HOUSE OF ASSEMBLY

Thursday 25 November 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 10.30 a.m. and read prayers.

DOCUMENT, TABLING

The SPEAKER: Earlier in sittings this week a question was asked of the chair as to whether a document used by the Minister for Administrative Services in the course of making a ministerial statement was a document, if quoted, which would be tabled. The chair having carefully considered the matter and the rulings that were given on two separate occasions early—

An honourable member interjecting:

The SPEAKER: Order! When the chair is standing, all members stay where they are and, if they are in their places, they take their seat. If they are not, they sit. If there is no seat nearby, they stand.

The minister, in the course of making a ministerial statement, quoted from a document provided to him. That is in the black and white letter of the statement as a quotation. After listening to the opinion of those who have knowledge of the matter and those others who pretend knowledge of the matter, nonetheless the unequivocal rulings given by the chair in May 2002 stand. Let me make it plain: when a minister does quote from a document and an honourable member inquires as to whether that is indeed the case and discovers that it is so, it must never be seen by any honourable member or any person outside the chamber who may be aware of the proceedings or reporting the proceedings as a punishment or anything akin to a punishment when the tabling of the document is required.

Parliament and its proceedings have not been traditionally—and ought not to be in this particular parliament—involved in proceedings in which points are attempted to be scored one member from another. That is not the nature of adversarial advocacy: that is the nature of, in the kindest possible way, inappropriate play in a sand pit in a kindergarten; nothing more and nothing less. Secondly, when the chair made the rulings in May 2002, the chair made plain that it was not only in the interests of providing the public with full information about the sources and authorities upon which an honourable member, particularly a minister, may have relied in making a statement to the house or answering a question in the house, but also to ensure that whoever it is who provides that information upon which the minister seeks to rely or the member seeks to rely is not only not misrepresented but is seen to be not misrepresented in the quotation that is provided and, thereby, has in part the substance of natural justice on the record, where that is sought as a process of fairness by other members.

Thirdly, the provision of the information is and always will be subject to the discretion of the chair who, traditionally and in contemporary times, must remain independent of the ruck. Indeed, notwithstanding the fact that the chair is part of the ruck of the proceedings of the parliament in its robust approach to debate, it must ensure that the public interest is protected and that all members therefore know that if the chair, upon receiving the document relied upon by the member or minister, discovers that it contains information that is clearly not in the public interest to have disclosed, for whatever reason, then the chair will either delete such passages from the document or documents and table it or simply order that it cannot be disclosed and that its tabling is therefore reversed.

One further remark that is warranted is about the kind of authority to which members may wish to refer in either understanding, supporting or opposing in their minds the rulings that the chair makes. *The Constitution of South Australia*, as a light tome on such matters by Mr Selway QC, formerly Solicitor-General, is a useful guide in many instances, but in this instance the authorities cited for the material it contains as statements of his opinion are fairly spare and, indeed, where relevant in this context, do not exist. The opinion is that of Mr Selway alone and not of anyone else in many such instances, to be found in 4.11.1. In any event, at the end of that statement he states, in his book:

> It should be noted that the above exceptions have no status except that they are generally accepted by parliament as being reasonable.

He has no authority for making such a statement. I disagree with some of his opinions, and so does the practice in this and other parliaments. He goes on:

> This issue is essentially a political rather than a legal issue. By that I am sure he means that it is a matter which the parliament, and particularly the Presiding Officer, has responsibility to uphold and protect both the freedoms and privileges of the parliament, as well as the public interest, and to balance the two.

Finally, in Erskine May it states:

> A Minister of the Crown must not read or quote from a dispatch or other State paper not before the House, unless he or she is prepared to lay it upon the table.

Accordingly, I require the minister to bring it to the chair before the conclusion of proceedings at lunch.

Mr BRINDAL: I rise on a point of order for a point of clarification, Mr Speaker. I know that you do not necessarily seek it or that it is not highly orderly, but your rulings in 2002 and this morning, I think, go a great way to helping this house not only now but in the future. Could I ask you for clarification. As I understood it, you said in your statement that if a matter was tabled the chair reserves to itself the right to maybe in some way exclude parts from—and this is what I do not understand: are you saying that the chair has the right to exclude some things from the purvey of the house, or to order that the house, maybe having knowledge of those things, is not to disclose those things wider than the personal knowledge of the member? I just do not understand that point, and I am not sure whether you want to clarify it now, but I would appreciate it, and I am sure the house would appreciate it, if you could declaim on that at some time.

The SPEAKER: Firstly, for the honourable member for Unley's benefit, can I say that the chair reserves nothing to itself. The chair is part of this chamber. In consequence, the chair's duties, as distinct and separate from the duties of other members in this chamber, are first and foremost to uphold the privileges and responsibilities of this chamber in its part as a house in the parliament. Secondly, it is to balance that against the public interest which the chamber is established constitutionally to pursue. Indeed, on occasions, the public interest will clearly not be best served by the disclosure of confidential details relevant to a contract, for instance, where it would not otherwise happen in the private sector and, more especially, in the public domain. If such disclosures were made it would prejudice the capacity of executive government to obtain outcomes in the best interests of the public, that is, the community at large. Wherever and by whatever inadvertent oversight a minister or the executive in total

sought to, even if not seeking, but inadvertently did something which was not in any other interest than that of the executive government against the capacity of the government to be held accountable within the parliament and, in particular, in this chamber, then the chair has the responsibility on behalf of the chamber to make that available to the public.

In this case, the chair's melancholy duty is to make that judgment and be held accountable for doing so, whatever that may be. May God help us if we individually or collectively ever lose faith in the institution of this chamber and the chair of the chamber in doing that, remembering that all other members in the chamber are part and parcel of debate and adversarial advocacy. The chair's duty is to detach itself, however painful that may be, from that and ensure that the public interest overrides the argument there may be in the course of orderly parliament about matters of polity.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I just want to say that the government's principal concern in this matter, whatever the ruling is about this matter, is that it endure, whichever party is in government and whomever is the speaker. That is our main concern. We will look at the ruling; of course, we reserve the right to dissent should we disagree.

Mr Brindal interjecting:

The SPEAKER: Order! The honourable member for Unley knows that if he wishes to have a conversation with another member he may, of course, duly acknowledge the chair in crossing the chamber, or passing between a member speaking on their feet and the chair, and have that conversation in quiet time, and not engage in debate across the chamber in that manner.

2004 ATHENS PARALYMPICS GAMES

Mrs PENFOLD (Flinders): I move:

That this house congratulates the South Australian cyclist Kieran Modra and all Australian athletes who competed in the 2004 Athens Paralympics.

It is a great pleasure to move that this house congratulates Kieran Modra and all the Australian athletes who competed in the 2004 Athens Paralympics. The Paralympics Games, perhaps even more than the Olympic Games, testifies to the courage and endurance of human beings who strive to achieve their highest potential and of the families and friends who support them. Today I tell the story of someone striving against the odds of devastating disappointment and liberating triumph to honour the sight-impaired cyclist Kieran Modra. This honour encompasses all members of the Australian team with particular congratulations to those who won medals in the 2004 Athens Paralympic Games.

Kieran's sporting prowess began during his time at Townsend House school at Hove were all students were encouraged to participate in sport. It was noted that he was well coordinated. Moving on to Mawson High School, he took up javelin and pole vault. He competed in pole vault in the Australian Schoolboys Championships where there was no thought given to physical impairment. The only consideration from the organisers was to paint the box white where he placed the pole when taking off for the vault. He came third one year, second another year, and then won gold in the Australian under 19 competition. Kieran first competed in the Paralympics in Seoul, Korea in 1988 in running and javelin. In 1992 in Barcelona, Spain he competed in javelin and swimming, winning two bronze medals in backstroke. For the Atlanta Paralympics in 1996 he switched to cycling with Kerry Golding as his pilot.

Sight-impaired cyclists use a sighted pilot who must also undergo the gruelling training regime of early mornings and hours on the track week after week. In an early race the couple fell and were both taken to hospital where it was feared that Kerry had a broken thigh. Fortunately, this diagnosis was incorrect; however, the strong painkillers that Kerry was given meant that she would test positive for drugs and, therefore, be disqualified. Then it was worked out that the drugs would be out of her system by the time of the race. Even though getting about in a wheelchair and having to be lifted on and off the bike, she was determined to ride. She and Kieran went out and won gold. Kieran and Kerry married by the time of the Sydney 2000 Olympics. Despite being pregnant, Kerry continued as pilot, usually fainting from low blood pressure at the end of each race. Kieran's sister, Tania, was pilot for the road race. Unfortunately, the chain kept breaking so they lost their winning lead. Tania also rode as pilot for the Adelaide visually-impaired Paralympian Sonya Parker who won two gold medals.

Then came Athens in 2004. Kieran is unusual in that he competes both as a sprinter and an endurance cyclist; therefore, he needed two different pilots—David Short and Robert Crowe. This dropped his points allocation for selection, allowing another cyclist to be put into the Australian team. Three months of appeal and counter appeal followed. Four days before the games started he moved out of the athletes' village and all but resigned himself to missing the Athens Paralympics. However, the Australian Paralympic Committee battled hard on Kieran's behalf, taking his case to the International Olympic Committee, asking for a 144th place for Australia. The APC said that Modra had done everything necessary to qualify to compete. In an unprecedented move the IOC granted Australia's request on the eve of the opening ceremony. He sent a jubilant text message to his wife, Kerry, in Adelaide which stated, 'We are in baby. We are in, we are in.' His parents, Theo and Sylvia Modra, who were at the Athens games, did not know that he would compete until he came out on the track on the first day of competition following the opening ceremony the previous night.

Kieran fulfilled the faith that the APC placed in him, winning two gold medals and one bronze medal. He and his pilot Robert Crowe won the first gold in the 4000-metre individual pursuit. He won the second gold with pilot David Short in the men's sprint. The couple crashed due to a tyre blowout while travelling at 50 km/h during the semi-finals, sustaining abrasions, cuts and bruises. They were able to restart and win through to the three-race final, overcoming severe pain to win gold for Australia. Modra, who was the more injured of the two, could barely stand up after the event.

The 100-kilometre road race was combined with a time trial. While Kieran and his pilot won the time trial, they dropped to seventh or eighth in the road race due to a broken wheel that had to be replaced. This still allowed them to take out the bronze. Tyson Lawrence also acted as pilot in training sessions. This is the background of just one of our Paralympians and the highs and lows of his journey. I am sure that each one, medal winners or not, could tell a story of endurance and striving to achieve the utmost, of setting aside what are usually seen as handicaps to live life to the fullest. I congratulate Kieran and all the Australian athletes who competed in the Athens 2004 Paralympics.

Mr CAICA (Colton): I rise to support the honourable member for Flinders' motion. Australia sent a team of 143 athletes and 84 coaches and officials to the Athens 2004 Paralympic Games, with 15 athletes and eight coaches and officials from South Australia. There were 136 nations participating at the 2004 Paralympic Games. As I understand it, Australia was aiming for a top five finish in the medal target for a total of 134 medals. Australia finished in fifth position on the gold medal tally behind China, Great Britain, Canada and the USA, and finished with a tally of 26 gold medals. That is an outstanding and remarkable achievement. Australia finished in second spot for overall total number of medals, behind China with a total of 100 medals. Members are already aware that eight of the 15 South Australian athletes returned home from Athens with 16 medals from 15 different events.

The house has heard of the medal winning performances from South Australian athletes. Once again I congratulate the following athletes: Paul Benz and Benjamin Hall for gold medals, Neil Fuller for two silver medals, Katrina Webb for a gold medal, Kieran Modra for two gold and one bronze, Andrew Panazzolo for silver and bronze medals, Matthew Cowdrey for two gold medals, one silver and two bronze medals, and Daryl Taylor for a silver medal.

The government through the South Australian Sports Institute has offered significant support to enhance the performance of elite athletes in this state through the provision of scholarships and access to training facilities to deliver personal best performances. As a member of the government, and I know the opposition benches will agree, we are proud as a parliament and as a state to support all South Australian Paralympic athletes and recognise those athletes.

I guess if there was one disappointment from a personal perspective, it was the lack of TV coverage of the Paralympic Games. One of the advertisements throughout the games that I found quite moving and quite outstanding was that of Neil Fuller running along at full pace with only the upper torso being displayed and then they would take it away and show him running with his one leg and his support leg there. To have a look at some of the swimmers: for example, the member for Enfield knows how hard it is to do butterfly with two good arms but to see people with no limbs doing butterfly is quite amazing.

I would urge that in the future the federal government support a greater deal of coverage of the Paralympic Games. Again, I offer the greatest amount of congratulations to all those South Australians, indeed Australians, who represented Australia so proudly and expertly.

Ms THOMPSON (Reynell): I want to add my congratulations to those of the members who have spoken before and especially to commend Kieran and Kerry Modra not only for their achievements at the Olympic Games—I know this time Kerry was not riding with Kieran as she has many times in the past—but also for the inspiration that they have offered to the youth in my community.

Kieran and Kerry lived in Christie Downs in Morphett Vale for quite some time, and Kieran was a cycling teacher at Morphett Vale High School. The commitment that he displayed to his sport and to the young people in our community was truly remarkable. He is an excellent role model for our young. Perhaps he thinks he is not quite as young as he used to be, but he has certainly inspired many young people at Morphett Vale High School. He worked with David Gomer as the cycling teacher there. Morphett Vale High School has a strong cycling reputation, and Kieran Modra is one of the reasons for that strong cycling reputation.

In the south, the member for Fisher has just pointed out to me that one of the high schools that lies just outside my area (it is in his area but services both our areas), Reynella East High School, had a remarkable achievement in that three of their former students won medals during the Olympic Games. I met one of those students at their graduation ceremony this year and was really surprised to see just how beautiful those medals are. Not only is it a mark of achievement but also it is a thing of beauty itself. So congratulations to all South Australians, particularly to those in the south who have provided inspiration and leadership to our young people and congratulations to Kieran and Kerry Modra as well.

Mrs REDMOND secured the adjournment of the debate.

PORT POWER

Mrs PENFOLD (Flinders): It is with pleasure and great pride that I move:

That this house congratulates Port Power on their magnificent AFL Grand Final win and in particular the contribution that the players from Eyre Peninsula made on this historic occasion.

It is a pleasure to congratulate our South Australian team on winning the 2004 Australian Rules Football premiership, bringing to 100 per cent the state's record of teams that have won this honour.

Coach Mark Williams said it all with his comment on the day that those who had criticised Port Power and his leadership were wrong, a criticism that was made by some very high profile people. My pride stems particularly from the extraordinary contribution made by people in my electorate to this win. It is a source of national comment that six players from such a sparsely populated region had a major part in Port Power's success.

Byron Pickett and brothers Shaun and Peter Burgoyne gained their early training at the Mallee Park Football Club in Port Lincoln. This small club has produced several other AFL players—Graham Johncock, Harry Miller Junior and Daniel Wells. The club was formed in 1981 by the Port Lincoln Aboriginal Organisation when the Tumby Bay club moved from Port Lincoln to Great Flinders Football Association, leaving a vacancy in the Port Lincoln league.

In its short 24 year history, the club has won 11 A grade premierships, five B grade premierships, five under-17 premierships, two or three under-14 premierships, and this year the under-11s won back to back the Wayne Evans shield, the equivalent of a premiership for this age group which they had also won on previous occasions. In fact, Byron Pickett and Shaun and Peter Burgoyne played together in one of those under-17 premierships.

Club officials said that we should keep our eyes on this year's AFL draft where there is the possibility of two more Mallee Park players, Eddie Betts and Elijah Ware, being picked up. Mallee Park Football Club's management is wholly Aboriginal; however non-Aboriginal players are welcome to join. The club is one of the success stories of our indigenous people, and its positive influence and fame will continue to grow.

Byron Pickett was named best on ground on grand final day, which is a significant honour, and few will forget his nonchalant but fast run down the field, bouncing the ball occasionally, finishing with another goal for Port Power. The

speed and agility of Shaun and Peter Burgoyne have brought them to the top of the AFL. But that was not the only contribution that Eyre Peninsula made to Port Power's historic win. Gavin Wanganeen and Darryl Wakelin played short stints for the Boston Football Club in the Port Lincoln Football League. Wanganeen's magic makes him one of the top players in the AFL. Bostons could have used his skills this season, which was not one of its greatest triumphs.

Darryl Wakelin and his twin brother Shane came from Kimba, which is a district more noted for its contribution to politics than to football. Shane, who plays for Collingwood, has twice been in the premiership runner-up team. Kane Ackland is the sixth Eyre Peninsula recruit who contributed to the Power win, although he was not in the team on grand final day, even though he was in the squad. Coffin Bay had a special interest in Port Power, because Kane's mother lives there.

I mention only some of the players from my electorate covering Eyre Peninsula who have made it in the AFL, because this motion is to congratulate Port Power on its magnificent win. That win has brought joy to many people interstate, including two small friends, Jaden Lewis-Foster and Cohen Ashton, in Cairns in Queensland. The grandparents of both boys live in Port Pirie. Cohen has cystic fibrosis. Jaden's mother picked him up from the hospital to take both boys to the Cairns Esplanade, where the Port Power players autographed their arms and backs. All the players also signed Jaden's cap, which is now a very prized possession. Cohen was returned to the hospital after the drive, but both he and Jaden bathed without soap that night so that the writing would not wash off and they could go to bed autographed.

There are 22 players in a team, although only 18 are on the field at any one time. I am sure that each player in the Port Power team and their families and friends have a story to tell. I congratulate each one. However, I have special pride in congratulating the players from Eyre Peninsula and their supporters, because it is much more difficult to reach the top when one lives as remotely as we do. The inherent costs and difficulties, let alone the homesickness felt by those who have to move away and the sadness of those left behind, are hurdles that prevent some in our region from reaching their potential in their chosen field, as these young men have done. They have been an inspiration to us all. I commend the motion to the house.

Mr CAICA (Colton): I am a very proud Woodville-West Torrens Football Club supporter and, prior to that, I was a very proud supporter of the West Torrens Football Club. In fact, those people who have grown up supporting other clubs would know that one of the reasons why anyone would ever go to Alberton Oval was in the hope that their team would beat the Port Adelaide Magpies. In 1994, when the Woodville-West Torrens Football Club looked as though it would win the premiership, what was interesting about the Port Adelaide supporters was that in the first half they were bagging their own team. I recall my son James (who now loathes Port Adelaide Magpies with a passion) asking, 'What is wrong with these supporters, dad? Why are they bagging their own team mates?' I said, 'Well, that's just the way it is, son.' Interestingly, after half time, when they got on top, and Steven Williams (with whom I worked in the fire brigade—and I still have not forgiven him) was playing a magnificent game, they got in front and won. As opposed to bagging their own team, after half time the Port Adelaide supporters started bagging the Woodville-West Torrens supporters. So, it has been a very difficult road. I have never liked the Port Adelaide Magpies, and that is still the case. As my colleague, the Attorney-General said, now it is commonplace to go to Alberton and see the once mighty Magpies beaten.

It has been very difficult for me to detach myself from that mentality, or that emotion I have about the Port Adelaide Magpies and, indeed, the Port Power football club. However, I think that, to a great extent, I have achieved that. I am pleased to say that, when it comes down to Port Power playing an interstate team—a Victorian team or a team from any of the other states—I much prefer to see the South Australian team win. To that extent, I was pleased to see the Port Power football club win on grand final day and achieve a victory over Brisbane, which is clearly the team of the century.

It was a very good game of football, and anyone who knows anything about football would have known that at half time the game was almost in the bag. They played very well. I congratulate the team on its performance that day, the coach, Mark Williams and the support staff. One of the unfortunate things, and the reality, is that the supporters who have turned so many people off the Port Adelaide Magpies are the same supporters who support Port Power, and they have to deal with themselves. I am talking specifically about the team and, as I said, I am very pleased that it won.

Another interesting fact was that, on grand final day, we were having a barbecue at a friend's place—Fuzz's place—and these people have still not made the same transition that I have. Late in the last quarter, when it was clear that Port Adelaide would win, and prior to the presentation shown on the television, they just could not bring themselves to watch it, so they went outside and had a beer. I handled it at least for a few minutes and then went out to join them, only because it was a very pleasant afternoon to be out in the sun. I congratulate the Port Adelaide Football Club. I wish it success for next season, and I trust and hope that it will be the runner-up.

Ms THOMPSON (Reynell): I was distracted by the comments of my colleague, who hopes that Port Power will come second next year. I am determined that I will do everything I can to make Port Power come first next year, which means much yelling and screaming and enthusiasm from bay 132, which is the Power outer army, where I congregate whenever electoral duties permit. I consider that it is important to talk about the Port Power victory today, even though I am not at all fond of the sporting motions that come here. But I do contribute as well.

Power, through planning, hard work, team work and determination, overcame the odds and were an inspiration for all South Australians and showed what we can do when we know where we are going, have a very clear goal, work out how we are going to get there, use team work, support each other, get on with it and do it. Power has shown us what South Australia is going to do over the next 20 years and how we will be a beacon for all Australia.

The Power supporters are passionate. In fact, it was one of my constituents who appeared on television that night at Alberton Oval saying that it was better than her wedding day. Karen is no longer married to that person so maybe that was the problem, but Karen is also a committed Power supporter. She has a background of supporting the Magpies. I do not: I am a very strong Panther supporter, as everybody would know. But I am very proud of the contribution that the

Panthers have made to Power through Brendon Lade and Dean Brogan. I consider them to be especially important players in the Power team, of course.

Mr Rau interjecting:

Ms THOMPSON: As the member for Enfield says, we couldn't have done it without them. But we could not have done it without any of the team, the coaches or the support staff—and, as the team and the coaches acknowledge, we could not have done it without the passionate support of the crowd. The Power, as I said, exemplifies how we as South Australians can work together. I think it is important, as we seek to turn the state around and be creative, determined and achieving, that we take inspiration from not only what the Power has done but also from the many successes that South Australians and South Australian teams achieve in different ways.

I will curtail my remarks because I could talk for about an hour or so reliving that match. I think the important thing is to say: well done and thank you. I hear that some of the state is not with you as much as others but you have been important to us all, and I look forward to at least three premierships in a row. Brisbane's record has to be beaten, and four in a row looks pretty good to me!

Ms CICCARELLO (Norwood): I would like to add a few comments to the debate. It might seem strange for a Norwood supporter to be congratulating the Power, but Norwood has had a strong connection with the Power since it entered the AFL. I will not go into the history of whether the Power or Norwood should have been the second team but, with regard to the premiership this year, it certainly was a great win. I watched the game and it was pretty exciting, but I would like to remind members that there was an outstanding player in the preliminary final against St Kilda in Roger James, a Norwood player, who played so well that he effectively guaranteed that the Power would be playing in the Grand Final. Of course, we cannot go past Matthew Primus, another Norwood player who, although he has not been able to play this year through injury, has been an inspiration to the team even off the field. David Pittman, former Norwood and Crows ruckman, has been the ruck coach at Alberton Oval and, before him, Craig Balme.

However, I take nothing away from the current players, and I particularly congratulate Mark Williams. He has had a difficult time ensuring that his team got the credibility that they deserved. They certainly showed that they are worthy of the number one title. They had been minor premiers for a couple of years and now have shown that they are the best in Australia by winning the Grand Final. I congratulate all the team—the players, the many volunteers who also put in a lot of effort, and all the support staff. It will be interesting to see whether they can win back-to-back premierships next year—hopefully with Matty Primus at the helm.

Mr RAU (Enfield): I want to say a couple of things. First, obviously, I endorse the words of congratulation by the member for Flinders in relation to the great outcome that the Port Adelaide Football Club managed to achieve recently. However, I would also like to say that I genuinely hope that, over the next few months, we can find a better way of dealing with these matters—which I am not suggesting should not be brought before parliament. However, it seems to me that, because private members' time is so precious and constrained, there should be some methodology—

Mrs REDMOND: I rise on a point of order, Mr Deputy Speaker. The member's comments after he finished complimenting the member for Flinders on the motion seem to have strayed well away from the matter before us and, indeed, the very issue that he is now addressing is curtailed, I think, by the standing orders which require him to be relevant to the subject matter of the motion.

The DEPUTY SPEAKER: There is probably an extra degree of latitude in private members' time. I think the ball might have gone out of play but I think the member for Enfield is about to have it returned!

Mr RAU: I am bringing it back. The member for Heysen knows full well that the hip bone is connected to the thigh bone and she often uses that during question time to ask supplementary questions, but I will not spend too much time on that. I was simply going to say that there must be some way to deal with these matters in such a way as to not diminish the importance of the propositions but at the same time get onto the other very important items of business. I have now taken up two minutes and I think that is enough.

Mrs REDMOND secured the adjournment of the debate.

CENTRAL DISTRICT FOOTBALL CLUB

Mr O'BRIEN (Napier): I move:

That this house congratulates the Central District Football Club for winning the 2004 South Australian National Football League grand final and seizing their fourth premiership in the last five seasons of the competition.

I rise to congratulate the Central District Football Club on their latest SANFL premiership, which they won at the grand final by defeating the Woodville-West Torrens Eagles by a record 125 points. I am told that this is a record margin—I think the Attorney concurs with this—for an SANFL grand final. The Attorney-General is hiding himself at the rear of the chamber. More importantly, it marks Central District's fourth premiership in five years. The Bulldogs are now indisputably the foremost club in the league, both on and off the field. This year, in addition to their premiership, the club boasts the Magarey Medallist, Paul Thomas; the league's leading goal kicker, Daniel Schell; and the minor premiership for finishing top of the league after the minor round. The club and its success are a source of real pride to the northern area, particularly my electorate. In fact, there were a reported 1 500 people at the celebrations at Centrals' home ground after the match. I walked through that crowd, so I can testify to the accuracy of the newspaper report that cited that number as 1 500.

The club is a vital and integral part of the northern community, and I am proud to say that I am a sponsor and a supporter of the club. The Bulldogs' success means a lot to the people of the north, and I am very happy and proud to contribute to that in a small way. The match itself was remarkable. A crowd of 24 400 saw the biggest grand final margin in SANFL history. The 125 point margin surpassed North Adelaide's 52-year-old record of 108 points when it defeated Norwood in 1952. Centrals dominated all quarters of the match, notching up over 100 more possessions than the Eagles. The Bulldogs kicked the first four goals of the match and, whilst Woodville-West Torrens kicked two late goals in the first quarter and the first goal of the second quarter, by half-time the margin had been stretched to 44 points, and Centrals had put the game beyond doubt. The Bulldogs' dominance was such that they allowed the Eagles only one solitary point in the final quarter. Having been the best side

all year, it was a remarkable performance from all 21 players on the day.

The Hon. M.J. Atkinson interjecting:

Mr O'BRIEN: They couldn't do it on the day that counted. The premiership team was made up, from the back line, by Brad Currie, Jeremy Aufderheide and Tyson Hay; on the half-back line, Paul Thomas, Yves Sibenaler and Stuart Cochrane; in the centre, Simon Arnott, James Gowans and Nathan Steinberner; on the half-forward line, Chris Gowans, Daniel Schell and Daniel Healy; up forward, Richard Cochrane, Luke Cowan and Marco Bello; in the ruck, Paul Scoullar, Heath Hopwood and Matthew Slade; and coming off the interchange bench were Jason McKenzie, Shannon Hurn and Elijah Ware. Special congratulations should go to Nathan Steinberner, who was awarded the Jack Oatey Medal as the best player in the Grand final.

I, of course, was at the game and, while there were many fine contributions from the team collectively, Nathan's was the standout performance, thoroughly deserving of the accolades it has received. The award was particularly special to Nathan, as he has been at the club since his junior football days and has risen through the ranks to become one of the team's premier players. Congratulations also to coach Roy Laird, who has now written himself into history as the first Centrals coach to snare back-to-back premierships. As all sports followers would know, to win back-to-back flags is one of the hardest achievements in any sport. Roy Laird, with the help of his assistants, has established the Bulldogs as the benchmark side of the competition—and full credit to him.

There are many others who contributed to the premiership. Special mention should be made of the Chief Executive Officer, Mr Kris Grant, and the President, Les Stevens, both of whom have placed the club in a strong off-field position and have contributed greatly to the northern suburbs. Les Stevens, particularly, has made the club strong in a financial sense. I also want to mention the efforts of the volunteers who contribute to the club, the trainers and the runners, those people who make up the very heart of Central District Football Club. There are too many to mention individually, but their efforts should not be allowed to pass without mention.

Commiserations to Woodville-West Torrens. I felt particularly sorry for them on the day. They enjoyed a very strong season, and I think it would be fair to say that the margin of the grand final did not reflect how competitive they had been during the year and the successful year that they had enjoyed overall. However, the Bulldogs were very worthy winners on the day—and full credit to them. Their win has given the northern area a real boost. As I mentioned before, the number of people who supported them on the day was absolutely tremendous, as was the number who went back to the club that evening to enjoy the celebrations. Once again, I congratulate the club on its premiership win. It takes a team to win a match but it takes a club to win a premiership. The Bulldogs are a northern success story. Congratulations to them, and good luck in 2005.

The Hon. L. STEVENS (Minister for Health): I would like to reiterate the comments of my colleague the member for Napier and say how pleased I am to be able to support this motion. It is a long time since those first heady days back in 2000 and the years before when Central District started to move forward. They still did not make it in the late 90s and we sat in the stands at West Lakes and were disappointed, but you keep going, and that is exactly what the Central District Football Club has done and they have triumphed. Four premierships in five years. There was a little hiatus there in the middle but now back on track, outdoing the record of Port Adelaide Football Club, which is what, of course, all Central's supporters want. To have that many premierships in a row will tidy up a whole lot of grudges that go back many, many years for people in the north.

I would like to support all the comments that the member for Napier has made in relation to the club. The Central District Football Club is indeed an icon in the northern community. It is both a powerhouse in terms of its sporting prowess not only with its league players, and in the seconds and the younger teams, but also in terms of the junior football that it promotes and works with across the north, and in the lower north country areas of South Australia. Central District has also involved itself in netball and other sporting codes in an effort to bring and to marshal confidence and a sense of focus and community that can come by people getting together and being part of the sporting club, and doing well and excelling at it, and it has been a very good thing for the north.

I would like to congratulate all the players without naming them all. Daniel Healy, as captain, and the players did a fantastic job throughout the year. We Centrals supporters sometimes still get nervous on occasions when we seem to have a little dip, but they came good when it counted and it was a great effort. I would like to pay tribute to the President of the club, Les Stevens, and the Chief Executive, Kris Grant. They have done a fantastic job, together with the board and the staff and volunteers, making that place a very important community in the north.

The Hon. M.R. BUCKBY (Light): I also rise in support of the member for Napier's motion and congratulate the Central District Football Club on achieving yet another premiership. I remember back many years ago when we all thought,'Would we ever win one and get into the finals?', and I find it somewhat disturbing now that there are certain people within the media who are calling for some sort of equalisation of the competition because Centrals are suddenly so strong, winning four out of five premierships. I do not see those same people calling for an equalisation of the competition when Port Adelaide won something like nine premierships on the trot.

The Hon. M.J. Atkinson interjecting:

The Hon. M.R. BUCKBY: Six? Thank you. Six on the trot. I did not see anybody calling for an equalisation of the competition at that stage.

The Hon. M.J. Atkinson: That is why Woodville was created.

The Hon. M.R. BUCKBY: No; that was population. I say good luck to Central District. They have worked hard over a long period of time. The professionalism of the administration at Central District Football Club is to be applauded, because the way that they have gone about this, I guess you could say, is that the success has come through and is well deserved. I draw a bit of an analogy with Mark Williams and Port Power, in that by preparation, preparation, preparation, you end up winning the flag in the end. Well, Central District has done exactly the same thing over a long period of time. Many of Central's players over the years have come from within my electorate containing Gawler and north of Gawler—Daniel Healy from Hamley Bridge and Yves Sibenaler from Gawler—his father played for Central District as well some time ago, so it is good to see that success in the

north. I think that there are a few more premierships left there because there are some very good players. The performance on the day was nothing short of awesome. I think that the commitment by the Centrals players overwhelmed the other team.

The Hon. M.J. Atkinson: We are still waiting for you to beat Port Adelaide in a grand final.

The Hon. M.R. BUCKBY: We did not have to do that because they did not find their way to the grand final, so we did not have to worry about them. But, when they do finally get there, we will knock them off as well. With those few words, I congratulate all at the Central District Football Club—the players, the administration, and volunteers—on yet another premiership and a job well done.

Mr GOLDSWORTHY (Kavel): I, too, am pleased to support the motion that the member for Napier has brought to the house in congratulating the Central District Football Club for winning the 2004 grand final. I do not intend to take my full allocated time of 10 minutes; I could if I was provoked, but at this stage I will not. What a game it was on that day! What a day! What a game it was! A record making margin of victory—a 125 point margin, over 20 goals, nearly a 21 goal margin—and who were they playing? Woodville-West Torrens. We know who in the house is a staunch supporter of Woodville-West Torrens—no less than the Attorney-General—and I am sure that he would have been there on that day, in anticipation, wearing the jumper that he wore in the house with pride leading up to the grand final. We all recall quite clearly that the Attorney paraded with honour and pride the jumper of the club that he supports so strongly.

But what happened on that day in early October? An absolute trouncing! An absolute flogging. But we are not here to taunt the Attorney-General at all. We know him quite well: he takes these matters in very good humour. He has broad shoulders. We know he is not a sensitive person on matters like this; nothing really upsets him. Nevertheless, it was a record-breaking margin. I recall when I was a young lad back in the 1960s and the Central District Football Club was first formed. I do not know whether the Woodville Football Club was formed in the same year—

The Hon. M.J. Atkinson: It was, and we beat you both times in 1964. And we were first of the new boys to win a premiership.

Mr GOLDSWORTHY: I am pleased to receive that information from the Attorney that the Woodville Football club and the Central District Football Club were formed in the first year. I remember that quite clearly as a lad. I did play football when I was a younger person, and—

An honourable member: Turn the phone off!

Mr GOLDSWORTHY: Sorry about that, Mr Deputy Speaker—

An honourable member: No, it's Hansard.

Mr GOLDSWORTHY:I should apologise profusely to Hansard: that lady is a constituent of mine.

Members interjecting:

Mr GOLDSWORTHY: She's still a constituent, but she might not be a supporter! I might not get her vote. But I digress somewhat: I will come back to the nub of the debate. I recall as a school boy that Channel 9, from memory, ran a football coaching clinic in the north parklands that I and some of my friends attended, and senior league players would come and assist in the coaching. There was a Central District player, I do not know whether it was Casserly or Saywell, one of those players, who were involved in the coaching clinic. I remember one particular day when one of the senior Central District league players took our training session. It is interesting that we do recall those memories with some pleasure; not that I was a tremendously—

Mrs Redmond: That was the height of your football career, was it?

Mr GOLDSWORTHY: Not necessarily. The highlight of my football career was when I played for the Kersbrook B grade and we won the Premiership! I will not hold up the house, but it is good to see that Central District Football Club is enjoying some success. Over the recent history of the SANFL we have seen that fortunes do change. Back in the late 1960s and early 1970s the Sturt Football Club had a distinct purple patch when it won quite a number of grand finals, then Port were successful for a number of years. Glenelg won a premiership there, so fortunes do change.

Mrs Redmond: What was that about your not holding up the house?

Mr GOLDSWORTHY: I'm being provoked! I will conclude my remarks a lot more quickly if people do not provoke me. Although Central District and Woodville did struggle in those early years, we had seen the fighting spirit of the north come to the fore and succeed. Also, a young lad whose surname is Thomas, I cannot remember his Christian name, a player from Central District, won the Magarey Medal, which is a jewel in the football club's crown. It is interesting that a club established in the north, in the township of Elizabeth, where the predominant population originally was made up of English migrants, has achieved the support that it has.

I worked at Elizabeth for three years in my banking years. Our office was located not that far away from the football club and the oval, and the northern suburbs certainly did get behind their football club, even through those years of poorer performance, and support it. I have pleasure in supporting the motion of the member for Napier and I commend him for bringing it to the house.

Motion carried.

POLICE MEDAL

Mr VENNING (Schubert): I move:

That this house calls on the Minister for Police to expand the criteria for awarding the South Australian Police Medal to allow for the medal to be awarded retrospectively to retired police officers in recognition of their meritorious, diligent and dedicated service irrespective of when they served, and to consider supplying the extra resources for SAPOL to undertake the exercise.

Last year I was privileged to be one of more than 300 000 national servicemen to receive the Australian National Service Medal for my two-year service with the armed forces. I was a national serviceman from February 1966 to February 1968 and served with the Royal Australian Artillery. The federal government gave national service men and women the opportunity to apply for the medal, and most of them have now done that. It is tangible evidence of my commitment to my country and a willingness to serve. I now have a tangible symbol that I can hand down to my children, and it is something that I hope my family will be proud of. It was a time in my life that I thought was very worthwhile.

I was somewhat surprised to receive correspondence from a constituent—a retired police officer who served 33 years of very good country and city service—seeking my assistance in having the South Australian Police Service Medal awarded retrospectively. He and other police officers who have given

similar meritorious service have no medal or award to proudly display and pass on to their future generations. I made some inquiries and found that the medal, in its current form, was established in 1988 to recognise long and diligent service to South Australian police. It may be awarded to sworn employees who have completed a period of 10 years of continuous, diligent and ethical service to South Australia Police.

Prior to the establishment of the Police Service Medal, a national medal was introduced in 1976. Prior to this, there was a long service and good conduct medal in existence, peculiar only to the police. The abolition of the long service and good conduct medal and its replacement with a national medal caused considerable disquiet amongst many members, so much so that steps were taken to cause a medal peculiar to the police to be reintroduced.

Many members refuse to wear the national medal. I understand that the introduction of the current South Australian Police Service Medal is a result of efforts made by members since 1976 to have a medal peculiar to the police struck. Unfortunately, awarding of the South Australian Police Service Medal was not made retrospective, and the majority of retired members are grossly disappointed. I understand that the Retired Police Officers Association wrote to the Commissioner of Police, expressing concerns that persons who had joined the South Australia Police from about 1953 and served diligently for over 30 years have not received sufficient recognition for faithful service. In his reply, the Commissioner explained that 'for a number of reasons' it was not appropriate to alter the criteria for entitlement to the medal. I have written to the Minister for Police on a number of occasions, raising the need to recognise meritorious service amongst our police. The minister's response has been that it is not possible to award the medal retrospectively, as the records are outdated and adequate resources are not available—end of story.

We must take into account that in excess of 300 000 national service trainees have received and are currently receiving medals in recognition of three to six months' training, some 40 plus years ago, and retired police officers, some serving in excess of 40 years' service, are not eligible for a medal recognising that service. The criteria for entitlement to the medal are not acceptable. There is no doubt that many retired police officers have passed away and that others would not seek the medal. The number seeking the medal would not be exorbitant. To contact all retired police officers would be reasonably easy through the Police Association of South Australia, the Retired Police Officers' Association and the Police Superannuation Fund.

The procedure to obtain the National Service Medal—a process that I undertook—is simple enough, and that procedure could be adopted by South Australia Police. I know many recipients of the National Service medal, and they are happy to receive it through the post. I have had the opportunity to present a number of these medals to my constituents at more formal functions. I have spoken with Mr Peter Alexander, the President of the Police Association of South Australia, and he believes that the awarding of this medal retrospectively would be very appropriate. Given that many police officers have given the majority of their lives for the community, I too think that it would be very appropriate for them to have tangible evidence of their service.

I was pleased to receive a letter from the Treasurer just a couple of weeks ago, advising that Western Australia is looking into awarding its medal retrospectively and that South Australia will await the outcome of that investigation. That is good news—at least it is a softening in comparison with my previous response from the minister. I look forward to the outcome of the Western Australian investigation but, in the meantime, I believe South Australian police deserve recognition of their service. With the concurrence of this house, I seek the ability for the Police Service Medal to be awarded retrospectively. After all, I believe that police are pivotal people in our community. They do a great service, usually way outside the bounds that they are paid for, and also usually way outside the hours that they are paid for.

I have a lot of time for the police. A lot of the work they do goes unrecognised and unrewarded. Surely, this is an opportunity to recognise them, particularly those who are no longer currently serving. I ask the house to support this motion.

Motion carried.

PUBLIC WORKS COMMITTEE: MANDATORY REFERRAL

Mr VENNING (Schubert): I move:

That this house continues to recognise the important role of the Public Works Committee in ensuring parliamentary accountability of Executive Government in the development and delivery of major capital works proposals, and therefore opposes any move to increase the current $4 million project value criterion that necessitates mandatory referral to the committee.

Last year, I moved a motion in this house: it was passed by this parliament and it stated:

That this house recognises the Public Works Committee's important role in ensuring parliamentary accountability of Executive Government in the development and delivery of major capital works proposals, and therefore opposes any move to a) increase the current $4 million project value criterion that necessitates mandatory referral to the committee or b) remove or limit the discretionary power of the committee to require the referral of certain public works to the committee.

I was very concerned with the tactics of the government after that motion was carried—it was carried by this parliament with the current numbers—particularly in this atmosphere of today when checks and balances are all important. The committee is not overworked, because there are very few public works coming before it. This government again, in the face of that decision, turns around and tries it on again—to lift the threshold from $4 million to $10 million. No-one can explain to me why you would want to do that. The number of public works being purported are not the same number that are coming before the committee, because a book has been produced in the past few weeks and, when you read that book, it is a list of very impressive projects. However, when you go through the book, they are either—

Mr SNELLING: I rise on a point of order. I ask you to rule, Mr Deputy Speaker, whether this motion pre-empts debate, because the government has the Parliament Committees (Public Works) Amendment Bill on the *Notice Paper*. The member for Schubert's motion is concerned with that very bill. I ask you to rule whether it pre-empts debate.

The DEPUTY SPEAKER: My interpretation is that it pre-empts debate and, therefore, the member can no longer pursue it at this point in time.

Mr VENNING: I rise on a point of order. You will find that this was on the *Notice Paper* before the government's legislation.

The DEPUTY SPEAKER: My understanding is that we are in the second reading of that bill. I understand the point

that the member for Schubert has made, that he placed this on the *Notice Paper* under Private Members' Business prior to the government, but my understanding is that, because it is a bill at its second reading stage, he cannot pursue his motion in this current format. The chair could take further advice, but that is the advice that I am given—he cannot pursue it at this point in time. You can do it through a contribution to the second reading.

Mr VENNING: Can I dissent from your ruling on the matter, Mr Deputy Speaker, and test the house? I believe that this was moved by a private member before the government placed that bill on the *Notice Paper*. I do not believe that any government can come in over the top of a private member's right to stand up in this house and move a motion only to have the government outmanoeuvre that private member in this way by effectively squashing their right to speak in the house. I would dissent from your ruling.

The CHAIRMAN: Just to clarify the matter, the member for Schubert today is moving his motion. Whilst he has indicated previously that he was giving notice, the reality is that the bill is in the second reading stage, and the member for Schubert's motion is only being moved today; therefore, it cannot take precedence over the bill which is underway in its second reading. That is my ruling.

MEMBERS' CODE OF CONDUCT

Mr RAU (Enfield): I move:

That this house adopt the following statement of principles (as set out in Appendix B of the Report of the Joint Committee on a Code of Conduct for Members of Parliament)—

I. Members of parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of members of parliament and has the right to dismiss them from office at elections.

II. Members of parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the state and rules of the parliament, and using their influence to advance the common good of the people of South Australia.

III. Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of members of parliament.

IV. Members of parliament should declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the *Members of Parliament (Register of Interests) Act 1983* and declare their interests when speaking on a matter in the house or a committee in accordance with the standing orders.

V. A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

VI. Members of parliament should not promote any matter, vote on any bill or resolution, or ask any question in the parliament or its committees, in return for any financial or pecuniary benefit.

VII. In accordance with the requirements of the *Members of Parliament (Register of Interests) Act 1983*, members of parliament should declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a member's benefit.

VIII. Members of parliament should not accept gifts or other considerations that create a conflict of interest.

IX. Members of parliament should apply the public resources with which they are provided for the purpose of carrying out their duties.

X. Members of parliament should not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for private benefit.

XI. Members of parliament should act with civility in their dealings with the public, ministers and other members of parliament and the public service.

XII. Members of parliament should always be mindful of their responsibility to accord due respect to their right of freedom of speech within parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

And that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

I move this statement of principles which emerges as Appendix B to the report of the Joint Committee on a Code of Conduct for Members of Parliament. It was part and parcel of the recommendation of that committee that the statement of principles which is printed in the *Notice Paper* should form a part of the law, if you like, of the chamber, and it should be formally acknowledged by this chamber and the other place. It is for that reason that this matter is brought forward as it is today.

The background to this is that the parliament decided some time ago that it was important for us to consider a code of conduct, as it was initially styled, for members of parliament and that a committee of the parliament should be established for the purposes of considering such a code of conduct and prepare a report for this chamber and the other place. Accordingly, a committee was established. That committee had three members from this chamber and three members from the other place. The committee was chaired by the Hon. John Gazzola, and it included members of both chambers who were also members of both of the major parties and the Hon. Nick Xenophon who was representing the interests of the smaller groups in the parliament.

The committee met for some considerable period of time and reflected in its deliberations upon the vast array of legislative and procedural regulation that already exists for members of parliament. It also considered the position of members of parliament in other Australian jurisdictions and more broadly. Members might be surprised to learn that it came to the attention of the committee that in some countries members of parliament, far from being the subjects of a code of conduct which has the effect of restricting or intensely scrutinising their activities, are immune from the ordinary civil or criminal law of the jurisdictions in which they are elected members.

These are not countries such as the former Soviet Union or Iraq before the recent catastrophe overtook that country; these are countries like France and Italy, which are by any measure civilised and mature democratic institutions. It is clear that there is a great diversity across the planet of views about what should be the way in which the member of parliament sees himself or herself and how they should be seen by their community. Everyone will be relieved and I am sure not surprised to know that the members of the committee thought that there was no merit in our even contemplating such measures. But it is important to put us in the context of the global democratic tradition.

The members of the committee worked carefully through all of the ordinary principles of law, the various regulations relating to disclosure of interests, which are imposed on members particularly through the legislative schemes that apply here, and also looked at the power of the chambers to discipline members for misbehaviour. The committee came to the view that members of parliament are already subject to an immense array of regulation and sanction, both of a

procedural type or through the auspices of the various chambers in which they may find themselves, and also from the general law of which none of us is immune.

This statement of principles evolved as a way of drawing together all of the various threads into a fairly concise, digestible document which could not only form part and parcel of the lore—and I am using that in the sense l-o-r-e as well as l-a-w—of this chamber and the other place, but also be easily disseminated to members of the public by means of a publication, which hopefully will become broadly disseminated in the community.

The 12 points of the statement of principles deal with matters which are not only obvious, one would think, but also very important. This is probably the first time that all these various strands have been brought together in the same document so that people can see them sitting side by side as opposed to hunting them out individually and not getting a total picture. I believe the committee has done a very important service for the parliament, the members of the parliament and the members of the public in drawing those diverse threads together into one 12 point document.

The first aspect of the document deals with the important and unique position of members of parliament in being accountable to the electorate. This is both the first and the last point that we need to keep in our minds: we are accountable to the electorate, and ultimately the final filter for all of us is the electorate. Certainly every one of us in this chamber has to face our electors every four years.

It does not matter whether or not any one of us is in a seat where we were elected by a comfortable margin at the last election, because at the next election, as general elections (both state and federal) in Australia over the last decade will demonstrate, anyone is vulnerable—and so they should be. That final sanction from the electors who will make the decision places us in a completely different position from any other member of the public, because we are not only bound by the ordinary criminal law, the ordinary civil law and the laws that apply in here but we are accountable every four years to the electors.

For those cynics who would say, 'Well, there are a number of people in this chamber on both sides who have a margin of comfort,' I say to those people, 'Look at where the big upsets occur in elections. Look at where lower house seats change hands.' More often than not there are as many safe seats changing hands as there are so-called marginal seats. For example, if you look over the last few years at what happened in the seats of the member for MacKillop, the member for Mount Gambier, the member for Hammond, the member for Chaffey, the member for Fisher and very nearly the member for Enfield—all of these are recent examples of where so-called comfortable seats have not done the predictable thing. My point is that those people who are cynical about the sanction of the electorate need to examine the facts. The fact is that the electorate can sanction people, even in so-called safe seats, and they regularly do.

For my part, the only people in either of these chambers that are effectively immune from the sanction of the public are those who sit very high on the Legislative Council tickets. Those people are immune. That has a great deal to do with proportional representation, which is a system that I do not embrace, unlike many people I know on both sides of this chamber who warmly embrace it. I do not for the reason I have just expressed, because those people are insulated in a way that nobody in this chamber ever can be from the sanction of the election every four years. But I do not want to divert my remarks too far onto that point because I might perhaps stir up something which is not intended to be the main focus of this debate.

Other things mentioned in this document include the fact that conflicts of interest need to be declared and need to be placed up front. Since I have been here, I know for a fact that a number of members have stood up and made pronouncements about conflicts of interest, and I expect that is being done conscientiously by members. But it is useful to see it in such a simple document.

The other thing is that members obviously should behave in such a way as to promote what they believe genuinely is in the interest of the community and not be, in effect, a mouthpiece for a lobby or another group. Again, I do not think I have seen any individual on any side of this chamber whom I could put in that category, that is, just being a mouthpiece for some external body. In my short time here, I am sure that everyone has genuinely been presenting their own views about matters—naturally enough—after consultation with their electorates.

The document also deals with the question of the acceptance of gifts. It talks about the appropriate use of public resources. It talks about the appropriate use of official information that might come to the attention of a member of parliament either through their work on a committee or by virtue of some other special privileged connection they might have with information. It talks about the importance of members of parliament dealing civilly with ministers, other members of parliament and the Public Service.

It also talks about the importance of freedom of speech and the fact that members of parliament should accord due respect to their right of freedom of speech within the parliament and not misuse that right, and to consciously avoid undeserved harm to any individual. I think this is a particular point that we need to look at one day, because it has been the case in the past that members of this place have gone out of their way (and I think this is a very important point) to embrace this recommendation in spirit and in fact; that is, that they give everyone a fair go and do not say things here without checking with people—and, because they have done that, their life has been made more complicated. Because they have gone out of their way to do the right thing, to make inquiries and not fire off before they check it out, these very acts of inquiry have themselves become a matter that has been used, in a sense, against that member. I think it would be a great pity if any encouragement was given to members of parliament to speak first and think later, because that is safer than making due inquiry, and then going ahead and making a restrained, responsible comment under parliamentary privilege. Maybe that is something we can look at in the future.

I hope members of parliament will read this document, and that they will read it in the sincere way in which it was intended to be read by them. I hope it will receive the warm endorsement of members of this chamber and that it will be of great assistance not only to us in doing our job but also to members of the public trying to understand what we are expected to do and trying to get past the glib three-second or 10-second grab about what are a member of parliament's role and responsibilities. I believe that this is an important and useful document, and I commend this statement of principles to the house.

Mr WILLIAMS (MacKillop): Notwithstanding the previous speaker's warm endorsement for this motion, I am

afraid that I am going to speak against it. I acknowledge that I may be one of few members who will speak against it. However, I will use my democratic right to do so, representing the people in my electorate, and I will do it without any fear of snide remarks across the chamber. If members opposite were genuine in their belief that this is the way in which members of parliament should behave, they would not sit there when a member stands up and opposes something and say, 'That would be right.' They would not go to those lengths. They would listen to the contributions of other members and act in accordance with the gentlemanly principles that are laid out in these 12 principles.

One of the problems I have with the notion of setting down a document such as this is that, in the first instance, there is some implication that this is not the way in which members of parliament already act. There is an implication that we need something like this to curtail untoward behaviour of members of parliament.

The first principle states that members of parliament are in a unique position of being accountable to the electorate. I think that is all that needs to be said. We are in a unique position, and we are ultimately accountable to the electorate. I do not think we need any more accountability than that. I think it is a nonsense to suggest that we can write down a list of things and say that, if a member of parliament does those things, he or she is acting as they should as a member of parliament, because these things will change from time to time. Any person who comes in here and does not stand by a set of principles, ethics and morals will be judged by the electorate. And that is the way it should be. After all, they are representing the 22 000 or 23 000 people in their electorate who voted for them—or who had the opportunity to vote for or against them in the electorate.

We are not in this place in any way responsible to each other. I do not bear responsibility to any of my colleagues on any side of the chamber. I bear responsibility to the people of the electorate of MacKillop. If I do not discharge that responsibility in the manner that they wish, they will let me know at the next election. In this day and age, with modern media and the speed of transfer of information, it is very hard for a member of parliament to hide.

Maybe 100 years ago in South Australia something like this might have had a place, because I am sure in those days particularly rural members of parliament would come all the way to Adelaide on the train and spend a fortnight in Adelaide when parliament was in session and then go back to their electorate, and it might be months and months, if ever, that the things they said and did in the parliament got back to the electorate. But that is not the way of today, and members cannot hide from what they say and do in this place or in and about the state as they go about their business representing their electors. To be quite honest, I find it somewhat offensive that the parliament would seek to impose such a code of conduct on me.

Parliament has challenges, and I think that the time of the house and the members would be put to much better use if we addressed some of those challenges. I think one of the modern challenges for parliaments throughout the western democratic system is the lack of responsibility taken particularly by members of executive government, and I think this parliament could well spend a bit of time addressing the issue of what is responsible government, because that is what we have: we have responsible government. We should be addressing what responsible government is about, and the flow of responsibility and accountability. In recent times we have seen ministers refuse to take responsibility for their actions. We come in here day after day and see ministers refusing to answer the substance of questions—and refusing to go near the substance of a question.

Mr Caica interjecting:

Mr WILLIAMS: I did not say this was merely endemic to this parliament: I said it was right across the western democratic system. If the member was listening to what I was saying, he would have heard that. If we are to have a code of conduct imposed on each other, we should start addressing those areas in which we are responsible to each other. I am not responsible to any member in this parliament for the sort of things set down in this motion, but I am if I happen to be sitting on the front bench of the government or on a committee. I am on a parliamentary committee and, through that process, I guess I am responsible to my fellow members. Those on the front bench are particularly responsible to this parliament, and there has been a serious breakdown of responsibility and accountability in that area.

So, I would argue that if the parliament was going to put its efforts into trying to improve things here, we would address those matters where there should be a flow of accountability between the members and the parliament, and I do not think this addresses that. So, I must unfortunately inform the member, yet again, that I do not support his motion. I say to the member for Enfield that I have the same attitude to this set of principles as I do to a bill of rights, because I think it embraces the same dangers, that is, you cannot embrace every situation and every case. What is the point of having a document which purports to do that when anybody who has thought about it and read the literature on it will understand that it will always fail miserably?

So, I am concerned that the house would want to impose something which implies that its members are failing in their duty when I do not think that is the case. If a member does transgress the sort of principles which other members think they should be upholding, as I said, in this day and age with the rapid dissemination of information, that member knows full well that his or her electorate will know very quickly about that transgression.

Mr Koutsantonis interjecting:

Mr WILLIAMS: Absolutely, and they will quickly be brought to account. In proposing the motion, the member mentioned a number of examples where electorates have done that, and I am standing here as proof of what can happen in one of the safest seats in the nation. In 1997 I was able to oust the sitting member because of what the community thought were breaches not dissimilar to what he is trying to imply here.

Mr Koutsantonis: What promises did you make then? What was your promise then, Mitch? You were fiercely independent! Would never switch!

Mr WILLIAMS: Independent Liberal. For the sake of the member for West Torrens, I stood as an independent Liberal in 1997, and in the most recent election I stood as a member of the Liberal Party.

Time expired.

The Hon. R.B. SUCH (Fisher): I was disappointed with the contribution from the member for MacKillop because the statement of principles, as all members know, is only part of the report of the joint committee on a code of conduct, because there is a motion that deals with other matters in that report. But today we are specifically on the issue of the statement of principles. I just remind the member for

MacKillop that this was a reference from both houses and, on that committee, which I had the privilege to serve and which was chaired by the Hon. John Gazzola, was the Hon. Rob Lawson (who is a QC), the Hon. Nick Xenophon (who is an experienced lawyer), the member for Bragg, the member for Enfield and myself (one of the two non-lawyers on the committee). But, in terms of the statement of principles, the point I make is that there were on the committee people who were very well versed in the law of this land and who were able to ensure that the relevant points regarding accountability in terms of the criminal law and civil law were well canvassed.

I think this statement of principles is very important, because it serves not only as a statement of fact in terms of being accountable to your electorate but it also provides, in a sense, a guide for the behaviour of members of parliament. The member for MacKillop said that the inference was that he needed something like this. I do not think it needs to be taken in that way, but if you apply the logic of that argument you would have to say that we do not need the Ten Commandments, because that infers that our behaviour is not up to speed and that therefore the Ten Commandments or any other code of conduct or statement of behaviour is not necessary. So, I think there is a fundamental flaw in his argument.

The joint committee was seeking to, in a sense, codify, clarify and provide this statement of principles in a format which is available to not only members of parliament but also the wider community. Whilst we are all accountable to our electorates, there is more to it than that. That is a fundamental aspect of accountability, but this statement of principles is more than simply about accountability to your electorate. As we know, accountability is a very generalised concept. In many situations, there is difficulty in making people accountable because, for a start, the electorate is not going to know every fine detail of what a member does or does not do. So, the principle that says that members 'should act with civility in their dealings with the public, ministers and other members of parliament and the Public Service' is not something on which the electorate is likely to pass judgment, but it is something that is very important in terms of this place.

I think—and others may disagree—that, sadly, there has been a decline in what I call the civility of the way in which people treat each other in this place. I think we have regressed in terms of our behaviour to the sort of behaviour that is more appropriate in arenas other than the parliament. So, the statement of principles does not simply state the fundamental fact that we are accountable to our electorates, it also highlights aspects on which the electorate is probably not going to be able to pass judgment anyway and goes beyond simply the notion of accountability. I argue that we are not here only to represent our electorate but also to provide leadership and to act in accordance with what we come to know and believe to be in the best interests of our constituents as well. Robin Millhouse, a former member of this place (the member for Mitcham) argued very strongly that if you are purely here to represent your electorate and if you take that theory far enough back we would still be living in caves. We are here to represent and be accountable not only in that sense but also to provide leadership.

The member for MacKillop will hopefully come to see the merit of this statement of principles, which was developed not in five minutes or five weeks but over a long period of time with a lot of input from lawyers and non-lawyers who are members of parliament and who are aware that the standing of MPs in the community is not as high as it should be. This is part of that process, and I am sure it underlined the rationale for both houses asking the joint committee to develop this statement of principles. The measures of accountability for MPs, as has been pointed out by the member for Enfield, are strenuous and onerous. I have no problem with that. We are under scrutiny all the time in whatever we do by the media, our electorate and members in here to an extent that does not apply to anyone else in the community. I do not have a problem with that; it is a privilege to be a member of parliament, but there is an obligation that comes with it in terms of accountability and acting in an exemplary way in both our private and public life.

So, I hope the member for MacKillop will reflect on his unfortunate and, as I interpret it, negative approach to this statement of principles and see the merit of having a document like this which is available to the public. All other organisations in this day and age of which I am aware have a code of conduct or some sort of a statement of principle. It is not for that reason that we should do it, but in this day and age where the public expects a high level of scrutiny and accountability, it is appropriate that we have something in a format which sets out what our obligations are in terms of our electorate and the law so that it can serve as a guide, not just for new members of parliament but for all members of parliament. I would argue that, if members of parliament followed this through and acted in accordance with the statement of principles, we would have a far better parliament and a far better state.

I could refer to any of these principles, but in terms of the use of freedom of speech—and I must say that in the last 10 years or so I have seen very little misuse of that in here—I was here when a family was hurt when information was presented to the parliament which resulted in that family, the innocent wife and child, having to move out of this state and leave the school, and so on, because the information given to the parliament was unfair in the way it was presented. So, if members, rather than being critical of the detailed effort that was put into this statement of principles, actually looked at each principle—more than looked at it, followed it and implemented it—I think we would have a much better parliament and much better behaviour between members within the parliament, and I think the standing of MPs in the community would eventually be elevated as a result.

There will always be cynics. We see that in whatever we do in this place, whether it be trying to provide something simple like a work vehicle. Some people, even a couple of MPs who cannot help themselves, have to go out and seek to denigrate their colleagues by gaining a cheap point. If they had a look through this statement of principles they might see that there is some guidance in here in terms of not using information and not treating their colleagues in a way which brings us all into disrespect and disrepute. I would urge not only the member for MacKillop to have second thoughts but also everyone in this place to support this statement of principles, because if there is not a unified voice by the two houses on this matter the public will say, 'You do not support these things, so you have got even less credibility than you have at the moment.'

Mr BRINDAL (Unley): I find this debate interesting, and I have listened to the arguments presented by the member for Fisher, the member for Enfield, and the member for MacKillop, and I think that they have some validity, because the first principle espoused in this is that members of parliament

are in the unique position of being accountable to their electorates. I think in considering the merits of this proposal, whether it be good or bad, we should always have as our overriding first principle—not even this house, but the principle that brings everybody to this house—that we are accountable to our electorates, and everything springs from that very principle. The standing orders exist not to muzzle any one of us, not to constrain any one of us, but simply to create order in what could be total chaos.

We have 47 people in here fiercely sticking up for their electorates and the whole thing could very quickly degenerate into total chaos. Therefore we have standing orders. If you read the standing orders carefully, you will see that they are all about the orderly conduct and respectful treatment, each of the other, so that there are not straight-out brawls and fights in here. But, none of the standing orders in any way attempts to tell you how to conduct what is your core business, your relationship with your electorate. I think that is an important principle: that the traditions of this house, while they have thought to teach people how they should behave to one another in this chamber, have never sought to trespass on the unique relationship that has to exist between every elected representative and the people whom they are here to represent.

In so far as the member for MacKillop makes some good points, I would say that historic lessons would tend to say that it is very easy for chambers like this and, indeed, civilisations, to rigorously pursue codification, whether it was the Napoleonic code, or the best example I know, Judaism, which so bound itself in law that by the time Jesus came along his basic new religion was about cutting through the law. He said, 'On these two points hang all the law and the prophets.'

I think that it is quite a good historical lesson to look at a society which, over centuries, added more and more law and somehow in the course of adding all that law lost the spirit of what it was that they were about. I am not saying that that is what the member for Enfield is doing—I find this most interesting—but I am saying that I do understand the member for MacKillop's argument that by seeking to codify something we may well detract from the very principles that we are trying to enshrine and espouse.

The member for Enfield will well know the very famous debates in America where that great champion of democracy decided that it would codify freedom of religion, and all it has done since it tried to put in words what freedom of religion meant is come up with a series of interpretations in the courts that have been evermore bizarre, and have actually taken away what were traditional freedoms and absolute rights enjoyed by people for centuries; they have been stripped, all on the grounds of what the words mean. The member for Enfield would also know, faced with this very proposition, that it is said, 'Let's have a code about two simple things.' Local government, put it in the constitution; let us have a code saying that we believe in freedom of religion—and the collective wisdom of this nation, I believe quite wisely, said, 'No, let's leave it alone. We do not want it codified.'

An honourable member interjecting:

Mr BRINDAL: I will get to that. In so far as it is a set of principles, I am attracted. If the member for MacKillop is right, we are expected to front up here and sign it.

Mr Rau: You don't have to.

Mr BRINDAL: That is what I want to clarify in the debate, because, while I can accept a set of principles, if we come here and sign it, it is not a set of principles, it is a contract, and the only contract that I will enter into so long as I am a member is the one contract to which I am bound, the contract between myself and my electors. That is the only contract that I will enter into in this house. It is like marriage. That contract supersedes all other contracts and is binding between me and them, and I will sign nothing that could in any way diminish my responsibilities to my electors, and I would expect 46 other members to act in exactly the same way on this issue.

Whether we enshrine this as a set of principles or not, that is the moot point. I think that it has much to commend but, I would say in fairness to the member for Enfield that it is not this set of principles that is going to increase the civility in this place that the member for Fisher just spoke about. It is not this set of principles that will better enable this place to perform its rightful functions; it is the conduct of 47 members in this place. It does not matter what you codify, it does not matter what you put down, it does not matter what ministerial code you come up with for members of parliament: none of it matters one toss if we do not absolutely and rigidly abide by the spirit of that which we are trying to do.

I want to say two things in that context. I am very disappointed with the member for Fisher. Although I have got a lot of time for the member for Fisher, I am sick and tired of people coming in here and telling us what lawyers think. I do not think that most of the lawyers in this place are worth two tosses, and I think we have a few too many lawyers in here.

The Hon. R.B. Such: Isn't that up to the electorate to decide?

Mr BRINDAL: Yes, I agree with that. I said that my personal opinion is that we have a few too many lawyers. I think that because this is a unique place, the place that makes the law. This is the place that makes its own law and is not subject to the laws of South Australia outside this place. We should be mindful of them: we should be cognisant of them, but this place is the place that makes the law. Members opposite and members on this side come from many backgrounds. I do not think anyone is ashamed of their background, and we bring that rich experience—

Mr Rau: I am.

Mr BRINDAL: The member for Enfield says that he is ashamed of his, and he was a lawyer.

Mr Rau interjecting:

Mr BRINDAL: All I am saying is that I know the member for Fisher was a teacher and lecturer; I was a teacher; the member for Colton was a fireman; the member for Torrens was a small businessman; and God knows what the minister was. But we come from a diversity of backgrounds. I mean this constructively, but the only people I have seen in here who do not build on that background and enrich themselves from their background are some of the lawyers. Some of the lawyers—

Mr RAU: On a point of order, I was severely beaten around the head a few minutes ago for my professional qualifications and now the honourable member is returning to that point.

Mr Brindal: Some of the lawyers.

Mr RAU: As long as he exempts me from that, I am quite happy for him to go on. I do not think it is helpful for us to get into a debate of a generic type by saying that we are going to put the lawyers in this camp, because then we will get up and start putting teachers in another camp.

Members interjecting:

The ACTING SPEAKER (Ms Thompson): The chamber has done well at controlling itself. The member for Unley.

Mr BRINDAL: I would crave a slight extension of time since the honourable member took a minute of my time without making a point of order. The point that I want to make is that, in the sense of something we did the other day, did we behave rightly by these codes of conduct? In a matter we pursued the other day, did we behave honourably by our electors and do that which we should? I am talking about the discharge of a bill. I am saying that purely from the point of view that we can have a code of conduct, and if we have a few people in here who manipulate the processes in here for their own purposes, come in here without putting something on the *Notice Paper* and whack it through—

The ACTING SPEAKER: Order! The honourable member's time has expired.

Mr BRINDAL: I object to having a minute taken of my time when there was no point of order made.

Time expired.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I must rise to the bait that has been laid in the house by the member for Unley. I rise in defence of lawyers and I speak from a perspective of being a candidate who was deliberately campaigned against on the basis that I was a lawyer. In fact, there were radio ads that said words to the effect 'and he's a lawyer', as if this was some shameful profession that one should ensure would lose votes. In the popular press and, indeed, in this place the legal profession is always a topic of some mirth and it is very easy to beat up on, but some of the finest human beings that I have ever met work in the legal profession.

Many of them work for some of the less fortunate people in our community. Many of them take very modest fees. When we talk about lawyers, there is always this idea that we are talking about the rich end of town: people who work for corporate lawyers, who always get paid for everything they do. However, many of them do Legal Service Commission work; many of them work in community legal centres; many of them actually—

The ACTING SPEAKER: Order! I have given the minister precedence, so I remind him of the topic under debate.

The Hon. J.W. WEATHERILL: And I return to the debate by saying that there is much goodness in the legal profession and I rise to support them. The serious point I want to make—and I acknowledge that this is private members' time and apologise to members for taking up the time—is this. There is a reference in the code of conduct to political parties, and I think it is crucially important that political parties be recognised within codes of conduct. With all due respect to the Independents in this place, I believe that the strength of our political system is supported by strong political parties. Strong political parties are a crucial part of our system.

They provide a comprehensive political program that can be put before the people, and it is only political parties that are able to put forward comprehensive political programs and be held accountable. There is this myth that somehow, with a parliament where 47 individuals come up representing their seats, we would get something sensible out of that. It is a nonsense. You only need to look at when a conscience vote is declared to see what a complete shemozzle it becomes in this place. I think that strong leadership from political parties is an essential part of the political process. That is not to say that there is not room—and important room—for differences of opinion.

I think our upper house with the proportional representation system provides that pressure valve for sectional interests to be represented in an appropriate way, and that works very well. I am glad to see that the member for Enfield has acknowledged the important role that political parties play in our political system and has that referred to in the code of practice.

Mr SNELLING (Playford): I welcome this statement of principles. I will be making a very large copy of them, putting them up in my office and attempting to learn them by rote. I expect other members will probably do the same. Much in the same way that children in the United States learn off by heart and recite the Gettysburg Address, members of this house should do the same. What also attracts me to these principles is that they are very specific and detailed. They are not at all vague, and there is very little room for wayward members to manoeuvre around these principles. With that, I welcome this statement of principles—it has my full support.

Mr KOUTSANTONIS (West Torrens): I, too, share the member for Playford's joy at this motion before the house, and I will support it wholeheartedly. I will make a few points which I think are relevant, especially in terms of codifying rules, principles or general statements like bills of rights, freedom of speech, and so on. I think that, for members of parliament, privilege is absolute, and I think it is there for a reason. It is there to defend against corruption, and it is there to defend people against all forms of tyranny. If it is abused by some members of parliament, well then, so be it, because the greater good is allowing members of parliament to get up in this place and make statements—whether or not they are accurate is usually sorted out. I will give you an example.

A senator in the Australian parliament accused a High Court judge of all sorts of things under privilege. It was immune from legal prosecution, but his reputation was completely ruined, and the High Court justice was saved. I think that privilege is something that we should hold very dear, and protect it against all people trying to remove it. I think the public in general has come to hate parliamentary privilege because of the way the media portrays it, and the way that it is often used. However, there are members in this house who have used privilege to defend their reputations.

The member for Morialta is one who, in the last parliament, used a spray, if you like, or a very spirited defence of herself against the Auditor-General in this house. Some might say that was an abuse of parliamentary privilege; I do not think it was. Whether or not I agree with her is irrelevant; the fact is that that member of parliament used her time in this place to defend herself against a person who has a very high standing in the community, the Auditor-General, and she used parliamentary privilege to get her defence on the record. I also think the oppositions—

An honourable member interjecting:

Mr KOUTSANTONIS: She couldn't have. Oppositions use parliamentary privilege quite well. I am not one who for a moment, thinks that oppositions always act honourably, because they do not. Good governments require oppositions to try to use every tactic in the book to tear down the government; it keeps governments honest, and makes them operate effectively. I notice that some government ministers probably do not like opposition tactics, but I prefer them to the way the former opposition operated in the last parliament, to show them that good government relies on good opposition, and good opposition needs parliamentary privilege to get

its attacks on the record. In the past, we have used parliamentary privilege to open up debate, and to talk about things that we might have thought were inappropriate which, maybe, would have been constrained in the court system.

Oppositions need the freedom to get up and talk about what they think is improper use. Outside in the real world, where real people operate, if oppositions did not have privilege they would be tied up in court every time they opened their mouths. I have a problem with codifying that sort of use because it basically imposes the will of one generation on the next. The next parliament might be very different to this one. In the next parliament, we might find ourselves in opposition—although I doubt very much, but we might be—and then we will be in agreement with member for MacKillop in this debate. Although I think it is a very good piece of statement, and I congratulate the member for Fisher and the member for Enfield on doing it, and I think members of parliament should be held to account for their behaviour, but ultimately I think that the one matter that should be left alone is that of privilege. Without privilege you would see the tyranny of government and the executive ride roughshod over everyone. Privilege is the one escape valve that we all have, and I think it should be protected.

Ms CHAPMAN (Bragg): I rise to place on the record as a member of the Joint Committee on a Code of Conduct for Members of Parliament, in which the member for Enfield has presented to the house the opportunity to consider, ultimately, the acceptance, endorsement and, hopefully, practice and adherence to a statement of principles, and the process under which it should operate. I would like to draw the house's attention to one of the principles which has been presented as a recommendation for endorsement. It states:

> Members of parliament should act with civility in their dealings with public, ministers and other members of parliament and the public servants.

It further states:

> Members of parliament should always be mindful of their responsibility to accord due respect to their right to freedom of speech within parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

In light of the comments that have been made by the contributors in this debate, I bring to the house's attention the question of privilege that we enjoy in this house, the protection of which has been referred to in the other contributions. It is an important one. It is important that we have an opportunity on behalf of the people of South Australia to openly and without fear or favour bring to the attention of the state important issues and not be intimidated against that. Equally, we each have a responsibility to be mindful of our responsibilities, to be respectful and to absolutely ensure that we avoid undeserved harm to any individual.

I bring this to the attention of the house because, whilst there are many occasions that people have felt aggrieved at statements made by members of parliament under that privilege, there are also circumstances of abuse. Only yesterday, the full court of the Supreme Court dismissed an appeal against Justice Debelle's decision of 21 June 2002 in a Supreme Court action by Ms Dawn Rowan, who had taken proceedings against Dr John Cornwall, a former health minister. Members of the house will be reminded that this has been the subject of question time on a previous occasion. His honour awarded Ms Rowan $330 425 damages as a result of statements made under the Labor government in 1987; but, most important and relevant to this point, Dr Cornwall himself was found guilty of misfeasance in public office. All of his attempts to claim privilege in relation to statements made in the house were effectively overturned by his being found guilty of misfeasance in public office. That is a misuse of that public office. His Honour stated that this was malicious use of unsubstantiated allegations against Ms Rowan. In awarding a special award of $25 000 exemplary damages against Dr Cornwall, he further stated:

> [. . . exemplary damages should be made to mark the] disapproval of Dr Cornwall's abuse of his position, to punish him for his outrageous conduct and to deter others from like conduct.

With the vindication of this dismissal of the appeal yesterday by the full court, this is another way in which people can be brought to account to show that this type of conduct will not be tolerated. The courts would ensure that that would be protected. It is important though, for the purposes of the code of conduct inquiry and the statement of principles resulting from it, that the committee has felt it significant to incorporate the obligation and responsibility that we have as members of parliament to ensure that the Dr John Cornwall example is not repeated, and that persons such as Ms Rowan are not put through the expensive and exhausting process of litigation to have their position improved.

I commend the report of the committee to the house and confirm my appreciation at having had the opportunity to serve on that committee. I look forward in due course to the Attorney-General's explaining what the real cost of the Rowan and Cornwall matter will be to the people of South Australia and how many millions of dollars that would have cost.

Mr MEIER secured the adjournment of the debate.

UNDERDALE CAMPUS

The Hon. R.B. SUCH (Fisher): I move:

> That this house expresses its concern at the process and outcome which has resulted in the sale of the Underdale Campus of the University of South Australia.

Members probably know that I worked for the predecessor organisation at Underdale for 16 years. Recently, when there was a function at Underdale for those who had worked there to farewell the campus, I was more than angry at what is going to happen down there. Members might say that it is too late now, but I think it is important that this matter does get airing. I remind members that less than 30 years ago that land at Underdale which is the Underdale campus of the University of South Australia was compulsorily acquired from the Lewis family, who farmed that land. It is a touch of irony that recently they said they would not have minded having the land back after it was compulsorily taken away from them.

I want to canvass some of the aspects of this. The sale of that land will bring something in the order of a measly $30 million. None of the buildings are more than 30 years old. Indeed, many of them are only a few years old. A full-scale nursing laboratory there cost about $12 million about 12 years ago, and an Aboriginal Studies centre cost about $4 million a few years ago. All the buildings down there can be demolished under the purchase arrangements. The southern side has been purchased by Urban Pacific and the northern side by Medallion Homes, which is the building company owned by Alan Sheppard. I am not critical of those people; they have purchased it. However, the library, which serves the western suburbs, is going to be bulldozed. The

workshops which train technical teachers and home economics teachers are going to be gutted. I walked through there a couple of Sundays ago and, apart from feelings of anger, I just could not comprehend how that facility could be destroyed. The land alone would be worth $30 million.

On the northern side, some of the best gymnasia in the state with the best sprung floors are going to be demolished. I hope that Alan Sheppard, who is a great citizen of this state, may contemplate the prospect of not destroying those gymnasia, which have not been secured for the people of the western suburbs. It would be a great legacy for him to save those buildings so that the people of the western suburbs can continue to enjoy them. He could still build his high quality homes on the rest of the northern part of the land. As I say, I am not critical of him or Urban Pacific for purchasing the land; they were able to do so as a result of what I think was an inadequate process of sale.

One of the other buildings down there is the kindergarten. The government had to get that back by in effect trading the equivalent of seven blocks of land or giving up the soccer pitches at Underdale High School. So, to save Lady Gowrie kindergarten, the government had to expend the equivalent of $1.4 million or $1.6 million to get that back after the university had sold the land to the developers.

The linear park was sold off. Can anyone believe that? The only reason it is being saved is that the people cannot build on it. So, part of the linear park has been retrieved (a very thin strip) but, as the developers will not be able to build on it, they do not have to make much of a sacrifice. But that was not an easy process, as I understand it. I know the Minister for Planning wants to speak on this motion at a future date (she is away due to illness) because she knows more about the detail than I do.

The distance education centre down there, which cost many millions of dollars, is being left like a shag on a rock in the middle of nowhere, because it is such a modern building. The arguments put up in regard to the sale of this land and the destruction of these buildings is that it will give more choice to students and provide greater educational opportunities. What a load of nonsense!

The University of South Australia sold the Salisbury campus. I understand from the latest information that the university received approximately $2 million for the land and the buildings out there, which was one of the most modern campuses in Australia. I understand they will end up with even less than $2 million as a result of legal action that is still under way.

The university argued that it did a cost benefit analysis. I would like to know what the benefits were, other than a very short-term cash gain of $30 million. I understand that the university is now renting accommodation in the heart of the city at great expense because it cannot accommodate people who were previously accommodated down at Underdale.

The university will be providing extra facilities out at Mawson Lakes but it will be nowhere near the quality of buildings that existed at Underdale. The School of Art at Underdale will be destroyed. That facility was purpose built—and the name was protected by legislation—with reinforced concrete floors and an overhead crane for carrying large sculptures.

The argument which some people trot out that there is concrete cancer down there is a bit like the argument people trot out to get every large tree removed because it has some insect in it. The concrete cancer is not a big problem, on the advice I have had given to me. It is just another excuse for some people to create a less attractive campus in the heart of the city and out at Mawson Lakes. The University of South Australia has an attractive campus in Magill, which is in a nice setting similar in some ways to what was at Underdale. I cannot see how the logic of keeping one and getting rid of the other stands up.

In fairness, I point out that I wrote to Professor Denise Bradley, Vice Chancellor of the University of South Australia, on 22 September. My letter reads:

> Dear Denise
>
> As you would be aware, the matter of the sale by your University of its landholding at Underdale has been raised in Parliament this week.
>
> I have been concerned about this whole process and would be interested to know what cost benefit analysis was done prior to the sale, what the University obtained for the sale of that land, what physical facilities, if any, will be retained by the University or for community use, and how was it possible for the linear park to be sold to a developer.
>
> I thank you in advance for your assistance. . .

The answer came back from the Acting Vice Chancellor, Professor Hilary Winchester, as follows:

> Dear Dr Such
>
> I refer to your letter dated 22 September 2004.
>
> The University of South Australia announced its decision to relocate all academic programs from Underdale campus in June 2000. Prior to this announcement, the University undertook a comprehensive cost benefit analysis which was reviewed by consultants KPMG and subsequently endorsed by the University's Finance Committee.
>
> Following University Council and the Governor's unconditional approval to sell the campus, a registration of interest was held with several short-listed parties participating in a subsequent selective tender. In early 2004 the University signed contracts for the sale of the campus excluding approximately 6 000 square metres of land incorporating the Flexible Learning Centre Building.
>
> The proceeds from the sale, exceeding $30 million, are contributing to the University's $135 million investment in teaching facilities at City West, City East and Mawson Lakes campuses.
>
> Yours sincerely
>
> Professor Hilary Winchester
>
> Acting Vice Chancellor

I also wrote to the Minister for Employment, Training and Further Education, Stephanie Key, on 1 November 2004 canvassing similar issues. Her answer to me reads:

> Dear Bob
>
> Thank you for your letter of 3 September 2004 regarding the sale of the Underdale campus of the University of South Australia.
>
> In answer to your questions:
>
> 1. The university gained freehold title to the Underdale campus following the Statute's Amendment and Repeal (Merger of Tertiary Institutions) Act 1990. Under s6(4) of the University of South Australia Act 1990, the University must gain the Governor's permission to sell any land it owns. The Governor can place conditions on the sale of land. The university sought approval to sell the Underdale Campus and approval was gazetted on 11 October 2001. A copy of the approval is attached for your information.
> 2. The Minister at the time was the Hon. Malcolm Buckby, Minister for Employment, Training and Further Education. No conditions were placed on the sale of the property.
> 3. At the time approval for sale was granted, the Government undertook no valuation of the property. The Minister received several letters regarding the sale from the local member, the City of West Torrens and the general public, who voiced concerns at the potential loss of educational facilities in the Western suburbs. The university argued that consolidating programs centrally increased both the quality of education and the range of programs available to students. Government agencies were consulted on the use of the campus before it was put up for sale and no agency sought to purchase any part. A land swap has been negotiated with the Department of Education and Children's Services (DECS) to retain the child-care centre as a DECS facility.

4. The original zoning of the site included sections of what became the linear park within the package of land that made up the Underdale campus. At the time the Governor gave permission to sell the land, the Government did not advise that the linear park land should be excised from the package. The developer has agreed to give care and control of the linear park land to the West Torrens Council. Zoning regulations prohibit the developer from building on this land.

Yours sincerely
Stephanie Key MP

Debate adjourned.

[Sitting suspended from 1.01 to 2 p.m.]

HOSPITALS, CENTRAL EYRE PENINSULA

A petition signed by 516 residents of South Australia, requesting the house to urge the Minister for Health to advise the Mid West Health Service to refuse to accept the resignation of Dr Piet du Toit, have an independent body investigate and report to parliament on alleged problems with the Central Eyre Peninsula Hospital, associated boards and agencies and investigate further allegations of harassment and intimidation in the delivery of regional health care by the Department of Health, was presented by Mrs Penfold.

Petition received.

DOCUMENT, TABLING

The SPEAKER: I have to report to the house that the Minister for Administrative Services has provided for me a copy of the opinion upon which he relied in his statement and, in due course, as opportunity permits (and I can tell honourable members with a great measure of confidence that it will not be today), I will review its contents and ensure that the public interest will be best served. In consequence, honourable members can reasonably expect that it will not be possible for the chair to make a determination on that before the house sits again on Monday week.

OMBUDSMAN'S REPORT

The SPEAKER: I lay on the table the report of the Ombudsman for 2003-04.

Ordered to be published.

PAPERS TABLED

The SPEAKER: I lay on the table the report of the Office of the Employee Ombudsman for 2003-04, and the Annual Report for the City of Whyalla.

AUDITOR-GENERAL'S REPORT: BASKETBALL ASSOCIATION OF SOUTH AUSTRALIA INCORPORATED

The SPEAKER: I lay on the table the report of the Auditor-General on the Basketball Association of South Australia Incorporated.

Ordered to be published.

PAPERS TABLED

The following papers were laid on the table:

By the Minister Assisting the Premier in Economic Development (Hon. K.O. Foley)—

Venture Capital Board and Office of the Venture Capital Board—Report 2003-04

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

Department for Correctional Services—Report 2003-04

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

Actuarial Investigation of the State and Sufficiency of the Construction Industry Fund—Report 2003-04
Construction Industry Long Service Leave Board—Report 2003-04.

QUESTION TIME

LAND TAX

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. What action has the minister taken to ensure that taxpayer-funded child care centres will not be overloaded by people pulling their children out of private childcare centres due to land tax increases? Community-based childcare centres and preschools are eligible for exemption under land tax but private childcare centres are not. A proprietor of two childcare centres, one of which is located in my electorate, has confirmed that his land tax bill increased from $16 643 in December 2002 to $37 708 in November 2004. That is an increase of over $21 000 in two years. That is a cost that the consumer ultimately pays and equates to a state government tax of $266 per child in private care.

The Hon. K.O. FOLEY (Deputy Premier): The interesting discussion point here is the issue of taxation, and the opposition quite likes to argue that a certain particular impost is unfair, unjust and should be dealt with. But the opposition fails repeatedly to tell the public what it would do—what an alternative government would do nearly 12 months out from an election. Our budget position is known, our taxation rates are known, our expenditure is known—

Mr WILLIAMS: I rise on a point of order, Mr Speaker. The question was specific. The answer does not go near the question and the question was not about what the opposition might do: it is asking what the government might do about a very serious matter.

The SPEAKER: If the Treasurer addresses the matter in a fashion which enables the government to explain what its policies are, painful or otherwise, that is the government's prerogative.

The Hon. K.O. FOLEY: Thank you, sir. The important point is that the land tax regime in this state was inherited by this government from the previous government. It was the previous government that reduced the threshold level for land tax. As we see repeatedly, whether it be issues such as electricity or other issues, as an opposition they look at life a little differently.

An honourable member interjecting:

The Hon. K.O. FOLEY: That is fine. In the last budget we chose not to adjust land tax and, for that, we are criticised. We chose to cut business taxes.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order under standing order 98. The question asked was very specific and about private childcare centres and what the government would do to relieve the land tax burden on those centres.

The SPEAKER: The Deputy Premier was addressing the question of the impact of land tax on educational institutions and the impact of land tax generally on the budget position. That is not disorderly. The honourable the Deputy Premier.

The Hon. K.O. FOLEY: Thank you, sir. I will ask for specific information from the tax commissioner on the particular childcare centre referred to, but I come back to this point in conclusion. An opposition that purports to be an alternative government, at some point—and, hopefully, at one point the media might pick up on this—has to put the government under pressure to justify its promises.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. This is just clear political debate and therefore is contravening standing order 98.

The SPEAKER: I have to uphold that point with respect to the most recent sentence or so of the Deputy Premier's remarks. They are more appropriate in the context of a debate on the matter, whether in grievance or by substantive motion. Has the Deputy Premier concluded?

The Hon. K.O. FOLEY: Yes, thank you, sir.

TOURISM EXCHANGE

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. What will be the benefits for South Australia in hosting the 2006 Australian Tourism Exchange?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood for her interest in the tourism sector and this very important win in achieving the 2006 ATE event, which will be held in South Australia. The member for Norwood will know that usually these fairs, which are an extravaganza of buyers and sellers matching up their opportunities, occur on the East Coast. Getting operators to host overseas buyers requires pre-event or post-event familiarisation tours. Of course, the number who come here are limited. Having 700 or so international tourism buyers from 50 countries in Adelaide for the fair means that they will be on site in South Australia and available to see all our operators spruik their wares.

This event will be hosted at the Adelaide Convention Centre. Because of the number of people from Australia and around the world who will attend, 13 000 bed nights will be generated. Over the period of the event, that will equate to about $10 million, which is significant in itself, but of course the real spin-off will be in the future business that is generated. It is difficult for small tourism operators to advertise their products in brochures around the world. This is done by matching up their business opportunities with overseas buyers, who then put their products into their brochures and do the advertising for those operators overseas by way of package deals.

This event will take place after the opening of our $260 million new airport. Originally, some effort was put into bringing the event to Adelaide as the first non-East Coast ATE in 2005, but that would have been before the completion of the airport. The 2006 event is a much better bet for us, because the airport will be open and there will be benefits from increased international and domestic flights. This will allow us to showcase South Australia to its greatest effect.

Buyers from 50 countries will be significantly augmented by the presence of tourism journalists, so that some of the advertising that we will get from this will be through their reporting on the trips they will take whilst enjoying the fair. This is a great coup for South Australia. It will ensure that our small operators, who could not otherwise get into international markets, will have opportunities made more easily accessible in South Australia.

LAND TAX

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Small Business. What advice has the minister received from her department, industry representatives, or the Small Business Council of the impact upon small business owners of steep increases in land tax, and what representations has she consequently made to the Treasurer to ease the burden of these increases in land tax on South Australian small businesses? One small business owner has approached the opposition to explain that his land tax has gone up from $2 112 in 2002 to $12 108 in 2004, that is, nearly $10 000 in two years. He says that this is hurting his business and putting the business and jobs at risk.

The Hon. K.O. FOLEY (Deputy Premier): I lay down a challenge to the opposition today to put real pressure on the government and go out and tell the public of this state by how much the alternative government would cut stamp duty.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, the Deputy Premier is not even attempting to answer the question: he is merely debating the issue, which is illegal under standing order 98.

The Hon. K.O. Foley: Illegal? Get real!

The Hon. M.J. Atkinson: In which court do you enforce it?

The SPEAKER: Order!

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley! The parliament is a court. The parliament's standing orders do not refer to breaches as being illegal acts but rather as disorderly acts. I draw the attention of the Deputy Premier to the necessity not to debate the question but simply to address the substance of it when giving an answer. The honourable Deputy Premier.

The Hon. K.O. FOLEY: The challenge to the opposition in the court of public opinion is this: as an alternative government, how much will they cut land tax by? This comes from a member—

Mr HAMILTON-SMITH: I have a point of order on relevance, sir. The question was: what representations has the Minister for Small Business passed to the Treasurer? He must know the answer to that question if any representation has been made, so I ask him to answer the question.

The Hon. K.O. FOLEY: The Minister for Small Business is out outstanding advocate for the interests of small business. The opposition has to stop being a lazy opposition and start to put down alternative policies, because the member for Waite wants to spend $4 million buying back a bankrupt Andrew Garrett's estate.

Members interjecting:

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

Mr BRINDAL: My point of order, Mr Speaker, is that this is questions without notice. Every member of this house has a right to ask a minister a question for which he is accountable to the house. The minister must answer the question without debating, and he has no accountability to the house what the Liberal opposition may or may not choose to do at the next election. I ask you to direct him to answer the question for his government to his parliament.

The SPEAKER: I note the concern that the opposition has for the observance of standing orders—new found, I

might observe, and in greater zeal than was previously demonstrated over those years that they enjoyed in government. I also note that, in the main, government ministers respond to questions, and I invite the Deputy Premier to follow that fine example of his colleagues.

The Hon. K.O. FOLEY: The lazy opposition has to—

Members interjecting:

The Hon. K.O. FOLEY: The member for Waite wanted to spend $4 million, from my understanding of press reports, to buy back the failed, bankrupt Andrew Garrett's estate. That is what his priority is. That is the opposition's priority. We want money for schools, education, and police, and the member for Waite wants money for Andrew Garrett's estate—$4 million. What a load of nonsense from a lazy opposition.

The SPEAKER: Order!

Mr HAMILTON-SMITH: On the point as to relevance, sir, you have ruled. The Treasurer is making a fiasco of question time. Clearly, he has no answer for the question; it is no excuse to stray into debate and get off the point. Would you please call him back to the question.

The SPEAKER: Order! I share the view of the member for Waite on this occasion. The honourable member for Colton.

DOMESTIC VIOLENCE

Mr CAICA (Colton): My question is to the Minister for Families and Communities. What is the state government doing to support domestic violence services in South Australia?

Mr Williams interjecting:

The SPEAKER: Order! The honourable member for MacKillop does not have the call.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. In addition to the excellent work that is being promoted by the Minister for the Status of Women in terms of raising the profile of this crucial public policy issue, the state government also is providing a range of assistance to develop our domestic violence services. I will focus on some of the recent highlights of the funded services that have been provided. We have in recent times funded services such as: an $800 000 accommodation facility in the southern suburbs; a $2.32 million accommodation facility for women and children fleeing domestic violence in the north-eastern suburbs; we have also funded an additional 10 houses, 10 domestic violence shelters, in the South Australian metropolitan area at a cost of $3.3 million, which is in addition to the $29 million supported accommodation assistance program which provides a whole range of domestic violence services.

Recently I announced an additional $161 000 which will assist in approving the amenity of those domestic violence accommodation facilities, including new furniture, beds, cots, bedding, kitchen and laundry appliances, and also computers for those 15 domestic violence accommodation facilities across the state. These services operate in areas such as Whyalla, Eyre Peninsula, the APY lands, the Riverland, the South-East, Port Pirie and metropolitan Adelaide. Research demonstrates that the majority of female homicides are related to domestic violence, so improving services that help women leave these abusive relationships is a matter of life and death, and our government remains committed to supporting services to embrace that end in itself.

Mr BRINDAL: As a supplementary question, how long do women who have been subjected to domestic violence have to wait until they have access to these wonderful facilities?

The Hon. J.W. WEATHERILL: A whole lot less than they would have to wait under the previous government, because we have expanded the offering of services to women who are fleeing domestic violence. I am happy to find out a detailed answer to the honourable member. I suspect that it differs depending on the number of—

Mr Brindal: Six weeks.

The Hon. J.W. WEATHERILL: You wouldn't know: you just heard an interjection and decided to pick it up. You would not know. I will go away and find out and attempt to bring back an answer to the house. Of course, the best solution would be to enable women to remain in their homes. It saddens me to think that the government is spending an extraordinary amount of resources in providing alternative accommodation for women who have to leave their own homes because of male violence.

Mr Hanna: Who's going to fix it?

The Hon. J.W. WEATHERILL: I think men are going to fix it. Men are going to fix it by changing their attitude to women.

LAND TAX

The Hon. R.G. KERIN (Leader of the Opposition): Has the Treasurer received any representations from the member for Norwood in relation to land tax relief for one of her constituents, Mr Robert Elliott, and what is the Treasurer doing to offer relief to struggling landlords? Mr Elliott, a self-funded retiree who earns approximately $35 000 per annum, sought assistance from the member for Norwood as he could not afford to keep his investment properties any longer, given that land tax on his four investment units has more than doubled over the past two years and he has to pay an additional $3 700 per annum in land tax. Mr Elliott has told the opposition that he was advised by the staff of the member for Norwood to put the rent up by $50 a week to cover the increased land tax. Mr Elliott has now decided to sell up and has given notice to his four long-term tenants, rather than increasing their rent from $130 to $180 per week.

The Hon. K.O. FOLEY (Treasurer): I receive a lot of representations from the member for Norwood, as I do from many others. As for that specific representation, I will check with my office because I do not recall it. That is not to say that I have not received it; most probably I have. However, I am glad that the Leader of the Opposition asked me this question, because it is a very appropriate question to be asked of a government. In the last budget we made clear that, notwithstanding pressure on land tax (and we understand that), we took a conscious decision to cut business taxes to the tune of $360 million over the forward estimates period.

We could have cut land tax, but I challenge the opposition today—and I hope that the media will also put this pressure on the opposition—to tell the public what services it will cut, whether it will run a deficit or whether it will introduce another tax. Members should understand this: you cannot cut land tax without adjusting your budget elsewhere. Barely a day goes by when we are not asked to spend more money, as the member for Waite did in last Sunday's paper, mentioning something of the order of $4 million, from memory, although I stand to be corrected, to buy back some land that Andrew Garrett once owned. This is the nonsense of a lazy opposi-

tion, an opposition that can only criticise but cannot offer an alternative. I say to the alternative government: stop being lazy and come up with alternative policies.

The Hon. DEAN BROWN: I have a point of order on two counts: first, on the ground of repetition for the fifth or sixth time and, secondly, for clearly debating an issue without answering the question. We are all sick of hearing the Deputy Premier being repetitive, and breaking the standing orders.

The SPEAKER: Order! Does the honourable member for Unley also have a similar point of order?

Mr BRINDAL: I am sorry, sir, I was plugging in my computer.

The SPEAKER: I think the honourable the Deputy Premier did answer the question by saying that he would carefully check the details in his office to see if he has received the inquiry. The member for Napier.

PANYAPPI YOUTH MENTORING PROJECT

Mr O'BRIEN (Napier): My question is to the Attorney-General. Can he inform the house about the success or otherwise of the Panyappi youth mentoring project?

The Hon. M.J. ATKINSON (Attorney-General): Panyappi is an indigenous youth mentoring service for people of about 10 to 17 years of age who have begun gathering at inner-city or suburban troublespots where they are at risk of becoming victims of crime or committing offences. Program participants often have unstable living arrangements and problems with violence, and have experienced physical, sexual and emotional abuse. Many participants have a history of misusing drugs, alcohol and other substances, and have either left school or are at risk of leaving school. About half the participants have had dealings with the Department for Families and Youth Services or with the juvenile justice system.

One of Panyappi's aims is to decrease participants' contact with the juvenile justice system. Panyappi organisers focus on particular places and work together with locals to address problems experienced by young indigenous people and the effects of this on the local community. Panyappi engages in culturally appropriate mentoring practices and, unlike some mainstream programs, aims at rebuilding and strengthening participants' connections with their families.

Both young people and their family members report positive change, and this was supported by the justice system's database that tracks and reports young people's offending. Some young people with strong histories of offending and imprisonment had either not offended at all or had greatly reduced the number of offences committed since becoming part of the mentoring scheme. The data showed decreases in formal cautions, court orders, family conferences and convictions. I am told that the young people themselves thought that this was remarkable, and we are rightly proud of their achievements.

Mentors, the young people's relatives, and program organisers supported these statements and said that the young people's attitudes had started to shift as they realised that they could succeed in life and, indeed, had other choices in life other than offending. Many young people re-entered the education system, developed other interests and friendships and strengthened relationships with their families.

Family members agreed to be involved with other support agencies, and reported that they felt less stressed as they became convinced that their Panyappi participant was beginning to turn his or her life around. I commend the Panyappi program and its participants to the house. I also thank the member for Bright for his best wishes on our 15th anniversary.

SUPPORTED RESIDENTIAL FACILITIES

Mrs REDMOND (Heysen): My question is to the Minister for Families and Communities. What action has the minister taken to ensure that even more supported residential facilities will not have to close due to huge increases in land tax? There are about 30 supported residential facilities that look after mental health residents in South Australia. The opposition has been made aware of a support residential facility that has had a land tax increase of over 80 per cent in the last year, from $5 000 to $9 092.

The Hon. K.O. FOLEY (Deputy Premier): This comes from a shadow minister who wants this government to spend more money on disability services. This is a government that has spent more on mental health, more on supported facilities and more on assisting the community than the Liberal government ever did. This opposition wants it all ways. Did the member for Heysen say to the member for Waite that $4 million would have been better spent on supported residential care than on Andrew Garrett's failed estate? Did she do that? I bet not.

This is a lazy opposition that cannot develop a policy. I challenge the opposition again here today. How much does the opposition intend to cut land tax at the next election? I challenge the government to put its money where its mouth is, and not to come in here and throw rocks when it is just incapable of coming up with an alternative policy.

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley!

LIVING LONGER LIVING STRONGER PROGRAM

Ms BEDFORD (Florey): My question is to the Minister for Health. How is the government assisting older South Australians to avoid serious injury as a result of falls through the Living Longer Living Stronger program?

The Hon. L. STEVENS (Minister for Health): I thank the member for Florey for this question because last week, with my colleague the Minister for Recreation, Sport and Racing, I had the pleasure of attending the launch of the Living Longer Living Stronger program, which provides strength training for people over 50. Reduced muscle strength is recognised as a major risk factor that contributes to falls and fall-related injuries—

Mr Brokenshire interjecting:

The SPEAKER: Order! The honourable member for Mawson is certainly not weakening, I can see.

The Hon. L. STEVENS: As I was saying, reduced muscle strength is recognised as a major risk factor that contributes to the falls and fall-related injuries in people of this age bracket. In fact, one in three South Australians aged over 65 have at least one fall every year, but this number could easily be lessened by preventive action. Research has shown that strength training can limit the loss of bone density and reduce fractures during a fall.

With the cost of fall-related injuries in older people predicted to be almost double in the 20 years, the Living Longer Living Stronger program will work with fitness centres and community organisations to provide quality, affordable and safe strength training programs specifically designed for those over 50. Currently, 30 per cent of those

who have a fall require medical attention with a higher risk of those people becoming less mobile and less active. Up to one-third of those who are hospitalised after a fall do not return to independent living.

The Living Longer Living Stronger program is an initiative of the Council on the Ageing, with the Department of Health providing $150 000 and the commonwealth Department of Veterans Affairs and the Office for Recreation and Sport contributing $45 000 and $25 000 respectively. The Generational Health Review recommended that the health system should not only be focused on getting good health outcomes but should also give priority to prevention and early intervention. This is exactly what the Living Longer Living Stronger program does.

LAND TAX

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Treasurer. Why do residents, most of whom are pensioners, living in their own homes on leased sites at Rosetta Village at Victor Harbor get charged land tax on their principal place of residence while residents in leased retirement villages do not get charged land tax? Land tax on Rosetta Village at Victor Harbor has increased from $14 000 last year to $140 000 this year—a tenfold increase. I wrote to the Treasurer in July on this matter, but I have yet to receive a reply.

The Hon. K.O. FOLEY (Treasurer): That has occurred because that is the law. It is the law as it applied under the last government and it is the law that applies under this government. I actually think that the Deputy Leader has a very good point. I am looking very seriously at the Rosetta caravan park issue. In fact, I am looking at the category of residential parks as they relate to land tax. I actually have a high degree of sympathy with the view that this is an anomaly that has occurred in the process that I think we should address. As Treasurer, I have ex gratia powers right across government.

I am of a mind to address that issue and to address it soon. In fact, I have asked Treasury to do some work for me to see what other residential parks may be affected as this park has been affected, because I do not intend to offer (if I can help it) ex gratia relief to one particular site without offering it to like sites. We are actually doing that work at present. I commend the Deputy Leader of the Opposition for taking up that argument with me. I think on this one he is right. I am looking at it and I intend to fix it.

MATURE AGE UNEMPLOYMENT

Ms THOMPSON (Reynell): My question is to the Minister for Employment, Training and Further Education. What measures does the government have in place to assist unemployed mature age people to re-enter the work force? As I move around my electorate, I meet many senior people who retired early, often believing they were helping young people get a job. Now they find themselves facing poor living conditions and poor health but have lost confidence in their ability to once again get paid work.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I would like to thank the member for Reynell for her question, which is very timely—

Members interjecting:

The Hon. S.W. KEY: Honourable members will probably recognise that the federal Treasurer has already commented on the Productivity Commission's released report entitled 'Economic implications of an ageing Australia'. This report shows a great need to maintain and retrain our ageing work force. In fact, one of the quotes from that report is as follows:

> The state-by-state breakdown shows South Australia and Tasmania will have the greatest concentration of older people over the next 40 years, while Victoria and NSW will stay relatively 'young'.

Members interjecting:

The Hon. S.W. KEY: Sure. The member for Reynell has asked a very good question. In response to the problems that are faced by unemployed mature age workers, the government has established a number of initiatives designed to meet individual needs, one of which is the Employment 40 Plus Program. And looking around the room, this should be of interest to many honourable members!

This program supports mature age citizens into further training and employment through the provision of tailored practical assistance. As I have said previously in this house, one of the things we are trying to do in the employment area is have more of an individual case worker approach so that we can try to be of direct assistance to people seeking employment.

Mr Brokenshire: Case management.

The Hon. S.W. KEY: Yes, exactly. As part of this, a series of workshops were conducted between March and May this year that involved over 180 mature age job seekers in gaining access to information to support them in their transition to employment or further skills development. Workshop participants were invited to take part in a pre-employment support program that assisted them through measures such as career planning, case management, job brokerage and work placement support.

There is already evidence of the value of this program in supporting individuals to reach their goals. One 51 year old woman who attended the Employment 40 Plus workshop has found employment—

Ms Chapman: One?

The Hon. S.W. KEY: One just as an example—despite an initial lack of confidence in her own abilities and her capacity to get a job. This does underline the fact that the casework and case management approach has been successful. I have reported in this house about other successful outcomes of these programs.

Some of the other initiatives in which I am sure members will be interested include the Adult Community Education Program, which offers various learning experiences to redress educational, social and economic disadvantage. I know a number of members in this chamber have spoken to me and also our SA Works people about programs in their own areas. I compliment them for doing that, because we are having good results.

There is also an employment 40 plus 1800 information line, which offers mature age job seekers information and referral to employment and training services. I understand that this line is being used extensively. I have had a lot of compliments and letters from people who have found this support very helpful to them. The government also has a service agreement with Don't Overlook Mature Experience (DOME), another organisation that is well known to members in this chamber, to provide mature age job seekers the skills and experience to gain employment. In addition, we have the Transitional Employment Assistance Program, which funds community-based not for profit organisations to support job

seekers into employment. Plans are under way to introduce a mature age mentoring program to support—

The SPEAKER: Order! The camera people in the gallery should know the standing orders and the undertakings given by their employers about the rule that they may focus only on members in their places whilst they are addressing the chamber, not on other members doing other things at the time.

The Hon. S.W. KEY: Work is also under way to introduce a mature age mentoring program to support organisations to utilise the experience and expertise of mature age people to motivate and assist others in the workplace. I think one of the important things about that is that we all know that we have a number of highly skilled and experienced people who can try to assist people who need that confidence and support. Another program is being developed to assist parents to gain the skills and confidence to enable them to make the transition back to further education, training and employment.

Without wanting to downplay the difficulties of many age workers in the employment market, I am very pleased to see that these programs are in place, and I hope that members in this house will assist us to ensure that as many older members of their electorates as possible also have the opportunity to obtain that support. We can use their experience to help us.

LAND TAX

Mrs HALL (Morialta): My question is to the Minister for Tourism, but I am sure the Treasurer will answer it.

The SPEAKER: Order!

Mrs HALL: Sorry, Mr Speaker. What action has the minister taken to protect bed and breakfast establishments from huge increases in land tax which are threatening to decimate the industry? In response to a question on 22 July this year, the Treasurer agreed that 'this is a concern to the whole tourism industry,' and went on to say, 'I have been looking at what we can do in the area of B&B.' The opposition is continuing to receive approaches from concerned bed and breakfast operators, many of whom say that they are considering leaving the industry. The owners of the Moonta Bay Escape have been forced to close their bed and breakfast due to increases in land tax from $3 000 last year to $5 000 this year.

The Hon. K.O. FOLEY (Treasurer): Thank you—

The SPEAKER: The Treasurer is not disappointing.

The Hon. K.O. FOLEY: No—but, sir, I am losing my voice. It should hold on for about 23 more minutes, though (I detected more groans from my own side than I did from the opposition then). I respect the integrity and intent of the question; it is a good question. I think it is somewhat emotive to talk about widespread devastation, or words to that effect. I think that is somewhat alarmist, emotive and wrong. I have been looking at bed and breakfasts, but I am not as convinced on the bed and breakfast argument at this point as I am on the residential parks issue. The integrity of the tax system is a great dilemma for treasurers because, as I have said previously—

Ms Chapman: You've got plenty of money. Use some of the GST money.

The SPEAKER: Order, the member for Bragg!

The Hon. K.O. FOLEY: Sir, I am starting to worry that the member for Morialta will suffer significant damage from the constant yelling of the member for Bragg, who sits next to her. I will bring some earplugs in for the member for Morialta. The member for Bragg is like the parrot in the pet shop—always there with an opinion on something.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sorry, my apologies, sir. As I said, I have not been as convinced as I have with respect to the issue of residential parks, because you have to be careful: once you make one exemption there is then a knock-on effect. The opposition is free at any stage to tell the public how it would deal with the issue of bed and breakfast establishments. I am happy to be put under further pressure if an opposition chooses to put down its policy as to what it will do with land tax, because never a day goes by when we are not told to spend money and cut a tax. Never a day goes by that we are not trying to be all things to all people if we are a Liberal opposition. However, the hard decisions of government require hard decisions—that is obvious—and we are prepared to make them. But, having made those hard decisions, we have seen significant increases in expenditure on health, education and policing, and we have balanced the budget, something that members opposite never did.

And what has happened? Standard and Poor's have given us a AAA credit rating and, from the best of my understanding, Moody's have given us a AAA credit rating for the first time ever. So, we can manage it all, and I now say to the opposition: put up, show us your alternative policies and let us compare and contrast.

LANDFILL

Mr SNELLING (Playford): My question is to the Minister for Environment and Conservation. What is the state government, through its recycling body Zero Waste SA, doing to promote the reduction of waste going to landfill?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Playford for this excellent question. The government, as members would know, has an ambition of having zero waste going to landfill in South Australia. It is a long-term and aspirational ambition and we have set up Zero Waste SA to drive it. So I am pleased today to be able to announce two new funds to help councils and industry get serious about waste reduction.

In particular, the first of those is a $3.5 million grant scheme which will be provided over the next three years to industry and local councils; and more than $2 million of that money is for councils and businesses in regional areas, members opposite will be pleased to know, to help them improve their recycling facilities. The funding recognises that efficient regional recycling is hampered by low population and the long distances waste has to be transported to recycling facilities. I am also hopeful that this funding will assist local councils, which I know are struggling at the moment to get their landfill sites in good order. So this assistance will help them come up with alternative strategies to landfill.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: There is a lot of rubbish in the member for Mawson's electorate: that is for certain. The second fund that I announce today is a $1.4 million fund to provide for industry to set up recycling infrastructure for composting of organic waste and recycling of construction, demolition and plastic waste. As members may or may not know, up to 50 per cent of the total cost of resources recovery and recycling facilities can be provided under this scheme. These materials are the largest contributors of waste to landfill in South Australia. Construction and demolition materials provide up to 38 per cent of all waste going to

landfill, and half of all domestic waste consists of organic material from gardens.

I am pleased to say that applications are open until 14 January 2005, and application forms can be found at www.zerowaste.sa.gov.au. These two new funds are in addition to $4.6 million in state government grants that have been earmarked to encourage councils to move to best practice. Zero Waste is a great partnership between local government and state government to drive landfill materials to a record low. We are serious about trying to achieve zero waste in South Australia.

The Hon. I.F. EVANS: I have a supplementary question. Can the funds be used by councils or industry to transfer waste to markets for recycling?

The Hon. J.D. HILL: If I understood the member correctly, he is asking whether the fund can assist industry to transfer waste from landfill sites to—

The Hon. I.F. EVANS: Can the funds—either of the funds—be used by councils or industry to transfer waste to markets for recycling?

The Hon. J.D. HILL: As I understand the funds, some flexibility is provided if it helps drive the zero waste agenda. The fund is not there to help manage landfill: it is to stop waste going into landfill. So, if councils or industry have a proposition to achieve that, I assume that it would be covered. I will get a definitive answer, but it would seem to me that the proposition that the member puts is reasonable.

REVENUE SA

Mr BROKENSHIRE (Mawson): My question is to the Treasurer. What is the Treasurer doing to correct errors in property tax bills being sent out by Revenue SA? The opposition has received a letter from a couple of constituents which states that they have received an investigation summons for not paying the emergency services levy on a property in Camden Park. The couple advises in this letter that they have not owned or lived at the Camden Park property for 35 years. They state, further, that they believe the property has been sold at least twice since they left in 1969. The letter outlines that the couple's good character, reputation and credit rating have now been adversely affected. They state that they received the summons despite the Electoral Commission, SA Water, the Valuer-General's Department, the Registrar of Motor Vehicles, the West Torrens Council and the Land Titles Office all having their correct details.

The Hon. K.O. FOLEY (Treasurer): Sir—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: The member for Mawson says, 'What a mess Revenue SA is.' This couple would not have had to pay an emergency services levy if this lot had not given the state that tax.

Members interjecting:

The Hon. K.O. FOLEY: Members opposite love the ESL, because they created it. I have to be honest and admit to the house that, as Treasurer, from time to time I get letters from people who have been incorrectly billed by one area or another of government. That is what happens when you have such a large, complex billing system across government consisting of hundreds of thousands of households. It is not unreasonable; it is not unexpected that there will be errors from time to time. It is grossly unfair to bag Revenue SA, as the member for Mawson has done. They are hard-working, diligent officers processing large volumes of transactions, and from time to time errors will occur. When I came into office, the Tax Commissioner said to me, 'We will have to start reinvesting in new technology because the technology is getting antiquated.'

An honourable member interjecting:

The Hon. K.O. FOLEY: It's already been budgeted for and in a large part paid for. The tax billing system, RevNet, has required funding and resources to pay for it. I am not going to stand here and deny the fact that incorrect billings are made from time to time. There would not be a government or a business on this planet that does not from time to time incorrectly bill people. We are not perfect—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: The member talks about the dear old things from Camden Park. I assume the member has written to me about it.

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: The member has not written to me about it. The member for Mawson is concerned about the dear old couple from Camden Park when he has not even written to me about it. He just wants to come in here and grandstand about it!

The SPEAKER: Order! Noon was two hours and 57 minutes ago, and it was not high. Neither the member for Mawson nor the Deputy Premier have any right to use six guns on each other in the fashion they were just doing. I invite the house to cool it. You have not got long to go before you can have a big sleep.

The Hon. K.O. FOLEY: Thank you, sir. I have to say that it is the height of political opportunism—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —to come in here and ask: why haven't I fixed someone's problem when I haven't been told about it? We could have fixed this problem for the dear old couple from Camden Park if the member had come to see me about it. Let's be honest about it; this is politicking. It is the last day of a long sitting week and I will do all I can to fix it up as quickly as I can.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: And your point is?

The SPEAKER: Order, the honourable the Deputy Premier ought not to go bear baiting! The honourable Deputy Premier should simply ignore the provocation from the member for Mawson. The honourable the Deputy Premier, I am sure, is a very straight shot.

The Hon. K.O. FOLEY: I apologise, sir. It is just that the member for Mawson is very funny. I enjoy every day in question time watching Robbie the robot throw his arms around and get all red in the face.

GREENING OF AUSTRALIA

Mrs GERAGHTY (Torrens): My question is to the Minister for Administrative Services. What contribution is the government making to the greening of Australia?

The Hon. M.J. WRIGHT (Minister for Administrative Services): Thank you, sir, and I thank the member for Torrens for her question and for her grand support of all things green. The building management division within DAIS has a key role in delivering the government's objectives for ecological sustainable outcomes. Building management is striving to integrate environmental principles into its

operation to minimise energy use, greenhouse gas emissions, and waste and pollution.

Building management has instituted an active environmental monitoring and reporting process to monitor these aims. It is also implementing and promoting sustainable procurement practices for its own procurement, as well as in the specialist procurement it undertakes on behalf on other agencies. The government has endorsed principles that will govern the rationalisation of government office accommodation and provide an implementation plan for ecological, sustainable development. All newly constructed office buildings used by government will be required to be designed and built to at least a five star rating under the Green Building Council's Green Star Office Design rating system.

The government will also rate the performance of tenancies under an energy performance rating system. The government is also pursuing a range of sustainable office accommodation activities as a part of its commitment to greening government buildings. Environmental improvements outlined in South Australia's Strategic Plan and Greening of Government initiative include a commitment to reduce energy consumption in government buildings by 25 per cent by 2014, a preference for all new government office leases to be in buildings that meet at least a five star energy rating from July 2006, and a target of reducing waste going to landfill by 25 per cent in 10 years.

HOSPITALS, WALLAROO

Mr MEIER (Goyder): Will the Minister for Health explain why surgery at the Wallaroo Hospital is now 20 per cent less than it was three years ago, despite a greater demand for surgery at the hospital, and will the minister acknowledge that it is the lack of funding for the hospital which has forced the reduction in surgery?

The Hon. K.O. Foley: Magic pudding politics, Liberal Party.

Mr MEIER: Hang on. You promised when you went up there for a community cabinet that you would give more money.

Members interjecting:

Mr MEIER: They are not interested in hospitals.

The DEPUTY SPEAKER: Order!

Mr MEIER: The combined in-patient surgery and same-day at Wallaroo Hospital, the Northern Yorke Peninsula Health Service, has dropped from 593 procedures in 2000-01 to 476 procedures in 2003-2004. In fact, gross payments to the hospital declined last year compared to the previous year, and surgery will have to be stopped for two months in the near future.

The Hon. L. STEVENS (Minister for Health): I thank the member for Goyder for his question. There are a number of points, and the first point that I would like to make is that the initial health budget for the Wakefield region, of which Wallaroo Hospital is a part, was increased by 3.1 per cent from $47.4 million to $48.9 million this year as a result of the budget. It was an increase of $1.5 million out of the biggest health budget this state has ever seen. Notwithstanding this, we are working with country health regions at the moment and they have indicated some cost pressures that we need to consider as part of the mid-year budget review. This process is occurring and will come to fruition in the near future. In the meantime, all country regions have been instructed by the chief executive of my department that services should not be cut in the lead-up to resolving any matters concerning final budget allocations.

In relation to elective surgery and the number of procedures, my advice is that Wallaroo has been funded for the same level of elective surgery this year as it was last year. I must say that the government is aware of particular issues in certain country areas of South Australia where there has been—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: If the Deputy Leader will just be quiet and listen—

The DEPUTY SPEAKER: Order! The member for Finniss was the Minister for Health: he is not currently.

The Hon. L. STEVENS: The government is aware of unevenness in demand in certain areas of country South Australia, Wallaroo being one of them, and we are looking at planning for that in the future. The final matter that the member for Goyder mentioned is the break in elective surgery for two months. I have already spoken about this today in the media. It is common practice around the state that over the Christmas holiday period, and sometimes in other periods throughout the year, hospitals will pull back on their elective, planned surgery work. This is a sensible option in terms of taking into account, first, that patients do not often want to have these procedures over holiday periods and that staff also want to take their holidays then.

My advice from the Regional General Manager of the Wakefield Region is that the decision of the particular unit to take that break in elective surgery is a decision of the local board and that Wallaroo is not suspending for any total length of time less than it did last year, although it is blocking it together. That has been its decision. The important thing is that all emergency work will still occur.

HOUSING TRUST

Mr RAU (Enfield): My question is to the Minister for Housing. How is the Housing Trust proposing to reward its long-standing tenants, particularly in The Parks area of my electorate?

The Hon. J.W. WEATHERILL (Minister for Housing): I acknowledge the honourable member's powerful advocacy on behalf of the residents of The Parks. I share with the honourable member part of The Parks area in my electorate of Cheltenham. I am well aware of the challenges of that area and, in particular, the pressure that has been placed on some long-standing Housing Trust tenants as a consequence of the changes that are occurring in that part of the world. I must say that there was a well-meaning attempt by the previous government to engage in an urban regeneration project in that part of town, called Westwood. Unfortunately, it failed. While it concentrated on the physical regeneration of the suburb, it did not adequately consider the social effects of one of the largest urban renewal projects in Australia on the population.

There have been massive displacement effects and many of the long-standing tenants, some of whom have had tenancies in that suburb for over 40 years, have found that there is a massive change in their suburb. For those long-standing tenants we are doing a range of things, including ensuring that disruptive tenancies nearby are dealt with in a significant fashion. We are also proposing to reward long-standing tenants. We are asking for names of tenants who have kept excellent rent records, who have made significant improvements to their properties and who have participated in the community in a good way so they may be given some

recognition. We will present awards to those people. It is something that I would like to roll out across the metropolitan area, and we will start in this important area of town.

CAMHS, MOUNT BARKER

Mr GOLDSWORTHY (Kavel): My question is for the Minister for Health. Why has the government withdrawn funding for a youth mental health worker at Mount Barker, thus reducing such workers by one third? The Child and Adolescent Mental Health Services at Mount Barker has sent out letters saying that the staffing level for the mental health therapists has been reduced by one third, compared with last year. The letter states:

> This will mean that this office is considerably under-resourced and will struggle to meet the needs of the growing population of young families in the Adelaide Hills.

The Hon. L. STEVENS (Minister for Health): I will look into the details of the matter for the member, but I would like to reiterate that there is a big job to do in mental health services in this state. Already the state government is putting an extra $20 million per annum in recurrent funds into mental health, but I will certainly look into the matter.

ACCESS ROAD, LOWER LIGHT

Dr McFETRIDGE (Morphett): My question is to the Minister for Recreation, Sport and Racing. Is the state government planning to seal the access road to the State Rifle Range at Lower Light? The government spent approximately $600 000 on the relocation of the State Rifle Range to Lower Light. I have been advised that in wet weather shooters cannot get to the facility using the dirt road. This venue is to be used for shooting events at next year's Australia and New Zealand Police and Emergency Services Games, launched by the Minister for Emergency Services last Tuesday. It will also be used for the Masters Games and the World Police and Fire Games. To quote one overseas competitor:

> This is one of the great rifle ranges in the world. It is a pity that one has to go through the gates of hell to get there.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): We will have a good look at it, and take account of the member's opinion.

HAMPSTEAD REHABILITATION CENTRE

The Hon. D.C. KOTZ (Newland): My question is for the Minister for Health. Will the minister advise the house when she will answer a question I asked on 20 September this year, relating to why long-time disabled users of the Homestead Rehabilitation Centre's spinal unit's gymnasium are now being charged a commercial fee to use equipment which was donated by the Wheelchair Sports Association? I advised the minister that one of my constituents, who is a pensioner and disabled, is being forced to pay approximately $60 a month, or $720 a year, which is more than all-inclusive memberships are many commercial gymnasiums. In answering my question more than eight weeks ago, the minister replied:

> I am not aware of the details so I can't give an answer today, but I will certainly take the matter on board and get an answer for the honourable member.

I am still waiting.

The Hon. L. STEVENS (Minister for Health): And so I will, sir.

INDIGENOUS LAND USE AGREEMENT

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: Today I wish to draw the attention of the house to the progress of the statewide Indigenous Land Use Agreement negotiations, and to announce the negotiation of a pilot agreement with the Narungga people of the Yorke Peninsula. The ILUA process was initiated by the previous government. The current government continues working with peak bodies such as the South Australian Farmers' Federation, the South Australian Chamber of Mines and Energy, the South Australian Fishing Industry Council, the Seafood Council, the Local Government Association, and the Aboriginal Legal Rights Movement. The aim is to settle all native title claims in South Australia by negotiation rather than litigation. Considerable progress has been made in the past four years and five ILUAs have been signed to date—four in the past 12 months.

Over the past 14 months the government has been working with the Narangga people, the ALRM and four regional councils on Yorke Peninsula to negotiate the terms of a local government and future acts ILUA. The ILUA provides alternatives to the future act regime set out in the federal Native Title Act, protocols for Aboriginal heritage and planning, and a final compensation package for the Narangga people. The house should note that the ILUA deliberately made no change to existing mining rights or obligations. I expect that the Narangga ILUA will be signed at a ceremony at Maitland on 3 December 2004, and any member of the opposition is welcome to join me, especially the local member for Goyder.

ALRM, as the representative body in South Australia for Aboriginal native title claims, has proposed that the negotiating parties embark on an intensive process over the next five years to deliver 117 ILUAs, the withdrawal of a large number of native title claims and, in some cases, consent determinations. This is an ambitious target and success will depend on the continued goodwill of all negotiating parties. As the South Australian experience has demonstrated, capacity building and good relationships are the first and most important steps towards a lasting resolution of native title matters.

MINISTER'S REMARKS

Mr HAMILTON-SMITH (Waite): I rise under standing order 108 to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: Earlier in question time I believe that the Treasurer misrepresented my position in regard to the fate of Springwood Park, formerly owned by Mr Andrew Garrett. I think that it is necessary to clarify the facts for the Treasurer and the Minister for the Environment, because I have written to the Minister for the Environment suggesting two options; firstly, that the land, which comprises Brownhill and an extensive expanse of hills face, is to be sold at a mortgagee sale. The government has three options: do nothing and risk the development of the land by developers

to expose the hills face, a controversy which erupted some years ago—

The DEPUTY SPEAKER: Order! The member needs to confine himself to the specifics of misrepresentation.

Mr HAMILTON-SMITH: In my letter to minister Hill I said that the government should consider:

> . . . temporary acquisition of the entire property by the government, realign the boundaries to create one open space parcel and four buildable parcels (with two existing buildings) and dispose of the buildable parcels, which would recoup almost the entire outlay to the government since only land of little or no commercial value would be retained; [or]
>
> . . . partial acquisition by an independent authority such as the Nature Foundation, National Trust or a private environmental entity. This entity could accept tax deductible donations. . . [etc]

The point of my letter to the minister was to ensure that only the western portion of the land was secured—that is, the hills face part of the land, a 100-hectare site. Earlier in question time the Treasurer tried to represent the view that I had proposed a $4 million purchase of a site which, earlier, the Minister for the Environment said included the Garrett mansion. That is not the case: it is a misrepresentation of my position, which has always been that only the western portion be purchased.

I also wrote on 3 November to the Minister for Urban Development and Planning asking her what action the government was to take to protect this valuable hills face land from subdivision. Those are the facts. My proposition is to sell the western portion of the land only—that being Brownhill. The Treasurer misrepresented that today in answers to questions; so has the Minister for the Environment in interjections, both yesterday and the day before.

GRIEVANCE DEBATE

SCHOOLS, LIGHT DISTRICT

The Hon. M.R. BUCKBY (Light): I rise today to raise two matters: one on behalf of my Roseworthy Primary School parents and community and the second on behalf of the Hewett Primary School parents and community.

In 1999, I became aware that the solid building at Roseworthy, a very old building, was suffering from severe cracking and a building report later showed that it should be demolished and, as a result of that, it was demolished in 2000. At that point, I as Minister for Education placed the school on the capital works list to have that building replaced in due time. But in the interim period, a transportable building was placed on site. To the best of my knowledge, the new building would have been built in either the 2003-04 budget or the 2004-05 budget.

Roseworthy Primary School has no solid buildings, apart from a toilet block. The others are all transportable buildings. Over 100 community members recently signed a petition to the minister calling for a new building. We have significant growth in that area due to the Amcor glass bottle factory and other developments that are taking place there. As a result, the population of Roseworthy is growing, so the school needs this new building desperately. The current transportable building that is there in replacement for the old building is unsuitable for the current uses. I call on the minister to address this matter in the 2005-06 budget and place the Roseworthy Primary School on the capital works budget for the development of a new building in that year.

The second issue that I want to raise is that of Hewett Primary School, a very new school with some 420-odd students and with the student numbers estimated to rise to 700 in the next few years. A wetlands has been developed by the Light regional council alongside the school but, unfortunately, there is no perimeter fence to the school. In the wintertime when water is lying in the wetlands, there is a danger that children may wander in that direction and, as a result of that, create a risk of their possibly slipping over in the wetlands and, in a worst case scenario, possibly drowning. A perimeter fence is required for the school. It has none.

The lack of a perimeter fence also creates another problem for this school, and that is in the dispersal of students at the end of the day where there is no controlled release point through one or two gates from the school, such as there are in most other schools in my area and in every other area. In fact, I do not know of too many schools that do not have a perimeter fence. About the only other one I can think of in my area is the Munno Para Primary School.

However, because of the traffic flow around the area Hewett Primary School desperately needs a perimeter fence. I invited the minister to come and visit the school, along with the governing council chairperson and the principal of the school. Unfortunately, the minister declined that invitation and instead sent departmental staff to look at this issue. I am disappointed by that because I always believe that, as minister, the best thing one can do is get out into the schools and actually see what the problems are and then do something about it.

There is no action at the moment on the traffic issues at the school. A traffic plan or a traffic survey was undertaken. The school has been told that action will be taken, but as yet there is none. It has had no advice from the department on how these issues will be solved in the future. I call on the minister to treat these matters seriously, because a large number of students are leaving the school all at one time. We have a special education unit at the school, and there is the potential for those students to access the wetlands. These are serious issues that require the minister to make a decision and place the matters within either the capital works budget or the maintenance budget of the school.

FLINDERS, MEMBER FOR

Ms BREUER (Giles): This morning in this place a motion was moved that the house adopt the following statement of principles and we debated it. Section 2 states:

> Members of parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the state and the rules of the parliament, and using their influence to advance the common good of the people of South Australia.

Section 12 states:

> Members of parliament should always be mindful of their responsibility to accord due respect to their right of freedom of speech within the parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

I do not like to attack another member in this house: it is not normally my style, and only on very rare occasions would I do so, or have I done so. However, I believe that statements made in recent times by the member for Flinders about the health minister were disgraceful. Also, subsequent attacks publicly on members of the Wudinna Health Service and the boards associated with the health service were quite unforgivable.

On 22 November, the member alleged that people had been lobbied not to sign a petition circulating in the town, and that the sheet with a number of signatures on it was torn up. She alleged that a midwife had a resignation form submitted without her signature, knowledge or intention. She alleged that CEOs who are no longer in the positions they held during the time these problems started were still influential, and she expressed concerns including intimidation, harassment, forgery, misuse of funds and so on. She talked about the hospital's general report; why motor vehicle expenses had risen—and implied that there was some misuse of funding by a CEO; and she finished with the statement that the Minister for Health was conspiring to protect possible corruption, intimidation and unprofessional conduct. On 23 November, in answer to the minister's asking her to withdraw those statements, the honourable member said that perhaps she should have used the words 'allowing a cover-up' rather than 'conspiring'. She still refused to withdraw those comments. On 24 November she said:

> The Mid West Health Board has written to me inviting me to visit them so that they can give their side of the story. However, I will not be meeting with them until this matter has been properly dealt with.

This is not using her integrity to get a fair explanation of what has been happening there. It is not necessary to go into the process that was followed by the board, the hospital and the health service: they are well documented by the minister in her answers to the member for Flinders. However, it is disgraceful that the member for Flinders has chosen to hide behind parliamentary privilege and make these comments about the minister and the people on the health board. She has also made public health statements on radio about this matter. Where is the fairness, the honesty and the integrity in this? The member will not meet with the board.

Some very interesting comments were made by Mr Tim Scholz in a very lengthy radio interview on 23 November. Mr Scholz is the Chair of the District Council of Le Hunte and also a member of the Mid West Health Service. He said that the Minister for Health, Lea Stevens, had been accused of conspiring to protect corruption, intimidation and unprofessional conduct at the Wudinna Hospital. He said:

> I find the last weeks have been promoting division within the community. . . it seems to have little to do with maintaining and improving our health services in the region.

It is the role of a member of parliament to promote that in our regions. He also said:

> . . . the terms of reference for the review were agreed by all the people that were going to be affected by it. . . medical staff and health staff at the hospital.

He talked about the role that the local member played in this, saying:

> The thing that really disappoints me is the way our local member's been involved.

He said that had been involved in public life for many years in different forums, and he believed that this was wrong. He said:

> . . . she hasn't spoken to the chair of the board. . . from what I understand she hasn't returned his calls. She hasn't spoken either with the board as a whole or with any of the eight individual members. . .

I believe that this is using our role as a member of parliament in a wrong way. This is not asking the member's community or her health service. Members of parliament receive many complaints about health services, and we should get to the bottom of these complaints about our health services. I have received many—

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

Ms BREUER: —and there are always one or two doctors at the bottom of these complaints. We have many wonderful doctors in our health services, but they use their veneration by patients to manipulate patients and systems for their benefit, and I believe that is what is happening in this community. I respect my health services and their departments and staff and I make sure that I hear the whole, and not just part, of the story.

Time expired.

SKILLS AND TRAINING

Mr SCALZI (Hartley): Today I wish to bring to the attention of the house the problem of the shortage of tradespersons and the need for skills and training. We are all aware that we have an ageing population. We have a decreasing proportion of work force compared to the population it must support, and there is a shortage of tradespeople and other skills in the sciences and engineering that needs to be addressed if we are to meet the challenges of the future.

This problem has attracted much attention in past weeks. The Training and Skills Commission Report shows that, according to figures for Labour Force Educational Attainment 2003, South Australia's labour force continues to have lower levels of overall educational attainment. It also has a lower proportion of skills at higher qualification levels. The commonwealth Department of Employment and Workforce Relations has identified South Australia's skill shortage in professions such as child care, teaching, health professions and the trades (including electrical, plumbing, construction and metal trades). According to *The Advertiser* on 19th October, 60 per cent of South Australian firms had problems finding staff—the second worst rate in the country behind Queensland.

Clearly, such problems are accentuated by the lack of apprentices entering the trades. The *Independent Weekly* of 14 November to 20 November 2004 highlighted the tragedy of high youth unemployment alongside critical shortages of apprentices, and states that South Australia has the lowest uptake of apprenticeships in Australia. We must address the profile of vocational education and encourage our young people into such skill areas, and I welcome the initiatives outlined by the federal government to boost accessibility of vocational education for secondary students and trust that the state government will support them.

We must also break down the perception that technical education is separate from and inferior to university education. We need both. We must educate our community and families to understand that technical education can lead not only to successful careers in the trades but also to specialised tertiary studies. I was therefore dismayed to hear recently of the declining numbers of students in the enabling mathematics and sciences which provide our schoolchildren with the basic skills for specific trades and tertiary qualifications.

The President of the Federation of Australian Scientific and Technological Societies, Professor Barlow, referred to mathematics, physics and chemistry as 'the creative engine underpinning engineering and all sciences' and states that Australia's future prosperity is at risk if recent trends of low enrolments in these subjects continue.

If we look at the OECD data—and I seek leave to attach the table—it shows that Australia is close to the bottom per cent of university students in engineering, mathematics,

statistics and physical sciences. I seek leave to insert this table in *Hansard*, and assure the house that it conforms to the required criteria.

Leave granted.

Tertiary graduates percent of total					
Mathematics and statistics		Engineering, manufacturing and construct		Physical sciences	
Turkey	2.8	Korea	27.4	Germany	5.0
France	2.5	Sweden	21.7	Turkey	4.9
Italy	2.0	Finland	21.6	France	4.9
Korea	1.9	Austria	18.0	United Kingdom	4.8
Germany	1.7	Slovak Republic	17.9	New Zealand	4.2
United Kingdom	1.4	Germany	17.6	Switzerland	4.0
Spain	1.2	Italy	15.2	Korea	3.5
Switzerland	1.1	Switzerland	14.6	Spain	3.1
Country mean	1.0	Spain	14.3	Belgium	3.0
Czech Republic	1.0	Mexico	13.9	Austria	3.0
New Zealand	1.0	Country mean	13.3	Ireland	2.8
Belgium	1.0	Czech Republic	13.2	Country mean	2.8
United States	0.9	France	12.5	Slovak Republic	2.4
Ireland	0.9	Belgium	12.1	Iceland	2.3
Austria	0.7	Turkey	11.8	Sweden	2.3
Finland	0.6	Netherlands	10.7	Denmark	2.3
Denmark	0.6	United Kingdom	10.1	Czech Republic	2.3
Sweden	0.5	Hungary	9.1	Australia	2.3
Slovak Republic	0.5	Denmark	8.9	Netherlands	2.2
Australia	0.5	Ireland	7.7	Finland	2.0
Mexico	0.4	Australia	7.7	Italy	1.6
Netherlands	0.3	Norway	7.4	Mexico	1.5
Iceland	0.3	United States	6.3	United States	1.4
Hungary	0.2	New Zealand	5.7	Norway	1.1
Norway	0.2	Iceland	5.1	Hungary	0.7

Professor Barlow highlights the importance of quality specialised teaching and promotion of technology subject areas from early stages of education, starting at primary school. We must address that if we are to have a future. As I said, we have an increase in ageing population and a shrinking work force in proportion and a shortage in the trades and mathematical and science areas.

Finally, I highlight problems of accessibility to state User Choice funding for traineeships and apprenticeships. It has been brought to my attention that there are problems for people who may have completed a certificate course and are then ineligible for state User Choice funding available for training with registered training organisations (RTOs). The Executive Manager of Human Resources at Uniting Care Wesley wrote to me on this issue. He stated:

> Funding is available for persons with no qualifications to enter our jobs on traineeships. We support this. However, we are finding that many young people have a qualification at the certificate 1 or 2 level in something like cleaning or from working at Hungry Jack's, and this is precluding them from getting a traineeship which will lead them to long-term employment and saleable skills. We will train and give real jobs if we can utilise the funding. Schools and short-term employers are tapping into the new apprenticeship training and the funding rules of one shot only is barring young people from jobs.

We must address these important issues.

YOUTH ADVISORY COMMITTEE

Ms RANKINE (Wright): During the last week of sitting, I expressed some concern about the fact that the Youth Advisory Committee in Tea Tree Gully had been suspended. I advised the house that I had sought help from the Minister for Youth. The minister offered to go out and meet with the council, and she also offered the assistance of the Office of Youth to help resolve some of those issues. Those offers were relayed to the Mayor of Tea Tree Gully and in the last week I received a response from her, which I have to say is quite disappointing. It notes that the draft report of the review into the Youth Advisory Committee, which was initiated by the council after it was suspended, was presented to the council on 7 September. The mayor's letter goes on to say that she will be meeting soon with the consultants to discuss some perceived discrepancies and that the final review will be presented to council in due course.

In September, the council received the draft review. Nearly three months later, not only have they not taken any action but also they have not even had any discussion about the perceived discrepancies in the draft report. This Youth Advisory Committee was in operation for six months. Then the review was undertaken. Three months later—still no action. I have made a sincere offer of help to the council, and that has been backed up by the Minister for Youth. Irrespective of the discrepancies in their review, clearly there are problems in this area involving young people. The response is, basically: 'Thank you. Don't call me; I'll call you.' The priority that the council has given to youth issues is again reflected in its draft management recreation plan, where youth issues were listed as a category 3 priority.

In five to 10 years' time, many of the young people of Golden Grove and Tea Tree Gully will be grown up. This area has one of the highest populations of young people in the state. It is time to take care of, and care for, our young people in this region. I very much hold the view of former New South Wales magistrate, Barbara Holborow (who set up the organisation Hope for the Children), namely, that our young people belong to us all. Parents have the major responsibility for their children, but communities must also take a collective responsibility. Good parents teach and guide their children, expose them to new experiences, and help them to develop and learn; they don't just sit in an armchair and give them an almighty whack when, after getting no guidance, they get something wrong.

As I have said on many occasions, we have a responsibility to encourage and involve our young people. We should show them by action, not just words, that they do matter. Young people who are actively involved in positive community activities are much less likely to get themselves into trouble. That was the view I took when my sons were young. I felt that if I kept them exhausted they would be too tired to get themselves into strife. As far as I know—I guess as far as any mother knows—that worked.

As I have said, I have spoken in this house on numerous occasions about the need to involve young people. I have spoken about the lack of facilities for young people at Golden Grove. These issues need to be addressed. That is why I have offered to help and why I wrote to the minister. That is why I am pleading with the council to let's get serious about our young people and let's work together to involve, support and care for our young people. They are worth the effort.

OLYMPIC DAM

The Hon. G.M. GUNN (Stuart): Thank you, Mr Deputy Speaker. After your extensive late night, I am pleased to see you looking fit and well this afternoon for another lengthy exercise. There are two things that I want to talk about his afternoon. First, I think that I am one of the few people left in this parliament that voted for the Roxby Downs indenture bill, and I read yesterday afternoon the speech made by the then leader of the opposition, the honourable John Bannon, later, unfortunately, to become premier. I wonder who wrote the speech. I would say that the now Premier had quite a bit to do with the composition of that negative document, which is now recorded for all time in *Hansard*. All I want to say on this occasion is that I was absolutely amazed to hear the Premier, because we were told at the time that the Roxby Downs indenture bill was before the parliament and in the debates that led up to it that the sun would not come up the next day if we were to inflict upon the people of South Australia such a ghastly and dreadful act as to allow that particular mine to be developed.

Now the Premier has become a great supporter of it, and I find it amazing that we had people, in what was then my electorate, protesting, being organised, egged on and supported by the Labor Party. I well recall going to a select committee meeting at what was the camp site at Olympic Dam. We went into the mess and there was Dr Hopgood, Mr Payne, myself, I think Scott Ashenden, and the former deputy leader, Roger Goldsworthy, the then member for Kavel. When we went into the mess that night there was a very large number of people there and the union rep got up on the table and said, 'I want to know which ones of you so and so's are for us and which ones are against it, because we all want this.' Well, you've never seen a couple of blokes scuttle out the door like cats that had turpentine put on them. Two of the members were gone out the door; they didn't want to talk about it.

I came into this parliament when we had to build the Chowilla Dam and the Labor Party did a backflip on that. They have done a backflip on Roxby. They have made a lot of negative nonsense about Beverley. Are they going to let Honeymoon go ahead if it can be proved viable? There is a range of these other matters, and they will be proved to be wrong with this silly legislation which, unfortunately, you were supporting last night, sir. Silly legislation, absolutely silly.

Up in my electorate a couple of weeks ago I had the pleasure of going with the management committee to the youth club which operates in the old bowling green. It is not far from the high school, just around the corner from the Pastoral Hotel. It was a bowling green, no longer used, and has been taken over by this group, managed by local members of the community. There are at least four police officers on the management committee. Large numbers of Aboriginal youth are attracted there every evening. They are running a number of programs and they are getting some government support. However, they need a little more, and whatever the cost is it is far cheaper than having those young people in the correctional services system in the future. I commend everyone involved.

They are currently in the process of putting together a program to assist and help these young students do their homework, and they want to get some computers. I think, as you would agree, Mr Deputy Speaker, that it is a very good program to motivate these young people, get them to have social interaction, keep them off the streets and give them some skills. All those people who are giving their time and putting a great deal of effort in are to be commended. I have given a submission from the committee to the Premier and I seek his intervention to assist them, or there is a chance that this club may have to fold some time in January. That would be a great pity. It would be contrary to the best interests of Port Augusta, for the young people involved and the community in general. We need to support these groups that are doing such good work. The long term objective of this organisation is to give these young people some hope in the future. What we need to do is support these groups that are doing such good work and whose long-term objective is to give these young people some hope in the future.

HOSPITALS, NOARLUNGA

Ms THOMPSON (Reynell): I rise today to welcome the announcement by the Premier yesterday of an additional $8.4 million over the next five years to be directed to the Noarlunga Health Service to enable it to employ extra doctors both to staff its emergency service and to provide a night service to the wards at Noarlunga Hospital. Most people do not realise that the emergency department at Noarlunga Hospital is staffed entirely by general practitioners. There is one emergency specialist who supervises these practitioners, but it is GPs who provide the important services relied upon by many people in my community.

Because there are now about 30 to 40 GPs missing in the southern area, the emergency department in the Noarlunga Hospital is even more important. The efforts of the federal government to bring more GPs to the south have just not shown any impact. I have heard of a couple who have arrived

further south than the electorate of Reynell, but for about the last six years now there has been a shortage of about 30 GPs in the south and ever-increasing pressure on the Noarlunga Health Service. The current government has progressively increased the funds to the hospital, but there has somehow been a difficulty in recruiting staff to Noarlunga. You and I, sir, would not understand why.

As the member for Fisher, you are aware of the joys of living in the south, of the valuable service provided by the hospital and the good working environment there is at the Noarlunga Hospital. I have visited that hospital on many occasions—fortunately never for health reasons—and have always found it to be a welcoming hospital with a really pleasant environment and very committed and dedicated staff. But the dedicated doctors are getting very worn out by having to work extra shifts almost every week. Many of the approximately 20 GPs who staff that emergency department also have rights in a general practice somewhere, and they are just having trouble being able to keep up. Last time I was there I was talking with several doctors who were telling me that they were really exhausted.

What has happened here is that the hospital has come up with a solution that it believes will address the particular problems it is experiencing, and cabinet has agreed to support our local management in finding local solutions to a local problem. The stress on the emergency department is caused not only by the lack of GPs in the area but also by the increasing pressures of mental health attendances at the hospital. While discussing this important relief to the hospital with the hospital manager Mr Chris McGowan, we were talking about the need to do everything we can to help our young people realise just what is happening with mental health, especially as so many of the presentations at the hospital are related to the increasing use of amphetamines.

Young people do not always realise that just one hit of amphetamine can lead to a lifetime of mental health problems. The hospital is really feeling the effects of that. For that reason they are looking at recruiting a couple of senior specialist staff who will be able to work with the new general practitioners to develop their skills in being able to deal with some of these mental health presentations. The funds will also allow five doctors to be available to staff the wards after hours, because, again, people do not realise that the Noarlunga Hospital, as a community hospital, does not at the moment have any resident staff after hours. This additional $8.4 million will allow them to be serviced after hours and to relieve pressure on the emergency department.

Time expired.

FIRST HOME OWNER GRANT (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this bill be now read a second time.

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

The First Home Owner Grant (Miscellaneous) Amendment Bill 2004 contains three amendments to the First Home Owner Grant Act 2000 ("the FHOG Act").

I will deal with each measure in turn.

Firstly, the Bill inserts a six-month principal place of residence criterion in the Act.

The *Inter-governmental Agreement on the Reform of Commonwealth-State Financial Relations* ("IGA") provides that, to offset the impact of the Goods and Services Tax, the States and Territories will assist first home buyers through the funding and administration of a uniform First Home Owners Scheme.

The Act gives legislative effect to the First Home Owner Grant ("FHOG") principles as set out in Appendix D of the IGA.

Currently, FHOG legislation of the States and Territories requires that a FHOG applicant occupy the relevant home as his/her principal place of residence within twelve months of completion of the eligible transaction (normally the eligible transaction is completed when settlement occurs or when a home is ready for occupation as a place of residence). There is no requirement that the applicant occupy the home as his/her principal place of residence for any particular length of time within that period.

Audits undertaken by Revenue Offices, Australia-wide, show a number of cases where the FHOG has been paid, but the home has never been occupied, or has been occupied for a short period by the applicant before the property is rented out as an investment property.

Under the current provisions there is no minimum period for which an applicant must occupy the home as his/her principal place of residence. For the purposes of the Act, an applicant can potentially reside in the home for a few days and at law still be considered to have occupied it as his/her principal place of residence.

A number of jurisdictions have legislated to insert a six-month principal place of residence criterion with a commencement date of 1 January 2004.

It is therefore proposed that a six-month residency period be introduced in order to prevent the FHOG being paid in relation to investment properties.

To provide flexibility in this area, the Bill provides the Commissioner with a discretion to allow the FHOG to be paid to an applicant where the six-month residency period is not met, in situations where the Commissioner is satisfied that there is good reason why the applicant is unable to occupy the home as his/her principal place of residence for the full six-month period.

Secondly, the Bill allows the Commissioner of State Taxation to impose a penalty up to the amount of the FHOG paid to the applicant in circumstances where the applicant has provided false or misleading information in support of his/her FHOG application.

Under the existing provisions of the Act, when it is discovered that an applicant has provided false or misleading information, the Commissioner must prove that the FHOG was received as a result of an applicant's dishonesty before a penalty can be imposed. This requires the Commissioner to show that there was a requisite intention on behalf of an applicant to act dishonestly.

The Bill amends the Act to allow the Commissioner to impose a penalty up to the amount of the FHOG received by an applicant in circumstances where it is reasonable for the Commissioner to conclude that the applicant provided false or misleading information in connection with his/her application.

In such circumstances the FHOG will be recovered from the applicant because of his/her ineligibility, and additionally, the applicant will be charged a penalty up to the amount of FHOG they received, depending on the circumstances of the particular case. That is, the more severe the false or misleading information provided, the greater the penalty imposed.

Under the current penalty provisions of the *Taxation Administration Act 1996* ("the TAA") which *inter alia* covers the areas of stamp duty, land tax and pay-roll tax, the Commissioner is empowered to impose either a 75% penalty for deliberate tax defaults or a 25% penalty in all other cases of tax defaults.

Removing the onus on the Commissioner to prove an applicant's dishonesty will provide greater flexibility in applying an appropriate sanction to applicants who mislead the Commissioner in connection with their FHOG applications and will also act as an effective disincentive in those circumstances.

Thirdly, the Bill increases the time limit within which a FHOG applicant can be prosecuted for an offence under the Act, from two years to three years from the date that the offence occurred.

Under the current provisions of the Act, prosecution for an offence committed must be commenced within two years of the date of the offence.

Compliance activity with respect to the Act occurs in the majority of cases, after payment of the FHOG, which in the case of "dob-ins" can occur a significant time after the FHOG is paid.

Once an offence is identified, a brief of evidence is required to be prepared by RevenueSA for consideration by the Crown Solicitor's Office, before determining whether or not charges will be laid.

The Crown Solicitor's Office may also request that RevenueSA undertake further interviews or gather more evidence before charges are laid, which can also take a significant amount of time.

Considerable delays may be experienced when applicants either fail to respond or are slow to respond to requests for further information.

A real possibility exists that offenders could escape prosecution for no other reason than the time period within which a prosecution must be commenced is exceeded before all the necessary steps have been taken.

Currently, Western Australia has a five-year time period and Victoria a three-year period within which to commence prosecutions. The Northern Territory has also recently amended its legislation to extend the time period to three years within which prosecutions can commence.

The Bill extends the period in which proceedings can be commenced in relation to offences committed under the Act from two years to three years from the date that the offence is committed.

Finally, I would like to thank the various Industry Bodies and taxation practitioners who have made their time available to consult on the development of a number of the proposals contained in this Bill. The Government is very appreciative of their contribution.

I commend the Bill to Honourable Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *First Home Owner Grant Act 2000*

4—Amendment of section 3—Definitions

This clause amends the definition of ***residence requirement*** in the definitions section of the Act consequentially to the amendment to section 12 of the Act (see clause 8).

5—Amendment of section 8A—Criterion 1A—Applicant to be at least 18 years of age

This clause amends section 8A(2) consequentially to the amendment to section 12 of the Act (see clause 8).

6—Amendment of section 10—Criterion 3—Applicant (or applicant's spouse) must not have received an earlier grant

This clause amends section 10 to ensure that a person who has been forced to repay a grant because they have failed to satisfy the residence requirement or any conditions on which the grant was made may later qualify for a grant, provided that they have paid any penalty amount payable under section 39(3) in relation to the repayment of the first grant. Currently such a person would be ineligible for the later grant unless the first grant was repaid in accordance with the conditions on which the grant was made.

7—Amendment of section 11—Criterion 4—Applicant (or applicant's spouse) must not have had relevant interest in residential property

This clause is consequential to the amendment to section 12 of the Act (see clause 8).

8—Amendment of section 12—Criterion 5—Residence requirement

Currently this section requires that an applicant for a first home owner grant occupy the relevant home as the applicant's principal place of residence within 12 months after the eligible transaction. Under the proposed amendment the requirement would be that the applicant occupy the home as his or her principal place of residence for a continuous period of 6 months (or a lesser period approved by the Commissioner), commencing within 12 months after completion of the eligible transaction (or within a longer period approved by the Commissioner).

9—Amendment of section 20—Payment in anticipation of compliance with residence requirement

This is consequential to the amendment to section 12 of the Act (see clause 8).

10—Amendment of section 22—Death of applicant

This is consequential to the amendment to section 12 of the Act (see clause 8).

11—Amendment of section 38—False or misleading statements

This clause amends section 38(2) of the Act which currently creates an offence of making a "misleading" statement in or in connection with an application for a grant. Under the proposed amendments, this offence would apply to "false or misleading" statements and the penalty would be increased from $2 500 to $5 000.

12—Amendment of section 39—Power to require repayment and impose penalty.

This clause amends section 39(2) which currently allows the Commissioner to impose a penalty where, as a result of an applicant's dishonesty, an amount is paid as a first home owner grant. Under the proposed amendment a penalty could be required where a grant is paid as a result of the making of a false or misleading statement by the applicant.

13—Amendment of section 43—Time for commencing prosecution

This proposed amendment extends the time for commencing proceedings for an offence against the Act from the current 2 years to 3 years after the date of the alleged offence.

Schedule 1—Transitional provision

1—Application of amendments

The Schedule sets out a transitional provision providing that—

- an amendment effected by clause 11, 12 or 13 will only apply in relation to an application made after the commencement of the relevant clause;
- an amendment effected by any other clause of the measure will apply to an application made in respect of an eligible transaction with a commencement date occurring after the commencement of the relevant provision.

The Hon. I.F. EVANS secured the adjournment of the debate.

INDUSTRIAL LAW REFORM (FAIR WORK) BILL

In committee.

(Continued from 24 November. Page 1088.)

New clause 69A.

The Hon. I.F. EVANS: Mr Chairman, we are dealing with my amendment to clause 69A in regard to the affiliation of registered associations with political parties. The member for Mitchell had just given a contribution in regard to why he would not be supporting this provision. While I doubt that this contribution will convince the member for Mitchell to change his mind, I just emphasise to him that there is an error in his understanding of the amendment. In his contribution yesterday, the member for Mitchell made comments along the following lines:

> I am not sure that it would even be constitutional to prevent trade unions from aligning themselves in this way with the Labor Party.

The amendment that I seek to move does not stop any union affiliating with any political party of its wish. If the member for Mitchell is voting against my amendment on the understanding that my amendment stops a union affiliating with any political party it wishes, that is the wrong reason to vote against it, because that is not the effect of the amendment. The affect of the amendment is that if a union affiliates with a political party then the members of that union's membership cannot be used by the trade union within the political party for matters such as delegate entitlements, or the capacity to stand as delegates or vote for delegates, unless the union member has indicated a willingness for his or her membership to be used for that purpose.

It still allows the union to affiliate with whom it wishes; we do not seek to change that right. For the completeness of the record, I simply correct the member for Mitchell's

contribution in that respect, but it does not prevent the union affiliating with any political party that it wishes. It is simply that, if an individual joins, the individual gets a choice whether his or her membership is used in a partisan manner by a union within a political party with which the union wishes to affiliate but with which the union member may not wish to affiliate. As I said yesterday, it actually provides an advantage to the union because, currently, some non-members of unions would love to join a union that would provide them a service but keep them out of partisan politics.

This instrument would give the unions the opportunity to offer a partisan-based membership and a non-partisan-based membership. It would be an opportunity for the unions to rebuild themselves in a non-partisan capacity. That is the nature of the amendment, and I make those remarks for the completeness of the record.

The Hon. M.J. WRIGHT: I have already made a full and frank contribution to this amendment of the shadow minister. I probably should not ask him about consultation.

The Hon. I.F. EVANS: Yes; I'll answer that. The minister asks about consultation. The union movement has been in the gallery for two days. The amendments have been tabled for two days; they have been publicly available, and no-one from the union movement has raised any concerns with me about this matter. I accept that the minister is closer to the union movement than I, as is the member for Mitchell. It is true that I have not personally given a copy of the amendments to the unions but, given that they were following the debate and were within earshot of the debate for two days, and given that the amendments are available to the gallery for that period, the union movement had an opportunity to consider the amendments.

Of course, a lot of the amendments moved during this whole committee process have not been fully consulted on. Other amendments by other members have not necessarily gone to all sections of the industries that might be interested in the debate. That happens in the committee stage; we all know that. However, the union movement was here, as were the amendments. I think that the union movement found out about them pretty well. I know that the member for Mitchell consulted them. I suspect that the minister's adviser consulted them, because his face went grey when he read them. I am pretty sure that the union movement was consulted. I think that the member for Mitchell has put its views on the record.

The Hon. M.J. WRIGHT: I thank the shadow minister for his full and frank answer, which is clearly a no. I appreciate his—

The Hon. I.F. Evans interjecting:

The Hon. M.J. WRIGHT: But not by the shadow minister who has brought it forward.

Mr SCALZI: As a member of parliament and a card-carrying member of the Australian Education Union—

Members interjecting:

Mr SCALZI: They might find it difficult to believe that there are members of unions on this side. I know that there are good small businesses on that side. I acknowledge the member for Napier for being a businessman, as we have union members on this side. I support the member for Davenport for coming up with an innovative way to deal with the rights of members to be part of their union while protecting their right not to be associated with contributing by way of funds and delegateship to a political party.

As a member of the AEU, the member for Davenport addresses my concerns. I am proud to be in the teaching profession as well as a member of parliament, and I am proud to be a member of the AEU. But I would feel much more comfortable, as indeed other members of unions would, if they knew that they could freely join an association knowing that their joining an association did not imply that they would be supporting a particular political party. I think this amendment is a way to deal with that problem. I commend the member for Davenport.

The committee divided on the new clause:

AYES (19)

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

NOES (23)

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

PAIR(S)

Kerin, R. G.	White, P. L.
McFetridge, D.	McEwen, R. J.

Majority of 4 for the noes.

New clause thus negatived.

The CHAIRMAN: I take it, member for Davenport, that amendment No. 2 would be consequential?

The Hon. I.F. EVANS: It is. It is unfortunate that I will not have the ability to win that debate today. I will not need to move the second amendment standing in my name on that page.

The CHAIRMAN: There is an amendment No. 14 standing in the name of the member for Mitchell. Because the member for Davenport's amendment, which was going to be 69B, did not get up, this one could be called 69B if it gets up.

New clause 69A

Mr HANNA: I move:

Page 37, after line 36—
Insert:
69A—Insertion of section 231A
After section 231 insert:
231A—Association may apply for bargaining services fee
(1) The commission may, on application by an association that has provided services in relation to the negotiation, making, approval or variation of an industrial instrument under this act, include in the instrument a provision requiring payment to the association of a fee (a bargaining services fee) by all employees covered by the instrument who are not members of the association.
(2) On the hearing of an application under subsection (1), the commission may, for the purpose of—
(a) determining whether or not to include in an industrial instrument an order for payment of a bargaining services fee; or

(b) setting the amount of a bargaining services fee, hear submissions from the association or any party who may be required to pay the fee.

(3) The commission must give the association and all employees who may be bound by the instrument at least 14 days notice, in accordance with the procedures prescribed by regulation, of the date of the hearing.

(4) If the commission includes in the instrument a provision requiring payment of a bargaining services fee, the commission must also specify in the instrument—

(a) the amount of the fee (which may vary between different classes of employees); and

(b) the period of time within which the fee must be paid.

(5) The commission must, in setting any bargaining services fee, take into account the amount that employees pay as a membership fee to belong to the relevant association.

(6) The commission may, on application by a person, or class of persons, at any time before or after execution of an instrument, if satisfied that good reason exists for doing so, make an order—

(a) exempting the person, or persons within the class, from the requirement to pay the fee; or

(b) if the person, or a person within the class, has paid the fee—requiring the relevant association to refund the fee, or part of the fee; or

(c) requiring the person, or persons within the class, to pay a reduced fee; or

(d) extending the time within which the bargaining services fee must be paid.

Examples—

1 The commission might exempt a person from the requirement to pay the fee, or reduce the amount of the fee in respect of a particular person, because the person, though an employee at the time the instrument is executed, has resigned from his or her employment and will therefore gain little or no benefit from the instrument.

2 If an employee's contract of employment is terminated part way through the duration of an industrial instrument, the commission might order the association to refund a portion of the fee to the employee.

(7) An association may enter into an agreement with any person liable to pay a bargaining services fee to extend the time for payment fixed by the commission or accept payment of the fee in instalments.

(8) Any bargaining services fee that—

(a) —

(i) remains unpaid after the time for payment fixed by the commission has expired; and

(ii) is not the subject of an agreement under subsection (7),

may be recovered as a debt due to the association to which the fee is payable.

(9) Despite a preceding subsection, the requirement to pay a bargaining services fee ceases if the relevant employee becomes a member of the association (but if the employee becomes a member after proceedings for the recovery of the fee have been commenced under subsection (8) then the employee is still liable to pay to the association an amount, calculated in accordance with the regulations, in respect of those proceedings).

This amendment refers to a bargaining fee for trade unions should they be successful in negotiating additional benefits for the workers they represent. Note that it does not provide for compulsory bargaining fees. It simply states that, at the conclusion of negotiations for an award or some other instrument that benefits workers, the trade union can apply to the commission for a bargaining services fee. They have done the work: why should they not be paid for it? Indeed, why should not workers who get the benefit of the trade union's efforts contribute something towards the effort?

If the trade union applies to the commission for a bargaining services fee, then the commission decides, and the commission has considerable leeway in addressing the issue, according to the amendment. I suggest that the commission can set the amount of the fee and the period of time within which the fee must be paid. The commission can fix different fees in respect of different classes of employees—for example, whether they be managers or people on the shop floor, so to speak. Exemptions can be made by the commission if there are good reasons to do so. Reduced fees could be a part of the order made by the commission, depending on the personal circumstances of one or more of the workers concerned.

The annual fees paid to the union for membership are a factor that could be taken into account by the commission in assessing what is a fair fee. That is not to say that the commission would order the annual membership fee for the union to be paid as a bargaining services fee, but it establishes some sort of a guideline.

The principle is quite clear. It is surprising that the Liberal Party would not back this, because it amounts to a user pays principle being applied, in a way. And it is surprising that the Labor Party would not back it, because it clearly gives more muscle to trade unions. In many ways, trade unions, being right there in among the workers, are best placed to advocate on their behalf, and deserve to be rewarded for that. There will always be plenty of capable advocates at the business end of town able to represent the case of employers in the commission and in negotiations regarding wages and conditions. There need to be trade unions representing workers collectively at the other end, and they should be fairly rewarded for their efforts. I put the amendment on that basis.

The Hon. I.F. EVANS: I can only assume that the government will be supporting this amendment, because it opposed the opposition's amendment, which sought to ban bargaining agents' fees, and the government defeated that amendment. So, clearly, the government supports the concept of bargaining agents' fees being charged to non-unionists. One would assume that the government would vote for this so that the law is clear on the matter.

The opposition will not support the member for Mitchell's amendment because the amendment seeks to facilitate the introduction of bargaining agents' fees to South Australia. We know that families of non-unionists will face bills of over $400 per year from the unions, and the Liberal Party does not support that. The Labor Party and the member for Fisher support that because the votes already record that. I say to the member for Mitchell that the way I understand the argument about bargaining agents' fees is that, because the non-unionist supposedly receives a benefit because of the union's action, they should pay.

Mr Hanna: Yes.

The Hon. I.F. EVANS: Then, on that principle, the amendment should reflect that, if the non-unionist suffers an economic loss because of the union activity, the union should pay.

Mr Hanna: Let's have a look at your amendment.

The Hon. I.F. EVANS: No, the member for Mitchell needs to cover both instances. It would be an outrage if a non-unionist was forced to pay a bargaining agents' fee because this chamber will not allow them to have individual work agreements so they have a choice; so, on majority union sites the union will dominate the enterprise bargaining agreement, the union will represent them at the commission, the union will argue for a bargaining agents' fee and the non-unionist will not have a say, in effect. That means that the bargaining

agents' fee will get up, so the poor old non-unionists are being done in the eye simply because they happen to work at a union majority site and this chamber will not give them individual choice to have an individual work agreement.

So the enterprise bargaining agreement will be signed off, the bargaining agents' fee will be introduced, and the poor old non-unionist will have to pay $400 a year for two or three years; and, ultimately, if there is a long industrial dispute and for some reason their wages are not carried through, the union will not pay the non-unionist (who never wanted to go on strike) the 'disbenefit'. So, ultimately, the poor old non-unionist gets the pleasure of paying $400 for something they did not want and then, when they go on strike over a long period if there is a turn for the worse and they get their salary cut for some reason, the union does not have to pay the consequences of its actions by paying the non-unionists for their economic loss. So, the opposition does not support the introduction of bargaining agents' fees.

Ultimately, this will be a fantastic campaigning tool because, if South Australian families are to be charged $400 by the unions, that is five times the emergency services levy that the unions will be seeking to rip out of the average South Australian family. We will be campaigning on this, and the member for Mitchell can write this down as our first campaign promise. The first campaign promise is: we will ban bargaining agents' fees because we do not think South Australian families should be spending $400 a year on union fees if they do not want to. That is the difference.

Mr HANNA: It is unfortunate that the member for Davenport indulges in scare tactics. Quite clearly, if members were in any way disadvantaged by union action, the commission would not view the application for bargaining services fees in the same light. That is why there is the safeguard of leaving the decision to the commission. It is not compulsory. It is a matter of the commission's using the appropriate discretion.

The Hon. I.F. EVANS: I have a question for the member for Mitchell. If the enterprise bargaining agreement is signed off and the bargaining agents' fee is allowed and charged and the economic loss to the non-unionist occurs, when you say the commission would not sign off, what protection is there for the non-unionist to be reimbursed for their economic loss—from any forum?

Mr HANNA: The member for Davenport gives an example. In that example the benefits of the enterprise bargaining agreement will become clear, and that would inevitably be before the commission is hearing the application for a bargaining services fee. So, it is a strange question. The benefits are obvious, and any potential disadvantage to workers will be obvious before the commission hears the application for a fee.

The Hon. M.J. WRIGHT: I have already made the point in an earlier amendment, I think from the shadow minister, that the Industrial Commission is dealing with this matter and will do so appropriately. So, for the very same reason I did not support the amendment put forward by the member for Davenport, I do not support the amendment moved by the member for Mitchell.

The member for Davenport tries to misrepresent our position but does not do it very well because he knows full well (and this is the proof of the pudding) that the government made an offer to the PSA and, guess what, there was no offer of a bargaining agents' fee.

The Hon. I.F. EVANS: But what the minister did not say on the record was that the government refused to rule it out. The government said, 'We are happy to have a bargaining agents' fee if the commission will give you one.' So you are not opposed to a bargaining agents' fee. That was the argument I put to the committee. I have represented your position absolutely accurately. Your government is too gutless to tell the unions that families in South Australia should not have to pay a $400 union fee if they do not want to. You ran around the state crowing outrage about an $80 emergency services levy—apparently that is an outrage—but when your union mates want to dip their hands into the pockets of the average family to the tune of $400 a year, the government is silent. Your silence is deafening.

The government's policy on this is gutless. You would not vote with the opposition to ban bargaining agents' fees and you will not vote for the member for Mitchell to give certainty to bargaining agents' fees. You will stand aside in the corner and let the commission bring them in, and South Australian families will face bills of $400 a year on top of the emergency services levy, on top of the River Murray levy, on top of the natural resource management level, on top of their inflated council rates, on top of their land tax and on top of their sewage rates. You are happy for them to pay an extra $400 a year because this government will take no action. Minister, I have represented your position absolutely accurately.

The Hon. M.J. WRIGHT: We well know that the shadow minister is the great scaremonger of the Liberal Party—he always has been, and he always will be, and he does it rather well—but fancy getting up and talking about the ESL! The Treasurer has already pointed out today who introduced the ESL. The Treasurer has spoken: everyone knows that this opposition is lazy.

New clause negatived.

Clause 70.

The Hon. I.F. EVANS: This clause seeks to extend to two years the length of time that people have to proceed in relation to a defence. We think 12 months is ample and that there is no justification for extending the period to two years. We therefore oppose this amendment.

The Hon. M.J. WRIGHT: As the shadow minister said, we propose to extend the time limit from one to two years. That is consistent with the Occupational Health, Safety and Welfare Act. I am also advised that in the commonwealth it is six years. So, I am not sure that this is such a big penance.

Clause passed.

Clause 71.

The Hon. I.F. EVANS: This clause amounts to double dipping. It allows not only for individuals to be charged for an offence but also for the body corporate to be charged with the same offence. Currently, only an individual can be charged. We do not see any need to bring in the body corporate when the charge is already being made against an individual. This would disadvantage some companies; there is no doubt about that. We understand that there are some issues where companies go broke, but the reality is that most companies do not. As this amendment would disadvantage most companies, we do not see any reason for double dipping.

The Hon. M.J. WRIGHT: If a body corporate commits an offence against this act and if a member of the governing body of the body corporate intentionally allowed the body corporate to engage in the conduct comprising the offence, that person also commits the offence and is liable to the same penalty as may be imposed for the principal offence. So, as I said, it applies if a member of a governing body of the body

corporate—those are the key words—intentionally allowed the body corporate to engage in the conduct comprising the offence. Directors who intentionally allow companies to commit offences are clearly doing wrong on a personal level, and there should be consequences for such actions. It is very serious for a director to intentionally allow a company to commit an offence. It is very serious to do that on a personal level, and that person should pay the consequences.

Clause passed.

Clauses 72 to 76 passed.

Clause 77.

The Hon. I.F. EVANS: I move:

Clause 77, page 54, after line 6—
Insert:
Schedule 12—Campaign donations—registered associations
1—Interpretation
In this Schedule—

Department means the administrative unit primarily responsible for assisting the Minister in the administration of this Act;

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes—

(a) the allotment of shares in a company; and
(b) the creation of a trust in property; and
(c) the grant or creation of a lease, mortgage, charge, servitude, licence, power or partnership or any interest in property; and
(d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action or any interest in property; and
(e) the exercise by a person of a general power of appointment of property in favour of another person; and
(f) a transaction entered into by a person with intent thereby to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person;

gift means a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration;

property includes money.

2—Returns by candidates

(1) A person who is a candidate for election to the governing body of a registered association must, within 6 weeks after the conclusion of the election, furnish to the Chief Executive of the Department a *campaign donations return* in accordance with the requirements of this Schedule.

(2) A campaign donations return must set out—

(a) the total amount or value of all gifts received by the candidate during the disclosure period; and
(b) the number of persons who made those gifts; and
(c) the amount or value of each gift; and
(d) the date on which each gift was made; and
(e) the name and address of the person who made the gift.

(3) For the purposes of subclause (2), the disclosure period is the period that commenced—

(a) in the case of a candidate who is a member of the governing body standing for re-election—30 days after the person was last elected (or, if relevant, appointed) to the governing body, or 12 months before the relevant election, whichever is the earlier;
(b) in any other case—12 months before the relevant election,

and that ended at the end of 30 days after the day on which voting closed for the relevant election.

(4) In addition to the requirements of subclause (2)—

(a) if—
(i) a person is a candidate for election to the governing body of a registered association; and
(ii) the person is not successful at the election; and
(iii) the person, within 3 years after the end of the disclosure period that applies under subclause (2), receives a gift (other than a private gift or a gift of less than $250),

the person must, within 6 weeks after the receipt of the gift, furnish to the Chief Executive of the Department a *supplementary campaign donations return* in accordance with the requirements of this Schedule; or

(b) if—
(i) a person is elected to governing body of a registered association; and
(ii) the person does not stand for re-election when his or her term of office expires,

the person must, within 6 weeks after the conclusion of the election to fill his or her vacant office, furnish to the Chief Executive of the Department a *supplementary campaign donations return* in accordance with the requirements of this Schedule.

(5) A supplementary campaign donations return must set out—

(a) in the case of a return under subclause (4)(a)—
(i) the amount or value of the gift; and
(ii) the date on which the gift was made; and
(iii) the name and address of the person who made the gift;
(b) in the case of a return under subclause (4)(b)—
(i) the total amount or value of all gifts received by the person during the disclosure period; and
(ii) the number of persons who made those gifts; and
(iii) the amount or value of each gift; and
(iv) the date on which each gift was made; and
(v) the name and address of the person who made the gift.

(6) For the purposes of subclause (5)(b), the disclosure period is the period that commenced at the expiration of the disclosure period that applied with respect to the person's election to the governing body of the registered association (see subclause (5)(b)(i)) and that ended at the conclusion of the election to fill his or her vacant office.

(7) A return must be in the prescribed form and be completed in the prescribed manner.

(8) A return need not set out any details in respect of—

(a) a private gift made to the candidate; or
(b) a gift if the amount or value of the gift is less than $250.

(9) For the purposes of this clause—

(a) 2 or more gifts (excluding private gifts) made by the same person to a candidate during a particular disclosure period are to be treated as 1 gift;
(b) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(10) If no details are required to be included in a return under subclause (1) or subclause (4)(b), the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

3—Inability to complete returns

If a person who is required to furnish a return under this Schedule cannot complete the return because he or she is unable (through the taking of reasonable steps) to obtain particulars that are required for the preparation of the return, the person may—

(a) prepare the return to the extent that it is reasonably possible to do so without those particulars; and
(b) furnish the return so prepared; and
(c) give to the Chief Executive of the Department notice in writing—
(i) identifying the return; and
(ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
(iii) identifying those particulars; and
(iv) setting out the reasons why he or she is unable to obtain those particulars; and
(v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this clause is not, by reason of the omission of those particulars, to be taken, for the purposes of this Schedule, to have furnished a return that is incomplete.

4—Amendment of returns

(1) A person who has furnished a return under this Schedule may request the permission of the Chief Executive of the Department to make a specified amendment of the return for the purpose of correcting an error or omission.

(2) A request under subclause (1) must——

(a) be by notice in writing signed by the person making the request; and

(b) be lodged with the Chief Executive.

(3) If—

(a) a request has been made under subclause (1); and

(b) the Chief Executive is satisfied that there is an error in, or omission from, the return to which the request relates,

the Chief Executive must amend the return, or permit the person making the request to amend the return, in accordance with the request.

(4) The amendment of a return under this clause does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

5—Public inspection of returns

(1) The Chief Executive of the Department must keep at the principal office of the Department each return furnished to the Chief Executive under this Schedule.

(2) Subject to this clause, a person is entitled to inspect a copy of a return, without charge, during ordinary business hours at the principal office of the Department.

(3) Subject to this clause, a person is entitled, on payment of a fee fixed by the regulations, to obtain a copy of a return available for inspection under this clause.

(4) A person is not entitled to inspect or obtain a copy of a return until the end of 8 weeks after the day before which the return was required to be furnished to the Chief Executive.

(5) The Chief Executive is only required to keep a return under this clause for a period of 3 years following the election to which the return relates.

6—Restrictions on publication

(1) A person must not publish—

(a) information derived from a return under this Schedule unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or

(b) comment on the facts set forth in a return under this Schedule unless the comment is fair and published in the public interest and without malice.

(2) If information or comment is published by a person in contravention of subclause (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: $10 000.

7—General offences

(1) A person who fails to furnish a return that the person is required to furnish under this Schedule within the time required by this Schedule is guilty of an offence.

Maximum penalty: $10 000.

(2) A person who furnishes a return or other information—

(a) that the person is required to furnish under this Schedule; and

(b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: $10 000.

(3) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

8—Certain gifts not to be received

(1) It is unlawful for a member of the governing body of a registered association to receive a gift made to or for the benefit of the member the amount or value of which is not less than $250 unless—

(a) the name and address of the person making the gift are known to the member; or

(b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) It is unlawful for a candidate in an election for the governing body of a registered association, or a person acting on behalf of a candidate in an election for the governing body of a registered association, to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than $250 unless—

(a) the name and address of the person making the gift are known to the person receiving the gift; or

(b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(3) A person who acts in contravention of this section is guilty of an offence.

Maximum penalty: $10 000.

(4) This clause does not apply in relation to any gift excluded from the ambit of this clause by the regulations.

9—Requirement to keep proper records

(1) A person must, to such extent as is reasonable in the circumstances, keep in his or her possession all records relevant to completing a return under this Schedule.

Maximum penalty: $5 000.

(2) A person must keep a record under subclause (1) for at least 3 years after the date on which the relevant return is required to be furnished to the Chief Executive of the Department under this Schedule.

Maximum penalty: $5 000.

10—Failure to comply with Schedule

(1) If a person who is required to furnish a return under this Schedule fails to submit the return within the time required by this Schedule, the Chief Executive of the Department must as soon as practicable notify the person of that fact.

(2) A notification under subclause (1) must be given in accordance with the regulations.

(3) A failure of a person to comply with a provision of this Schedule in relation to an election does not invalidate that election.

11—Related matters

(1) For the purposes of this Schedule, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.

(2) For the purposes of this Schedule—

(a) a body corporate and any other body corporate that is related to the first mentioned body corporate is to be taken to be the same person; and

(b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Act 2001* of the Commonwealth.

This amendment seeks to introduce openness into union elections by having donations (or any combination of donations) over the value of $250 to candidates in a union election disclosed on a register. This may come as a surprise to the committee, but I have been told on a confidential basis—I think I can reveal this to the committee—that, apparently, occasionally there is skulduggery involved in union elections. This amendment seeks to bring into the union elections the same sort of transparency and openness that exists in respect of campaign donations to members of parliament and local councils.

The reason we seek to bring this in—not only for unions but also for registered associations under the act, so even the business community that are registered associations would have to comply with this particular provision. This amendment seeks to bring in a system where they have to disclose, after a certain period, donations above or a combination of donations above $250, and it goes on to a register and that is open to inspection. There seems to be little argument against this. The reason that registered associations should have to disclose is that unlike other incorporated associations, the registered associations hold a special place in the legislation. They are given certain rights and certain status within the legislation. They inherit certain powers in the legislation and

they play a central role in the day to day workings of people's lives in the workplace. They are powerful and influential associations and for that reason we need to be confident that the election process within those powerful organisations, the registered associations, is transparent and open.

We should try to make that process as transparent and open as we can. All we are seeking is that just as we do, just as local councils do, the donations are declared, they are put on to a register, and they are open to inspections. We think that this is a sensible amendment. It will tidy up the union election process. It will get rid of all those nasty rumours about union skulduggery that occasionally might happen in regard to an election. It will get rid of those rumours because it will prove it one way or the other by open disclosure, and I am sure that the members of the union movement will welcome this because it will protect them from unfounded rumours as they occur on occasions.

Mr RAU: I am taking the member for Davenport's proposition at face value and assuming that there is not any attempt to make the most of our proceedings this afternoon, and, if that is the case, I would be interested in knowing what record there has been of public disquiet of the type to which he has referred, because I can honestly say that over many years I have not had this particular point raised with me—I do not believe ever. I have heard in different quarters other complaints about donations from different circles, particularly from the honourable member's own party. There is a longstanding concern about contributions from unions to the ALP. That is something that I have heard a bit about and I understand the arguments for that. I do not agree with them but I understand them. But this one seems to be a little out of left field because it really is not something about which I have heard a great deal of complaint. So, I wonder about the need for what amounts to be a fairly heavy-handed statutory intervention into these organisations for that reason.

It is, of course, within the rules of each of these organisations to provide for their own opportunity, and I am not pointing the finger at the member for Hartley, I am waving it about in the air. There is scope within the rules of each of these organisations for them to provide for candidates within their organisations to have to provide returns to the returning officer, or whoever else they might wish to. I would have thought that, unless there is a pressing need for this to be done because of general and acknowledged community concern, we would be better off leaving it to each organisation to make their own rules about these things as and when they require them. The other point I would make is: if we were going to go down this path might we not also consider what goes on in these boardroom tussles that one reads about in the paper? I remember not so long ago that there was a tussle in the boardroom of Coles/Myer.

The Hon. I.F. Evans interjecting:

Mr RAU: I know, but your colleagues in Canberra do not appear to be particularly agitated about introducing similar measures when the boardroom is swept through in the National Bank, or when Mr Lew and others are removed from the board of Coles/Myer, and there is no question about who is scratching whose back in those circumstances. It all plays out as a sort of a drama in the financial pages with Alan Wood and others writing informed articles about it.

The Hon. I.F. Evans: So it is open?

Mr RAU: It is as open or as opaque as this is. No more, no less. I come back to my original point. I have not received any complaint about this particular measure and for that reason I do not believe that the parliament should be intervening in a heavy-handed fashion. Let us leave it to the organisations to sort their own problems out.

Mr HANNA: This proposition has caused me to think very carefully because I can see arguments both ways. This House of Assembly is finely balanced and I honestly do not know what the outcome of the amendment will be, but the basic principle I have been working from is accountability, and there is every reason why registered associations, trade unions, for example, should be accountable to their members, and candidates for election in those trade unions ought to be accountable to those who are voting for them, or voting for their opponents. There is a question about why registered associations should be singled out among all of the non-public institutions for a requirement that a public register should be kept and available to the public. That gives me some concern. There is no suggestion from the member for Davenport that incorporated associations should be subjected to the same scrutiny, but I do accept that trade unions have a special place in our system. I therefore move the following amendment to the Hon. I.F. Evans' amendment:

Proposed new schedule 12—

Clause 1—Delete the definition of 'Department'

Clause 2(1)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 2(4)(a)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 2(4)(b)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 3(c)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 4(1)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 4(2)(b)—Delete 'Chief Executive' and substitute: Registrar

Clause 4(3)(b)—Delete 'Chief Executive' and substitute: Registrar

Clause 4(3)—Delete 'Chief Executive' and substitute: Registrar

Clause 5(1)—Delete subclause(1) and substitute:

(1) The Registrar must keep at the office of the Registrar each return furnished to the Registrar under this Schedule.

Clause 5(2)—Delete subclause (2) and substitute:

(2) Subject to this clause, a person who was a member of the relevant association at the time of an election, and who was eligible to vote at that election, is entitled to inspect a copy of any return furnished under this Schedule in respect of the election, without charge, during ordinary business hours at the office of the Registrar.

Clause 5(3)—Delete subclause (3)

Clause 5(4)—Delete 'Chief Executive' and substitute: Registrar

Clause 5(5)—Delete 'Chief Executive' and substitute: Registrar

Clause 7(1)—Delete '$10 000' and substitute: $750

Clause 7(2)—Delete '$10 000' and substitute: $750

Clause 8(3)—Delete '$10 000' and substitute: $750

Clause 9(1)—Delete '$5 000' and substitute: $250

Clause 9(2)—Delete 'Chief Executive of the Department' and substitute: Registrar

Clause 9(2)—Delete '$5 000' and substitute: $250

Clause 10(1)—Delete 'Chief Executive of the Department' and substitute: Registrar

This is a package of several measures which I believe makes the proposition of the member for Davenport more closely aligned to the purpose of bringing accountability without simply opening up an opportunity for muckraking. There are basically three aspects to it. The first is that returns of donations etc. should go to the Registrar rather than to the department. Of course, there is a Registrar at the commission as set out in the principal act. That keeps it away from the government department. I do not think that that would be the appropriate place to send such records. Secondly, I say that they should be available to people who were members of the relevant association at the time of the election and eligible to

vote at that election. I do not think it appropriate for any member of the public to go and look up these records, but we are saying that union members who were members at the time the election took place should be able to go and see who is backing whom in terms of the candidates they were considering at that election. That gives a level of accountability to union members.

Coupled with that suggestion is the proposal to delete the availability of copies to the people who inspect these documents at the Registrar's counter so that it makes it more difficult to take away a copy and distribute it to all and sundry to cause mischief. The idea is that, if union members are genuinely concerned about who was backing the candidates they did not prefer in a union election, they should be able to look and find out if any of the candidates were receiving donations above $250. It is important to bear that threshold in mind, because if someone wants to give $50 to their mate because they are running in a union election, there is no problem. If someone wants to donate a box of stamps to their mate who is running in a union election, there is no problem. They will not appear in the returns.

But if someone is going to give a thousand dollars' worth of stamps or do a massive mail-out to a whole union membership—and everyone on the ALP side knows that this is the sort of thing that happens, especially when it comes to the key union elections—I think it is reasonable that members of that union should know what is going on behind the scenes. The third aspect to this little package of amendments to the amendment that I bring forward is to lower the penalties. I believe that the member for Davenport has been too heavy-handed in throwing around $10 000 penalties in relation to non-compliance, so I have reduced that as far as the candidates are concerned to $750.

There is a basis for that in the principal act, because there are several places where the registered associations have to keep financial records and membership records, and the penalty for non-compliance is $750. I will not trawl through all the details but they are there in the legislation at present. I have taken a half-way course, in a sense. If these amendments are passed, I will be supporting the amended amendment.

The Hon. I.F. EVANS: While the opposition is not in love with the member for Mitchell's amendments, we take the view that to get the principle of openness and transparency into the bill in some form is better than getting it into the bill in no form, so we will be accepting and supporting the member for Mitchell's amendments and will take the vote on the member for Mitchell's amendments as a test vote for our amendments, because the member for Mitchell's amendment is a softer form of openness and transparency. If we cannot get the numbers for his amendments, I accept the fact that we will not get the numbers for my original amendment. So, the vote on the member for Mitchell's amendments will also be a test vote on my amendment.

The Hon. M.J. WRIGHT: The government will not be supporting the amendments that have been brought forward by the shadow minister, nor the amendments brought forward by the member for Mitchell. In regard to the shadow minister's, these are a couple of quirky amendments. It is my understanding that these amendments are not found anywhere else in Australia. Do not take offence at what I am about to say, but these are the Iain Evans fun amendments. These are the amendments brought in by the shadow minister to have a little bit of fun. And good luck to him! Certainly, it brought a little bit of shock to the ministerial adviser. The shadow minister has informed me that the ministerial adviser nearly fell out of his chair! I did not actually see that and I am probably the poorer for not seeing it.

But these are very quirky amendments. I would not have thought that they would fit Liberal Party philosophy, because what they do is impose more red tape and paperwork, and the opposition at least says that it does not support red tape and paperwork. I know that actions speak louder than words. The member for Enfield has spoken very eloquently in regard to these quirky amendments that have been brought forward by the shadow minister, and I do not need to trawl through that again because the member for Enfield did a very good job of that. The shadow minister said, as part of his contribution, that there is little argument against this. Let me say that there is little argument for it, either. These quirky amendments, brought in for a bit of fun, are simply unnecessary. As I have said, the advice that I have received is that these provisions are not in place anywhere else in Australia, at either a state or federal level.

The committee divided on Mr Hanna's amendment to the Hon. I.F. Evans' amendment:

AYES (20)

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

NOES (22)

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

PAIR(S)

Kerin, R. G.	White, P. L.
Brindal, M. K.	Rann, M. D.

Majority of 2 for the noes.

Amendment to amendment thus negatived.

The Hon. I.F. EVANS: If the member for Mitchell's amendment is lost, we accept that the fact that our amendment would also lose. I have no need to proceed with the amendment standing in my name.

Amendment negatived; clause passed.

Clause 78.

The Hon. I.F. EVANS: I move:

Clause 3, page 54, lines 26 to 31—

Leave out all words in these lines and substitute:

(1) A member of the Commission holding office immediately before the commencement of this clause may, by notice in writing to the minister, elect to hold office under section 32 or 35 (as the case requires) of the principal act, as enacted by this act.

(2) If a member of the Commission holding office immediately before the commencement of this clause does not make an election under subsection (1) within 1 month

> after the commencement of this clause, it will be taken that the member wishes to hold office on the basis on which he or she was appointed and accordingly his or her term of office will cease at the end of the term for which he or she was appointed (unless the term comes to an end under the principal act sooner), although such a member is then eligible for reappointment under the principal act as amended by this act.

Some days ago during the debate—

An honourable member interjecting:

The Hon. I.F. EVANS: No; we are going to miss out on the record unfortunately unless we give a three-hour third reading contribution, as tempting as it is. This amendment refers to the current commissioners. Members may recall some days ago we debated a clause about future commissioners having tenure in the commission. We indicated at that time that we were opposed to tenure but we indicated that, if the new commissioners were going to be awarded tenure, a process should be put in place so that the existing commissioners should be offered tenure so that they get the choice, then they would be appointed for tenure if they accept the offer.

The four Labor Party members who have contributed to this debate have all indicated that they support the current commission. They say that they are doing a good job. One has to argue that, if they are doing a good job, when their term expires, why should the process not be allowed to offer them tenure? It seems a nonsense that the minister would say, as he did during the debate, that the process of appointing the commission provides a balance from the employer's side of the argument and the employee's. If the balance is there, and the commission is doing a good job, in the government's own words, why should the existing commission not be offered tenure when their current term of appointment expires? That is what this particular clause seeks to do. It seeks to bring consistency to the matter of the tenure for current commissioners versus future commissioners.

The minister will say that they were appointed at a different time and under different circumstances. His own government made the big announcement that they were making a number of permanent appointments of teachers. They were appointed to their positions under one set of conditions, then were upgraded to permanency. This government has a principle, and has set a precedent, that people set under one particular principle a term arrangement which could then be upgraded to a tenured arrangement. So, we have made the point. It is a pretty simple clause. Why should the existing commissioners not be offered tenure at the end of their term?

The Hon. M.J. WRIGHT: We have had this debate before and, as a consequence, I probably do not need to speak for a long time. This amendment proposes that existing members of the commission can elect to have tenure. This would be a retrospective change to their appointments because when they were appointed they did not have tenure nor an automatic right to get it. I am just not sure why the shadow minister would make this argument, particularly in lieu of the fact that it was the previous government that took tenure away from commissioners.

As I said, in my earlier presentation when this came up, one of the areas that we seem to get common feedback on from stakeholders is in regard to the tenure for the commission. We have taken note of that, and we have made a case for that. We think that, for new appointments, tenure is the way to go. Those commissioners who have already been appointed were obviously appointed under the existing legislation, knowing full well what that legislation is. It is not a debate about whether or not those commissioners are doing a good job. I think we can all be pretty confident in the work that is undertaken by the commission. However, we took note of the feedback that we received through the consultation stages and, as I said, that was pretty common. I cannot say that everyone was of the same view, but it came through strongly from stakeholders on both sides that they would like us to consider this; and we have done so.

The arguments have been made once before. I do not support the amendment that has been brought forward by the shadow minister; that would be a retrospective change to their appointments, because when they were appointed they did not have tenure. I think it is a pretty simple argument.

The committee divided on the amendment:

AYES (21)

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

NOES (21)

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

PAIR(S)

Kerin, R. G.	Rann, M. D.
Brindal, M. K.	White, P. L.

The CHAIRMAN: There being 21 ayes and 21 noes, the chair has the casting vote. This involves the same point as was dealt with earlier. These people were appointed on the basis that they did not have tenure, and to change the rules halfway through the footy match is (if you will pardon the expression) not cricket; so I give my vote for the noes.

Amendment thus negatived.

The Hon. I.F. EVANS: Mr Chairman, the rest of the amendments in my name have already been lost on principle, so I have no more amendments on this bill.

Clause passed.

Schedule and title passed.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

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

That the bill be recommitted for the purpose of considering clause 6.

The Hon. I.F. EVANS (Davenport): I will not hold the house for long.

Members interjecting:

The Hon. I.F. EVANS: No. It is an interesting principle here, because it was only a matter of days ago—

The Hon. P.F. Conlon: You won't hold us longer, you mean. You've already held us 'for long'.

The Hon. I.F. EVANS: No, only 2½ more hours and the record is up. An interesting principle was established the other day, when members of the opposition missed a division on a relatively minor matter because of problems with the lift. We were told 'Bad luck', and our names were not recorded in the division. The only reason that the member for Adelaide missed the vote, which is the reason why we are recommitting clause 6—

An honourable member: The member for Adelaide—

The Hon. I.F. EVANS: The member for Adelaide—

An honourable member: There must be something about the seat.

The Hon. I.F. EVANS: It goes with the seat. The member for Adelaide missed the division because, apparently, she did not see the light flashing in a room. The minister said that no-one saw the light flashing in the room. All the people who missed the lift had the same problem with the lift, but we were not allowed to register our vote in the division. I am not silly enough to believe that I will win the argument on the division, but I wish to put on the record the opposition's opposition to the recommittal. This week the Chairman said to the member for Unley that it is the member's responsibility to pay attention to the procedures of the house, when the member for Unley missed out on contributing on a particular matter.

The Hon. M.J. Atkinson: The discharge of same sex.

The Hon. I.F. EVANS: The discharge of same sex—and I will come to that in a second. The reality is that the member for Adelaide has a duty to pay attention to the procedures of the house. We should not be recommitting this. I know I will lose the matter. In relation to the same sex bill (since the Attorney raised it), now that we have finished the fair work bill, the minister can bring the same sex bill down here, because they have the pokies bill and the fair work bill to deal with and we do not.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): Ever since I have been in this place I have followed a principle, which is that you give the benefit of the doubt, and if someone wishes to recommit a motion you do. With respect to the example that the member for Davenport has just given, if he had come into this house and moved for a recommittal, he would have received my support.

An honourable member: Oh!

The Hon. R.J. McEWEN: Some people say 'Oh', but they have poor memories. They should go right back to the Armitage debate. We have had plenty of big debates in this place since I have been here, from 1997, and on every occasion I have said that I would give the benefit of the doubt to a member, because they have a right in this place to have their vote recorded.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): At the time in question, which was 5 p.m., a meeting was taking place in the Plaza Room at which eight people were present. I was rather surprised not to see the light flashing when I heard that there had been a division and came to check that it had occurred. But no-one in the room at the time saw the light flashing. I understand that a technician went to the room shortly afterwards and made some manoeuvre with the equipment; thereafter, it was working.

The committee divided on the motion:

AYES (24)

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

NOES (18)

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

PAIR(S)

Rann, M. D.	Kerin, R. G.
White, P. L.	Brindal, M. K.

Majority of 6 for the ayes.

Motion thus carried.

The SPEAKER: Before the house resumes its consideration of the bill in committee, I indicate that, in this case, recommittal is more likely than not to result in the standing of the clause being reinstated. On the previous occasion, when honourable members were unable to make it into the chamber in consequence of the lift's dysfunction, malfunction or mischief (it is beside the point as to the reason the lift did not work), the end result would not have been any different, one assumes, if they had all voted whichever way they may have chosen. It would not make any difference to the result, since the 'no' vote was by such margin defeated that, had all members voted on that side, it would not have been sufficient. Of course, had some chosen to vote 'aye' and some 'no', again the result would have been no different. It is important, though, to go to the root cause.

Clearly, the whole complex is very ancient in its wiring, and some people might argue that it is almost a heritage item. Heritage or not, it has to be replaced, and that has to happen in concert with the change of the digital clocks that are presently analog in form and not electronic. They are also antiquated in that they do not count down time left in question time, or time remaining in private members' time; nor do they tell the member speaking how much time they have left. Accordingly, in the next few months, honourable members can expect those changes to be made. The bells will be reinstated in all rooms in the parliamentary complex in which it is necessary for members to be advised that a division is pending, and they will not have to depend on just strobe lights.

Nothing in this building is more important than members being called to the chamber to vote when a vote is taken—nothing. Not even the speech of a very senior member is more important than registering your vote as honourable members. We are here to make decisions and, if we fail in our duty through lack of attention to the detail that enables us to do so properly and efficiently, we fail our professional standing, leave alone the community we seek to represent.

The Hon. I.F. EVANS: If you are to look at the bells, can I suggest, sir, that you look at the Western Australian Parliament, which has magnificent chimes that add to the quality of the parliament and its working environment so that we do not have to put up with a football siren and a netball timer in ours?

The SPEAKER: I could not have put it more eloquently.

Bill recommitted.

Clause 6.

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

Page 6, after line 21—Insert:
(4) Section 4(1), definition of 'contract of employment' (a)—after 'in an industry' insert:
(including a contract that falls within the ambit of a declaratory judgment under section 4A)

Amendment carried; clause as further amended passed.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I move:

That this bill be now read a third time.

This bill is about fairness for all people. It is about making sure that South Australians are not left behind, that everyone benefits from economic development. It is about minimum wages, carers' leave and bereavement leave, and fairness for labour hire workers and outworkers. It is about assisting those people who are most disadvantaged in our community. I would like to pay tribute to all members on this side of the house for the restraint they have shown throughout this debate. I would also like to recognise the member for Fisher, who has undoubtedly been absolutely genuine and diligent in the way that he has approached these and other issues. I would also like to acknowledge parliamentary counsel, Workplace Services, and my adviser, Michael Apps, for their great assistance.

The Hon. I.F. EVANS (Davenport): In speaking to the third reading, I thank the minister and his staff for the various briefings we have had over many months. I would also like to show my appreciation for the contribution my staff have made to briefing the party room and preparing my records for this debate. I would particularly like to thank the business community for their input over many months in relation to the draft bill and then this bill, and particularly the small business community for their response to the survey. I would also like to thank the members on this side of the house who contributed to the debate. I particularly thank the members for Waite and Stuart for their support over many hours during the committee stage. I also thank parliamentary counsel for their support. The Prime Minister when he saw this bill described it as 'a shocker'. After 30 hours of debate it remains so.

Mr HAMILTON-SMITH (Waite): As it has come out of committee, the bill is substantially unchanged from when it entered it after the second reading. I think an unintended consequence of the passage of this bill will be the flight of businesses from the state industrial system to the federal system. I think it is handy to reflect on that. We will wait and see what the outcome will be. I think this bill as it has come out of committee will have far-reaching ramifications for this state.

The Hon. G.M. GUNN (Stuart): The minister indicated in his third reading speech that this bill is about fairness. There could be nothing further from the truth. This bill continues down a dangerous path. It takes away people's rights and it has no regard for the privacy of people's homes or financial records or the rights of small businesses, which employ thousands of people. I say to the minister and his colleagues: read today's *Australian*. In an article headed 'Labor's (un)fair dismissal' by Barry Cohen, a minister in the Hawke Labor government and a small businessman who operates a commercial wildlife sanctuary—

The Hon. R.J. McEwen interjecting:

The Hon. G.M. GUNN: Let me read this for the benefit of the minister.

The Hon. P.F. Conlon: Don't pick on him, he voted with you.

The Hon. G.M. GUNN: I am just further eliminating him—

Ms Breuer: Get on with it, we want to go home.

The SPEAKER: Order! The member for Giles is out of her place.

The Hon. G.M. GUNN: —so that he can be in a better position to tell the people of South Australia what a bad piece of legislation this is. It has arrived at this stage in a most unfortunate manner. Unfortunately, it has been put through this far by someone who should know better—the member for Fisher, who came into this parliament on the coat-tails of the Liberal Party, who was endorsed by the Liberal Party and who was a supporter of small business. All I can say is that I find it difficult to understand how some of these provisions (which are so anti-business) would be allowed to stand. Those who have dealt with bureaucracy would know how disadvantaged the average citizen is when they are challenged by these instrumentalities. If members had to deal with it on a daily basis, they would know what some of them are saying. I will refer to what Mr Cohen has had to say, and I ask members to reflect on these comments as they are terribly important. Mr Cohen says:

It is just possible that small business people, having read that the Labor Party had opposed the repeal of the legislation in the Senate on 41 separate occasions, had come to the conclusion that Labor actually supports unfair dismissal.

A caucus made up of lawyers, teachers, public servants, former ministerial staffers, party officers and trade union officials who have rarely worked in the trade they represent is unlikely to understand or empathise with those who have invested their life savings, mortgaged their homes and worked six days a week to own their own businesses. As many have observed, today's caucus is far more insular and narrowly focused than those of days of yore.

Having taken all the risks, small business employers bitterly resent being depicted as monsters who dismiss an employee at a whim. While a minority may be unpleasant characters, the majority would be insane to treat employees badly.

Mr Cohen has supported everything that we have said, and I would suggest to the honourable member who supported the left wing the other night to read the rest of the article. I look forward to the debate in the upper house.

The house divided on the third reading:

AYES (22)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Conlon, P. F.
Foley, K. O.	Geraghty, R. K.

AYES (cont.)

Hanna, K.	Hill, J. D.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	Wright, M. J.(teller)

NOES (19)

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

PAIR(S)

Rann, M. D.	Kerin, R. G.
White, P. L.	Brindal, M. K.

Majority of 3 for the ayes.

Third reading thus carried.

MEDICAL PRACTICE BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 11 October. Page 303.)

The Hon. L. STEVENS: There are 55 amendments in the schedule. The result of discussions between the government and the opposition is that we agree on all but one. I will therefore move them en bloc and in order.

The ACTING CHAIRMAN (Mr Snelling): I am advised that we must do them sequentially.

Amendments Nos 1 to 51:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 1 to 51 be agreed to.

The Hon. DEAN BROWN: I support this. A lot of rather minor amendments—which I would put down as drafting amendments—were put forward by the government in another place, and we support those. The most significant amendment was the one concerning the composition of the Medical Practitioners Board and the tribunal. I moved those amendments in the lower house, and I am delighted to see that the upper house had the wisdom, foresight and judgment to accept them. I am delighted that the government is now willing to accept them also.

I think that they are important in terms of making sure that the board—and I do not say this lightly—has an acknowledged standing within the medical profession so that it is able and willing to accept the judgment of the board on these matters. I have always been of the view that you need significant representation from the profession itself, and the Australian Medical Association (AMA) is one way of achieving that. We have made sure that a majority of doctors are on the board (as we did with the Nurses Board), because I believe that even if one doctor is missing that still means there is a likelihood of a majority, or at least an equal number of doctors with the doctor who is in the chair being able to make the casting vote. I see this as a matter of principle, and I am delighted to see that it has now been accepted.

The Hon. L. STEVENS: Yes, the government has accepted the amendments as passed in the upper house and, in due course, we look forward to constituting the new board.

Motion carried.

Amendment No. 52:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 52 be disagreed to.

Motion carried.

Amendments Nos 53 to 55:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 53 to 55 be agreed to.

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill with the following amendments and suggested amendments, to which amendments the Legislative Council desires the concurrence of the House of Assembly, and which suggested amendments the Legislative Council requests the House of Assembly to make to the said bill:

No. 1—Long title—

After "*Gaming Machines Act 1992*" insert:

and to make a related amendment to the *Independent Gambling Authority Act 1995*

No. 2—Clause 4, page 4, lines 10 and 11—

Delete all words on these lines after "delete subsection (6)"

No. 3—Clause 11, page 7, lines 1 and 2—

New section 24A(4)—delete subsection (4) and substitute:

(4) A special club licence is subject to the following further conditions:

(a) a condition requiring the holder of the licence to submit for the Commissioner's approval contracts or arrangements under which management services are to be provided, officers or employees engaged in senior management positions are to be remunerated or profits are to be shared with other licensees;

(b) a condition requiring the holder of the licence to provide a report to the Minister, no later than 30 September in each year, on the conduct of its financial affairs during the financial year ending on the previous 30 June, including reference to distribution of funds among community, sporting and recreational groups;

(c) other conditions determined by the Commissioner and specified in the licence.

(5) The Minister must, within 12 sitting days of receiving the report referred to above, cause a copy of the report to be laid before each House of Parliament.

No. 4—New clause—

After clause 13 insert:

13A—Amendment of section 68—Certain profit sharing etc is prohibited

Section 68(2) to (5)—delete subsections (2) to (5) and substitute:

(2) Subsection (1) does not apply to—

(a) an agreement or arrangement providing for the disbursement of proceeds or profits to a person in a position of authority in a trust or corporate entity that holds the gaming machine licence; or

(b) an agreement or arrangement on terms approved by the Commissioner.

No. 5—Clause 16, page 12, after line 27—

Insert new subsection as follows:

(3) Any guidelines issued by the Authority before the commencement of this section are to be laid before Parliament and are subject to disallowance under the Subordinate Legislation

Act 1978 as if they had been made on the commencement of this section.

No. 6—Clause 17, page 13, lines 4 to 15—

Delete proposed new section 89 and substitute:

89—Minister to obtain reports

(1) The Minister must obtain the following reports from the Authority—

(a) a report on the introduction of gaming machine entitlements, the operation of the trading system for gaming machine entitlements, and the effects on the gambling industry;

(b) a report on the effects of the 2004 amendments on gambling in the State and in particular, on whether those amendments have been effective in reducing the incidence of problem gambling and the extent of any such reduction.

(2) The reports must be delivered to the Minister—

(a) in the case of the report under subsection (1)(a)—before 31 December 2005;

(b) in the case of the report under subsection (1)(b)—as soon as practicable after the second anniversary of the commencement of the 2004 amendments.

(3) The Minister must—

(a) if Parliament is sitting—have copies of a report received under this section laid before both Houses of Parliament within 6 sitting days; or

(b) if Parliament is not sitting—give copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council so that they may lay copies of the report before their respective Houses on resumption of sittings and, in the meantime, distribute copies of the report among Members of their respective Houses.

(4) In this section—

2004 amendments means the amendment to this Act made by the *Gaming Machines (Miscellaneous) Amendment Act 2004*.

No. 7—Clause 17, page 13, after line 14—

After new section 89 insert:

90—Minister to obtain report on Smartcard technology

(1) Within 6 months after the Governor assents to the *Gaming Machines (Miscellaneous) Amendment Act 2004*, the Minister must obtain a report from the Authority on how Smartcard technology might be implemented with a view to significantly reducing problem gambling.

(2) The Minister must, within 6 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.

No. 8—Clause 17, page 13, after line 14—

After new section 89 insert:

91—Minister to obtain report on gambling rehabilitation programs

(1) Within 6 months after the Governor assents to the *Gaming Machines (Miscellaneous) Amendment Act 2004*, the Minister must obtain a report from the Authority on the effectiveness of each gambling rehabilitation program conducted or funded (wholly or partly) by the State Government.

(2) The Minister must, within 6 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.

No. 9—Clause 22—

Delete the clause

No. 10—New clause—

After clause 26 insert:

26A—Insertion of section 35A

Before section 36 insert:

35A—Interpretation

In this Division—

licensee includes former licensee.

No. 11—New Schedule—

After clause 45 insert:

Schedule 1—Related amendment of *Independent Gambling Authority Act 1995*

1—Amendment of section 17—Confidentiality

Section 17(3)—delete subsection (3)

Schedule of suggested amendments made by the Legislative Council

No. 1—Clause 12, page 9, after line 29—

Insert new subsection as follows:

(3a) Any commission on the sale of a gaming machine entitlement is to be paid into the *Gamblers Rehabilitation Fund.*

No. 2—New clause—

After clause 38 insert:

38A—Amendment of section 72A—Gaming tax

(1) Section 72A(4)—after paragraph (b) insert:

(ba) as to 3% of all gaming tax revenue—into the *Gamblers Rehabilitation Fund* established under this Part;

(2) Section 72A(5)—After "(b)" insert:

(ba)

No. 3—New clause—

After clause 39 insert:

39A—Insertion of section 73BA

After section 73B insert:

73BA—Gamblers Rehabilitation Fund

(1) The *Gamblers Rehabilitation Fund* is established.

(2) The Fund will be kept at the Treasury.

(3) The Treasurer will invite contributions to the Fund from stakeholders in the gambling industry.

(4) The money constituting the Fund will be applied in accordance with the directions of a committee established by the Minister for Families and Communities towards—

(a) providing treatment for persons suffering from gambling addiction; and

(b) overcoming other behavioural and social problems resulting from gambling; and

(c) community and school education programs designed to reduce problem gambling; and

(d) other appropriate early intervention strategies.

(5) The procedures of the committee will be as determined by the Minister for Families and Communities.

The SPEAKER: During this interregnum, I inform the house that I have doubts about some of the amendments from the Legislative Council and whether they are constitutional and, therefore, the chair is contemplating refusing to allow the matters to be debated. Members need to know that the exercise of such power in the Legislative Council effectively gives backbenchers in the Legislative Council more power than any backbencher in this chamber, in that such members in this chamber would not be permitted to make amendments to taxation revenue or dispersal measures without a message from Her Excellency the Governor advising us accordingly that such amendments ought to be entertained. Why then members in the other place presume that they have such power, when it is expressly excluded constitutionally, is beyond me, and it may be something that needs to be resolved between the houses by simply refusing to allow those proposals to be entertained. While that might put us in permanent deadlock, I believe that sooner or later we have to decide whether or not the House of Assembly is constitutionally the chamber that has the authority to deal with revenue measures and appropriation for expenditure purposes.

TEACHING REGISTRATION AND STANDARDS BILL

Adjourned debate on second reading.

(Continued from 27 October. Page 628)

Ms CHAPMAN (Bragg): The lateness in the parliamentary week at which the debate resumes on this bill inevitably will result in my contribution only commencing, and I will be seeking leave, if that is required, to continue my contribution at the next sitting. This bill, which has been introduced by the Minister for Education and Children's Services, has elicited significant response from the Australian Education Union and the Independent Education Union SA. They

support it principally because, not surprisingly, as unions and the significant representative bodies they represent the overwhelming portion of the teaching community who are members. They have made written and oral submissions to me and other members of the opposition in respect of the draft that was circulated by the government on this matter in relation to the ultimate bill that is before us. There are significant differences between the draft as circulated for some months and the bill that was presented to the parliament. I do not doubt for one moment that it was as a result of their submission, in particular, that those significant amendments were precipitated. They are to be commended for that, because they have clearly had to the fore the interests of their membership and, I think it is fair to say, the interests of teachers generally in relation to those amendments.

I also pay tribute to the Teacher's Registration Board, not because in any way have members or its board made representations to me or, to the best of my knowledge, to the opposition, but because of the preliminary and ongoing work in providing advice to the government of the day as to legislative reforms, practices and operations of the TRB that are publicly recorded in its annual reports; I will be referring to that again in due course.

I also place on record my appreciation to the member for Hartley, who has an important role for the opposition as both chair of the Education Committee and as shadow parliamentary secretary and spokesperson in relation to TAFE, training and youth matters on behalf of the opposition. As a teacher of long standing, he has also raised important issues for the opposition to consider in relation to this matter, and I appreciate that contribution. Similarly, as is well known to this chamber, the member for Light is a former minister for education and children's services, has served in a prior government, and has served the education community. For his knowledge and contribution to the opposition's deliberations, I am appreciative.

Some other submissions have been made, including by Business SA. It is my understanding that, without being repetitive on the matter, the member for Hartley will make a contribution in due course in these debates in relation to concerns raised by that association. The Education Act 1972 and, in particular part 4, currently provides for the constitution and powers of the Teacher's Registration Board. It specifically sets out the number of requirements, and I summarise these in four areas. First, there is a requirement that any person employed in schools and preschools as a teacher, administrator or supervisor of instruction is to be registered. Secondly, the main purpose is to protect the public interest in education institutions by providing quality of teaching and teachers. Thirdly, the Teacher's Registration Board operates a system of registration, including powers to de-register, to ensure that only fit and proper persons are registered to teach. Fourthly, the Teacher's Registration Board has the responsibility to confer with Treasury education units to ensure that teacher training has a high standard and to collaborate with others interstate for the purposes of that outcome.

The process upon which these four obligations, responsibilities and outcomes are achieved includes the fact that the Teachers Registration Board is constituted and, indeed, that it has its legislative powers in part 4 of the Education Act, as referred to, and the education regulations of 1996. It presently comprises 14 members and only has the power to cancel registration as a disciplinary measure and, importantly, reports to the Minister for Education and Children's Services who ultimately provides an annual report to parliament. The Teachers Registration Board itself meets on a monthly basis to determine disciplinary matters under section 61 of the act, which details the qualifications for registration, and under section 65 of the principal act, which deals with cancellation of the registration.

I think it is important to note, for the purposes of the debate on this bill, that the Teachers Registration Board has a number of subcommittees and they are, essentially, for teacher education and professional issues, publicity, admissions and office procedures. During 2003 the Teachers Registration Board reported to the former minister for education, minister White, on the need for legislative change—particularly in light of child protection issues. Indeed, it sought to have a greater level of transferred information, particularly from police, and to increase and extend a range of penalties, powers to delegate and to extend the time for inquiry, to increase the scope to a new definition of unprofessional conduct, and to adopt recommendations 91 to 94 of the Layton report in relation to children's evidence.

I consider it important, for the benefit of the record and for those who will follow this debate, to particularly appreciate that the board had provided a comprehensive response in relation to matters on which it had advised the former minister—and it should be noted that the former minister had, in November 2003, specifically sought feedback from key stakeholders on a range of matters relating to child protection. It is well known to this house that during that year there was significant pressure both within the house and in the public arena for attention to be given by the parliament to strengthening procedures and practices and legislative controls to improve child protection measures. Indeed, subsequent pressure has been brought to bear and an inquiry is being undertaken in relation to some of our children—those who have been in institutional care, particularly—who, even though they are now adults, will hopefully have some relief from the judicial inquiry that is to commence next month.

But, clearly, there are aspects in relation to educational institutions that have a significant air of responsibility and a role to play, and the board has provided a very comprehensive response to the former minister. I think it is important to place what it had sought on the record for two reasons. One is because there are a great number of these—and this is why I give the board significant credit for bringing this matter to the attention of the government and the parliament—that have been picked up and incorporated in this legislation, but there are also some others that have not been and which, in due course, we may need to consider dealing with—perhaps in another way.

First, they sought notification by South Australia Police, the Office of the Director of Public Prosecutions and the clerk of the court of any criminal convictions that are recorded against a teacher. Second, that there be a notification procedure by employers and teachers of any dismissal following disciplinary proceedings and where a teacher resigns prior to disciplinary proceedings being taken. Third, that there be legislation to enable the exchange of critical information between agencies instrumental in contributing to the protection of children and young people. Fourth, that there be an extension to the range of penalties presently available to them pursuant to section 65—that is, to be able to extend it to include the ability to fine, reprimand, suspend and set conditions of hearing on a disciplinary matter. The current position of the Teachers Registration Board would be

known to some in the house. It is restricted only to a cancellation of registration.

Fifth, an increase to the monetary penalties for offences pursuant to section 64 is sought, and they will be detailed in due course. Sixth, that there be the ability to complete an inquiry after the expiry of registration. Seventh, that there be the ability to delegate to sub-committees, board members and the Registrar, and some of that has been taken up. Eighth, to delegate the hearing of disciplinary matters to an appropriately constituted sub-committee, and those delegation powers have been taken up to some degree. Ninth, that wider scope be given to accommodate a range of conduct by replacing the rather antiquated improper and/or disgraceful behaviour test with unprofessional conduct.

The tenth is, to incorporate recommendations 91 to 94 of the Layton report—the report undertaken by Robyn Layton QC—which is well known to the parliament. That deals with changes to the Evidence Act being incorporated in any change to the Education Act to assist children and young people in giving evidence to the board. Lastly, that the current three-year minimum teacher education qualification required to be increased to a four-year qualification requirement to achieve national consistency regarding entry to the teaching profession. I will elaborate further in relation to those matters. I note the time and seek leave to conclude my remarks later. Leave granted; debate adjourned.

ADJOURNMENT

At 5.59 p.m. the house adjourned until Monday 6 December at 2 p.m.