HOUSE OF ASSEMBLY

Thursday 3 March 2005

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

SCHOOLS, SECONDARY SCHOOL MERIT CERTIFICATES

Ms CHAPMAN (Bragg): I move:

That this house congratulates the 2004 secondary school graduates who received merit certificates at Government House on 15 February 2005, and encourages their pursuit in further education opportunities.

On this occasion, hundreds of young graduates received recognition in the presence of the Lieutenant-Governor, and I had the pleasure of attending on behalf of the opposition, and in the presence of the Minister for Education and Children's Services, who also addressed the gathering and made presentations. May I particularly acknowledge, perhaps, the most outstanding of those who received five merit certificates, which means that they achieved a level of excellence in five different subject areas. They are: Benjamin Ashley, Helena Billington, Henry Boylan, Vanessa Hughes, Eleanor Mitchell, Mayooran Namasivayam, Natalie Payne, Minh-Son To, Simon Uppill and Christopher Wong. A number of other students who were in attendance on the day received due recognition for four and three merit certificates, and hundreds of others received recognition of excellence.

I subsequently attended the International Baccalaureate graduation, again with the minister, at an evening that was recently hosted by Pembroke School, at which numerous further graduates were recognised for their distinction—that being a course undertaken by senior secondary students who excelled both academically and in their service to the community.

I have expressed before to this house my concern that some of our brightest students are not always accommodated in the tertiary institutions here in South Australia. So, whilst we encourage their pursuit in further education opportunities, I am disappointed to hear of occasions when this is not duly recognised so as to ensure that our most outstanding students are accommodated if they wish to be, as their first option, in South Australia. Last year, I raised the fact that there had been a number of students who had applied for a medical degree at the University of Adelaide, and had missed out, and they had applied for university degree training at Flinders University and had missed out, and yet were welcomed in applications to become undergraduates in the medical schools at universities in other places around Australia. If, in fact, these students had not qualified anywhere in Australia, one may expect that that is an appropriate standard that South Australia imposes to ensure that we meet Australian standards. However, the still significant number of young people who leave South Australia is concerning. We are migration negative in this state for young people, whereas, as I have advised the house previously, Queensland is still migration positive for this age group. So, it is critical that we try to offer to our best and brightest, at least, the opportunity to select South Australian institutions.

On the other hand, there are, of course, other students from around Australia who apply for and receive the opportunity to attend our institutions, and, while we are on the subject of medicine, even my own niece, Belinda Howard, who is from Melbourne, is undertaking a medical degree at one of our Adelaide universities. So, there is an opportunity for those students who come here to partner, to obtain employment, to become keen to remain in South Australia, and so we do, I suppose, take some of theirs. However, it is concerning.

Christopher Wong, one of the five merit certificate recipients whom I referred to, had been in the category of being excluded and not given an opportunity to attend a South Australian university and, yet, he is welcomed around Australia. Amongst the many wonderful things that he has contributed to South Australia, and in recognition of his community service in his short 17 years of service, he has been recognised with the David Tonkin Scholarship. He was rejected. I am pleased to say that, subsequent to raising his rejection in this house, he has now been granted an opportunity to study in South Australia, and I am very pleased for him and his family that he will have that opportunity.

At the recent International Baccalaureate Awards I was informed of yet another young student who had been rejected for study here in South Australia. I am pleased to say again that, since some further submissions have been presented, that decision has been reversed. Last year we asked the government to look into this matter. The minister for higher education indicated by May last year, and advised the house, that there would be an inquiry into this issue. Sadly, and I urge the house to consider this matter, the minister has not yet provided any report about this, and still we find the same problem this year of South Australian students not having, at the least, the opportunity to have a higher education here.

I am honoured to recognise the graduates for this year. I sincerely hope that they do well in their further education opportunities, even if they are outside the state or in other countries. I ask the government—and it will certainly have my support in this—if it is willing to get on with the task of ensuring that this situation is not repeated next year, and that the graduates who reach a standard of excellence for 2005 will be given the opportunities in 2006 that they deserve, and which this state needs.

Mr CAICA (Colton): I will be brief. This time last week I attended St Michael's College academic graduation assembly. It was an outstanding assembly which highlighted the achievements of those students who excelled during the year 12 exams last year, several of whom would have attended the ceremony referred to by the member for Bragg. I join the member for Bragg in congratulating all of those who excelled in their academic pursuits during the past year. Of course, it is not only those who excelled; quite simply, it is just as hard for someone to pass, that is, another person might put in the same amount of work and, whilst not in the eyes of many, excel in their own personal performance. I congratulate all those who undertook the year 12 exams last year, not just those who were fortunate enough to be given an award for their performance.

In addition, I would like to highlight those who undertook VET courses during the past year. Whilst it is important to celebrate and recognise those who excel in the academic sphere, it is also important to recognise those people who have excelled, passed and contested the relevant VET courses. In that regard, St Michael's and other schools in my area do that and provide VET courses. I congratulate those students, as well.

One of the points made by the member for Bragg that I will touch on before concluding is that she focused on the

matters that apply to medical students. Indeed, several of my younger constituents have approached me about their inability to gain access to medical courses in South Australia. I, like her, have made approaches to the minister to explore the ways in which we can ensure that South Australia is safeguarded into the future to the extent that we have the professionals we need to provide a foundation for South Australia to grow economically. It is not just the medical sphere; it is all of those. We have to make sure that South Australians have available to them the positions required to complete their university studies in the hope that they will continue to practise their profession upon graduation in South Australia.

One of the points that I wish to make for the benefit of the member for Bragg is that it is a federal issue. I suggest that she lobby her federal colleagues, just as the South Australian minister is doing. It would be helpful if, indeed, she spoke to her friends in Canberra and said, 'Look, this is a situation that affects South Australia adversely; it needs to be addressed. We would welcome the assistance of the federal government in addressing what is a problem in South Australia.' There would be a joint effort by the government and opposition to ensure that the lobbying from this house comes from both sides because, in fact, it is the member for Bragg's colleagues who need to make the decision to allow us to implement what it is that will ensure that South Australians in the future are able to access the academic courses that must be made available to them.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I would also like to congratulate those many students who had stellar performances in the end of year 12 examinations and were acknowledged in the ceremony in Government House. As ever, the day was a great success. I must say that watching the achievements of so many young people was an impressive and really extraordinary experience in that one was humbled to see so many high-achieving students from across our many school sectors.

I would particularly like to say that this ceremony was instituted by the Labor government in 1989 as a way of democratising and opening up Government House, acknowledging high achievement and bringing those young people who have started their careers so well into contact with people of the calibre who now give out the certificates. To allow their parents to see this occur in a public place is particularly encouraging. I had the pleasure of awarding the Tennyson Medal, and many people in public life took part in the ceremony.

The area of most concern to me, however, is in the member for Bragg's comments about those young people pursuing further education. I think that if she were really enthusiastic and wanted to encourage young people into higher education, she might want to discuss the matter with her colleagues in Canberra, because her party, after all, has been the one that has done so little to help the unmet demand, the lack of places in higher education and the lack of opportunities for young people even with the highest levels of achievement in the TER.

This situation has arisen also because of the honourable member's colleagues in Canberra who have been in government during a period when government funding for universities in real dollars has declined greater than at any other time in recent history. There has also been the issue of decreasing accessibility to higher education by young South Australians. University is clearly less accessible now than it has been for the last 20 years. There has been a huge rise in HECS costs. There has been difficulty in getting into courses because of the unmet demand, and on top of that those high achievement students with their 20 scores can look around at others with a lower TER who have got into their course of choice. Why? Because they can pay the full fees.

This inequitous situation has been enhanced by the honourable member's colleagues in Canberra who have promoted a scheme that makes university education less accessible, more costly, and more unfair. Whilst I would be very happy to support this motion, I think she should hang her head in shame and lobby her colleagues in Canberra in order to get this inequitous situation reversed.

The Hon. R.B. SUCH (Fisher): I would like to make a short contribution. I congratulate those graduates who received merit certificates at Government House and I thank Her Excellency for her gracious support in allowing the grounds of Government House and the facilities to be used for these congratulatory type occasions. I think it is good that we acknowledge people who achieve. In Australia we have not always been good at doing that. In particular, we do not always acknowledge those people who achieve in areas outside of sport. I have nothing against sport, sport is great, but to some extent we have become a bit lopsided in our recognition of people who achieve. I would like to see greater emphasis placed on acknowledging, for example, people who achieve in other areas such as science and technology and a whole range of areas which currently do not get the attention or the recognition they deserve.

I will just make a couple of points. Like other members, I attend graduation ceremonies at high schools and primary schools. Primary school graduations have become very sophisticated. You see very sophisticated young ladies aged 13 trying to walk across the stage in their high heels and tight skirts, and they have stretch limos to pick them up. The young lads, who do not look quite so spivvy, also walk across the stage to accept their award. I suggest to members who have not attended primary school graduations that they do so because they are big time now. I suppose it is sad that we are following the American pattern, but primary school graduations are big events these days.

Getting back to the main point of this motion, as I said earlier, I think it is great to acknowledge people who achieve in straight-out academic terms and in other ways, but I would like to see more emphasis in our school system placed on acknowledging those who have improved significantly in not only scholastic achievements. I refer to the young rascal, if you like, who turns his or her life around and starts to achieve. All of these things are relative, but I do not think we acknowledge or give enough encouragement to young people who have made this effort, who have decided to improve their behaviour and their academic achievements, or their sporting achievements or in other areas.

I would like to see more emphasis in the school system placed on not only those who are talented in academic terms but those who have turned around their life through a change in attitude. The member for Unley is a great fan of Thailand. One of the great things about the Thai people—and this is a reflection of their religious and cultural beliefs—is their emphasis on attitude. I went to Thailand as a minister, and I saw that they put a lot of emphasis on attitude. They regard the head as a sacred part of the body. That has a whole lot of interesting implications, but the point is that they say, 'Get your attitude right, and the rest follows.' The same applies in

the school environment: get your attitude right, and the rest follows. I would like to see greater acknowledgment of those who have changed their attitude and who have got their school and personal life together.

The other thing that has concerned me for a while—and I am pleased to see that some action has been taken—is the lack of young men who walk across the stage to get a merit certificate or any other acknowledgment. Clearly, there is something wrong in the system. It could well be that this is the fault of the young men. People have put to me various reasons as to why there are often so few young men who walk across the stage at a co-ed school to receive an award. Various theories have been put forward, some of them bordering on conspiracy, that it is the feminists who run the education department and that therefore they are anti-male. That is simplistic, and I do not believe it is the case.

We need to ensure that there are incentives for young boys as well as young girls. On a strictly merit basis, you could argue that it does not matter what gender they are: if they are the best, they should be acknowledged in that way. However, we know that during their teens, boys and girls develop at a different rate; they have different rates of maturation. Therefore, I think it is reasonable to say that there should be a prize for the best girl or boy in a particular subject or any other area at high school level.

Another thing that is important is that the government—and I hope I played a small part in urging this—has undertaken a review of SACE. No doubt that report will be forthcoming in the near future. It is important that we ensure that what our secondary school students are doing is relevant, interesting and challenging and the most appropriate academic program (or non-academic program) for not only 2005 but obviously for the years ahead. I congratulate those who received merit certificates at Government House, but I urge members to consider some of the points that I have made in terms of acknowledging those who may not be the best academically but who have changed their behaviour and their academic approach at school and have turned their lives around. I urge members to ensure that, on a gender basis, we acknowledge achievement whether it be by males or females.

Mr BRINDAL (Unley): I wish briefly to contribute to this debate and to follow the remarks of the member for Fisher, with whom I concur. As he was trained as an educator, so was I. He would remember, because we are roughly contemporary, that when we went to teachers' college one of the things that we read in the history of education was Plato's *Republic*. Plato very carefully espoused a meritocracy in some detail. Plato contended that there were children who were born of gold, silver and copper and that the duty of governments and a good society was actually to help everyone find for themselves their right place in society. Plato contended that there was no difference—and it was a bit unfortunate that he used three metals which, in modern terms, have a different value—between the children of gold, silver and copper other than in functionality. Therefore, he said that the state needed an education system which took all children, explored their potential and abilities, and then fitted them to the place in which they were happiest to which they were best suited in society.

The member for Fisher is old enough, as I am, to remember technical schools, which the minister recently described as old-fashioned. I actually believe that those technical schools, in some measure, addressed the sort of thing that Plato was talking about. They attempted to take some children and say, 'You are never going to be a rocket scientist. You are never going to be a professor of mathematics or a leading linguist, but you are going to be somebody who, with your hands and the skills you have, will be really good and form a useful part of society.' Some of the rest of us were conned, because those who believe that an academic career through high school was necessarily the path to riches have only to meet a few plumbers and electricians nowadays to know from what they charge me an hour—as I am sure they charge every member in this house—that plumbers and electricians are, indeed, paid on an hourly rate far in excess of cabinet ministers, members of parliament or even prime ministers. I think that, those who went to technical schools thinking they were going to get lower paid or lesser jobs, were gulled, and some of the rest of us were gulled, thinking that a university degree was the path to riches.

Having said that, I want to follow on from what the member for Fisher said. I, too, congratulate these people who have received merit certificates because it shows that, in a particular aspect of their lives, they have excelled. But I would very strongly back the member for Fisher and others who, in congratulating them, would also say that it is the job of our entire system—parents, schools and our society—to encourage all our children to achieve their maximum potential. Some of them will not achieve their potential in the classroom at all. Some of them will achieve their potential in the sporting arena or in the entertainment industry, in a thousand ways, and it does not matter as long as all our children and grandchildren get the chance to be the best that they can be.

Implicit in that motion and what the member for Fisher said is that concept. We congratulate those who have proved that they can excel and, in this house, we should encourage all those people who will never get merit certificates, who might be playing a drum, kicking a football or bowling a cricket ball, or simply helping out in a local community organisation as a leader in the CFS or something like that, to reach their potential too. I think it is difficult not to pick winners and not to laud some people in our society and put them on a pinnacle—it is something we tend to do all the time. However, it is equally important to remember in the lines of Milton that 'they also serve who only stand and wait'. Every member of our society is important. The important thing for their happiness is that they achieve as well as they can. Members opposite might take note of that because that is one of the very reasons that makes me a Liberal rather than a person sitting on that side of the house.

Members interjecting:

Mr BRINDAL: I merely say that, and I know that some members of the Labor Party probably share the same view, but I have always been passionate about the belief that society only exists as a collection of individuals for the protection of each individual. Society exists insofar as it can so that we can all be as happy and free as we can within the notion of a collective. That is just the basic reason why I am not sitting there. I know that some Labor members agree with me as some Liberal members would disagree with me, as would other Labor members.

I finish by commending the motion and by congratulating those people who have achieved merit certificates, but also by saying that I hope this parliament will always seek in the development of its children and in the consideration of its education system, and in all that we do, the development of our young people to allow them to be the best that they can be.

The Hon. M.R. BUCKBY (Light): I rise to support this motion. Very briefly, I also congratulate all the students who have achieved merit certificates. I do so enthusiastically because often in our community these days it is the sports people who get all the accolades, and this is one particular area where those who are academically gifted or academically have worked extremely hard during their Year 12 receive recognition for it. It is good to see that the government and our community are prepared to recognise that hard work and those who have academic achievements, as well as those in our community who have sporting achievements.

However, a lot of young people do not receive a merit certificate but work their heart out in year 12 to do the very best they can. They also deserve a pat on the back and a certificate for maximising their ability and potential to get the very best out of themselves in terms of a TER score to go on to university or TAFE or to follow their preferred vocation after year 12. It needs to be recognised by the school community (and I am sure it is recognised by their parents) that, while they might have averaged 15 or 16 out of 20 for their TER score, they still did the very best they could. They might not have received a merit certificate, but they achieved to their best possible potential. They also deserve a pat on the back.

As a former minister, I have attended a number of merit ceremonies. It was fantastic to see a very enthusiastic and brilliant young group of people, proudly supported by their parents, grandparents and other siblings, at Government House. It is a day in which the whole family takes a lot of pride. One could see, by the look on the faces of people who walked around Government House on that day, that they were immensely proud of their children and their achievement in obtaining a merit certificate. Good on them, and long may it hold. I again congratulate them all. I commend the member for bringing this motion, and I think this is a ceremony that will continue for a long time into the future.

Motion carried.

YOUNG OFFENDERS

The Hon. D.C. KOTZ (Newland): I move:

That this house acknowledges the government's recently announced preliminary issues paper entitled 'Young offenders—Breaking the Cycle', and notes that the Social Inclusion Board will consider preventing and reducing criminal activities by young people as a social inclusion reference.

Members would be aware that, since August last year, I have raised concerns relating to youth crime, particularly in the north-east region of metropolitan Adelaide. The issues that arose from that very public debate had many facets, including the acknowledgment that five youth gangs had been identified by police; drug dealing, with ecstasy and amphetamines being readily available; youths dealing drugs to students and other young people; links to bikie gangs; car theft; break and enter; assault; shop theft; under-age drinking; recidivism of young offenders; and a lack of police numbers and resources to deal with the issues that create this insecurity in our communities.

The government and its police minister were loath to come out publicly and debate these issues. The Labor government went into hiding for almost five weeks whilst the debate raged, but was sufficiently embarrassed to make an appearance when one particular family's story of extreme circumstances was brought out in public debate. Their story could not be ignored, even by this government. But then the question arises: could this issue, indeed, be ignored by the government?

The Labor government has a sad history of burying troublesome issues under mounds of paper, reports and spin. But even I did not think it could stoop as low as to try to hide the issue of youth crime—remembering that the issue of youth crime in the north-eastern suburbs is only a microcosm of what is happening across this state. When children are bullied into selling or buying drugs, we have a problem. When gangs threaten families to the point where they have to hire security guards or consider a move interstate, we have a problem. When some authorities continue to maintain that the issue of juvenile crime is not as serious as portrayed in the media, that it is under control and that it is just a storm in a teacup, and move into the politically correct mode of harm minimisation, we have a problem.

I was appalled by comments by the Minister for Police in *The Sunday Mail* on 21 November last year, when he claimed he was shocked that 10-year old children had been arrested in the past year for stealing cars. How could this be shocking to the minister when I have raised the matter of youth stealing cars on no less than five occasions since May 2003, in a motion calling on the government to consider implementing a state-wide immobiliser program? I provided the house with the shocking statistics and, if the minister had been competently monitoring his portfolio, he could hardly have claimed that these statistics were new to him. How many times over the previous year did he have to be told that 10-year olds were stealing cars for it to register? The minister further stated:

. . . there's only so much governments can do. . . the government is always looking for ways to further reduce the crime, especially when it comes to our young people. . .

I say to the minister: this house passed my motion and gave the government the perfect opportunity to tackle this issue head-on. The deafening silence from the government since then just proves that it cares very little about tackling crime in any meaningful way.

Youth crime is a serious issue, which is impacting on the lives and safety of the very people this government is charged to protect. But what do the Premier and his cronies do? Do they provide extra police? Do they build police stations in areas where they are desperately needed? Do they provide extra funds for rehabilitation and intervention programs? No, of course not. They shuffle the problem of young offenders off to the Social Inclusion Board, where it can be hidden even longer. The Social Inclusion Board has a myriad of other issues to tackle, and the much vaunted preliminary issues paper entitled 'Young offenders—Breaking the Cycle' will surely go into the wastebasket as just another talkfest that is long on questions and short on answers.

This is a serious issue, which is hurting our citizens. Youth crime is on the increase and we have to address this issue some time—and preferably now. The 14-page issues paper does nothing more than state the obvious; it adds a few questions and identifies four key issues but then proceeds to ask questions on each of the key issues and tells us that the next step is to put these questions to focus groups to find answers on the serious issues that this government has now conveniently sidelined.

I was horrified to learn that in 2004 some 1 200 young offenders between 16 and 20 years of age were convicted of at least one non-trivial offence and had at least one further conviction for a non-trivial offence prior to that. I assure you that the use of the word 'non-trivial' is not mine. This proves

that at least 1 200 young people did not grow out of their criminal behaviour. But why are police not talking to these offenders; finding out why they reoffend? Surely there must be a way of identifying them and providing them with some form of intervention program. If we cannot prevent these young people from offending once, we need to intervene to prevent further transgressions, because the transition from the juvenile justice system to the adult correction system is indeed a significant one.

It seems juvenile crime is growing throughout the state and, indeed, throughout the country; and, while the committing of crimes by children as young as 10 is a constant worry, there seems to be an undercurrent of dissidence by our children and youth which could lead to serious criminal problems in future generations, unless we address these problems now. As the preliminary issues paper states, it is important to note that available statistics may not always provide us with a truly comprehensive picture of the nature or level of youth crime. They do not, for example, capture offences which we never report to police, minor offences which were dealt with by way of informal police caution and changing police charging rates, influenced by police policies, discretion and effectiveness. They all have an effect on these statistics. Simply put, that means that the picture painted by official figures may be even worse than first thought.

When members look at SAPOL's annual report, the truth of that statement becomes apparent. On page 9 under 'Reported Crime—Two Stage Format' it says:

> SAPOL has modified the traditional format of reporting crime. . . Key features of the two stage format are that victim based reported crime and non-victim based reported crime (sometimes called pro-active detected crime) are separated, with no bottom line reporting, and there is some modification of counting rules to exclude counting associated offences in some incidents.

Now we know how the government can come up with a perceived reduction in certain areas of crime; that is, exclude certain offences—you cannot count what you have arbitrarily excluded. On page 7 of the SAPOL annual report it says:

> Assault categories, including serious assault, minor assault and assault police have been decreased significantly.

However, it also says:

> The reduction in the incidence of assault police may be influenced by a tightening of recording procedures to ensure minor scuffles are reported in other categories of hinder and resist police.

As categories continue to be altered year by year, comparisons cannot be made, so our state crime statistics are now not worth the paper on which they are written. Certain overall crime statistics are on the rise and cannot be hidden, and juvenile crime figures certainly mirror those of the adult criminal population. In the 2001 calendar year, 5 168 young people between the age of 10 and 17 years were apprehended by police. This represented 3.2 per cent of the total 10 to 27-year old population at that time. Just one year later, in 2002, the number of 10 to 17-year olds apprehended by police had grown by almost 50 per cent to 7 732. This means that almost 5 per cent of our young population aged 10 to 27 was apprehended by police—not warned, not cautioned, but apprehended for a crime.

In 2001, there were 2 769 finalised appearances in the Youth Court. In 2002, this had grown to 3 019, an increase of some 10 per cent. In 2001, there were 1 099 admissions to juvenile detention. In 2002, there were 1 222 admissions to secure care, a rise in one year of more than 11 per cent. I am positive that every member of this house would be horrified to learn that more than 1 200 South Australian children were incarcerated in 2002. It is indeed a frightening figure. The statistics also show some disturbing trends in the type of crime committed by our young citizens: 10-year old children should be more concerned about reading and writing, not the fastest way to break into a Commodore. Unfortunately, it seems some children are becoming involved in car theft and other serious crime at an alarmingly young age.

In 2002, 545 young offenders between the ages of 10 and 17 were apprehended for larceny or illegal use of a vehicle. Most of these offenders were too young to have a driver's licence, but it does not stop there. Also in 2002, one 13-year old was charged with homicide; three 10-year olds were charged with serious assault; two 11-year olds were charged with sexual offences; two 13-year olds were charged with armed robbery; one 10-year old was apprehended for fraud and misappropriation; another 10-year old was charged over weapons offences; and one 10-year old and two 11-year olds were apprehended for drug offences. Mental illness and its prevalence amongst juvenile offenders is also known to be significantly higher than prevalence rates amongst our youth population, with surveys suggesting that as many as 60 per cent of incarcerated young offenders at significant risk of mental health problems.

And only this week, senior police from the Holden Hill Police Station have called for more acute crisis intervention services after officers responded to 22 mental health related incidents in the two weeks up to 14 February. Superintendent Anderson from Holden Hill said, 'It's certainly a drain on our resources dealing with mental health issues.' Clearly, locking up our children after the fact is not healthy for either the child or our community in the long run: prevention in this case is clearly better than the cure. There are not too many issues which unite the political sphere in South Australia, but the issue of youth crime is a problem which demands a bipartisan approach. The overall number of children and youth in this state at risk is increasing. We do not need a preliminary issues paper to ask more questions.

Governments have the resources and access to the experts who have researched these questions to the nth degree. We need to stop the spin and the paternalistic harm minimisation techniques, tell it like it is and enact crime prevention programs which effectively make a difference. We do not need to hide the problem by passing it off to an already under-resourced Social Inclusion Unit, and then beat one's allegedly masculine chest and scream to the populace that you are tough on law and order. This is an illusion. We and our communities need to see real action being taken, not chest thumping or the fallacy of illusion.

Our children are too important to the future of this state and to each and every one of us in our own communities. If the government does not stop and seriously look at the problems that are being identified—not only now but also over the last few years—and actually take a very positive role in moving forward on programs that are truly interventionist and truly and absolutely take notice of what all these statistics are telling us—if we allow this to continue to go unheeded and be totally ignored by those who have the power to enact the type of programs or the type of actions across the state that are necessary—we are going to see a greater increase in some of the violence we have in our communities.

I would hope that every member in this place will stop and think about the fact that we are not talking about adults involved in criminal activities. In this instance, every statistic I have put on the record today revolves around children aged between 10 and 17. If any member in this place doubts what

I am saying, the criminal statistics of this state are easily located for any member to look at. If you compare the statistics from three or four years ago with those of today, the increase in crime related to 10, 13 and 15-year-olds is on the increase. That should be sounding a very big warning bell in terms of getting action undertaken. This is unacceptable and, unless we really look at a measure that will provide some impediment to further involvement of youngsters in crime, we are going to see something that none of us in this place will ever be able to put in measures to resolve: it must happen now.

As I have said, we are talking about 10 to 17-year-olds who are now involved in adult crime. It is not just the occasional lolly from the shop that is being pinched: it is far greater than that. If it is not resolved now, I hate to think about the fact that we will be offering, more than anything else, a future that will take these youngsters into the adult criminal system. Once that occurs, they are lost to us, their communities and to their families almost forever. I urge government members and members of all our communities to get together in the most bipartisan manner possible so that we can start to look at proper programs that can deal with the problems we have in this state now.

The Hon. K.O. FOLEY (Minister for Police): I cannot let go unchallenged some of the alarmist remarks made by the member for Newland. She has a history in this place of exaggeration and misrepresentation of the true state of the issues within our community.

Mr Brindal interjecting:

The Hon. K.O. FOLEY: No; I am happy to debate the Ian George issue. We will have some interesting things to say about that matter; I look forward to it. Criminal activity in South Australia is significantly reduced since we came to office. The fact remains and cannot be challenged that by the end of 2005 going into 2006 around 500 more police will be on duty in South Australia than was the case around 1997 when we reached a disastrously low point in the number of police in South Australia. The Liberal Party cut, slashed and burned police resources in this state during the 1990s.

For members opposite to be critical of this government is hypocrisy of the highest order. Let us look at some of the crime statistics. If you were led to believe the member for Newland, you would think that crime was rampant and out of control in our community and that somehow statistics are manipulated by police to give a better picture. I reject that outright. Let us look at the statistics as they were towards the end of last year, and they are the latest figures I have with me in the house.

Serious assaults in this state for 2003-04 compared with 2002-03, down 11.4 per cent; minor assaults, down 7.9 per cent; assaults against police, down 30.4 per cent; aggravated robbery, down 13.6 per cent; non-aggravated robbery, down 26.4 per cent; serious criminal trespasses in dwellings, down 15.4 per cent; illegal interference of motor vehicles, down 14 per cent; illegal use and theft of motor vehicles, down 14.6 per cent; deception and manipulation, down 14.6 per cent; receiving and dealing in tainted property, down 18 per cent; serious criminal trespass, down 8.3 per cent; theft from shops, down 18.9 per cent; arson and explosives, down 2.5 per cent; and property damage, non arson or explosives, down 3 per cent. The total for offences against the person, when compared between 2003-04 and 2002-03, down 9.4 per cent; and offences against property, when compared in the same year, down 6.9 per cent. What does that tell you? It simply shows that under this government, with more police, more resources, good police management and smart policing, we are reducing the crime rate in this state—not by small amounts, not by fractions, but by large percentages.

Much more needs to be done—much more should always be done when it comes to the policing of our state—and that is what we as government will do. I dearly hope that successive governments will continue this record, of which we can be proud. However, I could not agree more that it is only part of the job. With her scaremongering, misrepresentation and deceptive remarks, the member for Newland does nothing for her standing as a member of this place and does nothing in terms of her responsibility to appropriately deal with complex issues in her community. In my opinion, it is incumbent on us all as members of parliament to be rational, objective and balanced in how we assess the fight against crime, not make cheap political points and pluck isolated figures out, or make misleading statements, as the member for Newland continually does. And she certainly does that when it relates to police numbers in her area. She continually misrepresents and misleads. Even after she has been briefed by police, by me and by others, she continues to misrepresent the true state of police numbers, the true state of policing and the true state of crime in her community and in other parts of South Australia. I conclude on this point: nearly 500 more police in uniform are protecting our community, keeping our streets safe than at the low point of the Liberals in 1997. Crime rates are down double digit figures in many cases.

As I said, we have offences against the person down 9.4 per cent; offences against property down 6.9 per cent; non-aggravated robbery down 26 per cent; assaults against police down 30 per cent; serious assaults against the person down 11.4 per cent; serious criminal trespass down 15.4 per cent; illegal interference with motor vehicles down 14 per cent; and theft from shops down 18.9 per cent. These are figures of which our police can be proud and this government can be proud. More needs to be done and must be done, but let us never forget the Liberals: nearly 500 fewer police in uniform in 1997 than today. This is a government tough on crime and tough on the causes of crime.

Ms THOMPSON (Reynell): I am pleased to support the motion, although I was always concerned that there would be a sting in its tail. I was very saddened by the comments of the member for Newland this morning. The member for Newland cited a litany of crime statistics that purported to show that, since the Labor government came to power, youth crime has increased. She then made a comment that it is necessary to engage in prevention of crime, not just treatment of crime. Surely, on the most basic logic, if youth crime has increased in the last three years it was because of the failure of preventative measures during the period in which she was part of the government in office.

There is simply no logic in what she had to say, and it is very sad that she concludes with a call for a bipartisan approach of this complex issue when she starts by suggesting that crime has suddenly gone up under Labor, when the only logic there is that it was a failure of the previous government's measures. One of the first actions of the Labor government on coming to power was to convene the Drugs Summit. The Premier, as do all of us, recognised that much crime (including youth crime) is related to drugs, so one of the first actions of the government was to try to tackle this issue of youth crime in a preventative measure.

It is not a wave-the-wand solution to youth crime or to drug issues. The factors contributing to youth crime are very complex. One of those matters is that young people are not engaged in successful activities within the community, including school. So, another of the first actions of the Labor government—in fact, the first legislation that went through—was to increase the school leaving age. This was not just something that happened on paper: this was something that was backed with tangible resources to enable schools to engage those young people who were disaffected in programs that were meaningful to them.

That by itself is not enough, so we have gone further and established a program of youth mentors to work individually with young people who are struggling in school, because they are often struggling in life. And when they are struggling in life, crime and drugs are sometimes seen as the easy way out. We have also engaged in long-term preventative measures. Institute of Criminology research has indicated for many years, well before this government came to power, that one of the most effective ways of preventing crime in the long run is to support the family in the first years of a child's life. Many of the factors that lead young people into crime are present then, and a healthy first two years in life is one of the keys to active participation in the community that does not involve crime.

So, we have introduced the Home Visitation program, which identifies families who are struggling to meet the incredible responsibilities of parenthood, offering them support. Those are just three things that I could think of immediately that the Labor government has done to prevent crime. However, the other side of my concerns about the remarks of the member for Newland is the absolute failure that she displayed in her remarks to address the complexity of the issues and to look at ways in which these might be dealt with.

I am a member of the Select Committee on the Juvenile Justice System, another of the measures that was supported by this government so that we could review whether there are measures in our juvenile justice system that could improve the current situation. Of course, I will not speak about matters that have come before that committee, as it would be inappropriate for me to do so. One of the issues which has not been raised with the committee and which therefore I am free to talk about is the use in a number of jurisdictions, including New Zealand, of a system called multisystemic therapy (MST), a very highly disciplined treatment model of not only young offenders but all the complex factors that operate in their lives.

I have referred this matter to the Social Inclusion Unit in response to its paper, and I know that it is investigating whether this might be appropriate in South Australia. This model involves intense work by trained case workers with a small number of families at any one time, to address not only the criminal behaviour but the behaviour of young people who are at risk either of incarceration or of being removed from their families. It promotes behaviour change in the whole of the youth's natural environment.

It uses the strengths of each system, including family, peers, school, neighbourhood and the indigenous support network to facilitate change. The goal of MST is to empower parents with the skills and resources needed to independently address the difficulties that arise in raising teenagers and to empower youth to cope with family, peer, school and neighbourhood problems. Within a context of support and skill building, the therapist places developmentally appropriate demands on the adolescent and family for responsible behaviour. So far, the evaluation of MST, which has been used in different places since 1986, has demonstrated: reduced long-term rates of criminal offending and serious juvenile offenders; reduced rates of out-of-home placements for serious juvenile offenders; extensive improvements in family functioning; decreased mental health problems for serious juvenile offenders; and favourable outcomes at cost savings in comparison with usual mental health and juvenile justice services.

This system has been operating in New Zealand for some time, where the impact has been that not only have the targeted young offenders exhibited vastly improved behaviour, but also their siblings, and in some cases their extended families to cousins, have exhibited vastly improved behaviour as the family and the environment were influenced and supported to engage in the difficult task of bringing up young people effectively in our community. Some of the risk factors for engagement in crime that are identified by this system include: low verbal skills; favourable attitudes towards antisocial behaviours; psychiatric symptomology; and cognitive bias to attribute hostile intentions to others. Not only are risk factors identified but also protective factors are identified, and the aim of this therapy is to work with the protective factors. For instance, in relation to the individual, protective factors are intelligence, being first born, easy temperament, conventional attitudes and problem-solving skills.

I am usually extraordinarily suspicious of systems, treatments and plans that claim to have the answer. I am even more suspicious when they are licensed by something that comes out of the US, and a bit worried about whether it becomes McDonald's youth therapy. However, I have been investigating this matter for over a year now and I am surprised to find that I support this model, which is why I referred the Social Inclusion Board to it, as something that addresses all the factors operating in a young person's environment. The model helps them to develop the skills that they have, helps their parents and their siblings to develop the skills that they have, works with their teachers, and tries to introduce them to sporting and social clubs within the neighbourhood so that they are in touch with other adult role models and other peers with positive attitudes.

I would like to see us working together to identify other systems like MST which can help the young people of our community, and help their families. Young people very rarely offend in isolation of what is going on in their families. It does happen, but the general picture is that young offenders come from very complex lives in which they face many challenges. The Minister for Police has indicated how this government has committed extra police in order to identify young offenders and commence the processes which can lead to their being dealt with in a constructive way for their long-term future.

Time expired.

Mr HANNA (Mitchell): I am pleased today to be able to make a response to the issues paper called Young Offenders—Breaking the Cycle on behalf of the Greens. It may seem a radical idea these days but we are firmly of the view that the environment in which young people grow up is one of the chief determinants of tendency to antisocial or criminal behaviour. We are very often looking in the wrong direction; we are looking at the surface and not beneath the surface. Just as in conversation in the community, we sometimes hear about the 'youth problem' or the 'aboriginal problem', the

real problem is actually our outlook as adults and, in particular, as white fellas.

I am particularly mindful at this time of the trouble experienced at Port Augusta. There has been a very strong reaction from the local mainstream community, particularly the white community in Port Augusta, against the regular summer influx of people from the northern parts of the state, and with that influx inevitably comes some antisocial behaviour. There simply is not the infrastructure or the welcome to cope with that influx of people. So, that is just one example where you hear these sort of comments; that there is a youth problem or that there is an aboriginal problem.

I think that at the end of the issues paper under the heading 'Key Issue 4', the Social Inclusion Unit points us in the right direction. The paper there talks about 'A positive whole-of-community development approach.' That is precisely what is called for. The focus ought to be on the community, not just the offender or the young person at risk. Under the heading on page 8, 'Who are the young people who are offending', tacit acknowledgment is made of the fact that social and cultural background is a major determining factor in the commission of crime. Again, paragraph 5 on page 5 states:

> Many young people who get caught up in crime have experienced multiple disadvantages for most, if not all, their lives.

Again, at the top of page 7, the focus is on recidivism. It states:

> ..the area where criminality and disadvantage among young people are most likely to converge.

Again and again through the issues paper we find acknowledgment, in one way or another, of the nexus between economic and social disadvantage and criminal activity. I am not in any way disavowing the role of personal responsibility in these matters, but if we are going to try to fix the problem from the point of view of parliament, which makes laws and provides money to government agencies to assist with these things, there is only so much we can do in terms of the individual's family life. There is only so much that we can do in terms of individual responsibility, but we can direct our efforts towards education, we can direct our efforts towards alleviating poverty and we can direct our efforts towards providing appropriate housing for young people, especially those who are escaping, for good reason, in fear from their peers, their dysfunctional family in some cases, and so on.

I want to say a little more about the over-representation of the Aboriginal community when people talk about young offenders and, indeed, the statistics are borne out in terms of those young people who are either in a detention centre or in prison. I simply make the point that those statistics do not logically prove that Aboriginal people are any worse in any sense than white people. It does show that culturally, socially and politically disadvantaged people are more at risk. In one sense, the so-called criminals are also victims. The whole community needs to take some responsibility for that; we are all in it together.

Of course, if we are going to offer education, treatment, facilities and so on, there needs to be a responsible contribution coming from the young person concerned. Without that as well we are not going to make progress. Certainly, at the moment I am talking about the approach we make to the whole issue. If it is an approach which carries blame and separates young people into a separate category and allows, in public discourse, the demonisation of young people, we are not going to get results. It is going to be a counterproductive effort if we allow those things.

Breaking the cycle appears, then, to have a more significant relevance than simply getting to a young person who is tempted by antisocial behaviour of one kind or another. What do we actually do with these people? I mean working with them, not doing things to them. Breaking the cycle must mean disabling the generating factors of social disruption, and I have referred to those already in general terms. If social inclusion is to be given any real meaning, it has to end the separation, the sense of injustice and the disjunctions experienced in young people's lives, particularly those at risk, and those young people who are the subject of this issues paper.

In terms of practical things that we can do, apart from actually spending money on facilities, education programs and so on, one of the things is to first and foremost put the principle of self-determination. This applies not only to Aboriginal communities, but to young people generally. There are some promising signs. Increasingly, we see local government and state government enlisting young people themselves to talk about their experiences and suggest solutions—this is the way forward. As I said, it involves working with young people, not doing things to them. There is a tremendous cost to doing nothing, so I do hope this report is heeded by government at the highest levels. Finally, I would like to thank one of my dear colleagues and friends, Roger, for providing many thoughtful comments upon which I raised my remarks today.

Mr BRINDAL secured the adjournment of the debate.

WESTMINSTER SEPARATION OF POWERS

Mr BRINDAL (Unley): I move:

> That this house censures the Premier and Deputy Premier for violating the long-standing tradition in respect of the separation of the powers of church and state, and for their part in the ill-informed scapegoating of the former Archbishop of Adelaide, Dr Ian George.

I do not think in my 15 years in this place I have moved more than one or two censure motions before. I do not do it lightly because I think this touches on some of the foundation principles of this place.

The Hon. P.F. Conlon interjecting:

Mr BRINDAL: The Leader of Government Business interjects and while he is in the chamber I want to make this point. All of us yesterday were the subject of a witch-hunt which we all collectively believed to be disgraceful, despicable and lacking in any sort of morality or notion of public justice. Yet, a few weeks ago when an archbishop was subject to the same sort of witch-hunting, it was all right. I say to the chamber in connection with this motion that it bears thinking about what happened to us yesterday and that, if we did not like it happening to us yesterday, why is it all right for it to happen to an archbishop? If the Archbishop has a case to answer—I do not excuse him or seek to apologise for him—he should answer that case. I merely raise the issue of scapegoating. I also raise the important issue of the separation of the powers of this place from the powers of the church.

I remind all members in this place that, in the early days of this colony, great debates occurred about whether South Australia should have an established church. The Anglican Church was considered the church and, therefore, it would have been the established church. But the people of South Australia (the legislature of South Australia) quite wisely

decided that we should be a secular state without any notion of an established church such as in England. From that time, and in traditions including England, there has been a strict separation between the powers of the church and the powers of the state. Indeed, there is a biblical quote adhered to by most of the churches when Our Lord said, 'Render unto Caesar that which is Caesar's and unto God that which is God's.'

I am not alone in this chamber in fearing the intrusion of church politics and fundamental right-wing Christian morality into the legislatures of Australia. We only have to look at America and the beholden some say of the President of the United States to what is euphemistically referred to as the Bible Belt of the Deep South to know the serious repercussions that can flow from politicians having sectors of their electorate to whom they have to answer, sometimes to the exclusion of fairness and natural justice.

It is worth commenting in the life of this debate that president Reagan did not mention the word AIDS to the American people until 30 000 Americans were dead. He did not do so because fundamentalist Christians in those early times of AIDS believed it was God's scourge on the homosexual community. If that is the sort of Australia we want, I do not. I do not want the intrusion of the church into this chamber, but when a premier and deputy premier—and the Deputy Premier was the one who led this fight—get up and say that the archbishop should go, frankly, they open a door. If it is competent for the Deputy Premier as a leader of this chamber and for the Premier as the number one parliamentarian in South Australia to say an archbishop should go, it is competent for archbishops and fundamentalist groups to come in and tell us what we should be doing. They do. They lobby us—every single one of us—and they have a democratic right to do so, but so far that has been in check.

What we see in Australia today is some movement of those churches towards having more than a say in the lobbying, towards more than expressing an opinion and towards somehow manipulating the governance of Australia. It is happening as we speak. I deplore a Deputy Premier and Premier who aid and abet that movement by blurring the distinction that has always existed. If, perchance, what they had done was based on good solid fact, there is an excuse—an understandable reason.

In the hysteria that followed the release of the Olsson report, popularism was the order of the day. The Deputy Premier went out there with the populist line that he did not think he would ever be called to account on and did something that I believe is unconscionable. However, recently—and this now being tabled in the upper house despite the protestations of the government in allowing it to be tabled in the lower house—a report has emerged written to the Primate of Australia by Mr Ian J. Nicol AM, barrister and solicitor of the Supreme Court of the Australian Capital Territory. Mr Nicol is a good friend of Dr Ian George; let us put that on the record before the Deputy Premier and others come in and say that this is biased. Let me tell all members, and especially the lawyers in this house, that my understanding is that, if you read a document, you judge the document on its merits. It is not good enough to say that because my mother wrote a report on me that the document necessarily has to be dismissed on bias. All sorts of people write reports on all sorts people, and those reports stand and fall on the merits of the argument.

I consider it of no interest of all that Ian J. Nicol is a friend of the Archbishop; after all, one of the people most strident in his criticism of the Archbishop was Stephen Howells QC. He happens to be the Chairman of the Independent Gaming Commission. He happens to be, if you listen to the scuttlebutt, a very good friend of at least two ministers in this government. Mr Howells (who lives in Melbourne) somehow just happened, on cue, to be available for Matthew Abraham and David Bevan. I will not go into the fact that there is scuttlebutt that Matthew Abraham and David Bevan have private conversations with the Premier every morning at 5.30—

An honourable member: At 6.30.

Mr BRINDAL: Well, 6.30, 5.30; who cares!

An honourable member: I thought you weren't going to go into that?

Mr BRINDAL: I will not go into that. All I will say is that, right on cue, Stephen Howells rings the ABC, or it gets onto him (it has all the phone numbers and all the rest of it), and as a member of the Australian Synod. What the hell is the Australian Synod? The Anglican Church is a federation of communions. Each archdiocese is autonomous, and they meet together for their mutual benefit and good. There are hundreds of people on the Australian Synod. To be a member of the Australian Synod is a less distinguished position than to be a member of the House of Assembly in South Australia, and much easier to obtain. They go around looking for people who can be bothered to sit through the boring lectures on canon law and things like that. So, it is no big deal. But the ABC did not bother to say (nor has anyone in here thus far), 'Well, Stephen Howells' comments may well have been biased because they may well have served the government purpose at the time.' Yet, when we are looking at Nicol, one of the things that will be raised is that he was a friend of the Archbishop's.

I refute and dismiss that, and I want to turn to the merits of some of what he said. Pivotal to that, and pivotal to this motion, is a paragraph that I think should sit indelibly on the conscience of the Premier and the Deputy Premier. It is as follows:

> The Diocesan Council responded to the public demands of the Deputy Premier, later reinforced by the Premier, that the Archbishop should resign by passing a resolution advising the Archbishop to resign. It then applied improper pressure to the Archbishop by authorising the executive officer of the synod to release the resolution to the media on the following day. This, too, in spite of a pledge of confidentiality, was also 'leaked' to the media.

That paragraph itself deserves debate in this parliament, because it says unequivocally that the Diocesan Council, responding to the pressure of the Deputy Premier, improperly forced the resignation of an archbishop. If that is not the proper province of this parliament to debate, I do not know what is.

The Nicol report is available because, despite the wishes of this government, it has been tabled in the upper house. It is fully available. I will not, in the time left to me, be able to point out the whole number of things that the Nicol report raises: the fact that proper investigation was not carried out; the fact that no-one was allowed natural justice; the fact that witnesses were encouraged to say the things that the inquisitors wanted to hear and discouraged if they did not take the line that the inquiry wanted to take. It stands as a document that is compulsory reading for those who believe that Archbishop George is somewhat to blame.

I point this out to all honourable members. The Archbishop of Adelaide, upon becoming Archbishop in about 1991-92, immediately started to instigate procedures with

respect to this matter. The Archbishop set up terms of reference and employed a person and, from 1993 onwards, there was an independent mechanism for investigating complaints of sexual abuse within the church. The Archbishop called for the Paedophile Task Force and fully cooperated with the Paedophile Task Force set up by the Police Commissioner of South Australia. The Archbishop called for the Olsson report, set its terms of reference and caused it to be published in the parliament.

In all of this, who was the one scapegoat whose resignation was called for? The Archbishop—who did not segment and divide; and who did not take this instance, that instance and some other instance and treat them as separate inquiries (as some other churches have done) but said, 'Let's look at the whole stinking mess. Let's give it all to the police so they can prosecute the legal matters. Let's look at process from our point of view,' and then, even when Olsson exceeded his terms of reference (as he quite clearly did), had the courage to cause that to be published.

Let us look at that. Let us look at the fact that what finally drove the nail into Archbishop George's coffin was a letter from the Archbishop to the Reverend John Mountford. What was not published was the letter the Archbishop wrote to a bishop in England absolutely saying that John Mountford should not be re-employed, other than when he had undergone proper counselling and rehabilitation and all those things which we do in our prisons for such people, and absolutely saying that he should not, under any circumstances, be employed again in a school. That was never published. Neither was Mountford's letter to the Archbishop, in which, as a penitent Christian, he said, 'I have done wrong. I am sorry. But, as a Christian pastor, you owe me forgiveness and blessing.' That was never published. What was published was Ian George's letter back, which said, 'I give you forgiveness and blessing,' and also said he had counselling. It was misused; it was misrepresented.

I do not lay that at the Deputy Premier's feet, or anyone in connection with this government. My criticism of the Deputy Premier and the Premier is for intervening in a matter that was not their rightful concern. However, I raise that as an illustration of a witch-hunt. The only people in possession of that letter were Olsson, who had conducted the inquiry, Ian George, who was the Archbishop and the confessor (because this was, indeed, a confessional letter), and Mountford, who was resident in Bangkok.

Now you could presuppose that a retired judge is so unethical as to publish it, but I doubt that. I give Olsson credit for having ethics. You could presuppose that Mountford somehow knew instinctively from Bangkok the exact time to release a letter to *The Advertiser* which was self-incriminating of him—I doubt it. You could consider that Ian George might hang himself on the cross completely by nailing himself to the cross—I doubt it. The only other copy was in the Anglican Church Office. I put to members that the administration of the Anglican Church somehow—seeing that it was in a bit of trouble with Anglicans who were wondering whether Ian George was getting a fair deal—behaved unscrupulously, unethically, violated the privilege of the confessional and hung their own Archbishop out to dry.

Time expired.

The Hon. K.O. FOLEY (Deputy Premier): I do not intend to talk long on this. I say from the outset that, whilst not agreeing with the member for Unley, I acknowledge his passion in defence of Archbishop Ian George and the Anglican Church. I thought briefly what I should do is explain the events as they occurred because, from time to time as Acting Premier, one is confronted with issues which are outside the normal brief of Treasurer or Deputy Premier, and one has to respond, often instinctively and with sound judgment. On the issue concerned, I am not a practising Anglican and I am not involved in Anglican politics—quite frankly I do not care for Anglican politics, if the truth be known. What I was dealing with at that time was a set of circumstances.

The member for Unley is highly critical of former justice Olsson. Justice Olsson is someone whom I hold in high regard and I do so for a couple of reasons. First, clearly he has had a very distinguished career and I have met him on a number of occasions; and, secondly, former justice Olsson also has a responsibility for the overview of the Anti-Corruption Branch of the South Australian police force in that he has an audit role in their activities. He is someone who is highly regarded in the political and business world, and clearly the legal fraternity and, in particular, within the management structures of our police force to undertake very delicate work.

Justice Olsson obviously was asked by the Anglicans to do a piece of work. He did a piece of work, had some findings, and from those findings there were consequences. The events that occurred were really triggered, from memory, on Wednesday 9 June. I will quickly paraphrase a letter by someone who I know is held in high regard and particularly by the member for Unley, because I have been in this chamber when the member for Unley has made many remarks quite complimentary about former Liberal frontbencher and outstanding politician, Jennifer Cashmore. I am not quite sure of the division of the factional system in the Liberal Party whether the like of Jennifer Cashmore is widespread—I would assume it is. Jennifer wrote a very passionate, well-argued, articulate letter to *The Advertiser* on 9 June. I woke that morning and read *The Advertiser*, and I read formal Liberal frontbencher Jennifer Cashmore's letter, which, in the end, I thought dissected the issue and came to a conclusion that argued for Archbishop Ian George to resign on the back of the findings of the Olsson report and in relation to Mountford. She concluded her letter to *The Advertiser* by saying:

> Christ's words are relevant to this whole situation. 'Who so shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea.' (Matthew 18:6).
>
> By comparison, resignation seems a minimal penalty.

That was Jennifer's view. I was then interviewed on radio that morning at the early hour of 7.09 (I am not sure whether or not that followed a parliamentary sitting).

I was asked to respond to Jennifer Cashmore. We need to be very careful in discussing the Mountford issue because Mountford is currently the subject of extradition orders and I am not sure whether the issue of sub judice or interfering in processes could be impacted upon things said in this place, but it is the intention of the DPP and the police, I understand, to extradite Mr Mountford back to Australia and allow due process to follow, and perhaps more will be said.

The Hon. G.M. Gunn: The quicker, the better.

The Hon. K.O. FOLEY: The member for Stuart says, 'The quicker, the better.' I thought I was somewhat careful in my response to Keith Conlon that morning, but when you are the Acting Premier and you are asked for an opinion on such an important matter for which I have some views, I took a judgment (and I believe correct—others may not) to make

my views known, knowing full well that they were not the personal views of Kevin Foley: they would be interpreted at the time as the views of the Acting Premier—and for that it may well have had wider consequences. I simply concurred with Jennifer Cashmore on what I knew of the issue, and bearing in mind that I had had discussions with certain individuals before I made my comments to ascertain some of the facts, I said:

> . . . I mean, honestly, it is just undignified and as we see further information coming to public light over the course of the last week or so—

and bear in mind that material was released from Tasmania—

> I just think it's extremely disappointing and I think Ian George should do the honourable thing. . . he has only one course of action, he should resign. . . I think having Ian George in charge of the church trying to deal with this is a mistake, it is not helping. . . the church. . . cleaning up what is a very, very sad and sorry tale.

That was my view in response to the strong argument put forward by Jennifer Cashmore.

In censuring me and the Premier, by definition surely he is also censuring his former colleague Jennifer Cashmore—and the member for Unley nods yes—then he is also censuring a practising Anglican, a person of high office in this nation; that is, is the foreign minister Alexander Downer who said as much himself on 10 June. I will quote from the article from *The Australian* I have been provided with this information. I am advised that this is how the story went. Alexander Downer compared Dr George's position with that of former Brisbane Archbishop Peter Hollingworth, who resigned as governor-general last year after being found to have mishandled child sex abuse claims in his diocese. Mr Downer, whose son Edward finished studies at St Peter's last year, suggested Dr George consider his position for the sake of the church. Mr Downer said:

> 'People in positions of leadership need to reflect very carefully on what the implications are for dealing with the issue of child abuse, as well as the reputation of the church by them continuing to remain in office,' Mr Downer said.

As a foreign minister and a diplomat, that is perhaps a little more diplomatic than perhaps I was in my statements earlier that day on radio. However, in my opinion, they say exactly the same thing. Of course, the member for Unley does not mention the foreign minister, Alexander Downer, in his censure, but he should if he is being fair to this parliament and if he believes passionately about an issue and is not simply wanting to play party politics. If he was serious about censuring people in public office for their, in his words, 'role in the resignation of former Archbishop Ian George', in my opinion, Alexander Downer said exactly what I as the Acting Premier said. However, I accept that as a foreign minister he was a little more diplomatic in his choice of words.

It was an unfortunate incident. Everyone in public life—and those opposite who have been ministers, such as the member for Unley—know that we occupy these offices for a very limited time. Every day could be our last day as a minister, given the high standards of public accountability and expectation from the wider community in relation to our behaviour and conduct and our role as ministers of the Crown in fulfilling the requirements of delivering public policy to the community. The truth is that former archbishop Ian George had a high media profile, and he often made public comment about public policy which had no bearing on matters of the church, and he was often a critic of politicians of all sides. In fact, on a number of occasions I can recall his being highly critical of John Howard, and I have often heard him be critical of Labor policies.

I happen to subscribe to the fact that it is a little precious and somewhat insensitive for those of religious faith who choose to enter the domain of public policy critique to find that, if a politician ventures an opinion on matters impacting on their profession, somehow that is political interference. That to me is an old notion of the separation between church and state. In our modern, dynamic society, church and state are often critics of each other. I did no more than express an opinion, and I stand by that. I think the censure should be defeated.

Mrs REDMOND (Heysen): I will make a brief contribution in light of the comments of the member for Unley and the Deputy Premier. I guess I take a line that is somewhat in between the two of them. There are a number of elements in what the member for Unley said that I cannot agree with. I think he overstates the case for the separation of state. In fact, I am inclined to accept the view of the Deputy Premier, as he has just expressed it, namely, that there is often interaction between church and state. Indeed, I note that we started—as we start every day in parliament—with a prayer. So, it is a bit of a nonsense to assert that there is an absolute separation of church and state in this state.

Another issue I would take up and argue with the member for Unley is the idea that the report of Mr Nicol can be taken as being unbiased. He referred to those of us who are lawyers. I reflect on the concept that justice must not only be done but must manifestly be seen to be done, and therefore, in any legal forum, a report supposedly independent but prepared by someone acknowledged to be a close friend of the person who is the preparer of the report, can hardly be seen to be independent. In that regard, I do not agree with the assertion that this report can be taken any more at face value than any other report prepared by a close friend.

I think there is a basis for disagreeing with some of the contentions made by member for Unley. However, overall, I do support the thrust of the contention, but I do not support the particular wording 'ill-informed scapegoating'. Nevertheless, I believe it was inappropriate for any politician to enter into the debate. In my view, nothing about the events required anyone other than the church to take care of its own decision. Ultimately, the church would probably have reached that decision, anyway: I do not think there was anywhere else for the church to go but there. I think it was inappropriate for members of parliament of any persuasion to enter into the debate at all and that it was appropriate for us to leave the church to take care of its own matters. There was nothing touching on parliamentary matters involved in the immediate aftermath of the original report, and I believe we should have stayed out of it altogether.

Mr KOUTSANTONIS (West Torrens): I find the member for Unley's motion a bit hypocritical. I understand his intention, although I do not support it.

Mr Brindal interjecting:

Mr KOUTSANTONIS: Well, move a point of order. I am a bit concerned that the member for Unley talks about the separation of the powers of church and state. The member for Unley was one of the members in this place who stood up and wanted to have the church's report tabled in this place in order to give it parliamentary privilege. I am not quite sure from what point he comes from. In one argument he says that we should stay right out of the affairs of the church; the next

point he comes into this house and wants to table documents in order to give the church parliamentary privilege. The member for Unley cannot have it both ways.

Basically, I rose to speak because I know the Premier and Deputy Premier quite well, and I think they are excellent leaders in our community. I believe the community expects, if not demands, that our leaders stand up for them in these matters. I am sure that people who were the victims of child abuse within the church would have expected nothing less of their democratically elected leaders than for them to stand up for their rights and privileges and to speak on injustice. After all, that is our job. Our job here is to cast a light on injustice. Just as the member for Unley thinks he is doing now, that is what the Premier and Deputy Premier were doing at the time. I think the censure motion goes way too far. If this parliament and parliaments across the nation and, indeed, the world are silent on child abuse, we stand condemned. If the Deputy Premier had said nothing, I wonder if members opposite would have been asking questions about why we had not said anything.

With the Deputy Premier also being a father, of two boys, he has every right to stand up and defend the rights of victims. The member for Unley is a God-fearing member of the Church of England and wants to defend his church, but that is the purpose of the pulpit. The purpose of the parliament is to cast light on matters of community interest. As one of the greatest Labor members of parliament this state has ever produced, Ralph Jacobi, once said, the best disinfectant is sunlight.

Mr RAU (Enfield): Whatever people might feel one way or the other about the issues that have been raised by the honourable member, I say this in the nicest possible way but, if the honourable member was more serious about ventilating the issue and less serious about making a presentation, if I can put it that way, the fairly dramatic format of this motion would not have been to censure the Premier and Deputy Premier, which is clearly designed to attract the attention of those who find the word 'censure' stimulating—our friends in the media—and it would seem to me that, if what the honourable member really wanted to do was express a view supportive of the former Archbishop, he would have chosen a different form of words.

And he probably would have received from this side of the house a different response. But because what he has done in this motion, rather than advance the cause of the former archbishop, is engage in what for want of a better word one might call a stunt, by employing an attack on the Premier and Deputy Premier as a vehicle with a tag that happens to relate to the archbishop, he has actually lowered the debate about the whole issue and not advanced the cause of the former archbishop one jot. He has in fact created something for us that we need not have been worrying about.

I say to the honourable member and to other members of the house: if someone wishes to ventilate an issue of public concern, which I accept this may well be, for goodness sake address yourself to the real issue and focus on the issue. Do not try to add bits of parsley to the plate by adding on references to the Premier and the Deputy Premier and censure. This is foolish and unnecessary. I disagree strongly with this motion because it has been designed to be nothing more than a political stunt and it should be treated as exactly what it is: a political stunt.

If the honourable member does wish to ventilate an issue about the internal workings of the Anglican Church, I am more than happy for him to do so, but not in a format that uses the legitimate internal processes of the Anglican Church as a vehicle for a stunt designed to attract attention by reference to a censure motion against the Premier and Deputy Premier.

Mr HANNA (Mitchell): I have an amendment to this motion. I move:

That the words 'censures the Premier and Deputy Premier for violating the long-standing tradition in respect of the separation of the powers of church and state, and for their part in the ill-informed' be deleted, and the words 'regrets the' be inserted in lieu thereof.

The motion would then read:

That this house regrets the scapegoating of the former Archbishop of Adelaide, Ian George.

I do that because I believe there was an unfortunate element of public scapegoating when the Mountford allegations were revealed. I am not suggesting that it could not have been handled better within the Anglican Church, and the allegations are of the most serious nature: no question about that. But there is a tendency among the senior politicians in this state to ride popular sentiment at the expense of fair play, and on this occasion it was all too easy to play to the tune of public indignation about revelations of sex abuse within organs of the Anglican Church. That indignation, of course, was quite understandable and only to be expected. It was indignation based on very real concerns, but to pander to that indignation and sink the boot into a public figure whose life had otherwise been one of immense service to his church and his community was most unfortunate.

Mr BRINDAL (Unley): I am minded, depending on the government's position—

The ACTING SPEAKER (Mr Caica): Order! If the member speaks he closes the debate. Are there any other speakers?

The Hon. K.O. FOLEY: Simply to say, sir, that I oppose this amendment—

The ACTING SPEAKER: Order! The member has already spoken.

Mr BRINDAL: I commend the member for Mitchell for at least having listened to the debate, and trying to come to a position in which the house might find some consensus. Nevertheless, I thank all honourable members for their contribution and point out to the Deputy Premier that I accept that he found himself in a difficult position. I also accept that he was swayed in some way by the letter of the Hon. Jennifer Cashmore, a communicant Anglican, formerly a minister in this place, and I accept the slight admonition of my colleague, the member for Heysen. Nevertheless, I go back to making two points: that I fear the intrusion of a branch of militant Christianity into this place, and I believe that when we start to interfere in the organisation of churches we open the door a little bit wider to that possibility. I do not censure the Premier and the Deputy Premier because I dislike them or for any other reason than to say that I think the Deputy Premier at best was ill-advised in his comments and ill-informed in the instruction he took from Jennifer Cashmore, and I think that the Deputy Premier would agree that if he had more time to study the issue he might not have said quite what he said.

The Hon. K.O. Foley: No; I am happy with what I said.

Mr BRINDAL: Well, if he is happy with what he said, he is happy with what he said. Nevertheless, that is why I brought a motion in here, and I disagree with him. The member for West Torrens in his remarks said that I wanted

it both ways because I had sought to table a document. I only sought to table a document in this place because another document had been previously tabled in this place.

Mr Koutsantonis: You supported it.

Mr BRINDAL: Yes, I did. The whole house supported the tabling of that document, but that is not about the separation of powers.

Mr Koutsantonis: Yes, it is.

Mr BRINDAL: Member for West Torrens, that is not about the separation of powers. It is simply about giving that document the privilege which only parliament can afford. That was the reason that it was tabled and that was the reason the house agreed to it, not to interfere with it but to table it, to afford it the privilege and to allow it to be out there and debated publicly. I believe that this house should do that for any organisation that can demonstrate a need in that respect. I do not accept the member for Heysen's comments—I accept that insofar as that person may be a friend of Ian George, then he may be accused of bias, but I also accept that any reasonable reader knowing the fact that he is a friend and reading it is capable of distilling what could be bias and what certainly could be emotive language from what are matters of fact. Where any author writes, 'These are the terms of reference and this is what was done,' if an author presents fact and that fact is right and supported by the evidence, the fact stands, no matter what the bias of the author.

So, I say to the member for Heysen, I acknowledge that the author of the report could have been biased. Can anyone in this house tell me someone who is not biased in some way in everything we do? We all show bias, all of our lives, in every single thing we do. The author was biased but knowing that the author was biased, and knowing exactly how the author was biased, it is still possible to read carefully what is said and say, 'Yes, this is a matter of fact.' Nobody has stood in this debate and refuted the fact that a letter from a priest, a confessional absolution from a priest, was leaked to the public media in South Australia. Nobody has refuted that fact, and on that fact alone the Archbishop was scapegoated.

An honourable member interjecting:

Mr BRINDAL: No, that was not, which is why I was minded to accept the amendment of the member for Mitchell—which the government benches have also been minded not to accept. So, the censure motion stands. I censure the Premier in terms of his interference in a traditional separation of powers, and in terms of not being fully informed. The member for Mitchell sought a compromise; the government benches rejected it. If they want us to vote, therefore, on the censure of their Premier and Deputy Premier, the vote will probably be lost, but we will still vote on it.

The ACTING SPEAKER: Order! The honourable member's time has expired. I think that, for the benefit of members, I will read the amendment as I understand it to be:

That this house regrets the scapegoating of the former Archbishop of Adelaide, Dr Ian George.

I have the nod from the member for Mitchell.

The house divided on the amendment:

AYES (18)

Brindal, M. K.(teller)	Brokenshire, R. L.
Buckby, M. R.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kotz, D. C.
Matthew, W. A.	McFetridge, D.

AYES (cont.)

Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (24)

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

PAIR(S)

Kerin, R. G.	Snelling, J. J.
Brown, D. C.	Conlon, P. F.

Majority of 6 for the noes.

Amendment thus negatived.

The house divided on the motion:

AYES (16)

Brindal, M. K. (teller)	Brokenshire, R. L.
Buckby, M. R.	Evans, I. F.
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.
Venning, I. H.	Williams, M. R.

NOES (25)

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

PAIR(S)

Kerin, R. G.	Snelling, J. J.
Brown, D. C.	Conlon, P. F.

Majority of 9 for the noes.

Motion thus negatived.

ROTARY INTERNATIONAL CENTENARY

Mrs REDMOND (Heysen): I move:

That this house congratulates Rotary International on the centenary of its foundation in February 1905 and recognises the remarkable impact that Rotary has made and the substantial contribution it continues to make in communities throughout this state and internationally.

Whilst I do not expect it to be a contentious motion, it is in recognition of the centenary of Rotary which occurred last Wednesday on 23 February. I know that a number of people were present at the centenary dinner which was attended by the former governor-general of Australia Sir William Deane

and which heard a message from the current Rotary International President, Mr Estess. It was a specific message: it was not just a generic message. He came onto a screen and President Glenn E. Estess Snr gave a specific message to the Rotary Clubs of South Australia—the two districts of 9500 and 9520—which were there to celebrate the centenary of Rotary which, as I said, occurred last Wednesday 23 February in recognition of the foundation of that organisation in February 1905.

For members who may not be familiar with the organisation, it is just about the largest service organisation in the world established by a chap by the name of Paul Harris who was a lawyer. At least it lets us recognise the fact that all lawyers are intrinsically evil as some people in this place might sometimes like to suggest. On 23 February 1905, he invited some friends to a meeting and those friends were Sylvester Schiele, who was a coal dealer, Hiram Shorey, who was a merchant tailor, and Gustavus Loehr, who was a mining engineer. They met in a building called the Unity Building in downtown Chicago and they got together because Paul Harris had grown up in Vermont. He was used to a small town upbringing and business around him. He decided that it would be a good idea if these people could get together and meet with a view to enhancing and kindling a fellowship and friendship amongst business leaders.

They had a membership of just those few and the name Rotary came about from the fact that it was decided that they would meet in sequence at their various homes. Of course, by the end of that year—keeping in mind this first meeting was in February 1905—they already had some 30 members. It quickly got to the stage where they could not actually continue to meet in their homes because the group was too large. However, one of the most notable things was that the organisation quickly changed from one which was focused on fellowship, although that remains a major impetus in Rotary to this day, to having a focus of service above self.

I think by about 1910 they got to the point where it was necessary to think about formalising that and, since the convention that occurred in 1911, speakers used phrases like 'service not self' and that was ultimately changed to 'service above self' which remains the essence of Rotary to this day. From that start with four members, shortly thereafter came a fifth member, and, after that, they grew very quickly to the point where today we have clubs in 166 countries around the world. There are 31 000 Rotary clubs and approximately 1.2 million Rotarians throughout the world. As Glenn Estess said, it is rare for any organisation to last for 100 years but, for a volunteer club to last 100 years, is indeed an achievement.

It spread very evenly; given that it went from its initial start in 1905 to the end of that year having some 30 members, it quickly moved to having other clubs throughout the USA and then it moved around the world, firstly into Canada and then into the UK. By 1925 there were 200 clubs with more than 20 000 members. So, in the first 20 years it expanded considerably. As it grew and took in various professions it changed not only in its focus but also in the way in which it did things. It has become a very professional organisation. Originally when Paul Harris founded the club, of course, there was to be one representative of each field of endeavour, and for the longest time that remained the case. I think these days that is probably honoured more in the breach than the observance. I know that in my own club at numerous times we have had a multiplicity of engineers—in fact, we have had a couple of lawyers from time to time—and there are certainly people in similar professions; we are designated slightly different titles. However, generally, the initial idea of having only one representative from each profession was found to be a little unworkable, especially as people found that volunteer clubs were becoming less popular, and it became necessary to be a little less strict about that.

We now have a number of people from various areas all representing their profession but, more so, they are there because they want to undertake community service. The Rotary clubs in South Australia are divided into two districts; 9520 and 9500. I forget exactly how many clubs there are, but I know that a number of members of this chamber and the other place are members of various Rotary clubs and, no doubt, they may wish to contribute to this debate in due course. Of course, the Rotary Club was a male only domain until 1989. It was a long time after it was founded before it decided that it would allow those of the female gender to become members of Rotary. Although there are now many clubs (and, indeed, probably most clubs in this part of the world) which admit female members, there are still some which do not allow female members. I am pleased to say that I was the first female member of a Rotary Club in the Adelaide Hills: I became a member in 1994. I was privileged enough to be the first female invited to join a Rotary Club there. However, it took the club five months to decide to have me as a member because many of the males in the clubs thought they would resign if a female was allowed to join. In fact, they tell me—

Mr Koutsantonis: You joined a club that would admit you?

Mrs REDMOND: That is right. As the member for West Torrens said: why would you join a club that would allow you to be a member (to quote the great Groucho Marx)? The interesting thing was that it was not so much the men in those clubs as their wives who did not want female members, because they did not like the idea of the women hanging around their men at meetings that they were not attending. Indeed, I remember that, for a long time after I joined (because for 4½ years I was the only female member of my club), I was often faced with the suggestion: 'Why don't you get more women to join the club?' and I would say, 'Well, that's easy to say, but how do I find a lot more women who have husbands who are prepared to stay at home and cook dinner for the three kids while they go out to dinner at the pub with two dozen guys?'. That was the nature of my membership of the club for a long time.

I do not want to rave on about my membership of the Stirling Rotary Club (of which I was privileged to be the president in the year 1999 to 2000), but I want to talk about some of the amazing work that Rotary clubs generally do. Probably the most amazing thing they have done is that, in 1985 (when the club was 80 years old internationally), it was decided that we should have a bit of a big vision, and the vision they chose was to rid the world of polio. They wanted to rid the world of polio by the year 2005, recognising that that, indeed, would be the centenary of Rotary International. There have been literally hundreds of thousands of volunteers—and I forget the figure, but something in the order of $1 billion has gone towards removing polio from the world. They have not quite succeeded, I believe, but they have come very close to it. I know that internationally we do other work as well, but I believe that probably Rotary's greatest claim to fame is to remove polio from the world through the program known as Polio Plus.

Of course, a lot of those things are done through the Rotary Foundation, which is basically a not-for-profit corporation that promotes world understanding through international humanitarian service programs and educational and cultural exchanges. At any given time, thousands of Rotary clubs around the world are engaged not only in helping their immediate communities but also in helping to undertake activities internationally. Indeed, I remember that, when I was the director of international within my club, we had quite a substantial book from which to choose projects.

My own club of Stirling is currently engaged in placing wells into schools in the Philippines, because the schools (which have over 1 000 students, and often several thousand students) literally do not have water on tap. We have established a sister club relationship with the club that we are dealing with in the Philippines. We are combining resources with the Rotary Foundation and RAWCS, I think, which is one of the Rotary organisations, and putting these wells into schools. I think we have just finished the second well, and we are looking into doing a third well at a school in the Philippines—and, indeed, a couple of our members are heading off to the Philippines to see the work that they have been doing.

Rotary has become involved in all sorts of projects over the years. And, of course, Rotary instantly leaps to the fore whenever there is a major disaster, such as Ash Wednesday in the Hills. We do a lot of work in our local communities, and we have a lot of involvement with the local school. We promote things such as RYLA (Rotary Youth Leadership Awards) and RYPEN (Rotary Youth Program of Enrichment), which is aimed at 15 to 17-year olds who can go away for a weekend camp, where they are taught about leadership and team work and all sorts of things such as that.

[Sitting suspended from 1 to 2 p.m.]

TAX INCREASES

A petition signed by 57 residents of South Australia, requesting the house to urge the government to legislate to remove the relationship between property value increases and increases in land, council and water/sewer taxes and tie future increases to these taxes to CPI or minimum wage increases was presented by Mr Hanna.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 338 and 342.

VOLUNTEERS, MINISTERIAL COMMITTEE

338. **Dr McFETRIDGE:**

1. How many staff are employed to work on the Ministerial Advisory Committee for Volunteers, what are their names and salaries, and where are their offices based?

2. How many times did the committee meet in 2003-04 and how many times are they expected to meet in 2004-05?

3. How many committee members are paid employees of their representative sector?

The Hon. M.D. RANN: I have been advised of the following:

1. The manager, major projects provides the executive officer role for the Volunteer Ministerial Advisory Group (VMAG) as part of his duties. As the advisory group's role is to monitor the progress of the 'Advancing the Community Together' partnership most Office for Volunteers staff would at different times undertake either specific projects in relation to implementation activities or be involved in the provision of administrative support to the advisory group itself or its working parties. The staff are based at Level 9, 50 Pirie Street, Adelaide. The title and salary levels of Office for Volunteers staff are:

Title	Salary Level
General Manager	MAS-3
Manager Major Projects	ASO-7
Senior Policy Officer	ASO-6
Senior Policy Officer	ASO-6
Senior Project Officer	ASO-6
Project Officer	ASO-4
Communications Officer	ASO-3
Office Coordinator	ASO-2

2. The Volunteer Ministerial Advisory Group (VMAG) was established in August 2003 to provide a direct link and advice to the Minister for Volunteers on issues concerning the Volunteer Sector.

Members of the VMAG are responsible for liaising directly with the volunteers community and identifying priority issues.

All VMAG representatives are involved on a working party charged with establishing priorities and timeframes for the ACT Partnership commitments and overseeing implementation.

The advisory group met three times during 2003-04 and each working party met on seven occasions. It is anticipated the meeting schedule will remain the same in 2004-05.

3. The Volunteer Ministerial Advisory Group has twenty nine representatives and is chaired by the Parliamentary Secretary Jennifer Rankine MP. Seventeen are paid employees within their representative sector.

VOLUNTEER ORGANISATIONS, RISK MANAGEMENT

342. **Dr McFETRIDGE:** Has any expenditure been allocated in 2004-05 to fund a paid risk management professional to work with volunteer organisations to conduct risk assessment and develop risk management plans as required by the insurance industry?

The Hon. M.D. RANN: I have been advised in 2003-04, 24 free risk management training workshops were held throughout metropolitan and regional areas and funded through a joint initiative between SAICORP, the Office for Volunteers and the Office for Recreation and Sport.

With the continued support of the Office for Recreation and Sport, the workshops have been available to community groups in 2004-05.

NATIONAL WATER INITIATIVE

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

Leave granted.

The Hon. M.D. RANN: Last June at the Council of Australian Governments' meeting in Canberra, the majority of state premiers and chief ministers joined with the Prime Minister in signing up to a 10-year, $2 billion national water initiative that is aimed at creating a long-term sustainable fresh water system for Australia. The signing of the national water initiative was an historic and bipartisan move, signed on the same day as the first stage of the $500 million River Murray rescue in which South Australia had been a prime mover. For the first time, this initiative recognised that because we live in the driest continent in the world, every state and territory must work cleverly and cooperatively to ensure our precious water supplies are well managed for future generations.

Last September, during the federal election campaign, the Prime Minister, John Howard, announced in Adelaide that he made the decision to use the state's national competition payments to fund the federal Liberal water plan. This unilateral decision to use the state's money without consultation with the states placed in jeopardy the future of the national water initiative agreed at COAG. It went against the total spirit of the COAG agreement that we had signed just a few months before. I signed a joint letter from all premiers and chief ministers to the Prime Minister expressing our opposition to using national competition payments to fund

future national water initiatives. However, we made it very clear in the letter that the states and territories would continue to implement our comprehensive water policy initiatives and remained committed to national water reform in the absence of leadership from the commonwealth.

South Australia was the first state in the nation to commit real money to the national water initiative—and we have never walked away from that. The debate about the use of the state's competition payments to fund the national water initiative is a debate that is still to be had between the states and the Prime Minister. I have no doubt it will be vigorously debated at the next COAG meeting later this year. In the meantime, however, like Victoria and Queensland, I want to reaffirm publicly our commitment today to the national water initiative. At present, South Australia has proposed a whole range of water projects under the national water initiative for which we are seeking joint federal funding—such as our comprehensive Waterproofing Adelaide plan.

In the immediate term, we are seeking $35 million from the commonwealth under the initiative to help this state fund three projects in particular. These are:

- A $40 million project to augment fresh water supplies for the Eyre Peninsula, which includes a desalination plant which would produce fresh potable water.
- A $51 million project to overhaul completely the way water in the Mount Lofty Ranges is used and managed so that water supplies in the area are used far more efficiently than they are currently.
- A $3.15 million extension of the Virginia pipeline to enable the reuse of effluent as 'grey water' for watering parks and gardens, including market gardens.

South Australia has already placed on the table $25 million as its contribution towards these projects, which we would like to begin as soon as possible. The estimated cost of implementing the National Water Initiative in South Australia over the next 10 years is $400 million. This state government remains committed to this initiative, and I urge John Howard to call the COAG meeting as soon as possible so that we can get these projects going. I will be writing to the Prime Minister to outline our position.

QUESTION TIME

POLICE, RESOURCES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Police assure the house that the police will be given every resource necessary to thoroughly investigate the allegation made yesterday regarding a member of parliament?

The Hon. K.O. FOLEY (Minister for Police): The police, in relation to operation issues, clearly have all the resources necessary to undertake any inquiry the police deem appropriate. The only discussion I have had with the Acting Police Commissioner on this matter was prior to question time yesterday, where he reaffirmed to me that the issue raised in this place (from memory, on 25 September last year) by the member for Bragg, was investigated fully. As my statement of 13 October 2003 made very clear, that matter was following a complaint to the police from an individual. At that time, a person had gone to the member for Bright, and the member for Bright had then referred the matter to the police. I am advised that the matter was investigated fully, and there was no basis to support the allegation that was made. In fact, from memory, the person who made the complaint (who is a constituent of mine) made a complaint to my office that he was used for political purposes by the opposition at the time. I have every confidence in the police to undertake any inquiry that may be appropriate. As I have said, I spoke to the police yesterday and, at that stage, as far as they were concerned, this matter was a closed matter from some time ago, and no evidence had been provided that would indicate otherwise.

WOMADELAIDE

Ms CICCARELLO (Norwood): Can the Premier advise the parliament of the government's response to a recent decision of the ABC to cease recording and broadcasting performances at WOMADelaide?

The Hon. M.D. RANN (Premier): I thank the honourable member for her interest in this area. She has a keen interest in the ABC and, of course, a very keen interest in WOMADelaide. As my adviser in the parliament on arts matters, I am delighted to accept the question from her.

I have written to the Managing Director of the Australian Broadcasting Commission, Russell Balding, to express my great concern on being advised by Arts Projects Australia, the organisers of WOMADelaide, that, for the first time since 1992, the ABC will not be nationally broadcasting or recording performances from this unique and hugely successful national event. That Australia's national public broadcaster has made this decision after a long and successful association with WOMADelaide is of immense concern to me. The WOMADelaide 2005 program brings to Australian audiences a brilliant selection of performers and their music from countries and regions, including Africa, South America, Asia, the United States, Ireland, the Middle East, the United Kingdom, Europe and, of course, New Zealand.

Importantly, there are approximately 10 Australian headline performances in the program, with all but two from outside South Australia. By live broadcasting on television and radio or recording for later broadcast WOMAD's international and Australian musicians, a rich and long-lasting resource is made available to audiences across all ABC stations in Australia and potentially the Asia-Pacific. Only recently, a WOMADelaide performance from 2004 was programmed on the ABC's Friday Radio National live on stage program and repeated on the following Sunday afternoon.

Programming from WOMAD brings to the ABC a new, wide-ranging and valuable national audience base. Given these factors, it is difficult to understand how the ABC could make such a decision. It reinforces my concerns, reinforced by television current affairs and sporting coverage decisions in recent years, that the ABC's coverage and operational activities seem to be rapidly shrinking away from wider Australia and our regions to a Sydney, Melbourne and Eastern Seaboard base.

In the interest of the Australian ABC audience, I have asked that the ABC urgently reconsider the WOMADelaide decision with an assurance that the ABC will continue to broadcast and record high-quality cultural events from capital cities such as Adelaide and from Australia's broader regions.

ALLEGATIONS, INVESTIGATION

Dr McFETRIDGE (Morphett): My question is to the Attorney-General. What steps will the government take to

ensure that any witness who wishes to come forward in relation to the matters raised by the Speaker is entitled to be admitted to the witness protection program? The Witness Protection Act 1996 establishes a witness protection program.

The Hon. K.O. FOLEY (Deputy Premier): In my 19 years as an adviser, member of parliament and minister I have never witnessed such disgraceful conduct by many, in terms of promulgating and encouraging the spreading of a rumour that I understand was made by an individual whom I have mentioned before who, if I am correct in assuming it is the same person, is the type of person I would have thought that many of us in politics get in our electoral office, who make allegations and complaints in the 'weird and wonderful' category. In this case, this weird and wonderful complaint was picked up by the member for Bright and, I understand, the member for Mawson, and that person was encouraged to go to the police, which did happen.

The police, I assume—and I stand to be corrected—chose to investigate the matter because it was referred to them by a member or members of parliament. Any other individual citizen in this state would, I guess—and again I stand to be corrected—not have been subjected to the level of investigation. But I have had sitting in my ministerial office a senior officer of the Anti-Corruption Branch and the then acting Commissioner of Police, who made it very clear to me, to the limit to which they are able to brief a minister on an operational matter, that there is no basis to the allegation. From memory, they made some interesting observations of the individual concerned and that person's previous history of making unsubstantiated claims about individuals.

But for this to come into this house and for you yourself—because you yourself, sir, should bear some of what I am about to say—is in my 19 years some of the most appalling and reckless behaviour of a member of this house. For the leader of a political party, for a shadow minister of an opposition to come into this place and ask such politically motivated questions, from which it can only be implied that there is substance to these unfounded allegations, already at this stage ruled out by police, is one of the lowest, most disgusting, deceitful places this parliament has ever been.

For the Leader of the Opposition to be so desperate to claw back popular support as to grab hold of an issue that the police, as recently as this morning on AM radio, said had been investigated some time ago and had no basis, when there is no new information, is a grubby piece of gutter politics which this house has never seen before in my time as a staffer or as a member of parliament. I say to the opposition: you know full well how the police of this state operate. You know full well that if there is any substance to any allegation about anyone in public office they have their resources, they have the legislation, and they have the power. You are a grub.

The SPEAKER: Order!

Mr BRINDAL: I rise on a point of order. I ask you to reflect whether the last answer was a reflection on the chair.

The SPEAKER: The member for Unley asked me to determine whether or not it is a reflection on the chair. I am not sure that it is but I can assure the house that there is not one person that has made remarks in my office to me and those who have been working with me on this matter; there are several.

The Hon. K.O. Foley: Well, go to the police.

The SPEAKER: Of the occasions upon which that has been referred to the police by any one of them, they have not been taken seriously to this point, but they will be from last evening onwards. For the Deputy Commissioner of Police to have said this morning, as I understand it, that there was no further evidence is a denial of the arrangement which I made with those senior officers from the Major Crime Squad last evening, that I would provide the information by which it would be possible for them to further examine the information which I have been given. I am doing that, and I am doing it in a way which ensures that those people have their rights and interests properly protected, and I am doing it in a way which would be more expeditious than many of the responses that I have received, or failed to receive, from the police and other public figures to whom I have made remarks and reports in previous times. I will say no more about the matter.

SOUTHERN SUBURBS, TECHNICAL COLLEGE

Ms THOMPSON (Reynell): What representation has the Minister for the Southern Suburbs made to the federal government to support the establishment of a federally-funded technical college in the southern suburbs, and what response has he received?

The Hon. J.D. HILL (Minister for the Southern Suburbs): I thank the member for Reynell for her question—

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley is out of order!

The Hon. J.D. HILL: —and I acknowledge her great interest in technical education and skills development in the southern suburbs, and her strong representation in relation to this particular matter. I am in receipt of a media release put out today by the member for Mawson in relation to the technical schools plan for the south. The press release implies, or makes plain, his view that I have neglected the southern suburbs, and that I have done nothing to promote this particular scheme, and he goes on to attack me in that media release. On 22 December, I wrote to the new federal Liberal member for the seat of Kingston, Mr Kym Richardson, and said:

> I write in relation to the government's plan to establish 24 technical colleges throughout Australia for students in years 11 to 12.

I noted that the technical colleges will be located in regions and so on, and I give a bit of background about the southern suburbs. I then went on to say:

> For these reasons I strongly support establishing a technical college in the southern suburbs. I am aware of strong community enthusiasm for this proposal, especially from a number of our schools and local businesses.

I then stated:

> I have asked the Office of the Southern Suburbs to work with the community to develop such proposals, and I note that initial expressions of interest are to be submitted to the Australian Government on 18 February.

I finally said:

> I am keen to assist you as the local federal member of the government in securing this outcome, which I am pleased to note was a commitment that you gave in your maiden speech to parliament. Please do not hesitate to contact me if I can be of any assistance.

It was a non-political letter, trying to offer support from the South Australian government to him as the local member to win something for the southern suburbs. I received this reply, dated 21 February, and it hit my desk yesterday:

> Dear John,
>
> Thank you for your recent letter regarding the establishment of 24 technical colleges throughout Australia. When the government announced this initiative, I immediately received a personal briefing from minister Hargrave. Following this briefing, I contacted local

industry groups and the Office of the Southern Suburbs, and had a meeting with them to discuss their proposals and encourage them to lodge an expression of interest.

Since that time I have met with these groups a further four times to assist in the formulation of their expressions of interest. Obviously, once the expressions of interest are submitted on 18 February I will be strongly lobbying the government to ensure that a technical college is established in the local area.

Thank you for your offer of assistance. I will contact you if I require any state government involvement.

So much for the Liberal Party, the Liberal member for Kingston and the state's member for Mawson criticising me for not being involved. I offered support; it was rejected by the Liberal member for Kingston. It is outrageous for the member for Mawson to criticise me or this government for a failure to deliver in relation to training in the South. In fact, on 29 November my colleague the Minister for Employment, Training and Further Education announced a program of $662 000 to assist people to get jobs in the southern suburbs. On 13 December I announced another scheme of $220 000 for 125 new apprenticeships and traineeships in the southern suburbs. The member for Mawson's press release reveals his desperation to win his seat. He is doing and saying anything to win it. He did the same thing last time, as we know, and he is prepared to do it and say it again.

Mr Brokenshire interjecting:

The Hon. J.D. HILL: He says he is interested in jobs in the south; but he is only interested in one job in the south, and that is his own.

Mr BROKENSHIRE: Point of order, Mr Speaker. I believe that they were improper motives, and I ask that the minister withdraw those comments and accusations that he just made. They were improper motives, sir.

The SPEAKER: Of what does the member for Mawson complain, under standing orders?

Mr BROKENSHIRE: The standing order referring to the fact of any minister making claims about allegations or improper motives that I had not been involved with—namely, what he said about my situation around the training college and other matters in the south.

Members interjecting:

The SPEAKER: Order! I understand that the member for Mawson complains that the minister imputes improper motive to him, or even, for that matter, participation in the issue. Does the minister wish to apologise for that? I do not see it as unparliamentary, but if the member for Mawson was not involved then the minister ought not to claim him to be involved.

The Hon. J.D. HILL: The member for Mawson makes outrageous claims about me in a press release, and when I counter in here he objects. I do not apologise, sir. He is wrong. He is prepared to say and do anything to win his seat again. He did it at the last election, and he is doing it again.

Members interjecting:

The SPEAKER: Order! The honourable member for Bragg.

Ms CHAPMAN (Bragg): I have a supplementary question to the minister. If the minister is so concerned about technical schools in the southern suburbs, why has he not supported the approval of the Reynella East application to be a technical school to his own minister?

The Hon. J.D. HILL: It is interesting that the member for Bragg asks a question about technical schools, because I will tell the member for Bragg what I have done in relation to technical schools. When the former government was—

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright is out of order!

The Hon. J.D. HILL: When the former government was in power there was a proposition to have a technical college in the southern suburbs; a vocational college they were calling it. The plan being put forward by the member for Light, the then minister, was for that college to go to the northern suburbs. I started lobbying for the southern suburbs to have one as well. I worked closely with the member for Mawson and we achieved the goal with bipartisan support. I am surprised now that the member for Mawson has changed his tactics.

Ms CHAPMAN: Point of order, sir. On a question of relevance, I ask what action he had taken in relation to the Reynella East Primary School application to his minister, that is, the current government?

The SPEAKER: I understand that, but the minister is disinclined to address that.

PORT RIVER BRIDGES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Infrastructure. Will the minister identify which groups have made representations in favour of opening Port River bridges?

The Hon. P.F. CONLON (Minister for Infrastructure): I understand the question to be about which groups made representations in favour of opening bridges. I am not sure that I can quite put the Leader of the Opposition in the category, but when he told me that we would be irresponsible if we did not look at changed circumstances and all the options, I think he went very close. For the rest of the list, I will have a look and find out for you. I add that the Liberal member for Schubert has also persistently asked us for closed bridges. The Leader of the Opposition asked for opening bridges, then he has written me a letter saying he might prefer closed bridges. I will try to find the list of other people who have stated a view. I will give the Leader of the Opposition credit for this: he stated not one view but several.

The Hon. R.G. KERIN: I have a supplementary question. Given what the minister said, will he reaffirm what he said on TV last night that 'The Navy's choice not to go to the inner harbour any more undermines the entire purpose for which we sought opening bridges.' Is it only the Navy that wants opening bridges?

The Hon. P.F. CONLON: I have provided the house with the letter from the Navy that says it does not care whether the bridges are opening or closed—it is not going into the inner harbour anyway. So that the Leader of the Opposition who plainly cannot read the letter can understand: it is nothing to do with the Navy asking for opening bridges, nothing to do—

The Hon. R.G. KERIN: I rise on a point of order. I asked who other than the Navy wanted opening bridges and the minister seems to be referring to just the Navy.

The Hon. P.F. CONLON: The question was who other than the Navy wanted an opening bridge. I am trying to explain that the Navy did not ask for opening bridges or closed bridges: it said it will not go into the inner harbour regardless of what happens. Who else asked for opening bridges? I will find out. It was originally you, then the member for Schubert wanted something else, now you want something else—I will try to find out who else.

The SPEAKER: Order! The minister knows that I did not say any such thing, but the Leader of the Opposition may have.

LEGAL SERVICES COMMISSION

Mrs GERAGHTY (Torrens): Can the Attorney-General inform the house about the appointment of the new chairperson of the Legal Services Commission of South Australia?

The Hon. M.J. ATKINSON (Attorney-General): I am pleased to announce that Ms Dymphna Eszenyi, better known to us as 'Deej', has been appointed as Chairman of the Legal Services Commission of South Australia for a term of three years commencing on 20 January 2005. Ms Eszenyi is a well-known Adelaide solicitor and partner of the law firm Camatta Lempens since 1984. Ms Eszenyi has extensive experience in civil law matters for about 20 years at that firm's Kilkenny and Port Adelaide offices. Ms Eszenyi is the President-Elect of the Law Society of South Australia and has previously served on many Law Society committees. Ms Eszenyi was first appointed Legal Services Commissioner in August 1999 and has a good knowledge of legal aid and the many issues confronting the commission and its clients.

Ms Eszenyi is a graduate of the University of Adelaide and is the first woman to be appointed Chair of the Legal Services Commission in South Australia. Ms Eszenyi takes over from the previous chairman Mr Brian Withers who has been appointed a Master of the Supreme Court of South Australia. The government has been most appreciative of the dedicated service that Mr Withers has given to the Legal Services Commission as a commissioner. I have no doubt that Ms Eszenyi will continue the commission's excellent service to the South Australian public.

PORT RIVER BRIDGES

The Hon. R.G. KERIN (Leader of the Opposition): Did the Treasurer promise opening bridges at the Port Adelaide community meeting in April last year to ensure that locals did not run a public campaign against the government. On ABC Radio yesterday, John Fitzpatrick, a Port Adelaide resident, stated:

> This is a promise that Kevin Foley made in Port Adelaide Town Hall, deliberately in the way it looks now, to cut off a campaign of mobilisation where people were very very seriously concerned in large numbers about this. It was to stop people getting organised and to quieten them down. It was deliberately calculated to do so. . .

The Hon. M.J. Atkinson: What do you want, Kero? Tell us what you want.

The Hon. R.G. KERIN: I want a bridge!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Treasurer): The Leader of the Opposition said he wants any type of bridge. He is now walking both sides of the street. The bridge will be built, and it will be built on time, I am sure. What seems to be lost on the opposition is that there is not yet a road to connect with a bridge. It is not much good building a bridge before you have the road coming up to it, and the timing, I am sure, will all work.

On the night in question in Port Adelaide the shadow transport minister (Malcolm Buckby, the member for Light) was advocating an opening bridge at the meeting; he was there supporting an opening bridge. The Leader of the Opposition was on radio saying that the economy of Port Adelaide deserves a bridge, that it will be destroyed if we do not have an opening bridge, and that Labor must deliver. The only thing that has happened in the interim is that this month the Navy has written to us saying that it will not come into the port. People need to understand that that is regardless of whether there is any bridge at all. If there is no bridge, the Navy is still saying that it will not come into Inner Harbor. If the Navy says to us tomorrow that it will now use the inner berths, we can make a very quick decision to open the bridges. What I say to the Leader of the Opposition is: talk to your colleague Senator Robert Hill, lobby the federal government and let us get the Navy to enter Port Adelaide, and we can have opening bridges.

HOME OWNERSHIP, WOMEN

Ms RANKINE (Wright): My question is to the Minister for Housing. How is the state government assisting women into home ownership?

Members interjecting:

The SPEAKER: Order! The member for Wright has the call. Will the member repeat the question?

Ms RANKINE: Certainly, sir. My question is to the Minister for Housing. How is the state government assisting women into home ownership?

The Hon. J.W. WEATHERILL (Minister for Housing): The answer is through HomeStart Finance. HomeStart Finance is one of those great Labor initiatives that was introduced during the period of the last Labor government—one of those Labor initiatives that has not been torn down during those sad years that were described as the Brown-Olsen era. This is an institution that remains in place. In fact, it is one of those great institutions that will be even more important given that we have a commonwealth government whose only commitment to housing affordability is, indeed, interest rate policy. When you ask them what is their policy on housing they say, 'We keep interest rates low.' That got a bit of a hammering. But we do have this great institution (one of the ones they did not get around to privatising), and one of the things it does is take seriously its obligations with respect to equality of home ownership.

Single women with or without children make up almost half of HomeStart Finance's customer base. They are very good payers of their mortgage, a statistic that has prompted the organisation to establish a specialised unit to cater for this group. Free seminars for women covering the complete home buying process is one of the initiatives created through HomeStart's Women's Unit. Over 350 women have attended the seminars to date. The unit has encouraged many women to take steps to buy their own home. Many of HomeStart's female attendees have just graduated from university and are earning high incomes, but find it difficult to save a deposit. Some women are recently separated singles and parents and may be on low to moderate incomes. For some who have suffered hardships as a result of relationship breakdowns, often home ownership is the only way forward. Prior to finding out about HomeStart, many believed that their dream of home ownership was out of reach.

A range of guest speakers attend the women's seminars such as a conveyancer and a lawyer who provide women with information to prevent financial breakdown and distress. Many women say that it has changed their way of thinking and provided them with the confidence to take control of their finances and important life decisions. A most important product for female customers is the HomeStart graduate loan,

a concept developed to help keep knowledge in the state. These women come from all walks of life but they have a common goal; that is, to gain the stability that home ownership provides. HomeStart is dedicated to bringing true equality into the housing market and that does not end with specialist products: it involves them assisting the applicants for loans through the whole process.

INFRASTRUCTURE PROJECTS

The Hon. W.A. MATTHEW (Bright): Will the Minister for Infrastructure advise the house what major infrastructure projects have been both initiated and commenced during the three years of this government?

The Hon. P.F. CONLON (Minister for Infrastructure): I will start with mentioning one of the ones of which we are very proud. We will have to get a list. One of the things of which I am very proud—and I sat in the Premier's office with him when he had them all in there, including Qantas and Phil Baker—is when we started building the Adelaide Airport. All they could do for years was make promises. We started the building a short time ago, and I am pleased to say that it will be finished by the end of this year—and we are so charitable, sir, that we will even invite them to the opening of this wonderful infrastructure project completed by a Labor government.

What we are also doing this year is being very generous to many members of the opposition, particularly the member for Flinders (although she is a little churlish about it) who will get a new police station in her electorate, which is something they have wanted for years. It will be built this year. At least the member for Chaffey has been more gracious about the SEA Gas pipeline. There were two pipelines—and I assure the member for Bright that on these matters size does matter—and we created one big pipeline which saved this state when Moomba caught fire in January last year. We are building those regional courthouses. By the end of this term, we will have 500 megawatts of wind capacity. There was not a single megawatt when we came to government.

I am more than happy to talk at great length about this. We are doing things for the Leader of the Opposition at Port Pirie, and we are even doing things for the member for Finniss at Victor Harbor with courthouses. The list is much too long, and I do want the opposition to get back to asking questions because we enjoy them so much. The list is much too long. We will bring in the full list. However, it is clearly an illustration of how we have improved this state, and it is so good to get a question that is not dripping in slime.

The Hon. W.A. MATTHEW: I have a supplementary question. In view of the fact that the three projects mentioned by the minister—the SEA Gas project, the airport and wind farm projects—were instigated by the previous government and in no case involve any state government funding, is the minister able to advise the house of just one major infrastructure project which his government funded which was initiated by his government and which has actually commenced? Just one.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Can I just answer it this way. Sir, those projects were started by the Liberals in the same way that he is still the minister, which he had on his web site two years after the change of government and which said that they would be back soon. They were started by the previous government in the same way that he is still the minister.

The Hon. W.A. MATTHEW: Mr Speaker, I rise on a point of order. My point of order is one of relevance and relates to standing order 98. I asked the minister whether he could identify just one major infrastructure project which his government funded and which started in his term of government.

Members interjecting:

The SPEAKER: Order! What honourable members obviously illustrate by their behaviour is that they desperately crave the opportunity for several short debates. What the member for Bright contributed was debate, and what the minister responded with was no less debate. It had nothing to do with question time. We will try to get on with question time. The member for Florey.

ELDERLY, HIP FRACTURES

Ms BEDFORD (Florey): My question is to the Minister for Health. What steps are recommended to prevent hip fractures in elderly South Australians?

The Hon. L. STEVENS (Minister for Health): I thank the member for Florey for this very important question. About 2 000 hip fractures are recorded in South Australia each year, and a high proportion of these cases come from residents of nursing homes. We are recommending a daily vitamin D tablet for nursing home residents and people in residential care to help reduce the high rate of hip fractures. The recommendation of a daily vitamin D tablet comes from an expert working party on vitamin D, falls and hip fractures, sponsored by the South Australian Department of Health.

The new recommendation has been given to the state's 3 000 GPs and geriatricians this month. We hope GPs will take note of the recommendation and help reduce the high rate of hip fractures in the elderly. The working party is also encouraging GPs to consider prescribing vitamin D tablets for elderly members of the community at risk of vitamin D deficiency. This is a problem amongst the elderly in general for two main reasons. First, older people do not go out and about as much as younger people, and when they do they often avoid sunlight for the fear of skin cancer.

Mr BRINDAL: I rise on a point of order, Mr Speaker. I ask, sir, that you rule on the admissibility of this question. I refer you to Erskine May, page 300, where it clearly states that questions requiring information set forth in accessible documents have not been allowed if the member concerned could obtain the information. I heard the minister's answer in full on the radio yesterday, and I think this is a waste of question time. Therefore, I ask you, sir, in accordance with Erskine May, to rule it out of order.

The SPEAKER: Regrettably, it is a matter—

Members interjecting:

The SPEAKER: Can I respond to the member for Unley without interruption? Regrettably, the information to which the member for Unley refers as having been on radio is not readily accessible to all honourable members. It is not possible for everyone to listen to all radio stations at all times. If the media monitoring unit were in the library, the point being made by the honourable member may have had greater substance. Indeed, Erskine May alludes to the fact raised by the honourable member, as it refers to documents provided to the parliament, such as ministerial statements or reports that have been laid on, not to information which has been placed in the public domain, either in response to inquiry

from journalists, or by a minister in the course of making deliberate or casual remarks. I believe that the honourable member draws attention to an ambiguous provision in standing orders, which he may choose to suggest an amendment to rectify, in which case I would be I would be happy to take it to the Standing Orders Committee.

INDUSTRIES DEVELOPMENT

Mr HAMILTON-SMITH (Waite): My question is to the Treasurer. Why has the government failed, in accordance with statute, to refer to the Industries Development Committee all required projects for taxpayer financial assistance to industry, despite acknowledging in answers to questions on notice that 83 approaches were made to the Department of Trade and Economic Development and 14 offers of financial support have been made since March 2002?

The Hon. K.O. FOLEY (Treasurer): Coming from a political party that did very little when in government in terms of referring projects to the IDC, and the famous side deal, as it is now known, with Motorola that brought down Premier Olsen, I cannot recall that particular side deal benefiting the Leader of the Opposition. I will take the question on notice and come back to the house.

COMPUTER NETWORK PROTECTION

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Administrative Services. What is being done to ensure that the government computer network is protected from viruses and other malicious attacks?

The Hon. M.J. WRIGHT (Minister for Administrative Services): I know that the member for West Torrens has a very strong interest in this area.

Members interjecting:

The Hon. M.J. WRIGHT: Yes, he does; he is a computer buff. He has taught me much about computers. Members would be aware of how popular it has become to do business electronically both with the private sector and with the government. Members of the community have a right to expect that when they interact with government via the computer their interaction in any data exchange is secure and free from viruses. Security is equally important to internal government business conducted using computer networks. Networks throughout the world face a common threat of being deliberately targeted by malicious code and computer virus attacks.

Computing viruses increased at a spectacular rate in 2004, with over 5.5 million email viruses blocked from the South Australian government network. This is approximately 22 times the level of virus activity in 2003. That level of activity does not appear to be reducing, evidenced by approximately 1.2 million email viruses being blocked from the government network in the last three months of 2004. During February of this year, the parliamentary network alone captured over 41 000 email, desktop and internet virus attacks. The government network also detected a little under 150 000 unauthorised attempts to penetrate the network.

To ensure adequate security, the government provides the government and parliamentary networks with protection from these kinds of malicious attacks using multilayered countermeasures, including comprehensive intrusion detection, hardware and software firewall systems, multitiered virus protection, timely security updates and strict control of software that can be used for carrying malicious codes. The government maintains a close working relationship with the Australian Computer Emergency Response Team, which provides advance alerts of specific computer system vulnerabilities and information security incidents.

The electronic messaging service has been upgraded to manage the increased load of email-borne viruses and core network firewall systems at StateNet have been upgraded to cope with increasing traffic associated with malicious and unauthorised attempts at intrusion. I have been advised that current firewall and intrusion detection measures block around 16 per cent of attempted external connections because they are identified as unwelcome, malicious or unauthorised.

The South Australian public is highly computer literate and relies on the fact that it encounters a secure and effective network when it communicates with agencies and conducts its business with government. Malicious threats may never be entirely eliminated. However, a range of detection and protection technologies are employed to provide the public of South Australia with confidence that the government's systems are secure and will be there when they need to access them.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): Has the Premier taken steps to ensure, through the Commissioner for Public Employment, that the disciplinary procedure for all public servants involved in the Crown Solicitor's Trust Account affair have been carried out fairly and appropriately and, in particular, will the Premier request the Commissioner to review the treatment of Mr Kym Pennifold? Mr Pennifold has alleged that he was a victim of blackmail, and was threatened, victimised and bullied. He further claims that his CEO breached the information privacy principles and breached requirements set out in the government policy document titled Managing Conduct and Discipline.

The Hon. M.D. RANN (Premier): I will get a report from the Commissioner but, of course, I am also aware of some of the extraordinary allegations that you made—

The SPEAKER: Order!

The Hon. M.D. RANN: —that the honourable member made against public servants during a committee hearing, which were quite untrue.

HOSPITALS, MOUNT GAMBIER

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Why is the Mount Gambier Hospital advertising nationally for an anaesthetist, when late last year the hospital refused to renew the contract of Dr Kevin Johnston, who had worked for over 10 years as the senior anaesthetist in Mount Gambier?

The Hon. L. STEVENS (Minister for Health): I thank the deputy leader for the question. I am surprised to receive this question, and I was certainly surprised to hear the comments of the deputy leader on the radio this morning in relation to this matter. Of course, when one hears the deputy leader speaking on the radio it is always important to check the facts, and just as he often is, today he was wrong again. The deputy leader spoke about—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, my question is very specific, and under standing order 98 I would like an answer to my question, not a general commentary by the minister.

The SPEAKER: Order! The deputy leader makes a valid point. The minister will not debate the question, rather, simply address the matter.

The Hon. L. STEVENS: As people would know, there has been a range of significant improvements occurring at the Mount Gambier Hospital over a whole range of areas in recent times. We took over at Mount Gambier Hospital on a very low base left to us by the deputy leader. In relation to anaesthetics, one of the particular improvements made by this government has been the linking of the Mount Gambier Hospital with services at the Royal Adelaide Hospital, headed up by Professor Guy Ludbrook, who is increasing and improving incredibly both the quality and the quantity of services. As part of that upgrade, contracts were called and a process was undergone, and Dr Kevin Johnston applied but was not successful. However, in relation—

The Hon. Dean Brown: Because you would not sign him up. He is now the senior anaesthetist at—

The Hon. L. STEVENS: So what?

The Hon. M.J. Atkinson: I wish you could pronounce that word. It is shocking that you went to my school.

The SPEAKER: Order!

The Hon. L. STEVENS: Just because somebody applies for a job here, and misses out because other people are more meritorious, and that person happens to get a job somewhere else—that is ridiculous. Relating to that particular case as it exists today, the hospital is now advertising for anaesthetists, and the hospital has told me that the current advertisement is there for two purposes: one is to replace an anaesthetist who is moving to the United States, in a move that has been planned for a very long time; and secondly, the hospital expects as a result of this process to potentially increase the anaesthetic roster from the four that they have now to five. So, this whole process that the deputy leader appears to be criticising and calling a crisis is, in fact, a process to increase the number of anaesthetists and a further improvement to anaesthetics at that hospital. So, the deputy leader did not check his facts, he went off half-cocked, and he got it wrong again.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health: why did she say that she was not aware that a mental health nurse had been removed from the Mount Gambier hospital yesterday, when her press secretary made statements on the issue to the ABC, and the Department of Health is acting as a mediator in the matter?

The Hon. L. STEVENS (Minister for Health): Thank you, sir, for the call.

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: I wonder if the deputy leader might just remain silent and give me the courtesy of being able to answer his question. Yesterday, when I was answering another question, the deputy leader flicked a comment across the house in relation to a mental health nurse. Certainly, yesterday I was not aware of the issues surrounding that matter, but I am aware now, and I would like to provide some information to the house. The hospital has informed me that a registered nurse who does not hold a mental health qualification was part of the mental health team at the Mount Gambier Hospital for a period of time on a contract. On the completion of this person's contract late last year his contract in the mental health liaison team was not renewed and he was advised that he would be returning to his substantive position at the Mount Gambier Hospital.

The issues surrounding that particular process did cause some industrial issues which have now been resolved. The important thing is that the matter has been resolved. The other important thing is that we are making sure that people who do not hold mental health qualifications do not actually practise in the area. Some extra information for the house is that the South-East region has agreed to a full review of mental health services within its region, and it has agreed that any changes to any part of the mental health program or its staffing in the South-East will be considered in the context of that review.

The Hon. DEAN BROWN: I have a supplementary question. Did the minister make statements through her press release concerning this mental health nurse at the Mount Gambier Hospital over the past six weeks?

The Hon. L. STEVENS: My knowledge of the specifics in relation to this case is the knowledge that I have just put on the record in this house.

AERIAL FIREFIGHTING

Mrs PENFOLD (Flinders): My question is to the Minister for Emergency Services. Can the minister advise how his government has doubled the aerial firefighting capacity of our state, or whether he cannot count? In question time in parliament yesterday the minister advised the house, not once but six times—and I quote two examples: 'We have more than doubled the capacity,' and later: 'This government has doubled the aerial firefighting capacity.' However, I am advised that the only increase in capacity during the term of this government has been the introduction of one bombing helicopter in 2003 supplied by the national fleet and half funded by the federal government with matching—

The SPEAKER: Order! Is the honourable member quoting from a document?

Mrs PENFOLD: No; from the answer to the question yesterday—'We have more than doubled the capacity,' and 'This government has doubled the aerial firefighting capacity.' It is half funded by the federal government with matching state funding, providing a further 2 750 litres of capacity to the 9 600 litres already available. The minister also stated, 'These people cannot count. They simply cannot count.' Well, perhaps the minister can't.

The Hon. P.F. CONLON (Minister for Emergency Services): There are several allegations; as far as I can ascertain the allegations are I can't count. I can say this: I do a lot better job than poor old Dean did on the night of Operation Wiltshire. I will ask the chief officer to brief me, but it would be a lot easier if the member for Penfold would just go and ask her own emergency services shadow.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I assume he knows more about it than she does, apparently.

Members interjecting:

The Hon. P.F. CONLON: Let me explain how it works.

The SPEAKER: Order! The minister will not respond to interjections.

SCHOOL RETENTION RATES

Ms CHAPMAN (Bragg): Why is the Minister for Education and Children's Services now including part-time year 12 students in calculating and publishing the school retention rates when in the first three years of government only the number of full-time year 12 students was counted?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): As usual, the member for Bragg's view is that everybody is up to mischief. She has an interesting view; it is called projection, I think. The reality is that when the ABS puts out different numbers we are happy to use them but, if you compare our figures, you will see that this is the first time there has been a turnaround in school retention figures ever, whether you look at full-time students or not. It makes no difference, because in reality we have shone the spotlight on retention, we have focused on youth engagement, we have put real money into the program and, believe it or not, the full-time equivalent retention figures are better than ever.

CHILD PROTECTION

Ms CHAPMAN (Bragg): When will the Minister for Families and Communities introduce amendments to the child protection laws to provide for the requirement for police checks on all persons employed on school sites, as promised by the Minister for Education and Children's Services in December last year?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I think this question is almost identical to a question I answered a few weeks ago. The answer is: in due course. We will bring to the house a comprehensive bill which will deal with a range of child protection measures which were called for in the Layton review. It will be a comprehensive bill which will address those issues and a range of other issues that were called for. We have not waited to act on a number of legislative amendments—the Attorney has acted on some very important ones and brought them in ahead of our legislative program—but it would assist us if the opposition could move through the backlog of bills that they have stalled in the upper house.

UNIVERSITIES, MEDICAL STUDENTS

Mr RAU (Enfield): My question is to the Minister for Employment, Training and Further Education. What proportion of medical places at Adelaide University and Flinders University have been filled by South Australians students?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): As we all know, competition for medical places is very high. This year, for example, the University of Adelaide received a total of 2 036 applications for 104 available places. This amounts to 20 people competing for each place. The average TER score required for the offer of a place this year was 99. Of course, the TER score is not the only factor used by medical schools to select students for the limited places available. Other aspects such as their suitability also need to be assessed.

Before Adelaide University adopted its broader selection process in 1996, medical students only came from about 10 to 15 high schools. Since then, students studying medicine have come from over 150 different schools and from a variety of backgrounds. This has expanded the opportunity to study medicine. The good news is that, despite the fact that the University of Adelaide Medical School is part of an open national pool of undergraduate medical places, the university expects that 50 per cent of the places will be filled by South Australians and other South Australians will, of course, be successful in gaining access to medical schools in interstate universities.

The story at Flinders University is very similar. This year it received about 200 applications for 80 places in its graduate program. At Flinders University 60 per cent of students taking up offers are from South Australia—up from 47 per cent last year. Therefore, of the 184 graduate and undergraduate medical places on offer this year, it appears that 100 (or more than 54 per cent) will go to South Australians. When one considers that there is an open competition on a national market, South Australians are doing very well. It means that our education system is producing high-quality candidates for medicine who more than hold their own against students from interstate. This bodes well for our medical work force into the future because we recognise that South Australians are more likely to stay and practise in South Australia. While acknowledging the disappointment of some applicants for medicine as well as other high-demand courses, I congratulate the successful South Australian applicants and wish them the best in their career and studies.

REGIONAL COMMUNITIES CONSULTATIVE COUNCIL

The Hon. K.A. MAYWALD (Minister for Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I am pleased to advise the house that I have recently appointed new members to the Regional Communities Consultative Council (RCCC) for the next two years. To be chaired by Mr Peter Blacker of Port Lincoln, the RCCC will continue to provide me with advice on issues of importance to regional and rural communities. The membership is made up of community leaders—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —and representatives from Berri to Ceduna, representing such diverse industries as farming, health care, business development—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —higher education and tourism and organisations including regional development boards and the Local Government Association. I am excited by the diverse and talented group of people who make up the RCCC, and I look forward to a creative and dynamic working relationship with them.

I take this opportunity to thank the outgoing members of the RCCC for their excellent work over the past two years, in particular, Mr Dennis Mutton the inaugural chair. His wisdom and leadership were particularly appreciated. The RCCC's major purpose is to liaise directly with local communities to jointly identify common themes and experiences across the regions and make recommendations to the Minister for Regional Development on ways in which the government can address these issues. The RCCC meets quarterly in regional locations and in its first two years has

met in the Riverland, South-East, Coober Pedy and Andamooka, Whyalla, Clare, the Murraylands and Eyre Peninsula. Each council meeting has included a formal meeting, visits to local businesses and facilities, dinner meeting and community forums. Business visits and community forums are the means by which local communities have engaged with the council in identifying issues.

Common themes have emerged from the community forums and business visits including availability of a skilled work force, infrastructure needs, appropriate pathways for youth, access to tertiary education for school leavers, volunteering and housing in regional areas and access to support services for the elderly and disadvantaged. The new council has an excellent foundation on which to build and I am sure will work tirelessly with me to provide a strong voice in government for regional and rural South Australia. I seek leave to table a list of the current members of the Regional Communities Council for the information of members.

The SPEAKER: The honourable minister does not need to as documents that are tabled are usually done so by command. In recent times, government has not done that, and it is very recent. The minister does not need leave. It is a quaint way in which we are proceeding. We are just letting things go for convenience.

Leave granted.

MENTAL HEALTH, MOUNT GAMBIER HOSPITAL

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: I can provide further information to the house in relation to contact that my office had with the media in relation to the mental health nurse at Mount Gambier. There has never been a press release on this matter put out by my office. The only contact that my office has made previously with the media in relation to an inquiry was when the media outlet was told that it was an industrial issue and that they should seek information from the hospital.

GRIEVANCE DEBATE

SCHOOLS, RETENTION RATES

Ms CHAPMAN (Bragg): Today the Minister for Education and Children's Services did not answer the question, when given the opportunity, about why the government is now referring to school retention rates including part-time year 12 students, when for the first three years of this government she, her predecessor and the Premier have repeatedly referred to school retention rates only including full-time students. Let me tell the house why, in fact, they have changed that publication.

Of course, for three years we have consistently said that it is a totally socially exclusionary measure of this government to continue to ignore part-time students. When this government ultimately published its State Strategic Plan it promised to set a target to once again have 90 per cent of students completing year 12, or its equivalent, within 10 years. Hell will freeze over before this government will be able to achieve that objective if it relies only on full-time students. It knows that and we know that, and it has been an insult to the part-time students in our South Australian schools in the past three years that they have continually been ignored in relation to this important issue.

Let me give members the facts. The minister claims that she has now indicated a reference to all students instead of only full-time students because of what the Australian Bureau of Statistics provides, which it has been providing for decades and which it has regularly published from 1979 to date in relation to statistics available for children in all categories, except it qualifies that pre-1981 and 1984 in certain categories there is a change of reference. Fortunately, this government has been in office only for the last three years, so it does not predate 1983 for this government. In South Australia, the apparent retention rate for full-time students from years 7 to 8 to year 12, which was consistently used by the previous minister, minister White, and the Premier, was as follows: for 2002, 66.7 per cent; for 2003, 67.1 per cent; and for 2004, 68 per cent. That is a long way from 90 per cent. I point out that the national average over those same three years was 75.1 per cent, 75.4 per cent and 75.7 per cent.

We have always said that the government should be referring to all students and not just those who were in full-time attendance, because there are thousands (in fact, nearly 7 000 now in South Australia) of students who are attending secondary school who are also undertaking other courses, part-time employment, apprenticeships, TAFE courses and the like. It is disgusting that this government has continued to ignore them.

Let us look at all students from year 10 to year 12. Interestingly, the government does not even refer back to the year 7s and 8s any more; it has now switched to the year 10s and 12s. It seems that the minister proudly claimed last week that there had been an improvement in retention rates under this new category. She said that in 2003 there was an 83.7 per cent retention rate and now it is 86.1 per cent. Let me point out to the minister and to the house that she missed out 2002, which was 86.4 per cent. So, effectively, what has really happened is that, in the lifetime of this government, it has plummeted and it has now just recovered in this year, using government schools only. So, again, here is a new twist. It is too difficult to refer to independent schools, because they show a much rosier picture. So, we cut them out of the equation altogether.

Let us consider 2002, 2003 and 2004 for non-government schools, including all students: 90.8 per cent, 92.8 per cent and 92.8 per cent. Why should they be ignored—just like part-time students? When it suits the government, it is prepared to say this. The Premier has made statements repeatedly in relation to the actions that his government has taken. He stated on 13 October 2003 that only two-thirds of our young people who start year 7 complete year 12. That is an absolute nonsense. It has consistently been over 80 per cent: it was in the 80 per cent range, including part-time students, under the previous government. There has not been a magnificent improvement. This government wanted to prove that the previous government was inadequate and it is now desperately trying to cling to that by using new rules.

LEIGHTON, Ms I.

The Hon. S.W. KEY (Minister for the Status of Women): I thank the member for Napier in particular for allowing me to present this grievance. As we approach International Women's Day, I wish to acknowledge one of those South Australian women who has made a huge difference to their community but whose modesty and

disinterest in self-promotion means that her name (and other women's names) is very rarely heard in this place. In this case, I am referring to Irene Leighton, who on Sunday 6 March will celebrate her 80th birthday. Anyone who has lived in or been involved with the Bowden Brompton community will know Irene—

Ms Ciccarello: And other communities.

The Hon. S.W. KEY: And other communities, as well, as the member for Norwood says. For three decades or more, Irene has been a gentle but tireless activist for her community and other communities. Over that time, Irene has been an absolutely critical part in transforming the Bowden Brompton area from one dominated by foundries and factories to one of the most distinctive and unique housing communities in our state. There are few people who can walk through the neighbourhood and know that they have changed it so completely. The real secret is the charming way in which Irene has worked quietly, reasonably and with a gentle humour which simply cannot be denied; nor does it completely disguise the steely determination behind her efforts.

Irene's involvement in these campaigns for social justice is wide ranging. She has taken part in the Bowden Brompton Community Centre, Shelter SA, the Warehouse Skills Centre, Community Housing Association of SA, local council, Hindmarsh Residence Association, community health and permaculture, just to name a few. Irene was born 80 years ago in the Pinery, the area where West Lakes is now located, but back then it was mainly sandhills and swamps—I have to say I can remember those days, too—used for dairying and other farming activities. Her father had 1 000 heads of pigs, which later died of swine fever, and she very much knows the harshness of being in the farming community.

Irene's brother, Barry, recalls that Irene was brought up in a family who cared deeply for their community and organised strongly for it, especially during the depression—a time of terrible hardship and deprivation in the western area of Adelaide. The values which Irene learnt then have carried her forward. As her grand-daughter, Trudy, says, 'She is the grandmother of Hindmarsh, she has always been there. She made it safe and she has always cared.'

Irene's generosity of spirit, her good-natured optimism in the best human spirit is an inspiration to all who have worked with her. I wish her well for her 80th birthday, and I know that many members, particularly on this side of the house, also wish her the best for her 80th birthday I look forward to sharing that occasion with her tonight.

BAROSSA VALLEY WAY

Mr VENNING (Schubert): I am most concerned at the almost total lack of government expenditure in the Barossa Valley by this government ever since it came to office in 2002. I am most concerned, and so is the Barossa council, the Barossa Light Development Board and the rank and file people who live in our region. The Barossa Valley is the main economic generator in South Australia. Its wine industry is a key export earner and the tourism industry is a state icon, winning award after award. The dross is slipping and the gloss is dulling because this government totally ignores any public expenditure returning to the Barossa and our region. The Barossa Valley is a world wine and tourism icon.

The Barossa Valley Way (the road) is South Australia's key tourism boulevard. If this road is South Australia's tourism window to the world, it is a bloody disgrace—and I am sorry to use words like that—an absolute disgrace. It is totally unacceptable and, to say the least, embarrassing. The main tourism corridor from Tanunda to Rowland Flat is shocking. It is an unbelievably bad road; the type you would expect to find in a third world country. Correspondence from Transport SA to the Public Works Committee addresses rough roads, and it supplied a map with red dots indicating these rough roads.

On the map entitled 'Figure 1—Rural Rough Roads, Current and Predicted over 5 years', these dots are a solid red line from Tanunda to Lyndoch. The road is very rough, with patched patches, crumbling pavement and the verges dug out, leaving a dangerous edge. Visitors to Jacobs Creek and, in particular, the new Orlando Wyndham Visitor Centre, cannot contain their concern and are telling us as their hosts that we have a wonderful region but our roads are so bad. People's vehicles are being damaged, and it feels terrible and is unsafe. It looks bad and very much uncared for and unloved.

I was sent a copy of a letter from the Barossa council to the Minister for Transport in response to the council's initial letter to her asking what her department was going to do about the situation. The minister's response of 9 February 2002 was as follows, and I read it from paragraph 2:

> In response to your reply to us dated 14 September 2004 and received on 1st December 2004, we were very disappointed in a reply which was very generalist and not specific enough to use.
>
> My Council is appalled at the state of Barossa Valley Way from Jacob's Creek to Tanunda. No work has been done on this section and the road pavement is crumbling. With the increase in traffic due to the expansion of the wine industry it is imperative that this piece of roadway be widened and reconstructed immediately before another tragedy occurs.
>
> To find that your department does not have any specific capital or operational expenditure budget items for projects in an area which is generating huge wealth for governments is astounding and my Council has asked that our disappointment be expressed.

As the MP representing this area, I am appalled by this. This government pays lips service only and sits on its hands and on its money, with its huge windfalls from GST earnings, taxes and charges. This region pays more than its share. Can a government be legally held responsible for a public asset in this condition? Surely it will not take another tragedy to spur the government into action. We also want help with our heavy vehicle bypass strategy. I spoke to the minister about that today, as I did last week. I thank the minister for receiving a delegation.

The same can be said about the Angaston Hospital, which is totally inadequate for a growth area which is growing this state's economy. The previous Liberal government promised to build a new Barossa hospital, but this Labor government stopped the process and nothing has been heard of it since. I note the minister is in the house, and I am pleased that she has agreed to receive a delegation, and I am hopeful that we have a hope in the future. I have to highlight the problem as being very serious, and I would be derelict in my duty if I did not raise this matter. It was mentioned in the local media last week, as it is most weeks now, as the minister would be aware. I have to do my job, and she as the government minister responsible for this area has to do her job. I do not think it is fair that a growth area like this has a facility that is as archaic, run down and in such poor quality as is this facility. As a member of the Public Works Committee, I am appalled at the works coming through that committee, where the hospitals are being repaired but they never repair the Barossa Hospital.

Time expired.

SOUTHERN VOCATIONAL COLLEGE

Ms THOMPSON (Reynell): Like my colleague the Minister for the Southern Suburbs I was rather astounded to read the media release entitled 'Tech schools plan ignores the south' issued today by the member for Mawson. From interjections when the minister was answering questions it seems that the member for Mawson essentially was saying 'I am talking about the existing college and why it was not being funded properly in relation to the south'. His media release states:

> I hope the government gives the schools more support than they did with the Vocational Education Training VET College set up by the Liberal government and then neglected by the Rann government.

I assume that the member for Mawson is talking about the Southern Vocational College. The Southern Vocational College was established under the Liberal government but, unfortunately, they never funded it. It was left to the schools to try to identify the funding for the Deputy Principal, who led the school. They rejected the model put up by a community group.

The minister referred to the fact that he approached the member for Mawson to initiate a claim for a southern vocational college, and that was certainly the case. The member for Mawson and I were involved in the delegation to then minister Buckby, talking about the plans that our local schools, together with local business organisations, had drawn up for how we thought a collaborative approach to vocational education could work in the south. What we saw was funding support that would enable each school to really specialise in a particular area, to have equipment, training and materials of excellence, and whatever was needed. Given that the schools are not huge, the students would then move from school to school to access the trade or vocational area of their interest.

The former government, however, was most insistent that there needed to be a building to open. You have to have a plaque and you have to have a ribbon to cut with a television opportunity. So, a building was duly built, although this was not particularly what the schools were looking for. They wanted funding for equipment and funding to enable the coordination of this initiative. So, we got the building and we got some computers. However, as time went on, the schools found that they were having to take from their own funds to provide for the staffing of the college. Christies Beach High School, in particular, found that it was extraordinarily out of pocket as a result of this initiative. This has finally been fixed up by the current government.

Meanwhile, things have moved on in the south, and we now have the Southern Alliance for Innovation and Learning, which has the mission 'to develop and sustain an innovative community-connected alliance which improves engagement, retention, learning and post-school options for young people.' That does not necessarily tell you that what we are doing in the south is enabling students from a range of schools to access a huge variety of technical and other vocational opportunities. Also, given that one of the issues in the south is low engagement in both TAFE and university study, we have involved TAFE and Flinders University in this project. The university is working closely with the schools, both to bring resources to the schools in the form of students and studies, and to make university and TAFE less scary places.

Wirreanda High School is one of the schools involved, and I will just read the vocational opportunities available for students at Wirreanda: hospitality, outdoor education, retail, community services, child studies, laboratory operations, tourism, information technology, office skills, integrated studies, work education, business studies, mathematics, automotive, business administration, general construction, electro-technology, engineering, entertainment, multimedia and music. For a number of those subjects, students travel to other places such as to the Doorways to Construction program at Morphett Vale High School and to Christies Beach High School for the Engineering Pathways program. Opportunities are available. we would love more funding, but it is working.

Time expired.

PARLIAMENTARY BOWLING CARNIVAL

Mr SCALZI (Hartley): Today I wish to refer to the interstate Parliamentary Bowling Carnival and the briefings that we had in Victoria with regard to public transport, environment and justice. There is no question that parliament is really adversarial theatre with very few opportunities to have real engagement between different parties with different politics, and I see the Parliamentary Bowling Carnival, the interstate carnival held every year, as a great opportunity to make sure that we meet as colleagues regardless of our political leanings.

It was good to see that the Hon. the Speaker was there, the President of the Legislative Council, and my good colleague the member for Schubert. It is pleasing to report that we did not get the wooden spoon this year and we came third. I certainly enjoyed that part but also the opportunity to meet with other members of parliament throughout Australia and, in particular, the briefings that were provided, because it is important that members of parliament share ideas.

Looking at the state parliament, another forum where we meet in a non-party situation is with the Parliamentary Christian Group. It is sad to see that we no longer have, for example, the billiard carnivals that I understand were held in the past. I understand that other states have sporting clubs, and there are the annual cricket carnivals which also include the media. I think that the legal profession must meet with the legal profession, the medical profession with the medical profession, the vets should meet with the vets—

Dr McFetridge interjecting:

Mr SCALZI: —the veterinary surgeons, and accountants, and so on. However, we do not have the opportunities that we had in the past. I certainly welcomed the opportunity to meet, apart from other colleagues, members with portfolios in areas that I am responsible for. I met with the Hon. Murray Thompson, MLA, member for Sandringham, the shadow spokesperson for multicultural affairs, aboriginal affairs and citizenship. I also met with Mr Victor Perton, MLA, Member for Doncaster, and shadow minister for education. I think that the briefings on transport, environment, justice, and victims of crime were certainly important in order to compare where we are at in South Australia.

I also believe that bowling clubs in general provide an opportunity for the community. Not only is it an excellent sport but it is an excellent socialising activity. I would like to commend the President of the Payneham Bowling Club, Mr Peter Marshall, and I note that Payneham has about 150 Night Owls who bowl weekly; also, the Tranmere President, Mr Mick Porter, and I understand that Tranmere has between 128 and 132 players; and the Kensington Gardens President, Mr Mick Micallef, and Kensington Gardens has their own version of Night Owls with around 60 bowlers, and a sausage

sizzle on Tuesday nights. Students are involved in the bowling clubs, and I believe that these clubs should be commended for what they are doing in getting the younger members of the community involved. I certainly thank Victoria for inviting us, and David Pegram for organising an excellent carnival.

MIGRANT WOMEN'S SUPPORT AND ACCOMMODATION SERVICE

Ms CICCARELLO (Norwood): Last week I was privileged to speak at the 20th anniversary of the Migrant Women's Support and Accommodation Service along with the minister, Stephanie Key, and also the federal minister, Kay Patterson. Ten years ago I was also honoured to speak to this same group celebrating a decade of service to women in need. I spoke briefly about the incidences of violence in migrant communities, and highlighted some of the challenges that migrant women face in violent situations. These challenges include an environment of secrecy, a lack of English language fluency, and fear. As an immigrant to this country myself I am proud of the contributions that the Italian community, and so many other overseas born community members have made to this great state and nation.

Migrant communities have brought with them culture, beliefs, food, music and dreams that have helped shape a modern and diverse Australia. I am dismayed that some migrant communities also bring with them statistics of domestic violence. Of course, this is not isolated to migrant communities, and it would be wrong for anyone to string that bow. But, as a report by the United Nations Secretary-General on Violence against Women Migrant Workers wrote, 'domestic violence crosses all cultures, races, religions and economic lines.'

Indeed, violence exists in any culture throughout Australia. We know too well that violence against women is a manifestation of the historically unequal power relations between men and women that often perpetuate a lower status accorded to women in the family, workplace, community and society. Violence is a horrifying and soul-destroying reality for far too many women in this country, but the situation can often be amplified for migrant women, for a number of reasons. We have all heard stories of migrant women workers who, as WomenAide International puts it, 'typically leave their countries for better conditions and better pay—but the real benefits accrue to both the host countries and the countries of origin.' These women may go to a country having an assumption about their future that may, unfortunately, turn into a nightmare. The tale of the woman attracted to Australia by the promise of a brighter financial future only to find life of sexual slavery or belittlement waiting for her seems no longer surprising or rare in this day and age.

Violence against migrant women is indiscriminate and is meted out by migrant and non-migrant men alike. Unfortunately, too often within a migrant community secrecy shrouds this violence. In these situations the secrecy around violence is compounded by cultural narratives that do not favour women and do not support the concept of abuse. This secrecy results in less empirical evidence available to gather against the perpetrators. The UN has found that:

> . . . these migrant women suffer in silence. They tolerate abuses from their spouses and their employers because they are poor and afraid. They fear losing their jobs, they fear no-one will believe the story, they fear losing their children.

The woman who may be abused is silenced by both communal pressure and her own fears and incapacity to externalise the abuse she is suffering—a no-win situation. The burden of not speaking English or a lack of fluency is a major hurdle facing migrant women. Not being able to speak English means being unaware of legal services available. A study conducted by the Victorian Community Council Against Violence found that 70 per cent of the women with non English-speaking backgrounds who were interviewed had minimal knowledge about what the law provides for domestic violence victims.

The fears of approaching the police or social workers are compounded by the emotional abuse and mental entrapment that plague their lives. It is a vicious cycle of fear, and inaction then results and leaves migrant women in a violent environment. There are no easy solutions to these problems. However, I believe that we must work together to positively bring change for migrant women and their communities. We must work together to stop the violence.

I believe that policies and resources will help increase our ability to challenge violence statistics and situations of violence. And I am glad that the Rann Labor government does play a robust role in providing that support. I also think that education on this matter should be prolific so that women know what their financial, social and legal rights are. The media also has a role to play. It needs to be better informed, and it can address the situation. It was good to see a feature article last week by Andrea Stylianou in *The Advertiser*. The community needs to become more aware of this problem, dwelling in its midst but often hiding in shadows.

The community also needs to support its women rather than condemn or vilify them for being a victim. I fear that migrant communities participate in isolating the women, and falling into the role of supporting the perpetrator. I believe that every woman, migrant and non migrant, must do everything possible in their own lives to help migrant women facing violence in theirs. Migrant women are not victims. I cannot speak highly enough of the work of the Migrant Women's Support and Accommodation Service and how the service helps fill the gaps and rebuild shattered lives. It is good that we were able to celebrate 20 years of the service, and I look forward perhaps with a great deal of optimistic idealism to a time when women are respected and protected from violence and when the need for such organisations like these decrease.

CHIROPRACTIC AND OSTEOPATHY PRACTICE BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to protect the health and safety of the public by providing for the registration of chiropractors, osteopaths, chiropractic students and osteopathy students; to regulate the provision of chiropractic and osteopathy for the purpose of maintaining high standards of competence and conduct by those who provide it; to repeal the Chiropractors Act 1991; and for other purposes. Read a first time.

The Hon. L. STEVENS: 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.

Leave granted.

This Bill is one of a number of Bills being drafted to regulate health professionals in South Australia. Like the previously intro-

duced *Podiatry Practice Bill 2004* and the *Physiotherapy Practice Bill 2005*, the *Chiropractic and Osteopathy Practice Bill 2005* is based on the *Medical Practice Act 2004*. This Bill is therefore very similar to the Medical Practice Act and for the most part, identical with the Physiotherapy Practice Bill. The provisions are again largely familiar to the House and my comments on this Bill will reiterate those I have made previously for those other Bills.

The Chiropractic and Osteopathy Practice Bill replaces the *Chiropractors Act 1991*. Consistent with the Government's commitment to protecting the health and safety of consumers, the long title of the Chiropractic and Osteopathy Practice Bill states that it is a Bill for an Act "to protect the health and safety of the public by providing for the registration of chiropractors and osteopaths". At the outset it is made clear that primary aim of the legislation is the protection of the health and safety of the public, and that the registration of chiropractors and osteopaths is the key mechanism by which this is achieved.

The current Act was reviewed in line with the requirements of the National Competition Policy. The Review identified provisions of the Act restricting competition that were not justifiable on the grounds of providing a public benefit. Consistent with the Government's commitment to National Competition Policy, the Chiropractic and Osteopathy Practice Bill 2005 omits these provisions.

The Bill removes the ownership restrictions that exist in the current legislation and allows a chiropractic or osteopathy services provider, being a person who is not a registered chiropractor or osteopath, to provide chiropractic or osteopathy through the instrumentality of a registered chiropractor or osteopath.

The Bill includes the same measures that exist in the Medical Practice Act and the other Bills to ensure that non-registered persons who own chiropractic or osteopathy practices are accountable for the quality of chiropractic or osteopathy services provided. These measures include:

- a requirement that corporate or trustee chiropractic or osteopathy services providers notify the Board of their existence and provide the names and addresses of persons who occupy positions of authority in the provider entity and of the chiropractors or osteopaths through the instrumentality of whom they provide chiropractic or osteopathy;
- a prohibition on chiropractic or osteopathy services providers giving improper directions to a chiropractor, osteopath chiropractic student or osteopathy student through the instrumentality of whom they provide chiropractic or osteopathy;
- a prohibition on any person giving or offering a benefit as inducement, consideration or reward for a chiropractor, osteopath, chiropractic student or osteopathy student referring patients to a health service provided by the person, or recommending that a patient use a health service provided by the person or a health product made, sold or supplied by the person;
- a requirement that chiropractic or osteopathy services providers comply with codes of conduct applying to such providers (thereby making them accountable to the Board by way of disciplinary action).

The definition of ***chiropractic or osteopathy services provider*** in the Bill excludes "exempt providers". This definition is identical to that in the Medical Practice Act and the other Bills and the exclusion exists in this Bill for the same reason. That is, to ensure that a recognised hospital, incorporated health centre or private hospital within the meaning of the *South Australian Health Commission Act 1976* is not accountable to both me and the Board for the services it provides. I have the power under the South Australian Health Commission Act to investigate and make changes to the way a hospital or health centre may operate, or vary the conditions applying to a private hospital licensed under that Act. Without the "exempt provider" provision, under this Bill the Board would also have the capacity to investigate and conduct disciplinary proceedings against these providers should they provide chiropractic or osteopathy services. It is not reasonable that services providers be accountable to both me and the Board, and that the Board have the power to prohibit these services when the services providers were established or licensed under the South Australian Health Commission Act for which I am the Minister responsible.

However, to ensure that the health and safety of consumers is not put at risk by individual practitioners providing services on behalf of a services provider, the Bill requires all providers, including exempt providers, to report to the Board unprofessional conduct or medical unfitness of persons through the instrumentality of whom they provide chiropractic or osteopathy. In this way the Board can ensure that all services are provided in a manner consistent with a professional code of conduct and the interests of the public are protected. The Board may also make a report to me about any concerns it may have arising out of information provided to it.

The Board will have responsibility under the Bill for developing codes of conduct for chiropractic or osteopathy services providers. I will need to approve these codes. This is to ensure that they do not contain provisions that would limit competition, thereby undermining the intent of this legislation. It also gives me some oversight of the standards that relate to the profession and providers.

This Bill, like the Medical Practice Act, deals with the medical fitness of registered persons and applicants for registration and requires that where a determination is made of a person's fitness to provide chiropractic or osteopathy, regard is given to the person's ability to provide chiropractic or osteopathy without endangering a patient's health or safety. This can include consideration of communicable diseases.

This approach was agreed to by all the major medical and infection control stakeholders when developing the provisions for the Medical Practice Act and is in line with the way in which these matters are handled in other jurisdictions, and across the world. It is therefore appropriate that similar provisions be used in the Chiropractic and Osteopathy Practice Bill.

The Bill establishes one Board for both chiropractors and osteopaths. When the Chiropractors Act was reviewed, it concluded that it was not practical to enact separate legislation for osteopaths because of the very small number registered in South Australia. The costs of registration would therefore be prohibitive and it would not be viable to establish a separate Board for this profession. However, the Bill recognises osteopaths as a profession distinct from chiropractors in the title of the Bill, the name of the Board and in providing separate definitions of "chiropractic" and "osteopathy" and establishing separate registers for each profession. The current Act includes osteopathy as part of the definition of chiropractic and therefore only provides for a register of chiropractors. The Chiropractors Board only notes on that register that a person is practising as an osteopath. The Board has advised that there are currently 10 osteopaths practising in South Australia, 258 persons practising as chiropractors and another 46 practising as both chiropractor and osteopath. The membership of the Board reflects the difference in numbers between chiropractors and osteopaths.

Apart from the numbers, the Bill recognises that while there are differences in the philosophy and practices of these two practitioner groups, the essential practice that poses a risk to the public (and therefore requires regulating) is the same. I will describe this practice at a later point.

Provision is made for 4 elected chiropractors and 1 elected osteopath on the Board. The membership of the Board also includes a legal practitioner, a medical practitioner and 2 persons who are not a legal practitioner, medical practitioner, chiropractor or osteopath. This ensures there is a balance on the Board between the professions of chiropractors and osteopaths and non-chiropractors and osteopaths and enables the appointment of members to the Board who can represent other interests, in particular, those of consumers.

In addition there is a provision that will restrict the length of time which any one member of the Board can serve to 3 consecutive 3 year terms. This is to ensure that the Board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after 9 consecutive years they will have to have a break.

Standards and expectations by Government in regard to transparency and accountability are now much more explicit than in the past and the *Public Sector Management Act 1995*, as amended by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*, provides a clear framework for the operation of the public sector, including the Chiropractic and Osteopathy Board of South Australia.

Provisions relating to conflict of interest and to protect members of the Board from personal liability when they have acted in good faith are included in Schedule 2 of the Bill pending commencement of the amendments to the Public Sector Management Act.

Consistent with Government commitments to better consumer protection and information, this Bill increases the transparency and accountability of the Board and ensures information about a chiropractic or osteopathy services provider is available to the public.

Currently most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board because of the possibility of having

costs awarded against them and, because they are not a party to the proceedings, they do not have a legal right to be present during the hearing of those proceedings. This is obviously an unsatisfactory situation and I have had the relevant provisions of the Medical Practice Act mirrored in this Bill to provide a right for the complainant to be present at the hearing of the proceedings. This ensures that the proceedings, from the perspective of the person making the complaint, are more transparent. The Board will be able however, if it considers it necessary, to exclude that person from being present at the hearing of part of the proceedings where, for example, the confidentiality of certain matters may need to be protected.

New to the Chiropractic and Osteopathy Practice Bill is the registration of students. This provision is supported by the Chiropractors Board. It requires that students undertaking a course of training in chiropractic or osteopathy from interstate, overseas or in South Australia, should one commence again in this State, be registered with the Board prior to any clinical work that they may undertake in this State. This provision ensures that students of chiropractic or osteopathy are subject to the same requirements in relation to professional standards and codes of conduct as registered chiropractors or osteopaths while working in a practice setting in South Australia.

Chiropractors, osteopaths and chiropractic or osteopathy services providers will be required to be insured, in a manner and to an extent approved by the Board, against civil liabilities that might be incurred in connection with the provision of chiropractic or osteopathy or proceedings under Part 4 of the Bill. In the case of chiropractors and osteopaths, insurance will be a pre-condition of registration. The *Chiropractors Act 1991* has a requirement that the registered person has an agreement approved by the Board to be compensated for any loss by reason of civil liability incurred in the practice of chiropractic. This is a condition placed on practising as distinct from a requirement for registration. The Chiropractic and Osteopathy Bill ensures that the insurance requirement is consistent with the other Bills and the Medical Practice Act and that there is adequate protection for the public should circumstances arise where this is necessary. The Board will also have the power to exempt a person or class of persons from all or part of the insurance requirement. For example, where a person may wish continue to be registered, but no longer practice for a time.

The Bill replaces the broad prohibition on the provision of chiropractic or osteopathy for fee or reward by unqualified persons, with offences of providing "restricted therapy" unless qualified or providing "prescribed physical therapy" for fee or reward unless qualified. This is consistent with the need for the legislation to be as precise as possible in describing the services that should be provided only by registered persons.

"Restricted therapy" is defined to mean "the manipulation or adjustment of the spinal column or joints of the human body involving a manoeuvre during which a joint is carried beyond its normal physiological range of motion" or any other physical therapy declared by the regulations to be restricted therapy. This definition of "restricted therapy" is common to both chiropractors and osteopaths. It is also the same as that used in the *Physiotherapy Practice Bill 2005*.

The similarity of the definitions arises out of the purpose of the legislation which, in keeping with the National Competition Principles, is to regulate only those practices that are necessary to protect the health and safety of the public. In this regard, it is the "restricted therapy" that poses the greatest risk. Since chiropractors, osteopaths and physiotherapists all practice this restricted therapy, it is necessary to have a common definition in order to ensure that each profession can be exempted under the other's legislation and that the provision of such therapy is restricted to the registered person. It is therefore clear to a practitioner and the public precisely what can be done only by a chiropractor or osteopath or other suitably qualified person such as a physiotherapist. The role of describing and communicating a more complete meaning of chiropractic, osteopathy or physiotherapy and how these may differ belongs to the professions.

Chiropractic and osteopathy services other than restricted therapy or prescribed physical therapy can be provided by other practitioners so long as they do not hold out to be a chiropractor or osteopath, or use words restricted for the use of chiropractic or osteopathy, such as "manipulative therapist" or "spinal therapist" unless appropriately registered. This allows for example, a massage therapist to practice physical therapy that they regard as part of their practice, so long as that therapy has not been prescribed as a restricted chiropractic or osteopathy therapy in the regulations.

This Bill balances the needs of the profession and chiropractic and osteopathy services providers with the need of the public to feel confident that they are being provided with a service safely, either directly by a qualified practitioner or by a provider who uses registered chiropractors or osteopaths.

As I stated in the beginning, the Chiropractic and Osteopathy Practice Bill is based on the Medical Practice Act and the provisions in the Chiropractic and Osteopathy Practice Bill are in most places identical to it. One exception is that unlike the Medical Practice Act, this Bill does not establish a Tribunal for hearing complaints. Instead, like the current practice, members of the Board can investigate and hear any complaint.

By following the model of the Medical Practice Act, this and the other Bills that regulate health professionals will have consistently applied standards and expectations for all services provided by registered health practitioners. This will be of benefit to all health consumers who can feel confident that no matter which kind of registered health practitioner they consult, they can expect consistency in the standards and the processes of the registration boards.

I believe this Bill will provide an improved system for ensuring the health and safety of the public and regulating the chiropractic and osteopathy profession in South Australia and I commend it to all members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Medical fitness to provide chiropractic or osteopathy

This clause provides that in making a determination under the measure as to a person's medical fitness to provide chiropractic or osteopathy, regard must be given to the question of whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety.

Part 2—Chiropractors and Osteopaths Board of South Australia

Division 1—Establishment of Board

5—Establishment of Board

This clause establishes the Chiropractors and Osteopaths Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

Division 2—Board's membership

6—Composition of Board

This clause provides for the Board to consist of 9 members appointed by the Governor—4 elected chiropractors, 1 elected osteopath, 1 legal practitioner, 1 medical practitioner and 2 others. It also empowers the Governor to appoint deputy members and requires at least 1 member of the Board nominated by the Minister to be a woman and at least 1 to be a man.

7—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It also allows members whose terms have expired to continue to act as members to hear part-heard proceedings under Part 4.

8—Presiding member and deputy

This clause requires the Minister, after consultation with the Board, to appoint a chiropractor or osteopath member of the Board to be the presiding member of the Board, and another chiropractor or osteopath member to be the deputy presiding member.

9—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

10—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

Division 3—Registrar and staff of Board

11—Registrar of Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

12—Other staff of Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

Division 4—General functions and powers

13—Functions of Board

This clause sets out the functions of the Board and requires it to exercise its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of chiropractic and osteopathy in South Australia.

14—Committees

This clause empowers the Board to establish committees to advise the Board or the Registrar or assist the Board to carry out its functions.

15—Delegations

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

Division 5—Board's procedures

16—Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

17—Conflict of interest etc under Public Sector Management Act

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with chiropractors or osteopaths generally or a substantial section of chiropractors or osteopaths in this State.

18—Powers of Board in relation to witnesses etc

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

19—Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

20—Representation at proceedings before Board

This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.

21—Costs

This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs awarded by the Board.

Division 6—Accounts, audit and annual report

22—Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.

23—Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

Part 3—Registration and practice

Division 1—Registers

24—Registers

This clause requires the Registrar to keep certain registers and specifies the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of name or nominated contact address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.

25—Authority conferred by registration

This clause sets out the kind of treatment that registration on each particular register authorises a registered person to provide.

Division 2—Registration

26—Registration of natural persons as chiropractors or osteopaths

This clause provides for full and limited registration of natural persons on the register of chiropractors or the register of osteopaths.

27—Registration of chiropractic and osteopathy students

This clause requires persons to register as chiropractic students before undertaking a course of study that provides qualifications for registration on the register of chiropractors, or before providing chiropractic as part of a course of study related to chiropractic being undertaken in another State, and provides for full or limited registration of chiropractic students. It requires persons to register as osteopathy students before undertaking a course of study that provides qualifications for registration on the register of osteopaths, or before providing osteopathy as part of a course of study related to osteopathy being undertaken in another State, and provides for full or limited registration of osteopathy students.

28—Application for registration and provisional registration

This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide chiropractic or osteopathy or to obtain additional qualifications or experience before determining an application.

29—Removal from register

This clause requires the Registrar to remove a person from a register on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).

30—Reinstatement on register

This clause makes provision for reinstatement of a person on a register. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide chiropractic or osteopathy or to obtain additional qualifications or experience before determining an application.

31—Fees and returns

This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their practice of chiropractic or osteopathy, continuing education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.

Division 3—Special provisions relating to chiropractic or osteopathy services providers

32—Information to be given to Board by chiropractic or osteopathy services providers

This clause requires a podiatric services provider to notify the Board of the provider's name and address, the name and address of the chiropractors or osteopaths through the instrumentality of whom the provider is providing chiropractic or osteopathy and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.

Division 4—Restrictions relating to the provision of chiropractic or osteopathy

33—Illegal holding out

This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class

unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

34—Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

35—Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

36—Restrictions on provision of chiropractic or osteopathy by unqualified persons

This clause makes it an offence to provide restricted therapy unless the person is a qualified person or provides the treatment through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for 6 months is fixed for the offence. However, these provisions do not apply to restricted therapy provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of $50 000 to contravene or fail to comply with a condition of an exemption.

37—Board's approval required where chiropractor, osteopath, chiropractic student or osteopathy student has not practised for 5 years

This clause prohibits a registered person who has not provided chiropractic or osteopathy of a kind authorised by their registration for 5 years or more from providing such chiropractic or osteopathy without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Part 4—Investigations and proceedings

Division 1—Preliminary

38—Interpretation

This clause provides that in this Part the terms ***chiropractic or osteopathy services provider***, ***occupier of a position of authority*** and ***registered person*** includes a person who is not but who was, at the relevant time, a chiropractic or osteopathy services provider, an occupier of a position of authority or a registered person.

39—Cause for disciplinary action

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a chiropractic or osteopathy services provider or a person occupying a position of authority in a corporate or trustee chiropractic or osteopathy services provider.

Division 2—Investigations

40—Powers of inspectors

This clause sets out the powers of an inspector to investigate suspected breaches of the Act and certain other matters.

41—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Division 3—Proceedings before Board

42—Obligation to report medical unfitness or unprofessional conduct of chiropractor, osteopath, chiropractic student or osteopathy student

This clause requires certain classes of persons to report to the Board if of the opinion that a chiropractor, osteopath, chiropractic student or osteopathy student is or may be medically unfit to provide chiropractic or ostepathy. A maximum penalty of $10 000 is fixed for non-compliance. It also requires chiropractic or osteopathy services providers and exempt providers to report to the Board if of the opinion that a chiropractor, osteopath, chiropractic student or osteopathy student through whom the provider provides chiropractic or osteopathy has engaged in unprofessional conduct. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause reports to be investigated. The Board must cause a report to be investigated.

43—Medical fitness of chiropractor, osteopath, chiropractic student or osteopathy student

This clause empowers the Board to suspend the registration of a chiropractor, osteopath, chiropractic student or osteopathy student, impose conditions on registration restricting the right to provide chiropractic or osteopathy or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 42, and after due inquiry, the Board is satisfied that the chiropractor, osteopath or student is medically unfit to provide chiropractic or osteopathy and that it is desirable in the public interest to take such action.

44—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $10 000 or prohibit the person from carrying on business as a chiropractic or osteopathy services provider or from occupying a position of authority in a corporate or trustee chiropractic or osteopathy services provider. If the person is registered, the Board may impose conditions on the person's right to provide chiropractic or osteopathy, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered.

If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

45—Contravention of prohibition order

This clause makes it an offence to contravene a prohibition order made by the Board or to contravene or fail to comply with a condition imposed by the Board. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

46—Register of prohibition orders

This clause requires the Registrar to keep a register of prohibition orders made by the Board. The register must be kept available for inspection at the office of the Registrar and may be made available to the public electronically.

47—Variation or revocation of conditions of registration

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

48—Constitution of Board for purpose of proceedings

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 4.

49—Provisions as to proceedings before Board

This clause deals with the conduct of proceedings by the Board under Part 4.

Part 5—Appeals

50—Right of appeal to District Court

This clause provides a right of appeal to the District Court against certain acts and decisions of the Board.

51—Operation of order may be suspended

This clause empowers the Court to suspend the operation of an order made by the Board where an appeal is instituted or intended to be instituted.

52—Variation or revocation of conditions imposed by Court

This clause empowers the District Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

Part 6—Miscellaneous

53—Interpretation

This clause defines terms used in Part 6.

54—Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for 6 months.

55—Registered person etc must declare interest in prescribed business

This clause requires a registered person or prescribed relative of a registered person who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a registered person from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the registered person has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a registered person to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

56—Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

(a) for any person to give or offer to give a registered person or prescribed relative of a registered person a benefit as an inducement, consideration or reward for the registered person referring, recommending or prescribing a health service provided by the person or a health product manufactured, sold or supplied by the person; or

(b) for a registered person or prescribed relative of a registered person to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed.

57—Improper directions to chiropractors, osteopaths, chiropractic students or osteopathy students

This clause makes it an offence for a person who provides chiropractic or osteopathy through the instrumentality of a chiropractor, osteopath, chiropractic student or osteopathy student to direct or pressure the chiropractor, osteopath or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee chiropractic or osteopathy services provider to direct or pressure a chiropractor, osteopath, chiropractic student or osteopathy student through whom the provider provides chiropractic or osteopathy to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

58—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

59—Statutory declarations

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

60—False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

61—Registered person must report medical unfitness to Board

This clause requires a registered person who becomes aware that he or she is or may be medically unfit to provide chiropractic or osteopathy to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

62—Report to Board of cessation of status as student

This clause requires the person in charge of an educational institution to notify the Board that a chiropractic student or osteopathy student has ceased to be enrolled at that institution in a course of study providing qualifications for registration on the register of chiropractors or register of osteopaths. A maximum penalty of $5 000 is fixed for non-compliance. It also requires a person registered as a chiropractic student or osteopathy student who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration to give written notice of that fact to the Board. A maximum penalty of $1 250 is fixed for non-compliance.

63—Registered persons and chiropractic or osteopathy services providers to be indemnified against loss

This clause prohibits registered persons and chiropractic or osteopathy services providers from providing chiropractic or osteopathy for fee or reward unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of chiropractic or osteopathy or proceedings under Part 4 against the person or provider. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

64—Information relating to claim against registered person or chiropractic or osteopathy services provider to be provided

This clause requires a person against whom a claim is made for alleged negligence committed by a registered person in the course of providing chiropractic or osteopathy to provide the Board with prescribed information relating to the claim. It also requires a chiropractic or osteopathy services provider to provide the Board with prescribed information relating to a claim made against the provider for alleged negligence by the provider in connection with the provision of chiropractic or osteopathy. The clause fixes a maximum penalty of $10 000 for non-compliance.

65—Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

66—Self-incrimination

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.

67—Punishment of conduct that constitutes an offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

68—Vicarious liability for offences

This clause provides that if a corporate or trustee chiropractic or osteopathy services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.

69—Application of fines

This clause provides that fines imposed for offences against the measure must be paid to the Board.

70—Board may require medical examination or report

This clause empowers the Board to require a registered person or a person applying for registration or reinstatement of registration to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

71—Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

72—Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Chiropractors Act 1991*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide chiropractic or osteopathy, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.

73—Service

This clause sets out the methods by which notices and other documents may be served.

74—Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 4.

75—Regulations

This clause empowers the Governor to make regulations.

Schedule 1—Repeal and transitional provisions

This Schedule repeals the *Chiropractors Act 1991* and makes transitional provisions with respect to the Board and registrations.

Schedule 2—Further provisions relating to Board

This Schedule sets out the obligations of members of the Board in relation to personal or pecuniary interests. It also protects members of the Board, members of committees of the Board, the Registrar of the Board and any other person engaged in the administration of the measure from personal liability. The Schedule will expire when section 6H of the *Public Sector Management Act 1995* (as inserted by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*) comes into operation.

The Hon. DEAN BROWN secured the adjournment of the debate.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

The Hon. R.J. McEWEN (Minister for State/Local Government Relations) obtained leave and introduced a bill for an act to amend the Local Government Act 1999 and to make related amendments to the City of Adelaide Act 1998 and the Rates and Land Tax Remission Act 1986. Read a first time.

The Hon. R.J. McEWEN: 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.

Leave granted.

This Bill's objectives are to strengthen and improve accountability and flexibility, and strengthen requirements relating to council rating decisions. In particular the measures will introduce further improvements to council processes for long term financial planning, requiring greater transparency and public consultation in the adoption of annual business plans and budgets, and declaring rates.

Importantly, councils will be required to consider the impact of their rating decisions on ratepayers. This requirement formalises a process that many councils already follow, but as the Government has previously stated, we believe other councils have been slow in responding to the negative impacts of their decisions on their ratepayers and more needs to be done.

This Bill will ensure that councils have sufficiently flexible rating powers to respond appropriately to volatile property valuation movements and the otherwise consequential impact of rates decisions on individual ratepayers, especially those with fixed and low incomes. It also highlights the role of the South Australian Ombudsman in making sure that council decisions about rates impact fairly and justly throughout their communities.

A consultation package was prepared containing a draft of the Bill, together with an explanatory paper outlining the specific proposals. The consultation package was distributed to all councils, local government bodies, and members of State Parliament, and placed on the Office of Local Government website. Consultation took place over a seven-week period. Approximately 70 responses were received.

We believe that the responses were well considered and wish to thank all those that made submissions. Given the rigours of the Parliamentary timetable, it is appreciated that the timing of consultation on the Bill was difficult. However, the quality and number of responses has been commendable.

Local Government generally welcomed this Bill, although reservations have been expressed about the level of resourcing required in the consultation draft of the Bill. It was never intended that the proposed requirements would be resource intensive; indeed many councils are already undertaking to a large degree initiatives proposed in the Bill.

Rather, the current proposed amendments are intended to streamline and spell out the original intent of the *Local Government Act 1999* with regard to planning, reporting and community accountability. Some technical changes to the draft Bill have been made to simplify provisions without detracting from this objective.

While councils must aim for a level of council rates payable by an individual that are not overly onerous, it must be recognised that the Wealth of Opportunities report initiated by the Local Government Metropolitan CEO's Association has documented that social and community infrastructure for which councils are responsible has historically not been maintained at a level that ensures sustainability. Several councils are already undertaking measures to address these issues and have adopted best practice models. The Bill reinforces this need through the requirement for long-term asset and infrastructure planning and long term financial planning. The Government strongly believes councils should not be fettered in raising the necessary revenue to fund maintenance and replacement of infrastructure, but they should be responsive to overall community demands and mindful of the impact of their rating decisions on the ratepayers and the relative ability to pay of those with limited incomes.

Under the current Act, councils are only required to consult with their communities on rating strategies when proposing significant changes to their rating structure. In response to public concerns and

to improve the accountability of councils to their community, public consultation requirements of councils have been strengthened to include consultation on an annual basis on the proposed activities, forecast expenditure, required total rate revenue, and the anticipated level and distributive effects in broad terms of various components of the rating structure. Impact modelling will be undertaken and each council will be required to consider whether a maximum increase will be set in respect of an owner's principal place of residence.

Members of the public will have the opportunity to make submissions to council on the proposed annual business plan. Current provisions will also be extended to allow for the electronic delivery of information to individual ratepayers.

In relation to individual rates liability, the Bill will equip councils with additional flexibility to give relief from rates in appropriate circumstances and, over and above any concessions that they may be entitled to, State Seniors card-holders will have the right, on a non-concessional basis, to postpone all of the council rates otherwise payable.

It is a key principle that Local Government is an independent and legitimate sphere of Government and should be accountable to its community. However, as a responsible and accountable sphere of government clear provisions for a review of a council's decision are required. The Bill therefore proposes to:

· clarify that the amount payable by a ratepayer is a matter for which a review can be requested under a council's formal procedure for internal review of its decisions;

· require councils to have procedures to deal promptly with requests for such reviews; and

· clarify the Ombudsman's jurisdiction in this regard should a council be unable or unwilling to resolve a matter.

The Government's intention is that new provisions will be brought into force as soon as practicable with appropriate transitional provisions. This Government will work in collaboration with Local Government, including the Local Government Association, to develop sector- wide standards and templates. This will reduce the possibility of extra resources and higher costs that some perceive may have otherwise resulted from the proposed additional requirements contained in the Bill.

In the meantime councils are encouraged to act wherever possible in accord with the proposed changes in advance of their passing into law, in order to make them effective as soon as possible.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 44—Delegations

These amendments will include the power to adopt or revise an annual business plan as a power that cannot be delegated by a council.

5—Amendment of section 122—Strategic management plans

The relevant period that is to apply for the purposes of a council's strategic management plans is now to be set at a period of *at least 4 years*, rather than a period of *between 3 and 5 years*.

A strategic management plan is now to include assessments that relate to the following matters:

(a) the sustainability of the council's financial performance and position; and

(b) the extent or levels of services that will be required to be provided by the council to achieve its objectives; and

(c) the extent to which any infrastructure will need to be maintained, replaced or developed by the council; and

(d) anticipated changes in its area with respect to—

(i) real property development; and

(ii) demographic characteristics of its community; and

(e) the council's proposals with respect to debt levels; and

(f) any anticipated or predicted changes in any factors that make a significant contribution to the costs of the council's activities or operations.

A council will also be required to develop and adopt a long-term financial plan, and an infrastructure and asset management plan, as part of its strategic planning.

6—Substitution of Chapter 8 Part 2

A council will now be required to prepare and adopt an *annual business plan*, together with a budget. An annual business plan will be required to—

(a) include a summary of the council's long-term objectives (as set out in its strategic management plans); and

(b) include an outline of—

(i) the council's objectives for the financial year; and

(ii) the activities that the council intends to undertake to achieve those objectives; and

(iii) the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year; and

(c) assess the financial requirements of the council for the financial year and, taking those requirements into account, set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue; and

(d) set out the rates structure and policies for the financial year; and

(e) assess the impact of the rates structure and policies on the community based on modelling that has been undertaken or obtained by the council; and

(f) take into account the council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the council; and

(g) address or include any other matter prescribed by the regulations.

A council will be required to consult the public about its draft annual business plan. Once an annual business plan has been adopted, a council will also be required to prepare a summary of the annual business plan and this summary will be sent out with the first rates notice sent to ratepayers in the relevant financial year.

7—Amendment of section 125—Internal control policies

The activities of a council should be undertaken in order "to achieve its objectives".

8—Amendment of section 129—Conduct of annual audit

Currently, the Act contemplates that an audit opinion or audit report will be provided to the chief executive officer of a council (who will then provide a copy to any audit committee and to each member of the council). This amendment will provide that the relevant reports will now be provided by the auditor to the principal member of the council (who will then ensure that a copy is provided to each member), and to the audit committee (if any).

9—Amendment of section 130—CEO to assist auditor

This amendment will ensure that the chief executive officer must provide any material that is relevant to *any* matter that is being examined or considered by the council's auditor.

10—Insertion of new Division

This amendment will allow a council to request its auditor, or any other suitably qualified person (as determined by the council), to examine and report on certain matters in addition to the matters that are addressed in an annual audit.

11—Amendment of section 132—Access to documents

A council will be required to include the following items on its Internet site:

(a) the council's draft annual business plan, adopted annual business plan, and summary of its annual business plan; and

(b) the council's adopted budget.

12—Insertion of new Part

A council will be specifically required to ensure that it has appropriate policies, practices and procedures in place in order to ensure compliance with any statutory requirements and to achieve and maintain standards that reflect good administrative practices.

13—Substitution of section 150

A council will be required to take into account the following principles when making and adopting policies and determinations concerning rates under the Act:

(a) rates constitute a system of taxation for local government purposes (generally based on the value of land);

(b) rating policies should make reasonable provision with respect to strategies to provide relief from rates (where appropriate), and any such strategies should avoid narrow or unreasonably restrictive criteria and should not require ratepayers to meet onerous application requirements;

(c) the council should, in making any decision, take into account the financial effects of the decision on future generations.

14—Amendment of section 151—Basis of rating

The general provision that allows a rate to be fixed entirely as a fixed charge is to be removed. Other provisions of the Act, relating to separate rates and service rates and charges, will allow a council to impose a fixed charge in appropriate cases.

15—Amendment of section 152—General rates

The ability to impose a general rate based entirely on a fixed charge is to be removed.

16—Amendment of section 153—Declaration of general rate (including differential general rates)

A council will be required, in declaring a general rate, to determine whether it will fix a maximum increase in the general rate to be charged against rateable land that constitutes the principal place of residence of a council ratepayer.

17—Amendment of section 154—Separate rates

An amendment is to be made so as to provide under section 154 for a separate rate to be based on a fixed charge. The requirement for a council to obtain the approval of the Minister before it bases a separate rate on a proportional measure or basis, or according to an estimate of benefit, is to be removed.

18—Amendment of section 155—Service rates and service charges

Additional items are to be listed in the Act with respect to the services for which a service rate or service charge may be imposed. Another amendment will allow a service rate or service charge to vary according to factors prescribed by the regulations. It will also be made clear that a council may declare a service rate or a service charge despite the fact that the relevant service is provided by a third party on behalf of the council.

19—Amendment of section 156—Basis of differential rates

A differentiating factor for rates that is based on the locality of land will be required to comply with any requirement or principle prescribed by the regulations.

20—Amendment of section 158—Minimum rates and special adjustments for specified values

It will be possible to fix a minimum amount payable by *any* rate or charge (and a minimum amount will be able to be varied according to factors prescribed by the regulations).

21—Amendment of section 166—Discretionary rebates of rates

The items for which a rebate may be granted under section 166(1) will be altered to include cases where the rebate is considered by the council to provide relief in order to avoid what would otherwise constitute—

(a) a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan; or

(b) a liability that is unfair or unreasonable.

22—Repeal of section 171

A council will be required to prepare, and to provide to ratepayers, a summary of its annual business plan rather than a rating policy.

23—Amendment of section 181—Payment of rates—general principles

The general provisions relating to the payment of rates are to be adjusted so that information specified under the regulations will be provided to a ratepayer if the payment of the rates has been postponed under another provision of the Act. Another amendment will allow a council, under an agreement between the council and the principal ratepayer, to send a rates notice by electronic communication.

24—Amendment of section 182—Remission and postponement of payment

An amendment will make it clear that a postponement of the payment of rates under section 182 may rate to the whole or a part of the payment.

25—Insertion of section 182A

The new section proposed by this clause will allow a person who holds a State Seniors Card, or who is eligible to hold such a card and has applied for the card (a ***prescribed person***), or who is the spouse of a prescribed person, to apply for the postponement of rates if the rates are payable on land that is the principal place of residence of the prescribed person and the land is owned by the prescribed person, or by the prescribed person and his or her spouse. The rates will then become due and payable when title to the relevant land is transferred to another person, or when a condition that applies with respect to the postponement is breached. Interest will accrue on the amount the payment of which has been postponed.

26—Insertion of section 187A

The new section 187A proposed by this clause will allow the Ombudsman to conduct a review of the rating practices and procedures of 1 or more councils. New section 187B proposed by this clause will allow the Ombudsman to carry out an investigation if it appears to the Ombudsman that the council's declaration of any rate or service charge may have had an unfair or unreasonable impact on a particular ratepayer.

27—Amendment of section 270—Council to establish grievance procedures

The procedures established by a council for reviews of its decisions must allow applications that relate to the impact of a declaration of a rate or service charge to be dealt with promptly and, if appropriate, dealt with through the provision of relief or concessions under the Act.

28—Variation of Schedule 4

29—Variation of Schedule 5

These are consequential amendments.

Schedule 1—Related amendments and transitional provisions

The amendments to the *City of Adelaide Act 1998* are consequential. An amendment to the *Rates and Land Tax Remission Act 1986* will revise the definition of ***rates*** so as to include rates or charges under the *Local Government Act 1999* for the provision of water.

Dr McFETRIDGE secured the adjournment of the debate.

PRIMARY PRODUCE (FOOD SAFETY SCHEMES) (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to amend the Primary Produce (Food Safety Schemes) Act. Read a first time.

The Hon. R.J. McEWEN: I move:

That this bill be now read a second time.

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

Leave granted.

A clear aim in developing the *Primary Produce (Food Safety Schemes) Act* was to enable a smooth transition for businesses from currently legislated food safety systems to the new legislative framework. This still remains a government commitment and this Bill is proposed so that minor amendments can be made to the Act to ensure a smooth transition for the dairy industry and any other industry with similar needs in the future.

The dairy industry strongly supports the current method of periodic collection of fees from farmers and processors for the operation of the Dairy Authority, as it is the most cost effective method available and hence minimises costs to industry. The Bill proposes amending the Act so that periodic fee collection can occur.

With development of draft dairy food safety regulations it has become apparent that the administrative complexities of moving from the current licensing system to an accreditation system require different transitional provisions than currently provided in the Act to ensure a smooth transition, particularly regarding fees. To also

cover potential transitional issues for other industries it is proposed to amend the Act to enable transitional regulations to be made that can be made specific for the needs of any industry in the future. The changes will also enable more flexible transitional fee arrangements for the meat industry.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Primary Produce (Food Safety Schemes) Act 2004*

3—Amendment of section 17—Periodic fees and returns

The current provision provides only for annual fees and returns. The amendments enable the regulations to specify the period in respect of which fees and returns are to be provided.

4—Amendment of section 46—Regulations

This amend makes it clear that the regulations may deal with savings and transitional matters.

5—Amendment of Schedule 1—Related amendments, repeals and transitional provisions

This amendment repeals the provision that related to fees for accreditation following a temporary accreditation under the clause. Greater flexibility is needed because it is proposed to continue different periodic arrangements for different parts of the industry. Any transitional issues will be handled in the regulations.

Dr McFETRIDGE secured the adjournment of the debate.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 566.)

Mr BROKENSHIRE (Mawson): I intend to be reasonably quick, because this bill has already been through the Legislative Council, where much debate and amendment occurred. The minister handling the bill here (minister Hill) has tabled some amendments, and in his second reading speech he might like to give an overview as to why those amendments have been tabled and, indeed, what they mean. At this point in time, my understanding of those amendments is that they take some of the amendments of the government's original bill back to where the government tabled it in another place. If that is, indeed, the case the advice I have is that the opposition would be opposing that. So, I seek some comment from the minister.

The government introduced the bill in October 2003 to amend the Correctional Services Act 1982. Currently, of course, the law requires that a person who is sentenced to imprisonment for more than five years must appear before the Parole Board. In these cases, the board has a discretion as to whether or not the prisoner may be released on parole. For those prisoners imprisoned for less than five years, section 66 provides that the board must order their release from prison upon the expiration of the non-parole period. It is colloquially known as 'automatic parole'. However, following the government review conducted by the Chief Executive Officer of the Department of the Premier and Cabinet, the government introduced the legislation we are debating now, so that prisoners who are serving a period of imprisonment of less than five years for sexual offences also have to apply for release on parole, and all other prisoners serving between one and five years would be automatically paroled. That is the current position.

The Democrats moved an amendment that automatic parole be deleted and that every single person sentenced to a period of imprisonment greater than 12 months would have to appear before the Parole Board and would not be entitled to automatic parole. The government opposed that amendment. I am advised that currently 130 prisoners, on average, appear before the Parole Board per year. Of course, if the Democrat amendment succeeded, 300 to 360 prisoners who would automatically have been released would have to appear before the Parole Board. The government has said that, if that amendment was successful, it would have to establish the equivalent of two more parole boards, which would involve considerable cost.

A lot of arguments have been put forward. Those against—obviously, the government—say that the cost of the proposal is too high and it would not achieve any outcomes. The government would find it hard to find suitable people to serve on the Parole Board. Then, of course, as the Democrats put it, they believe it would attract community support, because the community is generally suspicious of automatic release on parole. There would be a greater opportunity for the Parole Board and correctional officers to have a post-release impact on the lives of prisoners following their release, with a view to reducing the recurrence of offending, which is something we would all like to see.

I commend the officers of the Department for Correctional Services and Parole Board members and its head. It is not an easy job working in that area. I had the privilege of the portfolio for several years. I personally believe we gained a lot during that period. We had a balanced approach to how the department ran not only from the point of view of penal management but also from the point of view of rehabilitation and correction, which is part of what the department is about. Many of those people returned to mainstream society and have been good, sound contributors to South Australia since their release. We should appreciate the work which those people do. However, there is much debate about whether or not correctional services (as it stands now) should be significantly structurally changed. I mean, there are arguments from the point of view of not giving them parole at all or certainly considering everyone's being assessed before they are given parole, through to the point where some would say that just about the only thing left to do is to bring back hanging because of the way in which we have carried on in this parliament over a period regarding our being so-called tough on law and order.

However, at the end of the day, a proper justice structure needs to be balanced, and therefore I hope that we will hear some more argument not only about what is happening with assessments for parole but the bigger picture again of what we should be doing with corrections. I happened to see some very good work in a special needs area of community services orders only yesterday, work which I was pleased to see continuing along similar lines to what was being done under the previous government. I hope that the minister receives some support from his cabinet colleagues and his government to continue that sort of work as well, because a minister can be pretty lonely in that portfolio from time to time. It would be disappointing if governments and parliaments did not have proper knowledge of and a proper management plan for comprehensive rehabilitation and restorative justice, as well as the other end of it; that is, the big stick approach which we only seem to hear about these days.

Notwithstanding that, as I said, there has been much debate on this matter in another place. The opposition has

decided to support the amendments passed by the majority of members of the Legislative Council. I now complete my remarks and await the minister's answer to my question concerning the amendments which he will move in this house.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Mawson for his contribution. As he says, this bill has been debated extensively in the other place. The central proposition which the government is moving is that the automatic parole which is given to prisoners in South Australia when a five-year term applies should be modified in certain circumstances when sexual offences apply, or by regulation for other offences when a term of three years or less applies. In the other place, the opposition and some of the Independents combined to broaden that so that the automatic release would be removed for all prisoners serving more than 12 months. I guess there is a superficial attraction to that proposition because it would mean that greater scrutiny is given to the parole process—and there is a sort of popular politics aspect to it as well.

However, the reality is that it would become unmanageable. There would be so many prisoners' applications which would have to be considered, it would make the whole system unworkable; and it would cost millions of dollars to create a whole series of parole boards to deal with the issues. The government does not support it. In respect of the current system, it appears to be working well, but as I understand it, the Parole Board feels that the inclusion of sexual offences in the matters which are to be considered directly by the Parole Board is a good idea. That is essentially what this bill is about. There is just a debate between the two sides as to which is the preferred position.

The government is expanding the number of cases which the Parole Board is wanting to look at. The opposition wants to take that one step further. We are saying that is unnecessary and it would be costly. It would not be an effective use of available resources. We would rather use those resources to catch bad people. For those reasons, we reject the amendments moved in the other place. As the member says, I will be moving two amendments which really seek to restore the position which the government originally put in the other place.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. J.D. HILL: I move:

Page 6, lines 27 and 28—Delete the clause and substitute:

11—Amendment of section 66—Automatic release on parole for certain prisoners

(1) Section 66—delete 'The' and substitute: 'Subject to subsection (2), the'

(2) Section 66—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) Subsection (1) does not apply to—

(a) a prisoner if any part of the imprisonment for which the prisoner was sentenced is in respect of a sexual offence; or

(b) a prisoner of a class excluded by the regulations from the application of subsection (1) (but the regulations may not exclude a prisoner liable to serve a total period of imprisonment of three years or less).

This amendment deletes the clause 11 that appears in the bill that comes from the other place and restores the words that were originally placed in the legislation. I have already addressed the issue, and this will restore to the bill the principles the government wanted to establish, that is, that the Parole Board should consider directly those prisoners whose terms are less than five years who are responsible for a sexual offence and others for a period of three years or less who, by regulation, are included on that list.

Mr HANNA: Will the minister confirm the figures that were referred to by the member for Mawson in his contribution? I think the member for Mawson indicated that, currently, about 130 potential parolees go before the board each year and that something like 2½ times that number would go before the board if the upper house version of the bill was to stand.

The Hon. J.D. HILL: I am advised that the existing Parole Board is working to capacity. In fact, one of the things this legislation does is expand the board so that it can operate more effectively. The board handles approximately 130 applications a year, in addition to its other work, and the cost of the present board is around $457 000 a year. To consider another 300 to 360 applications would require increased capacity of approximately three to four times the size of the current board, or a full-time board. The expected cost is about one and a half million dollars a year. I am advised that up to four times as many applications would be heard should this amendment be successful.

Mr HANNA: I am intrigued by the comment the minister has just made about expanding the Parole Board to enable it to do its job better. There was some suggestion in the minister's remarks that increasing the size of the board would enable the board to get through the work more quickly. I do not really understand how that is the case. I did not expect that the Parole Board would be breaking into subgroups, for example, to process the work.

The Hon. J.D. HILL: Currently, there are six members on the Parole Board, and they sit as two divisions, with three in each division. We are putting an extra three on the board, so there will be nine members on the board, and they will be able to sit as three divisions.

Mr HANNA: Why is an exemption made particularly for sexual offenders? I do not argue the point in relation to the government wishing to maintain that sexual offenders go before the Parole Board before being released, but why would those who commit violent crimes, for example, not be included also? In other words, the government is saying that offenders other than those in respect of sexual crimes will receive their parole automatically, without any requirement to go before the Parole Board. Why would the government not also make an exception for people who have committed violent crimes on exactly the same reasoning as would be used for exempting those who commit sexual crimes?

The Hon. J.D. HILL: I am advised that the chair of the Parole Board identified sexual offences as an area where there should be greater scrutiny, and the government was of a mind to support that. I am only speculating, but I imagine it is issues to do with public safety and a great deal of community fear associated with sexual offences and the insidious nature of sexual offenders. The member refers to violent crimes. If you have violent crimes in terms of burglary or other sorts of things, they are relatively public events, whereas sexual offences can be very private offences. It may well be that the board believes that it should keep a very much tighter and closer scrutiny on those offenders to ensure that they have been rehabilitated and that public safety is being maximised. As I have said, I am just speculating.

The other part of our amendment allows, by regulation, other types of prisoners also to be subject to this high level of scrutiny. The idea is that the board will adapt to this new regime in a staged way so that the sexual offences will come on stream and then, over time, the board will consider whether other offences should also be included. Violent crimes could well be the kind of matter that could be covered by regulation. The point that the honourable member makes is a good one and the legislation in fact allows the government, taking advice from the board, to bring in other types of criminal offences.

The committee divided on the amendment:

AYES (25)

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. (teller)
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (19)

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

PAIR(S)

Snelling, J. J.	Redmond, I. M.

Majority of 6 for the ayes.

Amendment thus carried; clause as amended passed.

Clause 12.

The Hon. J.D. HILL: I move:

Page 6, lines 30 and 31—Delete subclause (1) and substitute:

(1) Section 67(1) and (2)—Delete subsections (1) and (2) and substitute:

(1) This section applies to a prisoner if—

(a) section 66 does not apply to the prisoner; and

(b) a non-parole period has been fixed for the prisoner; and

(c) the prisoner is not serving a sentence of indeterminate duration.

(2) If this section applies to a prisoner—

(a) the prisoner; or

(b) the chief executive officer, or any employee of the department authorised by the chief executive officer,

may apply in the prescribed manner to the board for the prisoner's release on parole.

This is a consequential clause. It restores to the legislation the mechanism that allows us to do what is contained in clause 11.

The committee divided on the amendment:

AYES (25)

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. (teller)
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

NOES (19)

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

PAIR(S)

Snelling, J. J.	Redmond, I. M.

Majority of 6 for the ayes.

Amendment thus carried.

Mr HANNA: I move:

Page 7, after line 21—Insert:

(7) Section 67(5)—delete '(not being a prisoner who is serving a sentence of life imprisonment)'

(8) Section 67(6) to (8)—delete subsections (6) to (8) and substitute:

(6) The Board—

(a) must not specify a release date that is earlier than the day on which the prisoner's non-parole period expires; and

(b) in the case of a prisoner who is serving a sentence of life imprisonment—must specify a period of not less than 3 years or more than 10 years for which the prisoner is to continue on parole.

The principle is straightforward; it is the subject of a private member's bill that I brought into this place about 18 months ago. There is added impetus to this move because of the government's measures to reform the Parole Board. I am proposing to remove executive interference in the matter of release on parole so that the decisions of the Parole Board, a group of people with a range of expertise and community values (as the minister calls it), stick. I suggest that, once the government has improved the Parole Board through the passage of this bill, we should all let the Parole Board get on with its job. When it makes a decision to recommend that a person be discharged from prison, that decision should stand. It is only because of historical reasons that we allow the Governor, on the advice of her ministers, to make these decisions to keep people in gaol for longer. Generally, it is done for reasons of headlines—not policy.

I think we should follow the example of most of the Australian states and remove executive interference. The opposition will oppose this I suppose, because it is afraid it will be seen to be soft on crime; what an absurdity. The government will use this device in a cynical and manipulative way closer to election time when we will find, undoubtedly, that somebody who has committed an unsavoury crime has to stay behind bars. Through the decision of the executive to refuse parole despite recommendations for release by the Parole Board, the government will use it to paint itself as heroes—to keep an offender behind bars—no matter that

expert advice and the contributions of the government's hand-picked community members recommend release.

The opposition can avoid taking the flak now, but it will get it back double closer to election time. The government will be able to use the existing legislation cynically for base political purposes; it has proven that it is willing to do so; it has already done so in respect of a couple of people imprisoned for life. It is politically short-sighted for the opposition to oppose this amendment. In summary, the amendment is to let the Parole Board get on with its job. The government says it has improved the Parole Board exactly the way it wants through this legislation; let it do its job.

Mr BROKENSHIRE: I hear what the member for Mitchell is saying. I have not had a chance to discuss this matter with my party. Given that I am not the person responsible for the overall portfolio, I can only hear what the member is saying. I do understand from advice that, when I spoke to him, he had put up an identical clause before, and that it had not been supported by the opposition. The only other point that I raise concerns the final clause where the government is moving not to allow the tabling of reports of recommendations and refusals to the board. That is certainly part of the opportunity that the member for Mitchell is on about, as I understand it, where there would be some accountability to try to stop the straight, blatant politics that we see from time to time when the government makes an announcement after the board has recommended parole.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHIRE: Absolutely. The point is that here is an opportunity for the member for Mitchell to support an amendment that was passed by the Legislative Council that would, at least, put some requirement on the government to say why it refused the Parole Board's recommendations to release any prisoner. With those points, I advise that the opposition will not be able to support the member for Mitchell.

The Hon. J.D. HILL: I indicate that the government does not support the amendment. In advising the Governor, Executive Council need not and should not merely act as a rubber stamp to a Parole Board recommendation. The act provides that prisoners serving sentences of life imprisonment can only be released if the Parole Board so recommends and Executive Council confirms that recommendation; that is how the act is intended to work. The current procedure was included in the act because it was argued by the government of the day that it was more acceptable to the general public that the government be accountable for the release of such prisoners back into the community, and the government agrees with that approach.

If the member for Mitchell's measure had been successful then, of course, there would be a couple of prisoners now not imprisoned who are currently in prison. So, if this had applied, there would be more people out in the street who otherwise would be in gaol. Some might think that would be a good thing—that is not the government's view. The government sticks to the principle that it is the responsible body for making the final decision in relation to these matters.

Mr HANNA: I wonder how the bolt of lightning struck the Hon. John Hill overnight. It was only a couple of days ago when the member for Stuart was moving amendments in relation to environmental legislation that the Hon. John Hill, as environment minister, made the point very, very strongly that you set up an organisation such as the Environment Protection Agency, for example, you choose the chief executive and the board; the board chooses the employees; you let them get on with the job. That is exactly the principle that I am seeking to bring to the Parole Board. However, today the minister has different briefing notes, or something has happened; he has transformed in the last week and adopts a completely different approach to democracy and accountability. I simply point out the transformation.

The Hon. J.D. HILL: I must reply to my honourable friend's commentary. In relation to environment protection we are talking about the prosecution of, and imposition of penalties upon, offenders under the EP Act. In this case, the government is talking about the release of persons who have been found guilty of murder by a court. That is a totally different set of circumstances. We are not talking about being involved or interfering in whether or not someone goes to gaol in the first instance or whether they are found guilty of the offence of murder. So, it is not a parallel argument. I think there is a distinction between the circumstances, and I just wish to draw that to the attention of the committee.

The CHAIRMAN: The question is that the amendment be agreed to—declared negatived.

Mr HANNA: Divide!

While the division was being held:

The CHAIRMAN: There being only one vote for the ayes, I declare that the amendment is lost.

Clause as amended passed.

Clauses 13 and 14 passed.

Clause 15.

The Hon. J.D. HILL: I move:

Page 8, lines 21 to 37—Delete the clause.

The government seeks to remove from the bill that was amended in the other place a provision which would require the government to table reports of recommendations of the board and refusals to approve recommendations. This would put a considerable constraint on executive government and open a window into the deliberations of cabinet. I am surprised that the opposition is supporting this, because from time to time it does find itself in government, and this would set a precedent for it as much as for the current government. It would start to erode the essential principles on which cabinet operates, and that is that decisions are made in camera and are not subject to scrutiny. The media would love to have access to, and others in the community would love to see, what happens in cabinet, but that is not our system.

There are other reasons than that principled reason, and I will cite two. The primary reason of those two is the effect that it may well have on victims, because for the government to report on why a decision was made it may entail the government's referring to the facts of particular cases. That could cause distress or invade the privacy of the victim, although probably not the victim as much as the victim's family, and the government thinks that would be a negative outcome of this particular measure. The other reason relates to the potential for an aggrieved offender to look at the reasons given and then undertake some sort of legal action based on those reasons—for example, to seek a judicial review—which would mean that the cabinet decision was not the final decision; in fact, some other body would make the final decision. So, it would create uncertainty in the process. For a variety of reasons the government is strongly opposed to this, and I urge the house to support the amendment.

The committee divided on the clause:

AYES (21)

Brindal, M. K. Brokenshire, R. L. (teller)

AYES (cont.)

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.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	McFetridge, D.
Meier, E. J.	Penfold, E. 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.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.
Wright, M. J.	

PAIR(S)

Redmond, I. M.	Snelling, J. J.

Majority of 2 for the noes.

Clause thus negatived.

Remaining clauses (16 and 17), schedule and long title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I thank members for their contribution to the bill. The bill is now restored to the shape it was in when it was introduced to the upper house. I guess this means that it will now go to some sort of resolution with the other place and either the amendments that have been moved here will be accepted or we will have to go to a deadlock conference. I hope that commonsense prevails and we can get the bill through, because it does improve the management of the Parole Board system in South Australia in a number of ways. It would be regrettable if the opposition insisted upon its amendments in the other place, because it would mean that we will not have the improvements that this bill is attempting to introduce. Finally, I thank the parliamentary officers and the advisers for their assistance to me in dealing with this matter in the house today.

Bill read a third time and passed.

INDUSTRIAL LAW REFORM (ENTERPRISE AND ECONOMIC DEVELOPMENT—LABOUR MARKET RELATIONS) BILL

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

No. 1. Clause 1, page 5, lines 3 and 4—
Delete all words in these lines and substitute:
This Act may be cited as the *Industrial Law Reform (Fair Work) Act 2005*.

No. 2. Clause 4, page 5, lines 15 and 16—
Delete all words in these lines and substitute:
This Act may be cited as the *Fair Work Act 1994*.

No. 3. Clause 5, page 5, lines 19 and 20—
Delete paragraph (ca) and substitute:
(ca) to promote and facilitate employment; and

No. 4. Clause 5, page 5, line 25—
Delete "and permanency".

No. 5. Clause 5, page 5, lines 29 to 32—
Delete subclause (4)

No. 6. Clause 5, page 6, line 2—
Delete "or unreasonable"

No. 7. Clause 5, page 6, lines 8 and 9—
Delete paragraph (p)

No. 8. Clause 5, page 6, lines 21 and 22—
Delete paragraph (d)

No. 9. Clause 6, page 6, lines 31 to 33—
Delete subclause (4)

No. 10. Clause 6, page 7, after line 36—
Insert:
(ca) the Employee Ombudsman; and

No. 11. Clause 7—
Leave out the clause.

No. 12. Clause 8, page 9, after line 20—
Insert:
(2a) To avoid doubt, a person who is engaged by another person to clean the private residence of a third person is not an outworker under this section.

No. 13. Clause 8, page 9, after line 29—
Insert:
(4) A regulation made for the purposes of subsection (3) cannot come into operation until the time has passed during which the regulation may be disallowed by resolution of either House of Parliament.

No. 14. New clause, page 11, after line 27—
Insert new clause as follows:
20A—Amendment of section 58—Appointment and conditions of office of Employee Ombudsman
Section 58(1)—delete "which may be renewed for one further term of 6 years" and substitute:
(which may be renewed from time to time)

No. 15. Clause 31, page 15, lines 15 to 17—
Delete subsection (1) and insert:
(1) The Full Commission may, on application by a peak entity, establish a standard relating to paid parental leave that, subject to this section, is also to apply as a minimum standard to all employers and employees.
(1a) A contract of employment is to be construed as if it incorporated any minimum standard established under subsection (1) unless—
(a) the provisions of the contract are more favourable to the employee; or
(b) the provisions of the contract are in accordance with an award or enterprise agreement.

No. 16. Clause 31, page 15, lines 35 to 40—
Delete subsection (7)

No. 17. Clause 34, page 18, after line 34—
Insert:
(3a) An employer cannot be required, as part of any negotiations under this Part, to produce any financial records relating to any business or undertaking of the employer.

No. 18. Clause 34, page 18, lines 37 to 40, page 19, lines 1 to 24—
Delete subsections (5), (6) and (7) and substitute:
(5) Nothing in a preceding subsection prevents a party to negotiations for an enterprise agreement deciding to withdraw from the negotiations entirely.

No. 19. Clause 36, page 21, line 8—
After "duties by employees" insert:
or that relate to the remuneration of employees

No. 20. Clause 45, page 24, after line 29—
Insert:
(1a) The Commission may, in setting rates of pay with respect to particular work under subsection (1), specify different rates according to the different levels of skill or experience that persons undertaking the work may possess.

No. 21. Clause 46, page 25, line 24—
After "the relevant work", first occurring, insert:

(other than (if relevant) as a purchaser at the point of sale by retail)

No. 22. Clause 46, page 25, line 31—
After "sale of clothing" insert:
(and associated items)

No. 23. Clause 46, page 26, line 3—
Delete "The Minister may publish" and substitute:
The Governor may, by regulation, establish

No. 24. Clause 46, page 26, lines 12 to 18—
Delete subsections (4) and (5)

No. 25. Clause 46, page 26, line 32—
Delete "the Minister" and substitute:
the Governor

No. 26. Clause 46, page 27, line 6—
After "believes" insert:
on reasonable grounds

No. 27. Clause 49, page 31, lines 27 and 28—
Delete ", or any other premises where records are kept or work is performed"

No. 28. Clause 49, page 31, after line 32—
Insert:

(3) Section 104—delete subsection (4) and substitute:

(4) In addition to the powers set out in subsections (1) and (3), if an inspector has reason to believe that a document required to be kept by an employer under this Act or any other Act is not accessible during an inspection under subsection (3), the inspector may, by notice in writing to an employer, require the employer to produce the document to the inspector within a reasonable period (of at least 24 hours) specified by the inspector.

(4a) A document produced under subsection (3) or (4) may be retained by the inspector for examination and copying (and, accordingly, the inspector may take it away), subject to the qualification that the inspector must then return the document within 7 days.

(4) Section 104(5)(a)—delete "take away a" and substitute:
retain an original

(5) Section 104(5)(b)—delete paragraph (b) and substitute:

(b) the inspector may not retain the original of a document that is required for the day-to-day operations of the employer (but the inspector may copy it at the time of its production).

No. 29. Clause 51—
Leave out the clause.

No. 30. Clause 52, page 33, line 7—
Delete "reasonable" and substitute:
clear

No. 31. Clause 53, page 34, lines 1 to 7—
Delete subsections (5) and (6)

No. 32. Clause 55, page 34, after line 18—
Insert:

(da) whether the employer has failed to comply with an obligation under section 58B or 58C of the *Workers Rehabilitation and Compensation Act 1986*; and

No. 33. Clause 55, page 34, lines 21 to 24—
Delete subclause (2)

No. 34. Clause 56, page 34, after line 31—
Insert:

(1b) However, the Commission need not regard re-employment as the preferred remedy if the position to which the applicant would be re-employed is in a business or undertaking where, at the time of the Commission's decision on the application, less than 50 employees are employed.

No. 35. Clause 56, page 34, lines 32 to 37—
Delete subclause (2)

No. 36. Clause 58—
Leave out the clause.

No. 37. Clause 59, page 36, line 5—
Delete ", or potential members,"

No. 38. Clause 59, page 36, lines 18 to 20—
Delete subsection (1b)

No. 39. Clause 59, page 36, line 30—
Delete "unreasonably"

No. 40. Clause 59, page 36, lines 31 to 41—
Delete subsection (2c)

No. 41. Clause 59, page 36, after line 41—
Insert:

(6a) Section 140(3)—after paragraph (a) insert:

(ab) address offensive language to an employer or an employee; or

(6b) Section 140(3)—after paragraph (b) insert:

(c) use or threaten to use force in relation to an employer, an employee or any other person.

No. 42. New clause, page 37, after line 15—
Insert new clause as follows:
59A—Amendment of section 141—Register of members and officers of association

(1) Section 143(3)—after paragraph (b) insert:

(c) information as to—

(i) the number of financial members of the association; and

(ii) the number of non-financial members of the association,

as at the immediately preceding 30 June.

(2) Section 141—after subsection (3) insert:

(3a) A person is entitled to inspect (without charge) a copy of any information provided under subsection (3) during ordinary business hours at the office of the Registrar.

No. 43. Clause 63—
Leave out the clause.

No. 44. Clause 64, page 39, after line 3—
Delete the clause and substitute:
64—Insertion of new Division
After section 155 insert:
Division 4A—Conciliation conferences
155A—Application of Division
This Division applies to proceedings founded on—
(a) a monetary claim;
(b) a claim for relief against unfair dismissal.
155B—Conciliation conference

(1) Before the Court or the Commission hears proceedings to which this Division applies, a conference of the parties must be held for the purpose of exploring—

(a) the possibility of resolving the matters at issue by conciliation and ensuring that the parties are fully informed of the possible consequences of taking the proceedings further; and

(b) if the proceedings are to progress further and the parties are involved in 2 or more sets of proceedings under this Act—the possibility of hearing and determining some or all of the proceedings concurrently.

(2) Any member of the Court or Commission may preside at a conference under subsection (1) unless the parties are in a remote part of the State, in which case the President may authorise a stipendiary magistrate to call and preside at the conference.

(3) The person presiding at the conference (the presiding officer) must, not more than 3 business days after the conclusion of the conference—

(a) give the parties a preliminary assessment of the merits of the claim (or, if there is more than 1 claim, of each claim) and any defence to the claim (or claims); and

(b) recommend to the parties how best to proceed to resolution of the questions in issue between them (or, if in the presiding officer's opinion the application patently lacks merit, recommend that the claim be withdrawn).

(4) If a claim is not resolved by conciliation or withdrawn, it will be set down for hearing before the Court or Commission (as the case requires).

No. 45. New clause, page 41, after line 23—
Insert:
73A—Insertion of section 225A
After section 225 insert:
225A—Use of offensive language against a representative

An employer, or an officer, employee or representative of an association of employers, must not address offensive language to a duly authorised representative of

an association of employees (insofar as the person is acting as such a representative).
Maximum penalty: $5 000.

ADJOURNMENT

At 4.47 p.m. the house adjourned until Monday 7 March at 2 p.m.