LEGISLATIVE COUNCIL

Wednesday 25 October 2000

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Workplace Relations (Hon. R.D. Lawson)—

Reports, 1999-2000—
Construction Industry Long Service Leave Board
Sixth Annual Report of the President, Industrial Relations Commissioner and Senior Judge, Industrial Relations Court.

LEGISLATIVE REVIEW COMMITTEE

The Hon. A.J. REDFORD: I lay on the table the third report of the committee 2000-01.

QUESTION TIME

MOTORCYCLES

The Hon. CAROLYN PICKLES (Leader of the Opposition): I seek leave to make a brief explanation before asking the Minister for Transport a question on the subject of motorcycle front licence plates.

Leave granted.

The Hon. CAROLYN PICKLES: In the *Advertiser* of 23 October there was quite a lengthy front page article regarding motorcycle riders escaping speeding convictions because of the lack of a front licence plate. I understand that we have had that situation for about 25 years. The article stated that more than 100 motorcyclists escape speeding convictions each month because they have no front licence plates and that in some cases after being photographed exceeding the speed limit by more than 40 km/h they also avoid the possible loss of their licence, so the police obviously have a concern.

The South Australian Motorcycle Riders Association, which represents about 14 000 riders, has condemned any proposal to have a front licence plate and its President, Mr Harold Lindeman, is purported to have said in the *Advertiser*:

> We certainly don't want to see Australia taking a retrograde step by introducing legislation which will make us a bit of a laughing stock. . . simply because there are a few policemen here that decide they are not earning enough money from their speed cameras. We have opposed it from the word go because the premise it is based on is pretty unsound. It's an opportunity to get a few more bucks out of the motorcyclists—it doesn't affect any road users.

The Traffic and Safety Manager of the RAA, Mr Chris Thomson, said he supported the proposal of reintroducing the plates. My question is: does the minister have any plans to amend legislation in respect of this issue?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I can advise that Superintendent Zeuner from the Traffic Support Branch wrote to me on this matter on 25 September. I am advised that the Road Safety Executive group—on which the police, the Health Commission, Transport SA, the Motor Accident Commission and others are represented—is prepared to consider Superintendent Zeuner's recommendation, but at this stage the issue has not advanced beyond that point.

I can highlight that no other jurisdictions in Australia now require, and never have required, front numberplates on motorbikes as far as I can determine, and that is certainly an issue that must be taken into account. If that is the case, I would never recommend to the government or to the parliament that we advance the issue in South Australia on our own. In my view, it would certainly have to be one of the matters looked at as a national road initiative and, as the honourable member knows, that is the way we are seeking to advance road laws in the future—by promoting a national approach and not an individual state approach, particularly one where there is questionable value or at least controversial opinion about the road safety implications of requiring such a plate.

So, like so many road safety issues and issues of road law reform in general, it is never a black and white issue, and certainly this one is not. But it is being looked at in a wider context, as I mentioned, by the Road Safety Executive, and I anticipate receiving a report from it in due course. I certainly have not at this time.

CONSULTANTS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about consultants.

Leave granted.

The Hon. P. HOLLOWAY: The Auditor-General's Report for 1999-2000 expresses concerns about the use of consultants in government departments. The Auditor-General states that the government has failed to follow recommendations made by him last year in relation to the promulgation for use by all public authorities of guidelines developed by the Department of Treasury and Finance in 1995 and which built on requirements—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I think it will take weeks and months to go through all the issues raised by the Auditor-General, because there are so many of them. There is an enormous number, as there are every year. It seems to get bigger every year. These guidelines were developed by the Department of Treasury and Finance in 1995 and they built on requirements by the Department of Premier and Cabinet in 1992. It has taken the government a very long time to catch up on them. At page 199 of the overview the audit states:

> 'Audit continues to note deficiencies in the processes followed in the engagement and management of consultancies by some public sector agencies.

It continues:

> . . . it is Audit's opinion that it would be an opportune time for the Government to consider appropriate processes for the engagement and management of consultants. Accordingly, it is again recommended that the Government promulgate the guidelines developed by the Department of Treasury and Finance for use by all public authorities.

Yesterday, in a ministerial statement, the Premier stated:

> In relation to the appointment of consultants, officers within government are reviewing the appropriate guidelines across a range of agencies.

The *Advertiser* reported today:

> All state government departments have been ordered to review their guidelines on the employment of consultants.

In view of those facts, my questions to the Treasurer are:

1. Why were guidelines on the engagement and management of consultants which were developed by the Department of Treasury and Finance and which were recommended for adoption by the Auditor-General 13 months ago not promulgated by the government?

2. Why is it necessary to now conduct a review of all departments when guidelines were developed by his department on this very issue five years ago?

The Hon. R.I. LUCAS (Treasurer): We always give due respect to any suggestions made by the Auditor-General. As I have indicated previously, whilst the government obviously agrees with the vast majority of recommendations that the Auditor-General makes, there are occasions when it does not. I have highlighted recent examples in relation to the electricity privatisation process where the government had a different view from that of the Auditor-General.

That is not to say that the government necessarily has a different view from the Auditor-General on the issue of appropriate guidelines for the employment of consultants. Certainly, the government believes and would share the Auditor-General's view that there ought to be appropriate guidelines for the employment of consultants within the public sector. The obvious question is: what are the appropriate guidelines? The honourable member would need to get into the weeds of this issue to a much greater degree, if I might suggest, in terms of the detail of his question, because there is a Treasurer's instruction (I think it is Treasurer's Instruction No. 8, but I would need to check that number) which does apply to all agencies. Guidelines are developed by each individual portfolio within the broad construct of the Treasurer's instruction. I would—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No, it means that there is an issue for each portfolio, as I understand it, to develop guidelines as appropriate for the management of consultancies within the overall construct of the Treasurer's instruction, which, I think, is issued under the Public Finance and Audit Act. We would probably need to clarify with the Auditor-General exactly what it is he is talking about in that part of his report.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: There is, as I said, a Treasurer's instruction that applies to all agencies. That already exists. Treasurer's guidelines apply to Treasury but, as I understand it, other portfolios have developed guidelines underneath the umbrella of the Treasurer's instruction. I do not have a copy of the Premier's statement that he made yesterday, but I am assuming that he is probably referring to the Premier and Cabinet guidelines as they apply the Treasurer's instruction within the Premier and Cabinet portfolio. I do not know that for a fact: I am only assuming that that might have been the case and I will need to check it.

In relation to the issue of guidelines, we have already undertaken some work in light of recent debates to look at the consistency or otherwise of guidelines as they exist across the portfolios. If the Premier has indicated to all portfolios that they need to review their own guidelines, that will obviously be done by portfolios in accordance with any instruction from the Premier. At the same time, as I said, from a Treasury viewpoint we are looking at the degree of consistency within all the portfolios in respect of their guidelines.

I suppose that there are a couple of options: that there be a model set of guidelines (which would be the Auditor-General's preferred course of action) that might be mandated across the board; or that the guidelines that have been developed by each of the individual portfolios are appropriate—as long as each has a set of appropriate guidelines. I would not want to put words in the Auditor-General's mouth, but it may be that he would be comfortable with that. They are the sorts of questions that we will, in the light of recent events, have a close look at. I am not in a position at this stage to add anything more to the public record.

EMPLOYEES, HEAVY ENGINEERING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Treasurer, in his role as Minister for Industry and Trade, a question about the re-skilling of displaced heavy engineering workers in South Australia.

Leave granted.

The Hon. T.G. ROBERTS: South Australia's heavy engineering industry is going through a crisis where a lot of the projects that have been in hand over the past decade have now almost completely dried up. The heavy engineering work being done in this state relies almost solely on the Submarine Corporation and, to some extent, Perry Engineering which does work associated with the corporation. It appears that the commonwealth contracts for any future submarines are not coming forward and, if they are, the commonwealth is slow in announcing them.

In countries such as Sweden, before an industry is dismantled re-training programs are generally put in place using the existing work force as the base before adding new recruits. In Australia—particularly in South Australia—programs seem to invariably run too late whereby displaced workers are spread to all horizons and then we try to bring them back into some sort of networking in order to revive that industry. My questions are:

1. What steps are being taken by the government to retain skilled and re-skilled workers who have been made redundant recently within the heavy engineering industries?

2. In what projects could they be placed in the future in relation to the Darwin-Alice Springs railway?

The Hon. R.I. LUCAS (Minister for Industry and Trade): I thank the honourable member for his very sensible question; it is an important one from South Australia's viewpoint. I think the frankest answer is that I will need to take some advice from Industry and Trade and probably more particularly the Minister for Employment and Training in relation to the various training and retraining programs that might be available for the sorts of purposes the honourable member has talked about. I will take advice on that issue and will not waste question time this afternoon on that aspect of the question.

In relation to the other areas that the honourable member has raised they, too, merit serious contemplation by the government. What potential there is in the railway contracts to which the honourable member has referred, I would need to further explore. I am not sure whether the skill base or the skill set of the companies that are under stress at the moment is directly applicable to the individual contracts that might be coming available—

The Hon. Diana Laidlaw: They are for rail wagons.

The Hon. R.I. LUCAS: The Minister for Transport says that they are for rail wagons. Clearly, the minister and the Hon. Mr Roberts appear to be of one general mind that there might be a possibility there, and I will be happy to take that up with the appropriate officers within Industry and Trade and others associated with the rail consortium.

In relation to what else the government can do, a key for the government is the retention in the short, medium and long term for the ASC in South Australia. We have been enormously heartened and again congratulate the federal ministers, in particular Moore and Minchin, in relation to what thus far has been achieved with respect to a process that we hope will lead to not only retention but a company in the Submarine Corporation that will thrive here in South Australia.

The importance of having South Australian ministers such as Nick Minchin—to whom I pay credit—in the federal cabinet cannot be underestimated in relation to what he has, on behalf of the federal government in the interests of the nation, but particularly in the interests of South Australia, sought to do to assist us in relation to the Submarine Corporation. If you are talking about the long-term future of these sorts of workers and their families, a successful conclusion to what has commenced in relation to the Submarine Corporation is critical to that long-term capacity being retained in South Australia.

I had further discussions yesterday with the minister assisting the Minister for Defence, and I have had discussions with others in recent times, and it gives us the capacity to put a point of view to the federal government about this particular industry sector as well as defence related industries with, obviously, the flow-on benefit being that, potentially, workers with those skills which the honourable member is talking about will be able to continue to be employed here in South Australia in their own industry rather than necessarily being retrained.

The other aspect of that is the decision announced last Friday in relation to Perry Engineering. The state believed that it was a most important industry within the context of the policy direction which the Hon. Mr Roberts is advocating and which the union and the Engineering Employers Association of South Australia have been advocating in South Australia, that is, that the state should try to do what it can whilst acknowledging its restrictions to try to ensure that important skill-sets remain within South Australia.

I said on Friday and I will say again today: if it had not been for the personal intervention and activity of Nick Minchin in relation to Perry's, I am absolutely convinced that we would not have achieved the result that was achieved on Friday. I have said publicly, and I say again today in response to the honourable member's question, that any member who shares the Hon. Mr Roberts' concerns—and I as Minister join with him—when next he sees Nick Minchin might have a quiet word in his ear and congratulate him on his personal involvement.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Even a letter.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: I suspect that a motion of the parliament might be asking a bit too much. Nevertheless, a quiet word in the good senator's ear—

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: I think the former secretary of the union will know the degree of difficulty that confronted that company. I must say that we are not 100 per cent out of the woods. No-one can guarantee anything but, at least with the takeover by Air-Ride of Perry Engineering, we have the potential for that business, first, to survive and then, hopefully, if it stabilises, to thrive in the long term. We are grateful for the work of the union and the union advocates in that area as we are for what the federal minister did.

So, I think there is a range of things that the government can do, not just in relation to how we retain those who are displaced, although, clearly, that is important, because we as a state government cannot guarantee on-going employment for all the people who currently work within that sector, as we have sadly seen over the past five or 10 years or so.

GOODS AND SERVICES TAX

The Hon. CAROLINE SCHAEFER:I seek leave to make a brief explanation before asking the Minister for the Ageing and Disability Services a question about the price of security devices.

Leave granted.

The Hon. CAROLINE SCHAEFER: A constituent of mine in a country town in rural South Australia has contacted me with regard to her purchase of a Medi-Ness alarm. She is an elderly woman who lives alone, and both she and her relatives are comforted by the fact that she is monitored and has access to this alarm in an emergency. As she has rightly pointed out to me, when she first purchased such an alarm it was sales tax exempt. However, she now finds that the same alarm is subject to the GST. Both the federal government and this government are committed to keeping people independent and living in their own home for as long as they possibly can. In view of these policies, why is the purchase of this alarm and the provision of such monitoring subject to the GST, and what can be done about it?

The Hon. R.D. LAWSON (Minister for Disability Services): I agree with the proposition that government policies, not only those of the state government but also the commonwealth government, in relation to older people are directed at enabling them to stay in their own homes and not to move into residential accommodation until absolutely necessary. In order to enable that to occur, the Home and Community Care program does fund a large number of items and services such as home nursing, personal care, home help, day care, home maintenance and modification, transport services and the like.

The commonwealth government, when introducing its taxation reform package, indicated that those services that are provided through Home and Community Care would not incur any GST. Indeed, it was not only services that were provided through the Home and Community Care program but also similar services provided through private agencies, as I understand the regulations. I commend the federal government for appropriately recognising these needs and for excluding these services from the GST.

I agree that security alarms and personal security devices are of significant assistance in enabling people to remain in their homes. They provide a degree of security and comfort to the individuals concerned and, as the honourable member said, to members of their family. These devices, I believe, have made a great improvement to the quality of life and the sense of security of many older people, and we certainly encourage their use.

I would have hoped that the commonwealth government would have seen that this is a service that is very similar and comparable to all those services which are provided under Home and Community Care and which are GST free. I have recently received a letter from the Hon. Larry Anthony, Minister for Community Services, and he has confirmed that Home and Community Care services are GST free, and he has also confirmed that that also applies even if they are purchased from private service providers.

The commonwealth government has identified what it describes as a potential difficulty when community services such as cleaning, ironing and gardening are purchased privately by people with disabilities because those household services are also purchased by the general public. The commonwealth is examining this issue once again, and I am pleased to see that. However, I would not regard a personal security device as being in the same category as a cleaning, ironing or gardening service, which is a service that many members of the community, not only those who are frail, aged or have disabilities, have to incur.

I will take up with the federal Treasurer, as well as with the Minister for Community Services, the issue raised by the honourable member, and I will press for a satisfactory outcome that would see the removal of the GST from this type of service.

POLICE TRAINING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police, a question about police training.

Leave granted.

The Hon. IAN GILFILLAN: In the *Advertiser* last Thursday (19 October) there was a story entitled 'Police graduate with "inadequate training"'. The story quoted the President of the Police Association, Mr Peter Alexander, addressing an annual meeting of delegates the day before. According to Mr Alexander, recruits are graduating as police officers without high-speed driver training and with inadequate firearms training. He said that the lack of skills of probationary officers was putting pressure on other officers and meant that some young officers were restricted in emergency circumstances.

Concerns about the extent of initial police training are one thing but concerns have also been expressed recently about the extent and adequacy of training offered to or undertaken by existing or currently serving police officers. For instance, the Coroner, Wayne Chivell, recommended last month that there should be annual follow-ups to police training, incident management and operational safety, and that this should be 'rigorously implemented'. In fact, he said:

> Proposed annual follow-ups to initial police training courses and incident management and operational safety should be rigorously implemented.

His comments followed an incident following the tragic shooting death of a young mentally ill person. In 1999, last year, a report into the problem of failed drink driving prosecutions chaired by a former Supreme Court judge, Mr Derek Bollen, found that poor police training was responsible for drink drivers being let off in the courts. Mr Bollen found that very junior officers were carrying out drink driving tests with very little training. Further to that, in that particular account, the then president of the Law Society, Ms Lindy Powell, said the report was commissioned because the legal profession wanted to help the courts solve the problem of errors in failed prosecutions. She went on further to say:

> Unintentional errors have increased because the specialised training previously provided is no longer used.

So this means that in the past 12 months alone we have received warnings about insufficient police training from three reliable, impeccable sources—a former Supreme Court judge, the Coroner and now the Police Association. I must emphasise that none of those people has suggested that any police errors they identified are the result of inadequate effort, improper motives or lack of will. They did not wish to, and neither do I wish to, cast any aspersions on any member of SA Police, when I presume that every officer is doing his or her best with the training and the resources that the government supplies. However, the warnings about training are now so frequent and so consistent that I ask the minister, through the Attorney: to what extent are these warnings being heeded? What improvements are to be made to cadet training to take account of the warnings of the Police Association? What improvements are being made to in-service training to take account of the concerns expressed by former Supreme Court judge Mr Bollen and the Coroner?

The Hon. K.T. GRIFFIN (Attorney-General): My recollection is that both the Commissioner and the Minister for Police, Correctional Services and Emergency Services responded publicly to the assertions being made by the Police Association. It seemed that last week the Police Association was on a bit of a roll with a variety of criticisms. I think it had all its association delegates meeting in the one location and it was time to start flying the flag for the association.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: Good union practice, of course: try to hype it up so that you can satisfy your members that you are actually trying to do something.

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, I am not sure the Hon. Ron Roberts could give me any lesson on anything, but I will be listening with great interest during the afternoon.

The Hon. T.G. Roberts interjecting:

The Hon. K.T. GRIFFIN: Well, I don't learn that lesson. I will refer the questions to my colleague in another place. Between us we will get some responses to the issues that have been raised and bring back a reply.

The Hon. IAN GILFILLAN: I have a supplementary question. Is the Attorney aware, in the same story that I quoted earlier about inadequate training, of the last paragraph: 'Police Minister Robert Brokenshire said he had "concerns about some aspects of training"'?

The Hon. K.T. GRIFFIN: That does not necessarily equate to the same areas that the honourable member talked about in respect of the Police Association. Let's compare like with like and talk about the same wavelength. I do not think the question needs a response.

FIREFIGHTERS UNION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about the Firefighters Union.

Leave granted.

The Hon. R.R. Roberts interjecting:

The Hon. L.H. DAVIS: Well, you are full of adjectives, Ron, but you are empty on facts. I was interested to hear today on radio 5AD a news headline which went as follows. Firefighters say that the state government's continued refusal to stop taking a percentage of their superannuation fund profits could lead to more industrial action. The Firefighters Union was attacking Treasurer Rob Lucas, who yesterday had reaffirmed the government's position, arguing that, because it pays 65 per cent of the compulsory contributions, it is entitled to an equal proportion of the surplus. But Mick Doyle, the spokesman for the union, says the money comes from the emergency services levy, which is supposed to help firefighters, not the government. He says they are concerned that the same rule does not apply to taxpayers' money in the

politicians' super fund. I am not sure whether that is accurate at all. Mr Doyle was quoted on a voice-over as saying, 'Quite frankly, we are heartily fed up with Mr Lucas coming out and defending what they receive and are quite prepared to give us a kick in the pants when we put our hand up for what we consider to be justifiable improvements for what is a very risky occupation.'

I understand that this Mr Mick Doyle representing the Firefighters Union is the one and same Mr Mick Doyle who has recently taken over from the Hon. Bob Sneath as the State President of the Labor Party.

Members interjecting:

The Hon. L.H. DAVIS: He might well get a ladder up into the Legislative Council one day.

Members interjecting:

The Hon. L.H. DAVIS: He might come down the river. Is the Treasurer aware of Mr Doyle's statement about superannuation, and can he confirm the accuracy of the claims made by the spokesman for the Firefighters Union, who also happens to be the President of the State Labor Party?

The Hon. R.I. LUCAS (Treasurer): I thank—

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, it is an interesting question. Mr Doyle will need, I guess, to distinguish his two roles as leader of the Labor organisation wanting to belt the Liberal government on all occasions publicly with his role supposedly representing the workers who are members of the Firefighters Union. That is the challenge to Mr Doyle to resolve for himself, and not for me. I have had a number of contacts with Mick Doyle in recent times—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: In relation to the statement that has been made by Mick Doyle, I must admit I am somewhat baffled by some of the claims he has made—I cannot say 'is purported to have made' as he is directly quoted—on behalf of the Firefighters Union. It is true that there has been an ongoing difference of opinion between the Firefighters Union and the government about the surplus moneys that remain within the superannuation fund for firefighters. Let me hasten to say, as I have said publicly on many occasions, that all the benefits that have been promised to firefighters are absolutely and clearly guaranteed under the defined benefits scheme. So, there is no question at all that the benefits that were promised to members when they joined the scheme are guaranteed as part of this particular scheme, irrespective of this debate that we are taking on the distribution of—

Members interjecting:

The Hon. R.I. LUCAS: Well, it is not a minimum provision: it is the guaranteed provision that they have been promised. That is the promise.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, it is not a minimum. That is the promise.

Members interjecting:

The Hon. R.I. LUCAS: There is nothing in the superannuation scheme that says that this is the minimum benefit that will be provided and that more will be provided. Nothing in it says that. It sets out what the defined benefit is and states that, if members put in an amount of money, the government will put in an amount of money and it sets out what they will get. It does not say that this is the minimum benefit: it says that this is the defined benefit. The government is committed to ensuring, as it must, that the defined benefits continue. What is not known, and I am not sure how widely Mr Doyle has been making his comments today, is that contrary to his claims the government has—

The Hon. T.G. Roberts: 5AD—not very wide.

The Hon. R.I. LUCAS: Not very wide, 5AD? I am not going to slag that station in the chamber. I am prepared to support 5AD. If the Labor Party wants to slag 5AD and its listening audience, as the Hon. Mr Roberts has just done, so be it. I am not sure how wide he has been making the claims, but the substance of his claims are not true. Indeed, I wrote recently to the trustees, and Mr Doyle has obviously seen a copy of that letter, saying that the government was prepared to have sensible discussions with the trustees and, through them, the Firefighters Union about a reasonable distribution of the surplus that remains within the fund, including some additional benefits over and above the defined benefits within the scheme. No commitment—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: It is a very generous position for the government to take. It was a commitment that we were prepared to sit down and discuss it.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: No, that is the problem. To do the work that we need to, the senior Treasury superannuation people have to talk with the actuary who works for the firefighters' scheme.

The Hon. L.H. Davis: That seems pretty reasonable.

The Hon. R.I. LUCAS: It is a reasonable proposition. I wrote asking the trustees and Mr Doyle to allow the firefighters' actuary to sit down with the superannuation people in Treasury to see whether we could produce a scheme that provides more benefits to their workers within the ambit of sharing that surplus. Do members know what Mr Doyle's response and that of the trustees has been? They have refused permission for the actuary to discuss the issue with the superannuation experts within Treasury and Finance. That is the position that the President of the Labor Party has adopted on behalf of the workers who are represented by the Firefighters Union.

The government has said that, on behalf of the workers, it is prepared to have officers sit down with the actuary of the firefighters' superannuation fund to see whether we can come up with a scheme that improves the benefits for firefighters; yet the President of the Labor Party in South Australia, for whatever reason I do not know, wearing whichever hat, is now going public and saying that the government has not responded. That statement is not true and I place on the public record that the government is enormously frustrated at the approach that Mr Doyle has adopted, which I am not sure is known to all members of his union, in preventing Treasury officers from talking with the actuary of the fund—nothing else, not to make decisions—to work out how we can achieve some improvement in benefits for the workers within the union. I would have thought it was in the interests of any union leader to allow someone to discuss measures to improve benefits for members, but it has not been allowed. Until Mr Doyle removes his veto in relation to the actuary being able to discuss this issue, we are not able to proceed with the exploration of the matter.

As soon as the actuary is allowed to have discussions and Mr Doyle stops this veto, we will be able to enter into further discussions. As an indication of goodwill on behalf of the government I will indicate, as I already have, that we will proceed as quickly as we can to have those discussions concluded so that we can then make a decision one way or

another as to whether we can come to some agreement in the interests of the workers within the union.

MAPICS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Administrative and Information Services further questions about the MAPICS computer system virus.

Leave granted.

The Hon. T.G. CAMERON: My office has received a number of telephone calls this morning regarding further problems with the virus that is infecting the Parliament House computer network. As I stated yesterday, the virus has been passed on to innocent members of the public who have received emails from parliamentary offices viz. their email address books. A Mr Bob Stewart of Hallett Cove, and others, have called my office to say that they are extremely angry that their computers are still receiving infected emails from Parliament House.

I have been informed that the computer system is still not online and I understand that that is the situation at the moment and, further, that viruses are still being found in the system. This is turning into a fiasco. How can members of the public feel safe to email their elected representatives if they believe there is the potential for their computers to be infected by a virus infected email? My questions to the minister are:

1. Considering the cost of installing and maintaining the current computer network, why was the virus not picked up and destroyed by the internal virus scanning software before reaching the Parliament House network?

2. Will the minister issue a public statement to warn members of the public to be very careful when receiving emails originating from Parliament House until this disaster is fixed?

The Hon. R.D. LAWSON (Minister for Administrative and Information Services): As I assured the honourable member in relation to his question on this subject yesterday, action was taken immediately upon the virus being discovered in the parliamentary network. I had understood from a briefing I received last night that the virus and the email server had been cleaned up. However, upon resumption of service, some users in the parliamentary network opened attachments to email messages, which had the consequence of once again infecting the system.

I mentioned yesterday that this virus has been mutating and has been particularly virulent and difficult to eradicate. The honourable member asked in his first question why the virus was not screened out. I am advised that the screening software employed in the network is the latest appropriate screening software and there is no culpability in the failure to have a different sort of software, because these viruses are extremely difficult to detect and eradicate.

As to whether I will issue a notice to members of the public in relation to the danger of accepting emails from members of parliament, the answer is, 'No, I will not'. However, I urge all users of the parliamentary network to comply with the directions given and not open attachments to emails which on their face should give rise to some suspicion, as, indeed, this one would.

The Hon. M.J. ELLIOTT: Can the minister explain why it is that the Vet software, when applied by individual users, will find the virus but it does not seem to do it at a system level?

The Hon. R.D. LAWSON: I will bring back a more detailed reply.

The Hon. T.G. CAMERON: Could the government be subject to legal action as a result of this virus?

The Hon. R.D. LAWSON: I certainly would not think so, although I have not given any serious consideration to it, nor, so far as I am aware, has the Crown Solicitor. However, I will look at the question of possible legal redress for those who might be adversely affected by a computer virus.

ARIA AWARDS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the ARIA Awards.

Leave granted.

The Hon. A.J. REDFORD: I woke this morning to an absolutely fantastic front page of the *Advertiser*, and the editor is to be congratulated. Not only are Victorians flocking to join the Liberal Party in South Australia—

Members interjecting:

The Hon. A.J. REDFORD: They are—flocking to join the Liberal Party in South Australia; it is on the front page. In fact, if I lived under Bracks, I would want to come to South Australia, too. In any event, I was heartened not only to see that the Victorians were pleased to be coming to South Australia but also that a South Australian, Kasey Chambers, was named as the ARIA female artist of the year. Kasey Chambers is a dyed in the wool South Australian. Kasey grew up in the town of Southend, where the Hon. Terry Roberts lives. In fact, I understand that Kasey still calls the honourable member 'Mr Roberts'.

Kasey is 23 years old. I have had a number of opportunities to hear her perform and she really is a great home-grown talent. I would urge any honourable member to take the opportunity to hear her sing. She has a great repertoire of country songs that reflect our society and community. Indeed, a couple of her songs about Southend bring a tear to a southeasterner's eye.

The Hon. T.G. Roberts: Especially at midnight.

The Hon. A.J. REDFORD: Or even earlier for someone of the honourable member's age who has earlier nights.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: In any event, it was also pleasing to note—and I did make a speech on this last week—that Ella Hooper and Killing Heidi also won a number of awards, and I outline to this place what a fantastic ambassador she has been for Australian music. Therefore, my questions are:

1. Will the minister congratulate Kasey on behalf of the government for her award and her national recognition last night?

2. Will the minister outline some of the other successes of South Australians that have been recognised in both this and other years at the ARIA Awards?

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I would congratulate Kasey not only on behalf of the government but also on behalf of the parliament. There was a lot of interjection during the honourable member's question and I am quite confident that all of it was positive and supportive, particularly from the

honourable member from Southend. This is an extraordinary success not only for South Australia and Kasey in particular but for her family. Their family band, The Dead Ringers, was previously awarded the best country album ARIA Award and Kasey won the same award for her debut solo album last year, *The Captain*.

To see Kasey recognised in terms of her country music and then to win best female singer across Australia is just one of the most fantastic achievements one could wish for anyone in their career, and Kasey has achieved it. It is also worth recognising that another South Australian excelled last night at the ARIA Awards. James Muller, aged 25, received the best jazz album award with his album titled *All Out* by the James Muller Trio. James studied a jazz course at the University of Adelaide. *Groove Terminator* from South Australia was also nominated for the best male award. In fact, last night South Australia had nominations in the categories of the best male and best female singer in Australia, and we won with Kasey in the category of the best female singer.

I think it is also worth recognising that, whether it is individuals singing their own compositions or whether it is as a band, we are doing particularly well in South Australia. I also want to acknowledge Super Jesus, who some three years ago won the Best New Artist award—

An honourable member: They released a new CD this week.

The Hon. DIANA LAIDLAW: Yes, I was just going to mention that they launched a new CD this week. Two weeks ago I was thrilled to hear them performing on the lawns of the South Australian Museum—a performance that was broadcast live by Triple J. So, they are doing exceedingly well in their own right across Australia.

As part of the ARIA Awards and the activity that has been built around those awards, the South Australian government has funded, for the first time ever, eight South Australian managers to go to Sydney to attend the Pacific Circle Music Expo. They spent a week attending management seminars and learning from some of the world's best. We also had a contemporary music stand at the expo, and I was advised this morning by contemporary music consultant Warwick Cheatle that the stand was exceedingly well attended. He also said that South Australia attended a meeting with representatives from the Australian Music Foundation, Canada and other Australian states where the implementation of a more positive direction for contemporary music nationwide was discussed. South Australia will be hosting and setting the agenda for the next meeting of this group during the MBA conference in Adelaide in 2001.

Finally, four minutes ago I received an email from Don Moir, who tells me that from December onwards seven South Australian acts will be working in four different countries with a further four acts departing South Australia in early July. So, these are extraordinary opportunities in terms of the export potential of South Australian music and bands as they maintain a circuit of hotels from Japan to Hong Kong, China, Malaysia and South Korea. I think that is a pretty good effort also in terms of sending—

The Hon. M.J. Elliott: They can't get jobs in Adelaide hotels because of the poker machines.

The Hon. DIANA LAIDLAW: That is a pretty stupid argument. What an absolute spoil sport! If these bands had not had an opportunity to perform and be heard in South Australia they would not have been picked up by Don Moir to tour the world, which will provide them with further opportunities and experience. It is just so typical of the Democrats—they are dinosaurs!

The Hon. T. CROTHERS: I have a supplementary question. Is the minister prepared to further ascertain whether or not Ms Kasey Chambers is prepared to join the Unley sub-branch of the Liberal Party?

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I have no doubt that with the positive support that she has received from the government that, in terms of her support for contemporary music, she would be prepared to consider an invitation. Whether she would take it up is another matter.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: However, I do not think we should spoil her success today by bringing politics into this issue.

Members interjecting:

The PRESIDENT: Order!

AUDITOR-GENERAL'S REPORT

In reply to **Hon. R.K. SNEATH** (11 October).

The Hon. DIANA LAIDLAW: The Auditor-General's Report stated that although internal controls were adequate and operating satisfactorily generally within Transport SA there was room for improvement in some areas. The payroll function was one area where internal controls could be improved. In response to these comments TransportSA has instigated a number of revised procedures in a concerted effort to address the concerns relating to the payroll function.

The revised procedures include:

- Ongoing monitoring and regular reconciliations of bona fide certificates.
- Inclusion of the requirement for a regular stocktake of manual cheque stationery.
- Requirement for all modifications to employee master file details to be checked and evidenced by an independent officer.
- Ongoing monitoring and reconciliation of payroll holding accounts.
- Requirement for independent checks associated with payroll processing to be undertaken and evidenced by an independent officer.

ARTS FUNDING

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table correspondence from Arts SA and me to two organisations: the Junction Theatre and the Port Community Arts Centre. The Hon. Angus Redford yesterday asked me to table this correspondence.

Leave granted.

The Hon. DIANA LAIDLAW: In tabling it, I note that I have received a further letter from Arts SA from the Junction Theatre—

The PRESIDENT: Order! This is question time. I assume there are other members who want to ask questions.

The Hon. DIANA LAIDLAW: In the light of your ruling, Mr President, I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: Further to my answer yesterday about arts funding for the Junction Theatre and the Port Community Arts Centre, earlier today I tabled correspondence from Arts SA and me alerting both companies about concerns with artistic practice and financial issues that

had been forwarded to the company over a period of 18 months.

In addition, I would like to acknowledge a letter of thanks from Ms Lynn Charlesworth, the Company Manager of the Junction Theatre. The letter, dated 21 September, is addressed to Mr Tim O'Loughlin, the Executive Director of Arts SA, and acknowledges the further assistance provided to the Junction Theatre, and that that assistance was provided with my encouragement, as the correspondence that I have tabled will highlight. So, for Mr White, the Chair of the Junction Theatre, to suggest that I have been a disgrace in the handling of this matter for not intervening, he might like to see the correspondence that his own Company Manager has forwarded to Arts SA about the funding of this company.

NURSING HOMES

In reply to **Hon. CARMEL ZOLLO** (11 October).

The Hon. R.D. LAWSON: Further to the answer given on 11 October, I provide the following additional information.

The suggestion that an aged care facility which had come under public notice during the current process of accreditation has 'not been inspected for three years', is, I am informed, incorrect.

The aged care facilities in South Australia which were under commonwealth sanction when the question was asked had been visited by officers of the Department of Heath and Aged Care and/or the Aged Care Standards and Accreditation Agency on a number of occasions during the last three years.

Throughout the accreditation period a number of types of residential aged care visits take place. These may include residential classification scale monitoring visits, support visits, spot checks and review audits.

The honourable member also queried whether the assessors of South Australian facilities had in fact been fully qualified. I am advised that in this state all assessments have been undertaken by fully qualified assessors. Mr Tim Burns, general manager of the Aged Care Standards and Accreditation Agency has stated that 'this type of incident has not occurred before, and arrangements are in place to ensure that it will not occur again'.

ROAD MAINTENANCE GANGS

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Transport a question about contract maintenance and construction gangs in country South Australia.

Leave granted.

The Hon. R.K. SNEATH: Most small country towns had Department of Road Transport maintenance gangs before this government was elected. In the South-East, for example, there were gangs in Mount Gambier, Millicent, Penola, Naracoorte, Lucindale, Kingston, Bordertown, Keith, Coonalpyn and Meningie. Maintenance gangs existed in towns on the West Coast, on York Peninsula and Eyre Peninsula, and in the Riverland, the Mid North and the Mallee regions.

There were also Department of Road Transport bitumen and construction gangs, which employed highly skilled plant operators and road builders. Some skeleton gangs remain, but workers and businesses have suffered at the hands of interstate contractors, mainly from Victoria and Tasmania. I think that one reasonably successful Tasmanian contractor was owned by the Tasmanian government. My questions are:

1. How many local or South Australian firms and contractors have been given contracts?

2. Have all the major contracts gone to interstate contractors; if not, what percentage of contracts has gone interstate?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I will have to seek advice to answer the honourable member's specific questions. The government adopted a policy of competitive tendering for road maintenance work, and some 20 per cent savings were made through that process. All those savings have been reinvested in further work through Transport SA enabling, for instance, road projects such as the sealing of all the rural arterial roads. So, those savings have been reinvested in regional South Australia in road sealing projects for which local people have been calling for decades.

MATTERS OF INTEREST

RENMARK CONFERENCE 2000

The Hon. J.S.L. DAWKINS: Yesterday in my Address in Reply speech I mentioned briefly the Renmark Conference 2000 which was held last week and which had as its theme 'Economic potential of regional South Australia and its impact on the national economy'. Today I will take the opportunity to highlight some of the recommendations and key principles that came out of that conference.

The conference was attended by the Minister for Administrative and Information Services and several of his ministerial colleagues from the other place, as well as the Speaker of the House of Assembly, the Deputy Leader of the Opposition in the other place, some commonwealth members of parliament and the Governor, Sir Eric Neal. A panel of experts was set up to comment on the sessions deliberated on at the conference, and I had the pleasure of chairing that panel.

I will summarise the key principles and recommendations of the six specific sessions. The first session, Community Development, contained an emphasis on a 'can do' attitude within, and positive representation of, individual communities; the need to recognise the attributes of a community which can be positively exploited; the need for community empowerment; and a focus on flexibility, innovation, collaboration, networking and partnership.

The next session, Global Trade and Commerce, included the point that global trade and information technology are intertwined; emphasis on the importance of regional export culture; identification of what a region is best at; development of, and support for, regional exporters; and the identification of issues and barriers relating to international trade.

Mining, Environment and Indigenous Heritage included the point that regional development can work with indigenous heritage for the benefit of individual regions; all sectors of a region are custodians in trust of the soil, air and water of that region; and all regional development has to be in harmony with the environment, acknowledging that we need to grow food and mine minerals while maintaining the natural attributes of a region.

The points under Communication and Infrastructure were that infrastructure is the key to regional success; the need for short and long-term planning; recognition that 'communication and infrastructure' mean different things to different people; and a recommendation that regional and rural South Australians be given the same communication and infrastructure services and standards and pricing structures as city and urban areas.

The Horticulture, Agriculture and Aquaculture points were: planning is the key for success; emphasis on the global focus on the stewardship of natural resources; as a producer you do not have to be the biggest, but you must be amongst the best, to compete globally; and a recommendation that

continuing research is vital to the future success of these industries.

Tourism and Adventure key points were: that tourism is an agent for change; the South Australian government should provide practical support to encourage operator participation in the Tourism Council of Australia's accreditation program; the population of South Australia needs to be educated about the value of tourism in the regions of our state; tourism is a global industry and to ensure success we must embrace research, education and training in that sector; and that staff are the best assets of any tourism operator.

It is my job to analyse further the recommendations and key principles, and that work is currently under way. I would also like to indicate that the Regional Development Issues Group, which I chair, took the opportunity to meet during the Renmark conference. It was an excellent opportunity for members of the issues group from state government portfolios and the LGA and Regional Development SA to work in that regional area.

Time expired.

FEAST OF MONTEVERGINE

The Hon. CARMEL ZOLLO: On the last Sunday of September each year many members of the Italian community who migrated from the Campania region celebrate the Feast of the Madonna of Montevergine in South Australia. The feast gets bigger and better every year and these days can attract some 15 000 people, many from regional South Australia and interstate. The Sanctuary on the Mountain of Montevergine near Avellino houses what is believed to be the oldest painting of the Madonna. The history of the painting is interesting. Many of the locals believe the portrait was painted by St Luke in Jerusalem, whilst others claim it dates back to the 5th century and was later presented to the monastery of Montevergine by Catherine II in the year 1310.

A monastery was founded on the site of Montevergine about 900 years ago and dedicated to the Virgin Mary. The original painting then remained in the Chapel of Montevergine from 1310 to 1960, when it was relocated to the new church in the sanctuary. Montevergine was also a safe haven for another famous holy relic, the Shroud of Turin. I understand that with the outbreak of the Second World War in September 1939 the shroud was secretly removed from Turin to the safety of the Benedictine Abbey of Montevergine, where it remained until 1946.

I visited the sanctuary with my family prior to my election to this place and saw great evidence of the faith that so many people have in their devotion. I saw so many photographs of people, children in particular, needing special help, their relatives having made the pilgrimage, often with great difficulty, and up until only a generation ago on foot.

The invited celebrant this year was Fr Vito Pegolo, a Scalabrini missionary who travels throughout Australia. I heard him make some very poignant comments about migrants arriving with only their suitcases, but that their suitcases were full because they contained experiences, religious traditions and, most important of all, faith. Whilst I am certain that Fr Vito was referring to people's spiritual faith, an analogy can be made about the history of migration itself. The decision to migrate is a leap of faith and of courage, particularly for those people coming from a different language and culture.

So many people are part of the success of the Feast of Our Lady of Montevergine. Over the past few years it has been Mr Domenic Zollo, the President, Mrs Josie Fantasia, the Secretary, and all the very dedicated committee members. A group of women take on a very special role as the Dames of Montevergine, and look splendid dressed in capes and sashes to honour as one Our Lady of Montevergine. Mr John Di Fede and his family host many of the participants to a pre-feast lunch on the preceding Friday and the committee all join together after the feast on the Monday evening to give thanks. It is all about people celebrating together in a unity of faith and tradition.

This year was the 45th anniversary of the feast, with the first feast in South Australia being held in 1956. The day commences with the recital of a rosary at the Church of the Annunciation at Hectorville, and then a procession makes its way from the church to the church of St Francis of Assisi at Newton, where mass and celebrations follow.

Along with the Leader of the Opposition, the Premier and many other parliamentary colleagues, this year the Italo-Australian community was honoured by the presence of His Excellency the Governor and Lady Neal. The St Francis of Assisi parish has become the spiritual home of Italo-Australian migrants from the Campania region, and so many thanks must go to the Cappuccini priests, and in particular also to the St Francis of Assisi Parish School, for welcoming the community to their facilities and grounds.

For so many people the Feast of Montevergine, and many like religious feasts, means a freedom to celebrate religious traditions in the manner of the country they left behind. It means a continuation and brings a little part of their first home to their adopted home. It is a celebration of multiculturalism, family and faith.

SPORTS FUNDING

The Hon. IAN GILFILLAN: The Australian Democrats have often drawn attention to the funding of elite sport and urged for a greater percentage of sports funding to be diverted to grassroots recreation and physical activity. My colleague the Hon. Mike Elliott has several times pointed out that it is contrary to South Australia's best interests to have multi-million dollars in sports funding dedicated merely to have more and more fatter, not fitter, fans just watching sport instead of participating in it.

We are adamant that there are substantial health benefits for the entire community to be obtained if sports and recreation funding goes more to encourage community participation in healthy activity, rather than encouraging mere passive spectators at elite sporting events. However, the benefits of more participation in sport are not limited only to the area of health. The Australian Institute of Criminology has issued a paper entitled 'Crime Prevention Through Sport and Physical Activity'. The paper suggests that, although crime prevention is not the primary object of sport and physical activity, nevertheless it might be an extremely positive by-product. The paper specifically addresses the effect of sport in Aboriginal communities, and says:

> When the carnivals (organised and run by Aborigines for Aborigines) are held, they act as catalysts for social and traditional cohesion. Harmful behaviour such as petrol sniffing, heavy drinking and violence are prohibited for the duration of the carnival, and prohibitions hold in the short term.

In addition, the paper makes brief mention of two special South Australian programs: Operation Flinders and Integrating Homeless Youth Through Sport. Operation Flinders is specifically designed with crime protection in mind, although

by its nature it can assist only a small number of people at a time. The Integrating Homeless Youth Through Sport scheme, though singled out for praise for its 'therapeutic approach', has not been evaluated for crime prevention outcomes.

Regardless of the good work that is being done through these two programs, it is apparent there is much more that might be done if we are serious about using involvement in sport and recreation purposefully as a crime prevention strategy. After examining a host of programs around Australia, the AIC discussion paper concludes:

> The case studies . . . suggest it is possible to reduce the supply of motivated offenders by diverting young people from offending behaviour to engage in sport and other physical activities. The case studies also suggest that the key ingredients are not the competitive or the physical aspects of sport alone. On one level, they keep young people out of trouble. On another level, sport and physical activity can be used as strategies within a broader context involving, for example, development of values, social support and positive role models.

The paper recommends more study in this area to identify the factors that influence crime reduction and change in the young person. I would urge the state government, the Attorney-General and the Minister for Recreation and Sport to get together to examine this evidence and commission further research as the AIC recommends.

The Democrats will certainly welcome any initiative which, backed by appropriate research, is targeted properly at the twin aims of both promoting health and preventing crime in South Australia.

I would like to briefly refer, in this context, to a forum that was held here, convened by me in Parliament House last Thursday, looking at the aim to contain a bigger proportion of youth in rural regional South Australia. It is not specifically a crime prevention measure, although it is impossible to separate the benefits of providing adequate entertainment, encouragement, support and involvement of young people in their communities from the beneficial effects of that in diminishing, to a large extent, the tendency to unsocial and, at times, criminal behaviour.

The point of my submission in this instance is, first, that we must look at the positive initiatives of involving young people in a wide range of programs, not just as tokenism, and that a very substantial dividend could be drawn from the millions of dollars we put into organised, professional sport; and that a substantial portion of that amount of funding be made available to encourage, sustain and reward young people for being involved in a much wider range of sporting and other activities.

WATER SUPPLY

The Hon. T. CROTHERS: In the short time available to me, I want to refer to potable fresh water. It is a subject that many of the environmental groups in our midst choose to ignore—or at least they relegate it to the second or third row of what they believe should be their concerns as presented from time to time to the general public. I also want to refer to the quick easy fixes brought about by political correctness and inspired by the power of the media and the vociferous clamouring minorities, sometimes referred to as the chattering classes by people who are well known to me and you, sir, people who by dint of the clamour they raise make themselves heard by governments when in fact they should not even be allowed to draw first breath at the starting post.

We grow cotton and rice in this country. They earn Australia about $500 million to $600 million each in export dollars every year but they are water hungry crops and in my view they ought not be allowed to grow in this nation. Not only is it grown in the Riverina and all down the Murrumbidgee River system on the eastern seaboard but all the chemical residue from the treatment of those crops flows into our water system with deleterious results. The place that has been fabled for cotton growing is the Nile delta, which can run to that because of its annual flood and the amount of arable land that comes down with the annual flooding of the Nile that propagates the soil.

Let us look at two issues that will have a terrible bearing on our capacity to sustain life on this earth. If we do not have fresh water to drink each day of our life, we will not be able to live. One factor is population growth. At a meeting in Cairo several years ago, two of the major religious groups on this earth refused to have anything to do with the concept of population growth. The world's population currently stands at 5 billion. By the year 2050, the world's population, estimated on present progress, will double to 10 billion. Let me remind this chamber and members that, in every human body that exists, there is 100 pounds of fresh water.

The Hon. T.G. Roberts: Some need more.

The Hon. T. CROTHERS: Some talk a lot of water like you. That is 100 pounds times 5 billion in the year 2050. A lot of water is taken up which is not available to sustain life. It is appalling that people do not consider the long-term issue. By the year 2035 it is estimated that there will not be enough fresh water to irrigate our feed crops to feed the humanity that will then exist.

In addition, governments have taken to trying to combat different car emissions by growing trees, urged on by the shallow-thinking environmentalists in our community. What does that do? Let me inform the Council of this fact: it takes 1 tonne of water to grow 1 kilogram of timber, which is then tied up in those trees until the life cycle of the tree is completed, either by log felling or by falling over because of natural attrition. What will happen to this earth when in 50 or 60 years that occurs and those trees give off additional carbon dioxide in the atmosphere? Very little. It is short-term planning for long-term loss. It is brought about by governments continuing to listen to the clamouring few, who do not think, as they should, about long-term planning for the environment. It is no small wonder to me that Professor David Suzuki, a very deep-thinking Canadian-Japanese, has resigned all his positions from the worldwide environmental movement.

Time expired.

POLITICAL CORRECTNESS

The Hon. L.H. DAVIS: I would like to speak about accuracy and political correctness. It was disappointing for me to note that the new member for the Labor Party in this chamber, the Hon. Bob Sneath, cannot read correctly, although one would have thought that was a basic precondition of achieving preselection. I remind members that, on Wednesday 31 May, in a grievance I said that the Bolkus left and the right combined to achieve preselection victories in Adelaide, in the seats held by Murray De Laine and Ralph Clarke and also ensured that Bob Sneath, who is regarded by some in Labor circles with the same affection reserved for

Attila the Hun, was the shoe-in to take the Legislative Council seat of George Weatherill. That is what I said.

However, in his maiden speech the Hon. Bob Sneath, who replaced the Hon. George Weatherill, completely misconstrued that remark and suggested that, in fact, I had made the statement that he was Attila the Hun. I had not said that. Some of my good contacts in the Labor Party said that he is regarded with the same affection as Attila the Hun by members in the Labor Party. It was a very disappointing debut.

Let me turn to the more important matter of political correctness. In the *Age* of 10 October this year, Mr Tim Colebatch wrote a very perceptive article about political correctness, which I want to quote at some length. He said:

> The night Cathy Freeman won Olympic gold, she told Channel 7 joyfully: 'I made a lot of people happy tonight. Biggest smiles I've ever seen, and they're not even drunk, my brothers.' When a Seven executive ordered that the last comment be cut, he was drowned in public derision. No-one else took exception.
>
> Last week we learnt that Philip Ruddock had told the French daily *Le Monde* that the prime reason for Aboriginal disadvantage was that they had only recently made contact with developed civilisations. Aborigines, he said, used to be hunters and gatherers who did not farm, had no knowledge of the wheel and survived by mastering a difficult environment.
>
> Outrage immediately descended upon him. Not just our usual social moralists, but some of the best in politics, such as Bob McMullan and Aden Ridgeway, demanded that he resign. My cartoonist mates had a field day; newspaper letters columns seethed with disgust.
>
> But suppose those two comments had been reversed. Suppose Freeman, aspiring politician, had explained Aboriginal disadvantage by pointing out that they had spent 40 000 years outside the loop of global technological and social development—while Ruddock joked that Cathy's brothers had got high on her victory without even being drunk. What would have been the public reaction?
>
> We all know. Freeman would have been widely applauded as showing courageous insight into the roots of Aboriginal problems. Ruddock would have been swept from office.
>
> What is politically correct, it seems, depends not only on what was said, but on who said it.
>
> Political correctness is an evil, whether in Aboriginal issues or in economics. It stunts our understanding of issues, it prevents us recognising problems for what they are. And you cannot solve problems you cannot admit to.
>
> What did Ruddock tell *Le Monde*? This is the relevant extract:
>
> *Le Monde*: 'Why have Aboriginals remained the most disadvantaged minority in Australia?'
>
> *Ruddock*: 'Of all the indigenous people of the planet, if you compare them with the Indians of Canada or the United States, the Australian Aborigines were the last to come into contact with developed civilisations. The Aborigines were hunters and gatherers. They didn't know about the wheel. They survived thanks to their ingenuity in a very difficult environment.
>
> 'The American Indians lived in a more structured society. I don't mean that they were superior to the Aborigines in that, but certainly they lived in a more convivial society. For example, they mastered the technique of farming, which wasn't the case with the Aborigines. For them, the process of adjustment to western civilisation has come more slowly.'
>
> Ruddock's critics assumed that he was implying that Aborigines missed out on technological development because they were stupid. In fact, he said the exact opposite, pointing out that Aborigines survived because of their ingenuity. His point was that 40 years of isolation had left early Australians outside the loop by which knowledge and technological development gradually spread between West Europe, East Asia and all places in between.
>
> All those places had the wheel: not because each of them invented it but because early globalisation spread their way. . . The politically correct would have told *Le Monde* that Aborigines are disadvantaged because governments have spent too little on them. But that is only half-true. In the past 25 years a lot of money has been spent on Aborigines.

That is an interesting perspective on the important subject of political correctness.

MENTAL HEALTH

The Hon. R.R. ROBERTS: I rise to address some remarks on the subject of mental health in country areas. I was recently acquainted with a situation which I think demonstrates the parlous state of mental health services in country South Australia. My attention has been drawn to a 29 year old constituent living in Whyalla who was diagnosed some five years ago with bipolar disease. This constituent was having an incident and was feeling very depressed, complaining of bad mood swings, constant loss of energy, no interest and, indeed, I was told that he was somewhat suicidal.

On 14 August he tried to get an appointment to see his doctor at his surgery and was not able to do so. He was referred to the Whyalla mental health team and made an appointment with another doctor with the Whyalla mental health team which was not until Friday the 18th. This person was in a very sensitive state at the time, he was totally stressed out and completely depressed and he was given that appointment some four days later. In his anxiety, and to ensure that he had some help, because he did not have a car or any means of transport, he borrowed a friend's car and drove to the clinic where he was met not by the doctor but by a fourth year medical student who said that he would talk to him. He was told later that he would receive a telephone call the next day, which in fact was Saturday. On his way home he was reported for driving whilst under disqualification. I am advised that that came about as a result of offences committed at the time that he was diagnosed as having bipolar disease.

It gets worse. By Tuesday 22 August, which was another two days, the constituent had received no contact call and he was again becoming quite desperate. He then rang and, after waiting for approximately two hours, he received a telephone call from the student he had spoken to before and was told he would get a letter for an appointment with mental health in approximately six months.

This is someone who was suffering severe depression and was in a very tenuous mental state. As yet, he has received no such telephone call and this advice was given to me on 26 September. He rang Lifeline again and this time he got on to a doctor. He then rang his own doctor but could not get to see him until Friday 25 August. So he has now been waiting for nine days. This is a very sensitive situation.

He felt like no-one cared. I am advised that he had a severe incident when he threatened to burn down the medical health facilities in Whyalla and himself with it. His mother was advised and drove to Whyalla, some 4½ hours away, and she was in a very parlous state. He was then sent off to the hospital, 13 days after he had asked for help. He was then interviewed by a social worker—in the tea room at the Whyalla hospital, because there are no other services. He then had a teleconference on Tuesday 29 August with Glenside. This is not an isolated case. People and their families are suffering these sorts of indignities in country South Australia.

After he was released from Glenside he went to the police station because he understood that there was a summons—and he understands that he must be responsible for his actions. He was told that it was no longer a summons but a warrant. He was then arrested. I understand he is now out on bail facing charges of driving whilst under disqualification.

I think it leads us to the question that we all must ask ourselves in this place as leaders of the community, and that is: what are we doing for people in South Australia who are

suffering from these sorts of diseases? Here is a man who was screaming for help, yet it took 13 or 14 days before he could get any help and, because he made every effort to try to do something about it himself, he is now facing a gaol term. I think as a community we have to ask ourselves: what are we doing in mental health in South Australia?

RURAL LEGENDS

The Hon. CAROLINE SCHAEFER: I would like to speak briefly today on Rural Legends. Last Thursday, with a number of other members—including the Minister for Primary Industries and Resources, the Minister for the Status of Women and the Hon. Carmel Zollo—I had the opportunity to meet the seven women who have been awarded the first Rural Legends awards in South Australia and, indeed, I think in Australia. We hosted a function in the courtyard and part of old Parliament House to celebrate World Rural Women's Day and to award these people their legendary status.

The idea of rural legends grew out of the ABC Rural Woman of the Year awards and from the suggestion of Ian Doyle, who commented that there were so many rural women out there who are people of great note but who are unlikely to receive awards as ABC Rural Woman of the Year because those awards tend to go to younger women who are still involved in business. That idea was taken up by the state government through the Primary Industries Department and with the assistance of the Minister for the Status of Women.

Rural Legends awards are to highlight achievements, encourage pioneering spirit and the sense of adventure of rural women. Legendary status may have been through achievement and contribution in any of the following areas: community service and support; the environment; local development; community arts; pioneering and survival; sport and recreation; and business and adventure. Women who are eligible may have championed a cause, achieved against all odds, been good samaritans or local characters or been personalities who have shown bravery or demonstrated courage. It will be an ongoing award because, as the minister said last Thursday, it is a bit of a catch-up because so many of these people have not been recognised in the past. So it will be awarded each year at the South Australian celebration of World Rural Women's Day.

I must say that I am starting to wonder whether I am not becoming a bit of a legend myself because there was only one of the seven women who received the awards who I do not know personally and quite well. The seven women were: Ivy Freeman from Tumby Bay; Ruby Rogers from Millicent; Glad Wilton from Cleve; Dr Isabel Suter, who is now at Mannum but practised on Eyre Peninsula as a GP for many years; Margaret McBeath from Elliston; Toni Robinson from Woods Point; and Beryl George from the Riverland. Their achievements are numerous and certainly to highlight one would be unfair, and to highlight them all in five minutes would be impossible.

Ivy Freeman perhaps is an example of many of the women. She was the first woman elected to the District Council of Tumby Bay and served on the council for many years. Indeed, I think she may still be a councillor. She was also a committee member of the Tumby Bay Aged Homes Incorporated for 20 years. She was citizen of the year in 1998. She was a judge of agricultural shows and a patron of the Tumby Bay Jockey Club. She has compiled two books (*The History of Tumby Bay and Districts* and *Historical Walks Book of Tumby Bay*) and is a life member of the Australian Stockman's Hall of Fame. I think that she typifies the sort of women who have been spoken about in the article which was in the *Advertiser* and, indeed, of the women who achieved these awards. Most of them did what they did from a commitment to their communities and their families, with no pay and very little recognition.

I am sure there are many other legends out there. Some of them may not be women and some of them may not live in rural South Australia. Perhaps we could continue not only this award but to look for other unsung heroes. I extend my congratulations to all of these women.

Time expired.

AUDITOR-GENERAL'S REPORT

The Hon. R.I. LUCAS (Treasurer): I move:

That the report of the Auditor-General, 1999-2000, be noted.

I will make my comments at the conclusion of the debate. This motion is moved every year now to allow members of the Legislative Council to wax lyrical about the joys of the Auditor-General's Report. It is an indication of the government's willingness to allow free, frank and open debate and be accountable for everything that appears in the Auditor-General's Report. I look forward to those elements of the opposition contributions that might be deemed to be constructive. I hope that I will not have to look too long and hard to find those elements.

The Hon. P. HOLLOWAY: I support the motion. Again, the Auditor-General has served this state well in drawing to the attention of this parliament a number of deficiencies in government practice. The tragedy is that many of those deficiencies, which the Auditor-General has brought to our attention, are matters that he raised not just in the previous year's report but, in some cases, one or two reports prior to that. There is a certain element of deja vu when reading the Auditor-General's Report.

I also note that, this year, the Auditor-General has been very busy with a number of other matters. I am sure that all members in this Council look forward to the report that the Auditor-General will, hopefully, be releasing fairly soon in relation to the Hindmarsh soccer stadium. We look forward with great interest to that report. I also note that, in the introduction to his report, the Auditor-General will be delivering at least eight reports on the electricity disposal process in the near future. Given that the last of the ETSA assets, Terragas Traders, has now been sold—and it was sold, not leased—we can expect, under the terms of the act, that those reports will be brought before this parliament at some stage, no doubt, in the current sitting, and I look forward to discussing those matters in greater detail at that stage.

Let us refer to at least some of the matters that the Auditor-General makes in this report; we can deal with those other matters at the appropriate time. In the Auditor-General's Report for the year ending 30 June 2000, the Auditor-General makes a number of salient points regarding the recent changes to the budget framework. He refers to the introduction of priority statements into the 1999-2000 budget and his comments reflect serious concerns that I have expressed about recent budgets. In my speech on the Appropriation Bill on 27 July 1999, I commented on the lack of

information included in the Portfolio Statements in that year's budget.

In particular, I referred to the dumping of the 'key results' areas, which had made an appearance in the previous budget. While key results areas were not particularly helpful in delineating information on budget lines, they at least contained some details on programs planned for the following financial year. On the other hand, the Portfolio Statements seem entirely designed to conceal information. The complete lack of detail is stunning in its arrogance. During my speech I described the presentation of the budget as 'totally opaque', and I believe that description continues to apply.

It is obvious that this year's budget shows no improvement: if anything, this year's budget further displays those deficiencies. In my speech on the Appropriation Bill on 12 July 2000, I pointed out that, in the very few areas where target performance information was provided last year, nearly all of them proved to be way out. It is obvious that any figures specified in last year's budget were mere guesses made by departmental officials. In my speech I said:

> . . . the point is that the few targets given last year were so inaccurate that it could only mean they were made up; the department had no idea.

I mention those comments that I made during debate on the Appropriation Bill because, in his current report, the Auditor-General agrees that the budget reporting by this government leaves a lot to be desired. The Auditor-General makes a series of statements about the government's introduction of accrual accounting. He expresses concern about the lack of progress in the model introduced in the 1998-99 budget. At page 176 the Auditor-General states:

> . . . after three years the accrual appropriation model remains in transition status and the related issues surrounding balance sheet reforms (i.e. cash management, asset management and planning etc.) have not been progressed as might have been expected.

It is, however, in the area of measurement of outcomes that the Auditor-General expresses his strongest concern. At page 169 of the Overview the Auditor-General states:

> A decision to not pursue for the 2000-01 budget the measurement of outcomes in Audit's view created uncertainty as to the validity of the overall reform budget process. That is, the effectiveness link between outputs and outcomes would not form part of the accountability chain for measuring the extent to which agencies have satisfied community objectives as reflected in budget papers.

The Auditor-General is saying what I have said for the past two years: there is no accountability on the part of the government for any programs introduced because no information about those programs, or very limited information about those programs, exists in the budget papers. This is typical of this government, which has become synonymous with secrecy. The central focus of its economic plan for South Australia for the next year contains absolutely no information and no accountability to the people of South Australia. At page 169 the Auditor is absolutely correct when he states:

> . . . I consider ministerial accountable to parliament as a fundamental element to assessing the achievement of strategic priority outcomes.

It is a pity, but not surprising, that the government has decided to ignore this fundamental requirement. At page 171 the Auditor further states:

> In Audit's view. . . there remains an unfulfilled need/opportunity to improve accountability of the executive government to parliament on the achievement of the outcomes/outputs in that what is now available is incomplete in the sense that much of the information is subjective, based on broad allocations and is not subject to reporting actual results.

At page 171 the Auditor-General makes the point that there is 'much room for improvement'. It is reassuring to me to note that my concerns over the past few years have been addressed in the Auditor-General's Report, because it is obvious that the government has no intention of moving away from its current position of keeping the South Australian public in the dark. In July I said that this government is 'an obsessively secretive, arrogant government that is totally unaccountable for its actions'. The government's budget presentation brings into sharp relief this government's total disregard of the right of parliament and the people to know how this state's money is being spent. The Auditor-General's Report, in a much more restrained manner, makes the same point.

It is also interesting that, just last week, the government once again displayed its apparent indifference to the rules of public governance through the sacking of the Chief Executive Officer of SA Water. Minister Armitage desperately tried to distance himself from this action stating, according to the *Advertiser*, that the decision to terminate the contract had been the board's. It appears, however, that the sacking had little to do with the actual performance of the Chief Executive Officer, Mr Sean Sullivan. According to Mr Sullivan he was sacked when SA Water was achieving its best performance results, with profits before tax increasing by 9.3 per cent to $196.6 million for the 1999-2000 year.

An honourable member interjecting:

The Hon. P. HOLLOWAY: That is right; they certainly don't. The Auditor-General stated a series of warnings in his report of 1998-99 (12 months earlier) regarding contracts of employment with chief executive officers. Among the concerns expressed by the Auditor-General in his 1998-99 report, Volume A.1-29, he states:

> The setting of performance standards which the Public Sector Management Act 1995 places in the hands of the Premier and the relevant portfolio minister allows for the political determination not only as to whether a chief executive has satisfied required standards but also whether the chief executive should be dismissed as a result of that assessment. There are no statutory or contractual safeguards of any kind that would seek to protect a chief executive, or the public service itself, from precipitous and ill-judged action which would not withstand independent and objective scrutiny.

They were the Auditor-General's comments back in 1998-1999, and how prophetic that warning was, particularly for Mr Sullivan. It appears there were no safeguards that protected him.

While the minister continues to refuse to take any responsibility in this matter, or to elaborate beyond his statement yesterday (which did not tell us much about the reasons for Mr Sullivan's dismissal), he defies recommendations made by the Auditor-General last year and set out once again in this year's report, where he says:

> Performance standards should be clearly stated in the contractual instrument that is executed by both parties at the commencement of the contract term. The review of performance standards be undertaken by the responsible portfolio minister or Premier and an independent party.

Finally, at page 169, the audit overview states:

> Chief executive contracts be public documents.

Of course, making any information public seems to be anathema to this government. The sacking of Mr Sullivan from SA Water shows just how little regard the government has for these recommendations. Since the sacking was made public, the minister has been running scared and Mr Sullivan has publicly asked just one very simple question: 'Why?'

The waters have been further muddied by a statement made yesterday by the Minister for Government Enterprises in the House of Assembly. The minister tried to distance himself from the issue, although he has not achieved that objective. As my colleague the member for Elder stated yesterday, the minister has been hiding behind the board of SA Water. Nothing that was said yesterday answers adequately the question: 'Why?'.

The minister stated that the board found Mr Sullivan somehow deficient, and he listed a series of criteria where Mr Sullivan was allegedly failing. These criteria were enough to get Mr Sullivan sacked but, at the same time, under similar criteria he was awarded a substantial bonus. It just does not add up. Minister Armitage tries to tell us that the opposition does not understand how these things are done; and I think he is probably right, because I do not think that any of us understand how these things are done. However, one thing that we can say is that the public of South Australia certainly understand that what the government is doing is completely unacceptable.

We should not forget what happens whenever we dismiss the chief executive officer of a department, and this government has incredible form in that area. In the seven years that this government has been in office there have been numerous terminations of chief executive officers, and all of them have cost the taxpayers of South Australia hundreds of thousands of dollars each time.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: In fact, the Treasurer would be well aware of a former chief of his department, Mr Denis Ralph, who had a $1 million contract with Flinders University paid for by the taxpayers of South Australia so that he could be removed—again, not long after he had been given a performance bonus.

The public of South Australia are completely bemused by the fact that chief executive officers can be given performance bonuses of tens of thousands of dollars at the very same time that they sacked. It just does not add up. The rules and guidelines of this government are a joke. The government has no excuse in this matter. As I indicated earlier, the Auditor-General warned us about this in his annual report over 12 months ago, and how prophetic that warning was.

With respect to the Sullivan case, there have been allegations that Mr Sullivan upset a few people within SA Water and that that had more to do with Mr Sullivan's sacking than any apparent failing on his part. The point is that we still do not know why Mr Sullivan had to go, and nothing the minister has said has clarified this issue. It is simply not good enough for a minister to disown all responsibility for the dismissal of a chief executive officer of an agency within his portfolio. The minister must come clean on this issue.

While we are at it, it is one thing to dismiss a CEO but, given that Mr Sullivan was appointed just 14 months ago, if the minister is prepared to put all his faith in the board, one might ask the question: why did the board appoint Mr Sullivan in the first place? I think that is an issue that this government should also address.

The Auditor continues to be critical of the government's handling of chief executive contracts when he states (page 197):

> The importance of matters associated with the appointment of a chief executive under a performance based contract and the management of the relationship between ministers and chief executives of the agency for which the minister is administratively responsible should not be underestimated.
>
> Audit restates its view that there are inadequacies in the existing contractual arrangements with chief executives and in the management of the relationship between ministers and chief executives that directly and indirectly impact on the financial position of the state. In the interests of good public administration, in my opinion, it is important that the government revisit the recommendations made in last year's report to the parliament concerning performance criteria in employment contracts for chief executives and the employment contracts for chief executives reflecting the terms of the ministerial protocol documents.

Those comments came into this parliament just days before Mr Sullivan was sacked. Last year, the Auditor was extremely critical of the government over its handling of CEO contracts between the Department of the Premier and Cabinet and Mr Michael Schilling, the Department for Education and Children's Services and Mr Denis Ralph, and the South Australian Health Commission and Ms Christine Charles. You would have thought that the government would have got the message, but obviously it has not. I am sure that we can look forward to the Auditor's comments on this latest debacle in next year's report. One can only hope that, belatedly, the government will take some action on that matter.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: It is a bit—

The Hon. Sandra Kanck: They make up the rules as they go.

The Hon. P. HOLLOWAY: Yes. The other issue to which I refer is that of consultants. Again, there is a sense of deja vu about this. Today, I asked the Treasurer a question about consultants. I mentioned in my question that the Auditor had stated:

> Audit continues to note deficiencies in the process followed in the engagement and management of consultants by some public sector agencies. It is audit's opinion that it would be an opportune time for the government to consider appropriate processes for the engagement and management of consultants. Accordingly, it is again recommended that the government promulgate the guidelines developed by the Department of Treasury and Finance for use by all public authorities.

That recommendation was initially made 12 months ago. The reason the Auditor-General brought that to our attention was what had happened in relation to the National Wine Centre and some deficiencies in the appointment of consultants for that agency. On page 198 of his Overview, the Auditor refers to that matter where a tender process was followed. There was an exchange of letters to evidence the agreement for additional services to an approval of $100 000 following a contract of $40 000. We all know what happened in relation to the public statements made by Mr Allert. Subsequently, in a statement to this parliament yesterday, I think the Premier reported that Mr Allert had been misquoted to some extent in the *Advertiser*. That may well have been the case, and I accept that.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I accept—

The Hon. A.J. Redford: This is a case of your not liking the truth, isn't it?

The Hon. P. HOLLOWAY: On the contrary, I thought I was being very fair in indicating that the Premier had pointed out that Mr Allert had been—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I was not accusing Mr Allert. I thought I was being very fair in reporting the facts. Nevertheless, the point is that the Auditor-General was highly critical of the manner in which those two contracts had been extended, and he had warned that, if the appropriate guidelines which the Department of Treasury and Finance had

prepared some five years ago had been promulgated (as he recommended in his report of 12 months ago), matters like this may not have occurred.

However, in his statement to parliament yesterday, the Premier indicated that 'officers within government are reviewing the appropriate guidelines across a range of agencies'. Given that the Auditor-General had suggested that all that needed to be done was that the department of treasury guidelines should have been promulgated—and he recommended that over 12 months ago—that would no doubt have been sufficient to overcome a lot of the problems that the government is now facing.

The Hon. R.I. Lucas: Have you looked at them?

The Hon. P. HOLLOWAY: No, I have not seen them.

The Hon. R.I. Lucas: How do you know they were?

The Hon. P. HOLLOWAY: I am saying that the Auditor-General has reported that they should have been—

The Hon. R.I. Lucas: You haven't even looked at them.

The Hon. P. HOLLOWAY: Of course I have not had a look at them because they are not available—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not even sure whether they are publicly available. What I do know—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What I do know—

Members interjecting:

The PRESIDENT: Order! I have called for order.

The Hon. P. HOLLOWAY: —is that this parliament employs a very good Auditor-General to look at these matters. One would expect that when the Auditor-General makes a recommendation—

The Hon. A.J. Redford: Double standard.

The Hon. P. HOLLOWAY: I don't know about double standards. I raised these matters 12 months ago, and it was 12 months ago that the Auditor-General recommended that the guidelines developed by the Department of Treasury and Finance should be promulgated. That is good enough for me.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, it seems as though—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I admit—I am not the Treasurer—that I have not looked at them, but the Auditor-General of this parliament has not recommended that I do so. However, he has recommended that the Treasurer of this state—

Members interjecting:

The Hon. P. HOLLOWAY: It is a pity that *Hansard* cannot record laughter, because the Treasurer of South Australia is laughing at the fact that he has failed to introduce guidelines. The disgraceful events of the National Wine Centre, which might well have cost taxpayers a lot of money, happened because of this Treasurer's failure to accept the recommendation of the Auditor-General in his report of 12 months ago. They are his guidelines; why were they not promulgated? That is the question that needs to be answered. I do not go through every guideline that this government has, but I do read the recommendations of the Auditor-General and, if he says that they should be promulgated, then that is what should be done. What I do recall reading some time ago was the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, yes, the earlier requirements, because they were prepared back in 1992 by the Department of the Premier and Cabinet under the Labor government, because I was actually a member of the Economic and Finance Committee when it first investigated the issue of consultants. It was quite a landmark report that that committee brought out in 1992. One of those recommendations—and this has been followed subsequently by governments—was that all the consultants in various bands, according to cost, should be made public, and that happened following the recommendation of the Economic and Finance Committee. The committee also recommended that these guidelines be prepared, and in 1992 they were prepared and they have subsequently been adopted.

The Hon. R.R. Roberts interjecting:

The Hon. P. HOLLOWAY: I think they were implemented in most of the annual reports for 1993, because it was a 1992 recommendation, if I am correct. The point that needs to be made is that what has happened in relation to the letting of consultancies is that the reforms that were prepared by the government in 1995 were not put in place, and that has been criticised by the Auditor-General.

I think this parliament deserves better from this government. One can only hope that, after the embarrassment that the Premier suffered in relation to the National Wine Centre, he will now get the whip cracking and make sure that some decent guidelines are introduced and that we do not have this problem again. As I have said, there are a number of other matters that the Auditor-General will discuss in future reports. We look forward to debate on those matters relating to the Hindmarsh soccer stadium and the ETSA sale final reports.

I will refer briefly to some of the comments made by the Auditor-General in relation to the economy. I raised these matters by way of question when we discussed this matter last week. The Auditor-General commented on the reduced public debt interest reductions flowing from the sale of ETSA. Since the Premier took office government outlays have risen in real terms and will continue to rise by nearly 20 per cent, or over $500 million in real terms, between 1997-98 and 2003-04, and the budget will continue to be in deficit until 2003-04 and therefore will add to debt.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Auditor is critical of inconsistencies in the presentation of financial data. He points out—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: This is money that has been spent. He points out that the government is in the third year of a four year budget strategy. On page 35 he states that other jurisdictions and the Australian Bureau of Statistics do not use cash based budgetary targets. He says that it is time to examine the form in which budget data are presented and to look at new targets. He states:

> The issue that arises is whether the state should change its budget reporting targets.

The Hon. R.R. Roberts: You mean tell the truth! That would make a nice change.

The Hon. P. HOLLOWAY: It would certainly help if this government were a little more open in the information that it publishes. There is no doubt that the budget information that is—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Absolutely not. This government has—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I am sure that that will happen. Come the election, all our policies will be known. He knows what happens. To give the Hon. Angus Redford an example: when my colleague, Lea Stevens, a while back introduced a bill on health complaints and a health ombudsman the government introduced a similar bill a month or two later. That is what happens: every time the opposition raises matters the government just follows. During the election campaign members opposite will be able to see the policies that we put forward.

In his report on the state of the economy the Auditor-General raises a number of interesting questions for government, and I believe these are matters the Treasurer ultimately will have to answer. One of the important matters that the Auditor raises is on page 132, as follows:

> Audit is not aware of any public debate on what an appropriate debt level for a state is—this is also perhaps not to be unexpected given the recency of change and the focus necessary to achieve that change. Nonetheless, the matter is perhaps worthy of consideration given the recent major changes in debt burden.

That is a matter that I have raised by question with—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —the Treasurer, but I think the Auditor-General has done us a service by now raising it. Given that this state has just gone through an extensive asset sale process, it is now appropriate that we discuss what is an appropriate debt level for the state.

The Hon. A.J. Redford: What is it Paul? What do you think?

The Hon. P. HOLLOWAY: I suggest that the Hon. Angus Redford read the answer that the Treasurer gave to the question: he might be enlightened.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The honourable member has plenty of time to debate it in the proper debate.

The Hon. P. HOLLOWAY: Yes, he has, Mr President. I am not here to answer questions. The final point I wish to make in relation to the Auditor-General's comments on the state of the economy is in relation to the—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! I have called for order.

The Hon. P. HOLLOWAY: —comments on the electricity sale. The Auditor-General's Report this year has provided us with a significant amount of information in relation to what happened during the electricity sale process—far more than the government has provided. On page 97 of the Auditor-General's overview, when talking about the net economic position of the state as a result of the sale of assets, he states:

> As the estimated premium is a projection it is yet to be tested by actual outcomes that can be determined after 2000-01. Further the revenues foregone can of course never be ascertained.

The problem we have is that, whereas we can provide information about what the interest savings might be, the real key to assessing the benefits or otherwise from the disposal process on public finances all turns on the estimates of dividends foregone. I have raised this matter on previous occasions, but unfortunately, as the Auditor points out, once the sale is made it is pure speculation as to what those dividends might be.

I remind the Council that in my speech on the Appropriation Bill earlier this year I did indicate what the distribution was for 1999-2000, and I also indicated how, in my view, there was a considerable understatement of the projection of those future revenues.

We will be getting eight further volumes from the Auditor-General on the electricity sale process. Now that the sale process has been completed I guess that they will be available within a reasonable period of time. Under section 15AA of the sale legislation the Auditor-General has to report three months after the date on which the last sale lease agreement was made. Therefore, we can look forward within the next three months to reports from the Auditor-General in relation to that matter, and I will be looking forward to debating that at that time.

In my view the Auditor-General has served this state well by drawing to our attention a number of matters of deficiency in government practice. The sad part is that the Auditor has warned us about so many deficiencies in the past, and sadly the taxpayers of the state have suffered by the inaction of the government in taking up those recommendations at an earlier stage. I support the motion to note the report.

The Hon. T. CROTHERS secured the adjournment of the debate.

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. R.I. Lucas:

That the interim report of the select committee be noted.

(Continued from 11 October. Page 120.)

The Hon. A.J. REDFORD: The terms of reference as agreed to by the Legislative Council in March 1999 were that the committee was to inquire into and report on internet and interactive home gambling and gambling by any other means of telecommunication in the state of South Australia, and the desirability and feasibility of regulating or prohibiting such activities.

As has been observed by previous speakers on the motion, the inquiry took some 18 months, and in that respect my thanks go to a number of people and, in particular, the Chair of the committee, the Hon. Rob Lucas, who kept the committee rolling along and was diligent in his attendance. I must say in that respect that I am grateful to the Hon. Rob Lucas. It is not often that a minister will take out such significant amounts of time from his executive duties to participate in a process such as this over such a long period on so many occasions. I was accompanied by the Hon. Paul Holloway, the Hon. George Weatherill and the Hon. Nick Xenophon, and the evidence was heard and the discussion took place in good spirit, and with a focus on the issues. It has been a true pleasure to serve on this committee. My thanks also go to the Research Officer Ian Clover, who has gone on to bigger and better things, I hope, whose work was outstanding. Indeed, the succinctness with which he expressed himself in the report is something to be commended. Noelene Ryan was her usual diligent, efficient and helpful self, and in that respect my thanks and appreciation are extended to her.

The boundaries in terms of the division of the parties, the participants or members of the committee, in this matter, were pretty well drawn when we made our speeches in support of the establishment of the select committee. I believe that it would come as no surprise to anybody who read the contributions leading to the establishment of this committee

that the committee divided three, led by the Hon. Rob Lucas, the Hon. Paul Holloway and the Hon. George Weatherill, and a minority report was prepared by the Hon. Nick Xenophon and myself. The outcomes of this report I suspect will be reflected upon in a lot of legislation that is either now before this parliament or likely to come before this parliament either in the immediate future or the medium future, and, whilst from time to time we can get annoyed at this, gambling and gambling related issues are dominant issues on which we spend considerable time in this parliament debating, considering and discussing.

The first point I make is that in relation to the issue of interactive gambling until relatively recently there has not been a great deal of widespread community or public debate on the issue, particularly when one contrasts the sorts of debates that led to the introduction or the establishment of the TAB, the Lottery and Gaming Commission and, more recently, in 1992 the introduction of poker machines in South Australia. Interactive gambling has been something that has crept up on the community, particularly in South Australia, with the involvement in any true debate of a relatively small group of people. In some respects those same people are now saying that it is too late to prohibit the practice of interactive gambling.

In making my contribution in relation to this issue I must make this observation, and that is that the history of parliaments and the history of members of parliament is littered with failures and littered with exits or forced exits based on their claims that parliament is powerless or unable to reflect the will of the people, and indeed communities will say to their politicians that if they do not respond to what they believe is appropriate on significant issues, irrespective of the difficulties in confronting those issues, they will throw out those members and put in members who are at least prepared to attempt to deal with these issues in parliament, and if we accept the notion that it is hard to deal with, it is hard to regulate, it is hard to legislate and therefore we will not do it, or therefore we will regulate, we run the real risk of attracting the wrath of the community, which, by and large, may be opposed to a particular measure. As members of parliament we ultimately have a responsibility, whether between elections or particularly at the time of elections, to do our best to reflect the community viewpoint.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member interjects and asks why the commonwealth does not react. Well, the best way I can answer that is by suggesting that he speak with Senator Nick Bolkus. I know that he does not have a warm and intimate and personal relationship with Senator Nick Bolkus, but I suggest that he speak with him and ask him why the Labor Party opposed some pretty sensible and minimalist proposals on the part of the federal government to establish a moratorium while we have a public debate. As I will allude to later, the position of the Australian Labor Party from the federal perspective is an astounding and absolute mystery to me and in complete contrast to the sort of populist policies that seem to be promulgated by the federal Leader of the Opposition, Beazley, on every other single occasion.

This report was an interim report, and we dealt pretty much with the issue of the feasibility of either prohibiting internet gambling or regulating internet gambling. In that respect the majority made a number of recommendations. The first of those recommendations was that the South Australian government is not in a position where it can legislate one way or another in preparation for the arrival of internet gambling. I must say, with the greatest of respect to my colleagues, it is a very cute word to use when one juxtaposes the term 'arrival' in legislation, because, if one adopts the principle that if you are not there legislating against something at the point of arrival it is far too late and wrong to legislate to prohibit, then one might consider that all legislation would be unnecessary or unwise, because it is a general practice of parliaments to react to events outside it. Indeed, I am sure that the first murder occurred before parliaments decided to legislate against them—that is one example that springs to mind.

Its second recommendation was that the prohibition of interactive gambling within South Australia on social grounds is not supported. In that respect I do not take any issue in the sense that, if that is the genuine belief of the majority of members on the committee, or indeed the will of the parliament, then as has been the case with other forms of gambling, such as the TAB or lotteries or poker machines, so be it. However, the next suggestion in the report states:

> Attempts to prohibit this activity would, in any event, not be fully effective and would have the undesirable impact of forcing consumers who wish to gamble on the internet to use unlicensed, unregulated sites, and be a significant revenue leakage to other jurisdictions within Australia and overseas.

I will deal with that in two parts: first, that attempts to prohibit the activity would have the undesirable impact of forcing consumers to unlicensed or unregulated sites may well be a truism, but one might argue precisely the same position in so far as our drug laws are concerned.

It is quite clear that the prohibition of drugs, which is the general policy promulgated by parliament in this state, has the effect of forcing consumers to go to illegal providers of drugs in the event that they are addicted to those drugs, but that has not by itself prevented or restricted parliaments from ultimately making that decision on policy grounds. It certainly should not be a reason for an absence of action on the part of the parliament.

The second issue relates to significant revenue leakage and, whilst I do not pretend to be an expert on this, I have to say with the greatest of respect to the majority that there was little or no evidence, other than a bald assertion that there would be revenue leakage, that that was to be the case. We received absolutely no evidence comparing whether the revenue leakage, which is a fairly neutral term, or the cost to the revenue may well be outweighed by the social costs that might be inflicted upon our community by this form of gambling. Again, with the greatest of respect to the majority, as I said, there may well be some revenue leakage, but that needs to be contrasted with what damage might be done to the community as a consequence of this form of gambling, and we had no evidence of that.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: I will come to that. We had no evidence of any cost benefit analysis and, as I said, that assertion by itself, having regard to the state of the evidence that we had at the time of reporting, is quite misleading. The further assertion the majority made was that the government's ability to manage the impact of gambling on individuals, families and the community would be impeded by prohibition. Again, by itself, that may well be the case. However, we had no evidence to suggest that the cost of the difficulties of managing the impact of gambling in a prohibitive environment was any greater or less than the management of the impact of gambling in a regulated environment. We had

absolutely nothing before the committee to support that assertion.

Again, with the greatest of respect to the majority of the committee, I invite the Treasurer in his response to draw specifically my attention to any figures or any evidence that contrasted the overall cost, the damage across the board, of managing this issue in a prohibitive environment versus the cost of managing it in a regulated environment. If the Treasurer can point to any specific evidence that quantifies that, I will stand corrected. The same applies to the issue of the extent of revenue leakage versus the cost of the undoubted increase in this sort of activity that might occur if we went down the regulation path.

The next observation that the majority made was that South Australia is not starting with a clean slate, and I do not take any exception to that. That is a trite observation. It goes on to say that the state has interactive gambling and is exposed to it and the majority does not believe that the state can go back. One might say that that sort of statement could stand again in the context of our drug laws. Whether one accepts or rejects the approach of our current drug laws, the fact is that parliament, notwithstanding it was confronted with options, chose the prohibition model, and it is wrong of the majority to say that, because it is there, we do not have the option of choosing the prohibition model. The failure on the part of the majority in its report is to justify its position as opposed to pointing out the difficulties of the opposing position, which is an usual approach to take when one is endeavouring to lead what has until relatively recently been a non-existent public debate.

It goes on to recommend or suggest that the state can move forward (I am not sure where) and manage (I am not sure how) the impact (which has not been quantified or understood in any of the evidence that we have been given) of interactive gambling on the community through appropriate regulation (I accept that we are still looking at this issue), and I am not sure how or what will be regulated in this regulated environment, or why. The majority also goes on and says that the aim of regulation would be to enforce probity and to ensure that appropriate consumer protection and harm minimisation measures are in place.

If one looks at the current debate on poker machines, it is problematical whether we are in any position at this stage to embrace a debate on what are appropriate harm minimisation measures or consumer protection measures in relation to this form of gambling. The majority further goes on and makes the recommendation that licensing and regulations should contain strict, and I underline that, harm minimisation player protection measures, and I will return to the effect and importance of that recommendation. They were the recommendations made by the majority.

The Hon. Nick Xenophon and I made a number of recommendations and they commence at page 62 of the report. In his earlier contribution the Hon. Nick Xenophon referred to the undoubted downside that has been inflicted on the community by various gambling operations to date. The minority's starting point was that we did not accept the view that state parliaments are powerless to act in the absence of the commonwealth. I cannot emphasise that strongly enough to members. One need only cast one's mind back to the late 19th century when Australia had become a mature trading country, the United States was a substantial and mature trading country, substantial trade occurred from Europe to Asia to Australia, and the biggest debates that took place, on my knowledge of history, occurred in the United Kingdom parliament between the free traders and the protectionists.

Indeed, if one studies the history of the early days of Australia, both pre and post federation, one sees that the dominant debate of the time was between the free traders and the protectionists. I freely acknowledge that I probably fall in the free trader basket, but one of the arguments that free traders adopted was that you cannot regulate. Ultimately, it was the protectionists who prevailed for a significant period, and they reflected community attitudes and community views at the time.

It might well have been the case that some of the legislation that sought to protect markets or impose taxes was ineffective because of the technology that existed at the time. However, that did not prevent parliaments in the late 19th century from making laws to that effect if they so chose, and it did not prevent parliaments from properly and fully debating these issues.

The best way to look at this issue, particularly if one looks at the 19th century, is to contrast the position that we are faced with today with the position that the world was faced with in the late 19th century. Today we have a new, far more efficient than anything we ever dreamed of means by which we can deliver information, and that is through the internet. In the 19th century, as a community, we were faced with an enormous explosion and an ability to shift goods and products from one community to another. There was an improved system of delivery of goods and products around the world, just as we see today an improved system of delivery of information and associated products around the world via the internet. It is an improved delivery system: that is all the internet is. There is nothing magical about it: it is a delivery system for information, despite what some technocrats might say about the internet.

In the late 19th century, simply because there was an improved delivery system in relation to goods and the like, it did not mean that parliaments turned their backs on the imposition of customs duties or other impositions at particular borders. In the 19th century we had customs barriers between South Australia and Victoria and that did not prevent the South Australian Parliament and the Victorian Parliament from imposing trade barriers between the two states, for better or for worse. Back in the late 19th century one did not hear the argument that, because we did not have enough soldiers to stand the length and breadth of the South Australian, Victorian and New South Wales borders, we should shirk our responsibility or, indeed, shirk the debate on whether or not that was an appropriate policy measure. I see the debate of the pro regulators in this case as standing in exactly the same place that we were in in the late 19th century.

The Hon. T.G. Roberts: It is easier to stop a truck than an electronic signal.

The Hon. A.J. REDFORD: It is not necessarily a question of stopping a truck. They devised a whole range of appropriate enforcement mechanisms, and you certainly do not have to enforce laws at borders. If we adopted that mechanism today in relation to the import of narcotics, once you got heroin through customs you would be pretty safe. We all know from personal experience that more arrests occur not by customs officers inside the airport but inside the country because of other sorts of information. That is where detection and enforcement takes place, just as it can take place by the production of hard copy documents at the point of receipt rather than when a border is crossed.

That argument from the majority, I have to suggest, is incorrect and it would be an abrogation of our responsibility as members of parliament to simply say that, because the internet issue and the internet gaming issue is too hard to pass laws on, we must turn our backs on it and walk away from it. If we do that, at the end of the day the community, if it is of the mind to say, 'We do not want internet gaming in our living rooms' will say, 'We will get politicians who will pass such laws.' After such laws are passed, one would imagine that the resources and ingenuity of our community, whether it be through government or other agencies, will be focused on implementing those laws.

To simply say that states and state parliaments are powerless to act is, in my view, an abrogation of the responsibility of this parliament and, indeed, our collective responsibility as elected representatives of the people. We have a responsibility to deal with the debate, to engage in debate and then attempt to reflect the will of the people, and we cannot hide from this issue by saying it is too hard, it is too difficult and therefore we must walk away from it.

The second issue that the minority looked at was the current provisions of the law, and in particular we pointed out that the current legal framework in South Australia—and, indeed, it is shared by all other jurisdictions in relation to the issue of gambling—is that all gambling in South Australia is prohibited unless and until it is permitted by some legislative act. Until we permit gaming machines, they are prohibited. If the Hon. Terry Roberts has a gaming machine in his home, that is prohibited. We do not have a law from prohibiting him from having a gaming machine in his home: we just prohibit everything unless it is permitted. Various sections in the Lottery and Gaming Act assist in relation to that. Of particular note is section 50 of the Lottery and Gaming Act, which provides:

> All contracts and agreements whether by parol [that is, verbal] or in writing by way of gaming or wagering shall be void.

Subsection (2) provides:

> No action shall be brought or maintained in any court to recover any sum of money or valuable thing—
>
> (a) alleged to be won upon any bet; or
>
> (b) which has been deposited in the hands of any person to abide the event.

Section 50A of the Lottery and Gaming Act provides (and I am paraphrasing quite a deal) that an unlawful bet—in other words, one that is not lawfully permitted—is not enforceable at law. So if the Hon. Terry Roberts wants to set up a gambling operation in his living room and I have a bet with him and I lose, then at law he cannot enforce that bet. Indeed, if I pay him the money and I subsequently want it back, section 50A enables me to claim that money back.

In relation to that, the minority says that internet gaming in South Australia is currently illegal. I say that in a general sense; there are some minor exceptions relating to the TAB as well as a couple of other minor exceptions. However, generally speaking, in South Australia it is currently illegal to enter into an internet gaming transaction with some casino in the Bahamas. Indeed, when the majority says in its report that internet gaming is already here, it may well be the case, but it is certainly not here in any legal sense at all.

One of the issues that the minority considered—and we were provided with an opinion by the Crown Solicitor's office—is whether those in another jurisdiction who knowingly provide a gambling service to a South Australian commit any breaches of the Lottery and Gaming Act.

The Hon. Nick Xenophon and I share one thing that is unarguable: we are both lawyers and we are ad idem on this issue. The Hon. Nick Xenophon and I agreed that those who are providing internet gaming services to people in South Australia are committing an offence, and they are committing the offence of aiding and abetting people who engage in internet gaming. I must confess that the cause lists are not full of prosecutions of people who engage in internet gaming. One might suspect that there has been an absence of effort on the part of various people, for various reasons, in relation to that issue.

Some dispute arose in relation to this issue within the committee so we sought the Crown Solicitor's opinion. It would not surprise any member here to hear that, whilst the Hon. Nick Xenophon and I were ad idem on this issue, there were some minor points of difference between the lawyers generally engaged by the government (in this case charged with providing the committee with an opinion) and the Hon. Nick Xenophon and I. One issue they did raise—and to be fair to them I will do this in a neutral sense because they do not have the same opportunities in forums to respond as I do—was that, in some respects, it was unclear where the internet gaming transaction took place.

If I were standing in front of a jury and I said that a person was sitting in a living room in South Australia and gaming on the internet with a Bahama casino, pumping in their credit card number and losing their money, I would guess that 12 out of 12 jurors would say, 'I think that that transaction and that activity is happening in South Australia.' Notwithstanding that, Crown Law has a slightly different opinion and says that there is some risk that some other viewpoint might come out of a court hearing in this area.

In any event, in order to put the matter beyond any doubt (not that the Hon. Nick Xenophon and I think that there is any great doubt) the committee recommended, to cover the Crown Solicitor's concerns (and I will not put any adjective with it), that the Lottery and Gaming Act ought to be amended so that the place in which the bet is taken to have been made on the internet for the purposes of South Australian law shall be South Australia. In other words, if you see a duck it is a duck.

The Hon. R.R. Roberts: Not according to Peter Lewis.

The Hon. A.J. REDFORD: The honourable member interjects and the tone of the debate, merely by his interjection, immediately descends, and I am probably using words that are too long for the honourable member. The committee did receive a fairly lengthy opinion from the Crown Solicitor for which it is grateful. Every minor problem imaginable was identified. In some respects I understand what ministers are faced with from time to time when they engage Crown Law.

Following that opinion the committee recommended that the South Australian authorities responsible for the administration of the Lottery and Gaming Act take all reasonable steps to ensure that the public is made aware of the fact that a gaming activity on the internet is illegal unless it is conducted with the TAB or the Lotteries Commission.

I suggest that, if we undertook a survey, the bulk of the community would say, 'I have never been told that it is illegal.' I am sure that, if we managed to find a way to enforce it and started issuing prosecutions for internet gambling, we would have a minister in more trouble than the Hon. Di Laidlaw has been on the bus ticket issue. We also received an opinion on sections 50 and 50A. We were advised that there was one way in which these sections could be interpreted such as to be meaningless. When I studied law

I was always told that the courts would endeavour to give some meaning to sections of the act, but the Crown Solicitor's opinion says, 'No, it can be read in a way which would make that section irrelevant.'

As a consequence, the committee recommended that sections 50 and 50A of the Lottery and Gaming Act ought to be amended to remove any shadow of doubt that unlawful gaming transactions are voidable and can be reversed at the insistence of the gambler. We also recommended that the definition of 'unlawful gaming' be broadened so that it includes sports events, such as racing, so that it would be unlawful for persons in South Australia to partake in any form of lottery, gaming or betting unless the person conducting the lottery or game or receiving the bet is licensed under South Australian law.

Whether the parliament subsequently wants to licence other activities is a matter for the parliament, but certainly it is an abrogation of our responsibility as members of parliament and, more importantly, an abrogation of responsibility on the part of the executive arm of the government to fail to inform people of the laws of the land as they exist, particularly when confronted with a new technology. We are not exactly talking about new law here: we are talking about laws that have been in existence for decades.

The committee also suggested that parliament enact provisions that provide that an action cannot be brought to recover a debt where the debt was incurred in circumstances where the debtor was guilty of a criminal offence, that is, providing an unlawful gaming service. That, with the greatest respect, reflects the existing law, the existing intent of the law and parliament's intent over many decades in South Australia today.

I will now deal with a couple of issues that arose in the report: first, the commonwealth. The Hon. Nick Xenophon and I congratulate the commonwealth government on its initiative in seeking a moratorium. It is extraordinarily disappointing that we see the majority of the Australian Democrats and all of the Australian Labor Party voting in the Senate to prevent a moratorium on internet gaming to allow proper and considered community debate on this issue.

The Hon. R.R. Roberts: And the Greens.

The Hon. A.J. REDFORD: And the Hon. Ron Roberts points out 'and the Greens', and, indeed, One Nation. One might consider all those avid One Nation readers of *Hansard*. Given their constituency why would their only representative in the federal parliament seek to vote against a prohibition on internet gambling? It is extraordinary and gives some indication of the sorts of changes of mind that people can have when one enters that deep, dark place called the federal parliament in Canberra. In any event—

The Hon. T.G. Roberts: The Northern Territory and Tasmania would have had this legislation set up.

The Hon. A.J. REDFORD: I will respond right now to that interjection. If that is the case—and I do not have any objection to that—and the Western Australian parliament wants to legislate for Western Australian citizens, that is its prerogative, just as it is for the Northern Territory parliament. What I object to, what every South Australian should object to and any member of this parliament who respects the sovereignty of this parliament should object to is Western Australia or other states passing legislation that affects the rights, obligations and duties of our citizens whilst they are in or within our jurisdiction. That is a very serious issue that needs to be addressed both at COAG level and by our respective parliaments.

I have no objection to the Western Australian government or, indeed, the Queensland government establishing an internet gaming outlet provided they respect our sovereignty and do not offer that product to South Australians. If they do, they should assist in our prosecuting those agencies pursuant to our laws in the spirit of the federalism within which we operate.

There are some who say that this prohibition is too difficult and, indeed, that was the thrust of the majority. However, when one looks at the jurisdictions in the United States, one sees that they have not been afraid to confront this issue. I refer honourable members' attention to page 31 of the report, particularly the last sentence, which states that the United States' legal system has upheld the view that, if internet gaming is illegal, credit cards and other forms of fund transfer controlled by US law should not be used for the payment of internet gambling debt.

There is no reason to suggest that, if that is not the law in Australia, we cannot make laws to that effect if that is the will of our parliament and the will of our people. We certainly cannot use the argument that it is too hard and therefore we should walk away from it. Those who support internet gaming should do so on its merits and not on the basis that it is too hard to legislate for or that it is something that we do not want to do. It is something that the parliament has a duty and an obligation to deal with.

At that same page we referred to an article in the *Berkeley Law Journal* in relation to a prosecution and a law suit filed by a Cynthia Haines in California in response to a claim filed against her by a credit card company for a $70 000 internet gambling debt. According to Ms Haines, the card company should not have given merchant accounts to on-line casinos. Mastercard settled with Haines for an undisclosed amount and issued new rules for the use of its cards in relation to gambling. There are other cases in New York referred in the report where internet gaming providers from the Bahamas and other obscure places went to New York on a shopping spree and were immediately arrested for providing internet gaming services to New York residents. So they used their existing laws to reflect community opinion. The other issue—

An honourable member interjecting:

The Hon. A.J. REDFORD: Well, whether it be the Treasury view or any view, the fact is there is a responsibility on the part of the executive to enforce the law. Generally speaking, we take that for granted but, if there is a murder out there next week, the police will investigate. We are now almost going to the opposite extreme in that, if we see breaches of the law pertaining to internet gaming, we can assume that little is to be done or will be done by those charged with the enforcement and the administration of the Lotteries and Gaming Act, and that is disappointing.

If one looks at the response of various institutions to child pornography, one sees that there is no absence of the will on the part of parliaments to prohibit and reduce that if they see fit. In relation to child pornography, there is certainly no argument on the part of the pro-regulators that it is too hard to prohibit it and therefore we should regulate it. It is my view that their substantive argument is illusory when one looks at that issue.

The Hon. Robert Lucas made a number of comments in his speech. I will not go into it in any great detail except to say that they are obviously honestly held beliefs, albeit extraordinarily misguided perhaps. The honourable member should spend more time practising the art of leg spin bowling and less time dealing with the demands and pressures of

various ministers who want to spend more and more money forcing him into a position where he has to come up with new ideas to raise it. He said as follows:

> The very strong majority view was that prohibition could not be successfully implemented and that really what we had to do was to get on with the business of looking at how we might develop a regulatory framework. . .

I have dealt with that in some detail but I re-emphasise that that is an abrogation on the part of the pro-regulators' responsibility to convince the community of the benefits of gambling. It is simply not good enough to say, 'This is hard to stop, therefore we will allow it.' They have to do more than that in terms of the community debate and, given the sense of their report and the arguments they put forward, they have demonstrably and clearly failed to do that. Indeed, some of the suggestions on the part of the majority are quite concerning. The Treasurer said the following:

> I believe the preference of consumers is to take a punt on properly licensed and regulated gambling sites in a jurisdiction where they know they can at least try to take up an issue with somebody if something goes wrong.

That in itself is probably unarguable except that there is a gigantic leap in logic in the sense that again there has been a failure on the part of the pro-regulators to engage the community and to get the community onside to support the concept of internet gaming. They have missed and taken this gigantic leap over the top of the community, avoiding that debate and, with the greatest respect, we run the risk, if we do that and fail to take the community with us, of completely unravelling what in the end we might seek to achieve. It is exactly the same position that those who might be free traders might be in seeking to take the community out of a regulated environment. Sometimes if you move too quickly and do not take the community with you, you will find that you will be dragged back. I hope the Hon. Rob Lucas forgives me if he thinks this is a cheap shot but it is so obvious that I cannot resist it. He says:

> The longer we continue to delude ourselves with the notion that you can achieve it, the more we will delay the necessary work that needs to go on to develop a sensible regulatory framework which provides protection to those punters who want to punt but which also does whatever is necessary to assist gamblers who find themselves with problems.

In other words, he is saying that those who are going down the prohibition street are deluding themselves and that we are deluding ourselves and causing problems for the community because it will make it far more difficult to develop an appropriate regulatory model and to protect all those existing consumers.

It will be interesting to see how the Treasurer approaches this on the issue of prostitution, because those who want to free up the laws on prostitution are putting precisely that argument—that we are deluding ourselves with a prohibition model and we need to come up with a model that is better suited to the community. I look forward to some degree of consistency from the Hon. Rob Lucas when we hear him on the issue of prostitution in that area. On that issue, I am undecided and I am not sure that honourable members will get a great deal of consistency from me, so I had better be a bit careful. I could not resist digressing.

The fact is that prohibitionists could easily be said to fall into two categories. There are those who do not have a fundamental objection to gambling but who are saying, 'Let's take the community with us, because if we don't we shouldn't', and there are those who are fundamentally opposed. One of the amazing things is that the Hon. Nick Xenophon and I have collaborated on this. We have not exactly been bedfellows on the issue of poker machines, yet we are pretty well rock solid on this.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: I am told by some that we are 'the odd couple'. I am not sure who is Oscar and who is the other; I will leave that for others to speculate.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member offends me deeply. In any event, I think that is the failure in their argument. In relation to pro-regulators, the Hon. Paul Holloway made an interesting series of assertions when he said:

> At the same time, I acknowledge that the regulation of interactive gambling, particularly using the internet, will not be easy to achieve. For example, preventing children from gambling over the internet poses particular difficulties. I am sure that it is much harder to prevent a child under 18 years from gambling over the internet than it is from gambling in other forms where at least there are physical barriers or constraints. There are difficulties in this area, and they are matters which we will have to look at.

A more succinct statement of the difficulties confronted conceptually by the pro-regulators in relation to this issue could not have been made better, and it has come out of the mouth of the Hon. Paul Holloway. He has referred to something that is quite important: that is, that even the pro-regulators want to have a prohibition model in relation to people under 18.

So, we have to develop a prohibition model within the framework of a regulatory model. They cannot run away from that conceptual difficulty in relation to their assertion, because this is how their argument goes. To encapsulate: it is too hard to prohibit, therefore we must regulate. They then jump from that point and say, 'But when we regulate we are going to prohibit under 18-year-olds.' Anyone who follows that logic is a better man than I because it is essentially illogical. It is essentially a non sequitur, and it is something that the pro-regulators—and they cover a broad group of people from treasurers who want revenue to internet gaming providers to those who see another opportunity to extend their welfare services to another disadvantaged group of people—have failed to properly and seriously address.

In that respect, the majority have done two things: first, they have failed to deal with the morality of the issue and convince the electorate; and, secondly, they have failed to acknowledge that the difficulties that they face in relation to the promulgation of the pro-regulation model are just as difficult as a prohibition model. I must say that all of this is in a state that is yet to establish a proper gaming impact authority, as has been suggested in other quarters. One might think that, if you are a pro-regulator, you might embrace the concept of having a properly resourced, well researched, authoritative gambling impact authority in place well before you give the green light to this sort of activity.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: As the honourable member interjects, how can you determine the potential damage? That is exactly right. There are a couple of other issues to which I will refer in terms of the evidence. Mr Toneguzzo, who is a proponent of the regulatory model—indeed, he is paid for by the regulators or the industry—in a comment to the Social Development Committee on gambling in 1997 said:

> . . . there is an unquestionable need for regulatory requirements to be imposed upon gaming devices. I ask the committee to bear this in mind as we explore internet gaming, because all these criteria have

a potential to be defied. That is, the public has no assurance or guarantee that these technical requirements can be enforced on internet gaming.

That frightens me. We have a series of regulators who have skipped the prohibition debate by saying that it is too hard to prohibit on the basis that they can provide a safe, secure and reliable internet gaming system that gives confidence to consumers and the public and, at the same time, say that the delivery or the enforcement of that is problematical. That is the inherent illogicality of their debate.

What is even worse, it is deceptive: it deceives the public into thinking that there is a regulatory model which can be enforced and which will provide protection to those who are most vulnerable in our community. That is what I find particularly concerning about this small coterie of people who are advancing the regulatory model. They do not say it loudly, but they will acknowledge it when questioned. However, their model cannot be enforced. Their model cannot provide all those things which they use to justify their arguments against a prohibitive model in the first place—and that is what disappoints me.

The Hon. T.G. Roberts: Won't the market reject a defective product?

The Hon. A.J. REDFORD: It might be too late—that's the difficulty. Internet gamblers do not talk to one another; they only talk to the provider. It is not as though you are sitting at a poker machine and talking to the fellow sitting next to you and saying, 'This machine is robbing me blind.' They do not talk to one another. It is a one-on-one personal relationship. I have been known to have the odd punt myself, and I assure members opposite that I am not exactly boastful about my losses—I tend to go a bit quiet on them—but most people within a 10 yard radius get to hear about my wins.

So, in that sense, people who are losing significant sums of money on internet gaming will, by their very nature and the nature of this form of gambling, be hidden. They will not be easily ascertained and found out, yet their problems will be visited upon those who are close to them and who rely most on them for support——in particular, their children.

That admission from the most significant proponent of the regulatory model means that we cannot protect children or those who are disadvantaged and we cannot stop unscrupulous providers. Even if we could, if we adopted a licensing model, as has been suggested—and I refer to this in the report—no-one has been able to deal with this particular issue, which is: what happens if we decide to pass some laws and we licence XYZ Internet Gaming Pty Ltd and, over a period of time, that gaming provider develops a significant customer base of ordinary South Australians and other people whom they are entitled to market?

In the interests of competition neutrality, let us say that the state government is saying to internet gaming providers, 'There is a tax of 45¢ in the dollar in relation to poker machines.' One does not have to be a Rhodes scholar to work out that, once they have achieved some form of maturity in terms of market growth, they will not turn around and say to the South Australian officials, 'We think your tax rate is too high. If you do not reduce your tax rate to the Victorian level we are out of here'—and let us say that that is 20 per cent.

What position does the South Australian Treasurer hold in that circumstance? The answer is 'Nil.' Unlike a casino, where if you shift offshore it means that you are shifting away from your customer base, you can shift jurisdiction at the snap of a finger for a cost of less than $20 000, particularly if you have some sort of permissive licensing arrangement. With the sort of revenues we are talking about, that amount is a spit in the bucket.

Any Treasurer who is budgeting on a revenue stream associated with internet gaming should not be budgeting for a long-term revenue stream, because that is at high risk either from federal competitiveness—and we have all experienced that in this parliament—or from international competitiveness. If one shifts from South Australia to Outer Mongolia, which has a 1¢ tax rate, one can imagine what the email to me—a consumer—would be. It would go something like this:

> Dear Mr Redford,
>
> You have been a valued customer of ours for some five years and we have enjoyed your custom. We believe that the South Australian government has been ripping you off at the tax rate of 42 per cent. In order to enhance and advance your interest we have decided to shift to Outer Mongolia where the tax rate is 1¢. We propose to substantially increase your payout values as a consequence.

Am I going to argue with that? Of course not. Will that body be regulated in the future? Of course not. Will that body have to comply with any laws? Of course not. The effect of the regulatory model has been merely to act as an initiating marketing scheme for an internet gaming provider at pretty minimal cost to the state.

I urge all members to read the report. Even if they are a pro-regulator, even if they think that gambling is not such a bad thing, I would ask them to pause and to reflect seriously on their role as members of parliament and on the role of parliaments. Even if we want this legislation, we have a duty to ensure that the public has been engaged and has participated in the debate, that they simply have not been told that it is too hard and that, therefore, there is nothing they can do about it. That is the sort of attitude that creates political parties such as One Nation—that we do not reflect on what the public say, that we do not seek to engage them, that we act in a superior way and say, 'You don't know what you're talking about. This can't be done. You're an idiot.'

That is the effect of that style of debate. Sooner or later the people react—and they will react. I conclude by repeating what I said when I commenced my contribution today: history is littered with politicians who have failed to acknowledge that, whilst it might be difficult to achieve an outcome, if the people want a particular outcome, we have a responsibility to seek to secure that outcome, no matter how difficult or hard that might be. If we do not, and if we turn our back on it and do not engage in a debate on the merits of gambling, we run the risk of incurring their democratic wrath.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

Adjourned debate on motion of Hon. L.H. Davis:

That the annual report of the committee 1999-2000 be noted.

(Continued from 11 October. Page 121.)

The Hon. CARMEL ZOLLO: As a former member of the Statutory Authorities Review Committee, I support the motion. The committee had a most productive year: it tabled two reports and has three ongoing inquiries. As the presiding officer noted, publicity was recently given to the committee's twenty-first report 'Boards of statutory authorities: Remuneration levels, selection processes, gender and ethnic composition'—one of the reports tabled during the reporting

period. I have spoken about this inquiry previously, but I would like to comment on two recommendations in particular, the first being that a separate register of South Australian statutory authorities be published on the South Australian government web site.

Such a register is in the public interest and is about accountability and transparency. Details should include the number of statutory authorities, the member composition, their role under legislation and which department they are part of, the remuneration of members and their term of appointment. The information is, I think, all part of accountability and transparency of government.

Several other states already have such a web site up and running. We simply appear to lack the political will to do so in South Australia. The other recommendation I would like to touch on in relation to this inquiry is that ministers be required to consult the register of candidates maintained by the Office of Multicultural and International Affairs when seeking new members for government boards and committees. I often notice a certain amount of cynicism in relation to this register and a perceived lack of consultation, and also a lack of recognition for people from a diverse cultural background who can be appointed to boards and committees.

Whilst not wishing to underestimate the importance of such areas, all too often we forget that people from diverse cultural backgrounds do not only have talents in the obvious area of multicultural and ethnic affairs. The Premier's response indicated his support for the maintenance of the register and that it should be adequately kept up to date. He also supported the recommendation that ministers should be actively encouraged to consult the register, where appropriate. It may be appropriate in future to make such a recommendation mandatory.

One development that is pleasing to see is the continuation by this government of the Labor government's target of achieving a 50:50 female-male representation on all government boards and committees. We are not there yet, but I think we are up to 33½ per cent, and I am pleased that this government is actively promoting that target.

I particularly note the promotion of rural women and encouraging and assisting them to be considered for boards and committees. I know that I have mentioned this before, but I would like to see the same commitment to women of diverse cultural background, where appropriate, in terms of leadership and mentoring courses to assist them achieve the same goal.

I look forward to the findings of two inquiries of which I was part whilst still a member: community housing and animal and plant control boards and soil boards. I found the inquiries interesting ones which looked at areas undergoing some changes, and I look forward to the committee's recommendations. As a former member of the committee I take this opportunity to thank the staff, Ms Kristina Willis-Arnold and Mr Gareth Hickery, for their contributions and commitment. I wish my colleagues well in their endeavours. I am certain that the Hon. Bob Sneath will find his time as a member of the committee an interesting and most productive one, as I did.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 196.)

The Hon. SANDRA KANCK: The Democrats support all but one of the provisions in this bill. The amendment to the definition of motor vehicle in the Goods Securities Act is necessary due to the Motor Vehicles (Miscellaneous) Amendment Act. It will ensure that trailers are not unintentionally excluded from cover under the Goods Securities Act, and this amendment has our support. Likewise, we endorse the variation in the criteria for granting a concession on motor vehicle registration fees to ex-service personnel receiving a pension based on impairment of locomotion from 75 per cent incapacity to 70 per cent.

The Democrats view the amendment that requires a driver of a heavy vehicle to produce his or her licence to an inspector on request as reasonable. The current requirement that drivers need only present their licence to a police station within 48 hours is ineffective in dealing with a small percentage of rogue operators who give false names to inspectors. The need to produce a licence with a photograph on it will help curtail the incidence of this type of fraud.

We applaud the imposition of fines of up to $5 000 for the misuse of information obtained in the administration of the act. Individuals have a right to expect that information provided to government entities will be used only for the purposes legitimately associated with the provision of that information. They certainly should not have to fear that the information will be passed onto a third party. This amendment strengthens our right to privacy.

On the other hand, I can see little need for, and do not support, the creation of offensive language and obstruction offences to apply solely to inspectors appointed under the Motor Vehicles Act and the Road Traffic Act. The Summary Offences Act already has general provisions dealing with offensive language and obstruction. I think those sanctions are sufficient. I note, in support of creating these specific offences, the Minister claims similar provisions apply to inspectors in 20 other acts, including the Local Government Act 1999. In fact, the Local Government Act requires employees to act honestly and with reasonable care and diligence, and to comply with each council's code of conduct. The act contains no reference to specific offences of offensive language or obstruction. By all means, create and enforce a code of conduct for inspectors—offensive language and obstruction are unacceptable—but there is no need to enshrine these provisions in the Motor Vehicles Act. We will oppose this clause when we reach the committee stage, but I indicate the Democrats will support the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

[Sitting suspended from 5.52 to 7.45 p.m.]

PROSTITUTION (REGULATION) BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 199.)

The Hon. R.R. ROBERTS: At the outset I should probably say, 'Here we go again.' We have visited this

subject on many occasions in this place and I suppose that tonight represents the next step in the campaign by those who support prostitution to have another go. In considering this bill, I took the opportunity to look back over some speeches that I have made over the years and I refer particularly to one that I made on this subject in March 1992. At that point in the debate we were talking about whether the bill ought to go to the second reading. I find myself asking the same question tonight: should this bill go to the second reading? My opinion in 1992 went along these lines, and I suggested to the Council:

> If members do not support the main thrust of the bill, it should not go to the second reading. In that circumstance—

it was my belief then as it is now—

> no bill should go to the second reading, especially one of conscience, as there is a distinct possibility of a shambles bill being created.

Out of the mouth of babes often comes the truth. History now shows that that is exactly what has occurred on this occasion. The history of this matter is that four bills were presented by the government for the consideration of members in the lower house and another bill was added, and what we see is the classic horse that was designed by a committee under pressure in the wee small hours of the morning. This bill could fairly be described as a camel.

It was my intention to go through the bill chapter and verse but that was done far better than I could do it by the learned QC opposite, the Hon. Mr Lawson, so it is not my intention to go over it. This bill is not about decriminalisation of prostitution because, since 1978 in this state, prostitution between consenting adults in private without causing offence has not been illegal. What has been illegal is the running of brothels and living off the earnings of prostitution in brothels.

In 1992 we were talking about the bill that was presented by the Hon. Ian Gilfillan. One point that the Hon. Ian Gilfillan made in his proposition at that time was that there needs to be some protection for women who are involved in prostitution and there ought to be a more humane way of dealing with them. If we want to go back far enough, we can use the example of who is going to throw the first stone. He made a powerful point on that occasion that some of the people who have fallen on hard times or have got involved in this industry for one reason or another need the support of the community. That is the point that I took on board then and I take it on board now, and I note that there are some moves by the proponents of this bill to address those matters. I am not sure that was their major concern, but that is one thing that we did talk about.

This bill seeks to legalise the business of prostitution where the third party comes into the enterprise—the pimps, the lairs and the bludgers who want to live off the earnings of others in a way that is not acceptable to the overwhelming majority of the community. They want to make this a legal business. If we are talking about a business, we are talking about employees and about contracts between employees and employers. I would have thought it was a reasonable question to ask and a reasonable proposition to expect that there ought to be some template of the conditions of working in this industry; for example, what an employee's rights under occupational health and safety may be. Would it be too much to expect a copy of a work contract? What will be the terms of engagement? What will be the rights of the employers? Will it be the 60:40 split that I am told is basically what occurs now?

I am told that, in the industry as it stands today, one has to pay fees to attend and, on the odd occasion when business is slack, the proposition is rather like the supermarket which puts on the $30 special. Even with the $30 special, there is nothing to regulate who gets what share of the take. The proposition in this bill is that the regulations will be put in after the bill has passed. I have been down that track before with legislation. The regulations are presented and then there is the tortuous process of trying to change the regulations.

What is the reality of the regulatory process in this parliament? The fact of life is that it is very likely that, if this bill passes, this government will still be in place. From the informal negotiations that have taken place so far, it appears that the overwhelming majority of government members are opposed to this bill and what it stands for. This government, of which almost 85 per cent to 90 per cent of its members are opposed to this legislation, will make the regulations for an industry to which it is philosophically opposed. Having done the regulations, we are then expected to look at those regulations and adjust them and/or change them. Anybody who has been here for more than five minutes knows that that is a tortuous task.

An honourable member interjecting:

The Hon. R.R. ROBERTS: The Hon. Legh Davis talks about the problems that we have with regulation in the gaming industry. He supports my argument: he does not detract from my argument. If the regulation has been bad and there has been a bad experience in regard to poker machines, that supports the point that I am making in this area.

We would then have to go through the disallowance procedure, and we have seen what happens with that. The tactic that the government always takes with the disallowance procedure is to drag it out until the last week of the regulations, then if this parliament chooses—as is its right, as is its function—to overthrow the regulation, we find that the day after we get up, at an Executive Council meeting, it is reimposed. The latest regulation related to the number of marijuana plants that a person can have to receive only an expiation fee. That is the process.

This bill supposedly protects the community from having establishments in particular areas but, if you read the bill, the reality is that it provides that a brothel cannot be near a church or a kindergarten. But this camel of a bill actually provides that, if there is an existing illegal brothel in the area, it can remain. It goes further than that; it is thrown into the Development Act under a category whereby you cannot object. It is no wonder that the councils object to this bill.

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: The minister draws support from the fact that she adds amendments, but really the minister shows that the bill is absolutely flawed. She has never explained any of the so-called amendments of this bill that she is sponsoring. She is not explaining the second reading explanation. She has said, 'We know it is no good and we are going to make some adjustments.' I have looked at what is being proposed in the way of amendments and I am not satisfied.

The overwhelming majority of people in South Australia object to this bill; there is no question about that. Parents, decent people and family members in South Australia are opposed to that. When these matters were being discussed by the House of Assembly, there were some members saying, 'We are getting very little mail about this: it must be okay.' Well, I must confess that people of a mind similar to mine were probably remiss in that they thought that the House of

Assembly would not pass this bill. There were five bills to pick from, and there were 47 members of parliament with a conscience vote in the wee small hours of the morning talking about a social no-no. And what did we get? We got just what you would expect: we got this bill, which is just an absolute shambles.

The suggestion is that as a member of parliament I should forget all the lobbying that I have had by hundreds of people who have written to me, because they have woken up to the fact that this process that they had to endure in the lower house was flawed and they have been left with something that they find abominable. Who are the people who are supporting this? Where are they? Where are all the people who are supporting this particular piece of legislation? I will tell you where they are: they are in the illegal brothels.

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: They are running them, and they are proselytising some members of parliament—

Members interjecting:

The Hon. R.R. ROBERTS: And they are saying that they ought to support prostitution. The people who are supporting this bill are those who want to profit from this industry. They regularly use the argument that they want to look after the girls who are out there working. They have all these arguments—and there are members of parliament who run the same line. I am told that some of the women like the business. I would suggest that the attraction is equal to the amount of money: take the money away and they lose interest very quickly. If there was no money in it, the pimps and lairs would not want to provide the service. So that is a fallacy about a service and that women actually like to do it.

The legislation also talks about the age at which people can be involved in this industry. It surprises me that proponents of this bill support that concept, and in many cases they are the same people who are promoting the lowering of the age of consent for women. It is similar to the point that was made today by the Hon. Angus Redford in his contribution about internet gambling—and he actually made some very good points about that, and that does not happen very often. This bill seeks to give the illusion that our passing legislation makes it all right, and it is decriminalisation. There will be people with a view different from mine who say that is exactly what it does.

Let me give another example—marijuana plants. If people are drip fed enough times that it is okay, they actually believe that growing marijuana is not illegal. When you talk to parents they say that they have only three plants and that is okay. The fact of life is that it is still illegal: it is expiatable at a particular level. So you create the illusion by saying, 'We are decriminalising so that makes it all right.' That has the other effect of making it all right for young people to get involved in the business. So we suck them into the business. We do not know what their WorkCover entitlements are to be; we do not know whether there is long service leave, sick leave or superannuation; but we put them into a business where we have the situation—

The Hon. T.G. Cameron: But they are already in business.

The Hon. R.R. ROBERTS: They can work on their own. We drag these people into the business with no protection. At the present moment in an illegal situation when there is something going on in these premises, in comes the vice squad. What will happen in future? Are we going to have Department of Labour and Industry inspectors or are we going to have police going in? None of this has been laid out. There are no examples. This is a poorly drafted bill and it is incomplete.

Members interjecting:

The Hon. R.R. ROBERTS: It is said that there are no industry regulations. Other people would suggest, 'We will do them afterwards.' I am not satisfied with that because, as the Hon. Mr Davis pointed out by way of interjection, we have done that in the past. We have done that with gaming machines and we have a shambles. So the government is here trotting it out again and it wants us to trust it. The community cannot trust it.

This measure proposes a business which provides services. One can well imagine it being like McDonald's: the menu will be up there and, if you want a particular service, it will cost you that much. That leaves me with one of the most important questions that I would ask on behalf of workers in any industry: 'What about the right to refuse duty?'

What happens if a person refuses duty? Under some awards it is instant dismissal. This bill brings into question the fundamental right of a woman, or someone else, but particularly a woman. Any father of any daughter anywhere, or anyone who has any respect for a woman, must ask themselves this question: does this take away the right of a woman to say no? That is a fundamental tenet that even the female proponents of this bill have always demanded of this parliament: a woman's right to say no at any point in a sexual encounter or any other human encounter. The proponents of this bill, the Hons Carolyn Pickles and Diana Laidlaw, say to me that it will not happen.

We are saying that these illegal brothels will now become legitimate businesses. We are saying that those people who are running illegal brothels, who are intimidating and who are enticing young people into the industry, for one reason or another, those people engaged in illegal activities—thugs, pimps, lairs and bludgers—with a stroke of the parliamentary pen will become honest businessmen the next day. I will never believe that.

The Hon. Carolyn Pickles interjecting:

The Hon. R.R. ROBERTS: The Hon. Carolyn Pickles wants to keep interjecting and she will hang her hat on the fact that anyone who has a criminal record of a certain type will not be able to get into the industry. Most of those people running illegal brothels now have such a record. They are undertaking illegal activities. What happens on the changeover day? Do they all vacate the premises and bring in all the saints? Obviously not. Also, the proponents of this bill say to me that this proposition will legalise prostitution, that it will save the kids and there will be no illegal prostitution. I am sorry folks, history is against you, and the facts are against you.

The latest state to legalise brothels is Victoria, yet there are now more illegal brothels in Victoria than there were before prostitution was legalised. People try to tell me that there will be no more child prostitution. Again, history and the facts are against that proposition. Wherever prostitution has been legalised there is an increase in activity. However, members in this place will say to me that, despite the history in the rest of the world, for some reason in South Australia it will be different. We have a half-baked bill and some members want us to rely on the regulatory process of a government that is almost totally—except for the Hon. Diana Laidlaw and one or two others—opposed to it.

This bill has been badly thought out. In fact, it was not thought out. It was a bit like topsy: it evolved from five bills. It can be fairly said that the biggest brothel in Adelaide was

the way this bill was handled. That is what has happened. Five pieces of legislation, 47 politicians, in the wee small hours of the morning came up with all their own fanciful ideas and had the opportunity, on some occasions, to talk dirty to get a bill together. One idiot from the press telephoned me at 7 o'clock in the morning after this bill was passed in the other place at 5 a.m. I was in bed. He telephoned me at 7 o'clock and said, 'How are you going to vote?' Even with my good nature, I took offence.

This bill proposes a decriminalisation system for prostitutes. I believe that, when there is police intervention in the affairs of brothels and prostitutes are rounded up and fined, there is probably a better way of handling that situation than has occurred in the past. I have been guided in that respect by the Hon. Angus Redford in his experience as a member of the legal fraternity. The honourable member passed on to me some of the experiences that he had faced with clients, and I feel that it has been degrading. In some cases those women were very much victims. They are trotted out while the other parties to the so-called offence walk away. If this bill proposes, in the decriminalisation process, that every party to the offence, whether or not we are decriminalising—

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: We decriminalise for the women and they pay an expiation fee. In all honesty we ought to be saying, 'You are paying to expiate the offence, and so is the other party to the offence.' If two parties are not involved there cannot be an offence. If we are serious, that is the sort of thing that we should do.

The Hon. M.J. Elliott: Who told you that?

The Hon. R.R. ROBERTS: If this had been an industry that for centuries had exploited men it would have been stamped out years ago. It amazes me that some of the strongest proponents of these proposals are the people who claim to represent women in this place and who defend the right of women not to be treated badly, to have equal rights, etc. But I have not heard them trotting out the argument that the offence ought to be laid against both parties—that has not been put forward. One could speak for longer; I could go through the bill chapter and verse, as I have been invited to do. I am sorely tempted. It would not take a great deal to provoke me.

I am also concerned that once this industry becomes legal and given some credibility—and I made this point in 1992—it would not be too long before people would be turning up at the CES, or the job agencies as they are now known, and directed to this industry. Someone screamed out at that time—and I am sure that they are ready to scream out again—that it is illegal to advertise.

Members interjecting:

The Hon. R.R. ROBERTS: I ask the interjectors: what happens if a young woman turns up at the CES and is directed to this industry and decides not to take the offer?

Members interjecting:

The Hon. R.R. ROBERTS: Here we go. In they come.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: In they come. They are saying that it is all under control.

Members interjecting:

The Hon. R.R. ROBERTS: I can tell members that that will occur once prostitution becomes a legal business. Sooner or later people will want to take advantage of the law. They will test their arm with respect to free trade and they will get a decision. If it is a legal business they can put up a sign in the CES, or anywhere else, and it will be legal to do so. This bill sets us up for a similar situation we experienced with the IVF program, which has had so much airplay in the past 12 months because the Prime Minister's view was that he would not allow the IVF program to go beyond married couples.

I have been around long enough to have witnessed some of that debate. When IVF was first mooted those people who wanted IVF were saying, 'What about those loving couples who have been married and who have been trying to have children for years? Should we not do something for them?' That was a powerful argument and it ended up winning the day. Ten or 15 years on, what has occurred? Now they are saying that perfectly fertile human beings—whether they be lesbians or homosexuals—ought to be allowed to be involved in it, because we have another law which says that there should be no discrimination on the basis of sex or marital status.

I have been around the legislative process long enough, and I have been around a few conscience votes on gambling and on a whole range of other things. I can remember when Frank Blevins said, 'We will open up the poker machines and we will take $80 million; that is not a lot of money.' What is it now? It is $500 million. These are the steps that people who want to get to the furthest point understand: the community out there by and large do not want it, so they try to seduce them step by step.

Another example is the euthanasia debate. We had the Death and Dying Act—that was good. No sooner had the seal been put on it (the wax was still wet) when the next bill relating to euthanasia was in. That was knocked off and another one came in. Undoubtedly, that is what will happen with the prostitution bill; it will be the drip feed again. We will go step by step. The best way to stop a cancer is before it starts, and the best way to stop this cancer and to protect the rights of women is to enshrine the principle that any woman should have the right to say 'No' at any stage. I want the proponents of the bill to justify a situation where that can occur. I urge all honourable members to take the advice I gave in 1992 not to allow this bill in its flawed state.

Unquestionably, given the contributions we have had so far—the Hon. Trevor Crothers has said he is opposed to the content of the bill and will make his position clear later so, technically, he thinks it is wrong—most members of this parliament have said that they do not like the bill. The overwhelming majority of members of this parliament are opposed to the principles involved in this bill. What members are saying around the corridors is: 'We think that to do the right thing it ought to go to the second reading but we will probably vote against the third reading.' That would be playing into the hands of those who would seduce the sons and daughters of the working class of this country into prostitution.

Let the proponents do the work. And they will be back before the ink is dried on this bill with another bill. Let them provide the working conditions. Who will inspect the industry? Will we have DLO inspectors? Let them provide a copy of a work contract. Let them provide a copy of something which says that at any time the woman will have the right to say 'No.' Show me all those things in black and white; lay it all out, but do not ask me to trust the politicians and do not ask me to trust the political process.

Members interjecting:

The Hon. R.R. ROBERTS: Do not ask me to trust people such as the Hon. Terry Cameron to look after the sons and

daughters. Do not even ask me to trust Sandra Kanck: she is a greenie.

An honourable member: She is a what?

The Hon. R.R. ROBERTS: She is a greenie. Do not ask me to do that, because I do not trust the political process, as experience has shown that those who degrade the social standards in our community are very cunning. If they cannot get through the back door, they will come around or they will take a little bite now and a little bite later. I suggest that we take notice of the overwhelming majority of people in South Australia. I will challenge—

The Hon. T.G. Cameron interjecting:

The Hon. R.R. ROBERTS: The Hon. Terry Cameron delivers himself again. I challenge the government at the next election to have a referendum and put the question: are you or are you not in favour of prostitution? The government is promoting this bill. If the government wants to do that and support prostitution on the yes side, so be it, but I am very confident that it will get an overwhelming 'No'. That being the case, I urge all members not to go through the charade of saying that they will go to the third reading. Knock this off now before the cancer grows. Now is the time to stop it. I am opposed to the bill, and I urge all members to vote against the second reading.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

SHOP THEFT (ALTERNATIVE ENFORCEMENT) BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 166.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): This bill proposes that the issue of a shop theft infringement notice deals with shop stealing of goods to the value of $30 or less. This will occur if the victim tells the police that he or she consents to the process. If the suspect accepts his or her guilt, he or she accepts the infringement notice, returns the goods, apologises to the victim in the presence of the police, and accepts a formal caution. An alternative is for the suspect to take away the infringement notice to think about whether or not to go through the process, and then report to a police station within 48 hours to accept the process or contest the allegation.

The PRESIDENT: Order! The member on her feet has the call. I ask that the conversation in the chamber be toned down.

The Hon. CAROLYN PICKLES: If the goods are valued between $30 and $150, the same process may apply, but the suspect must perform one hour of community service for every $5 of the value of the goods. This means a minimum of seven hours' community service and a maximum of 30 hours.

I understand that this bill has the support of the Retail Industry Crime Prevention Committee. In his second reading explanation, the Attorney outlined the cost to the courts and the police of dealing with these minor offences. Although one could say that this may appear to be going soft on crime, I think this is a sensible measure, and the Opposition supports it.

I have a couple of questions for the Attorney. My first question is: if someone applies for employment purposes for police clearance, would the existence of an issued infringement notice to such a person be conveyed to the inquirer? In seeking some feedback from relevant organisations, the Opposition wrote to the Youth Affairs Council. The Youth Affairs Council raised some points which the Attorney might like to address in his reply.

One of the points raised is that young people are not directly implicated via this scheme because they are dealt with under a different area of law. However, the diversion scheme is based on a model used by the juvenile justice system via the Young Offenders Act 1993. The purpose of diversion under the Young Offenders Act seems to match the purpose of diversion under this scheme. This includes: to lessen restraint on the courts, to provide retribution that is considered more appropriate by the victim of the offence, and to take into account the individual situation of the offender (and assess their best interests).

The comment is made that the scheme is very victim focused. For example, the proposed legislation requires the victim to consent to the scheme being implemented in the event of minor shop theft; otherwise, the offence will be dealt with via the courts as per usual. The legislation provides this scheme as an alternative in order to recognise the inappropriateness of dealing with some alleged offenders via the court process. But how sure can one be that the majority of victims will recognise this?

Furthermore, the process begins on the spot once an alleged offender has been caught out. This means that the victim has to make up their mind there and then about whether they consent to this diversion scheme being used. The consent to the offender being dealt with via the scheme is irrevocable, so presumably it is the same if the victim decides to take it to court. Given the possible distress experienced by the victim, they may not be in a position to fully consider the options on offer to them. The Opposition has taken those views into consideration. I will be interested to hear the Attorney's comments. The Opposition supports the bill.

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

FIRST HOME OWNER GRANT (NEW ZEALAND CITIZENS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 202.)

The Hon. M.J. ELLIOTT: I rise on behalf of the Australian Democrats to support the second reading of the bill. The bill extends the first home owner grant to New Zealand citizens who are now resident within Australia. I understand that it also has some retrospective application. Unlike some people, I do not have a hard and fast rule on retrospectivity. The important thing is: what are the consequences of it? In this case, it is reasonable that it have retrospective application. The Democrats are happy to support the bill.

The Hon. T.G. CAMERON: SA First supports the bill. My understanding is that the scheme will continue to be funded by the commonwealth government. The legislation was foreshadowed by Senator Kemp, and as I understand it it has been passed or introduced in all states. The bill removes the anomaly so that New Zealand citizens who permanently stay in Australia but are not classified as permanent residents

under the Migration Act can receive the first home owner grant.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indications of support for the bill.

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

SHOP THEFT (ALTERNATIVE ENFORCEMENT) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 235.)

The Hon. T.G. CAMERON: In 1995 the Retail Industry Crime Prevention Committee was formed. It worked on a proposal to better punish and prevent reoffending for shoplifting. The committee members included representatives from David Jones, Woolworths, Coles Myer, Knight Frank, the Motor Trade Association, SAPOL and the Department of Education. It was to provide for a system to better deal with low-value shoplifting offences (that is, under $150), to alleviate the financial and time costs associated with punishing such crimes through the courts and to change to a system that makes offenders deal with the human rather than legal consequences of their actions through direct apologies and/or restitution.

The bill defines minor shop theft as larceny of goods valued at less than $150 from a shop. Regulations permit CPI increases in this amount. It describes when a shop theft infringement notice may be issued in lieu of charges of larceny being laid, and they include: the allegation constitutes an allegation of minor shop theft; the alleged offender is over 18 and is not an employee of the victim; the victim has consented to the alleged offender being dealt with under the measure; there is no reason to suspect that the offence is part of a pattern of criminal behaviour or organised crime; there is sufficient evidence where a court could find the offender guilty; and a police officer must confirm that it is appropriate that the alleged offender be dealt with under the act.

When the value of goods is less than $30 the alleged offender may immediately make an apology, return the goods (if they are saleable, or repay the value), admit the offence and submit to a caution against further offending; or, within 48 hours, attend a police station to do the same things as above at a time and date to be fixed by the police officer.

When the value of goods is more than $30 but less than $150 the alleged offender may, within 48 hours, attend a police station for a fine to be fixed, make an apology, repay the value of the goods, admit the offence, and submit to a police caution. They would also be required to complete community service, based on the value of the goods stolen. It is provided that they complete one hour for every $5 worth of goods stolen. In making the point that they must complete one hour for every $5 worth of goods stolen, that does not equate to their being paid $5 per hour for their labour. Any argument along those lines would be an absurdity or nonsense. Quite clearly, the commonsense of setting it at $5 per hour is so that the community service in itself hopefully will provide some impediment or prevent them from doing it again.

Of course, there is still the option for the alleged offender to be charged with larceny and to face court to prove their innocence, even up to 48 hours after agreeing to the infringement course of action. The victim would be provided with information about the progress of the case. The offender would be provided with a copy of the notice of caution. There would be no prosecution if they gave their consent to the program.

However, if they breach the terms of the program they would be subject to a maximum penalty of $1 250 (and I think that most people appreciate that courts do not award maximum penalties). Failure to issue notice or allow effective consent may not be raised in court proceedings and any consent to the infringement action is inadmissible as evidence, except under prosecutions allowed by the bill, for example, for breach of terms or in disciplinary proceedings against the police officers who issued the infringement notice.

The Commissioner of Police must, for five years, keep records of the names of the offenders, the details of allegations and the terms of the undertakings. An infringement notice is confidential and may not be disclosed by a person involved in the administration of the act except: to members of the police force for records or law enforcement purposes; to the alleged offender or their legal representative; to the victim; to the Police Complaints Authority; or, as required, for legal proceedings. A maximum penalty of $10 000 for breaches is provided for in the act. However, statistical and non-identifying information is not considered confidential.

The bill also provides that the commissioner, in the annual report of the Commissioner of Police under the Police Act, must provide an annual report on the operation and administration of the act. SA First wholeheartedly supports the bill. We believe that it is effective in the application of justice as it requires restitution or return of goods. It also requires that the person has to face up to their victim rather than to a judge, which would make them see the human side of crime and not just the legal side.

It also requires community service if the amount of goods stolen is significant, which stresses, though it may be dealt with outside the courts, that shop stealing is still a serious offence. Most importantly, it has been developed in conjunction with the stakeholders—the representatives of the retail industry.

As I said earlier, SA First wholeheartedly supports the bill. I support the direction in which the government is moving. I have had a very close look at the bill, as one might gather from the speech I have just made. From my and SA First's point of view it is a move in the right direction. I congratulate the Attorney for introducing the bill forward, and I look forward to more of the same.

The Hon. J.F. STEFANI secured the adjournment of the debate.

PARTNERSHIPS 21

Adjourned debate on motion of Hon. P. Holloway:

I. That a select committee of the Legislative Council be established to consider and report on the introduction of Partnerships 21 to government schools in South Australia including—

(a) the impact of Partnerships 21 on the budget for the Department of Education, Training and Employment;
(b) global budgets and resources for schools;
(c) preferential funding for Partnerships 21 schools;
(d) schools' reliance on top-up funding;
(e) teacher recruitment and placement issues, transfer rights and temporary relief teachers;
(f) special programs including disability funding;
(g) school audits, accountability and cash reserves;
(h) the impact on workloads for school service officers;
(i) DETE implementation staffing and costs;
(j) school maintenance funding;
(k) Risk Fund and insurance issues; and

(l) any other relevant issue.

II. That standing order 389 be suspended as to enable the chairperson of the committee to have a deliberative vote only.

III. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the Council.

IV. Standing order 396 be suspended as to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 11 October. Page 123.)

The Hon. R.I. LUCAS (Treasurer): I rise to oppose the motion before the Council. I understand from radio reports that, not only do we have a proposition of a select committee in this Council but I think there is now a motion being moved by another member for another committee of inquiry, I think, in the House of Assembly, a wide-ranging inquiry into education. There is a sense of deja vu about these calls for inquiries into education. For my sins I sat for a year and a half prior to the last election on an ill-fated select committee called by the opposition on education. As we warned prior to the election, it was just a fishing expedition, basically; it was going to waste time as the opposition tried to trawl for issues to attack the government over. It did not find any issues to attack the government over, but we had to sit through interminable select committee meetings, and, as I warned, it never reported. I do not think the Labor Party was serious about it, anyway. It was not intent on it reporting. It did not want to do the hard work of actually writing a report, and having to put together a position in relation to something that it believed in, rather than criticising. It was quite content. I think it was the Hon. Carolyn Pickles, and the Hon. Paul Holloway, for his sins, was it?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Briefly was it? I remember him on it. I am not sure who preceded him. But for my sins I had to sit through these meetings. As I said, it was quite clear that the Labor Party members had no intention of having it report. They just sat the committee, they gave a forum for—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We were happy for the report. We had the numbers. They gave the Australian Education Union a forum in which to attack the government, and a variety of others, in public session of the select committee. Prior to the previous election there was another select committee that was established in the House of Assembly, which met, I am told, for almost two years but which never finally reported, either. So, it does not surprise me that the Labor Party is going for the trifecta. Twelve to 18 months prior to every election education is an issue; let's have a select committee of inquiry into education, or some aspects of education, to give Labor and its cohorts an opportunity to attack the government of the day but not ultimately ever having to worry about reporting.

The Hon. A.J. Redford: Are you sure that it is not that the Labor Party's State Convention is more focused on issues other than policy development, and it sees this as an alternative?

The Hon. R.I. LUCAS: I know that the last select committee was very much a way of the shadow minister actually trying to learn something about the portfolio and help her to draft policies.

The Hon. A.J. Redford: Is it the same shadow minister?

The Hon. R.I. LUCAS: No, it is a different one this time.

The Hon. L.H. Davis: It's another learning curve job.

The Hon. R.I. LUCAS: It's another learning process but it was an opportunity for them to be educated about what was going on in the portfolio and to then help them draft their policy for the last election. From the government's viewpoint we do not want to play this particular game.

The Hon. P. Holloway: No-one is playing games with Partnerships 21. I mean, fancy having a two-tiered education system.

The Hon. R.I. LUCAS: We actually have here an opportunity in the parliament and in the media on a daily basis for questions to be put to the minister and to the government in relation to any concerns that the Labor Party might have about Partnerships 21. The sadness of the whole debate about education is there is never a policy position put down by the Labor Party. You can ask simple questions like: what is wrong with basic skills testing in schools? You will never get a response from the Labor Party, because half the front bench and half the caucus actually support the government's position on basic skills testing. The Australian Education Union, however, tells Mike Rann and the Leader of the Opposition in this chamber, and the Australian Democrats, that it does not support basic skills testing for literacy and numeracy, because this is anti education, we should not test all of our students in year 3 and year 5 to see whether they can read and write.

The Hon. T.G. Cameron: We should inquire into that as well.

The Hon. R.I. LUCAS: I do not think you will get anywhere. It might be lovely, but, as I said, you will be like we were. Have a look at the last select committee terms of reference. They were half a page long. We were to inquire into everything. As I said, there was never an intention from the Labor Party to see that committee report. It would have been too much like hard work for it on that particular select committee. The government was always ready, willing and able to see that committee report, but the Labor Party really wanted to just make political mischief, and, sadly, if there was a genuine debate about Partnerships 21 rather than political mischief, we could enter into a rational debate in this chamber during this debate rather than just trotting out the Australian Education Union diatribe all the time.

So from the government's viewpoint we do not want to be part of this trifecta of three parliaments and three committees in a row which fail to report. I must say, I understand that the first committee did put in an interim report—not the select committee, but the one in the lower house, pre the 1993 election. It did, evidently, put in an interim report on one particular issue about teacher education. With all its other terms of reference, hundreds of witnesses, thousands of pages of evidence, in the end none of it was any use in terms of forming a conclusion by those members of parliament.

The Hon. L.H. Davis: If the Labor Party put Ron Roberts on it he would be able to proselytise on that—or 'proselyse'—wouldn't he?

The Hon. R.I. LUCAS: I have still not worked out what 'proselyse' actually is. Nevertheless, his heart was in the right place in relation to the last debate, and I will address that later, even if his head was not following too closely behind. Partnerships 21, I am advised by the minister, has seen more than 50 per cent of schools and pre-schools in South Australia having signed up—296 schools and 168 pre-schools. The estimation is that over—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, Mr President, the Hon. Mr Holloway makes the allegation that principals have been blackmailed and told that if they do not join P21 they will not be promoted. I challenge the Hon. Mr Holloway to produce a skerrick of evidence in relation to—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, I challenge the Hon. Mr Holloway to name the school and to have this allegation investigated. If indeed that was the case and it could be proved to be so, I would hope that the Minister would take appropriate action.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, the challenge is with the Hon. Mr Holloway. He makes these extravagant claims on the basis of teacher union allegations. If he wants to make the allegations, I challenge him to stand up in the chamber and make the allegation specific enough so that someone can investigate it, and either prove or disprove it. If the member will not do that, the veracity of his claims can be exposed—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, don't try that. Just name one school that can be investigated. The Hon. Mr Holloway has been challenged. Silence reigns. The Hon. Mr Holloway has been asked to name the school so that it can be investigated, and I would personally urge the Minister for Education, if he is provided with the information—

The Hon. P. Holloway: You lot would come down on it like a ton of bricks. That is what you do.

The Hon. R.I. LUCAS: But you are already saying that has happened.

The Hon. P. Holloway: Well, that is right, because that is what you are doing.

The Hon. R.I. LUCAS: Then he or she will be no worse off.

Members interjecting:

The Hon. R.I. LUCAS: So, Jeff Spring threatened this particular principal? You said Jeff Spring, and that he threatened this particular principal.

The Hon. P. Holloway: I don't know whether it was he who threatened him, but I know how he works. It is how your department works.

The Hon. R.I. LUCAS: But who threatened the principal?

The Hon. T.G. Cameron: He didn't say anyone did; they are your words.

The Hon. R.I. LUCAS: No, he did. Who threatened the principal?

The Hon. P. Holloway: You know how you put pressure on. What is happening is the principals of this state have pressure put on them. They know their promotion prospects depend on getting their schools into Partnerships 21. It is made clear at all the conferences they go to. It is done in a very subtle fashion.

The Hon. R.I. LUCAS: Here we go.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Hon. Paul Holloway will cease interjecting.

The Hon. R.I. LUCAS: The Hon. Mr Holloway is the only member I know with five reverse gears. He makes the allegation and when he is challenged not only will he not back up the allegation of a particular principal being blackmailed by a superintendent of education within his or her particular area but now all of a sudden—

The Hon. P. Holloway: You are putting words into my mouth.

The Hon. R.I. LUCAS: I am putting words into your mouth now?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The *Hansard* record will show that you said much more than that, and that you indicated that a principal you knew in your area had been threatened by a superintendent of education—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Or blackmailed.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Yes, you said blackmailed. Well, if blackmailed is not threatening, I do not know what it is. What do you think blackmail is?

The Hon. P. Holloway: It means that they will not be promoted unless they get—

The PRESIDENT: Order! This is not a debate of interjections. I have called the Treasurer. He is on his feet and he should return to the substance of the debate.

The Hon. R.I. LUCAS: It is a curious definition of blackmail if the Hon. Mr Holloway accuses a superintendent of education of blackmailing a particular principal in an area that he knows and he then says that that is not threatening the principal. The Hon. Mr Holloway has made a specific allegation but is then not prepared to follow it through. That is the problem with the Hon. Mr Holloway. He makes those sort of allegations and claims and then he is not prepared to back them up with any evidence.

The Hon. A.J. Redford: He is tired and upset. Leave him alone. The Hon. R.I. LUCAS: Tired and upset is he? Well, he has got his tie off, he is loosened up, he is raring to go in this debate. We look forward to it.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: He is ready for action. All I can say is that if that is the standard of debate we are going to see on a potential select committee, where these sorts of allegations are made by the Hon. Mr Holloway under parliamentary privilege against superintendents of education—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: So you will be investigating these claims?

The Hon. P. Holloway: Under Partnerships 21 we will see what we can do.

The Hon. R.I. LUCAS: It is quite clear that one of the purposes of this select committee is for the Hon. Mr Holloway to be able to investigate these allegations of blackmail that he says have been made by superintendents of education. He also went on to say, 'We all know how Jeff Spring operates. That is the way he operates.' We have specific allegations against the Chief Executive Officer of the education department. So, the select committee is not to be about the policies and principles of this particular matter; it is to be about these specific allegations dreamt up by either the Hon. Mr Holloway or the Teachers Union leadership. So, the select committee will be used as a vehicle for these sorts of allegations to be trotted out on a daily basis against hard-working superintendents of education, senior officers within the department—

The Hon. P. HOLLOWAY: I rise on a point of order. The Treasurer is grossly distorting comments that I made—

The PRESIDENT: Order! There is no point of order.

The Hon. P. HOLLOWAY: Further, Mr President—

The PRESIDENT: Order! The Hon. Paul Holloway will state his objection in his point of order.

The Hon. P. HOLLOWAY: The Leader of the Government is continually asking questions of me but, if I respond

to those, then you quite correctly rule that I am against standing orders in responding. I would ask the Treasurer—

The PRESIDENT: Order! All interjections are out of order and I suggest that the Hon. Mr Holloway should not respond to any questions that are asked by the minister, which are out of order anyway.

The Hon. R.I. LUCAS: The Hon. Mr Holloway has the opportunity at the closure of the debate to respond to everything that I say, so there is nothing that he has to respond to during my speech. He does not have to continue to make these outrageous allegations against hard-working senior officers in the Education Department that they are blackmailing principals into supporting P21. If that is the sort of allegation that he is making in this chamber, we can understand what is going to happen should they be successful with their select committee looking into P21. It will be all these sorts of claims that the deputy leader has just in a most inflammatory and unparliamentary way delivered by way of interjection in debate this evening. They will all be repeated, and more, during the select committee process.

I am disappointed on behalf of many superintendents of education, whom I count as personal friends of mine from my time as Minister for Education. I object on their behalf and on behalf of the senior officers within the department that such inflammatory allegations have been made by the Deputy Leader of the Opposition about them.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway did use the word and, given the hierarchy in the Education Department, the person who can influence the promotion prospects of a principal is the superintendent of education, because that is the person who is responsible for the renewal of the contract, who sits on the panel, and who is responsible for the performance appraisal of the principal. The honourable member explicitly claimed that promotion prospects were being threatened or blackmailed—he did not like the suggestion that he used the word 'threatened', so let me use the word he used, which was blackmailed—and the only person who has that capacity is the district superintendent of education. As I said, as a former Minister for Education—

Members interjecting:

The Hon. R.I. LUCAS: The minister does not have the capacity to influence the promotion prospects of a principal. That is how little the Hon. Ron Roberts knows about education.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. R.I. LUCAS: On behalf of the senior officers of the department and particularly the district superintendents, all of whom I know personally and some of whom I count still as friends—

The Hon. P. Holloway: Good friends? I'm sure they are!

The Hon. R.I. LUCAS: And?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. Holloway: You said so.

The Hon. R.I. LUCAS: And I am happy to. I object on their behalf as a group to the allegation that one or a number of them have blackmailed principals into P21. I certainly hope that the minister will share my comments and the comments of the Labor Party, clearly a position that the deputy leader has put tonight, which is endorsed by the shadow minister for education, Trish White, and the Leader of the Opposition, Mike Rann, because let me place on the public record that Mr Holloway does not say anything in this chamber unless he has already discussed it with the shadow minister and the Leader of the Opposition.

Tonight an allegation has been made by the deputy leader, clearly with the endorsement and support of the shadow minister for education and also the Leader of the Opposition, and clearly there would have been discussion as part of a strategy to smear the good name of hard-working officers within the Education Department. I have to say that I am appalled at this approach from Trish White, Mike Rann and the Hon. Mr Holloway.

The Hon. A.J. Redford: We all are.

The Hon. R.I. LUCAS: We all are, says the Hon. Mr Redford. I am appalled at this behaviour and attitude from the Labor Party.

Members interjecting:

The PRESIDENT: Order! There are enough interjections.

The Hon. R.I. LUCAS: I thank the Hon. Mr Holloway for his assistance in terms of my contribution to the debate. Given the time, I do not intend to go through all the absurdities of the motion before us but I do want to address just two other issues. One is the claims upon which this motion has been moved and the claims made in another place that the Australian Education Union had leaked a supposedly secret document which revealed concerns about Partnerships 21. The minister has advised me that the document was not a secret document and the AEU, the teachers' union, knew that before it made the claim.

The document was one of a series of drafts and documents providing input into Partnerships 21 from an open process involving 10 policy-shaping groups made up of school and preschool leaders. Those groups were widely representative. Many AEU members were invited to join those working groups and accepted responsibility for working on those groups. The AEU as an organisation was invited to be a part of each policy group but it declined to participate. Nevertheless, the minister tells me that the AEU was then consulted separately. The Education Department met with the AEU's president and two vice-presidents to brief them on the work of the policy-shaping groups. Over 70 school principals and preschool directors from both Partnerships 21 and non-Partnership 21 sites participated in those policy-shaping groups over a three-month period.

It is true to say that, as one would hope with any genuine review of a new program, the good points and the bad points were highlighted by the participants and, as the minister has indicated, the department is not in the business of filtering out issues of criticism but genuinely and openly looking at the issues that might be raised and seeing whether or not they should be addressed and then whether they could be addressed by the government and the department. The minister strongly rejects the notion that in some way there has been a shock horror secret report revealed by the Australian Education Union. It was part of an open process that he was conducting in relation—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, there were a number of positive features that I will highlight in a moment, which the Hon. Mr Holloway has sought not to highlight. It is interesting to note what parents say in relation to the approach of the Australian Education Union. There is one peak body of parents in South Australia—the South Australian Association of State School Organisations. It represents all the school councils, which are the democratically elected bodies that represent parents of government schools in South Australia.

The President of SAASSO is quoted as describing the call for an inquiry as a sign of desperation. He went on to say:

> The call reflects the desperation of a recalcitrant union which is losing its battle against progress and the cynical political opportunism of a headline seeking minor party.

I am not sure whether he was referring to the Labor Party or the Democrats.

The Hon. R.R. Roberts: Or both.

The Hon. R.I. LUCAS: Or both. He does not clarify which one. I thank the Hon. Mr Ron Roberts for that interjection.

The Hon. R.R. Roberts: Or SA First or the No Pokies Party.

The Hon. R.I. LUCAS: No, they have not called for the inquiry, which is the Labor Party or the Democrats. I thank the Hon. Ron Roberts for his interjection. That is actually the representative of all the parents in South Australia.

The Hon. Carolyn Pickles: Who said this?

The Hon. R.I. LUCAS: The President of SAASSO. That is a pretty strong damnation of the Labor and Democrats call for an inquiry into Partnerships 21 and a damning indictment of the recalcitrant approach of the teachers union in South Australia. This government is quite happy to stand arm in arm with the parents of South Australia over education rather than standing arm in arm with the president of the teachers union in South Australia, as the Leader of the Opposition in this chamber and in another chamber are forced to do on a regular basis.

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. R.I. LUCAS: As I have said before, and I will say it again, it is disappointing and, until the Labor Party in South Australia is prepared to rationally consider the policy approaches of the Australian education union, it will be forever condemned to being just the tail end Charlie of the teachers union movement in South Australia in relation to education policy. If members opposite do not have the courage to stand up to the teachers union on something as simple and as important as supporting basic skills testing in schools for year 3 and year 5 primary school students, because the teachers union tells them that they are not allowed to support it—

The Hon. P. Holloway: Perhaps you should keep up with what is happening now in the US debate on basic skills. The debate has turned a little bit from when you were running it.

The Hon. R.I. LUCAS: The Hon. Mr Holloway was, I guess, indirectly looking for some independent assessment of the worth or otherwise of Partnerships 21. He obviously prefers the partisan judgment of the teachers union leadership in relation to Partnerships 21. The Minister for Education has advised me that the—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I can just imagine the Hon. Mr Holloway going in with an open mind on Partnerships 21. The teachers union has already told you what you have to do on Partnerships 21. You will jump: it is just a question of how high. You are not prepared to stand up to the teachers union. The teachers union has promised to spend a million dollars on a pre-election campaign next year. It has already had discussions with Mike Rann and the Labor Party about how it can be of assistance.

The PRESIDENT: Order, the Hon. Mr Holloway!

The Hon. R.I. LUCAS: There is no way in the world the Hon. Mr Holloway is going to do anything other than what the teachers union leadership insists he do on this issue or any other policy issue in education.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: You will get him off it, will you?

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: If only it was that simple, and only the Hon. Mr Ron Roberts could believe that that would be the case.

A world authority on local management of schools, Professor Brian Caldwell, Dean of Education at the University of Melbourne, has undertaken extensive research in the area of local school management. The Minister for Education has advised me that Professor Caldwell, who is a world expert not only in this area but in early intervention programs and also gifted and talented programs and a range of other areas of education, has undertaken extensive research in the area. The minister advises me that Professor Caldwell's assessment of Partnerships 21 concludes as follows:

> Partnerships 21 is a remarkable achievement in school education. It is state-of-the-art as far as comprehensiveness, clarity and commitment are concerned. It superbly balances core values, for example, equity, choice, community efficiency and effectiveness.

This is an independent expert, away from South Australia, assessing Partnerships 21—not the teachers union leadership, not the Minister for Education, and thankfully not the shadow minister for education, but an independent expert who was asked to look at this area. He has advised, I am told, that it is state-of-the-art and a remarkable achievement in school education. Professor Caldwell went on to say—

The Hon. R.R. Roberts: If he is a paid consultant he would say that.

The Hon. R.I. LUCAS: The Hon. Ron Roberts says he is a paid consultant and he would say that. I think that is a slur on the integrity of Professor Caldwell by the Hon. Ron Roberts. I am disappointed that we see again from the Labor Party clearly part of a strategy of Mike Rann and Trish White, as the shadow minister: not only are they slurring senior officers in the department but now an independent expert, Professor Caldwell, has had his reputation slurred in this chamber by the Hon. Ron Roberts who says, in essence, that his opinion can be bought because he is a consultant. Knowing Professor Caldwell as I do, I reject that on his behalf and I defend his integrity from the sort of attacks that Mike Rann and Trish White, as the shadow minister, through the mouthpiece of the Hon. Ron Roberts, the Labor member in this chamber, have undertaken in this debate. Professor Caldwell went on to say:

> Partnerships 21 has primary focus on improved student learning. The evidence is rolling in that schools which take up their new powers have indeed reaped benefits for students, mostly by targeting resources and staffing plans on meeting priorities among learning needs based on the unprecedentedly high volumes of data about student achievement now available to schools.

He went on:

> Partnerships 21 is consistent with landmark reforms occurring elsewhere in Australia and all comparable nations, but has a refreshing clarity and educational focus not evident in other places. It is fitting that South Australia should have brought it all together as the century begins, having initiated local management 30 years ago. It fits well with the South Australian government's statement of directions that places education and training at the forefront of strategies to secure the social and economic wellbeing of the state. The challenge now is to build the capacity of schools to make the link to these directions and to learning outcomes for students.

That is the independent assessment of an expert in this field.

The Hon. P. Holloway: I bet you hire him again.

The Hon. R.I. LUCAS: Is the Hon. Mr Holloway suggesting that—

The Hon. R.R. Roberts: He is suggesting that you hire him again.

The Hon. R.I. LUCAS: Can I conclude by saying that, if one is looking at Partnerships 21, one needs to look at independent assessments of the value of the particular program. One should not be necessarily guided by the biased views of any of the parties in the debate. They can be listened to, whether they be the teachers union, the parents, the Minister for Education, the government or anyone else who is actively involved in it. But let us look at an independent assessment of Partnerships 21, which Professor Caldwell has done.

The Hon. L.H. Davis: Has Paul read that, do you think?

The Hon. R.I. LUCAS: Anything that is positive the Hon. Mr Holloway certainly would not have wanted to read in relation to Partnerships 21. It would have ruined a good story from the Hon. Mr Holloway's viewpoint. On behalf of government members, and on behalf of the Minister for Education, I reject this motion.

The Hon. L.H. DAVIS secured the adjournment of the debate.

LEGISLATIVE REVIEW COMMITTEE: FREEDOM OF INFORMATION

The Hon. A.J. REDFORD: I move:

That the report of the committee concerning the Freedom of Information Act be noted.

Open government is not simply a platitude to be mouthed by political parties at election time, only to be discarded upon assuming government. In late 1993 my party, for which I was an endorsed candidate, promised the South Australian people a shop front government. No-one argued. The sentiment reflected the former government's agenda of secrecy and obfuscation. Indeed, two people suffered abominably at the hands of the previous government. The first was the Hon. Jennifer Cashmore who, in making a statement to this parliament about the State Bank, was ostracised roundly by all media outlets and, indeed, by the business community. I well recall the Hon. Ian Gilfillan's predicament when he was sued by the *Advertiser*, and subsequently information came to pass which vindicated the position which he took. Again, both were unjustly and unfairly ostracised and, indeed, were subsequently vindicated when documents were disclosed for the general perusal of the public and, indeed, the minister.

During the course of the 1993 election campaign, the then Liberal opposition's promise of a code of conduct in relation to ministers stated:

All ministers will recognise that full and true disclosure and accountability to the parliament are the cornerstones of the Westminster system. . .

Indeed, in some respects, the expectation of the public was raised and an environment of more open government was created and demanded.

After three years of the Liberal government the Hon. Paul Holloway moved that the 1991 Freedom of Information Act be reviewed by the Legislative Review Committee. Again, community expectations were raised, and it was not until after the 1997 election that the Legislative Review Committee took up the motion of the Legislative Council.

The argument in relation to openness of government and freedom of information as part of that openness of government is not a matter between Liberal and Labor but, indeed, an argument that continuously arises between government and others. This is clearly demonstrated by the second reading speeches that were delivered at the time of the introduction of the Freedom of Information Act 1991.

In introducing the legislation (and, I must say, there were a number of private members' bills from the opposition leading up to this introduction and, if one reads the media at the time, the then Labor government hardly endorsed the concept and was led to the trough of freedom of information by the nose), the Attorney-General said:

This bill is based on three major premises relating to a democratic society, namely:

1. The individual has a right to know what information is contained in government records about himself or herself;
2. A government that is open to public scrutiny is more accountable to the people who elect it;
3. Where people are informed about government policies they are more likely to become involved in policy making and in government itself.

It is interesting to note the comments during the course of that debate by members of the then opposition who now comprise the front bench in this place. The Hon. Trevor Griffin, in support of the legislation, said:

There has been an extensive experience of freedom of information legislation at the federal level and in Victoria. One of the major areas of concern has always been that in Victoria, in particular, the Cain government has always sought to restrict the documents available for public scrutiny and, at the federal level, the Hawke government endeavoured to discourage applications for access to information by increasing fees to what some have described as an extortionate level.

The Hon. Di Laidlaw said:

I believe very strongly in the statement that freedom of information is vital as a means of improving the quality of decision-making in this state. It is also vital in improving the accountability of the executive to parliament and of the parliament to the people.

The Hon. Robert Lucas, the then leader of the opposition and current leader of the government in this place, said:

Freedom of information is essential for the effective working of our parliament and for parliamentary democracy.

In the same speech he further said:

. . . it is absolutely vital that members, the media, the Australian Journalists Association and anyone else interested in the effective operation of FOI legislation become interested and active in relation to what this government is trying to do to freedom of information legislation in this state.

During the committee stage, issues arose about the effectiveness of this legislation. Substantial criticisms were raised by the then opposition of the then bill which substantially is reflected by the act which is currently in place. In a rather pertinent forecast concerning exemptions that exist in this bill, the Hon. Rob Lucas said:

Some of my greatest concerns—and I am sure those of my colleagues—relate to the definition and possible interpretation of what might or might not be an exempt document. I have no doubt personally that the provisions on exempt documents have been drafted specifically to allow almost any document the government so chooses to be defined under one of those 19 classifications as an exempt document and, therefore, prevented from eventual release, or certainly hindered to a very large degree, and perhaps only released to those applicants who have the determination and perhaps the financial backing to pursue the matter through the various appeal stages provided under freedom of information legislation.

The Hon. Rob Lucas, in some respects, sums up much of the criticism of this legislation contained in this report. In a rather astute observation, he further said:

I see problems with the definition of 'exempt documents' with retrospectivity and with conclusive certificates of ministers, all of

which, added to the concerns that have been expressed by the Hon. Michael Elliott and the Hon. Trevor Griffin, indicate that this bill is not about freedom of information but about freedom from information.

In that respect the suggestions made by the Hon. Rob Lucas about the bill which was before the parliament and which was substantially passed in a form that was amended only in minor respects is just as pertinent today as it was then. The current act sets out some pretty lofty objectives. The objects of the act are to extend, as far as possible, the rights of the public to obtain access to information held by the government and to ensure that all records held by the government concerning the personal affairs of members are not incomplete, incorrect, out of date or misleading.

The act then sets out some pretty lofty ideals in terms of the means by which the objectives are to be implemented. One objective states that any administrative discretion should be exercised so as to facilitate and encourage the disclosure of information. Section 3(4) of the act provides:

> This act must be administered so as to make the maximum amount of information of the kind referred to in subsection (3) available to members of the public promptly and efficiently.

When one reads the act one sees that it is all downhill from there in so far as open government is concerned. First, we have a series of exempt agencies, and it is an extensive list. Secondly, we have a series of restricted documents, and it is an extensive list. Thirdly, we have a section in relation to onerous applications and, if an agency's resources are diverted too much (whatever that might mean) from the exercise of their normal functions, they are entitled to refuse it. The act provides that if an agency does not deal with an application it is deemed to have been refused, and I will deal with that in a little more detail later.

The appeal process is both complex and hard to understand and, indeed, if one is to make their way through the process, as the Hon. Rob Lucas predicted, one has to have determination and financial resources to pursue the matter through that process. In brief, if a person is dissatisfied, then they must seek an internal review. It is a little like appealing from Caesar to Caesar. If that fails it goes to the Ombudsman; if that fails it goes to the District Court; and if that fails then there is no further recourse.

The application of the act has been considered in a number of cases, but it is interesting to note that the District Court has made a number of comments about the effect and the application of the act. First, in the case of Everingham v. Director-General of Education, an unreported judgment of Judge Bowering, the court described the assessment of public interest as 'a juggling act'. It was necessary to balance the general right of the applicant to have access to information and documents in accordance with the objects of the act against, on the other hand, a need to preserve confidentiality in certain circumstances. The court noted that the achievement of the object in the act in giving access to the documents was a fairly weighty factor to be taken into account when determining where the balance of public interest lies.

Notwithstanding that lofty statement and sentiment expressed by Judge Bowering in Everingham's case, a more practical application of the act and the way in which the courts approached it was set out in a judgment of Judge Lunn in the case of Ipec Info Tech v. Department of Information Technical Services in June 1997. In looking at whether a document fell within a particular exemption the judge said:

> That it is sufficient cause for clause 7(1)(c)(ii) if any adverse effect is established by the respondent. However, it must be something that can be properly categorised as an adverse effect and was not so de minimus that it would properly be regarded as inconsequential.

In other words, what is meant is that an adverse effect on the business, financial, professional and commercial affairs has to be shown. Once it is shown, that is the end of the matter and the agency can refuse the release of the document, irrespective of any other matter or issue that might arise. In other words, all the agency has to do is find an exempt document or an exempt category hook on which to hang its coat and it is free and clear in its proposal not to release the document. In relation to those issues and in relation to the act, as I said earlier, the criticisms of the Hon. Rob Lucas were pertinent. When one applies the act in a practical sense it is so easy to find a way in which a document should not be released that it makes the act, in the hands of someone who is determined not to release documents, a great toy.

The committee looked at a number of issues. First, we looked at whether or not a public interest test ought to be applied. What the committee found was that the New Zealand test was one which had worked without rancour and without problems in New Zealand. Basically, the test in relation to that is notwithstanding that a document might find its way into an exempt category, or notwithstanding that it might be per se an exempt document, a final question has to be asked by the decision maker in so far as the release of the document is concerned. That question is: is it in the public interest to retain possession of the document? If that test is not met then the document must be released notwithstanding that it falls within a specific category. That is what is commonly known in FOI circles as the 'public interest override test'.

That presumption in favour of the release of documents has two practical effects. First, the current law puts the onus on the applicant to prove or demonstrate that the release is in the public interest, rather than on the agency to show that the release is against the public interest, and the committee resolved that the latter is a more appropriate test.

Secondly, an applicant generally is not in as good a position as the agency to determine what might be against the public interest. After all, an applicant is only looking at the document from his or her personal perspective. In many cases it is almost impossible, in the absence of information sought, for an applicant to demonstrate what is or is not in the public interest. So, in that respect the committee resolved that there ought to be an overriding public interest test.

The second issue considered was whether or not there ought to be 'deemed refusals' as opposed to 'deemed consents'. Under the existing act, if someone applies for a document and the agency fails to respond, there is an automatic deemed refusal in so far as the release of that document is concerned. The net effect is that no penalty or sanction is imposed on an agency when it fails to respond to an application for documents.

The committee considered that it was more appropriate that the failure on the part of an agency to release the document ought to be categorised as a 'deemed consent'. Therefore, if a person applies for a document and the agency fails to respond, that document is to be released in accordance with the legislation. If the agency subsequently finds that it does not want it released, the onus is on the agency, through the appeal process which I will outline later, to justify its retention of the document. We believe that will change the culture of the public sector in terms of the timeliness within which they deal with these documents.

Other issues dealt with were related to outsourcing. I will not bore honourable members by going through the detail but, again, the committee was of the view that a public interest test should prevail but that we commend the process adopted by Healthscope and the Modbury Hospital whereby medical records which were the subject of an agency (for example, with Healthscope but were formerly part of the hospital) ought to be released. Indeed, we recommend that there should be a provision in the legislation which states that, where information is held by a private contractor in these circumstances, it be deemed to be held by the minister or the agency.

The committee also looked at the issue of commercial and in-confidence, which is an issue that is constantly agitated in a political environment on literally dozens of occasions. It is an issue that is agitated irrespective of which political party is in power at any given time. The submission to the committee by the Crown Solicitor on behalf of the government stated:

> There are a number of issues relating to commercial confidentiality which need to compete with other states and businesses. Any relaxation of the test could have a negative impact as companies may be reluctant to deal with the state if they face the risk of commercial information being released into the public domain. In addition, business could actually be placed at a commercial disadvantage because of their dealing with government.

Without going into too much detail, the committee resolved that a public interest override would protect governments where they could demonstrate that the release of such documents would, in fact, impinge upon the government's ability to do business.

It was the committee's view that decisions of this nature ought to be made on a case-by-case basis, having determined where the public interest lies. Indeed, it is interesting to note that the Victorian Public Accounts and Estimates Committee has recommended that protocols should be established after consultation with the private sector. Indeed, those protocols ought to be laid on the table so that everybody knows where they sit at the time negotiations are carried out.

Indeed, government business enterprises also was the subject of attention from the committee, and it was the view of the committee that, where a government business enterprise is in a commercial environment, it may well be that the public interest is that documents would not be released. However, where they perform a dual function and a regulatory function and the like, inevitably those documents should be the subject of release.

We spent a considerable amount of time looking at the issue of legal professional privilege, and there were some divided views on that. At the end of day a number of the committee believed that the government should have the same right to legal professional privilege as everybody else does, that is, individuals and others, for the basic policy purpose of ensuring that legal advice is sought readily and given without fear that such legal advice might be disclosed in the future. Others felt that the government was in a different position than individuals and that that information ought to be disclosed.

We also had a number of complaints from agencies about vexatious applications and, indeed, on occasions there have been organised campaigns to secure documents. It was a recommendation of the committee that some protection be given to agencies from vexatious persons or persons who seek to tie up the resources of the agency unreasonably to enable them to refuse the application.

Probably one of the most important issues the committee looked at was the culture of the public service. Indeed, it was clear on the evidence that there is a tendency within the public sector—and I say this without any suggestion of any political interference—that at all costs information must be retained, and that ways and means must be sought to ensure that the public does not have access to documents. A quite significant part of the report is devoted to that. I urge members to read page 41 of the report, in which there was an exchange between the Hon. Ron Roberts and Mr Snell, as follows:

> The unfortunate experience I have often seen in South Australia is that the FOI officer is the person who got the last straw. Is that the experience elsewhere?
>
> MR SNELL: That is indicative of the situation. You can determine the health of FOI by seeing where in the hierarchy the FOI officer is and the decision making power they have. In the majority of cases they are only low level officers and FOI is only one aspect of their functions.
>
> THE PRESIDING MEMBER: How do we change that?
>
> MR SNELL: One way is to insist that FOI officers have a particular level of importance, even if it is only part of their responsibility. One way to achieve that is to remove the internal review function and that has been the recommendation of a number of reform bodies in the past. They say the internal review that takes place with FOI, whilst sometimes useful for the applicant, in 20 to 25 per cent of the cases there is a different determination, and it would be simpler to make the applicant, once they have been knocked back by the agency, go straight to the external review body.

The committee endorsed that point of view. Indeed, it was the committee's view that, if the agency has only one internal bite at the cherry, their minds will be far more focused in dealing with the initial application rather than going through the formality of an initial rejection and the real decision being made on some basis following some form of general review.

Other issues related to the application and review process. The committee was of the view that this process should be streamlined, that there ought to be conciliation and mediation processes attached to it so that the Ombudsman can have a role in explaining to the people how it works on an informal basis, and that there be more ongoing informal dialogue as that would remove to a large extent suspicions which develop within agencies.

The Crown Solicitor presented a report to the committee. I think it is incumbent upon me to deal with that in some small detail as the committee did not generally accept much of what the Crown Solicitor said. First, the submission correctly referred to the role of freedom of information legislation in a parliamentary democracy when it stated that the act is only one component of government accountability and referred to the parliamentary system, parliamentary committees, legislative requirements for annual reporting and the like.

A number of assertions were made in the submission. In the context of the issue of public interest, the Crown Solicitor made a number of assertions, some of which the committee endorsed. However, the committee took issue with a number of assertions made by the Crown Solicitor. I will cite one example, and I refer members to the submission in full in the appendix. The submission states:

> Disclosure of communications made in the course of developing policy which is subsequently promulgated tends not to be in the public interest.

For the life of it, the committee could not work out why information that might have been available to an agency and competing arguments that might have been put to or generated within an agency in coming to a policy position ought

to be kept secret on the basis of public interest. It seems to me that we would have a far more honest and open approach to policy development within agencies if that was disclosed.

Another suggestion was that the disclosure of documents where issues and options are discussed and advice tendered may be contrary to the public interest on the basis that it will inhibit frankness and candour in future communications between parties in the pre-decision stage of determining a matter. The committee also took issue with that. What they are saying is that, if it is likely to be disclosed publicly, they will not be as frank and will not express as much candour.

One might reverse that. One might say if one is dealing with a policy issue that I will not say anything that might upset the minister. So, I will feed the minister exactly what he wants to hear. So, when the minister makes a decision and it is subsequently considered, one might think that the public servant who has spent more time trying to ingratiate himself or herself to the minister might well be the subject of criticism because they failed to advise the minister of all the options both frankly and with candour, thereby enabling the minister to come to an appropriate policy decision.

Another one that they suggested to us was this:

(b) the higher the office, the more sensitive the information, the more likely that the communication should not be disclosed.

My answer to that is why? Surely if you are making communications at a high level and you are dealing with policies that can have quite broad and extensive ramifications insofar as the public is concerned, then it is more likely to be in the public interest that that information or communication be at some stage, perhaps not at the time that policy is being developed or decisions are being made, open to some sort of public scrutiny at some time within some period where those who are responsible for that may or may not be the subject of some degree of accountability.

Another submission put by the crown—and this one might bring a smile and some degree of interest to the Hon. Terry Roberts' face—was this statement:

(e) disclosure may lead to confusion and unnecessary debate resulting from the disclosure of possibilities and tends not to be in the public interest.

I have to say that Sir Humphrey would be extraordinarily proud of that statement that we should not have these disclosures because we might get some unnecessary debate! An extraordinary suggestion, and it is also just as extraordinary that this unnecessary debate and the potential for confusion may not be in the public interest and indeed in some respects is indicative of the attitude of some people within the public sector insofar as disclosure decisions are concerned. Another one that was put to us was:

(d) disclosure may not fairly disclose reasons for a decision and may be unfair to the decision maker affecting the integrity of the decision making process.

Equally, a subsequent disclosure may highlight the unfairness of a decision maker and may highlight some lack of integrity on the part of the decision making process. At the end of the day disclosure may focus people's minds to ensure that we do not get unfairness in decision making and we do not have any question marks in relation to that disclosure.

The Hon. T.G. Roberts: You were only going to give us one example.

The Hon. A.J. REDFORD: I got excited. I think I will leave the Crown Solicitor alone. I am sure I will not be on his Christmas card list. In any event, the summary of the report is that exempt agencies and restricted documents be revised and upgraded; to ensure that there is a clear definition of agencies; that there be a principle of deemed consent to the release of documents in the absence of a response; that there be a development of guidelines in the application of the public interest override test by senior officers within the public sector; that in the case of outsourcing a provision deeming that all documents that might be subject to a successful freedom of information of application be deemed to be in the possession of the contracting agency; that the process of separating regulatory functions from commercial functions in government business enterprises be continued with information pertaining to the regulatory function being the subject of freedom of information legislation; and that in the case of natural monopolies in government business enterprises all documents be the subject of freedom of information legislation.

We recommended that a centrally coordinated program of education, training and accreditation be implemented by State Records throughout all sectors subject to the Freedom of Information Act. Indeed, I must say the information and the quality of the evidence from the officers from State Records was excellent and I would ask the minister to pass that on, and indeed—

The Hon. T.G. Roberts: They will be in trouble now.

The Hon. A.J. REDFORD: No, the minister has access to the evidence and I am sure when he reads it he will be extraordinarily proud of the quality of public servant that he has within that agency.

The Hon. R.D. Lawson interjecting:

The Hon. A.J. REDFORD: They were asked some hard questions and they dealt with them openly, frankly and fairly, and indeed they were of great assistance to the committee. I would be grateful if the minister passed that sentiment back to the relevant officers. In any event, the committee believes that programs for education is a very important part of changing the culture of the public sector, which we suspect is the greater problem within this whole process of openness of government as opposed to political decisions being made not to release documents. At the end of day, if you give these applications to the most junior officer, it is only natural and human for him to think, 'Gee, I had better not release this because, if I do and something goes wrong, I am the one who will get it in the neck; so it is safer for me not to release the document' and, in some respects, that creates problems.

The committee recommended the review process be changed to remove internal review procedures, confine all external review to the Ombudsman (or information commissioner) and to give him power to conciliate. I must say I read with some interest some of the media reports after the release of the report, because until relatively recently Mike Rann has been consistent on one issue, that is, he wants open government. He has consistently and persistently spoken about the importance of changes to the act, and indeed I have absolutely no doubt that Paul Holloway would not have moved a review of the act if it was not the policy of the Labor opposition to ensure that we had more open government.

The response to this bill from the opposition was interesting, and I probably understate that. On Saturday 16 September 2000 the *Advertiser* reported the following:

Opposition Leader Mike Rann said there had been a culture of secrecy in SA for too long and that needed to change. He said Labor believed the law was not the principal problem—it was the government's interpretation of the law that was at fault.

That is code for 'We like the act the way it is because we think we will win the next election.' That is what that says.

That indicates exactly what I was saying at the commencement of my contribution; that is, this is not a debate between Labor and Liberal but a debate about government—or those who think they are about to enter into government—trying to retain information. In fact, I note a couple outside selecting white cars, and that seems to be a nightly occurrence lately.

Members interjecting:

The Hon. A.J. REDFORD: We might: the polls are looking a lot better than they were a little while ago. It is interesting to note that Greg Kelton said the following week, in relation to Victoria, that Mr Bracks campaigned long and loud over a considerable period of time for more open government in Victoria and the first thing he did after he was elected was convene parliament to amend the freedom of information laws. I well remember rushing to the internet to see these extraordinary changes that Mr Bracks was going to bring in to ensure more open and accountable government. It is probably easier if I quote Greg Kelton, because he does put it a little better than me on this occasion. He stated:

> To quote that television character Gomer Pyle, 'Surprise, surprise, surprise!' Suddenly the shutters went up again in Victoria. Mr Bracks looked at the Grand Prix contract and told the media he could not release the details.

Mike Rann has a bit of the Bracks in this. One can see that he is laying the groundwork for ensuring that we will not have open and accountable government. It will be interesting to see what Labor Party policy will be, but one suspects that there will not be any legislative amendment; we will continue with this series of exemptions and restricted documents, because Mr Rann at this instant is remotely confident that he might become the Premier after the next election. What a funny thing confidence is!

Members interjecting:

The Hon. A.J. REDFORD: No, I'll leave him alone: It's not fair; it's too easy. Indeed, the *Advertiser* understated it in its editorial on 19 September when, in reference to Mr Rann's rather muted comments in relation to this report, it said:

> Only the faintest brush with cynicism is enough to suggest that whichever party is in power would be only too glad to continue its operations cloaked in secrecy.

One thing that I have observed is that there is a quantum leap in openness between the change from the Bannon government to the Brown-Olsen government. I have absolutely no doubt, based on the reaction of Mike Rann, that we will not see a quantum leap forward if a Labor government is elected. That does not surprise me, but it is disappointing.

The *Australian*, of course, with its usual disgraceful performance, completely misreported the government's reaction to this. My understanding is that the government is considering this report and considering it seriously, and it has four months within which to do so. That is the period of time that the Parliamentary Committees Act enables it to have, and it is entitled to that by the will of this parliament. It is disappointing to see that the *Australian*, which seems to run some political agenda, has suggested that the Olsen government has rejected proposals to overhaul the act. From my conversations with the minister, that is simply not the case; they are considering it. What the result of that is, I do not know. I am sure that the Hon. Robert Lawson will correct me if I am wrong, but there has been no rejection of any proposals put by this committee at this time.

The Hon. R.D. Lawson: You're absolutely right.

The Hon. A.J. REDFORD: And the honourable member interjects and says that I am absolutely right. Is it not time that the *Australian* got at least one or two things right in its reporting of facts, rather than continuously and persistently running some personal political agenda?

Members interjecting:

The Hon. A.J. REDFORD: They did, but they need not then misreport the government. It is that sort of attitude from the media that makes governments suspicious. If the media went back and simply reported the facts and got it right, perhaps took some trouble to check what was said or even read their own articles—and there are some matters about half a kilometre down the road that prevent me from really saying what I think about this publication—there would be much less cause for criticism.

In closing, I will explain a conversation I had with the New Zealand Ombudsman which was not referred to in the report. When I was in New Zealand in early 1999, I met with the New Zealand Ombudsman. New Zealand has had an act with open government since about 1984. I asked him in a practical sense what the effect of having this act was, and he said that the act had managed to achieve two things. The first thing is that they manage to find out who the idiot public servants are in record time. Under the old regime, it used to take years to ascertain who and what they were but, with a good Freedom of Information Act and a few well chosen applications, they can sort out the good ones from the bad ones in record time. I said that was good and asked what the second one was. He said that the second effect is that they can usually work out who the idiot ministers are in record time, too. I said that was interesting, and he said that it augurs for better government; and that is what they have found. That is obviously in the eye of the beholder, but it was certainly the view that he expressed to me in relation to that. At the end of the day, we as members of parliament are here to ensure that better government is delivered to the state.

The expectation of the ordinary members of the community is to have far more openness—certainly a lot more openness than they expected in the 1970s, 1980s and 1990s. We took a big step in the early 1990s to open it up, and the community expectation is now to move on to the next step. With the greatest of respect, I urge that the government consider seriously that that community expectation exists and it is now time, having reviewed the operation of this act, to move on to the next step and improve the quality. I sincerely hope that the government looks at this carefully and embraces it, or at least the sentiment of it, as much as possible.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

ADJOURNMENT

At 10.05 p.m. the Council adjourned until Thursday 26 October at 11 a.m.