is it not every institution: it is certainly not every person who was in those institutions. There is a range of people over the last 50 years who have done an enormous job to help look after these very people we are talking about. It is a minority who basically did the wrong thing and, to a large extent, ruined or very much altered the lives of these people.

What comes out of talking to these people is that they were made to feel guilty and for years they lived with that guilt. Many of them thought that it had only happened to them and that they were to blame. This is the way they were treated by certain people at the time. They were made to feel not just worthless but that they had done something wrong. When you sit there and talk to some of these people it really is very difficult for them to tell you the story, but it even gets difficult to listen. I met in Sydney with a group of people who had been in institutional care in South Australia. We met as a small group. That discussion went for about five hours, I think it was, and quite often during the afternoon there was just a welling of tears right around the room as one would tell the story and another who thought that they were the only one who had been through that type of situation would realise that this was a far wider problem than any of them had ever imagined it could possibly be.

With the bit of publicity, we have the courage of the few to put up their hand—and it is not easy to say, 'I was abused as a child.' It is a very difficult thing for a person actually to say. There are some people out there who want to tell their story but who still have some real reservations because they have family and others whom they really do not feel comfortable about finding out what actually happened to them. But after having gone through what they had to go through, the courage of these people as a group, which I witnessed over the last 17 months or so, is quite remarkable. These are the survivors. A lot of others have fallen by the wayside. There is no doubt that there have been suicides because of what happened. There is no doubt that there were some who probably did not survive some of the incidents at the time.

There are some who turned to alcohol and others who turned to drugs, and what we have now is a group of people

who really want to tell their story. In all the discussions I have had, this is not about money and it is not really about vengeance: it is about these people having the opportunity to tell their story. They say to me that they want to contribute to making sure that this never, ever happens to another person. They feel as if they have been cheated. They were put in the care of the state. They feel they have been badly let down. But the main thing that comes from them is the opportunity to tell their story, and also the fact that they never want another child to have to go through what they actually went through.

The government has been very reluctant to get to the point where we have this inquiry. I welcome the fact that it has moved in recent times and I hope that it will consider some of the amendments that are coming forward this afternoon. We have to get this right. We have to give this opportunity to these people to purge their past, to have an option of seeing that they have a measure of justice. We are never going to be able to give them back their youth and innocence, but we can give them a measure of justice by allowing them to tell their story and seeing that they are taken seriously. It is an opportunity for us as a state to say to these people who were kids at the time, 'We are sorry for what we did: you are valued, and we are willing to take at least some action now to acknowledge what happened to you.'

As I said, what is so important to them is to make sure that it does not happen again. I welcome some of the moves that the minister has made recently, including the help line that has been put forward. There is no doubt that this help line will assist some of these people but, unfortunately, some of these people are so scarred from what happened to them, and some have tried to report it along the way and been very suspicious of the way those reports over many years have been handled, that it has reached the stage where you talk to some of these people about their attitude to the Layton report, the help line, or whatever, and most of us could look at that in the cold light of day and say that their reaction is almost conspiratorial.

However, one must remember how badly these people were treated. They had trust in the state and the state let them down; and, just as an example, in reaction to the help line, a group actually suspected that someone within government was trying to find out who might come forward. We know that that is not the case but, certainly, because of what has happened to them over many years, I can understand where these people are coming from in terms of the lack of action that occurred over those years. It is understandable that they feel the way they do. I believe that it is a priority that we have a tight inquiry.

The government has decided to open up the inquiry into the sexual abuse of foster children. I have no problem at all with that, but I am concerned that if we do not at least split the inquiry, or at least get the commissioner, first, to report on wards of the state in institutional care, there is a real risk that the group about whom I have been talking will get buried under an avalanche of people coming forward with issues relating to foster care. I do not underestimate the importance of those issues relating to foster care. They are very important issues. However, they are a different set of issues.

There is no doubt that both sets of issues need to be addressed, but I feel that, at the end of the day, if we mix up the two we will not have the focus to deliver what we need to deliver to these people. As I said, I welcome the opportunity for these people finally to have their say. I encourage the government to look at some of the amendments we will be putting forward. It is time for South Australia to address this legacy. Again, I say that I am disappointed with what has happened so far today, and I hope that we can get this whole thing back on track.

As I said, it is an opportunity for South Australia to move on. I support an inquiry and I look forward to the committee stage when we will move amendments in an effort to make the inquiry even more meaningful than what has been put forward.

The Hon. M.R. BUCKBY (Light): I support all the statements made by the Leader of the Opposition because the opposition has been calling for this inquiry for some 18 months. One would have to say that the government has only come to heel kicking and screaming. It has finally agreed to hold an inquiry on a matter about which there has been an obvious need not only as far as the opposition is concerned but also because of the concerns held by many people in the community. That is confirmed by the fact that so many people are now wanting to tell their story and to be recognised for the abuse that was delivered upon them many years ago.

It is to this government's discredit that it has not recognised that earlier and taken the opposition's calls for this inquiry far more seriously. Perhaps it hoped that this issue would be swept under the carpet, instead of, as it should have been, listening to the people who have approached the opposition calling for this inquiry.

In case members think that this is not an important matter, I want to draw to the attention of the house an incident that occurred when I was the minister for education. An approach was made to me by a parent of a child who was about to attend a primary school in the northern suburbs of Adelaide. This male person, who was aged 28 years at the time, approached me with a 50-page affidavit. The affidavit covered the time when he was a student at a primary school in the northern suburbs and the befriending of him by a male teacher at that time which subsequently led to sexual abuse of this young fellow. There were five children in his family. His father was a shift worker at Holden's, and the family struggled to make ends meet. Obviously, this person's teacher recognised the plight, befriended the family and the boy and, over a period of two years, undertook sexual abuse of this person both in his mother's home (that is, the teacher's mother's home) and on trips interstate with this child.

This person had suppressed this abuse for some 16 years. He approached me when I was minister only because his five year old son was about to attend the same school and the same teacher was still at that school. He felt that he had to protect his son. As a result, he prepared an affidavit of some 50 pages which set out chapter and verse an almost daily account of what had happened to him, how it had happened and how this teacher had befriended him and his family. He did not want his son to be targeted in the same way he had been.

That took a lot of courage by this person. When we approached the teacher with the affidavit the facts of the affidavit were not refuted. The teacher was stood down immediately from duty and sacked within a matter of two weeks. We suggested to the person who supplied the affidavit that he should be taking some advice with respect to laying criminal charges. I believe that he did not want to go down that path, given the fact that he was satisfied that he had achieved what he wanted: first, in people recognising that he had been abused; and, secondly, that his son would not be

exposed to that same threat by this particular teacher. What it showed was the great sense of guilt which people who have been abused feel and for something that is absolutely none of their fault. The people who beguile and befriend these young children are very calculating and very smart people. They know the strings to pull. They know the families to target. They know exactly how to seduce these young people. It is not the fault of the young person but the fault of the perpetrator who has a very sick and twisted mind.

I have also had contact with other people who have been subject to the same abuse but by family members rather than by someone who is unknown to or separate from the family. These people carry that burden with them for the rest of their life. It is below the surface but, in many cases, they will carry that burden and sense of guilt all their life and never tell anyone. The sort of actions that they take in their life are a direct response to the abuse that they suffered earlier. It is why this inquiry is so important. The opposition has been calling for the inquiry to have the powers of a royal commission so that the people who come forward can do so with the knowledge that they will not be persecuted, that the information they give to the inquiry will be received on a confidential basis, and that they can then achieve some closure regarding the abuse that has occurred to them.

As I say, the lack of recognition by this government speaks volumes. We have been calling for an inquiry of royal commission status for some 18 months, and it is only now that this is occurring. We recognise that this abuse would have occurred during the time we were in government (which was a significant amount of time) and that things went on under our government of which we were unaware, but we are willing to have that brought out into the open. The fact that this government has taken so long to agree to this inquiry demonstrates that it is derelict in its duty to the people of this state. There needs to be a tight inquiry.

Wards of the state are particularly vulnerable. I have had a couple of instances in my electorate where a person has been placed with foster parents and then been moved from one foster parent to another because of alleged abuse from the foster father. It is not something which should be taken lightly. There should be a separate inquiry for wards of the state and children in foster care.

We need to have this inquiry. I am pleased that the opposition, and the Leader of the Opposition in particular, has been calling for an inquiry for a long time. I think all credit needs to be given to the Leader of the Opposition for his persistence and not being put off by the government's lack of interest and its saying that an inquiry is not required, and that it was only the opposition scaremongering on this issue. We have shown that the opposition was entirely correct in calling for this inquiry purely by the numbers of people who have come forward with some confidence and who are hoping for closure and recognition by the community that they were a victim of child abuse.

To my mind there is no lower person in the community than the one who conducts abuse on children, who are defenceless people and fully trust the adult in whose care they are placed. I am sure we see that with our own children, especially when we make decisions on their behalf. Young people have a blind trust in their parents and these people prey on that very trust. They prey on the fact that they can manipulate these young people by enticing them with holidays, sweets or whatever they know is attractive to a child, only then to abuse that trust. I hope that this inquiry brings some satisfaction to those people who have been abused. We will move some amendments on this issue, as the Leader of the Opposition has pointed out, and I trust the government will accept those in good faith.

Mrs REDMOND (Heysen): As previous speakers have already indicated, the opposition will be supporting this commission of inquiry. We have been calling for it for some considerable time. In fact, I think the Leader of the Opposition has issued press releases on some 13 occasions, and the Hon. Robert Lawson in another place has also issued some publicity on it from time to time. We have been calling for it for a considerable time, because people have been coming forward to us very largely feeling that they could be confident in telling us their stories but needing to find public recognition and—to use a word that the minister used this morning—a healing process for them in not only recognition but also acceptance and legitimising their situations. It has been a long struggle for us to get this far, so we are pleased that the government has at last come to the party and indicated that it will move for this inquiry to be established.

That brings us to the issue of how the inquiry is to be set up and what are to be its scope and terms of reference as well as a range of other issues that I will traverse in due course. First, I would like to address the issue that arose during question time today regarding the appointment of Justice Mullighan as the commissioner. The Leader of the Opposition has already indicated that it is somewhat presumptuous to appoint someone and to make a public announcement about it prior to consideration of the bill by the house, because the opposition will move to have the appointment decided jointly by the Speaker, the Leader of the Opposition and the Premier, and another of our amendments will be for the appointment to be made from another state, not South Australia.

Justice Mullighan would obviously be caught within the scope of the act if our amendments were carried. I say at the outset that I have the utmost respect for Justice Mullighan. I have met him only a few times and I have never run a case before him, but I know him to be a person of extremely good character, a very eminent, good thinking judge who does his job with a great deal of care. He has been described as meticulous, and I think he has a large heart that would enable him to undertake the task before him with compassion and empathy which might be lacking in some other judges. Personally, I have no reason to contemplate him as being anything other than a terrific appointment for this position.

Nevertheless, it was asserted that Justice Mullighan had indicated that, whilst he was interested in taking up the position, he would not do so without an assurance that the Liberal opposition would not criticise his appointment and make a political agenda out of it. I think that was just a ploy to get the opposition to agree to the appointment. During question time, the minister said that his announcement was in the nature of a briefing to members opposite to allow them to consider their position. It was not in the nature of a briefing; it was a clear, unequivocal statement that, whilst Justice Mullighan had indicated his willingness to take on the appointment, he would not do so without the clear understanding that the Liberal Party would support him and would not try to score political points from his appointment or be critical of it.

I happened to be with the Hon. Robert Lawson when he rang the minister to advise him of our position. In that conversation, he said that, following our party room discussions, we still maintained our position that the appointment

should be of an interstate judge. No mention whatsoever was made during that conversation of the appointment of Justice Mullighan or anyone else. I heard it, I was in the room, and I know what was said.

The Hon. J.W. Weatherill: He said that there would be no personal criticism of the appointment.

Mrs REDMOND: He said no such thing, minister.

The Hon. J.W. Weatherill: He answered yes to my proposition.

Mrs REDMOND: He said no such thing. I was in the room and I heard the discussion. I am, to say the least—

The Hon. W.A. Matthew interjecting:

The ACTING SPEAKER (Mr Koutsantonis): Order!

Mrs REDMOND: —bewildered and profoundly disappointed that this has been simply a ploy rather than a genuine attempt to negotiate outcomes. That matters to me a lot, because a number of the other issues that we raised this morning I believed at the time could have been adequately dealt with by getting a commitment from the house and placing on the *Hansard* record the government's intention, because it gets quite difficult when you start getting into the detail of where this inquiry needs to go and what needs to be inquired into.

As I said, there have been calls for an inquiry for a long time, and the Liberal Party has consistently called for a specific inquiry into the abuse of wards of the state who were in institutional care. That then raises the question of institutions which perhaps looked after wards of the state but which were not state run. We had state-run institutions but we also outsourced some of the work of looking after wards of the state, so there could be various organisations involved. I do not choose to name any of them, but a number of organisations did run orphanages and the like for children who were wards of the state. It has always been our considered view that it would only be appropriate to take an inquiry to that stage, simply because that would provide some level of closure as to who was included in the group.

The government has since come up with a broader position. As I understand the terms of the legislation, the government is saying that the inquiry will be broad enough to include children in foster care. The Liberal Party's position is that we have no objection whatsoever to including children who have been in foster care within the scope of the inquiry. It is my view that they would have deserved a separate inquiry if they had not been included in this one, so it is sensible whilst we have an appointed commissioner to include them in this inquiry, but we have always maintained that, if you include foster care, there is a very real risk that the scope of the inquiry will become so broad that you could be there for years trying to gather all the evidence. It is all very well on the one hand to try to put some sort of time limit into the legislation, but if you make that time limit to tight to enable the commissioner to hear the stories of all the people involved and to chase down what evidence is or is not available and to do all the things that the commissioner and the inquirer working with him need to do, it will become too big to fit in within the time limit.

So, what we have been trying to put (and we will put it in terms of an amendment in due course) is that we are happy to have foster care included within the scope of this inquiry, but let us make it so that we get at least the report about wards of the state in institutional care within a reasonable time frame. Of course, the risk is that the foster care situations will so outnumber the children in institutional care that, if they are not dealt with separately, there might be nine or 10 people in foster care situations giving evidence before one bobs up from the wards of the state in an institution and that is followed by another nine or 10 from foster care. In our view, there is a real risk that that could result in those people not having their situations examined appropriately and, given their issues, not getting the sort of outcomes within a reasonable time frame that they might have been led to expect.

Of course, including foster care also means that a great deal more cost and time need to be devoted to the inquiry, and I think it needs to be put on the record that the inquiry that we sought would have been smaller, cheaper and faster than the inquiry which the government now brings before us. I want to make it very clear that we are not opposed to investigating these matters. However, we believe that it will be much more costly and time-consuming and that it is appropriate to place the wards of the state in institutional care as the first group of people. I hope that, even if we cannot get up on that amendment and if Justice Mullighan is the commissioner (and, as I said, I have no personal difficulty with that), he will listen to an approach from us to indicate that that is an appropriate way to proceed in this matter, because it will give some reasonable expectation of there being a report within at least six to 12 months on at least that issue and it will not be a matter that will drag on for some years while all the various incidents are included.

The next issue is how far one takes it in terms of what you are examining. It has been agreed generally that sexual abuse is the appropriate thing to consider, and I think we accept the government's basic definition of sexual abuse in the legislation. There has been a degree of acceptance that it is appropriate to include only sexual abuse because, once you open up this inquiry to a range of other things, you get into the area of what was reasonable discipline 30 or 40 years ago; and I am sure that most of us went to school at a time when corporal punishment was the norm, and it would be very hard to judge those things today and try to apply the standards of yesteryear in determining that.

However, a number of people have from time to time come forward, indicating concern about not just sexual abuse but also the area of physical abuse where it becomes so profound that serious physical injury is inflicted or, indeed, death occurs. A number of people have suggested that they are aware of the deaths of wards that have occurred, so it is our intention to seek to amend the terms of the inquiry to include not just the issue of sexual abuse but also physical abuse which leads to either death or serious physical injury.

I turn to the government's bill. The terms of reference are set out in schedule 1 on the back page of the bill, and the first term of reference reads as follows:

> (1) The terms of reference are to inquire into any allegation of sexual abuse of a person who, at the time that the alleged sexual abuse occurred, was a child in state care (whether or not any allegation was previously made or reported).

As far as it goes, that is highly appropriate. In fact, I think the words in brackets were inserted after some discussion between the sides on this issue, and it seemed that it was appropriate to include 'whether or not any allegation was previously made or reported', because already a number of people have come forward to the Liberal opposition indicating that they did not make an allegation at the time, and it is unfair in the extreme, if we contemplate their situation, to suggest that they should be left out of this inquiry. The whole purpose of the inquiry is to give those people some sort of closure, healing and recognition. So the words 'whether or

not any allegation was previously made or reported' seem to satisfactorily broaden the scope of the inquiry.

However, the second of the terms of reference states:

(2) The purpose of the inquiry is to report on whether there was a failure on the part of the state to deal appropriately or adequately with matters that gave rise to the allegations referred to in subclause (1).

Our concern, which we have indicated to the government, is that the first section could be read down so that you are left in a situation where, even if no abuse was reported previously, you will only have it investigated in terms of the level of the state response. Until question time this afternoon, I was relatively satisfied that the minister would place on the record an intention to reassure both the Liberal Party opposition and those in the community who are awaiting the setting up of this inquiry that the second term of reference would not be read down and that the intention was in fact simply to set up the inquiry so that the commissioner had sufficient discretion to follow every rabbit down every burrow but to make a decision, if and when appropriate in the commissioner's view, not to have to follow every allegation to its ultimate conclusion.

I would appreciate the minister's putting that on the record because that is clearly my understanding of the intention of both sides with respect to this commission of inquiry. It is not intended that people who are simply vexatious be able to have their stories told to the extent that the commission takes up a lot of time. Obviously they would need to take up sufficient time to determine that someone is vexatious, but the bill specifically canvasses the issue of whether someone is vexatious and allows for their evidence not to be proceeded with. It is clear that we need to be quite definitive about where this inquiry needs to go. As I said before, there are institutions which are not run by the state, and which were not run by the state at the relevant time but which, nevertheless, had the care of children who were wards of the state, placed by the state into those institutions by way of an outsourcing arrangement.

Clearly, the people giving evidence before this inquiry are likely to be people who at the time were children. Not only is their evidence going to suffer from the difficulty that it is now many years since things happened, but they saw all those things from a child's point of view. They cannot be expected to have any knowledge of what government structures were, and any real knowledge of whose care they were in. They might know the name of the institution but they would not know who controlled that institution, what relationship that institution had with the government, or any of those connections. I think that we need to bear that in mind in deciding where this inquiry needs to go, and we need to be very clear that the people who are giving evidence, and who are telling their stories and looking for closure and healing are able to achieve that, and that we do not cut them out by virtue of the fact that they were a ward of the state in an institution but it was not one actually run by the government.

My understanding from the minister's discussion this morning, if I can rely on what the minister said this morning, is that it is intended that the commissioner is to have discretion to pursue all of those avenues, and that there is a provision in relation to not going any further into areas which can be taken up by the criminal justice system or the civil courts. We have been concerned to ensure that people who have already exhausted their rights under the criminal justice system or the civil courts, but who still have a grievance that has not been adequately redressed, get their day before this commission. I am satisfied personally that Justice Mullighan is the right sort of personality to enable those people to come before the commission, but it needs to be understood that not everyone can come up with a case that is going to meet even the civil onus of proof, let alone any criminal onus. I think, in reading things like the Anglican Church report into abuse, there are many situations where any individual's case would not come up to any standard of proof in any court of law, but when you hear case after case which tell the same story, from people who have not been associated with each other but who were in a similar circumstance in a particular organisation or a particular institution, then one can get a flavour for the reality of what happened.

I think it is important that this commission of inquiry be sufficiently broad to enable that to occur, so that the people who cannot prove their cases, who cannot necessarily prove anything beyond a reasonable doubt on the criminal onus, or even on the balance of probabilities, because they have an incomplete recollection of names, dates and places—they really have very little show of getting up on that—but we have got to make sure that they do not fall through the cracks and lose out yet again. Another way that they could lose out is in terms of whether their evidence is given in public or in private.

There has been a considerable amount of discussion, and I think that we have now come to a landing with both sides agreeing on the issue of the public or private nature of the inquiry to be conducted and, as I understand the position, it will be that, generally speaking, evidence will be in private. However, there will be scope for the commissioner to allow some evidence in public if he considers it in the public interest or if there are exceptional circumstances that justify it being in public.

I think a number of people who are listening to this debate and watching very closely as to what happens in terms of this bill are concerned to ensure that they can give their evidence confidentially. We are aware already of quite a number of people who have come forward and told their story confidentially to us but who have never told another living soul until telling it to us. That being the case, many of them have gone on to lead productive lives, they have good businesses or jobs, sometimes quite senior positions, they have families, and no-one knows this part of their history. They are quite certain that this is how they want to keep it, but on the other hand they are equally certain that they want to disclose it in an appropriate way to a formal commission of inquiry to give them closure over what happened to them.

One of the other issues that arises is the giving of evidence and the sticking point up until now has been whether we go for the powers of a royal commission or whether we adopt another model. Our view has always been that the powers of a royal commission are the appropriate powers to use in this particular circumstance, and those powers, effectively under section 16, I think it is, of the Royal Commissions Act provide that any witness coming before a royal commission can be compelled to give evidence but any evidence that they give before that commission cannot then be used as evidence against them in subsequent proceedings beyond the royal commission.

That has the benefit that people coming before a royal commission and giving evidence in that way feel somewhat freer to give their evidence fully and comprehensively because they have a certain immunity. It cannot be used against them and anyone going to prove anything against them has to get other evidence to use against them, but in my

view, more importantly, it actually differentiates the proceedings before the inquiry from any other criminal proceedings that may be on foot or that could be placed on foot, so that there is then absolutely no risk that, in taking evidence, this commission could come to a situation where they cannot proceed because of a fear of interfering with an existing inquiry or making inroads into what should by rights be a police inquiry. I think for that reason the royal commission power is to be preferred. I know we will be moving an amendment in that regard, and I understand the government may be acceding to that request.

Of course, the alternative was to enable the right to silence on the basis that a person coming before the commission could be compelled to give evidence but had a right to not answer a question, on two grounds, either that they would incriminate themselves or that it was information that was subject to legal professional privilege, and, other than those two grounds, the witness would be compellable. Bear in mind, of course, that at the end of the day in my view no witness is compellable in any complete sense, because they have a thing called by me the 'Bond syndrome'—they simply choose not to recall. At the end of the day, no matter how compelled a witness may be, if the answer to the question is, 'I do not remember,' or 'I have no recollection,' then we have not got very far at all.

I suspect, however, that the key witnesses before this inquiry are going to be in the first instance the victims, the subject of the inquiry. That brings me to another point which is going to be the subject of a motion by the opposition. I am not sure in fact whether we have actually discussed this proposal with the government, but the proposal that we will be putting is that it would be appropriate to appoint someone in the nature of a victim's advocate, or counsel assisting the commission, or some such thing, so that people coming before the inquiry find it a somewhat less threatening process. We have, of course, the Victims' Assistance Service at the moment. It does not I think currently extend to providing assistance in this sort of circumstance, and I suspect that the work of this inquiry will be so busy that it is appropriate for us to appoint someone specifically for the purpose of the inquiry.

From speaking to a number of these people over a period of time, it seems to me that there are many of them who are singularly unused to court rooms. They find them threatening, they find them scary—most people do, in fact, before they have gone in and started to give evidence—and it is altogether quite a difficult experience. It seems to me also that it would be useful in the sense that most people are going to be better at fleshing out what they say if they have someone to coax them along a bit, ask them a question, and treat them essentially as a witness under examination-in-chief, if they are going that far. Otherwise, you have a situation where simply the person has to come in and make their own statement and then the commissioner would have to make further inquiries of that person. Whilst there is no impediment to the commissioner doing that, it seems to me to be a sensible approach to at least look at having someone there to assist. I would go so far as to suggest that perhaps we need a counsel assisting the commission of inquiry, much like we have counsel assisting the Coroner, when the Coroner does an inquest, that there be someone there to assist the process.

I note that the procedural terms within the legislation, and we are agreed upon it, state that the commission will not be bound by the rules of evidence, and I think that is an entirely appropriate thing. Rules of evidence can be used by smart lawyers to stop people from having justice. To give you one quick example, there is one rule that basically says that if you do not cross-examine a witness on your client's version of events then you are stopped from then putting that version of events when the witness that you have lined up to give evidence is able to give it. It is called the rule in Brown and Dunn. It has often tripped up a junior practitioner, much to the detriment of their client.

So those sorts of rules are not intended to be used in this hearing. There will not necessarily be the usual regimented giving of evidence by a party and, in fact, there will not necessarily be a cross-examination. I think that the commissioner will want to some degree test people's evidence to ensure their veracity, but I do not imagine that the intention is for the commissioner to have someone cross-examining them, or necessarily to have other legal representatives cross-examining people. The last thing we need is for these people to be made victims all over again in having to come before this inquiry and face any trauma like that. We are trying to get at the truth of what happened to them and whether the state had any part to play and should bear any responsibility in what happened to them and in redressing what happened to them.

I think at this point I will go through the terms of the legislation, just briefly, to make sure that I have covered everything. I will then refer briefly to what the opposition intends to move. In clause 3, 'Interpretation,' 'commissioner' means 'the person appointed to conduct the commission of inquiry under section 4.' It has been a somewhat pre-emptive strike by the minister this afternoon to announce that appointment, given that in our view there is scope for discussion about who might be appointed, whether they are from interstate or from this state and whether, indeed, a judge from this state should be the appropriate person. In terms of evidentiary material, I will just comment at this stage that there has been considerable discussion about the issue of files, in particular departmental files and whether they have been disposed of at any time. That will no doubt become an issue.

However, I suspect that the commissioner would draw a distinctly adverse inference were people to come forward one after the other telling tales of incredible and despicable behaviour only to find that, when he calls for the files of those people, the files have conveniently disappeared. We are happy with the idea of the inquiry being primarily confined to sexual abuse, but we do look to extend it just marginally so that we include and incorporate within the terms of the inquiry any allegation that someone has been killed or seriously injured as a result of physical abuse, without opening it up to that whole area of what was reasonable discipline at the time.

As I have already indicated, we are happy that the commissioner will not be bound by the rules or practices as to procedure or evidence and may inform himself or herself in such a manner as the commissioner thinks fit. We might as well take out the 'or herself', it seems to me. That is quite a standard provision. The next one is a little more novel but one that we are quite comfortable with: that the commissioner must seek to adopt procedures that will facilitate a prompt, cost effective and thorough investigation of any matter relevant to the inquiry. Of course, there is going to be a certain tension between being cost effective and being thorough and prompt, but I think it is a reasonable thing to aim for.

I am a little puzzled as to what conceptually is in the contemplation of the government in 'may refer any matter to an expert for advice, investigation or report', and I will be interested to hear the minister give an example of what might be within contemplation there. Certainly, I have no difficulty with clause 5(1)(d), which provides:

> may refer any person to any agency or other service so that the person can obtain counselling or support.

I think that is entirely appropriate, whether it be to the government's newly initiated help line or whether it be by referring the person to an organisation that perhaps has already set up some sort of agency or inquiry of its own. Some of the churches, for instance, have already set up their own procedures for people to bring complaints, and I think it appropriate for that to occur.

The commissioner must also 'take all reasonable steps to avoid prejudicing any criminal investigation or prosecution', and I think that one of the benefits of having a judge of the Supreme Court is that he will be keenly aware of at which point such a criminal investigation might be prejudiced. We then have the provisions for taking evidence in private but allowing for it to be in public.

A question was raised as to whether the maximum penalty for making a false allegation against another person with intention to cause injury or harm is sufficient at $10 000, given that my recollection is that, under one of the recent bits of legislation (native vegetation or natural resources management) it was that much for chopping down a tree if you were not allowed to.

It seemed to us that perhaps the maximum penalty was not quite sufficient and we might want to increase that. At the end of the day, maximum penalties are rarely invoked, in any event. I have already dealt with the power to require the attendance of witnesses and the summons to produce evidentiary material, which provides:

> A summons to produce evidentiary material may, instead of providing for production of evidentiary material before the inquiry, provide for production of the evidentiary material to an authorised person nominated in the summons.

There is nothing suspicious in that. Most summonses to produce evidence require that the evidence, if it is in a written form, simply be brought to the court and handed over. It does not mean that the person necessarily has to come before the commission. Of course, the oath or affirmation is quite straightforward. There are provisions about failing or without reasonable excuse refusing to comply with either a summons or a request to answer a question to the best of the person's knowledge, information and belief.

I simply repeat what I said earlier: that, notwithstanding everything we can put into legislation, at the end of the day if you have a compellable witness who says 'I don't remember', as Mr Bond and a number of other people have done over the years, there is very little you can do about it. In terms of the provision of support, we agree with the concept that the commission be established much like the commission was established for the Anglican Church; that is, with a judge as the commissioner but with a person with qualifications in social work or social administration to assist in the conduct of the inquiry.

I note that in subclause (2) there is the scope to include other people to assist in the conduct of the inquiry, and I would suggest to the minister that it is appropriate to at least consider appointing someone by way of a victims' advocate within the inquiry. I think that, off the top of my head, my preferred option would be to have a victim's advocate and counsel assisting the inquiry for the sake of the conduct and clarity of it. I am quite comfortable with the provision of support, although we may move a specific amendment. Clause 9 provides for the confidentiality and disclosure of information. I welcome that provision because, as I understand, it will enable people who have, perhaps, settled a claim and, in doing so, signed a confidentiality agreement to come forward (notwithstanding that confidentiality agreement) and tell their story without being penalised for breach of the confidentiality agreement.

It seems to me that that is a necessary part of the way in which this commission of inquiry is structured; otherwise, there would be a doorstop at every corner with people who have done just that: they have settled their matter but they have done so signing a confidentiality agreement. We need to be able to get at the truth, and to get at the truth we need to go behind those confidentiality agreements so that we can hear the whole story and get the whole picture.

With respect to the completion of the inquiry and presentation of a report, the bill contemplates that the inquiry be completed within six months after the commencement of the act or within such longer period as the Governor by instrument published in the *Gazette* allows. It seems to me that six months is a reasonable time within which to get some things done but, given the scope of the inquiry, particularly as it is intended now to include all the foster care matters, it is most unlikely that children who were in foster care and the children who were in state care as wards of the state will all be able to be heard within six months, let alone the commissioner handing down any findings.

I am inclined to favour the idea that it is appropriate for us to have some sort of interim report at six months. I envisage that it will be necessary to go beyond six months. I put that on the record because I think that it would be unfair to allow the general public to assume that they will get an outcome and some resolution six months from the date this bill passes. I seriously doubt that it can be done within that time. There may be some movement by the government (I am not sure, in fact, whether it is in the government's proposed amendments) but, with respect to the current bill, I understand that the government has now agreed to laying the report before each house of parliament within six sitting days, which allows a week from when it is tabled.

I would like the minister to comment on why it could not be laid before the house immediately, as no-one, other than the parliament, has a direct interest in it. There is no reason, it seems to me, why it should not be laid before the house immediately. Nevertheless, I understand that the government has moved so that there be at least six sitting days, and that is much better. As we all know, 12 sitting days can run out to a long time if we happen to hit a break in the program of the parliament. I think that, generally speaking, we have managed to resolve many of the issues that have been brought to the attention of the opposition.

We have managed to negotiate quite a lot of matters, and, just to be clear, I will go through the list of matters that we will be seeking to amend. First, we will be moving to provide for the appointment of the commission by a parliamentary committee comprising the Premier, the Leader of the Opposition and the Speaker. We will also be moving to ensure that the commissioner be a judge or retired judge from another state. Quite simply, the reason is that the possibility that allegations could reach high up into our community, our society and, indeed, into the legal profession does exist. I am

not standing here to make any assertions in that regard, but that possibility does exist.

To ensure that there is absolute independence, we believe that a retired judge from another state who has no connection to this state would therefore be preferable and that there be no local connection or association. We understand that the government will move (but if it does not we will move) for a requirement that the hearing generally be in private but that there be provision for the hearing to be in public in exceptional circumstances. I understand that, in essence, the government may also be acceding to what we are proposing to include regarding the powers under the Royal Commissions Act as it relates to the giving of evidence by witnesses, so that the witnesses are compellable but that anything they say to the commission cannot be used against them in evidence.

They must give evidence and they must answer all questions. They cannot claim any sort of immunity or right to silence based on the likelihood of incrimination. However, once they do that, any statement they make in that circumstance cannot be used against them. As I have already indicated, we will be moving to require the minister to appoint an appropriately qualified person to provide assistance and support to the witnesses and potential witnesses. Importantly, we will move an amendment to clause 10 to provide that the commissioner must deliver an interim report at the end of six months, and that that report must address the issue of sexual abuse of children who were not in foster care.

That is said in the negative, but the intention is that it be a report into people who were wards of the state in state care. In order to accommodate an appropriate definition, we have defined it as 'not in foster care at the time of the abuse', because our view is that they will be covered under the part of the inquiry that deals with abuse of children in foster care. We will be moving that the inquiry's interim and final reports be tabled not even in the six days that the government is now going to move to but that they be tabled on the very next sitting day.

Another important one that we will be moving will be to extend the terms of reference to ensure that criminal conduct which resulted in the death of or serious injury to a child is incorporated within the terms of reference, so that, as I earlier indicated, we can cover those serious allegations of physical abuse, only the most serious. We will not get into the area of what was appropriate corporal punishment, but we do believe that, where genuine allegations have been raised as to the possibility that some child may have died whilst in care, that is an appropriate thing to incorporate within the terms of reference. We have already made it clear that we want to make it quite explicit that the commissioner is to examine the report on cases of the sexual abuse, not only the issue of whether they were dealt with appropriately by the state but the issue of the sexual abuse that occurred.

We believe that it is appropriate for those to be examined and reported on, and it seems to me that our argument is really the semantics of whether the current terms of reference incorporate that. My understanding is that the minister is comfortable with that being included, it is just a matter of the semantics as to whether we need to specify it as one of the terms of reference. We also seek a further extension to the terms of reference to require the commissioner to report on the adequacy of the existing measures to provide assistance and support for the victims of sexual abuse. We know that the Layton report has already dealt with a range of issues but, generally speaking, the Layton report started at the point when she started and looked forward. We want to include in the terms of reference the issue of whether the people who were abused a long time ago have appropriate mechanisms and what those existing measures are and how adequate they are to provide assistance and support for those victims.

Lastly, I can indicate that the opposition will be moving to change the cut-off date, which is nominated in the bill as 1 July 2004. We have no difficulty with the concept of a cut-off date, but it seems to us that it is more appropriate to have the cut-off date as the commencement of the act. So that, once the commission gets under way, that is the cut-off date and the commissioner does not get bound up in a situation of having to continue to hear current allegations of abuse. We accept that there must be a cut-off date, but rather than just a nominal 1 July 2004, we believe it is appropriate to make it the commencement of the act, which will not be very much different but nevertheless is a topic that we think is worthy of debate and consideration.

With those comments, I indicate once again that the opposition will be supporting this bill. We believe that it is long overdue but we welcome the government's move in bringing this matter on and in dealing with it as promptly as it has now that it has decided to agree with our position that it was necessary to have a review. We welcome the fact that we have been able to largely negotiate many of the terms of reference and no doubt there will be considerable debate on those that remain in issue once we get to the committee stage.

Mr HAMILTON-SMITH (Waite): I will contribute briefly and indicate that I will be supporting the bill. I am a little disappointed that it has taken us so long to get to this point. I will not go over the matters covered by my colleagues, except to say that the opposition has been calling for this inquiry since 12 February 2003 and that we have repeatedly called for the government to take action. Repeatedly, the government has resisted those initiatives, and I must say that I am amazed at the reluctance of the government to pick up the cudgel and accept the need for an inquiry. The case is overwhelming. The number of former wards of the state who have come forward to both the government and the opposition have been astounding. The stories are simply beyond belief in many cases, but clearly have a basis in fact.

For all the reasons mentioned earlier, this inquiry with the powers of a royal commission is needed so that those people can have their say. To the campaigners on behalf of this inquiry, I say 'Well done.' You have gone into the face of considerable opposition, gone forward with the concerns of those who have been abused, and, finally, we are here today discussing the bill to enable this inquiry. I ask why is it that the government has been so reluctant to accept the need for an inquiry? We have had all sorts of attempts to evade and escape the need for this inquiry from the Rann Labor government. We have had the Layton review, which was welcomed. We have had help lines suggested. We have had all sorts of so-called law and order initiatives designed to help with the problem of child abuse but the real issue, self-examination, that is, examining the role of the state in such abuses, the Rann Labor government has consistently and fiercely resisted.

Why is it that the Rann Labor government does not want to have an inquiry into the abuse of wards of the state? Why has it resisted so strongly and who has resisted? Clearly, key leaders within the government have resisted. Clearly, too, the Premier has resisted. I put it to the house that the reason it has taken so long to get to this point is that the Premier opposes and has opposed an inquiry. If the Premier had wanted an

inquiry, we would have had one months ago, probably last year. It would have been embraced openly and warmly. I put it to the house that it is quite out of character for this government not to have embraced such an inquiry. As the member for Mitchell (former member of the Labor Party now Greens) has admitted: this government is power at all costs. This government embraces any media opportunity: it embraces any opportunity to present itself in a favourable light within the electorate, irrespective of what is right and what is wrong. I am astounded that the government has not seized the opportunity earlier to take leadership on this issue. I am astounded that the opposition had to introduce a bill to force the government to introduce a bill of its own and that we had to join with those members of the community who were outraged by this to ensure that the government caved in and had an inquiry.

This is quite out of character for the Premier and this Labor government. Ordinarily, they would have been leading on this. Why have they resisted? Why did they not want an inquiry? Why have they played around with the terms of reference? Even today, there have been shenanigans going on about Justice Mullighan and who will head this inquiry. I believe Justice Mullighan is not the right person to lead this inquiry for a range of reasons. In particular, I believe that a judge from outside the state would be the right person for this job. Only a fresh face and a fresh mind with no connections to the state—not someone who might have formed part of the malfeasance which has been alleged—could genuinely and openly lead this inquiry, but that point has been covered by other members.

I put to the house that it was the height of hypocrisy for the Deputy Premier and then the Premier to leap onto the bones of the Anglican Church inquiry and condemn the Anglican Church, grandstanding at the expense of the church when they tabled their report into abuse. That report followed a similar report on abuse within the Catholic Church, and other bodies are going through this process of self-examination. How hypocritical is it when the Premier and the Deputy Premier, the two key political leaders in this state, are happy to slash and burn this church body when it self-examines and reports its findings openly and publicly whilst resisting with fervour any effort to examine the role of government in the abuse of children. This was an act of abject hypocrisy which was not lost on the broader community.

I come back to this issue which confuses me about why this government has been so opposed to an inquiry, because this inquiry will go back over wards of the state for quite a long way under successive governments (both Liberal and Labor). I wonder whether the government is concerned about what this inquiry may reveal. As far as I am aware, no-one on this side of the house is concerned about that. If it reveals problems for which former Liberal ministers and governments are responsible, I would expect those matters to be reported and follow-up action taken as required and, if there are reports on errors made by former ministers under Labor regimes, I will expect those to be investigated as well.

The question has been raised in my mind as to why this Rann Labor government does not want this inquiry. Why has it had to be forced to the table on this? I will be watching this inquiry and the information that comes out with great interest, because it is my view that there was a change of culture within the government in this state which took speed during the period of the Dunstan government. I believe South Australia went through a period of change at that time. I have a bundle of newspaper articles dating back to that period, and it is my view that a range of people who were appointed during that period contributed to a culture which subsequently led to a culture of abuse, and I will not be surprised if that is revealed. I am sure that that cultural change went on through the 1970s, the 1980s and the 1990s. Now that we have an inquiry, let us see if that is right. I hope I am proved wrong, but we will see. I think there are some serious issues that need to be addressed, and they will be addressed by this inquiry.

I just make these few points. I want the public in my electorate and in the whole of South Australia to know that the Labor Party has opposed this inquiry point blank for two years, but they caved in and agreed to the inquiry after having been forced to do so by actions taken by the opposition, the public and others. Having agreed to the inquiry, they are now trying to manage the terms of reference and the structure of the inquiry in such a way as to ensure that they have some control over it. I will be interested to see how the government responds to the amendments put forward by the opposition in regard to this matter.

I was very interested this afternoon to hear the minister's and the government's account of the Justice Mullighan matter and the way in which they claimed that was dealt with in respect of the opposition because, more than any other inquiry, this inquiry should be headed by someone who enjoys the confidence of both sides of the house. The government is well aware that it is the opposition's view that the appointment of an interstate judge is the right way to ensure that that occurs.

I am sure that the government is in some sort of damage control. Something smells about the way in which the government has approached this whole matter. I do not know what it is, but I hope the inquiry brings it out into the open. If members of parliament and ministers are not prepared to embrace the need for openness and accountability, then who is? The very point that the complainants have been making is that ministers and governments need to ensure openness and accountability within government. That is the very proposition which this Rann Labor government has resisted fervently up until this point where it has been forced to present the bill before us today.

I hope that we do not get a repeat of an article which I came across in *The Guardian* from the UK entitled 'Riddles of the Sands' written by Joe Penhall, who went through the series of terrible child murders and abuses that occurred from 1976 right through to the Snowtown bodies in the barrel case. This article portrays Adelaide and South Australia in the most uncomplimentary terms. Our image, our reputation in the world and our standing within our own community are at stake. This inquiry must get it right. It must be open, it must be thorough, and its terms of reference must be broad. If criminal charges flow from the work of the inquiry, then so be it.

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

Mr BRINDAL (Unley): It is quite heartening to come in here after a dinner break and admit to having been wrong during one's parliamentary career. Indeed, I start my contribution tonight by confessing to that because, when I appeared before the Senate inquiry into abuse of people in institutional care, I did so on the ground that I then doubted that the state government of South Australia would be minded to conduct an inquiry on its own. I hasten to add that I did not think this state government would be alone in not wanting to conduct an inquiry into abuse of its wards and people who

were entrusted to its care over the last decades. I think this has happened in virtually every jurisdiction in this country, and I watch the interstate news, as I am sure the minister does.

This is not a problem common to South Australia: this was a problem everywhere in Australia for exactly the same period that it has been common in South Australia. That was why I went before the Senate inquiry and said that if state jurisdictions were not minded to address this problem and investigate its nature for themselves, I believed it was the duty of the commonwealth, representing all its citizens (especially those who have been disadvantaged by the actions of the states), to investigate the matter. It is very pleasing, therefore, to stand tonight and acknowledge that this government has grasped the nettle, so to speak, and has brought into this house a bill that will look at the issue of child abuse in South Australia.

Perhaps the minister can tell us at some time during the second reading stage whether we are the first state to do this. If we are not the very first, we are one of the first. I think that puts South Australia where it should be and exactly where we boasted we have been since the 1970s, and that is at the forefront of social issues and concern for those in our community who are in some way disadvantaged, often through no fault of their own. So, it is with pleasure that I acknowledge that we are addressing the issue of an inquiry into child abuse.

I have been interested in this issue, as everyone in the house knows, for about 18 months to two years, and I have made contributions to debates and also had private conversations with members of my own party, members of the opposition and the minister himself on a number of occasions about what may or may not be possible to be done and what should or should not be done in the interests of justice. I will question some of the clauses and have some questions (as, I am sure, the shadow minister and the leader have indicated they will do) and will suggest some differing interpretations and nuances, but I think this bill is largely on the right track and goes in the right direction.

I am pleased to note that this bill in many ways is built on what I see as the unfortunate but fairly successful experience of the Anglican Church. The bill strikes me as being a reasonably close facsimile to the inquiry conducted by the Anglican Church. This inquiry is better because we are a parliament (we are the state of South Australia) and can give it more and better powers and a better process than were possible for the Anglican Church because we can pass a bill for an act to make things happen, which it was not possible for the archdiocese to enact. But, in the basic premise of this bill, I think the government very wisely picks up the elements of the Anglican Church inquiry which were successful—and that is an inquiry which has care and concern for the victims and treats them with dignity and respect, anonymity and discretion; and at the same time does not denigrate those who might be accused, especially those who may well be falsely accused. It offers protection and dignity for victims and allows and will encourage people to tell their story.

At the same time, I think the minister is seeking to construct the sort of paradigm in which victims and also other people (who may perhaps be malicious but may not necessarily be malicious and may just think they know something) are prevented from charging in and giving the most outrageous stories and completely destroying people's public reputations and maybe their careers and families in what they see as a good and just cause, whereas, in fact, any analysis of the situation may reveal their belief to be misplaced and the cause to be anything but just. The government is seeking to avoid extremes in this inquiry and to provide a sensible forum for proper debate so that we can get at the truth. I think that is all that is required and is the best that we can expect at this time.

I would hope that all members in contributing to this debate would be mindful that this is a first step. Hopefully, if we are very lucky, it might be a last step: we might be able to work this out, resolve it and have nothing else to look at. I suspect in the future there are other things to look at. I truly suspect, from listening to the people who come to me, that one day either this parliament or the next parliament will have to look at the foul mismarriage that exists between the current Family Court jurisdiction, FAYS (or its equivalent institutions in other states), the police and the courts of South Australia.

It is absolutely amazing to listen—and I am sure that the minister has heard some of them—to the sorts of stories that are told about allegations which are made in the Family Court and which are either held to have some substance and custody orders made accordingly, or held to be completely erroneous, but nothing happens. People can apparently go into the Family Court and tell the most appalling liables. In other courts, I think it would be called perjury, and basically no notice is taken of it at all. I do not know how many instances, and I think that the minister has a question on notice about how many instances there are where matters raised in the Family Court have actually been taken up by police, or by the competent court jurisdictions in South Australia, in that matters often raised in the Family Court are clearly criminal matters.

As I say to the minister, that is not the subject of this debate. It is not something that I am saying that this minister or this government should yet look at. I am saying that after this inquiry is finished there are other areas where I think our law does not work well for our young people, where because of the sort of family law we have young people are still treated like some sort of prize to be won in a raffle, or where there is a personal point scoring match of one human being against another, one saying to the other, 'You've hurt me so I will hurt you, and you will not see your kids again.' That is another issue for another day.

What we have before us today is the issue of children for whom we, in some way, in some measure, bore responsibility. All the people in this chamber were not ministers in any government when this started, and will not be ministers in any government when this is likely to finish.

The Hon. K.O. Foley: No, we are just ministers in a government that did something about it.

Mr BRINDAL: The Deputy Premier says that ministers in the government did something about it. If he sits at the table and speaks to the minister next to him, he will find that that is exactly what I have just finished saying.

The DEPUTY SPEAKER: Order! The Treasurer will not interject and the member for Unley has the call.

The Hon. K.O. Foley interjecting:

Mr BRINDAL: No, it's all right.

The Hon. K.O. Foley interjecting:

Mr BRINDAL: Thanks, Kevin. Come in, cause chaos, and then walk about! That is very kind of you. That is what you call a disruptive child. You would be sent to detention for a month if I taught you. This inquiry deals with, probably, one of the most serious topics that any parliament of which I have been a member of has grappled with. We talked a few

years back of the stolen generation, and it became almost a national cause whether or not the Prime Minister should have apologised, whether or not in the 1950's and 1960's—basically the same time frame—we should have done what we did in social welfare policy, that is, to take people away from their natural parents and put them into institutionalised care, all in the belief that we were somehow giving them a better opportunity by taking them away from their families, away from their culture, separating them from those whom they knew and who loved them, those that they should be growing up with, to provide them with a better opportunity than we claimed was possible in the settings in which they were growing up.

The stolen generation was seen as a massive factor which this nation needed to account for to its conscience, and to account for to those people to whom contemporary society says we did a wrong. While not going into that issue, if that issue was a wrong (and most Australians believe it was), how much more wrong is that which this bill seeks to address tonight? I have not heard one speaker from any side of the house tonight, or this afternoon, denying the fact that for 40 years we have had young people who, through no fault of their own, became wards of the state, and, through no fault of their own, had parents who were not capable of looking after them, and therefore came under the care and protection of the state of South Australia, and while those people were under the care and protection of the state of South Australia, while this house looked after them, oversaw them, while the minister sitting on the benches opposite, just as we sit there today, was their legal and custodial parent, while the full apparatus of government was there to protect those children, we let them down. Some of them were consistently sexually abused, not once, but over 10 years.

Without going into details, somebody rang me in the last week, a man who is one year older than I, 57 years old, and told the story of how he went into Glandore Boys Home at seven years of age and was consistently sexually abused through three institutions from the time he was seven years of age until he was 18 years of age, and this not by fellow inmates but by adults who were caring for him. That is somebody to whom I think we owe something, at least to listen to the story, see why it happened, and ensure that that sort of thing can never happen again.

I am most grateful, as I am sure every member of this house is, that I am not going to be the commissioner. I am sure that every member of this house can be equally grateful that they are not going to be the commissioner because, as the minister knows, when people start telling these stories, they are so horrendous. I do not impugn victims for this, but in the last few weeks I have been going home and saying to my wife, 'I feel like having a bath,' because after listening to the stories for hours at a time, day after day, you feel sordid at the end of it. You wonder whether you grew up in the same state that some of these poor people grew up in, because it is an experience that you did not have. The recounting of it makes you feel somehow ashamed to have grown up in the society in which we grew up, in which I was lucky enough to feel very privileged, and in which most of us, I think, have enjoyed the same sort of privileged background and every opportunity, while next door to us, literally, there were people who were treated like you would not believe people in this nation could have been treated through the 1950's, 1960's, 1970's, 1980's and, not just that, into the 1990's. That is why, minister, I am very interested in whether and how we include the issue of foster care and how we contain the inquiry so it just does not go everywhere like some hydra-headed monster, but at the same time looks at the modern equivalent of kids in care, which is kids in foster care. In fact, it was 10 or 15 years ago—I do not know exactly how long ago—that we got rid of orphanages. We actually got rid of institutional care. Our current institutional care is foster care. We do it in cottage homes, we do it one or two kids at a time. The evidence seems to be that if anything it certainly did not get any better, and for individual kids it might have got a whole lot worse, in foster care.

I am really interested in this debate. I am not saying that I know the answer, but I am really interested in this debate. I do not see how the two can be separated, where we would look at one and not the other. Whether in fact the house is minded in the end to do them sequentially with an agreement of how the sequence is going to go, or whether they are going to be done together, no proposition will get my vote that takes one group of kids and says, 'Let us look at them, and let's leave the rest until later on.' Both of those groups need justice, both of these groups need some sort of answer to the horrendous conditions that they grew up under, and I think this house would not have done its job until it satisfies them.

Will this be about apportioning blame? In relation to where blame should be apportioned this is again something that I like in one of the minister's statements. I do not know if it is in or out at present, but I saw one of the statements in the bill which said that this should not be about determining guilt. I agree with the minister. This should be about us examining the process. This should be about us apportioning, or the commissioner apportioning for us, such guilt as belongs to us institutionally, as institutions, and towards those people who failed in their duty of care, because they were delegated that duty of care by a minister, by this parliament, by virtue of their position. Where there were social workers who turned a blind eye, who kept quiet in the presence of evil, we deserve to know about it and appropriate action needs to be taken.

I would not think, minister, that that action would be that those people go to goal. What they did probably was not a gaolable offence, but it was wrong, and it must be acknowledged to be wrong, and if those people are still in the employ of the Crown, there are disciplinary procedures and there are procedures by which those people can be addressed in accordance with what their wrong was. Their wrong, in many cases, was not to abuse children, I hope. It was not to assault children, I hope. In some cases it might be. Those who assaulted young boys when they were in care, those who willingly, if it happened, put them out to be used by paedophiles, those people deserve to go to gaol. They are criminals. But those people who were negligent, who were too busy going home and putting on the stew, or seeing that they got to the opera that night, or having their cafe latte or their glass of chardonnay, those people who simply by neglect did not bother with people entrusted to their care, if any there are, do not deserve to go to gaol but do deserve the full brunt of what this house will say about them and hopefully what the minister might do if they are any longer in his employ. I would hope, minister, that if any such people exist in your employ and they are found, at the very least they will not be in contact ever again with any other children whose lives they can wreck. I do not care if you get them sharpening pencils for the next thousand years—if there are still pencils in your department, minister—in some basement, so long as they are never again let near a child.

I think therefore that there is much in this bill that is to be commended. I actually commend the minister that he brings the bill to the house. It has not been an easy path, and I know that many times when the leader was calling for a royal commission members opposite were saying, 'No, no, no.' This minister might say that this is not a royal commission and it has got different powers. If that is how he wants to get out of the fact that we are not now having a royal commission, that is fine. We are having an inquiry. This leader and this side of the house has been calling for an inquiry for a long time. This minister has been man enough to stand up and say that there are some grounds in this and that there should be an inquiry, and we are going to have an inquiry. The only thing that I would plead is that in this debate, when we get into the committee stages, we do not get lost in the stupid sort of political semantics about what this means and about what that means, and dotting the i's and crossing the t's. What is important here is getting a good inquiry, getting it up and running and supporting them doing their jobs—and not our personalities.

Mr RAU (Enfield): It is indeed always a pleasure to follow the member for Unley, and, as always, an erudite contribution. I wanted to say a few words in this debate about the way in which the matter was introduced today and just express my concern that some of the criticism that appears to have been made of the minister and his negotiations is obviously information that is not available to me. I was not at any of these meetings. I do not know what was said by whom or what was not said by whom, and, to be honest, I do not really care. What does concern me is this: that this is a very important inquiry. I agree with the member for Unley—I was not being entirely frivolous when I said it was a pleasure to follow him. He did make a sensible and worthwhile contribution and he makes the point that it is an important inquiry. We should be addressing this thing in a positive way and out of this inquiry we should be looking to get the best possible results for the people of South Australia and the individuals who are affected by this dreadful business.

I sincerely hope that from this evening onwards we can move forward in that spirit without any more of this unfortunate debate about who the person conducting the inquiry might be. Before anyone gets agitated, there has been no attack on Justice Mullighan, but it has been suggested that he perhaps would not be the best person to do this job and that someone interstate or, presumably, overseas might be better placed to do it. I have had the benefit and, I might say, the privilege of having dealt with Justice Mullighan in his professional role as a justice of the Supreme Court of South Australia, and I can assure the house—and I am sure that my colleagues in this chamber who are also members of the legal profession would join me in saying this—that it would be a remarkable thing to find a member of the state's judiciary who is more respected than Justice Mullighan.

He has tremendous personal qualities, and those qualities include the fact that he is a man of great intelligence, of great integrity, and of tremendous personal warmth and charm; he is polite, he is compassionate and he is patient. I ask the rhetorical question of the chamber: listing those personal qualities, from a man who has had the advantage of having been a senior member of the legal profession and a senior judicial officer in South Australia for so many years, could we possibly have given the people who have been so terribly aggrieved by these dreadful historical events a better person to hear and consider their complaints? The answer to that rhetorical question, in my mind, is unequivocally no.

And it is not helpful or productive, with the greatest respect to the opposition, to engage for any length of time on a debate about whether a retired judge from New South Wales, Victoria, Queensland or Tonga might better have been able to get involved in this process and provide satisfaction. I think that we have been extremely fortunate in having a person of the calibre of Justice Mullighan being prepared to forgo—and let us understand this—forgo the balance of his career on the bench, which he is entitled to serve out without being interrupted for the next few years. It is a mark of this man's integrity and his concern for this issue that he is prepared to give up a number of years in what otherwise would be the culmination of his career in order to take on this very important task for the people of South Australia and, in particular, for the individuals who have been so dreadfully aggrieved in this process.

I hope that we have now heard the last of any debate about the person of the man conducting this inquiry. I believe that the member for Heysen earlier made some remarks in a not dissimilar vein to those that I am presently making, and I urge her colleagues to listen to her. I am sure the member for Bragg, who is also a member of the profession of which I am a member, knows that what I am saying is true. There are just so many reasons why we should actually be grateful that we have a man of this calibre. I would like to see us move on, get past this blip today, the rights and wrongs of which I do not know and, quite frankly, do not care about, and get on with the fact that we now have a person of great personal integrity who is giving up the balance of his career in the Supreme Court in order to deliver some measure of satisfaction to these people who have been so dreadfully aggrieved.

Mr Justice Mullighan will do a very fine job of that and, as I said before, as a person who has had the privilege of appearing before him as counsel in matters, I can say that it is a rare thing to find on any bench a person who has a greater reputation amongst his peers and amongst the legal profession than Justice Mullighan. I wish Justice Mullighan all the best with this very important work. I commend him for having the fortitude to take on this matter but, if you look at his CV—and without repeating it, I think the minister went through some of the various activities that Justice Mullighan has been involved in, in his concern about offenders, about people who have had difficulties in our society—we are very fortunate to have him on board and I wish him all the best with his inquiry.

I hope that the parliament swiftly deals with this legislation, gives him the framework that he requires to get on with his job and that we then take a back seat as a parliament—and in this I also invite the member for Unley, who has done such a lot of work to get this thing forward—that we all take a back seat in this for a while and let him get on with his job; let those people who have been so dreadfully aggrieved over a period of time have their say before him and let us move on to other things until he has had the chance to reflect on the evidence, make his report to the minister and, through the minister to the parliament and the people of South Australia, and let us then openly and generously debate whatever it is that comes from this. Because some of it will be uncomfortable; some of it will be unpleasant.

Much of it will throw difficult choices onto the ministry of whatever day it happens to be, the parliament, the legislature and individual members of our society. So be it. But let us for goodness sake give him a bit of clear air, a bit of space,

let him get on with it and let us please move on to other things. The matter is now in train: it is in safe hands; and a proper, thorough, useful job of this will be done if we only have the commonsense and decency to back off and let it happen.

The Hon. W.A. MATTHEW (Bright): I support this bill, but with the amendments passing through the committee stage that have been capably presented to the house by my colleague the member for Heysen, who has been lead speaker on this bill for the opposition. This bill is very much a reaction to calls by the opposition that go back to February 2003 that there be a royal commission or, at the very least, an inquiry with the powers of a royal commission to investigate allegations of abuse of children who were in state care. But, importantly, this bill is here because of people. The calls that were made by the opposition were calls made on behalf of victims and their families. Many members of the opposition (and, I dare say, members on the government benches) have had people coming through their door to put to them the case for such an inquiry.

In the 15 years that I have been a member of this place, including my time as police minister, I have never before had such shocking things put to me and, as a member of parliament and as a representative of the people, I would be abdicating my responsibility if I did not pursue them in this forum. This inquiry will give those victims and their families a chance to be heard and for their claims to be investigated. At the end of the process, I would hope that the information could go to our police so that they can bring to justice the perpetrators of some of these horrendous crimes on the most innocent in our community—children, and children who were under state care.

As it stands the bill proposes, of course, the establishment of a commission of inquiry into whether there was a failure on the part of the state to deal with sexual abuse involving children while in the care, control or guardianship of the minister. In his second reading explanation, the minister claimed that the commission's terms of reference would enable the inquiry to examine whether there were any cover-ups or mishandling of allegations, reports or evidence of sex abuse involving children under the minister's care. Also, the terms of reference provide that individuals can come forward to the commission whether or not any allegations were previously made or reported.

Even those issues were very much a moving feast, for the bill that was ultimately put before this place by the government is a very different one to that which it initially and very reluctantly touted. I think it is important for us to go back and look at exactly what has occurred since February 2003. Indeed, on 12 February 2003 the Leader of the Opposition issued a media statement entitled, 'Call for royal commission into child abuse'. In part, that media statement states:

> Mr Kerin said serious allegations of abuse of children in government care have recently been made. The allegations centre around children—mainly boys—being taken away at night from government hostels by paedophiles and complaints from these children being ignored by officials.

Further, the same media statement states:

> For too long now South Australia has been riddled by rumours of a high powered paedophile ring known as The Family, Mr Kerin said. We need to get to the bottom of this and clear the air.

That was the start of a very long campaign by the opposition on behalf of victims and their families to bring about the process of justice. Media release after media release and statement to the media after statement to the media has gone out between that time and now, and it has been raised time and again during question time in this place.

On a point of order, Mr Deputy Speaker, I do not think that the time clock is correct.

The DEPUTY SPEAKER: The digital clock in this place is due for replacement. We will get the time adjusted.

The Hon. W.A. MATTHEW: Time and again members of the opposition have questioned the government, and continually the insistence was that there would be no royal commission or inquiry. The claim was made that, as a government, it had done all that was necessary. Time and again the minister and his colleagues would detail to this house the steps they believed they had taken in order to remedy this problem. They detailed to the house the Layton inquiry, the hotline and the Paedophile Task Force, but in doing that they missed the fundamental point.

The victims who were coming to the opposition were not prepared to go to the police; they were not prepared to ring a hotline; and they were not prepared to go to the Layton inquiry. They were not prepared to do so because their allegations—

The Hon. J.W. Weatherill interjecting:

The DEPUTY SPEAKER: Order! I ask the member for Bright, for the sake of Hansard, not to shout.

The Hon. W.A. MATTHEW: I apologise, sir. The minister is hurling abuse across the chamber which has made it difficult. I had to elevate my voice above his hysteria. These people have not been prepared to come forward to any of those other mechanisms. When the Anglican Church and the Catholic Church undertook their inquiries, these victims demanded like treatment, but they said, 'Remember, we are dealing with people in government office who have abused their government office.' They abused their authority and their trust and, quite rightly, those victims and their families have demanded an opportunity to go before a commission of inquiry which has powers to protect them and which has powers to go forward to bring the perpetrators of these crimes to justice.

That is what these people wanted. Amongst his interjections, the minister said, 'What did you do? You were there for eight years.' Yes, I served in the previous government for eight years, and I can tell members that, if I had known of the allegations that have been put before me in the last two years, I would have been the first to jump up in this house and demand an inquiry, and I know that my colleagues think likewise. During those eight years men in their forties did not come into my office and tell me what had happened to them. It is a very distressing experience for anyone, no matter how hardened they may be (even through political life), to be confronted with a man in his forties, with tears rolling down his face, as he details the horrendous abuse to which he was subjected by people whom, as a child, he should have been able to trust.

The fact that these things were not raised during the eight years of our term in government and are being raised now does not change the fact that we now know about these matters. Having spoken to many of the people who claim to be victims, I believe them, because I do not believe that the sort of emotion that I have witnessed first-hand can be faked emotion. I believe that they are genuine and that they want resolution. I believe that they want justice and, most importantly, I believe that they want to ensure that this never happens to anyone again. Many of them have said to us that, if anything can come of what has occurred to them, it must

be to protect children for the future. It is a great privilege to be a parent—indeed, it is a God-given privilege that is probably equal to no other—but with that wonderful privilege comes responsibility for those of us who are privileged to be parents to nurture and to guide children to adulthood. Also, the entire community is duty bound to nurture and to protect children.

Any individual who interferes with or who abuses a child is the lowest form of life on this planet, and they deserve the full consequences of their action. Where those allegations have been made, we as legislators are duty bound to listen. We as a parliament are duty bound to act and, if we did not do so, we would be negligent in the duties that have been placed before us and the role that we are expected to undertake on behalf of the community. Government members from the minister down can interject all they like about this matter not having been raised by the former Liberal government, because we did not know—although, if an inquiry found that there were members of the previous Liberal government, or any other Liberal government who knew, they equally would deserve the full condemnation of this inquiry. I put that very firmly on the record tonight.

I believe that many of these allegations go back over a period as vast as 30 years. Over the last 30 years, we have had some 11 years of Liberal government and 19 years of Labor government. If it is that victims are spread across that period, it may be that there are ministers from both sides who can be held to account, and if they had knowledge and did not act and if they were negligent in not pursuing their duties they deserve to be brought to account, no matter what side of politics they come from. If the government wants to make a political issue of this, I would argue that it is as bland and as broad as that.

I am concerned at the way in which this issue has come about, and it is not just the fact that the government has reluctantly and belatedly now come forward and decided that it must have an inquiry because it recognises that the public pressure is there, but this differs very markedly from the way in which this Premier usually orchestrates the conduct of his government.

This is a government that is out there, it would have us believe, being pro-active. This is a government that claims to be the hardline law and order government. This is a government that talks about locking up prisoners in prison for longer, even though there are no more prisoners in gaol—but that is another issue. This is a government that would have the community believe it is tough on law and order. This is a government where the Premier was prepared to publicly berate the head of the Anglican Church. This is a government which had its members publicly calling for the head of the Anglican Church to step aside. However, this is a government that also refused to have its own house investigated. This is a government that would not have public servants investigated. Why? It does not make sense.

If this government were genuine about its law and order stance and about the spin that it puts out in the media for the public to believe, why did it hold back on such a vital issue that is relevant to the most vulnerable in our community, the most innocent in our community—children and, importantly, children who are in state care? When children are in state care, they are there for a reason, and that reason is always associated with some trauma.

These children have already had part of their innocence shattered through a personal trauma with which they have been associated. They have been brought into the protection and care of the state, whether it be in a juvenile institution when they have committed an offence, and there is an endeavour to set them on the straight road, or whether they are in care for other protective reasons. It is these children who we are arguing, in some cases, have come forward now as adults with appalling tales of abuse.

The Leader of the Opposition in his press statement to which I referred earlier of Sunday 11 April referred to children who effectively had been brought out of state institutions and who had been abused. Some of those victims have used the terminology in speaking to members of the opposition of 'take-away kids'; in other words, taken out of the institutions, taken somewhere, systematically abused and then returned—at least we hope they were returned.

I believe this is one of the most significant pieces of legislation that I have seen come before this house in the 15 years I have been here, and it is vital that this inquiry has not only the powers to be able to take the evidence that will come before it but also is seen as an inquiry that has no association with the areas of government about which there is concern. That is why it is absolutely essential and fundamental to the role of this inquiry that the person who is heading it be shown to have absolutely no association with the legal system, the departmental system and the government system in this state.

It is for that very reason that the opposition insists that the person who heads this inquiry must come from outside of the state. If that person does not come from outside of this state I have a couple of significant concerns. First, some victims will not come forward because they do not see impartiality. Already, the opposition has received inquiries from victims expressing concern about impartiality. Secondly, it could well be that victims who come before the inquiry may wish to bring evidence that could be related to a court case or to another inquiry over which a state appointed inquirer has presided. If that happens, the inquiry should be aborted. The inquirer would have to resign from his position in order to distance himself from those matters, and that would not be in the best interests of obtaining justice for these people.

So, the opposition will strongly insist on its amendment to have an inquirer not from South Australia but from another state, someone who has not worked here, to ensure that there is distance between our state's systems, institutions and courts. Let us not forget that only recently Peter Liddy, a Magistrate of the South Australian Magistrates Court, was imprisoned for offences against young boys. There was a pattern: they all tended to come from single-parent households, and he used the Surf Life Saving organisation to attract those young boys, and then systematically abused them. That former magistrate has been sentenced to a term of imprisonment. If one such person in our judicial system has been sentenced, there could be others, and they could have associations with any locally appointed inquirer. That is why it is vital that someone from interstate be appointed.

As I indicated, I expect that this inquiry will receive submissions from people going back as long as 30 years. A lot of questions will need to be asked. The minister has already admitted that files from the 1970s relating to youngsters in state care have mysteriously vanished. How can it be that records from the 1970s of children in state care have vanished? That of itself is a matter for inquiry. At that time, lots of things were going on in our state. There were investigations of our police force by the special branch. Files containing information about the activities of individuals were destroyed. Concern was recently expressed to me that,

amongst those files was, allegedly, a file on Magistrate Peter Liddy. Did it exist at that time and was it influential in legal circles? If that could be proven, that would be horrendous. In my view, areas of inquiry could be opened from that.

The dismissal of Police Commissioner Harold Salisbury was referred to by the Attorney-General today as a case going back 25 years ago. The Attorney-General referred to that matter but, if that issue needs to be taken into account, again it reinforces the need for the inquirer to be totally separate and independent from the procedures of our state because, if he is not, the victims and their families will not have the confidence that this inquiry will bring them justice.

This bill is about the deliverance of justice. It is about providing an opportunity for the victims of these horrendous crimes to move forward and allowing the perpetrators of those crimes to be identified, investigated, brought to account and tried.

Mr HANNA (Mitchell): I rise to speak to the Commission of Inquiry (Children in State Care) Bill. The Greens support the bill. When I left the Labor Party early last year, one of the first issues that I began to debate was whether an inquiry should take place into the sexual abuse of children in state care. I held a position somewhere between the government's and the opposition's position at that time. The opposition was calling for a royal commission, but I was not persuaded that a full-blown royal commission was warranted. At the same time, I knew that to do nothing was unjustifiable, because sufficient cases of sexual abuse in these categories had been brought to my attention.

So, I proposed a parliamentary inquiry. I understand why victims of abuse may not have had confidence in such an inquiry. In any case, over the last 18 months a lot more cases have been presented to various members of parliament, and I have developed a greater appreciation of the depth of the problem. So, the time had come for a comprehensive, formal inquiry, and I let it be known to the government that I was coming to that view and aligning myself more to the opposition's point of view in relation to this question. No doubt because of media pressure and pressure from the opposition, the government saw the writing on the wall and succumbed and has now proposed the inquiry created by this bill.

I endorse the remarks of the member for Enfield relating to the person chosen by the government to head the inquiry. We certainly need more than just a judge, and I have received assurances that there will be appropriate support for victims coming forward to give evidence to the inquiry.

There are a number of amendments to the bill, about which I have had discussions with the opposition and the government. I note that a number of government amendments pick up propositions put forward by the opposition, and I appreciate the spirit of consensus in those negotiations. At the end of the day, I will generally support the government position in relation to the fine details, but I will hear what the minister has to say in relation to some of the matters which have been raised by the member for Heysen on behalf of the opposition.

As I said nearly 18 months ago, the key to resolving the issues that have led to this inquiry is healing, and the most important aspect of this inquiry, as far as I can see, is providing an opportunity for victims to tell their stories in safety, and out of the truth one would hope that there will be healing. In respect of our criminal justice system and our rules of evidence, I remain sceptical that the law—indeed, the police—will be able to reach back decades to catch some of the perpetrators of the sexual abuse which has undoubtedly taken place, and these matters will undoubtedly come before the inquiry. The focus, then, must be on hearing the stories of what has happened and the government and parliament doing what they can to assist in the healing process.

Ms CHAPMAN (Bragg): In supporting the Commission of Inquiry (Children in State Care) Bill 2004, together with the foreshadowed amendments that have been traversed by other speakers, I firstly thank the Leader of the Opposition for his insistence that the people of South Australia, and in particular this parliament, address a past of which we can only be ashamed and deal with it. I think it is fair to say that his was a lone voice for many months stemming back to the early part of 2003 and, whilst this issue might have attracted some Johnny-come-latelys along the way and, finally, the government, this bill is the result of his persistence and his sitting in offices day after day listening for hour after hour to the stories of people who are unable to have their grievances dealt with in another forum, namely, by any civil or prosecution remedy. It is to him that we should pay tribute tonight. He has, against all odds, insisted that we address a subject matter which no-one wished to discuss. That is my first comment and recognition of appreciation.

Also, I thank in anticipation those people who will come forward to this inquiry to lay out and disclose a history of experience and, in particular, child sexual abuse, which undoubtedly will be painful and will cause them much emotional disturbance. I do not think we can underestimate the emotional trauma caused to those people who, at a young age, have been victims of abuse and torturous experiences to various degrees by those to whom they have been entrusted and on whom they ought to have been able to rely. For them to recount those experiences (which is what they will be doing in the course of a forthcoming inquiry) will clearly be difficult and is something for which they have my utmost respect, and I wish them well in getting through that experience. They will be doing it not only for what is described as closure in relation to their experience but also, clearly, to educate the South Australian leadership (particularly this parliament) so that they act in a manner which ensures that it never happens again to children whilst in the care of an authorised officer of the Crown.

As is evident in the legislation which now allows people to prosecute offences of abuse and criminal conduct between 1952 and 1982, amongst the group that comes forward will be a category who will be very disappointed because, unquestionably, there will be situations where, due to lack of detail, clarity of recall, corroborative evidence or other witnesses, it will be extremely difficult for the commissioner of inquiry to make any clear finding as to exactly what happened in terms of abusive conduct. So, we will have casualties of this inquiry, and I do not think that should be overlooked, because that will be painful for them as well. But, in any event, those who come forward and make a contribution will make a difference, and they have my utmost appreciation and respect.

I wish to comment on the government's announcement today of the proposed appointment of Justice Mullighan as the commissioner of this inquiry. His Honour is personally known to me as a colleague. He is someone whom I have both briefed and been an advocate against and for whom I have high regard as a legal practitioner, barrister, advocate, representative in the Law Society and, of course, ultimately in the judiciary, but I am utterly appalled today at the

minister's announcement, presuming to do so before this bill was even debated. I thought that the government might have had enough embarrassment over their attempt at this sort of behaviour in the natural resources legislation when they proceeded to advertise for subsequent appointees for various committees before the bill had even been debated. But it seems that they know no boundaries in relation to the arrogance of what they should presume, and then to come into the parliament and to assert that the appointment came after consultation with the opposition, clearly presenting to the parliament as though there had been some conferencing with a view to mutual agreement in relation to the appointment, was absolutely disgraceful. It is the sort of behaviour which I hope I never see in this parliament again, because it should never be repeated.

To hear today in this parliament allegations of conversations between members of parliament and members of the government in relation to conference discussions, to have allegations flung across the chamber in relation to the conduct of the minister, is a poor reflection on this parliament and ought not be repeated. Notwithstanding that circumstance and notwithstanding the situation that I think is really unfortunate, that is, that His Honour will be asked to take up this appointment in an environment of controversy which is not of his making and for which the government should be condemned, I wish him well in this inquiry because he too will have a considerable and long task to undertake to complete this.

The purpose of my contribution is to point out particularly my alarm at the delay in the government's dealing with this matter. Many aspects in relation to this bill, including the proposed amendments, have been and will be covered in the preceding and following debates. I remind the house that as of 5 January 2003 the former minister for community welfare, the predecessor to the families and communities minister, received a report from Robyn Layton QC in which she outlined the staggering and alarming situation in relation to child abuse in South Australia, the inadequacy in relation to protection of children, and the over 200 recommendations that she felt were necessary to at least begin to address the difficulties in this area.

It took some months for the government to print it and disclose it to the rest of us. I think it was May or June before we were allowed to know about this report, and yet all of that time, and since, the government has known about this very serious situation. Firstly, the only identifying factor as to child abuse relates to the statistical notifications that are recorded. We cannot imagine that that will necessarily identify the actual extent of child abuse and neglect in our community because the tragedy in relation to child abuse is that the sound of child abuse is usually silence. We know from the reports that are made to child protection authorities in this state, that in 2001-02 there were 18 680 notifications of which 2 230 were substantiated. The rate of substantiated child abuse cases in South Australia for children 0 to 16 years was five per 1 000 children during that year.

What becomes more alarming, and of which the government clearly had notice, was that when one analyses the child protection data across Australia one notes that there has been a very alarming increase in the number of notifications. That may be a good thing in the sense that at least people are coming forward, that our child protection mandatory requirements, etc., are having an impact. It may be that it is disclosing what was otherwise there at a high level, but we understand that in South Australia, for example, child protection reports from 1997-98 were 11 651 to 2001-02 at 18 681. That is a staggering increase of over 7 000 reports in a six-year period or 60 per cent. Those that met the criteria for follow-up that we are able to identify have risen from 8 111 to 11 203, which is an increase of over 3 000 reports or 38 per cent.

Robyn Layton QC also told us that, in relation to South Australian child abuse and neglect cases, of the total of nearly 18 681 that I have referred to in 2001-02 some 13 per cent or 2 800 were specifically for sexual abuse. We have a situation where the government had on its table, as at 5 January 2003, a report stating that there were notifications of nearly 50 children a week with respect to child sexual abuse, yet this government has taken until July 2004 to do something serious about it. It has announced the help line and it has announced that it will increase the number of child protection workers that it will employ. It replaced some last year. This year I think it has offered, with a commitment of $148 million, to provide for 186 extra jobs in child protection. But what do we hear?

I was quite astounded to see the minister come into the chamber and report to the parliament that it had had this overwhelming response in relation to employment inquiries for these jobs; but not one of them has actually been appointed. Goodness knows when that is actually going to take place. Yet this government knows that every week nearly 50 children are reported for child sex abuse in this state. They have announced a help line. Late last month they announced they are going to introduce some measures in relation to power of detention of habitual sexual offenders. They are going to change the law, they say, in relation to higher penalties for certain offences where the victim is under the age of 12 years. They have appointed a commission, and they have appointed several different boards. But all of this has come in the last few months, and the effectiveness of even these measures are yet to be seen. I am astounded that the government has had time to come into this house and argue about whether we eat cats or dogs and spend days on that sort of nonsense and yet this is what is happening to our children in this state.

Can I say, so that the government is clearly on notice here, that in relation to an area which on behalf of the opposition I foreshadow, Robyn Layton QC made a number of recommendations about what ought to be happening and how the Education and Children's Services Department and its agencies can assist in relation to child protection reform, but other than the fact that in a general way the Minister for Education and Children's Services and her predecessor announced they are going to have more counsellors, not necessarily about child abuse, but that we will have more counsellors in schools, not one of those reforms has actually been introduced and is operational. It took nearly a year for even a few of the Teachers Registration Board recommendations that were recommended last year to be announced this week. Yet they purport to be here with some interest in relation to the protection of children.

Can I say in relation to this proposed legislation, this inquiry, that at the very least it is a start. I conclude by again thanking the Leader of the Opposition for his spearheading the vigilance and insistence that this parliament address this matter and that the government finally act on it. We need to ensure that, with the other reforms that have been recommended, this government does not rush to *The Advertiser* and put out a press release and announce that it is going to do something and then months later we find that nearly 50 children a week are still being reported to be sexually abused in

this state. That is an utter disgrace and it is time that the government did something about it.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs HALL (Morialta): Finally the time has come for this parliament to implement measures to address the sexual abuse of children in our state. Finally this house is going to be forced to take responsibility for the investigation of allegations and the most extraordinary and deplorable events that have taken place in our state institutions over a number of years. It has been a long time coming, as has been said by previous speakers, but at least we have to say it is a step forward. I think it is fair to pay a tribute to the efforts of the community, and in particular to the efforts of the Leader of the Opposition, that this commission is finally about to be formed.

I genuinely believe that the only reason we are debating the formation of this commission of inquiry is due to the efforts of the Leader of the Opposition and many members of the community and, sadly, huge numbers of victims who for the past 18 months or so have been consistent in their calls for either a royal commission or an inquiry with the powers of a royal commission into child sex abuse. As is well known now, and been talked about earlier in the debate, the Leader of the Opposition has been contacted by numerous victims of child abuse who not only want justice but they appear to have wanted someone to listen to their story. I believe it is a great tribute to the fact that these people feel that the Leader of the Opposition is a person that they can talk to, and they obviously have a feeling of trust toward him. Despite that, for the last 18 months or so the government has rebuffed all attempts to get this inquiry started. I find it absolutely bewildering that the calls have been rejected for such a long time for a comprehensive detailed inquiry into the allegations and some of the events that have been reported, that are just so horrific.

We have seen this community pressure build up from the uncovering of numerous incidents of child abuse that in my view has left the government with little option but to act. As we know, the Anglican inquiry and the report on St Anne's Special School brought the issue very much into the public domain to the point where, in my view, as I said, the government just could not say no any longer. I, like many members, have read the second reading speech that the minister used when presenting the bill earlier this month. I find it quite extraordinary in that it was supposed to be an introduction and an explanation to the essential points of this bill but when you actually read it, for about the first two thirds, it is nothing more than an account of what he claims to be government activity over the past two years. Anyone reading *Hansard*, I would have to say, could be excused for thinking that it was a different sort of bill. It is, in my view, a disgraceful way to approach such a serious undertaking, and I think that the people of South Australia want to know how this inquiry is finally going to be implemented, not to hear the latest round of government propaganda.

Victims, in particular, can hardly be impressed by reading the second reading explanation of the minister. He has talked about the help line. From what I have been reading and listening to, I find that that is for victims who have already been hurt by the system. I can understand why they believe that they would not be able to trust a voice on the end of a phone line. As I said earlier, the resistance of the government has been quite surprising, if not a little intriguing. After all, I would have thought the number one priority of any government should be the creation of a better and safer environment for our children. An inquiry into past incidents of child abuse in this state has always seemed a logical starting point for this endeavour.

No government should have anything specific to hide. There has been a variety of Liberal and Labor governments over the past 35 years while allegedly this abuse has been taking place. Therefore, I find it quite intriguing to witness the body language and, indeed, sometimes the careful language among the members on the government benches on this issue. The Premier, in my view, has been fairly conspicuous by his uncharacteristic silence on this issue, although as we know he has had a lot to say about the Anglican inquiry. I just hope that when this inquiry has brings down its findings he has something to say then. The release of the Anglican inquiry report and the account of the abuse that took place in St Anne's Special School, the reports that have been on Channel 7 and in the media generally, have brought the issue of child sex abuse within our institutions into sharper focus than ever before.

They have brought to light shocking events in our community and responses to these events that, I guess, all of us are finding it very difficult to come to grips with. Like many members of this chamber, I have read the reports and the media coverage thus far, and I have to say that none of us can feel comfortable with the reading that they have been provided. Reading about the abuse that has been suffered by young girls and boys at the hands of trusted adults can only bring deep sorrow. I just cannot imagine what it feels like to be violated in such a way. Some of us, obviously, have not had to live with the pain of the abuse and the tortuous memories. It can be difficult just to offer sympathy, because it never seems to be enough. And I do not suppose that many of us can have any idea of what it can be like to have to cope with such an ordeal.

Reading of the lack of action over many, many years and the dismissive treatment of complaints made by those who are abused brings further sorrow, but it also brings feelings of great anger. There is an anger that serious allegations could have been put aside so quickly; there is an anger that reporting to the police in many cases was not even considered to be an option; and there is an anger that considerations relating to insurance liability took any kind of precedence over the wellbeing of victims. It is a cop-out to argue, in my view, that times have changed and sexual abuse was looked at differently by the community of the past. But it is fair to say that now the community has a heightened awareness of the prevalence of sexual abuse and a greater willingness to erase its ugly presence.

I would have to put on the record that in my 10 years as a member in this place I have never received a complaint or an issue from a constituent regarding child sex abuse and, unlike many members in this chamber who have had specific contact with victims of child sexual abuse, I therefore can say that I have no specific personal experience in this activity. However, like everyone who has spoken thus far, I am keenly aware of the occurrence of child sex abuse within our community and am determined to play my part in making a contribution to address what has been brought to our attention, and to hope that what we do in the next few days will mean that this sort of thing will never happen in the future. It is in that context that I give my support to this inquiry into child sexual abuse of people in the care of the state.

We do have a responsibility to investigate the incidents that we have been talking about and to help bring some justice for the victims. The Anglican experience has shown that there existed a frightening view of the seriousness of sexual abuse within the church, and we must now face the possibility that a similar view prevailed within our state-run institutions. I have no doubt that this inquiry is going to be a monumental task for those charged with the responsibility of its carriage. Equally, anecdotal evidence would suggest that investigations will uncover huge amounts of additional material. While community expectations are presently high enough to demand this inquiry, I imagine that they are going to be much higher following its completion.

We have so much to learn and so much to achieve. As we know, a stand-out feature of the Anglican inquiry's findings is the trend of offenders fleeing interstate or overseas upon being reported, commonly with the knowledge of church authorities. Another feature is the importance placed on the image of the church and the career prospects of some of its members, and it defies belief that these aspects could come even close to the pain felt by victims. If such things occurred in our state institutions they must be uncovered, and the people who carried out or knowingly approved or did not report these things have to be dealt with accordingly. There are many aspects of this bill that I know are going to be debated during the committee stage, and a number of amendments are going to be moved by the opposition.

Specifically, many of them relate to the terms of reference, because I find some of those aspects too restrictive and I guess, when we get to debate them in committee, we will see where they go. But I have some concern that the terms of reference we currently have before us deal exclusively with past allegations of sexual abuse and the inquiry may not have the capacity to deal with the abuse that may be presently taking place within our institutions. I know that that is a specific amendment that will be raised by the opposition. To me, as a non-lawyer, the terms of reference do not provide the commission with the capacity to investigate claims of criminal assault possibly resulting in death or serious physical injury. Such incidents or sustained treatment can leave the most horrendous scars on victims and are equal to those experienced by sexual assault victims. More importantly, I do not think that at this stage they appear to be able to deal with the possible disappearance of children in state care, and some of the allegations that have been made need to be either confirmed and acted upon or dismissed.

The terms of reference, again, make no mention of the destruction of files. We have seen the reports in the newspaper. Again, this issue must be addressed. We must know how many files were destroyed. I believe that we must know who authorised the destruction of the files because, if anyone is still in a position of any authority who was involved in that series of reported incidents, we have to know that those people are not now in any position of influence. We have to know that they will not be involved in blocking important evidence that may be reported to this inquiry.

The shadows over these questions are shadows over our history, and it looks a little murky. They should not be permitted to conceal the truth nor permitted to protect the reputation of individuals who may have committed, and may still be committing, unspeakable acts against children. It is difficult to imagine a more hideous crime than the betrayal committed by these people who, at one stage, possibly had the trust of their victims. The outcome we seek is an inquiry which provides justice for these victims and some form of closure to allow them to be able to move on with their lives.

I believe that clause 8 of the bill talks about the most important component of this inquiry, that is, ensuring that legal assistance is available to victims. We know that sometimes a legal inquiry can be intimidating for an individual, and I strongly believe that that aspect of this inquiry has not yet been addressed. I hope that the government will take very seriously the option of providing and ensuring that legal assistance is available to victims who perhaps need it or seek it.

Another aspect of this matter is that those people involved in the inquiry will be seeking answers to these questions we have raised. I wonder whether the government has considered giving legal assistance to those individuals who may be subpoenaed to appear before the commission. I wonder whether they will receive legal representation, because part of the issue involved is the possible imbalance of legal representation for what I would call individuals versus institutions. I believe that there may be an advantage to institutions that can afford better lawyers versus an individual who, perhaps, does not have the financial resources to put their case coherently or who may be intimidated by the system. I believe that such a problem is applicable not only to this inquiry but also to many aspects across some of our legal systems.

Also, I have an issue with the timing outlined in the bill. I have a real problem in that the government has set six months as a completion date. We do not know, but that time frame may be serviced or looked after with an interim report at six months. There should be provision for some flexibility, because none of us knows where this will go. Taking into account the reports that have been brought to our attention over the last 18 months or so, whilst we all hope that it can be resolved within six months, if that is not possible I hope that some provision can be made for the inquiry to be completed in an appropriate time.

We know that these issues are difficult not only for us as legislators but also for those in the community who have to cope with some of the horror stories. We are talking about victims who have been made to feel guilty for decades, and many are very scared to bring their issues and experiences out into the public arena. I believe that the courage so many of them have displayed is something we should all acknowledge and applaud. As I said, I am very pleased that the government has now decided to establish this inquiry.

I believe that the public pressure that has been brought upon us all has made this inquiry unavoidable, and I trust that, for everyone involved, the outcome is something of which, as a parliament, we can be proud. I know that the issues of wards of the state in institutional care must be handled first and separately from those issues involving foster care. I welcome the opportunity for this parliament and this state to address this legacy to enable our victims to have closure, to seek and receive some form of justice and to have the capacity to move on with their lives.

Mr SNELLING (Playford): I rise to offer my cautious support for this bill. It is my belief that allegations of criminal behaviour—any criminal behaviour—are best investigated by the police and that the onus is on those who are arguing that these allegations should be investigated by anyone other than the police, if for no other reason than it is important that any proceedings do not prejudice future criminal proceedings against an individual.

I also think it is important that we avoid hysteria on this issue. As appalling as it is, a climate of hysteria probably does not help anyone—if it helps anyone, it probably helps those who are guilty of these terrible crimes. Neither do we want a witch-hunt: a false accusation against an individual of this sort of abuse tarnishes that person forever, no matter how baseless the accusation might be.

Opposition members have been arguing against having a local judicial officer conduct the inquiry. I am yet to hear an argument why a local judicial officer is unfit to conduct this inquiry. They seem to be implying—and I would be happy to hear them say that they are not—some sort of general conspiracy, and that any local judicial officer who might conduct the inquiry might be a party to such a conspiracy. We heard the member for Bright earlier going off on all sorts of tangents and suggesting all sorts of conspiracies that perhaps make *The X Files* look rather tame. The person who conducts the inquiry should be appointed purely on their merits, and I do not see why that person's place of residence, whether it is here or interstate, is of any relevance to that.

For some time, the opposition has been arguing for a royal commission, and I think it has been well canvassed in this place why a royal commission would be an inappropriate way to investigate these allegations: first, the expense and, secondly, the ability for any person to make any allegations which would forever tarnish someone's reputation in such a way as they would never be able to recover.

I must congratulate, though, the member for Unley who, among opposition members, has shown tremendous leadership on this issue and who very early on accepted the arguments on why a royal commission was inappropriate, and I think brought his party around to share the government's opinion on why a royal commission was not an appropriate way to investigate these allegations. I congratulate the member for Unley on his leadership on this issue.

Finally, I wish briefly to address the issue of foster care. I am of the opinion that it is very important that foster care be included within the scope of this inquiry. It is very important that governments be scrutinised as to whether they have been negligent over the years as there has been a shift away from institutional care for children towards foster care. It is a vital area for this inquiry to look into, and I am firmly of the opinion that, if there is to be an inquiry, state organised foster care should be included. With that, again I offer my cautious support for this bill and wish it a speedy passage.

The Hon. D.C. KOTZ (Newland): I rise to support this bill and agree with the previous speaker that obviously certain aspects need to be treated with caution. In the first instance, I believe it is somewhat unfortunate that this important and long awaited bill on a matter of great issue affecting hundreds of people in this state has been dealt with in a highly inappropriate manner by what I can only class as, once again, an arrogant government and an equally arrogant minister.

Before dealing with the bill's specifics, I have to say that the action of the government minister who has responsibility for the passage of this bill could most certainly be classed as being in contempt of this parliament. Any bill presented to this house is there for discussion and debate by all interested parties. It is well known to all in this chamber that the original bill, after debate and discussion, the committee stage and its passage through all the procedures of the two houses, can be quite different from that which was first presented.

I do understand that the comments I have just made are stating the obvious for all members in this house, but it would seem that the government and the minister who has responsibility for this bill do not understand that statements made relating to a bill before the house which seek to pre-empt the outcome of the bill are both outrageous and inappropriate and could well be in contempt of the parliament.

If a minister can state the outcome of a bill that is yet to be debated and approved by the two houses, why is it necessary to have the debate? Why is it necessary to have this matter put before the two houses and their members if the government and its minister can preordain the final decision? What should have been obvious to both the minister and the government either has been not obvious—and this questions the competence of both this government and the minister—or they have acted with pure arrogance and in complete disregard of the parliamentary process under which the government's only intervention should be the members it can bring to the vote on any amendment put to this house during the progression of the bill.

The minister seems to have difficulty coming to terms with that principle and wonders why the opposition is outraged by his actions. I will try to put it simply for the minister. The bill seeks to appoint a South Australian former judge or an eminent Queen's Counsel who will be independent of government. The opposition prefers the appointment of a former judge but one from outside South Australia. The minister and the government are well aware of that preference, and they are also aware that the opposition will move an amendment in support of it. Therefore, this proposition is still to be debated and decided.

I emphasise that it is not the minister's prerogative to pre-empt the debate. His decision to do so must surely constitute contempt of the parliament or, in lay terms, stupidity of immense proportions. If this parliament supports the government's wish, the egg on the minister's face can be slowly peeled off, or it will remain for the rest of his parliamentary career. This government has been forced by the opposition and public opinion—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. KOTZ: —to bring this bill to the parliament to enable those who were child victims of sexual abuse to tell the stories of horror that changed their lives and thoughts for all time, to release the feelings of guilt that many wrongly still hold as their own, and to seek closure on the childhood nightmares that have proved to be a reality for so many. Some of those stories will point the finger at individuals from foster home situations and institutions of the state, those who have hidden behind the facade of duty of care and responsibility and who have failed the children placed in their care either by ignoring their cries for help or actually being the perpetrators. There is no more obscene action than the sexual predation of innocent children by adults.

I do not know where this inquiry will take us, but we as the legislators in these chambers must make sure that the bill before us in its final form, its framework and processes will enable past and current victims to feel satisfied that they have been protected by the parliament and that they are not once again the victims. As they participate in these processes, they must find closure in the knowledge that some justice has been finally resolved and understand that they were the innocent and not the guilty, and that the people of this state care about the abhorrent circumstances that they had to deal with as children and adults.

Members interjecting:

The SPEAKER: Order! The member for Reynell and the member for Giles will soon have the opportunity to make their own contribution.

The Hon. D.C. KOTZ: And I'm sure we will be thrilled by that.

The SPEAKER: I'm not so sure!

The Hon. D.C. KOTZ: If these few basics are not enabled by this government, we will have failed as legislators, the government will have failed in its duty of care to its citizens, and this minister will have more to worry about than the state of the egg on his face.

I congratulate the Leader of the Opposition for his determination to bring this matter into the public arena and his personal effort to get us to this point where there will now be an inquiry into the sexual abuse of children. I also offer my congratulations to the member for Unley for his dedication, compassion and support for the Leader of the Opposition in forcing the government to deal with this very important matter, even though it has taken 18 long months of battle with this government and its minister to get us to this point. I conclude my remarks at this stage, and I hope to make more comments in committee.

The Hon. R.B. SUCH (Fisher): I want to make some brief comments. This is a very important matter, and I commend the minister and the government for bringing it forward. I acknowledge also the support of the opposition in raising this issue, particularly the member for Unley who has pursued this matter for a considerable period of time. I think it is unfortunate that members tend to stray into the partisan area. This issue is too important for people to try to win a political point. We should remember that this is about not only those who have been aggrieved in the past in a very serious and evil way but also children, present and future. I will make a few general points before getting to the commission of inquiry.

It says something about our society that we need a commission of inquiry to look at children in state care and that we need to look at the issue of children in the care of particular religious bodies, and it says something about the way in which our society relates to children. We have a long way to go in terms of getting to a point where all children in our community are appreciated and treated with the respect to which they are entitled, and feel wanted and enjoy the love and affection of their parent or parents and other family members.

If one looks at some of the basic issues, that lack of care and concern for children is still evident. Even as recently as last week I saw, first hand, some excellent examples of parents who relate to their children in a wonderful and positive way but also some very negative examples of parents treating their children harshly and speaking to them in an aggressive way. People might say that is not all that bad and is not as bad as sexual abuse, which is an evil activity sadly often involving children, but nevertheless we still have far too many examples of children in our community being brutalised in addition to their being sexually and physically abused or suffering from neglect. The greatest sin against a child is for a child to be unloved and unwanted, yet that is the very thing that our society (community and governments) cannot easily provide to those who lack that care and affection.

It also suggests not only a lack of valuing of children but also the fact that we have people who prey on children in a sexual way suggests that our society has a long way to go in terms of being able to deal with issues of sexuality in a mature and responsible way. I cannot understand the mentality of people who prey on children: it is completely foreign to me how anyone can find a child in any way sexually inviting, and I find it strange as well as abhorrent. Some people have said to me that it is an illness. I am not an expert in that field, but, if it is an illness, paedophilia needs treatment and also in our society punishment. It is not the province of this commission, but I would like to see the government put some effort into encouraging people who may have these evil intentions to seek help and come forward before they damage someone's life and prey on children. If they have that tendency (that evil intent and desire), I think the community, and particularly the government, should be doing all within its power to encourage those people to get treatment and help so that they do not inflict their behaviour on young children.

That is easier said than done, and I do not know what this inquiry will uncover but, if you look at what has happened in some of our churches (and I point out that most people in any religious denomination are not involved in paedophilia nor are ever likely to be), what an indictment it is that people in religious organisations have been preying on children in the very institutions that should be the last places that that should occur. As I said, I am not sure what this inquiry will uncover and I have not had a lot of people coming to me raising allegations. I do not deny that other members have, but I have not had many people come to me on this issue, and certainly not while I was minister, otherwise I would have taken the matter further.

I believe this inquiry is necessary. As I said at the start, I think we should put aside any attempt to score a partisan point about who did what in terms of initiating action. The commission of inquiry bill is before us and we now have an opportunity to do something to give a sense of justice to those who have been aggrieved and wrongfully treated where they have been in the care of the state. However, I think we need to remember also (and I am mindful of what the Minister for Education said on the weekend about requiring criminal checks in relation to all teachers) that we have to be careful, as in the case of those in religious organisations, not to suggest or imply that all the people in those positions of care in state organisations, private organisations or religious organisations have or have ever had evil intent or done evil things involving children. For example, if you look at our teaching service (private schools and public schools), the number of teachers who engage in anything which is remotely like child sexual abuse is infinitesimally small, and that is to the great credit of our teaching profession. Likewise, I would suggest that in terms of youth workers, social workers and other carers the percentage of those who abuse children is likely to be very small. One hopes that it would be zero, but that would be being somewhat naive.

I have an open mind in terms of who should head this inquiry. I understand that the government has announced a possible commissioner. I also understand that others have alternative suggestions. I do not know any detail regarding any of the nominees to be in a position to make any dogmatic statement at this point in time, but I am interested to hear any subsequent debate on who should be the commissioner and, importantly, who should assist the commissioner, because I think that you need not only a legal mind but also someone who has other skills. That is not putting down the legal abilities, but you need people who have other skills which may well come in the category of investigative skills, and also someone who understands issues relating to child

development and the abuse of children. So, I think you need a combination of talents. I think it is unlikely that you would find one person who had all those talents. The consideration needs to be that there be a combination of legal skills and investigative-cum-child-abuse expertise as well.

If members reflect, I think it is fair to say that we have come a long way in terms of uncovering this evil in our community, and that is not passing judgment on what this commission will uncover. However, I think it is fair to say that it was not that long ago that the issue of abuse of children, sexual or otherwise, was largely swept under the carpet. So, as a community, and I think to the credit of this parliament, the government, the opposition and other members, I think that we have come a long way, and I trust that this commission of inquiry, focusing in particular on children in state care, brings a sense of justice to those who have had the tragic misfortune of being molested and abused in one form or another.

I indicate that I will be moving an amendment that provides under this bill the authority for the commissioner to refer any matter which comes to their attention and which is not directly relevant to the inquiry to any other person or agency as the commissioner thinks fit. I am keen for that to be included because I do not want to see a situation where we have an inquiry, and get to the end of it and find that there are other areas which have not been brought to the attention of the authorities and which remain unexamined.

So, we have taken one big step forward, but we have not really tackled or become aware of other aspects that need to be investigated. I do not know what they could be, but I think it is important that the commissioner be able to say, 'Look, he or she investigated this particular matter relating to children in state care but I am aware of other areas that need to be further explored.' So, that is the rationale for the amendment which I will move during the committee stage.

I commend the bill and am interested in participating in the committee stage. I will be taking a keen interest in the various amendments which are on file—and there are quite a few of them. I look forward to the day when we no longer have to contemplate having a commission of inquiry, when our community values children, and to a community which is healthier in terms of its attitudes towards sexuality and does not see children as part of the activity of those who wish to prey on the innocent and the young. I commend this bill to the house and trust that it will bring to those who have suffered greatly a degree of comfort that they are currently lacking.

Ms BREUER (Giles): I think as a member of government it is important to speak in support of this bill, and I believe that this is one of the most important bills that we as a government have brought to this parliament. I also think that it is indicative that a Labor government has had to do this. I find the hypocrisy of members opposite unbelievable. For six years they sat there and said and did nothing. The women members of parliament tonight have been particularly vocal about the importance of this, yet they sat there through that last term of government and nothing happened, and nobody said anything about this.

The member for Heysen stated that they did not know about it. That is an unbelievable statement. We have all known that child abuse has existed in this society and has existed in South Australia for years and years. They were in government at the time. They must have known what was going on. They must have known what was happening. I find that statement unbelievable. No wonder we are in the state in which we have been in recent months where every time you pick up a newspaper there are articles and every time you watch television there are articles; it is an amazing situation to be in.

The hypocrisy, and the sanctimonious twaddle that has come from the members opposite appals me when we are talking about an issue as important as child abuse. We should not be politicising this issue. We should not be politicising this bill. We should all get behind this bill and support it totally. It is amazing that you are trying to grandstand on this bill.

Why are members opposite wasting our time? For a start, the speeches: why do you, as an opposition, go into so much detail in your speeches? Who do you think reads your speeches? Why do you go into so much sanctimonious twaddle when an issue like this comes up, and you sound all indignant about what is happening, having sat there for all those years and done nothing about it?

Members interjecting:

Ms BREUER: I am sure that my constituents do not read my every speech, and I just cannot understand why opposition members feel it necessary to stand up every time and carry on with this drivel when we should be getting this bill passed as quickly as possible so we can get on with the big issue of actually finding out what has happened in our institutions and doing something about it. We are all appalled by child abuse. Anybody who is not should never be in this place. Of course we are all appalled by child abuse. It is an absolute stain on our society and I cannot get over its extent and the damage that it has caused, as we have seen in recent weeks in the newspapers and as has been revealed to us. Everywhere you go you are hearing about this. It just amazes me that it has gone so deep.

Instead of this pious hypocrisy that we are hearing tonight, why do not we just get on with the inquiry. Justice Mullighan is a man of integrity; we know that. I am sure that the voters of South Australia do not want us to be putting someone in from another state with considerable expense to this state. Are we saying that nobody in this state is capable of being impartial when heading up an inquiry on this subject? That means that the Church of England inquiry was just a waste of time—those people should not have been doing it; they were not capable because they come from South Australia.

We want to put our money into doing something about this issue, in providing support for the people who have been affected by it. In making sure that it does not happen, we should not be spending money on expensive judges and lawyers and whatever from interstate—use our local people. I cannot believe the hypocrisy of the people opposite. Let us just get on with the job. We all acknowledge the issue. You wanted the inquiry. We, as a Labor government, are finally doing something about it. We are finally getting an inquiry off the ground. Support it, and let them get on with the job.

Mr SCALZI (Hartley): I too, wish to make a brief contribution to this very important debate and support the bill to establish the commission of inquiry into children in state care. I commend the Leader of the Opposition for his persistent and consistent push for an inquiry into this matter. I remember too well, last year in front of Parliament House, when there was a demonstration and it was the Leader of the Opposition who addressed those who were aggrieved. If I recall correctly, Mr Speaker, you were there at the time as well, as was the member for Mitchell. For a long time, for too

long, members of the public who were abused as children under the care of the state have felt aggrieved. Abuse is something that we all abhor. We find it abhorrent whether it takes place in private institutions, in public institutions or in family homes.

We have had inquiries into the Anglican Church and, as the member for Fisher said, we have had inquiries into the Catholic Church, and it is only right that the government looks in its own backyard. We must bear in mind that, in all these areas of reported abuse, the great majority of workers, those who are in a position of care, are not perpetrators. They are people of goodwill who make sacrifices and do their utmost for the care of children. Let us not lose sight of that. I hope that in this inquiry we also protect those innocent people who give up so much of their lives for the protection of children. It would be a great injustice if someone were to be accused of child abuse when they were innocent.

This inquiry needed to take place. I am pleased that the government has finally, under pressure, agreed to the inquiry. Let us not be mistaken in believing that, if it were not for continuous questioning by the opposition and Independent members, this inquiry would have taken place. I found it a bit strange that the Premier was quick to condemn the Anglican Church, but very backward in coming forward to have an inquiry into the government's own backyard, into state care.

Ms Rankine: It is your backyard as well.

Mr SCALZI: It is all our backyards, but it is the government that is in charge. The government of the day could have had this inquiry six months, 12 months ago, and it did not move as quickly as it did when it supported the movement in other areas where abuse was alleged. Let us not forget that the Hon. Andrew Evans of Family First was responsible for lifting the pre-1982 obstacle to enable inquiries into sexual abuse.

I have the greatest respect for Justice Ted Mullighan. I am on the Reconciliation Council and he is the chair. It is a pity that the government has mishandled this. It should have appointed the commissioner after the legislation was debated in this place. That would have been the way to go, because the opposition does have concerns and it does have amendments, and the bill should have followed its natural course and then the government could have appointed an eminent person such as Justice Mullighan. I believe that this is an inquiry that we could not have avoided and the government has finally agreed and I commend it for doing so, even though it is at this late stage.

I look forward to the committee stage so that we get this inquiry off the ground and make sure that children are protected at present and in the future, and that those who were abused in the past feel a sense of justice. I understand that the government has put in some resources in this budget and I commend it for that, but if we do not look at the wider issue of why abuse takes place, of how we can strengthen children so that they are prevented from being abused; if we do not reinforce parenting skills and try to rehabilitate people who are likely to offend and make sure that we deal with them before they offend, then all the inquiries that we have will be to no avail. If this abuse continues, then we will have failed. We must not only investigate but also come up with constructive answers to make sure that this does not continue.

Ms THOMPSON (Reynell): I had not intended to contribute in this debate. I think the minister and other speakers have indicated extremely well how it has come about that the government has decided to proceed with this inquiry and also the calibre of the person who has very bravely agreed to undertake this inquiry if requested. But I have been amazed by the statements that have been coming from members opposite for quite some time now about how they did not know about this problem and that is why they did not do anything while they were in office, and how we were suddenly supposed to fix up years and years of abuse of children in all sorts of situations that they had managed to ignore completely for the whole period they were in government, including their failure to lift the barrier to prosecution.

In response to those statements I did a quick check of *Hansard*, because I knew I had spoken about the topic on at least one occasion. I found that on 30 March 2000 I spoke about this topic and referred to a report in *The Advertiser* of that week headed 'Violent homes linked to abuse.' This referred to a study from the Australian Institute of Criminology. I was also speaking about the activities of an important former group in the south, SSAFE, which stands for Surviving Sexual Abuse by Finding Empowerment. SSAFE does not exist any more in the south because the former government withdrew all its funding. I will summarise what I had to say.

The Advertiser reported that about one in four girls and up to one in seven boys are victims of sex abuse. It indicated that the report 'Child abuse and neglect', by the Institute of Criminology, strongly links domestic violence and child sexual abuse within families. It showed that children are victims of abuses ranging from paedophilia, child pornography and child prostitution to ritual or satanic abuse and systems abuse of foster children. It found that abused children were more at risk of juvenile delinquency, youth suicide, homelessness and mental health problems. I then reported on some of the history of SSAFE and its struggle to obtain funding from the previous government, and I concluded with a few statistics.

In 1998-99, 543 people approached SSAFE for support, 122 of whom were in the 36 to 41 years age group, the main category. In the younger age group, six to 11 years, there was one person, three were between 12 and 17 years and 33 between 18 and 23 years. Of these people, 482 came from the city of Noarlunga. In that small city of Noarlunga in one year, 482 people had come forward to seek support in relation to child abuse. SSAFE tried to provide that support. It struggled for several years on totally inadequate funding. The stress placed on the workers who were trying to provide this support was such that two of them in succession had to leave their jobs because of stress and, in the end, the former government just abandoned the funding, gave a minuscule amount to another agency, and SSAFE was no longer able to provide the support services that it did.

It had provided both group and individual counselling as well as providing a network for self help groups. This I reported on 30 March 2000. The former government did nothing. The Labor opposition set about developing a platform for what it would do if ever elected to office. It was elected to office, and one of the first things that it did was commission Ms Robyn Layton to conduct a review of child protection services. In three weeks that was done. Nothing was done from 30 March. I am not suggesting that my speaking in the chamber was going to cause the previous government to take any notice, but there was an Institute of Criminology report, there were *Advertiser* headlines, and the then government did absolutely nothing. Members opposite cannot say that they did not know.

If they did not know, they were blind and deaf as well as dumb. And deliberately not taking notice of what was going on. I think it is an absolute travesty that these people should come into this chamber now and be suddenly outraged by what has happened to the victims of sexual abuse. I have been outraged by it for some time, and so have many of my colleagues who set about this huge commitment to the review of child protection services. It is no excuse that you did not know. You did know. You ignored. You did not think it was important until, suddenly, a couple of cases came before you and you saw the actual impact. I had seen the impact. I had heard parents talk about the tragedy they felt as their family broke up. I had seen people who had been in all forms of relationships inside and outside families who had been abused. We are still focusing on the minor area in terms of the numbers, not in terms of the importance of abuse. About 80 per cent of child sexual abuse occurs within the family or within known relationships. We are focusing on this area of institutionalised sexual abuse. It is an important area.

As members opposite and on this side have said, children have the right to feel safe when they are placed in the care of their parents, the state, foster parents, community organisations or whatever. Children have the right to feel safe. We have been diverted into one area when the efforts of the government have been to try to deal with the whole area. We have acknowledged that this matter has gained a level of public concern. It was necessary to respond to that concern, but there are many more problems.

In the last meeting before SSAFE was wound up, there were reports of satanic ritual abuse. Four agencies reported that clients had come before them talking about satanic ritual abuse. This was also mentioned in the Institute of Criminology study. The workers involved in that study discussed the fact that even they had been horrified that this could possibly happen and, at one level, they were doubting it. But when four of them experienced the same situation they did a quick exchange of names and discovered that they were not talking about one person seeing four agencies, and they were absolutely horrified. I am quite confident that some of those workers would have raised the issue within their agencies as I raised it in the parliament.

But where did it go? Probably not even past their manager's desk, because the messages from the previous administration were that child protection did not matter. Foster care services were run down. Foster parents were turning in the job one after the other. I know of several foster parents who gave up the job because of the lack of resources and support and the silly conditions put on them every time there was an issue with a child. The previous government ignored this issue. The fact that members opposite now come in here and bleat about not knowing about it leaves them condemned by their own words.

Mrs MAYWALD (Chaffey): I very strongly support the government's initiative to establish this inquiry. This state needs to be able to deal with the past before it can move on to the future. For too long we have heard rumours, allegations and unsubstantiated evidence. We have heard stories about things being swept under the carpet and about people who feel that the justice system has not supported them. These people are victims of child sexual abuse. Many are adult survivors of child sexual abuse. Our children are our most valuable asset.

Tonight we have heard much debate about the issue of child abuse, but we need to be moving on from the detail of each individual allegation about who did what and when, which government did what and which government did which. The important thing is that we get on with the inquiry. No-one is above reproach on this issue. It has been going on for far too long in this state, and in the past this state has not dealt with it effectively. This is our opportunity to deal with it effectively and, in doing so, we need to be careful that we do not fall into the trap of dealing with it from a political perspective in terms of who will get mileage out of it.

Whether this government or the previous government had anything to do with it is not the issue. We need to be able to deal with the issue independently of this place and in an appropriate way. We need to get on with it in a bipartisan manner, and the longer we prolong this debate the longer we make light of the issue. We really need to get down to talking about what happened to enable someone to look at it in an in-depth and appropriate way independently of this place, independently of politics and independently of the 'who's who' of who should conduct the inquiry.

Let us get a respected person (identified as the person the government is prepared to appoint to this inquiry), a person of high standing in this community, to conduct the inquiry. We need to move forward from the debate about who and get on with the job. I support the government's initiative to establish this inquiry. I think that, for the sake of the victims and for society in the future, we should deal with the bill in the most expedient manner, set up this inquiry and get the real issues into the arena where they can be dealt with.

Mr CAICA (Colton): I, too, will be brief. Within the normal political time frames to which I have become accustomed, I believe it is safe to say that our government acted within a nanosecond to address some issues that have occurred over many years; that is, as soon as we came to government the Layton inquiry was established. That was a necessary inquiry to ensure that we could take the next step. I believe that the government acted in an extremely timely fashion to ensure that it was setting up a proper structure to address the ills that people knew existed for a long time with respect to child abuse in this state.

If one listened to the opposition members who have spoken tonight one would believe that issues of child abuse have occurred and been identified only in the most recent times, when we know for a fact that successive governments have been aware of these issues for some time but did not have the incentive at all, it would seem, first, to admit that these things were happening and, secondly, to make any attempt to identify the problems and then remedy them. Of course, that is a nonsense. As I said, successive governments could have done something but did not. I am very proud of the fact that, as I said, within a nanosecond of our coming to government we initiated the Layton inquiry, which was an extremely important first step before going to what is this necessary second step.

I would urge the opposition not to play politics with this issue and to provide the bipartisan support that is necessary so that we can move forward in such a way that we as a community can undertake what is a healing process. It is extremely important that this inquiry is undertaken. For those who have suffered the injustices of the past, it necessarily has to be part of a healing process, and these people need to be provided some justice. We need to set up a system to stop this systemic abuse that has occurred in the past happening in the future. The only way we can do that is by admitting what happened in the past and ensuring that the perpetrators are

dealt with appropriately, and just as importantly that the structures for looking after our children—which, indeed, were not looking after our children—are fixed in such a way that this can never happen again.

Today I was somewhat disturbed by the manner in which the opposition tackled the issue of the possible appointment of Justice Mullighan. At least we attempted to go through a process of consultation which is far removed from what the opposition would have ever attempted to do when in government. The opposition played a shabby piece of politics today in respect of the possible appointment of Justice Mullighan. This inquiry is necessary. I think everyone in this house believes that. The opposition ought to approach it in a far more bipartisan manner and let us attempt as a parliament to address the problems that have existed in the past and to ensure that justice prevails and that such situations cannot occur again in the future.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

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

Motion carried.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I rise to close the debate in relation to this matter and acknowledge the contributions made by all members. I note that there is a broad cross section of support for this extremely important initiative, that is, the establishment of a commission of inquiry in relation to children in state care. It is worth beginning with a brief statement in relation to the beneficiaries of this legislative measure: the majority of children who have been placed in care come from the most marginalised and underprivileged group in our society. They have included children with disabilities, children from racial and ethnic minorities, Aboriginal children and children living in poverty. One thing which characterises each of these classes of children within this area of state care is their vulnerability and their lack of access to power or the institutions of power.

Sadly, in the past, children in these institutions, whether they be in foster care or other institutional care, have also lacked value in the eyes of people in the community. They have not been worth enough to care enough about. That is the simple and appalling truth with which we are confronted as we consider the circumstances which lead us to this point. All that we have witnessed about the children and their complaints being ignored, their truthfulness being questioned and their reliability being called into doubt has flowed from that simple and appalling truth.

What is likely to occur out of this inquiry is an extraordinary amount of embarrassment, that is, embarrassment to all of us as citizens of this state. No doubt, it will uncover matters with which many of us will feel extraordinarily uncomfortable, but uncover those things it will.

I do not want to descend into the rights and wrongs of any of the points that have been made by members opposite in this debate, but I must say that the debate only underscores the concerns that this government had about the nature of an inquiry of this sort. There have been a range of very constructive contributions (amongst them I number the member for Unley), and there have also been some extraordinarily destructive contributions (and I will not name them or dwell on them). However, suffice to say that we have reached a constructive point; that is, there is a consensus that an independent inquiry needs to be established to look into these troubling matters.

The primary and overarching objective of this legislation is the healing process. That is why we took care to seek a commissioner who would bring to this process the skills which will promote healing. We believe that we have found such a person in Mr Justice Mullighan. The sole motivation of this government in seeking to speak with the opposition prior to making a public expression of our intention to promote Mr Justice Mullighan was to seek consensus for his appointment, because I believed that was important for the strength of the inquiry. That was my sole motivation for seeking to promote this idea with the opposition. Instead, we have been criticised for somehow preempting the work of the parliament. I would have thought that making our intentions clear prior to debating this matter would provide all parliamentarians with more information about the government's intentions should this measure pass than otherwise. I cannot see how we can be criticised for providing more rather than less information to the parliament.

I make another broad observation about this debate and our role as elected leaders. It is absolutely crucial that we all play a role. Mr Speaker, I know that your motivations in respect of this matter and those of many members of this chamber have been along these lines, but it is important that we keep in mind that we have to restore public confidence in our institutions. I know, sir, that that is what motivated you in respect of many of the matters contained in the compact, and I know that that is what motivates you in relation to these matters, and it motivates the way in which this government has approached this matter. We must restore public faith in our institutions.

Some members disagreed with the fact that we established a helpline. I made a plea to the leader of the opposition and members opposite to exercise leadership and explain to those who rely upon them and their judgment that this is an independent process and that it is being promoted in good faith to assist these victims to heal. I am glad to report to the house that over 200 people have availed themselves of that opportunity and that many of those have reported these matters for the first time. They have never before had the opportunity to speak to others about this. The material that is provided to Relationships Australia will not be disclosed to the government, but the healing process has begun through that means.

In the same way, I ask all members who may be concerned about the appointment of a judge from this state to listen to the remarks of the members for Heysen, Bragg and Enfield. If they do not accept what I say about the integrity of Justice Mullighan and his suitability for this role, I ask them to listen to those members who have had the opportunity of working with this man. He is a man of the highest integrity and he is eminently suited to this task. If this bill passes in the manner in which we propose, I ask members to exercise their responsibilities as elected leaders to speak to the people who may have anxiety about these matters and persuade them that they can have confidence in this inquiry.

I think it is a matter of the highest public interest that we seek to rebuild faith in our public institutions. There is a point at which we have to trust institutions, even those around which questions have been raised. This process should make its own contribution to that. Those are the only broad remarks that I wish to make. I do not wish to detain the house by responding in detail to the matters that have been raised. I

will address specific questions on the clauses as they are discussed in committee.

Bill read a second time.

The SPEAKER: Years ago when I was attending Urrbrae, I first became aware of the effect that abuse of children could have on their personality development. Instead of being able to go home at four or even five or 5:30 p.m., I almost always had to wait in the city and do my homework in the reference library on North Terrace, as it was then known. I would often wait until 9 p.m. before setting out with my brothers to return to our home in the hills. During that time, I became aware of many things which I suspect most adolescents only heard about or had fleeting contact with. There was a significant subculture in this city at that time in which the kinds of activities of which all members have spoken in appalling terms occurred.

I agree with the minister and all members that we have to make it possible to obtain closure on what has happened in the past and to establish a social framework which absolutely, concisely and deliberately abhors and rejects anybody who believes that it is legitimate to abuse children, especially sexually. I want to give the house an example of those scores of statements which were provided to me in the course of the work I undertook after seeing again the awful elements of child sexual abuse that became apparent to me, regrettably, through the fleeting contact I had with Terry Stephens, and I set out to have something done about it. It was, in fact, in June 2002 that I went on the public record and said that this inquiry is essential if we are to get closure and to claim, properly, to be a civilised society in the 21st century and, by example to other societies, show the way to get that closure. The government is to be commended for what it did with the Layton report but, as I pointed out to several ministers (particularly the Attorney-General at the time), it was not adequate.

I want to read to the house a classic illustration of the failure of our state parliament and its processes of review to keep pace with the times and our needs in social development. We have an enormous, festering blind boil of paedophilia (sexual abuse) and related physical abuse, most of which occurred in our state institutions, not in the church institutions; or to wards of the state where they were allotted to care in institutions, some of which were not owned or operated by the state but by the churches. It was ignored by most people because, as politicians and bureaucrats still tell me, and some notes that I have made of those remarks are:

> Peter, who cares? There are no votes in it. And, in any case, what you're taking on is a multi-headed hydra. . . The people who claim to be victims are all nuts or criminals; and the people whom they accuse are some of the most prominent figures in the public service (even judges!), church figures and others who are captains of industry, and even include politicians! You cannot win! Those who claim to be victims are unworthy of your time and will die in your arms, whilst those who are the perpetrators have the power and position to skin you alive if you dare [expose them should the allegations made about them be true].

Well, I dare, and I did. I have been close enough to it on occasions to know that the victims are real people whose lives have been literally trashed by those who have buggered them and betrayed the position of professional and pastoral care and public trust that they have held by indulging their lust at the expense of the lives of their child victims. Those children often became criminals in consequence of the way 'the system' treated them, and let me illustrate that by telling the story of Brian Usher, one of the victims of the several score about which I have told the house already.

I know the shame of successive state governments is greater in numbers and life consequences for its victims than the shame of the churches. Brian Usher is a constituent of mine. He is a respected, responsible adult who now runs his own business and employs several people, and I have not only his authority but also, because of his trust, his encouragement to tell his story, and I will quote him. He states:

> In 1954 my parents ended their short marriage. There were three children. My sister went with her mother, and my brother went with dad. Being the eldest, I was sent to a place called Glandore Boys' Home run by the Children's Welfare Department. Like all new arrivals, I was taken to the ablution block by an officer and told to take a shower.
>
> As I was drying myself the officer said, 'Bend over the table.' When I asked [in astonishment], 'Why?', he grabbed me and held me down and raped me. And when he had finished he said, 'You're going to be here for quite a while and if you say anything I will make your stay here hell.' I was seven years old at the time. The aching pain that day was the start of ten years of hell that I and a lot of others went through. This same officer was arrested a year later. At least 15 boys were assaulted by him [that I knew of, yet] I never heard if he was charged.
>
> I escaped many times from that institution and in the end they sent me to a place called Bedford Park Boys' Home which is now Flinders Medical Centre. The mental, physical and sexual abuse continued, so I ran away again (lots of times) going to all parts of the country to escape this torment, sometimes being away for months but eventually being apprehended and brought before the Children's Court and charged with 'escape lawful custody' and any other bloody crime they needed to clear up from the police books.
>
> It was a thing of the times in those days that any break-ins that occurred at the time of a juvenile escape were put down to the kid on the run. So here we are, going from being a neglected child to a criminal in two easy steps. Granted, a lot of boys broke into places on the run [but] I was not one of them. [However, I understand what they suffered and why they did it.] In general, they needed sustenance, so what else could they do? But not me. I survived by the kindness of and generosity of truck drivers [quite by accident]. That's why years later I became one.
>
> After being caught from escape number 47 I think I was once again in court with my probation officer who at the time was a man called Mr H, a one-time footballer for North Adelaide and I decided to let the magistrate hear what was going on, but as soon as I tried, the magistrate told me to, 'Shut up,' and said, 'Little boys should be seen and not heard.' Great, no help there. So after court Mr H asked me what I knew, and I told him names and all and he advised me not to repeat it as, in his words, 'worse things could happen'.

I can tell this house that I know worse things have happened. He continues:

> He took me to my next boys' home. The greatest shit hole of all, at Magill Boys' Reformatory, now known as McNally Training Centre, and I was told I would not be able to escape from this one. . . Let me provide some insight into what happens to a boy on arrival at Magill if he has escaped from other institutions. After being sentenced by the courts you are taken to Magill and then next morning called out in front of all the others and this delightful officer then proceeds to give you 20 lashes on the arse with the cane.
>
> This is over and above the sentence handed down. Prisoners in Yatala Labour Prison are given more respect than we got. You have to understand that at the time, welfare officers, magistrates, and in some cases, law enforcement officers, were mainly immigrants from the UK who got these positions because of their experience and service in these institutions in the old country. In fact, Mr H once said to me, 'It's an old boy's club and you are wasting your time trying to fight it.' The routine at Magill was such that it was run in the style of a regime—scrubbing floors, marching, running until you dropped, and gymnastics, not the type applied by the Institute of Sport, I can assure you.
>
> Let me explain the running: picture if you can a building nearly 100 feet long and 30 feet wide made of besser brick and fitted with a tin roof in which in summer the temperature would reach in the high 30s. We were made to run around this place for hours with a rest period every hour for ten minutes. If you stopped, you incurred the wrath of the gym master. Boys who were obese had a really hard

time of it and I saw a lad throw himself into a plate glass window and then run both his wrists around the glass. Blood went everywhere and the officers grabbed him and took him away. We never saw him again but a day later we were told he had a mental problem. Bullshit. That kid was hounded, kicked and punched until he snapped. Nothing mental about that and as usual it was covered up and nothing happened. There was a way out of this nightmare and one could get a day job in the dairy or the garden if you offered favours, if you get what I mean. After three years in that place off and on, I decided to escape, and did. I was never caught again. I went to New Zealand. I have left out names in this statement until I see where it goes and hopefully lots of others will come forward, especially the Aboriginal children from places like Point Pearce who ended up in these places as they had a real hard time of it.

Having spelt that out, let me conclude by making some really, as I see it, important points. The lives of those children, whether Brian Usher's or young girls in our society, that have been traumatised by such experience, and their feelings, are certainly more important to me than the reputations and feelings of anyone who may feel offended if parliament decides in its wisdom to appoint somebody to the tasks that are involved, instance by instance, which gives them, the victims, confidence in the process. Let me also tell the house that at present those victims have no confidence in the process because they were not only abused but also ignored by the system, the police officers, the welfare officers, and the magistrates. Indeed, they knew that some of those people, including teachers, were their abusers and tormentors, and they had no more care for their victims, indeed less care for their victims, than researchers have for laboratory rats. They were there, in the opinion of those who perpetrated their foul lust upon them, for the sake and benefit and enjoyment of the perpetrators.

I am also aware, as other members have pointed out, of the satanic rituals that have taken place. I am also aware of the sexual mutilation of some boys, to which I attempted to draw attention during the debate on sexual mutilation of girls in this chamber, which sensibly we banned. Other members did not listen to me then. It has distressed me that it has taken two years to get to this point. Post-traumatic stress is something serious. It is an awful condition to have to deal with and it is something which needs to be dealt with. I think that honourable members will better understand if I simply point out that the victims from these institutions, having been provided to their so-called uncles and aunts, not filial, but those who came along with the pretence of giving them a good weekend out, but really took them out and if they appeared to be in the slightest bit reluctant to cooperate they were drugged before they were abused and taken back on Sunday night. More often than not when they complained of their condition and their treatment during the weekend they were put in solitary confinement, with no record of that ever happening.

It is an abuse of the name uncle and aunt to refer to any such men or women as being relatives that otherwise should be caring for children. Consider the circumstances of a couple of others, briefly. A boy, six, taken to Fort Largs and compelled upon arrival, because he is the youngest and most recent arrival in the place, to do blow jobs on the boys who were past puberty and his senior, and to do them in public for the entertainment of all concerned before he was allowed to do anything else. A girl, eight, in another institution was belted with a harness girth strap, which is two thicknesses of full hide leather, and after the flogging was totally isolated for two weeks. Not just beaten, honourable members, but flayed, and that happened in South Australia, and in our lifetime, and we did nothing.

I am grateful to those people who have been willing to volunteer to enable me to document sufficient evidence and to keep alight the flame of hope in the minds of those who have suffered, and to finally arrive at the point where we can now have a commission of inquiry. I point out to the house that, for as much respect that I have for every judge on the Supreme Court bench in South Australia and every police officer who is sworn to do their duty, I nonetheless urge the house to consider the situation of the victims who, through that abuse, know that the system cannot be trusted and still fear the consequences where they too know that there are those who spoke out who became so annoyed and distressed by it all that they either took their own lives or when able to prove the guilt of the perpetrator found themselves—well, they are now dead.

It is therefore, in my judgment, entirely inappropriate for the government to place its faith in anybody in South Australia in the expectation that the victims will believe us when we reassure them yet again. It is not the first time politicians have attempted to con them, is the way they will put it. It is my sincere belief also that such a judge as can be found—and I know of one, whom I have mentioned to the minister and to other honourable members who have taken an interest in it, who is a retired judge respected by all sides of politics for his objectivity in New South Wales, one John Nader QC, now currently head of the Professional Conduct Tribunal, as being somebody I consider to be ideal. I need not go into further aspects of his credentials.

In conclusion, I say in relation to this commission and the inquiries it makes that the way in which it is seen to be set up is at least as important as getting it set up. We will not get closure otherwise. Our duty is to respect the elements of the United Nations Treaty on the Rights of the Child. I commend the government for finally coming to that conclusion, in spite of those occasions, frequently, during the last two years, upon which the government has stated its unwillingness to do so. I always felt that the truth would finally sink in. The ministers as I know them are not insensitive and sufficient evidence having been presented now makes it possible for them to come to the conclusion that they have. I thank the house for its attention to my remarks about the matter and wish the bill swift passage through the remainder of its time in the parliament, in the sincere belief that if we do what we know we must we will provide those victims with the means by which they can get closure and will identify the perpetrators and prosecute them for their foul deeds at last.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mrs REDMOND: I move:

Page 2—After line 16—Insert:

parliamentary selection committee means a committee consisting of the Speaker, the Premier and the Leader of the Opposition;

This first amendment includes a definition of a 'parliamentary selection committee'. The intention is that, rather than the commissioner simply being appointed by the government, a parliamentary selection committee be established consisting of the Speaker, the Premier and the Leader of the Opposition. My next two amendments on file are consequential. The second one simply provides a definition that 'State includes a Territory', and that, in turn, is connected to the third amendment which, essentially, provides that the Governor does not simply appoint the commissioner but, rather, that the

commissioner is appointed by the governor on the recommendation of the parliamentary selection committee, which is proposed by amendment 1. So the intention of those amendments is simply to set up a selection committee, consisting of the Premier, the Speaker and the Leader of the Opposition, who will jointly come to a conclusion, and the other two amendments stand or fall on that first amendment.

The Hon. J.W. WEATHERILL: We oppose the amendment. I think I have adequately canvassed that in the questions and answers that occurred in question time today and the debate that has occurred in the house.

The ACTING SPEAKER (Mr Snelling): We will deal with amendment No. 1, then the honourable member can divide on that as a test and then proceed accordingly.

Mr BRINDAL: I want to be clear. By not accepting the amendment it means that the government is minded to move in line with its own bill to appoint a commissioner who, you informed the house today, is likely to be the Hon. Justice Mullighan. If the members of the opposition want someone from interstate or, indeed, want any other thing, they just have to vote for the amendment. This is that test clause, is it not?

The Hon. J.W. WEATHERILL: Yes, that is it.

The committee divided on the amendment:

AYES (17)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Chapman, V. A.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M. (teller)	Scalzi, G.
Venning, I. H.	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Hanna, K.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W. (teller)	White, P. L.
Wright, M. J.	

PAIR(S)

Buckby, M. R.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	O'Brien, M. F.
Williams, M. R.	Rann, M. D.

Majority of 4 for the noes.

Amendment thus negatived.

The CHAIRMAN: The member for Heysen has indicated that amendments Nos 2 and 3 standing in her name will lapse. Is that right?

Mrs REDMOND: That is right.

The CHAIRMAN: Amendments Nos 2 and 3 standing in the name of the member for Heysen are consequential and are therefore not proceeded with.

Clause passed.

Clause 4.

Mrs REDMOND: I move:

Page 2, after line 22—

Insert:

(2a) The person appointed under subsection (2) must be a judge or former judge of the Supreme Court of a State (other than this state).

This amendment seeks to ensure that the person appointed to the position of commissioner to conduct the commission of inquiry must be a judge or a former judge of the Supreme Court of a state other than the state of South Australia. For reasons more eloquently put by the Speaker during his address and by a number of other members, it is clear that in the view of many, whilst we have no personal axe to grind against Mr Justice Mullighan and whilst we think that he should be held in the highest regard, it is nevertheless the case that the nature of this inquiry and the indications that we have so far on the likely scope of the inquiry are such that its tentacles will potentially reach into very high places.

No person in this state, no matter how honourable, sincere and independent they might try to be, will be able to be kept away from the possibility that this commission of inquiry may touch upon someone they know, who is close to them or with whom they have worked, and so on. The opposition takes the view that this amendment is appropriate to ensure independence and to demonstrate to the people who come before this commission that they can be confident that, in doing so, they will have someone who is absolutely independent and seen to be independent. We therefore move the amendment that the judge must be from another state.

The Hon. J.W. WEATHERILL: For the reasons outlined earlier, the government believes that it is appropriate to seek (and, indeed, we believe we have found) an appropriate judge or former judge of the Supreme Court who is more than capable of carrying out this important and sensitive role.

The Hon. R.G. KERIN: I want to make a point and, on behalf of some of the victims, express my disappointment. I have spoken to a couple of victims tonight and, on behalf of those victims, I would like to speak to this clause. I think it is a pity that more members have not had the opportunity to speak with some of the victims. We heard from many government members tonight, and I got the impression that some of them are born again supporters of the inquiry, yet less than a month ago we were told that there would be no inquiry. A lot of people will now be happy that the government has come around, but some of the statements made tonight were quite surprising given the history of this matter.

The disappointment of victims basically comes from the example I gave this afternoon when I spoke to this bill in terms of the attitude of some of them to the help line. I made the point that the initial response of some victims would be that it is conspiratorial. However, if one looks at the way in which these people were treated over many years and the fact that they have had no opportunity to get closure or justice in any way or have people take them seriously and to be valued, one can understand why they see it as conspiratorial.

Some victims made the point to me that they thought that the hotline might just be the government's way of trying to find out what victims were out there and that their files would disappear. We know that that is not the case. However, unfortunately, their trust in the system was broken so badly years ago that these people see not only a department and its predecessors but also, to a certain extent, the parliament, the police and the judiciary as part of the system because this is the way they were treated. A whole system let down these people. I know that we are not intending to divide but I make the point that these people will be disappointed.

It is no reflection on the individual, but they have relayed to me that they see the appointment of a South Australian judge as picking someone within the system to judge the system. On behalf of the victims, I make the point that they are somewhat disappointed about that. They view the appointment with some suspicion. Over time we will encourage these people to come forward and hope they understand that they will be protected by this inquiry. I think it is important that members who have not had the opportunity to talk to some of these people understand why there will be a lot of concern from some of the victims about the appointment of someone from South Australia as commissioner. Let us forget the name of the person: the fact is that they see it as a part of the system which let them down and which allowed what happened to them.

The Hon. J.W. WEATHERILL: I acknowledge the important point made by the leader but I repeat the offer that we have made consistently throughout this debate. Calls were made for a royal commission, and we have moved to a position. If the opposition wants to take credit for it and say that it is all their idea, frankly, we do not care. We are about trying to find an outcome for the victims of this sexual abuse. The Leader of the Opposition expressed scepticism about the helpline. I went to see him, and I tried to assure him that this was an independent process and that some 200 people have taken advantage of it.

In relation to this inquiry, concerns have been expressed about this judge being from this state. Once again, I offer the hand of bipartisanship and invite members opposite to support it and to explain to those who have doubts about this process that Mr Justice Mullighan is a man of integrity—something that they know to be true. We ask the opposition to do that and to make a constructive contribution.

We have moved an extraordinary way towards the position of members opposite. This is an important opportunity for us to work together to build public confidence in this process upon which we are embarking.

Members interjecting:

The CHAIRMAN: Order! The committee is becoming quite disorderly.

The Hon. W.A. MATTHEW: Has the minister considered what action may be necessary by his commissioner if evidence comes forward that people will not give evidence because they see the commissioner as being compromised simply because he is from South Australia—no reflection whatsoever on the commissioner? I put to the minister that people who have approached the opposition are concerned that, if the commissioner is someone from this state, regardless of the repute of the commissioner, they do not feel that they can give evidence because they see any person from the current system as being potentially associated with the things about which they are aggrieved. Has the minister considered the effect that this could have on the inquiry? Has the minister considered what steps may need to be taken if someone brings evidence before the commission that is directly related to a case where the commissioner may have presided in his legal capacity at another time?

The Hon. J.W. WEATHERILL: Of course some care has been taken to choose someone that obviously has not been involved in controversies that are most likely to be raised before this body. I repeat the observation I made earlier: elected leaders have a role to play in dealing with their constituents, that is, to exercise the function of leadership to persuade them that they should have confidence in this man who is beyond reproach. That is an important duty, and people should not shrink from that important duty.

A number of people will be appointed to assist the inquiry, including, indeed, someone with social work qualifications. There will be counsel assisting the inquiry, and they can assist those people to have that confidence in the inquiry. For those people for whom the inquiry is not a solution (and many will choose not to use the inquiry as part of the healing process), there is our helpline, and many have availed themselves of that process. They have availed themselves of face-to-face counselling, and we encourage others to continue with that process.

The Hon. W.A. MATTHEW: With respect, the minister is skirting the point. The point is that there are people who wish to come forward to give evidence to this commission who do not feel that they can do so if the commissioner is someone appointed from this jurisdiction. However, an appointment from an outside jurisdiction will enable them freely to come forward and to give their evidence. I put to the minister that this is a matter of perception, and perception in this sort of issue becomes reality.

We are dealing with people who have been referred to by authorities, even by members of government, as insane and requiring medical attention, and in many situations the people with whom we are dealing do appear to have difficulties, and that is not surprising. Many of them have been subjected to horrendous abuse. They have turned to drugs of addiction or antipsychotic drugs. They have often been in and out of state mental institutions. They are people who are aggrieved and who are looking for a solution to their problems. Why is it that the minister will not have someone who is impartial and whom those people see as impartial and to whom they can go? They do not feel the same about an appointee from this jurisdiction.

The Hon. J.W. WEATHERILL: This really touches on a contribution that I made earlier. At some point members have to take seriously their responsibilities about advocating for and restoring public confidence in our institutions. Let us take this to its logical, absurd conclusion. We have a police force which has been in place during this whole period. Are we not to take allegations to the police because this police force may not have acted on allegations in the past? That is absurd. There are some basic institutions in civil society which members of this parliament are obliged to stand up for and defend. Participating in the debate in this way does nothing to assist the healing process, and that should be what we are on about.

Mr BRINDAL: The Anglican Church had an inquiry and I note that people went to that inquiry and that the inquiry had a satisfactory conclusion. I ask the minister: is that the parallel you are drawing for this committee, and is that what you are telling us we should be doing?

The Hon. J.W. WEATHERILL: The member for Unley makes an intelligent point. I must say that he has been a breath of fresh air in seeking to take the opposition from its extreme position to a position where we are now able to pass this legislation, hopefully some time this evening. After the Anglican inquiry and the Catholic inquiry, the demand was placed upon us that we should look to a similar model: that is, a retired judge and a person with social work qualifications to assist the inquiry into the process that was handled by relevant institutions and, in this case, the state. That is the model that was urged by the member for Unley by way of a compromise. It moves away from a broad free-ranging royal commission model into the truth of allegations; it is a more

limited inquiry, and that is what we have taken as the template for this legislation.

The Hon. I.P. LEWIS: The minister is correct. He has drawn attention to the necessity for us to have what is seen to be an objective commission of inquiry properly staffed with appropriately qualified people. Equally, if it is seen to be that, then of course one must accept that it will be that. However, the Anglican inquiry to which the member for Unley just referred and to which the minister and other members have referred was not conducted by a retired bishop, or a retired school chaplain, or anybody within the damn church. Do not expect the victims in state institutions who were raped by magistrates to accept the judgment of people who trained with them in the same way. They do not, and I understand why. They do not have confidence because they have tried for so long to get justice and, whenever they have asked, they have been told, 'Go away; you're lying.' Whenever they have produced incontrovertible truth, they have been told, 'Be careful or worse could happen.'

If we want closure, if we want to be seen as objective and fair, then we will not provide someone who knows the ins and outs of the people about whom the allegations might be made; we will find somebody who knows nothing, who has had minimal or no contact with those who may be the subject of allegations. Nonetheless, we want someone who has the credentials.

My initial call two years ago was for someone from outside the country. My call in more recent times was to ameliorate the difference and, indeed, in conversation with ministers and other members I have said that I could accept someone as long as it is outside South Australia. But it is not up to me: is up to all of you to feel the same pangs of conscience for the poor people who were victims of paedophiles, who saw young boys having the glans flayed off the tip of their penis by people in high office in this state.

So, get outside where it has occurred, and do not expect those who have been the victims to come forward and trust you if you will not. The taint will remain, and so will the blind boil and the sore. The only simple, reasonable and honourable course to take is to make sure that the commissioner is from outside and is not known to any of the people who may be accused—whether they are public servants or other citizens. People who have had high office or not may be known to the person who is ultimately the commissioner if that person is chosen from within South Australia—and that applies equally to the persons chosen to assist the commission. The Anglican Church copped it from outside. So should we all, from outside, to ensure that it is seen to be objective.

The committee divided on the amendment:

AYES (16)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Chapman, V. A.
Gunn, G. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Lewis, I.P.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M. (teller)
Scalzi, G.	Venning, I. H.

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Hanna, K.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.

NOES (cont.)

Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W. (teller)
White, P. L.	Wright, M. J.

PAIR(S)

Evans, I. F.	Foley, K. O.
Buckby, M. R.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	O'Brien, M. F.
Williams, M. R.	Rann, M. D.

Majority of 4 for the noes.

Amendment thus negatived.

The Hon. J.W. WEATHERILL: I move:

Page 3, after line 2—
Insert:

(4) If the person appointed by the Governor is a Judge or former Judge within the meaning of the Judges' Pensions Act 1971 then the following provisions will apply in relation to the person so appointed despite the provisions of that Act:
(a) the person will, while holding office under this Act, be taken to be in judicial service within the meaning of, and for the purposes of, the Judges' Pensions Act 1971; and
(b) if relevant, the person will be taken not to have retired or resigned from judicial service for the purposes of the Judges' Pensions Act 1971 until he or she completes his or her term of office under this Act.

(5) For the purposes of subsection (4), the term of office of the relevant person will be determined to have come to an end on a day fixed by the Attorney-General by notice in the Gazette.

This amendment ensures that if a judge is appointed as the inquirer he or she does not suffer a pecuniary disadvantage by taking on the role.

Mrs REDMOND: I indicate that the opposition agrees to the proposed amendment.

Amendment carried; clause as amended passed.

Clause 5.

The Hon. R.B. SUCH: I move:

Page 3, after line 12—
Insert:

(da) may refer any matter that may come to the attention of the commissioner but that is not directly relevant to the inquiry to any other person or agency (as the commissioner thinks fit); and

Amendment carried.

The Hon. J.W. WEATHERILL: I move:

Page 3, lines 17 and 18—
Delete subclause (3) and substitute:

(3) The commissioner may conduct any part of the proceedings (including the taking of evidence) in public if the commissioner considers it in the public interest to do so.

The point of this amendment is to accept that it is appropriate for the commissioner to conduct parts of the proceedings in public, but it leaves that question for the commissioner to decide. The basic position is that the proceedings are to be heard in private as the foregoing provisions make clear.

Mrs REDMOND: We accept the government's proposal and, indeed, it is identical to the first part of our next amendment, which is No. 5. The government's proposal in amendment No. 2 is identical to our proposed subclause (3). I indicate that we accept that, but we will want separately to move the amendment to insert subclause (3a).

Amendment carried.

Mrs REDMOND: I move:

Page 3, after line 18—

(3a) However, the commissioner must—

(a) comply with any request by a person providing evidence or information or making submissions to the inquiry that the evidence, information or submission be received in private; and

(b) if such a person also requests that his or her identity, or the identity of another person mentioned in the evidence, information or submission, not be disclosed—take all reasonable steps to avoid the disclosure of information that may identify, or lead to the identification of that person.

By way of explanation, if we look at what has just been agreed to, generally the proceedings of this commissioner will be conducted in private, but if the commissioner considers it appropriate, because it is in the public interest to do so, then the commissioner can conduct the proceedings in public. The opposition amendment seeks to constrain that to some extent. Our concern is that a number of the people appearing before the inquiry expressed a wish to maintain confidentiality of their identity and the evidence they give on the basis that they have lived their life and often have not even told their own family members about what happened to them, so our amendment seeks to make it compulsory for the commissioner to comply with a request by a person providing evidence or information or making submissions that it be received in private. Further, if the person requests that his or her identity or the identity of another person mentioned in the evidence, information or submission not be disclosed, then the commissioner is to take all reasonable steps to avoid the disclosure of information that may lead to the identification of that person.

Our intention is to make it quite specific that people coming before the inquiry can maintain the privacy of their situation, if it is their wish. I accept that the minister has indicated that the intention will be that generally the proceedings will be in private, but simply to have the provision that the commissioner may conduct any part of the proceedings in public if the commissioner thinks it is in the public interest to do so concerns us to the extent that it may frighten off some people who would otherwise be willing to come forward to give evidence and who are concerned to maintain their anonymity.

The Hon. J.W. WEATHERILL: We are concerned at the breadth of this provision. It has the unintended consequence of a perpetrator, for instance, having the capacity to elect to not have their identity disclosed. That would undermine one of the purposes of the act, namely, to ensure that certain material is put before the police if that becomes appropriate. What we have here is, essentially, a fettering of the discretion of the commissioner. The commissioner will always weigh up the substantial, and one would have thought in almost all cases overwhelming, public interest in having these proceedings in private, and part of that will be a request by a person who is providing evidence or information.

However, it goes too far to suggest that, if such a person requests that his or her identity, or the identity of another person mentioned in the evidence, must not be disclosed then that should be complied with. The difficulty is that they could be a perpetrator. One would always have sympathy for a victim in these circumstances, but a perpetrator could seek to clothe themselves in this protection. That is why the first part of it is not too objectionable, but the second part in combination is objectionable, and broadly we have difficulty with the idea of the commissioner's discretion being fettered in this way.

The CHAIRMAN: The chair is trying to be helpful here. Would it assist if that part of the member's amendment was split in two? That is up to the member. We could deal with (3a)(a) separately from (3a)(b). I gather from what the minister was saying that he would not object to the first part but he does object to the second part. Is that correct?

The Hon. J.W. WEATHERILL: I think it is preferable, because I cannot currently imagine all the circumstances that may pertain. There may be a case where somebody comes before the commission and seeks to promote their evidence in private and it may not be proper in that case. I cannot imagine why but I would have thought that these matters of process are best left for inquiries to determine. I am less concerned about paragraph (a), I am certainly quite opposed to paragraph (b), but I do not know what the attitude of the opposition is to progressing only with (3a)(a) without (3a)(b).

Mr BRINDAL: I am interested in the proposition should it fail, or rather I am interested more in what the minister sees as being the raison d'etre by which he thinks the commissioner will act. While I can see merit in the amendment, if, for instance (and I have had one person come to me) the perpetrator was a close relative of the victim and the victim does not want that close relative identified, it could be, could it not, under paragraph b), that the person, even though they are a victim, could deny the right for the perpetrator to be named and that would cause a problem. The reason that I am asking how it would operate if this amendment is not successful is this. What happens if a victim wants the evidence suppressed, and it is clear evidence of criminal activity, and the commissioner then thinks, as was the case in the Anglican inquiry, that the matter should be referred to the police? But as with the Anglican inquiry, the minister would be aware that there are a number of matters that it will be almost impossible for the police to prosecute because, while the inquiry has reported the evidence to the Commissioner of Police, some of the victims themselves are not willing to formally lay a complaint and testify. Even though what happened is on the public record, to get the elements of a successful prosecution somebody must come forward and say, 'I was the victim and this was the person who did x and y to me.'

I see merit in the shadow minister's proposition. I can also see what the minister is arguing but I cannot quite see, if the amendment is unsuccessful, how it can work in any other way than effectively—if you get what I mean—whether the amendment makes any difference or not. How is it going to work? That is what interests me.

The Hon. J.W. WEATHERILL: I think that I understand the member for Unley's point. It is partly answered by a third amendment which is identical to the seventh amendment of the opposition, which deals with suppression orders. That can suppress the publication of any material that may tend to identify a third person. So, that inadvertent identification that the honourable member is concerned about could be protected in that fashion. We were more concerned about the breadth of the mandatory arrangements that exist in relation to both the commissioner taking evidence in private or, alternatively, ensuring that their identity is not disclosed. I presume that means disclosed for all purposes, including to the police, which seems to me to undermine one of the important elements that existed in the Anglican inquiry, and that was that important information was passed to the police which has formed the basis for further criminal investigation.

Mrs REDMOND: Mr Chairman, in response to the issue raised by you and referred to by the minister, we would be prepared to proceed separately on subclauses (3a)(a) and (b) and, indeed, to not proceed on subclause (3a)(b) if the minister indicates a preparedness to agree to subclause (3a)(a), given that all it provides is that he has to comply with a request for the evidence or information or submission to be received in private. It does not in any further way fetter him.

The Hon. J.W. WEATHERILL: We would be prepared to shift our position to accommodate that concession.

The CHAIRMAN: On that basis, the committee is considering, under the member for Heysen's amendment No. 5, subclause (3a)(a) only, and I guess we delete 'and' at the end of it.

Mrs REDMOND: I was going to suggest that we need to just reword that as subclause (3a), 'However the commissioner must', and delete the dash and the small (a) to make that read straight on, because it is just the one paragraph.

The CHAIRMAN: I am assured that the appropriate clerical changes are made somewhere in the system. On that basis—therefore, we are not dealing with what was subclause (3a)(b)—I put that the member for Heysen's amendment be agreed to.

Amendment as amended carried; clause as amended passed.

Clause 6 passed.

Clause 7.

Mr BRINDAL: I am intrigued that, under clauses 6 and 7, it states 'may administer an oath or affirmation'. If the proceedings are going to have some force and penalties can apply (and I know that is subject to further debate), why is the word 'may' used? Surely you are requiring them to answer—and this is a discussion that we have had. Unless it is on the grounds of incrimination, you are requiring them to answer, and the way in which they are required to answer is to tell the truth. So, one presumes they must make an oath or an affirmation before they are taken to be giving evidence. I just cannot understand why you are using the word 'may' when it is in reference to an oath or affirmation, which one presumes they are bound to take. Otherwise, how do you get them for perjury or any other blasted thing?

The Hon. J.W. WEATHERILL: I am advised that this is one of the curiosities of the law; we like drafting these things in permissive terms, using 'may' instead of 'must'.

Mr BRINDAL: There has been too much permissiveness. That is why we are having the inquiry. Perhaps the lawyers should get into the real English, not into the permissive English.

The Hon. J.W. WEATHERILL: It may also be the case, given that we are not bound by the usual forms and technicalities of legal process, that maybe one could conceive a case where the judge, presumably to create the sort of environment that was necessary to elicit the information, may wish to take evidence without its being on oath.

If one remembers the initial purpose, the healing process, it may be that a highly informal approach to certain of the proceedings may be necessary. This just leaves some scope for the capacity for evidence that is not taken on oath to be dealt with. I think in this regard it just really gives a discretion for the judge to seek to administer an oath or an affirmation in a given case.

Mr BRINDAL: I will not belabour the point, but then that sounds to me a little bit, minister, like you are going down the track that I am not sure still applies. It used to be that an accused person could make from the dock a statement which was not a sworn statement and was not tested under cross examination. The judge would instruct the jury then that that was not to be given the same weight as sworn testimony.

Mr Hanna: That went out about 30 years ago.

Mr BRINDAL: Did it? It did not go out too quickly then, did it? That sounds to me like the same sort of provision. I am quite sure that in this case, if you had an eminent jurist to do it, they could suitably weight this stuff, but the question then I think again becomes central as to the way in which the report is presented and the weight that that sort of evidence is given.

While a judge says, 'I want to elicit this evidence, I am therefore not going to require an oath to be taken, or an affirmation,' that puts certain weight on it. For the public then reading it, it would have to be very much couched in a way that gave the proper weighting to evidence that is not of the same weight as evidence that is sworn or affirmed.

The Hon. J.W. WEATHERILL: It is important to remember a few basic things about this inquiry. One is that it is not an attempt to run a series of mini trials of a civil or a criminal nature. Indeed, we make that clear within the commission of inquiry. Further, it is not necessarily a carte blanche to make knowing untruths simply because one has not sworn or made an affirmation. I refer in that regard to clause 5(5), which provides:

> a person must not in placing evidence before an inquiry knowingly make a false allegation against another person with intent to cause injury or harm to another person.

That is not limited to sworn evidence. Evidence can be taken in such manner as the commissioner thinks fit and without regard to the rules and practices that would be ordinarily pertain to a court.

Clause passed.

Clause 8.

Mrs HALL: I seek some information from the minister on the existing clause 8, which, under the heading 'Provision of support', is quite an interesting set of three subclauses. However, I seek information from the minister as it relates very specifically to legal assistance to a victim. I am not talking about one lawyer or one counsel per victim: I am actually talking about a helpful legal person who is there to assist a victim. From a non-lawyer's perspective, I would have to say that I imagine that this could be not necessarily a user-friendly environment. It could be perceived to be a fairly intimidatory environment.

Given that it is under the provision of support heading, I ask about the intention of the government in this area, but could I extend it to perhaps a hypothetical situation? I ask very specifically, and I raised this during the second reading debate, whether any assistance is to be afforded to a person who may be subpoenaed. I acknowledge that this could be hypothetical. If victim A chooses to give evidence to the inquiry and, during that evidence, names one or two other people whom victim A knows to have been abused, the inquiry says, 'We are interested in the evidence you have given: victim B and C that you have referred to we would like to interview.' The inquiry then goes to those individuals and they say, 'No, thank you very much, I don't want to give evidence.'

One could perceive a scenario where the commission might like to interview those people and, therefore, could serve a subpoena on them because their evidence could be very important or beneficial to the conduct of the inquiry. I seek information from the minister on whether legal assistance to a subpoenaed person may be possible, and also some

clarification on legal assistance to victim A who wants to give evidence.

The Hon. J.W. WEATHERILL: The first point is that there will be counsel assisting the inquiry. There will also be someone with social worker qualifications who will be available to assist the inquiry, and such other persons as the commissioner may consider appropriate. And we will be consulting about that. It would be highly unlikely, I would have thought, for the commissioner to subpoena a victim, even if their evidence could assist the inquiry, especially in circumstances where a subpoena by definition is likely to mean that absent that subpoena they are not willing to come forward. The honourable member must remember that the overarching purpose is the healing process, and it is to respect and not re-abuse victims. This process, unless handled carefully, could run the risk of re-abusing those people who, for whatever reason, have chosen not to relive these matters.

The broad background of this is that this inquiry is not necessarily for everyone. Some people will not want to do this. For their own reasons they will have found their own ways of coping with these matters, or they may simply not wish to expose themselves to a process of this sort. We would not be seeking to compel people to do things that seek to damage them further. I think it would be unlikely that victims would be subpoenaed in this fashion. As I say, there will be counsel assisting the inquiry who will provide that support. We are very anxious to make sure that this does not become a lawyers feast; that there are lawyers everywhere.

Once a small number of lawyers are introduced to the system, as the honourable member pointed out in her earlier contribution, others will feel disadvantaged and will be at a disadvantage vis-a-vis those persons represented by lawyers. So, the focus will be on seeking to elicit the information without having great teams of lawyers lining up to represent individuals.

Mr BRINDAL: The minister has referred several times, and I do not disagree with him, to the almost therapeutic nature of the inquiry and a healing process for victims. But this inquiry, as I believe this parliament wants it set up, is also to be a healing process for our institutions. The minister himself has said that our institutions have suffered and, as the Speaker commented, if you take his words literally, are in great disrepute and disrepair. So, it is a healing process for our institutions.

Therefore, while I accept what the minister was saying in terms of there not being necessarily coercion of victims, there has to be an element of pursuing the truth by the commissioner so that the institutions can heal and we as a parliament can get on with the job of establishing new systems that do not fail the victims. Having made that point, I suppose it trespasses on the proposed amendment for the shadow minister, because I can see a situation where—and I agree with the minister that we do not want lawyers' fees and a hundred bottom feeders all in there grabbing their $1 000 a day just because they can and tying us—

The Hon. J.W. Weatherill: A thousand? Done!

Mr BRINDAL: I use cheap lawyers; I do not know the minister's friends. We do not want that, but I think this touches on what the member for Heysen will bring up later. I think there is an argument for having in the commission not just a friend of the court, an assistant to the commissioner who basically helps them do the job, but somebody whose job it is to be there to assist those who come in to give evidence. I am not talking about everyone going out and picking their own lawyer and bringing them along.

As I understand the member for Heysen's amendment, which will come up shortly, it is to have the commissioner and somebody to assist the commission with the work. The Speaker is suggesting an investigative officer; that is the work team. Let us also have in there a friend who is a friend of the victims, the people giving evidence—somebody to nurture and support everybody equally. Then, if our Holy Mother the church is required to give evidence, she can have the same poor representation that Ky Meekins or anyone else gets. It will be a new concept in law in South Australia where everyone gets treated equally, and everyone has equal access to the law. It is something we trumpet; it is something the great treasuries of the church do not seem to understand or, even, minister, dare I say the treasuries of some of your departments who seem to use the public purse to get the most eminent QCs when perhaps some of the victims will not.

I think that in the point made by the member for Morialta there is some merit in saying 'Let's have a lawyer in there who helps everybody,' and, if the Archbishop does not like the lawyer, it is tough luck because the poor victims probably will appreciate him or her.

The Hon. I.P. LEWIS: I move:

Page 4, lines 14 to 16—delete subclause (1) and substitute:

(1) The Minister must, after consultation with the commissioner, appoint or engage—

(a) a person with appropriate qualifications and experience in social work or social administration; and

(b) a senior investigations officer with appropriate qualifications and experience,

to assist in the Inquiry.

The effect of the amendment is simply to include, along with the provision that is already in the bill, a person with appropriate qualifications and experience in social work or social administration such as Frieda Briggs, and somebody in addition who is a properly experienced and appropriately qualified senior investigations officer. In support of the proposition that I have put, the most important thing is for the commissioner, whomever that may be, to have someone independent of the existing police since some of them, it will be alleged I know, have been involved in cover-up of crimes of paedophilia and violence against young boys and girls, and that such an investigating officer needs to be seen by the victims as being independent of that, and unknown to any of the police officers who may be accused. That way they will have greater confidence in the capacity of the commission to arrive at a valid conclusion and will, therefore, be more inclined and more confident of giving to the commission the facts as they know them.

A senior investigations officer who has, through seniority, demonstrated their competence through that experience is the kind of person whom the commission will need to make the necessary inquiries to establish a sufficient measure of veracity in the sworn evidence that is presented to the commission. It needs to be someone who has not only been involved in investigating crime in the wider community but also someone who has an established track record and who has established credentials in dealing with corrupt police, and through their track record they will inspire the confidence of the victims to rely upon what this officer can do in assisting the commission and the commissioner to come to a valid conclusion without fear or favour for anyone who may be accused by the victims of being involved in the crime.

I think that I have made the case in remarks elsewhere in my contributions sufficiently to enable members to understand how important it is to provide this opportunity to get

closure for those victims. We will not do that unless we inspire their confidence in the competence of the people in the commission assisting the commissioner, and we will not do that unless the person assisting in the investigations that must be undertaken is from outside the system, hence the reason for my amendment.

Mr HANNA: I am inclined to support the amendment, although I am not sure that it really says what the opposition intended to mean. I am concerned that it will be a daunting prospect for victims particularly to attend before the commission and to give their evidence. Obviously, the subject matter will be very delicate and sometimes traumatic. It seems to me particularly important that every reasonable assistance is given to allow witnesses to feel comfortable in that environment. I recognise that the government has already gone some way down this track by making a social worker available and, as with royal commissions, a lawyer will be assisting the commission.

However, the history of past royal commissions indicates that, in general terms, the counsel assisting the commission does not necessarily take on a role as advocate for victims in the process. It may be that what the opposition is really driving at is that every victim who comes along to give evidence—and maybe even every person named as a perpetrator—should be adequately represented legally before the commission. If people are to be summonsed to appear before the commission, I think that this government asks a lot that they spend money on their own legal advice and legal representation, because very tricky matters of law and issues of criminal liability and complicity will be discussed.

That sort of legal representation will be necessary, whether we are talking about victims, perpetrators, public servants or whoever. So, although I have some misgivings about the wording of the amendment, I will support it. I notice that it refers to assistance to any person who may wish to place evidence before the inquiry. From what the member for Morialta has said, the intention which the opposition wishes to embody in the amendment is to extend that to people who are dragged before the inquiry but who do not necessarily wish to be there.

Mr VENNING: I have not joined this debate to this point. I have deliberately chosen not to do so, but I think it is time that I did. I heard the member for Hammond's speech earlier this evening, and my conscience was getting to me. I do not want to be too explicit but, having been involved with the Kapunda community and knowing what was going on there for some years before anybody had the courage to do something about it, I think we have to do everything possible to ensure that these people can come forward without fear of recrimination. We should do anything we can to assist them. It is always easier to say and do nothing. I have chosen to take a low profile on this matter, and the member for Hammond understands that and why. Without mentioning any names, I was confronted by a certain person who said that I had made accusations concerning allied activities in the Kapunda community and that was three or four years before anything was done about it.

I think we will be amazed at what will happen when we open up this issue. We have to do all we can to protect and to encourage those people to come forward so that they can get on with their life. I am concerned that we apparently not go outside the state for the commissioner, but we have already voted on that issue. We want to give assistance to those people who want to come forward, and many people are thinking about whether they should or should not, but, in a true bipartisan spirit, we want to help them to do so. This issue has been hanging around ever since the incident at the university footbridge, and many of these myths need to be addressed once and for all. These people should be encouraged to come forward and, if they do not, let them forever hold their peace. I certainly support this amendment.

Mrs REDMOND: It sounded as though the member for Mitchell was speaking to my amendment, which has not yet been moved. By way of clarification, I take it that we are about to vote on the amendment proposed by the member for Hammond. We will then deal with my amendment and clause 8.

The CHAIRMAN: Yes; we are dealing with the member for Hammond's amendment.

The Hon. J.W. WEATHERILL: The member for Schubert raised an interesting point when he referred to the footbridge incident. In that case, we brought in a couple of experts from Scotland Yard to assist with our inquiries, and those fine gentlemen ended up in gaol for their role in the incident. So, international experts being brought in to carry out—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: They were brought in to look at what was meant to be the corruption that existed in the police force, so you can jump out of the frying pan and into the fire. The real issue is ensuring that we get appropriate people. I need to be open with the member for Hammond because, while we are prepared to support the amendment, we do not necessarily provide an assurance that we will seek an interstate or overseas officer, although I appreciate the CVs of at least two people that the honourable member has put before us, and they will be given earnest consideration.

Amendment carried.

Mrs REDMOND: I move:

Page 4, after line 18—

Insert:

(2a) The Minister must, after consultation with the commissioner, engage or appoint a suitably qualified person or persons to provide support or assistance to any person who may wish to place evidence before the Inquiry.

As someone described it, this amendment does not relate to the workers to form part of this commission of inquiry, but rather to the idea that we want to see someone appointed who can provide support or assistance to anyone coming before the inquiry to give evidence. I think that most members would be aware of the existence of a victim support service, and we are trying to have someone who can be that sort of mentor within the system. It has already been made clear either by the member for Morialta or the member for Unley that we are not trying to suggest that each person coming before this commission of inquiry should be entitled to separate legal representation but, given that we are going to have a commissioner and someone assisting the commissioner and possibly counsel assisting the commission, they all have specified jobs within that commission structure in terms of the procedure. What we are after is simply someone to be present as a guide or mentor: someone to offer comfort, support and a bit of knowledge of the system in the nature of a victim support officer—a single officer, not a range of separate officers.

I know that the minister has a concern that the wording of the proposed clause would be such that perhaps people could claim an entitlement to get separate representation, so I make it clear on the record that that is not the intention of this

proposal. What we are after is simply something in the nature of a victim support service to assist people who may often be scared or reluctant or who may have already been victims once and are worried about becoming victims again.

Mrs HALL: I want to say a few more words about this amendment moved by the member for Heysen. I feel quite strongly that, in the whole environment of the debate about these issues, we are focusing so much of our attention (and rightly so) on the victims and all the issues that come out of that. It seems to me that this area is probably more important than some of the provisions that are already made in clause 8 where we are talking about the commissioner having the capacity to engage people with qualifications in social work or social administration to assist in the conduct of the inquiry and, now, the amendment that we have just passed, moved by the member for Hammond. It does seem to me that maybe the government ought to enthusiastically embrace this particular amendment because, as has been pointed out by the mover, the member for Heysen, we are not talking about trying to engage any number of senior or junior legal counsel: we are talking about having one individual with legal capacity to assist victims. I would very much like that to be extended to look after people who are subpoenaed, because I am terribly concerned about the unfairness that might take place with an individual versus an institution. I urge the minister to seriously consider the other option of those who are subpoenaed as well.

The Hon. J.W. WEATHERILL: I take on board the remarks made by the member for Morialta. We are very keen for it to be a level playing field and, of course, that means that if one person gets a lawyer then everyone will want to be represented. That would place an unreasonable burden on the process and undermine the essential nature of this inquiry, which is a search for the truth in a way which is designed to facilitate the healing of those who are participating. Having said that, I think that it is too narrow a construction of each of these provisions to say that assistance in the conduct of this inquiry is going to be the assistance that one traditionally might see for a royal commission that has a particular purpose. Here, the whole inquiry is about the healing and support of the victims. So, these people whom, after consultation with the commissioner, I have the discretion to appoint may be legally qualified or not; or it may be somebody in the nature of a victim support service.

There will be adequate support for the people who come before the inquiry. There is no provision for counsel assisting; that is a phrase that people have used to describe the people that we will be appointing. However, the people who will be appointed will have the capacity to support those who come before the inquiry, and it will be an essential part of making this inquiry work properly. Rather than trying to prescribe how we go about that, I think the honourable member will have to acknowledge that this is something that I will have to work out in consultation with the commissioner to make this inquiry work, having regard to the important points that have been made in this debate which we acknowledge are very real and vital issues.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

Motion carried.

The Hon. J.W. WEATHERILL: I anticipate that what the member for Morialta may have in her mind is that she wishes to see the appointment of a person, most likely a lawyer, who could provide assistance to people to give their evidence before the inquiry. There is provision for the minister to do that in consultation with the commissioner, and it is our present intention to have a role of that sort.

Amendment negatived; clause as amended passed.

Clause 9.

The Hon. J.W. WEATHERILL: I move:

Page 4, after line 25—Insert:

(1a) Where the commissioner considers it desirable to exercise powers conferred by this subsection in the public interest, or in order to prevent undue prejudice or undue hardship to any person, the commissioner may, by order—

(a) direct that any persons specified (by name or otherwise) absent themselves from the place in which the commissioner is conducting the inquiry during the whole or a specified part of the proceedings; or

(b) forbid the publication of specified evidence, or of any account or report of specified evidence, either absolutely or subject to conditions determined by the commissioner; or

(c) forbid the publication of the name of—

(i) a witness before the inquiry; or

(ii) a person alluded to in the course of the inquiry,

and of any other material tending to identify any such witness or person.

(1b) The commissioner may vary or revoke an order under subsection (1a).

(1c) A person who contravenes, or fails to comply with, an order under subsection (1a) is guilty of an offence.

Maximum penalty: $2 000 or imprisonment for 6 months.

Amendment carried.

The Hon. J.W. WEATHERILL: I move:

Page 4, line 26—After 'The commissioner must,' insert 'in the conduct of the inquiry and'.

Amendment carried.

Mr BRINDAL: I would like the minister to explain, in relation to his amendments and those moved by the member for Heysen, what the practical effect will be—in a couple of sentences.

The Hon. J.W. WEATHERILL: I think I made reference to this earlier in answer to a question raised by the member for Unley. They are effectively a fairly standard suppression clause about the publication of certain material. It is a protective provision in relation to the way in which this material is published.

Mr BRINDAL: Proposed new subclause (1a) provides that the commissioner may, by order, direct that any persons specified (by name or otherwise) absent themselves from the place in which the commissioner is conducting an inquiry during the whole or a specified part of the proceedings. Is that about the media?

The Hon. J.W. WEATHERILL: I think it is the traditional formula for having the fourth estate moved to another place. I move:

Page 4, after line 32—Insert:

or

(c) a person who has provided information about a sexual offence (or suspected sexual offence) against a child, if the public interest so requires.

Amendment carried.

The Hon. J.W. WEATHERILL: I move:

Page 4, lines 33 to 42 and page, lines 1 to 5—Leave out subclause (3).

Amendment carried; clause as amended passed.

New clause 9A.

Mrs REDMOND: My proposed new clause 9A is identical to the government's proposed new clause 9A, but we are both wrong. Parliamentary counsel have amended it. The correct form is on 114(4). We are all agreed as to what we are trying to do. Members may recall, if they read the Anglican inquiry, that a code was used so that people were not identified by name. This provision is simply to allow the adoption of that sort of code.

The Hon. J.W. WEATHERILL: I move:

After clause 9—insert:

9A—Provision of information

(1) Where this Act requires, or allows, the commissioner to avoid disclosure of information that may identify or lead to the identification of any person, the commissioner may use a code or other system of identification under which the commissioner can separately identify any person, and may provide that identifying information, and any other information obtained during the course of the Inquiry, to the Minister or another public official (including a police officer), as the commissioner thinks fit.

(2) Despite any other provision of this Act, the commissioner must, under an arrangement established with the Commissioner of Police, provide to the Commissioner of Police any information concerning the commission (or alleged commission) of a sexual offence against a child arising during the course of the Inquiry unless—

(a) the commissioner has reasonable grounds to believe that the information has already been reported or provided to a police officer; or

(b) the commissioner has determined to provide information to the Director of Public Prosecutions.

New clause inserted.

Clause 10.

Mrs REDMOND: I move:

Page 5, after line 9—Insert:

(1a) If the Governor allows an extension of time for the completion of the Inquiry under subsection (1), the commissioner must nevertheless, within the period of six months referred to in that subsection, provide an interim report on the progress of the Inquiry.

(1b) An interim report under subsection (1a) must at least report on allegations of sexual abuse of persons as children while in the various forms of State care other than foster care.

The original proposal in the bill is that the inquiry be completed, and a report on the outcome be made, within six months of the commencement of the act. In our view it is highly unlikely that the actual investigation and report could, realistically, be completed within six months. We have already, on a number of occasions and through a number of different speakers, addressed the issue of why we consider that it would be appropriate, therefore, to split off and deal first with wards of the state in institutional care. This amendment simply aims to provide in part (1a) that, even if there cannot be a final report by six months there shall be an interim report at the six-month point, and in (1b) that that interim report shall at least report on allegations of sexual abuse for what are, essentially, children who were wards of the state in institutions, although we have worded it as in the various forms of state care other than foster care so that we catch everyone who is not actually in foster care.

I do not think I need to address our views on the need for this again and why we think it is important to separate those two groups of people so that the wards of the state are dealt with as a distinct group and their evidence is not buried amongst the mass of evidence that we are sure is going to come about with the whole of the foster care situation being brought within the scope of the commission of inquiry. We feel that it is important that we do get a report after six months and that at that six-month point we get the report on the wards of the state in institutions.

The Hon. J.W. WEATHERILL: We oppose this amendment. There are a number of difficulties with this, not the least of which being that it may not be possible to deal with all the institutional children within six months. Also, in our view it is practically impossible and, indeed, undesirable as a matter of principle to separate cases where children have been under the guardianship of the state but the institutional arrangements have been foster care as opposed, perhaps, to an orphanage or some other congregate facility. Indeed, some of the foster care arrangements will have the same sort of features as the congregate care facilities in that a number of these foster families had numerous children, which is one of the issues involved.

People also moved between these institutions, and, ultimately, the commissioner will be in the best position to make judgements about what to do first. If someone wants to put a submission to the commissioner that this is an appropriate way of splitting up the inquiry—splitting it up according to time or according to the institution people were living in at the time these things occurred—then no doubt those submissions will be put forward, but we do not think it is appropriate to fetter how the commissioner goes about this process. I think it needs to be made clear that, while the inquiry talks about a six month time frame for completion, we have in the act the capacity for the inquiry to be extended if it has not been completed. So, people should not fear that there is no capacity to extend the work if it needs an extension.

The Hon. R.G. KERIN: I hear what the minister is saying, and there is no doubt that I will make a submission to the commissioner about this. The two issues are wards of the state and foster care. There are huge issues in foster care, there is no doubt about that, and our erstwhile Attorney has tried to misrepresent me several times by saying that I do not care about foster care. I do care, and I am happy for the government to include foster care in the inquiry, but I really think there is a major issue in splitting the two. They very are different issues and, if members listened to the debate tonight, nearly all the focus was on wards of the state, and I think that is an issue which we all want to get off the books before we deal with foster care.

There are huge issues in regard to both, but they are different issues. The minister alluded to the fact (and he is correct) that some have been in both systems, but that is not a bar to dealing with these separately. In fact, if we do not deal with them separately, I think that we will realise later that we have made a massive mistake and the inquiry will lack focus and clarity, and I warn the committee that if they are not dealt with independently we will regret it later. We will not achieve what members of the committee have stood up and said they want to achieve for wards of the state; and the wards of the state and the foster care issues will be very confused and we will not get to the point that we should.

I have spoken to a lot of people over the past 15 months or so and, once you start dealing with some of these issues and listening to the people, you realise how different they are, and if we are fair dinkum we will split them. If that is not achieved here or in the upper house, we will certainly approach the commissioner to appeal to him for that to be the case. I think in that way we do not devalue either. I think it is commonsense and avoids confusion, and allows the commissioner to deal with the two issues separately. I certainly urge the committee to show commonsense and

divide the two issues—deal with the wards of the state in the first instance and then foster care. By then, the Legislative Council committee on foster care should have reported, and that will also save confusion.

I do not have a problem with the government's including both, but I think that we will make a huge mistake if we do not split them. If you do not understand that, I do not think you are aware of the types of issues that are raised in these two areas. As I said, if we do not get it up in the house we will make a very strong submission to the commissioner that this is the way to deal with the two issues to ensure that we give closure as much as we can to the wards of the state, and many members on both sides of the house have said that that is an aim of what we are doing. I welcome that sentiment from both sides. The best way to achieve that is to split them and then deal with the very important issues in regard to foster care.

The Hon. W.A. MATTHEW: I strongly support the amendment of the member for Heysen. It makes an important differentiation between the cases to be considered by the commission and sensibly separates those who were wards of the state from those who were in foster care. I heard the minister say during the course of consideration that in many cases they may be one and the same—and there may be many cases where they are one and the same and they have been wards of the state and also in foster care. The fact is that it is likely that many more people who have been in foster care will come forward with allegations of abuse than those who were wards of the state, and it therefore makes good sense to section the inquiry accordingly so that there can be a preliminary report on at least a significant component, those being wards of the state.

The Leader of the Opposition was very generous in expressing his viewpoint to the minister in relation to this clause by indicating that perhaps the minister does not fully understand the situation and that is why he sees no need to separate the two. It may be that the minister does indeed understand the situation and seeks to ensure that the time span is stretched out. I would be interested to know whether that is his desire; whether the minister wants to ensure that the reporting time is stretched out. If the minister is genuine in his desire to have this investigation conducted in a way which will assist victims and which will bring perpetrators to justice, why would the minister object to an interim reporting arrangement?

It is not as if such an interim reporting arrangement is rare. Interim reporting arrangements from time to time, through a successive run of inquiries and commissions, have been put in place in order to facilitate the work of such an inquiry's or commission's moving to its next stage. I am curious as to why it is that the minister would have a legitimate reason for not moving forward and allowing a reporting process to occur after six months, at least for those who allege to have been abused during their time in custody of the state.

Mr BRINDAL: I remain to be convinced on this provision. I reserve my right in my party room. I do not disagree with anything the leader has said and I do not disagree with anything the member for Bright has said, but I am interested in one thing, that is, closure for all victims. The reason I have some disagreement with the leader is that he is a modicum more trusting than I in the sense that he wants the thing done sequentially A, then B. I am frightened that if A gets done, B might never get done.

The problem I foresee is that orphanages ceased to exist 15 or 20 years ago because the state made a decision to take people out of institutions and put them into foster care. Those people who have been in foster care, 20 years ago would have been in orphanages. Because they were put in foster care, if they were abused the state is no less responsible than it is if they were in institutions. A victim of abuse is a victim of abuse whether it happened in McNally, the Goodwood Orphanage or Mary Bloggs' place at Spring Street, Enfield. It does not matter where it happened: abuse is abuse.

I understand what the leader is saying, and I know the leader is most concerned that this does not get bigger than *Ben Hur* and cost more money than we ever conceive is possible, but I hope this will be done speedily and efficiently and will address all victims. It is not for reasons that I disagree with the leader on his principle. It is for reasons that I am frightened that by doing A (looking at one series of victims) and then sequentially looking at the other series of victims that may not be best way in which to handle it. I remain to be convinced on this issue. I can see merits on both sides of the argument.

If the minister is not going to allow a report within six months, then when does the minister think they will report? There are those on this side of the house who always adopt the conspiracy theory. The conspiracy theory is that the minister and the government might let it roll on until after the next election; and it will cost such a fortune that we will be embarrassed. Minister, I put it to you that if you try that trick the people of South Australia might be more scathing of you and the lack of action of your government. I am presuming in good faith that you will get this inquiry over and done with as soon as you can, that it will cost as much money as is necessary to achieve justice for victims, no more and no less, and that it will be conducted expeditiously. If you can assure me of that, I am more inclined to support the government than the opposition in this matter. So, I seek your assurances.

The Hon. J.W. WEATHERILL: We provide that assurance to the member for Unley. I will not rise to the provocations of the member for Bright but I can say that many of the same factors which pertain to the institutional abuse that we might describe in the more congregate institutions pertain to that which applies in foster care generally. Recall for a moment, that there has been a process of outsourcing these foster care arrangements to church groups, and other institutional arrangements. So, we have the intermeshing of the very same factors. All those institutional protective arrangements that come into play, and which are at the heart of the abuse which has occurred to children in the guardianship of the minister, come into play in both of these systems.

The other key factor is that we are still dealing with the same class of children. These children have been taken away from their parents on the basis, most often, that they have been abused. They are children who have been valued less than other children, and because that has happened they are the most disadvantaged, disenfranchised group of children within our community. These are the circumstances that have led to the abuse, and it matters not whether they are in a congregate institution or some institutional arrangement of foster care sponsored often through church groups. So, there is movement between those different sets of arrangements, and it does not make sense to split them up.

A wise and sensible judge will make a judgement about how it should be done. Nobody wants to linger any further than is necessary to arrive at the healing process for these individuals. It needs to be a careful inquiry and a detailed inquiry, but not one that unnecessarily pursues every single

allegation to a criminal standard of proof. However, it needs to pursue those allegations sufficiently to arrive at justice, and justice in this case will not be criminal justice, and it will not be the civil courts, but it will be about some reconciliation of the truth, and that is why we have been at such pains to make sure that the appointment of the correct person to this position has taken place, and I have confidence that we have got that.

The committee divided on the amendment:

AYES (15)

Brokenshire, R. L.	Brown, D. C.
Chapman, V. A.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Penfold, E. M.
Redmond, I. M. (teller)	Scalzi, G.
Venning, I. H.	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brindal, M. K.
Caica, P.	Ciccarello, V.
Conlon, P. F.	Foley, K. O.
Hanna, K.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W. (teller)
Wright, M. J.	

PAIR(S)

Buckby, M. R.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	O'Brien, M. F.
McFetridge, D.	Rann, M. D.
Williams, M. R.	White, P. L.

Majority of 6 for the noes.

Amendment thus negatived.

Mrs REDMOND: I move:

Page 5, lines 10 and 11—
Delete subclause (2) and substitute:
(2) A report of the commissioner under this section must be delivered to the Governor.

I move this amendment with some confusion, because what it is suggesting is that there is a substitution of the term in the current subclause (2) of clause 10, 'The commissioner must deliver the report to the Governor on the completion of the inquiry,' to a new wording which seems to me to be of no fundamental difference, 'A report of the commissioner under this section must be delivered to the Governor.'

The CHAIRMAN: I think there could be some confusion. I am advised that it is consequential on the earlier one that was lost.

Mrs REDMOND: In which event, it has disappeared.

The CHAIRMAN: Amendments Nos 11 and 12 standing in the name of the member for Heysen are redundant because they are consequential.

Mr BRINDAL: I move:

Clause 10, page 5, line 13—
Delete '12' and substitute:
5

I put it forward to test the will of the house and because it seems to represent a compromise between the government's position, which I thought was rather too slow, and the opposition's position, which may result in something being rushed into the house. I think the government has a lawful right to consider any proposal before it comes into the house. I think taking 12 days is far too long. Having to bring it in the next day is too short. I think five represents a reasonable compromise.

We sit for four days in the week. So, it is one sitting week plus one day. It means that it cannot be avoided bringing in the second week. The worst case scenario would be over a long break. I think that would be most unusual for this sort of report to come in in that time. If it looks as if the report is going to come in that time, I and I believe most other members of the house would then move that, if in the interregnum the report came in, we adopt a mechanism we have used many times before where the report can be given to the Speaker when the house is not sitting and the Speaker can cause it to be published. With those words, I commend my amendment to the house.

Mrs REDMOND: I move to amend the amendment so that it would read:

Clause 10, page 5, line 13—
Delete 'within 12 sitting days' and substitute:
on the next sitting day

I move this amendment as an amendment to the member for Unley's amendment. The reason for doing so is that the opposition can see no reason why, once it is given to the government, this report should not be placed before the parliament forthwith. Timings of four, five, six or however many days of sitting which are designed to allow for a clear week are necessary for certain procedural matters within the parliament. So far the government seems have advanced no reason why, once the report is produced to the government, it cannot be produced to the parliament forthwith.

Amendment to amendment negatived; amendment carried; clause as amended passed.

Clauses 11 and 12 passed.

New clause 13.

The Hon. J.W. WEATHERILL: I move:

After clause 12—
Insert:
13—**Self-incrimination**
Despite a preceding section, if a person is required to provide information or answer a question under this act and the information or answer would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or answer the question but the information or answer is not (except in proceedings for an offence against this act) admissible in evidence against the person in any criminal or civil proceedings in any court.

New clause inserted.

New clause 14.

The Hon. J.W. WEATHERILL: I move:

14—**Further provision relating to mandatory notification**
(1) Subject to subsection (2) (and despite a preceding section)—
(a) no evidence of information that discloses the identity of, or would lead to the identification of, a person who has notified a government agency in accordance with an obligation to do so under the Children's Protection Act 1993 (or a corresponding previous enactment) that he or she suspects that a child has been abused or neglected may be adduced in proceedings before a court without leave of court; and
(b) unless such leave is granted, a party or witness in those proceedings must not be asked and, if asked, cannot be required to answer, any question that cannot be answered without disclosing such information.
(2) A court cannot grant leave under subsection (1) unless—
(a) the court is satisfied that the evidence is of critical importance in the proceedings and that failure to admit it would prejudice the proper administration of justice; or

(b) the person (not being a child) to whom the information relates consents to the admission of the evidence in the proceedings.

(3) An application for leave to adduce evidence under subsection (1)—

(a) must not, except as authorised by the court, be heard and determined in public; and

(b) must be conducted in such a manner as to protect, so far as may be practicable, the information concerned pending the determination of the application.

This is identical to a provision contained within the act that established the Layton inquiry. It seeks essentially to preserve into this act the chain of anonymity of those who are mandatory notifiers. I think I understand that what would otherwise happen, because this is a later act, would tend to mean that the material disclosed would otherwise override the confidentiality clauses contained within the Children's Protection Act, so it is necessary to use this model to protect the anonymity of the mandatory notifiers that would otherwise be dissolved by the provisions that oblige people to come and give evidence about certain matters.

Mrs REDMOND: The opposition is not likely to oppose this, but I would appreciate a slightly fuller explanation as to how the current anonymity provisions operate within the Children's Protection Act, and a bit more clarity about the reading of subsection (1)(a). I want to be completely confident that I know what we are dealing with. We are not likely to have a problem with it, subject to confirmation that it says what I think it says.

The Hon. J.W. WEATHERILL: Section 13 of the Child Protection Act 1993 deals with the topic of confidentiality of notification of abuse or neglect. Section 13(1) provides that, for the purposes of this section, a notifier is the person who notifies the department that he or she suspects that a child has been or is being abused or neglected. Subsection (2) provides that, subject to this section, a person who receives a notification of child abuse or neglect from a notifier, or who otherwise becomes aware of the identity of an identifier, must not disclose the identity of the notifier to any other person unless the disclosure is made in a range of ways that can be ameliorated.

Section 13 then provides that no evidence as to the identity of the notifier, or from which the identity of a notifier could be deduced, may be adduced in proceedings before a court without leave of the court and, unless such leave is granted, a party or witness to those proceedings must not be asked and, if asked, cannot be required to answer any questions that cannot be answered without disclosing the identity of, or leading to the identification of, the notifier. Under subsection (3) the court cannot grant leave unless it is satisfied that the evidence is of critical importance in the proceedings and that failure to admit would prejudice the proper administration of justice or that the notifier consents to the administration of the evidence in the proceedings. An application for leave to adduce evidence under subsection (3)(a) must not, except as authorised by the court, be heard and determined in public; and (b) must be conducted in a manner so as to protect, as far as practicable, the identity of the notifier pending the determination of the application. You will see that—

Mrs REDMOND: So, they are the same words?

The Hon. J.W. WEATHERILL: Yes; that is replicated in this act. I mentioned earlier that it was the identical provision that was placed in the Layton report.

Mrs REDMOND: Can the minister explain the very beginning of it which is subject to subsection (2), I understand, 'and despite a preceding section'? Can you explain to what that refers?

The Hon. J.W. WEATHERILL: It seeks to make reference to those earlier provisions of the act that oblige people to relate to the provision of the giving of information. It seeks to make clear that the provision of information that can occur in a number of ways by virtue of the preceding sections is to have this section applied to it.

Mrs REDMOND: So, it is not intended to be despite a specific preceding section, but despite any preceding section.

The Hon. J.W. WEATHERILL: Despite any preceding section.

Mr BRINDAL: I just want to check that this will not have an unintended consequence which is the negative. We are looking at children who were abused and the role of state agencies in what, I think, the Premier described as evil—turning the head away when abuse occurred. I think there will be some cases where there has been notification which was not properly carried forward and was ignored and, in some cases, some of the people who should have notified may well have been government agencies. I want to be absolutely sure that, while this might protect legitimate notifiers, it in no way protects people who have failed in their obligation to notify, and because they should have been notifiers, it cannot be brought up. It is really important that if somebody failed in their duty they are not given the same protection as people who obeyed the law.

The Hon. J.W. WEATHERILL: This only protects people who have notified to the department. It does not seek to prevent any inquiry into a failure to notify.

New clause inserted.

Schedule.

Mrs REDMOND: I move:

Page 5, after line 37—

Insert:

prescribed criminal conduct means—

(a) sexual abuse; or

(b) criminal conduct which resulted in the death of, or serious injury to, a person;

The first part of the schedule is an interpretation clause and currently it has four definitions. We seek to include into that a new definition, namely, 'prescribed criminal conduct', which is defined as meaning sexual abuse or criminal conduct which resulted in a death of, or serious injury to, a person. In my second reading contribution I canvassed in some detail the reason for our wanting to include this provision. We seek to enlarge the scope of the inquiry, although we have general agreement that it should be, generally, just on sexual abuse.

Some allegations have been brought to our attention in relation to the nature of disappearances, possible deaths of children, disposal of bodies and the like, which we think warrant being included in this investigation. In fact, it is really a two part-amendment: our amendment No. 15 seeks to add into the interpretations clause that definition of prescribed criminal conduct; and, further down, we seek to change the terms of reference in particular so that 'prescribed criminal conduct' replaces the reference to just sexual abuse that appears in term of reference one.

The Hon. J.W. WEATHERILL: This amendment seeks to broaden the scope of the inquiry into areas that simply were never contemplated, and, I must say, were never agitated with us by the opposition before I saw this amendment. The criminal conduct that results in serious injury could be so broad as to cover post traumatic stress disorder, which could be said to be a serious injury. It broadens the

scope of the inquiry far beyond the scope of the inquiries which have been conducted by other institutions and which have recently been urged upon us as models, such as the Anglican inquiry.

While we acknowledge that some of these matters may be matters of some alarm and concern, a provision has now been inserted in the legislation by virtue of your amendment, Mr Chairman, which does allow the referral of matters that are not strictly within the terms of the inquiry to other bodies or processes for them to be adequately dealt with. In this case, it is the police, one would have thought, because we are talking about criminal conduct. It does not sit easily with the scheme of the act as it presently exists. That is an inquiry into sexual abuse. We set out our reasons earlier for confining the inquiry to sexual abuse.

That is not to minimise the importance of the other issues that have been experienced but rather to acknowledge that it is this particular form of abuse that has been the most difficult to uncover and the most difficult for the victims to speak about in the past. The inquiry has been limited in its terms to that particular scope.

The committee divided on the amendment:

AYES (16)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Chapman, V. A.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hanna, K.
Kerin, R. G.	Lewis, I.P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Redmond, I. M. (teller)
Scalzi, G.	Venning, I. H.

NOES (18)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W. (teller)	Wright, M. J.

PAIR(S)

Buckby, M. R.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	O'Brien, M. F.
Kotz, D. C.	Rann, M. D.
McFetridge, D.	Rau, J. R.
Williams, M. R.	White, P. L.

Majority of 2 for the noes.

Amendment thus negatived.

Mrs REDMOND (Heysen): I move:

Page 6, lines 6 to 8—
Delete subclause (2) and substitute:

(2) the purposes of the Inquiry are—

(a) to examine and report on the allegations referred to in subclause (1); and

(b) to report on whether there was a failure on the part of the state to deal appropriately or adequately with matters that gave rise to the allegations referred to in subclause (1); and

(c) to determine and report on whether appropriate and adequate records were kept in relation to allegations of the kind referred to in subclause (1) and, if relevant, on whether any records relating to such allegations have been destroyed or otherwise disposed of; and

(d) to report on the adequacy of existing measures to provide assistance and support for the victims of sexual abuse (to the extent that these matters have not been addressed by the review within the meaning of the Child Protection Review (Powers and Immunities) Act 2002.

The current bill sets out terms of reference which restrict the purpose of the inquiry to the item stated in subclause (2) of the terms of reference—that is, the purpose of the inquiry is to report on whether there was a failure on the part of the state to deal appropriately or adequately with matters that gave rise to the allegations referred to in subclause (1). The opposition is of the view that, in fact, there should be a slightly broader statement as to the purposes of the inquiry.

Members will recall that we discussed the inclusion of investigations into allegations in relation to sexual abuse which occurred when a child was in state care, whether or not the allegation was previously made or reported. So, the first extension of the purposes of the inquiry is to examine and report on the allegations referred to in subclause (1) to make it abundantly clear that those allegations that may not have been previously made or reported are nevertheless part of the proper purposes of the inquiry and specifically included as a purpose of the inquiry to have the examination and report on those allegations, then to report on whether there was a failure on the part of the state to deal appropriately and adequately with the matters that gave rise to the allegations, which is essentially what already appears in the bill.

Thirdly, we suggest the addition of determining and reporting on whether appropriate and adequate records were kept in relation to allegations of the kind referred to in subclause (1) and, if relevant, on whether any records relating to such allegations have been destroyed or otherwise disposed of. We bring that purpose of the inquiry forward because we have already received a number of allegations and a number of statements from people indicating that they have tried to access the details of their own files, only to be told that the file has been destroyed. We consider it appropriate that the inquiry look into this matter as well as the actual allegations as to what happened to those victims, because it seems to us to be abundantly clear that that is part of the potential problem of the way in which the state managed, or failed to manage, and failed to properly address the issues that were raised by people when they did make allegations in relation to their treatment.

Fourthly, we suggest that there be a purpose of reporting on the adequacy of existing measures to provide assistance and support for the victims of sexual abuse to the extent that those matters have not been addressed by the review within the meaning of the Child Protection Review (Powers and Immunities) Act 2002. That, of course, refers to the Layton report. Our argument is that the Layton report looked towards the future and did not really seek to address what had happened in the past. As yet, there has been no determination whether what is happening now to address issues of providing assistance and support for victims is adequately dealing with those people who relate to those issues that have arisen some time ago. We, therefore, move that there be those three extra purposes added into the clause dealing with the purpose of the inquiry and its terms of reference.

The Hon. J.W. WEATHERILL: This is an important amendment but the government opposes it, and some explanation needs to be given. The essential element of the amendment is to extend the purpose of the inquiry to report on the allegations. That is something that we have not done. It differs from the formula used by the Anglican inquiry which is to inquire into the process of the handling of the

allegations. There is a subtle but important difference. While we say that the terms of reference for the inquiry allow us to hear and necessarily consider the allegations of abuse, it is not necessary to elicit all the material that may be necessary to reach a final conclusion in much the same way as you would, say, in a criminal court to arrive at a finding about each of those allegations, but so many of those allegations need to be gone into in order to reflect upon the role of the state and the way in which it handled the allegations.

Of necessity, there will need to be a process of hearing these allegations. Once again, this becomes a matter for the judgment and discretion of the commissioner. If the starting point is the healing process, a sensible judge would make a decision about which matters need to be gone into in detail and which matters can perhaps be treated with less detail. That will be the fine question of judgment that will need to be made in each case. The purpose of the inquiry (as stated in the legislation) is to evaluate the state's role and, in particular, its failure or its inadequate dealing with these allegations of sexual abuse, whether they knew of them because the complaint was made to them or whether they ought to have known of them for some reason. We really do not want this to turn into a trial on each individual allegation, and that is the risk with the formula being proposed by members opposite.

In relation to the question of whether adequate records were kept or whether records were destroyed, that is a separate and different issue: it is not an inquiry into the sexual abuse of wards of the state. The question of records and their fate is an entirely separate matter and one about which questions have been asked in this house and, indeed, I am half way through preparing an answer. In essence, it was government policy at the time to rid itself of a certain amount of records for file keeping purposes, and this applied not only in the community welfare area but also across government. Thankfully that policy has now been reversed, but it was not one relating specifically to this question of child sexual abuse.

Finally, the point was that subclause 2(d) is to report on existing measures to the extent not covered by the Layton report. In that regard, we say that we have recently established the helpline, which is an important new service responding to a recommendation of the Layton report to increase the services to adult survivors. We have also funded another program in the most recent budget. These measures are in their infancy. We believe that it is not appropriate for this inquiry to inquire into those matters at this time. They should be evaluated after they have been given an opportunity to work.

Further, we would not be establishing a mechanism of this sort to conduct or evaluate the adequacy of those services. They would be more appropriately inquired into perhaps by a parliamentary committee or some other body when and if that was deemed appropriate. We think that we should be given a fair crack of the whip to apply the things that we have put in place for the adult survivors of child sexual abuse. We acknowledge that they are in their infancy and that they should be inquired into at some future time.

Mrs REDMOND: I had some difficulty hearing the minister at the beginning of his explanation. The minister would be aware that one of the main motivations in moving particularly the first of the proposals—that is, the examination and report on the allegations referred to in subclause (1), which was a concern which I think we expressed earlier today—is that the terms of subclause (2) of the terms of reference could operate to read down the operation of subclause (1).

I would appreciate it if the minister could put on the record that that is not what is intended with this piece of legislation, that in fact it is anticipated that the commissioner will (to some extent at his discretion) have the freedom under the terms of reference to follow each of these matters as far as he considers appropriate to ensure that, even if someone has not formally come forward with an allegation and only once the commission of inquiry commences, they will still be heard appropriately by the commission and will not be stopped from having an appropriate hearing of their particular circumstances because of the narrowness of the purpose of the inquiry in subclause (2) of the terms of reference.

The Hon. J.W. WEATHERILL: I can confirm that it is not the intention of this provision to prevent the commissioner from examining matters that people may be bringing forward for the first time on the basis that there could be no failure by the state because the state could not have been aware of these matters. It is a matter for the commissioner, but it would seem to me to be necessary to at least carry out a preliminary examination of each of the allegations to allow a view to be formed by the commissioner for the purposes of the inquiry: that is, to determine whether there had in fact been a failure in a particular case. I think I made the point earlier about the fact that there could be wilful blindness or it could be said that the state ought to have known about the abuse even though they might not have had actual notice. To understand that, one would need to hear from individual persons who have allegations of abuse.

The committee divided on the amendment:

AYES (16)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Chapman, V. A.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hanna, K.
Kerin, R. G.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Redmond, I. M. (teller)
Scalzi, G.	Venning, I. H.

NOES (18)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
Rankine, J. M.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W. (teller)	Wright, M. J.

PAIR(S)

Buckby, M. R.	Geraghty, R. K.
Goldsworthy, R. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	O'Brien, M. F.
Kotz, D. C.	Rann, M. D.
McFetridge, D.	Rau, J. R.
Williams, M. R.	White, P. L.

Majority of 2 for the noes.

Amendment thus negatived.

Mrs REDMOND: I move:

Page 6, line 10—delete '1 July 2004' and substitute: the commencement of this Act

This is quite a simple amendment to delete the date that the bill contains, that is, 1 July 2004. We accept that there should

be a cut-off date beyond which the commission of inquiry should not be inquiring in terms of the information that it is receiving, but we believe that, instead of 1 July 2004, which I understand was not chosen because it was the beginning of the financial year or for any such reason but simply because it was the date that this bill was introduced into the parliament, it should be changed from the date on which it was brought into the parliament to the commencement of the act so that the commissioner will be free to hear matters concerning facts which were alleged to have occurred until the date the act commences.

The Hon. J.W. WEATHERILL: All the dates are arbitrary, and we insist on our proposal. We oppose the amendment.

Amendment negatived; schedule passed.

Title passed.

Bill reported with amendments.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That this bill be now read a third time.

I thank all members for their contributions and hope that a new spirit of bipartisanship will emerge as this bill finds its way to the other place.

Bill read a third time and passed.

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

The Legislative Council agreed to the bill with the amendment indicated by the annexed schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No. 1—New clauses, page 21, after line 23—Insert:

34A—Amendment of Section 69—Permits

(1) Section 69—Delete 'Minister' wherever occurring and substitute:

relevant authority

(2) Section 62(2a)—Delete 'Minister's' and substitute:

relevant authority's

(3) Section 69—After subsection (7) insert:

(8) In this section—

relevant authority means—

(a) in relation to a permit issued by, or to be issued by, a co-management board for a co-managed park constituted of Aboriginal-owned land—the co-management board for the park; or

(b) in any other case—the Minister.

34B—Amendment of section 70A—Failure to comply with authority

Section 70A(2)—Delete 'or the Minister under this Act' and substitute:

, the Minister or a co-management board under this Act or other law

34C—Amendment of section 71—duplicate

(1) Section 71(1)—Delete 'Minister' wherever occurring and substitute:

relevant authority

(2) Section 71—After subsection (2) insert:

this section—

(3) In this section—

relevant authority means—

(a) in relation to a co-managed park constituted of Aboriginal-owned land—the co-management board for the park; or

(b) in any other case—the Minister.

STATE PROCUREMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the annexed schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1—Clause 13, page 7, lines 9 and 10—Subclause (2)—Delete subclause (2) and substitute:

(2) A committee will consist of—

(a) at least one member of the Board; and

(b) such other persons as the Board thinks fit to appoint.

No. 2—Clause 13, page 7, lines 15 and 16—Subclause (4)(b)—Delete paragraph (b).

ADJOURNMENT

At 1.16 a.m. the house adjourned until Tuesday 20 July at 2 p.m.