LEGISLATIVE COUNCIL

Wednesday 8 May 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Electricity Industry Superannuation Scheme—Report, 2000-01.

HONESTY AND ACCOUNTABILITY IN GOVERNMENT

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement made by the Premier in another place in relation to honesty and accountability in government.

QUESTION TIME

ANANGU PITJANTJATJARA FUNDING

The Hon. R.D. LAWSON: I seek leave to give a brief explanation before asking a question to the Minister for Aboriginal Affairs and Reconciliation a question about ATSIC funds.

Leave granted.

The Hon. R.D. LAWSON: The opposition has been provided with a copy of a letter from Mr Brian Butler, SA Zone Commissioner of ATSIC, concerning the stoppage of ATSIC funds to the Anangu Pitjantjatjara for land rights administration. This letter to the Premier, dated 29 April, complains bitterly of the actions of the minister, as will be seen clearly from the following extracts, and I am happy to table the letter in full.

Mr Butler seeks urgent intervention in the matter of the apparent decision of the Minister for Aboriginal Affairs and Reconciliation to stop funding to the Anangu Pitjantjatjara. Mr Butler says:

> ATSIC officials have today received information that there has been a last minute cancellation of an order to release funds for the amount of $365 000.

He further says:

> I have been informed in a telephone call from an adviser to Minister Roberts that the Minister intends to transfer funds from the Department of Aboriginal Affairs to the Pitjantjatjara Council.

He goes on to say:

> As the principal provider of funding to the AP, and in keeping with the spirit of the agreement entered into by both parties twelve years ago, we must protest at this clear lack of consultation and communication on the part of your Minister.

He goes on to refer to certain other communications and then says:

> The latest report of the stoppage of ATSIC funds to AP confronts ATSIC with an unacceptable situation. The Commission is committed to the maintenance of funding to AP as per our agreement. As it currently stands, ATSIC provides in excess of three quarters of a million dollars in funds dedicated to assisting your Government's State Land Rights legislation.

He concludes:

> I request that you intervene and restore these funds without delay. Moreover, I request that all further decisions regarding the funding to AP be fully discussed with ATSIC before any decisions to vary the current agreement are made in the future.

He also requests an immediate briefing from the Premier's officers on the nature, duration, objectives and terms of reference of a proposed review. My questions to the minister are:

1. Why did he not discuss this with ATSIC before making a decision to withhold funds provided by ATSIC for the purposes of the Anangu Pitjantjatjara?

2. Why is the minister intervening in the affairs of the Anangu Pitjantjatjara, and why is he appearing to favour the Pitjantjatjara Council in this particular matter?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question in relation to the difficult circumstances that the government faces in dealing with the problems in the AP lands. I do not have in front of me a copy of the letter that was sent to the Premier, but I understand the issues outlined by ATSIC as being important to ATSIC.

The use of government funding has been a difficult question for both the Anangu Pitjantjatjara Council and the Pitjantjatjara Council in dealing with a major dispute between the two bodies. There is a long history of differences within the lands as to how to proceed to bring about reconciliation between the two bodies. When we took over government I had been dealing with the issue in opposition—that is, visiting the lands and talking to the players—to try to play a conciliatory role and bring those groups together to allow progress to be made in the important issues of service delivery.

The service delivery programs within the lands were breaking down and the good work that was being done by a lot of people in the health and education areas was being undone by young Anangu Pitjantjatjara people in particular not having the same choices in programs and employment opportunities as exist in other parts of the state. The difficulties that isolation presented in providing those services and maintaining professional people in the field were self-evident when I visited, such as the fact that young Aboriginal males in particular were involving themselves in petrol sniffing and in some cases drug and alcohol abuse. The communities themselves had got to a very low ebb, for a whole range of reasons, and the problems with service delivery programs, particularly to women in those communities in relation to violence, were starting to show.

The traditional way we have dealt with programs particularly within regional and remote communities is that, if there is a problem of abuse and violence against women, we isolate that issue, set up a women's shelter and try to deal with the women who are the victims. We deal with petrol sniffing by isolating the petrol sniffers from the community and try to set up programs to deal with that abuse of petrol sniffing. With alcohol abuse we separate adult alcohol abusers, set up detox centres and try to deal with the detoxification problems for the adult abusers. At the same time we expect the communities to operate in a functional way, while separating out all the programs built for dysfunctional communities.

So, the tack that I had decided on within our own position in relation to dealing with the problem was to deal with the whole communities and not advocate that those programs be looked at in the long term but to try to implement prevention programs. So, any funding regimes within the communities over which we had direct control would be put in place in a

way that allowed for a change to governance and to allow for those programming regimes to be targeted so that they hit the areas for which they were meant.

In relation to the questions asked, ATSIC provides the communities with funding. As I have said, I do not have the letter before me, but ATSIC believes that it made the decision with its interests and what it perceives to be the interests of the community at heart. As a government, we have no control over the direction of funding from ATSIC.

The other questions was in relation to the letter to the Premier and why we have favoured one side or another. It is not the government's intention to favour either the Pit council or the AP council. It is our intention to provide funding regimes so that both the Pit council and the AP council are encouraged to sit around one table and talk about those delivery services which provide the opportunities for choice, education, training programs and health services so that those communities can work together to take ownership of those programs in a beneficial way that has long-term benefits for the community's interests.

DISTINGUISHED VISITOR

The PRESIDENT: I ask honourable members to take note of the presence in the gallery today of Mr Jim Cox MHR, the member for Bass, Chairman of Committees and Deputy Speaker in the House of Assembly in the Tasmanian parliament. Mr Cox is also the Chairman of the Tasmanian CPA. We hope that he enjoys his stay in South Australia.

Honourable members: Hear, hear!

ANANGU PITJANTJATJARA FUNDING

The Hon. R.D. LAWSON: I seek leave to give a further brief explanation before asking the Minister for Aboriginal Affairs a further question about the Anangu Pitjantjatjara.

Leave granted.

The Hon. R.D. LAWSON: It was reported yesterday in the *Australian* that it is proposed to appoint Mr Mick Dodson to undertake an inquiry into the running of the Pitjantjatjara lands. It has also been reported that, in fact, the minister has instigated such a review. I have been informed that Mr Philip Toyne, Mr Andrew Collett and Mr David Wilson are to be members of this inquiry. I have also been informed that the estimated cost of the inquiry is some $300 000, which is made up of $200 000 for consultants and $100 000 for support.

Having regard to the service delivery matters referred to in the minister's answer to an earlier question about the demands of the substance abuse programs, violence against women, petrol sniffing and other difficult issues on the AP lands, how can the minister justify the expenditure of moneys of this kind on yet another review? Will he confirm that the estimated cost of this inquiry is $300 000? Will he confirm that he intends to establish this inquiry? When will a public announcement be made in relation to it? Mr David Henderson Wilson is a distinguished Adelaide industrial lawyer.

An honourable member: With close connections?

The Hon. R.D. LAWSON: As far as I am aware, he does not have any close connection with Aboriginal issues, although he is a strong supporter of the Duncan-left faction of the Australian Labor Party. Does Mr Wilson have any other qualifications?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his extra question. The item that appeared in the *Australian* is not strictly correct. At the moment, the government is making an assessment of the problems in relation to the lands in terms of governance and service delivery. The inquiry that has been mentioned has not been set up: it is a consideration that is being made. Considerations are also being made of individuals to sit on that inquiry, which will be carried out in conjunction with the stakeholders.

The intention is to set up a governance program on the lands—which currently does not exist—to allow for service delivery to be provided so that the money that is spent by ATSIC and the commonwealth and state governments will hit the spot.

The Hon. Diana Laidlaw: Will you insist on putting women on any committee that you approve?

The Hon. T.G. ROBERTS: The recommendation that I have made is to include an Aboriginal woman on that committee.

The Hon. Diana Laidlaw: One.

The Hon. T.G. ROBERTS: At least, yes, so that the problems associated with the women in those communities can be discussed in a culturally sensitive way. Rather than blowing up the article in a way which is none too helpful in relation to any publicity that will precede any inquiry, I think the opposition should look at the real problems that exist in the AP lands, which need strict attention to governance within the communities; but there also needs to be an understanding that the relationship between groups within the lands is divided. Certainly under the legislation there is provision for a tribal mediator or a mediator from the community. We will go through that process if need be.

Suggestions have been made about people providing mediation services. That is not the way in which I prefer to go. My intention is to set up an inquiry that at least will take into account commonwealth, Northern Territory and Western Australian difficulties, and our own difficulties, in dealing with a major problem; that is, people who, for tribal and cultural reasons, traverse state boundaries and who move throughout the regions. It is a very difficult task dealing with the problems associated with that movement at a state level; and it is also a unique problem when dealing with the people who live in this particular area of the state.

We will be setting up an inquiry after deliberating and discussing these issues with all sides, including the AP council, the Pitjantjatjara council, the communities and the traditional owners. By the way, even though the article did not mention it, that position has been endorsed by traditional owners in their traditional way by holding meetings in the lands. The funding levels as reported are near accurate. We hope the inquiry will run for no more than 90 days and that it will make recommendations in relation to governance. That is why a broad range of people are included. The recommendations will then be discussed with the traditional owners, the communities and the stakeholders. Bear in mind that three states are participating and that commonwealth funds and also ATSIC's funding need to be taken into account.

All those people will be consulted. Those deliberations will be delicate and some people will be opposed to the direction we are taking; hopefully they will be a minority. Hopefully, the majority will benefit from any recommendations about governance and delivery.

The Hon. R.D. LAWSON: I have a supplementary question. To whom were the minister's recommendations in

relation to including women on the inquiry made and when were they made? Will ATSIC be consulted in relation to the terms of reference of the review? When will all interest groups be consulted? Has Mr Peter Buckskin of New South Wales been engaged to provide services or support to the review? Is he to be paid $100 000 for that purpose? If not, what amount will he be paid?

The Hon. T.G. ROBERTS: There are quite a few questions there; I will try to work my way through them. When my office was first notified of the problem with ATSIC funding, I sought an urgent briefing with the department. To my knowledge no funding was held up: ATSIC did release those funds. In answer to the questions relating to Peter Buckskin and his role, Peter Buckskin has not been engaged on the committee of review. Mr Buckskin possesses a wide range of skills in education and training that I would certainly like to use in the state. While he is a Commonwealth employee at the moment, I would like to see his services used in this state. I believe that the future for metropolitan, regional and remote communities lies in education and training to provide opportunities for choice that are not available at the moment. I also have the Correctional Services portfolio, and far too many young Aboriginal people are incarcerated in our correctional services institutions because of the lack of opportunity and choice within their own communities.

We will be working hard to change the direction of priority setting for incorporating programs for education and training which Peter Buckskin has skills with. I understand he is working for Brendan Nelson at the moment. However, he is prepared to come back to Adelaide, to South Australia, to assist. But he is not on the review; he has not been given a brief and nor has he been offered any incentive to be on that committee of review.

Phone calls have been made over the past few days to try to set up a meeting with Brian Butler, who is very busy, but we will be talking to him before he goes away on Friday. Phone calls have also been made to Geoff Clark—who is also very busy—to try to set up a meeting for next Tuesday so that both the commonwealth and state representatives can try to agree about how to proceed on the ground.

DISTINGUISHED VISITORS

The PRESIDENT: I have been advised of the presence today of some very important young South Australians from Sacred Heart school who are here today as part of their education program. I hope they find their visit both informative and educational.

WALKING TRAILS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about walking trails.

Leave granted.

The Hon. CAROLINE SCHAEFER: So far the minister has flicked past the matters I raised yesterday about access to private property for recreational walking trails to his colleagues the Minister for Environment and Conservation, the Minister for Transport, the Minister for Recreation and Sport and the Minister for Planning. The Limitation of Landowners Liability Bill, which was tabled on motion in another place by the Hon. Dorothy Kotz yesterday, goes some way towards covering public liability issues, so I assume it will be supported. However, it does not cover issues such as the spread of soil-borne diseases and the spread of weed seeds and so forth. The minister would be aware that there is a very strict code of conduct and a number of protocols to do with fodder, farm machinery, grain and straw, horticultural crops, livestock, the spread of soil and contract harvesters in the branched broomrape area.

While it is the province of the Hon. John Hill to deal with environmental matters, does the minister agree that it is his duty to protect the rights of farmers as they apply to the possible viability of their agricultural land due to the spread of pest plants, animal diseases and diseases generally? Does the minister realise that one of the walking trails traverses the quarantined branched broomrape area? Will he support farmers in this matter? Will he make a statement and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will certainly look at that second matter if the honourable member gives me details of the specific trail to which she is referring.

I am aware of the risk posed to agriculture by the movement of soil and, indeed, farm equipment. I was made aware recently that there may have been a bee disease from a group of bees which was introduced to Kangaroo Island. Fortunately those particular bees, when they were discovered and investigated, were found not to carry disease. But that goes to show how easily disease can be transmitted via the transport of farm equipment, through animals, either dead or alive, which happen to be in the equipment.

Of course it is a role of the Department of Primary Industries to protect farmers and the economic base of this state. From the point of view of the department I represent, we will certainly, in discussions, be doing our best to represent the interests of those farmers. In relation to walking trails, clearly other departments are involved and they will obviously need to be consulted as part of any solution to this matter, and that is currently what the government is doing.

The Hon. A.J. REDFORD: I note that the minister chose to answer this question and yesterday refused to answer another question. Does he have a policy on when he will answer questions and when he will not?

The PRESIDENT: I rule that that is not a supplementary question.

BEVERLEY MINE

The Hon. CARMEL ZOLLO: I seek leave to ask a question of the Minster for Mineral Resources Development in relation to recent incidents at the Beverley uranium mine.

Leave granted.

The Hon. CARMEL ZOLLO: Can the minister explain to the council what actions the government will take to ensure that the public interest is best protected at the Beverley uranium mine?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): While individual spills at the Beverley uranium mine have not of themselves constituted a threat to health or the environment, I am sure that all South Australians would be concerned with the frequency of spills at that location. They are a matter of concern to most South Australians, particularly since there were two significant reportable spills in the last week.

On Monday, the Minister for Environment and Conservation and I announced that we would be establishing an inquiry in relation to reporting mechanisms for spills. The terms of reference for that inquiry include consideration and assessment of the severity of the consequences of spill incidents, the transparency of disclosure of the details of spills, the consistency of reporting mechanisms and directions given by former ministers to the mine and to public servants. That review, as I reported yesterday, is to be headed by Mr Hedley Bachmann, a retired senior public servant, with the findings to be made public in August.

In addition, last December the Labor Party announced its commitment to conducting a full review into the environmental impacts of the in situ leach mining process used at both the Beverley and Honeymoon uranium mines. That inquiry is to be conducted by the EPA once its current restructuring is completed in July, and I would expect the results of that inquiry by the end of the year.

Given the concern with the operations at Beverley—particularly after this second spill of injection fluids at Beverley in less than a week—the government has decided that it will take more immediate action to ensure public accountability on this matter. The government will send a team of people to the mine this Friday, 10 May. This team will involve Mr Nicholas Newland, the Executive Director of the EPA; Peter Reilly, the Senior Engineer, Chemical Processes at the EPA; Dr David Blight, the Executive Director of Mineral and Energy Resources, PIRSA: Greg Marshall, Chief Inspector of Mines at PIRSA; Dr Kevin Buckett, Director of Environmental Health in the Department of Human Services; and Mr Bill Loizides, Acting Assistant Director of Workplace Services. That team will provide an immediate assessment of the mine's operating procedures, its environmental integrity and public safety.

We thoroughly understand the concern South Australians hold about the potential long-term impacts caused by the radioactive substances. I understand also that a ministerial statement will be issued by my colleague in the House of Assembly providing similar details in relation to this matter. We hope that that team will be able to investigate the frequency of spills that have occurred at this mine and assure the public that everything that can be done is being done to ensure that the public is safe.

The Hon. SANDRA KANCK: As a supplementary question: will Heathgate Resources be meeting any of the costs of this review?

The Hon. P. HOLLOWAY: It is not really a review: it is a team of public servants who are going up to assess the mine. The operator of the Beverley mine, Heathgate Resources, has spent in excess of $1 million upgrading the systems following the spill in January this year. Indeed, Heathgate Resources was expected to have in place a system. There was a HazOp study, and one of the matters those departmental officers will be looking at is to ensure those HazOp plans have been properly implemented. The company has met considerable expense in relation to these spills, and the government will ensure that it continues in its efforts to overcome this problem.

The Hon. SANDRA KANCK: Mr President, I have a further supplementary question: why should the taxpayers of South Australia pay for this assessment?

The Hon. P. HOLLOWAY: In effect, the officers are travelling to the place and investigating the operations of the mine. I guess that company, like all other mining companies, pays royalties and other taxes in relation to the operations of government. A cost recovery system operates in relation to that. That is exactly why we charge those companies royalties. The same officers would be periodically travelling to this mine and other mines in the state to ensure that the state's regulations are kept. That is what they will be doing on this occasion.

The Hon. J.F. STEFANI: Mr President, I have a supplementary question: will the minister advise the council whether fines are applicable for the spills that have occurred so far and say whether those fines can be applied? Will the minister also ensure that the investigating team will undertake a proper assessment of the installation of the plant as it relates to the occurrence of these spills and the suitability of some of the installations?

The Hon. P. HOLLOWAY: In relation to the second part of the question, I understand that that is essentially what happened, that following the spill that occurred there earlier this year a number of replacements were made in the piping structure. I understand that that first incident was caused when piping failed. However, piping of a higher standard has now been installed at the plant. The company made certain undertakings to improve operations in relation to this hazard study. The assessment of that is one of the things I would expect this team to look at when it goes there this week to ensure that those undertakings have been completed correctly. I do not believe that fines are an issue with respect to my department. I will undertake to see exactly under which legislation any such matters can be taken.

STATE BUDGET

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement on the state of the budget given today in another place by the Treasurer.

RADIOACTIVE WASTE DUMP

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement on a radioactive waste dump given in another place by the Premier.

SOLAR POWER

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Energy, questions in relation to solar power pricing.

Leave granted.

The Hon. M.J. ELLIOTT: I understand that the government may have some interest in solar power prices. I understand that Premier Rann himself recently installed a solar power unit and was quoted to say that he was amazed to see the electricity meter going into credit. At the start of the year 2000, the photovoltaic rebate program was introduced where those who installed solar panels could receive up to $7 500 in subsidy. Approximately 200 homes in South Australia have solar power installed, and that number is growing quite rapidly.

The original arrangement with ETSA was that, when you install solar panels, you have net metering for the life of the system. In other words, at night you would be drawing power

in from the grid outside and your meter would be running in one direction during the day but, if you were using less power than you were producing, in fact the meter would run backwards. People would like to see a lot of that, I am sure. That was the arrangement under ETSA, but that arrangement pre-dates AGL which has now taken over.

NEMMCO says that individual producers are not part of the national market, so production and consumption prices are the same. This allows for houses to build up credits. AGL now wants more solar producers in the national market, because this enables it to buy and sell green power at wholesale prices. It also enables it to get a larger chunk of green power without investing in infrastructure.

It has made a proposal for new metering systems where it was going to separately measure the import and export of power, and at this stage it was proposing that it was going to pay about the same price for the power it was taking from people as it was selling. That in itself seems fairly reasonable. I am told that, because of the cost of meters, which it was originally proposed had to be paid for by the people with the solar power units, that is on the back burner at this stage. However, it is still looking at separate tariffs for production and consumption.

Currently before home producers is a contract that provides that tariffs will be set by CPI or prevailing market conditions. There is no transparent mechanism or requirement for consultation with independent bodies or producers. Neither is there a mechanism in the contract to stop AGL from dropping its purchase price at will. What you have here is a lot of very small producers trying to sell to one very large company.

AGL also proposes that the producers sign over the renewable energy certificates to it. These certificates, I am told, provide identification of renewable energy when in the market, and a subsidy goes to the producer. The producer then in fact becomes AGL as the holder of the certificates, and I am told that they could be worth many thousands of dollars. There is a great deal of concern among those people who currently have solar panels and a great deal of uncertainty as to where things are heading. I simply ask: is the minister aware of what is happening? Does the government have a view? Is it prepared to intervene in some way to ensure that what are many small producers of electricity are not just sort of done in by one company in a dominant position in the market?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I understand the concerns of the Hon. Mike Elliott. I was briefly the shadow minister for energy and I am well aware of how important the question of tariffs is to the take-up of solar power and other alternative power options. As to the detail of the question, I will refer it to my colleague the Minister for Energy to see what is the current situation. When I was dealing with this matter last year, I know that a number of proposals were discussed at that time in relation to this matter and it was a fairly complex issue. I will ask my colleague to provide an update on the current situation.

GAMING MACHINES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question about the impact of poker machines on regional communities.

Leave granted.

The Hon. NICK XENOPHON: Late last year the South Australian Centre for Economic Studies released a major report on the impact of gaming machines on small regional economies. It was prepared for the Provincial Cities Association of South Australia. The report included a number of recommendations and findings. The recommendations included proposals about limiting the geographical concentration of machines, particularly in regional communities, and proposals about improving access to BreakEven services. The report also expressed concern over the economic impact of poker machines on regional economies and found overall a negative net economic impact. My questions to the minister are:

1. Does the government accept the findings of the South Australian Centre for Economic Studies report, particularly in relation to the economic impact of poker machines in regional communities and the negative findings made by the report?

2. What progress has been made to implement the recommendations contained in the report, particularly with respect to improving access to BreakEven services in rural communities?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer that question to the Minister for Gambling in another place and bring back a reply.

CRIME POLICY

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about Labor policy confusion.

Leave granted.

The Hon. A.J. REDFORD: I note that the Labor platform for government adopted by the ALP State Convention in October 2000 states:

> . . . the claim of all citizens to equality and justice before the law is the fundamental ordering principle of South Australian society.

It goes on to state:

> . . . the protection of individual civil rights of citizens is a fundamental tenet of justice.

It also states:

> . . . that individuals in a society should be able to go about their business without undue interference. . .

and goes on:

> . . . that Labor will develop. . . measures to safeguard the individual and collective rights of South Australian citizens. Labor will. . . preserve the rights of all citizens. Labor believes. . .
>
> that the criminal law should acknowledge the presumption of innocence
>
> that an accused person has a right to silence.

Despite these statements, Labor's policy on law and order, issued during the election campaign, states:

> Under a Labor government, the state's law enforcement agencies will be given unprecedented new power to investigate organised crime activities and bring the perpetrators to justice. The measures to curtail the activities of gangs include:

and I emphasise this—

> the power to compel uncooperative witnesses to answer questions on oath.

It is a short brush. I know this is a hard question, and yesterday you refused to answer my question, but there seems to be an inconsistency between compelling uncooperative

witnesses to answer questions on oath and the lofty principle set out in the manifesto that Labor believes that criminal law should acknowledge the presumption of innocence and the fact that an accused person has the right to silence. I would urge that the minister refer my question, because he will not be able to answer it himself. Has the ALP state council endorsed this attack on our fundamental rights, and how does the ALP reconcile these two principles?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Hon. Angus Redford obviously does not have any concern about the activities of organised crime and gangs within our community, but I assure him that there are many people in the South Australian community who do. They expect their government to act, and this government will act. I will refer the more philosophical points in the member's question to either the Attorney-General or the Minister for Emergency Services. Again I make the point that this government is quite prepared to take a tough stand on organised crime and those gangs that are a real threat to civil liberties within our community. We make no apologies at all for that position.

The Hon. A.J. REDFORD: Am I correct in understanding that the minister is suggesting that our fundamental right to silence and the presumption of innocence are mere philosophical rights to be ignored at the whim of this government?

The Hon. P. HOLLOWAY: I am sure that my colleagues, who are much more learned in the law than I am, will be able to provide plenty of examples—

Members interjecting:

The PRESIDENT: Order! Honourable members will allow the minister to answer the question in his own way.

The Hon. P. HOLLOWAY: —where there is a compromise between traditional rights and the protection of the public. It is a fact that, within our community, it is a balance between the rights of individuals—which we have to ensure we protect—and the safety of the public against those people who organise themselves in crime. I am surprised the Hon. Angus Redford does not understand that.

REGIONAL COMMUNITIES

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about listening to country people.

Leave granted.

The Hon. R.K. SNEATH: Many people in country South Australia have expressed concerns about the previous government's commitment to consulting with the regions. The frustrations of many country communities were not assisted by the disunity of the Liberals and the lack of cooperation between government agencies. In light of these problems and the definite need to improve communication between regional South Australia and the government, my question is: will the minister outline the government's commitment to consulting with country people and responding to the needs of regional South Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): This government is committed to listening to country South Australia. As I mentioned yesterday, the previous government set up structures for economic development but, in our view, neglected some areas of educational training and infrastructure provisions, particularly in those areas which were growing at a rate which perhaps was not only unprecedented but also was not being responded to.

The current government will establish an office of regional affairs, which will have the broad role of overseeing regional development and state government service delivery in country areas. The government will have direct consultation with local councils, regional development boards and their peak bodies in the development of policies for the future of regional South Australia.

The government will update the roles and functions of the Regional Development Consultative Council with a view to creating a new dialogue with country people. The government will also have community cabinet meetings: one will be held in Mount Gambier and Penola next week. This initiative will encourage local participation and bring government closer to country people. We will communicate our financial commitment to regional South Australia through a new and improved budget statement that emphasises the government's commitment to regional South Australia. The government will also work with other important government agencies across government, such as those with PIRSA, Human Services and Education, to establish long-term projects aimed specifically at country regions. We will be an open and accountable government which is willing to allow the public to scrutinise its activities.

The government is also building programs, such as building positive futures in rural areas, which will encourage community and business leaders to share their ideas for growth and development within their towns and provincial cities. We will be trying to bridge the gap and to improve on the service consultation processes, put in place by the previous government, by providing a link between development, human services and infrastructure on which we will be placing more emphasis this time around.

ANANGU PITJANTJATJARA FUNDING

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Mr President, I seek leave to make a personal explanation.

Leave granted.

The Hon. T.G. ROBERTS: I think I said in reply to a question that I had not received a copy of the letter from which the honourable member was quoting.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: I have checked. The copy of the letter has been received by my office, but the answers to the questions remain the same.

DISABILITY SERVICES

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question regarding unmet need in disability services.

Leave granted.

The Hon. SANDRA KANCK: Figures released by the federal Treasurer last month indicate that funds for disability programs will be cut by $91 million in 2002-03. Cutbacks to disability support pensions have also been foreshadowed. This means that the lives of 600 000 Australians could be affected. Disability Action Incorporated has stated:

> Thousands of applicants for the disability support pension will face a tougher eligibility test [with many being] shovelled onto the

unemployment queues. They'll have to get by on $54 a fortnight less than on the disability support pension, even though many will have extra costs of living with a disability.

South Australians with disabilities are already struggling with fewer funds than their interstate counterparts. According to a Productivity Commission report, South Australia contributes just $472.54 per person with a disability to the commonwealth-state disability agreement compared to a national average of $624.89 per person with a disability. This is almost 25 per cent behind the national average. According to Disability Action, the estimated $91 million cut from disability services will blow out the estimated unmet needs in South Australia to $28 million. This unmet need refers to the lack of equipment, care and respite services which face nearly 20 per cent of the South Australian population.

It was an issue left unresolved by the previous government, but in Labor's platform paper titled 'Rebuilding Services, Labor's Plan for Government' it states:

> South Australia is trailing other states in disability services.

It also says:

> The key issues facing South Australia and people with a disability and their families are:
> · Insufficient access to the range of services enjoyed by other community members
> · Insufficient access to affordable community based accommodation with adequate levels of support.

It states that the new commonwealth-state disability agreement, which is due to be in place by July 2002, 'must recognise the plight of people with severe and profound disabilities' and that 'Labor supports a 10 year plan to provide for forecast growth in the numbers of people with disabilities and to address unmet need.' My questions to the minister are:

1. Will the government match the national funding average of $624.89 per person with a disability in the commonwealth-state disability agreement?

2. How will the minister resolve the extra burden on state services expected after the federal budget cuts?

3. How will the minister deal with the estimated $28 million of unmet needs in this state?

4. What is Labor's 10 year plan to provide for the forecast growth in the numbers of people with disabilities and to address unmet need?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the Minister for Social Justice and bring back a reply.

ACCESS CAB SERVICE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Are you right there, Di? Have you spat the dummy or something, whatever you are doing?

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: No, I have a question for the new transport minister, whoever he is. I seek leave to make a brief explanation before asking the Minister for Regional Affairs, representing the Minister for Transport, questions regarding the Access Cab service.

Leave granted.

The Hon. T.G. CAMERON: A new state government report into Adelaide's cabs for the disabled system has stated that urgent reforms are needed to fix South Australia's troubled Access Cab service. The report authored by Ian Kowalick and released last month said that the government must act on Access Cab delays. The assessment of the Access Cab system report said that the government's Passenger Transport Board needed to get tougher on drivers who breached their licence. The report states:

> The government has to ask whether some of the problems moving forward are in part as a result of regulatory failure.

The report went on to state:

> The PTB cannot be a light-handed regulator if it wants an efficient Access Cab system.

Mr Kowalick has said disabled passengers have told him they felt they had been robbed of spontaneity in their lives and treated by society as if their time has no value.

Some of these people are clearly angry and frustrated by the inconvenience, and many customers have indicated that they do not use or avoid using Access Cabs at night because they are too unreliable. The report also shows that South Australia was lagging behind Access Cab services in some other states which offered more drivers incentives such as a loading fee and greater industry regulation.

In contrast, South Australia has only one central booking service, and consumers cannot protest against long waiting times by using a competitor. Other reforms suggested by Mr Kowalick include: the PTB enforcing rules designed to stop drivers disabling their dispatch systems to grab more expensive able-bodied fares; phasing out second radios which allow drivers to do jobs on the side; increasing cab numbers, which seems to have been ruled out; and stopping fraud by drivers who inflated fares. My questions to the minister representing the minister (and I am hopeful that the Hon. Terry Roberts will tell us who he is) are as follows:

1. Considering that disabled passengers are clearly angry and frustrated by the inconvenience and unreliability of the current service, when will the government respond to and/or implement the report's suggested reforms, in particular the need for competition in the booking service?

2. Will the report be released publicly?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I will refer those questions to the Minister for Transport (Michael Wright) in another place and bring back a reply.

BAROSSA MUSIC FESTIVAL

The Hon. DIANA LAIDLAW: My series of questions relate to the Barossa Music Festival and are directed to the Minister for Agriculture, Food and Fisheries, representing the Premier and Minister for the Arts:

1. Further to the news release issued by the Premier and Minister for the Arts on 30 April 2002 announcing that he had determined 'ongoing taxpayer funding will not be provided to the Barossa Music Festival for 2002-03', has the Premier and minister also advised the board of the Barossa Music Festival that an on-going level of funding will be available beyond 2002-03 (at least at the same funding level of $160 000 provided in 2001-02) so that the 'radical re-think' that the Premier and minister have encouraged the board to undertake is not a futile exercise but can be progressed with the confidence that the government is seriously

interested in funding a music festival in the Barossa from 2002-03?

2. In our Festival State, why has the Premier and minister selected 'art event' and not 'festival' as the basis for exploring options for something new in regional South Australia, and has the group appointed to undertake this task been provided with future funding parameters and undertakings?

3. Has the Regional Arts Options group been advised that the government's priority for any new 'arts event' for regional South Australia is the Barossa? If not, will the minister explain the selection of Mr Anthony Steel (Chairman of the Barossa Music Festival) to chair the options group, due to conflict of interest concerns in his dual roles and the public perception of fair play?

4. What are the terms of reference for the Regional Arts Options group to be chaired by Mr Steel? What is the full membership of the group, and are all members, including Mr Steel, to be paid?

5. What is the operating budget for the group to undertake its investigations and report?

6. Will the group be advertising for public submissions as part of its regional arts investigations?

7. What is the timetable for the group to report, and will the report be released for public consideration prior to any decision by the government on the options?

8. As the last paragraph of the news release (30 April 2002) is deficient grammatically and, in context, what funding will Arts SA provide the Barossa Music Festival to help it meet any outstanding liabilities and, in each instance, what is the nature of the liability?

9. Last, but not least, can the Premier and minister confirm that, before he decided to refuse funding to the Barossa Music Festival for 2002-03, he was aware that the board had already met four of the five conditions required by me as minister for the provision of annual funding for 2001-02, while the outstanding three year financial plan and 2002-03 funding bid were matters that could and should have been subject to negotiation in view of the new partnership agreement between the Barossa Music Festival and Country Arts SA?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those detailed and lengthy questions to the Premier for his response.

MINISTERIAL STAFF APPOINTMENT

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: Yesterday in question time I asked a question of the Hon. Paul Holloway. I referred to the issue of ministerial staff and the process that the government had adopted in appointing ministerial staff. Ultimately, in an unprecedented fashion, the minister refused to answer the question. However, in answering the question, he said this:

> I think the honourable member's objection seems to be the advertising of staff positions in the *Advertiser*.

I have looked at what I said yesterday, and I certainly made no objection to advertisements for staff positions in the *Advertiser*, and nor do I now. I claim to have been misrepresented by the member.

Again today, in asking a question on reconciling an internal policy conflict of the ALP in relation to the important right to silence, the Hon. Paul Holloway said that I was unconcerned about the safety of the community and that I supported those crime bodies. I can assure members that that is not the case, and I will say that it would be best if the minister simply took the questions on board and referred them or answered them in a bland fashion, rather than seeking to twist what I attempt to convey.

The PRESIDENT: Order! That was nowhere near a personal explanation. The honourable member has introduced debate. In future, that will not be allowed. If you want to make a personal explanation about something that is not before the council, you can do that under standing order 162. If you want to do that under standing order 164, you will talk about things of a material nature and you will not introduce new grounds into the argument.

The Hon. A.J. REDFORD: Mr President, I reject what you just said, but I am happy to talk to you in private about that.

The PRESIDENT: Order! If you want to dispute the ruling of the chair, there is a process for doing that.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron will come to order.

MATTERS OF INTEREST

CARE CUPBOARD

The Hon. CARMEL ZOLLO: Last month it was my pleasure to represent the Premier at the official presentation and launch of the Care Cupboard project of the proposed Zonta Club of Clare and Districts, held at the Clare Hospital boardroom. The launch was attended by many community leaders, including the Hon. Caroline Schaefer. Zonta International is a worldwide organisation of executives in business and the professions, working together for the advancement of women. Individual Zonta clubs extend membership invitations to local leaders in business and the professions. Zonta is involved in very many good community works and provides leadership, ranging from women's education to service projects such as the Care Cupboard project at the Clare Hospital.

The Care Cupboard project came from an idea suggested by a Zontian in St Charles, Missouri, USA. I understand that that particular Zonta group supplies its local hospital with a 'Comfort Closet' stocked with clothes and shoes for female victims of rape who, for whatever reason—whether it be forensic, damage, etc.—have had their clothes taken away. The pamphlet prepared for the launch tells us that the Care Cupboard service is for female victims of rape, abuse and accident. The cupboard contains good, clean and essential clothing and toiletries. The items are gifts mostly donated by local businesses and are for the recipients to keep.

As an extension of this service, from research and Zonta members' own experiences, it was decided to also provide other essential items for women during emergency stays in hospitals, as well as to enable the purchase of essential personal items—a service which often may not be available in country South Australia over weekends.

The proposed Zonta Club of Clare and Districts has set as its goal to have a Care Cupboard with clothes and toiletry packs available in every rural hospital throughout Australia by the end of 2003, which will assist in the care of rape, abuse and accident victims. If we as a community want to reduce the incidence of rape and sexual assault, we must work on many fronts.

Whilst the Care Cupboard project encompasses situations other than rape and abuse, the incidence of sexual assault in our state is higher than we can bear to think about. Surveys indicate that as many as 14 per cent of women living in South Australia have experienced sexual assault. The majority of women who experience rape and sexual assault do not report it. Domestic violence also remains a major problem in many South Australian families. It takes an enormous toll on the well-being of individual women, children and men and the wider community.

I commend the Zonta Club of Clare and Districts for adopting the Care Cupboard project—it is an important addition to work already under way in this field. The launch of the first of the Care Cupboard projects is a very important and welcome initiative that will help women who have experienced great trauma, by giving them personal items and clothes to help them restore some dignity at a time of immense distress. It may seem only a small gesture, but it offers support and lets women know that we care. This is especially important for women who face the added sense of isolation that can come from living in rural and remote areas.

As the club of Clare and districts is a proposed one—it is yet to charter in its own right—it has as its mentor the Adelaide Torrens Zonta International Club, with Mrs Barbara Worley from that club travelling from Adelaide to be one of the presenters on the day. Mrs Deborah Keleher of the proposed Zonta Club of Clare and Districts particularly needs to be congratulated and thanked for her commitment to seeing this project installed.

I congratulate Zonta International for adopting this project and I add my thanks and appreciation for the work it does to advance the status of women at the local level and world wide. As with other service groups, Zontians are people who voluntarily give of their time, talent and energies for the betterment of their community. They are people who provide what we call the social capital in any society and people who turn our society into a community.

RURAL NEWSPAPERS

The Hon. J.S.L. DAWKINS: On 15 March this year I was pleased to attend the annual conference of the Country Press Association of South Australia at Clare. As well as the Hon. Caroline Schaefer attending the Zonta meeting, she was also at the Country Press Association conference. During the conference I was pleased to present an award for a new category of recognition by the association—best community newspaper.

I was delighted to be involved with the Country Press Association in this new award category. Each of the 14 entries in their own manner emphasised the close links between country newspapers in South Australia and their wide-ranging communities. While judging this category was a challenge, it strengthened my recognition of the way individual newspapers interact with the individuals and groups in their circulation areas.

The entries provided a range of examples of newspapers identifying special local or regional needs and priorities, as well as particular personal adversity. As a result, the newspapers have initially championed causes and subsequently provided a vehicle to assist community-based efforts to address particular situations. I was also pleased to see the emphasis placed on highlighting the efforts of achievers. In doing so, newspapers demonstrate what can be done on a personal or community basis at local, regional, statewide, national or even international levels.

It was also obvious from the entries that country communities appreciate and respond to the access they have to their local newspaper or newspapers. The involvement in community projects and sponsorship of a range of local voluntary groups adds to the feeling of 'ownership' that readers have towards their local paper. In general, regional newspapers can do a great deal to foster local pride and aspirations. This was particularly evident in the entries of five newspapers, along with the manner in which they addressed each aspect of this award.

High commendation was given to the *Transcontinental* at Port Augusta. This newspaper's extensive community commitment was highlighted by its promotion and coverage of the AFL pre-season game in Port Augusta. High commendation also was given to *The Times* at Victor Harbor. There are many facets to the community efforts of *The Times*, but none of higher merit than its awareness features relating to breast cancer, rape and meningicoccal infection. The *Murray Pioneer* also received a high commendation. The *Pioneer* demonstrated its long history as a newspaper that works with and alongside its readers in many ways. Its focus on information and awareness is complemented by a generous policy of sponsorship of and donations to Riverland organisations.

The runner-up was the *Yorke Peninsula Country Times*. This was another entry that demonstrated a wide-ranging effort to work with the community of its entire circulation area. The paper gave priority to assisting charitable fundraising efforts as well as the international ambitions of a young local rower. In addition, the detailed documentation of the news editor's personal campaign to quit smoking was most noteworthy. The winning entry was the *Port Lincoln Times* which submitted an excellent entry that highlighted its broad-based community involvement. I was particularly impressed with the paper's commitment in encouraging young people to take on key leadership roles in seeking to achieve goals and standards for the community in which they live. I also took considerable note that, in highlighting the achievers and volunteers within its community, the paper encouraged more people to assist local organisations that need additional voluntary workers to ensure their ongoing existence.

I might add that some of the other award winners at the conference included the *Courier* at Mount Barker in the category of best newspaper with over 5 000 circulation. The best newspaper with a circulation of less than 5 000 was the *Plains Producer* at Balaklava. I understand that this was the fourth successive year in which that paper has won the award and the fifth out of six years. There were a number of other awards which I will not go into here; suffice to say that the Country Press Association represents 29 newspapers stretching from Ceduna to Mount Gambier, boasting a weekly readership of about 400 000 people.

SHEARING INDUSTRY

The Hon. R.K. SNEATH: I wish to speak about the current lack of shearers and young people entering the

shearing industry. It was interesting to read in the *Advertiser* of 14 April an article which stated that the unthinkable is happening in the country. It stated:

> In a country that for many years rode on the sheep's back, we are running out of shearers.The South Australian Agricultural and Horticultural Training Council last year had 192 students in training at beginner and advanced levels. This year it had just 31 enrol.

The Hon. Diana Laidlaw: What is needed each year?

The Hon. R.K. SNEATH: I will get to my idea of that in a minute. It is not only the *Advertiser* publishing articles recently about the lack of shearer training or shearers in country South Australia, because it has been in probably every second edition of the *Stock Journal* for the past six months.

One is headed, 'Where have all the shearers gone?' One farmer on Yorke Peninsula was offering $2.10 a head, which was well above the award rate to shear his sheep and, according to him, in the end he had to sell them the wool. A recent survey was done of current shearers to find out what the problems are so as to be able to overcome them and attract people to the industry. In that survey, 60 per cent indicated that they were paid well above award rates because of the shortage of shearers, but they still earned only $35 000 a year, with shed hands earning as little as $18 000 or lower.

The problem with the shearing industry is not so much the lack of shearers, although that certainly is a problem. Continuity of work is one of the most important factors for shearers and shed hands to be able to make a living. They must have the work. It seems that, particularly in the South-East, every woolgrower wants to shear in October and November and, because they can muster the sheep easily in the heat by switching off the water, those in the north want to shear in January, February and March. So, shearers are working for five or six months and for five or six months they are sitting down.

With that in mind, the older shearers have retired earlier, because they are better off working for the local council or picking up some sort of full-time work rather than travelling all around the countryside and earning $35 000 a year and spending $15 000 of it on transport or fuel costs. One of the other reasons for people leaving the industry is that there have been no improvements in huts or living away from home conditions since Noah and the ark. A paper released by the New South Wales Farmers Federation some two or three weeks ago suggested, as an idea to take to the Industrial Commission, that if shearers were to be on the property for less than two weeks they be asked to bring a tent. These things are not helping to attract people to the industry.

The Hon. T.G. Cameron: Are they still doing that?

The Hon. R.K. SNEATH: They are still trying to do that, and they are still trying to go backwards. The conditions and continuity of work are very important. In South Australia, the training is done through the South Australian Agricultural and Horticultural Training Council. One of the problems with that council at the moment is its construction. It does not have enough representation from industry and I understand that it does not have any representation from trade unions involved in the shearing industry.

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: It was perhaps previous ministers who lessened the representation from industry on that training council. I was on it some years ago, and I enjoyed my time on it. It was fairly based with industry representation, including wool growers, trade unions and people who had close ties to the industry. We have to look at that and we also have to look closely at another training provider that does not charge people to learn. Charging $25 is a bit steep on Yorke Peninsula, to take a kid out of another job, send him over there, pay hotel accommodation and $25 a day to learn to shear.

Time expired.

BAROSSA MUSIC FESTIVAL

The Hon. DIANA LAIDLAW: Further to the questions that I asked earlier today, over the next five minutes I want to focus on the decision by the Premier and Minister for the Arts, Mr Rann, on 30 April this year, not to provide any funding in 2002-03 to stage the Barossa Music Festival in October this year and possibly ever again. The news release issued that day by Mr Rann notes that as the former minister for the arts I 'grappled' with the issue of the Barossa Music Festival over several years. This is true, as it is true for a whole range of arts organisations in South Australia but, unlike Mr Rann, I never abandoned the Barossa Music Festival, its board or local support base. Always, and often contrary to advice from Arts SA, I sought to find ways and means to help the board come to terms with the administrative and financial issues that plagued the festival from time to time. Most recently, towards the end of last year, I recall encouraging the Chairman, Mr Anthony Steel, to engage Country Arts SA to undertake all the administrative and related arrangements associated with the delivery of the festival in future years.

The terms of this partnership were resolved earlier this year. I welcomed this positive outcome believing, like the boards of both the Barossa Music Festival and Country Arts SA, that the partnership would stabilise the festival's administrative and financial structure, secure its cultural and economic goals for the Barossa and the state and, in turn, fully realise the taxpayer investment. In its own right over the past five years this festival has been a gem. In addition to the presence of the music festival in the Barossa, this festival has been a key factor in decisions by the former Liberal government in the mid 1990s to provide funding to support the local community's efforts to build the Brenton Langbein Performing Arts Centre at Faith Lutheran Secondary School in Tanunda and, subsequently in May last year, to allocate the funds necessary to enable Country Arts SA to extend from this year (2002) its very successful subscription series of touring productions to include the Barossa.

From experience gained over the past eight years that I served South Australia as Minister for the Arts, I assure the new minister that one reality of life in the arts is that from time to time every company and cultural institution will encounter trauma in one form or another. I also know that in regional and rural areas of the state it is hard work to build up a support base of local volunteers, sponsors and subscribers. In the light of both these experiences it is a bitter disappointment to me that on the first occasion on which my successor, Mr Rann, was presented with difficult issues associated with the Barossa Music Festival he simply threw up his hands in horror, deemed it to be all too difficult and abandoned the festival, its board, its local support base and a wider circle of friends and sponsors.

As Tony Baker, in his column in the *Advertiser* of 2 May, stated, this is a 'bad decision'. Certainly, it also ignores the economic and cultural benefits plus the infrastructure and civic pride that the music festival has helped generate throughout the Barossa. In addition, Mr Rann and his Labor

government have deprived our local musicians and other artists of the opportunity that the festival provided on an annual basis to perform and excel in an international festival environment.

An example of the ill will that Mr Rann's decision has generated can be gauged by the comment made to me by Mrs Margaret Lehmann who, together with her husband Peter, is a founding member and long-term generous supporter of the Barossa Music Festival, who said:

> Mike Rann claims he is the proud successor of Don Dunstan, but he has just destroyed Don's dream.

To add insult to injury, Mr Rann has sought to quell the disquiet arising from his decision to desert the Barossa Music Festival by offering a sop—a mere promise to explore options for a new arts event in regional South Australia. I highlight that he is not offering a new festival in the Barossa or anywhere else in the state but only the possibility of an event of some indeterminate nature somewhere and some time in the future. As far as I can determine, he has provided no funding parameters to guide the investigations or any guarantee that any recommended new event will be funded. Nor have any guarantees been provided that the Barossa is the favoured site.

Lastly, it galls many I have spoken to in the arts industry that Mr Rann has been prepared to ensure that Arts SA utilising taxpayers' funds will meet the box office loss arising from the 2002 Adelaide Festival—some $370 000—but has not been prepared to ensure that about half this sum can be provided to stage the boutique Barossa Music Festival in October this year as part of a new partnership with Country Arts SA designed to secure the Barossa Music Festival for that region and the state in the longer term.

DUNCAN, Dr G.

The Hon. SANDRA KANCK: This coming Friday, 10 May, marks the 30th anniversary of the murder of Dr George Duncan. His violent death has an important place in contemporary South Australian history, yet it remains largely unacknowledged in the general community. His death was a catalyst for homosexual law reform in the 1970s and helped put South Australia on the map as the most socially progressive state in the country. Dr George Ian Ogilvie Duncan was a gentle, unassuming and well-educated man. He completed a PhD at Cambridge University in 1957 and, after teaching at the university in Bristol, was recruited to teach law at the University of Adelaide in 1972. He was also a homosexual man, and the practice of homosexuality was at that time a crime. Consequently, such activity had to be covert, and in that community there were known haunts where these men could meet others similarly inclined.

Dr Duncan's death occurred at a time of great social upheaval. Despite there being a reformist government in power, our police force remained largely conservative. At that time, so-called 'poofter bashing' was deemed fair sport by our constabulary. It was common practice for them to assault homosexual men and, at one of their known pick-up points, the banks of the Torrens River, to throw them into the water.

This was Adelaide when Dr George Duncan took up residence at Lincoln College at the beginning of 1972 to commence his duties at Adelaide University. He did not have long to settle in as he fell victim to one of these violent assaults and drowned as a consequence. Despite a coronial inquiry, a Scotland Yard investigation and a subsequent court case Dr Duncan's murder remains unsolved. This is despite a strong community belief that members of the Vice Squad, who were in the area at the time of the murder, had a hand in his death. Sadly, it was Dr Duncan's death and not his life that achieved lasting significance. The resultant national media coverage and public outrage led to a new consciousness in South Australia about sexuality issues. Ultimately, in 1975, a bill successfully passed through our parliament which fully decriminalised homosexuality through a code of sexual conduct applicable to all citizens. South Australia was the first state or territory to achieve this.

Over the past eight months, I have had the privilege to be involved with the George Duncan Memorial Committee, which has worked towards establishing a permanent memorial to Dr Duncan. I am delighted that approval was given by Adelaide City Council last week so that this can occur. This Friday, a bronze plaque will be placed near the university footbridge where Dr Duncan's body was retrieved. This plaque will be more than a memorial to a man's death 30 years ago. It will mean more than recognising the contribution that his death made to social reform in this state. It will be a memorial, and a reminder to us all, that such abuses of personal freedom still can happen in the 21st century if we are not vigilant in defending and promoting our social democracy.

Although George Duncan has become a significant identity in the cause of individual freedom for gay, lesbian and transgendered people, it is to the wider community that his story needs to be told and recognised. At a time when there has been a noticeable shift to the right in the social and political spectrum across the globe, it has become even more important for the community to be aware of individual freedoms. We are lucky to have the right to live our lives according to our own cultural beliefs, to exercise religious freedoms, to speak out against government, to be not discriminated against on the grounds of sex, sexuality or marital status and to contribute to the community in a full and meaningful way regardless of disability or socioeconomic status. These are the hallmarks of a mature society. They have been hard won and could easily pass out of existence if we stop striving.

The death of Dr George Duncan was not in vain: it contributed to the social reform of the 1970s, which most of us take for granted. The thirtieth anniversary of his death is therefore a matter of some significance and symbolism and one that we should all remember regardless of our sexuality.

INTERNATIONAL ORGANISATION FOR MIGRATION

The Hon. A.J. REDFORD: Last week I met with Mr Richard Danziger, head of the International Organisation for Migration's liaison office for Indonesia regarding the controversial issue of refugees and the influx of irregular migrants into Australia from Indonesia over the past two years.

The International Organisation for Migration (IOM) was established as an intergovernmental organisation in 1951 to resettle European displaced persons, refugees and migrants following World War II. It has offices and operations in every continent and assists with responses to sudden migration flows, emergency return and re-integration programs, assisted voluntary return for irregular migrants, aid to migrants in distress and measures to counter people trafficking. It is not part of the United Nations system, but it does maintain a close working relation with United Nations' bodies and

agencies. The organisation operates in an environment where there are 15 million to 30 million irregular migrants world wide and the consequent human suffering. It assists rejected asylum seekers, trafficked migrants, stranded students, labour migrants and others to return home on a voluntary basis.

The organisation also works on migrant trafficking, medical screening of refugees, documentation assistance and the like. It has directly assisted 11 million migrants in its 50 year history and, more recently, was involved in the shelter assistance of 80 000 Kosovar refugees, 140 000 East Timor refugees and the management of four camps for the internally displaced population in Afghanistan. Australia is a member state and Indonesia enjoys observer status. Australian organisations involved include the Refugee Council of Australia and the Australian Catholic Migrant and Refugee office.

Mr Danziger has held his current position since 1999, when the East Timor issue was at its height, and was involved in issues concerning the management of displaced persons. He was the only civilian permitted to board the *Tampa* and observe the transfer of the irregular migrants from that ship to the Australian naval ship. As such, our meeting was most interesting. He advised me of the following interesting facts:

(a) that Indonesia is experiencing similar problems as Australia with some irregular migrants using their children to pressure authorities to produce favourable visa outcomes, including threats to throw children overboard.

(b) cooperation between Indonesia and Australian officials has been very good.

(c) there are currently 1 100 known or registered irregular migrants in Indonesia (presumably hoping to secure Australian visas), and 600 have been granted refugee status.

(d) since *Tampa*, very few irregular migrants have arrived in Indonesia—to the relief of the Indonesian government.

(e) people smugglers have gone to ground because of the increasingly hostile environment to their activities now operating in Indonesia. Three are in gaol and the rest are keeping a very low profile.

(f) most Afghan irregular migrants now want to go home. (Afghanistan will not accept compulsory or involuntary deportees). He noted that most Afghan irregular migrants are well educated and are very pleasant people.

(g) Ninety-nine per cent of the irregular migrants in Indonesia are in hotels, although some are in 'open' camps.

(h) people smuggling is an extraordinarily difficult crime to prove because the crime leaves few traces.

(i) whilst the Indonesian authorities were initially indifferent to people smuggling, that attitude has changed significantly as a result of the concerns about their own sovereignty.

(j) that the treatment of irregular migrants in Indonesia has caused some disquiet within Indonesia, particularly when it has over 1 million displaced people of its own who it is attempting to deal with.

Indeed, Mr Danziger expressed some concern that some irregular migrants were causing problems with local communities in relation to their activities. I specifically asked whether, from his perspective, Australia's policies, particularly the incarceration of irregular migrants upon arrival, were the subject of universal international criticism and criticism from his perspective. He told me that Australia was not an international pariah, as suggested by some media commentators. He said, to the contrary, because we are surrounded by sea, we were the envy of many other countries, particularly Europe, which has had to adopt alternative responses to this difficult and vexed issue.

In closing, Mr Danziger emphasised that the biggest challenge facing the international community concerning the mass movement of people following political upheaval was to upgrade the conventions and rules established after World War 1 to reflect the 21st century and, unless and until that is done, we will continue to see confusion and discord in how the international community expects nation states and other institutions to deal with this very difficult issue. I thank Mr Danziger for his time.

HENSLEY INDUSTRIES

The Hon. T.G. CAMERON: I rise to speak on the concerns of residents living near Hensley Industries at Torrensville. For some years now, residents have been complaining about the industrial fallout, odour, noise pollution and general health complaints they believe they have suffered as a result of this foundry.

The residents believe that the previous government and the EPA did not adequately listen to their concerns, let alone go anywhere near addressing them. This was made clear at a public meeting, held in November 2001, which was attended by over 200 residents.

Other complaints of residents included concerns about the EPA's testing procedures and complaints process. In the months following this public meeting I issued a health survey, letterboxed to over 1 000 residents in Flinders Park, Allenby Gardens and Torrensville. Some of the health problems revealed were insomnia, breathing problems, which included increased levels of asthma, and unbearable headaches. What is more interesting is that almost three-quarters of residents found that their health problems went away when they were away from the foundry for a time such as when on holidays.

These results were passed on to the Department of Health, but were either not acted upon or perhaps were not taken seriously. Several other orders were placed on Hensley Industries, ranging from upgrading equipment and procedures and closing doors whilst pours were occurring to ending some processes altogether. Orders were extended and varied and extended again. The order giving Hensley Industries until 1 December 2001 to get its odour output levels to one odour unit at the nearest residence was set aside only days before the deadline and they were reissued with a new deadline of 1 July 2002. This is a deadline which was set by one government but which will have to be acted upon by another.

The resetting of the deadlines and what appeared to be prevarication on the part of the government greatly angered residents, and at their request I organised a further public meeting which was held in January this year. At this meeting, residents criticised the failure of the previous health minister to publicise a health and industry hotline established to monitor complaints. Over two-thirds of the residents who attended the meeting were unaware that the hotline even existed. Many who were aware of it became aware of it only because they were informed by a letter sent out by my office. Other complaints brought to my attention at this meeting included leaching of run-off into the Torrens River by the foundry. This particularly concerned local residents as they are forced to pay a Torrens catchment levy as part of their council rates to keep the Torrens clean. They wanted to know how their money was being spent because they certainly could not see any action being taken.

It is my hope that this new government will give priority to this matter; listen to the concerns of residents; and direct its departments to place people first. I have written to the minister and received a reply that the matter will be further investigated. As soon as my office receives this reply, I will forward it to the Linear West Residents Association which has been active in representing its local community for some years now on this matter. Despite a concerned group of residents, who, over the years, have met with the opposition, unions—as I understand it—various members of parliament, the government, the Trades and Labour Council, the EPA and so on, the problem continues to linger.

Quite clearly, the association and the local community feel that they have been let down on this issue by everyone—and that may well include me—the previous government, the previous opposition, local members, local councils, the unions and the EPA. All they are looking for is some semblance of social justice. Perhaps the so-called champions of social justice, the Labor Party, the now government, will now intervene to ensure that social justice is not only a catchcry but is also something that this government will implement to protect the interests of local people.

The PRESIDENT: Prior to reading messages, I will make an explanation. During a debate earlier today with the Hon. Angus Redford, I spoke about standing orders 162 and 164. In respect of matters pertaining to personal statements, of course standing orders 162 and 164 refer to members moving about the chamber, which is of some concern to me. It is also disrespectful to members who are on their feet when members choose to walk in front of them. The other question, of course, related to standing orders 173 and 175, which talk about personal explanations. In both standing order 173 and standing order 175, no member shall debate the issue. With that clarification, we will continue with messages.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The House of Assembly notified its appointment of the Joint Parliamentary Service Committee.

STANDING COMMITTEES

The House of Assembly notified its appointment of standing committees.

BUDGET, MID YEAR REVIEW

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That this council notes the mid year budget review 2001-02 presented by the former government in February 2002 and the budget update 2001-02 presented by the current government in March 2002.

I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

PARLIAMENTARY COMMITTEES (PRESIDING MEMBERS) AMENDMENT BILL

The Hon. A.J. REDFORD obtained leave and introduced a bill for an act to amend the Parliamentary Committees Act 1991. Read a first time.

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

That this bill be now read a second time.

The Parliamentary Committees Act 1991 established certain committees which have now become an integral part of the way our system of parliament operates in South Australia. The Economic and Finance Committee plays an important role in ensuring the accountability of the executive arm of government and the use of taxpayer funds and resources for the benefit of the state as a whole. Its predecessor, the Public Accounts Committee, had a proud track record in ensuring the accountability of government. The Environment, Resources and Development Committee has important environmental and planning responsibilities. The Legislative Review Committee, the oldest committee of this parliament, has an important role in the formation of legislation and, pursuant to the Subordinate Legislation Act, acts as a review body of all subordinate legislation promulgated by the executive, local government and other statutory authorities. The Public Works Committee inquires into public works and reports to parliament. The Social Development Committee inquires into matters concerning the health, welfare or education of people in this state. The Statutory Authorities Review Committee inquires into and reports on statutory authorities. There is also the Occupational Safety, Rehabilitation and Compensation Committee and the Statutory Officers Committee established under the act.

The act sets out the membership of the various committees. The Economic and Finance Committee and the Public Works Committee are solely comprised of members from the House of Assembly. The Statutory Authorities Review Committee is solely comprised of members of the Legislative Council. The ER&D Committee, the Legislative Review Committee, the Social Development Committee, the Occupational Safety, Rehabilitation and Compensation Committee and the Statutory Officers Committee comprise members appointed in equal numbers from each house of parliament.

In an administrative sense the House of Assembly administers the Economic and Finance Committee, the ER&D Committee and the Public Works Committee. The Legislative Council administers the Legislative Review Committee, the Social Development Committee, the Statutory Authorities Review Committee and the Statutory Officers Committee. In the case of the Economic and Finance Committee and the Legislative Review Committee, administered by the House of Assembly and the Legislative Council respectively, that practice has prevailed over decades for constitutional reasons which should be apparent to all members.

One of the first responsibilities of the committee is to appoint the presiding member pursuant to section 23 of the Parliamentary Committees Act. That section simply says that each parliamentary committee 'must from time to time appoint one of its members to be the presiding member'. The act is silent on the appointment or election process. In the case of the Legislative Review Committee, the Social Development Committee, the ER&D Committee and the Public Works Committee an even number of members is appointed. As a consequence there is a real and apparent risk

of an equality of votes in any electoral process for the election of a presiding officer. The act does not provide a process for resolving such a deadlock.

This bill seeks to provide a mechanism to resolve such a deadlock should it occur. The object of the bill is to:

(a) Refer the election of presiding member to the House of Assembly in the case of the following committees:
   (i) Economic and Finance Committee
   (ii) Environment, Resources and Development Committee
   (iii) Public Works Committee
   (iv) Occupational Safety, Rehabilitation and Compensation Committee
   where the committee is unable to come to a decision on who is to be the presiding member.

(b) Refer the election of a presiding member to the Legislative Council in the case of the following committees:
   (i) Legislative Review Committee
   (ii) Social Development Committee
   (iii) Statutory Authorities Review Committee
   (iv) Statutory Officers Committee
   where the committee is unable to come to a decision on who is to be the presiding member.

(c) There is also a transitional provision which provides that the position of a presiding officer will become immediately vacant upon the commencement of the act.

Members may wonder why there is a need for such a bill given that previous parliaments have managed to work without a deadlock resolution mechanism in the past. Unfortunately, it has come to the Liberal Party's attention that the Labor Party upon being elevated to government sought to use parliamentary committee presiding officer positions as part of its patronage to reward factional loyalties ahead of the normal traditions that had previously prevailed.

It was brought to our attention that the member for West Torrens, Mr Tom Koutsantonis, sought in his normal ham-fisted way to allocate presiding member positions to members of the machine whom he believed needed rewarding. Fortunately, the Premier intervened in this lightweight's attempt to interfere with the normal traditions which have prevailed in the parliament over decades. The presiding officers of the Social Development Committee and the Legislative Review Committee will now be chosen from the Legislative Council. As a dispenser of political largesse, the member for West Torrens has again failed to deliver, and I predict his future as a factional heavyweight will fade in the forthcoming years. Factional leaders who do not deliver normally fade into oblivion. Of course, the situation is also exacerbated by the ALP's complete inability to preselect anyone with a modicum of talent—

The Hon. R.K. Sneath: Are you a wet or a dry?

The Hon. A.J. REDFORD: —the voice comes just at the right moment—or anyone with any ability or any talent to represent the ALP in the upper house, particularly in the mind of the member for West Torrens.

Some people have cited as a precedent the example of the member for Hartley's (Joe Scalzi) appointment as Chair of the Social Development Committee in December last year following the Hon. Caroline Schaefer's elevation to the ministry. Apart from the fact that Mr Scalzi was the only government member on the committee, the Hon. Caroline Schaefer's replacement from the Legislative Council was never made because of the intervention of the state election before parliament resumed. One would have anticipated that that would have occurred had the election not intervened.

The development of committee systems, largely led by upper houses in this country, has brought a new sense of legitimacy to the upper house according to many commentators and, indeed, that was largely led by the senate. In particular, one would have to acknowledge the work of then Senator Lionel Murphy, who was subsequently elevated to the High Court.

In a background paper on state upper houses in Australia, Gareth Griffith and Sharath Srinivasan state the following in relation to the importance of upper houses and responsible government:

> One way to maintain the integrity of that doctrine is to distinguish between 'responsibility' and 'accountability' in this context. By the exercise of their scrutiny power in examining, analysing and exposing to public view the actions, decisions and workings of the executive, upper houses generally can assist in making governments, plus the bureaucracies which serve them, more democratically accountable. The government is not, however, on this understanding, responsible to an upper house because it does not need to retain the confidence of that house to remain in office. In other words, the view of upper houses as houses of review and scrutiny need not, on this understanding, alter in any way the reform or responsibility of the executive to the lower house only.

That highlights the difference between the role of the upper house and the lower house. Indeed, in the same paper on the topic of committees, the authors say the following:

> An important landmark in this development—

and they are referring to the development of the committee system in the New South Wales parliament—

> was the report in November 1986 of the Select Committee on Standing Committees for the Legislative Council, recommending the establishment of a system of standing committees. This resulted, in 1988 in the establishment of two standing committees of the Legislative Council: the Standing Committee on State Development and the Standing Committee on Social Issues. Both were 'firmly under the control of government members', there being initially five government and four non-government members on each committee.

However, both committees were subject to the control of the membership of the upper house. Indeed, those committees and that report were a precursor to the establishment of this act of parliament which establishes these committees. Indeed, in a recent report in June 2000, the Deputy President of the council, the Hon. Tony Kelly MLC, reported that these standing committees:

> . . . have continued their in-depth inquiries into complex matters of public policy, in a cooperative manner. In most of these inquiries it has been possible for a consensus, unanimous report to be produced. Furthermore, these Committees have continued to see positive outcomes from their inquiries with a good record of implementation . . . by government.

The authors of the paper to which I referred earlier have also made some comment about the future perspectives of both upper houses and, indeed, committees and their role. They are worth repeating, particularly in the light of the potential forthcoming constitutional convention. The authors say:

> Viewed in this light, from a pragmatic standpoint, the performance of the contemporary Council can be seen as a question of balance—of the balance of political power, certainly, but also of the balancing of constitutional powers and proprieties, public expectations and political realities. Page called it a balance between the independence that effective review requires and the restraint needed to allow a government to govern. The indications are that the present NSW Legislative Council has achieved much of what Page had in mind when writing of an upper house reinvigorating the parliamentary process. Views will always differ about its underlying legitimacy, as well as concerning the performance of its members in a

more pragmatic sense. However, that the Council is now a house of review in every sense is not in doubt.

What underpins that is the control of the important committees by upper house members and the different relationship that upper house members—albeit, even members of the government—enjoy with the government of the day, and in particular the executive.

There is an important principle here. The balance between the upper house and the lower house is one that has developed and flourished through the past 150 years. Generally speaking, the two houses enjoy a cooperative and successful relationship as a consequence of that. It has ensured that, by and large, parliamentary committees are not extensions of the executive arm of government, and over the years have acted independently from the executive arm of government and have acted as a real check to their power.

To allow parliamentary committees to be used as a means of rewarding those whom the executive favours or, in particular, some factional heavyweight, would severely undermine their ability to undertake their important tasks. This bill seeks to codify what one has always assumed to be the current arrangements. By way of explanation, section 1 is the short title; sections 2 to 8 inclusive I have outlined earlier in my contribution; and section 9 is a transitional provision in relation to the matter. In the circumstances, I urge all members to support the bill.

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

BUDGET, MID YEAR REVIEW

Adjourned debate on motion of Hon. R.I. Lucas (resumed on motion).

(Continued from page 33.)

The Hon. R.I. LUCAS (Leader of the Opposition): I apologise to the Hon. Mr Gilfillan. My motion was listed first, but I swapped with my colleague whose matter was listed second. I earlier moved notice of motion, private business No. 1, which is simply the noting of the mid year budget review and then the budget update presented by the government in March this year. In doing so, I explain for the benefit of new members, and perhaps those who have not followed the mid year budget reviews with as much interest as treasurers and shadow treasurers might, the background to the mid year budget review.

The mid year budget review is a requirement under a national agreement between states, territories and the commonwealth that all governments present, to the degree that they can, standardised budget documents each year. That is, some aspects of those documents are to be produced in accordance with national agreements. The mid year budget review is also produced according to certain agreed guidelines between governments so that at least there is some prospect of some comparability between the mid year review of state and territory budgets.

From the South Australian viewpoint, in the past four years—and I am sure before that as well—I am informed that the South Australian government has followed closely those national agreements. I am told that the mid year budget review is produced and released generally in about February each year. In South Australia's case it is done after the end of the first six months financial accounts, which is 31 December, have been prepared. It generally takes Treasury some time to collect the information, collate it, make sense of it and then produce the various documents. As I said, as I understand it, it is generally produced some time in mid to late February.

It is also important to note that the document includes an economic context section and then looks at the budget position outlook. Consistent with the budget documents, it looks not only at the non-commercial sector cash position, which has been the traditional reporting process that state governments have used, but more latterly the accrual presentation framework, which has been presented equally with the cash reports in the budget documents and in the mid year budget review. The accrual figures are included goes under the general government sector operating statement tables and some other related tables.

That is the background to the budget review. As I said, the usual timing is mid to late February. There is no definite time that it has to be produced but that has been the tradition. All the figures are produced by senior and independent Department of Treasury and Finance officers in South Australia. Clearly, they base their figures on the decisions the government takes and the normal procedure is decisions that have been approved either by the cabinet or by the Treasurer in terms of giving them, as Treasury officers, sufficient authority to sign off on those figures. By way of example, revenue projections in large part are based on projections of economic growth in the economy. From my four years experience, they are done by the experienced people within Treasury. There might be some clarification of the reasons why various assumptions have been made. However, almost without exception—I certainly cannot think of one—all those decisions are taken by Treasury because they have that expertise and experience on projections on the national economy and, of course, the state economy.

There are some issues on which they rely on guidance from the government of the day, and either cabinet or the Treasurer is authorised to make those policy decisions or guidelines. But 99.9 per cent of the figures are obviously produced by Treasury officers, not by government, whether it be Liberal, Labor or any other government.

There have been some policy decisions in relation to what the Auditor-General has referred to as balancing items—in the past under the Labor government it was such things as SAFA proceeds, and more latterly under the Liberal government it was the proceeds from what is known colloquially as the bad bank, the SAAMC. Also, some proceeds from SAFA have been used as balancing items, whilst past superannuation payments have also been used as balancing items, and essentially they have been matters of government or Treasurer policy in terms of the public presentation of the final or end year results.

We have had the debate before. As I said, the Labor government did this end of year adjustment using SAFA proceeds, and the Liberal government has similarly used other proceeds to make end of year adjustments to accounts, and that matter has been commented on by the Auditor-General in a number of his reports.

In relation to this year's mid-year review, there were two broad principles that I discussed with Treasury. The first was that, given that the election was announced for early February, the production of the mid-year budget review at the normal time—mid to late February—would be too late to inform political parties, the community and the media as to the true state of the state's finances. I asked Treasury to see whether or not it could bring forward or expedite its consider-

ation of the mid-year budget review so that it could be released publicly at an earlier time than might otherwise have been the case. The response, after some consideration by Treasury, was that that would be possible.

When Treasury raised questions about the format, presentation and general approach to the mid-year budget review and how I as Treasurer wanted it to go about this particular question or that particular question, inevitably my response was, 'I want it to be consistent with last year's mid-year budget review. So, if you did something one way in last year's budget review, for consistency's sake and for public presentation's sake, you ought to adopt the same process in this year's budget review.'

Clearly, given the sensitivity of the state's finances, from my viewpoint I saw it as being sensible to say to Treasury, 'I am not arguing for any different presentation in this year's mid-year budget review. It ought to be done as consistently as possible as last year's mid-year budget review, which was done in a non-election environment'. No Treasury officer would be able to make any statement that I did anything other than require of them, when they put those questions to me, to be as consistent as they could be with the way they had produced the document in the previous year, with the exception obviously that it had to be earlier than the normal time.

I think it is important to put that on the record in this place because, later on and certainly in the public arena, the Treasurer, the Premier and, indeed, some others have by inference or by explicit statement made reference to the fact that the government had cooked the mid-year budget review books, that I guess by inference we had produced the figures—which is a fanciful notion for anyone who has actually been in charge of the Treasury—or by inference we had specifically directed that various decisions be taken to give a misleading impression of the state's finances. So, that is the background to the mid-year budget review.

It was released in late January, in the early to mid stages of the state election campaign, and it was the subject of much debate at that time. After the election, there was much merriment in the media and other circles as to how long it would be before the new government came up with its fictional black hole claim and how big the black hole might be. Those who were guessing 14 March, which was about 9 or 10 days after the government had been installed in office, and those who were guessing $350 million, guessed correctly in terms of what was inevitably expected of the new government which, as I have explained on other occasions and I am sure will do so again over the next few months, had made a series of unsustainable election promises in relation to the state's finances.

On 14 March, the Treasurer released the budget update as seen by the new government, and I intend in my time this afternoon in a detailed fashion to respond to a number of the issues in that, and also I will refer to the mid-year budget review, together with tabling for the first time confidential Treasury documents which make it quite clear that the claims of a black hole by the Treasurer and the Premier are fictional and dishonest. In particular, these documents will indicate that in January this year Treasury provided me, as the former Treasurer, with a Treasury memo (which I will table) that the unexpected surplus at the time—the estimated surplus for this financial year—was going to be $96 million rather than the fictional black hole which has been produced by the new Treasurer of a $26 million deficit for this financial year. I will go through that in some detail.

Secondly, the Treasurer has made some serious allegations that I had been advised of significant cost pressures and that I had refused to take those into account. Again, I will be making a serious allegation that those claims by the Treasurer and others are both untrue and dishonest in terms of the substance of those claims. We have heard in the past two or three days the new Premier waxing lyrical about honesty in government. Perhaps on another occasion I will vent my spleen about the cuteness of the Premier's talking about honesty, given his record in a number of areas as Leader of the Opposition.

I am sure that time on another occasion will allow me to regale the chamber with some examples of his past performance. One can only remind members of Charlie's Bar and a number of other places when discussing the absurdity of Premier Mike Rann talking about honesty in government. Whilst he has talked about it for the past two days, significantly he and his Treasurer in these untrue and dishonest statements have failed their first test in terms of honesty and integrity in government.

I will table these documents at the end of my contribution, but first I will refer to a confidential Treasury document presented to me on 15 January this year from the Under Treasurer. As I said, I will table the memo and attachment 1. I think there are a number of other attachments but, for the sake of expediency, I will limit my discussions essentially today to the cash position of the budget. Time will not allow a detailed exposition of the joys of accrual accounting. I am happy to engage in that on another occasion, but I will limit it to the cash position, and I will therefore be tabling this confidential memo and attachment 1 of that confidential memo to me.

On page 4 of that confidential memo to me, it indicates that, in terms of revised budget outcomes, as a result of the mid-year budget review—and these are my words rather than specifically Treasury's words—there had been from Treasury's viewpoint an unexpectedly large boost in stamp duty revenues, in particular as a result of the property boom, both commercial and residential, throughout Australia.

The residential boom was fuelled largely by the first home owners grant but also, because of the booming economy, the commercial property boom had also been significant in South Australia. As we have seen from the Victorian and New South Wales budgets in recent times, stamp duty revenues for state governments have boomed enormously in this financial year. My first receipt of information was in and around this particular time from Treasury. There might have been an earlier memo on the previous Friday. This memo is dated 15 January which, as most members will recall, was the day that the election was actually announced. I may have received an earlier memo on the Friday prior to that, which would have been 11 January, but that weekend or just after it was my first indication of the significant size of the unexpected stamp duty receipts and other receipts in this financial year.

This memo from the Under-Treasurer forecasts an underlying surplus of $96 million for this financial year, 2001-02, then provides a series of figures for the three out years 2002-03 up to 2004-05. The Under-Treasurer went on to say there were a number of cost pressures which meant that that set of outcomes was unlikely to occur. Whilst it is not said in the memo but, as I explained later, that cautionary note is probably more valid in relation to the three out years rather than this financial year, but of course there will be some impact on this financial year. It went on to list the cost of the education department's enterprise bargain, the

education department forecasting some over-expenditure of $25 million in this financial year and the possibility that they had a structural problem with their budget, and the Department of Human Services expecting to overspend by $7.5 million this year. The current numbers assume that the Department of Human Services would claw back $21.5 million expenditure over the out years and also raised the cost of the MFS enterprise bargain. It went on to state:

> In our view it would be prudent to increase head room for these amounts.

In this memo of 15 January, Treasury produced a series of initial recommendations. I stipulate that, based on the Treasury advice saying it would take into account those other cost pressures, the recommendation for this financial year was for a surplus of not $96 million but $60 million. However, over the four years it was broadly in balance; when one is talking about a $7 billion-plus budget, over the four years the surpluses and deficits worked out in aggregate to a net deficit of $19 million, or just under $5 million a year on average for those four years. The aggregates were different in relation to each particular year, but on average it would have worked out to that. To all intents and purposes, in overall budgetary terms, in a $7 billion-plus a year budget an average deficit of about $4 million or $5 million over four years is a broadly balanced budget. Having taken all those issues into account, the Treasury recommendation was to make some annual timing adjustments in the budget to produce a string of small deficits which, on average, would have been about $4 million to $5 million during those four years.

On 15 January, the day of the announcement of the election, I wrote a strong note back to Treasury. I will table this document but, given that some people might not be able to read my handwriting, I will read into the public record my handwritten note at the bottom of the memo, as follows:

> 1. There is strong opposition (although no decision yet) at the quantum of the DEET EB bid.

That was the teachers' wage case bid. I wrote:

> As you know I also oppose the size of the bid, so DTF should not incorporate specific provision for the bid in our documentation. However, I agree we should use some of the underlying surplus to increase contingency for issues including wage issues.

I interpose here that the allegation made about my response was that I had been asked to increase contingency for wage issues and that I had refused to do so. I am now placing on the public record a confidential Treasury document which gives the lie to that claim that I had ignored that response. I then went on:

> As you are aware, I have strong views agency overspending should not be rewarded by writing it off—so I do not believe we should provision for it.

I will address some comments about that in a moment. I continued:

> On this basis the usual timing adjustments will be able to produce a string of small surpluses as per—

The photocopy I have loses the last line, but it would have been 'as per the DTF memo' or something along those lines.

The Hon. Ian Gilfillan: We'll have to take your word for it.

The Hon. R.I. LUCAS: You will. The Hon. Mr Gilfillan will have to take my word for it and I am sure that, based on his past experience with me, he will be happy to do so. The memo continues:

> 2. Please confirm that with those assumptions I have correctly summarised DTF advice in these memos.

So, on the first day of the campaign, I was clearly anxious to ask Treasury to tell me whether I had interpreted its advice to me correctly. The memo continues:

> 3. As discussed previously, about $20 million of the $96 million 01-02 underlying surplus will be allocated by cabinet as one-off expenditures, i.e., capital works or time limited operating expenditures. Subject to the advice below, this will obviously be held in head room for 01-02 until after the election.

I interpose here to say that because we were in the election period we were under caretaker conventions and cabinet was not able to allocate and make decisions in relation to funding. It could indicate what it would want to do if it were re-elected and in a couple of cases we did that, but that was not sufficient grounds to give Treasury or any agency authority to spend that money. The memo goes on:

> 4. With this $20 million reduction there is an accumulated underlying surplus of $151 million over forward estimates. I approve use of usual timing adjustments to increase contingency for cost pressures and new initiatives by the $151 million in a way that provides small surpluses over the forward estimates, consistent with the memo of 11 January 2002. (Note: given the strong result for 01-02 it is likely about $50 million per annum for the out years will now be possible.)

Again, I interpose the notion of contingency or head room is an accepted Treasury description of a Treasury line which is put aside to assist cabinets and governments to meet either cost pressures or new initiatives during a particular financial year. It is in essence an internal bank balance, which is available to help meet cost pressures and initiatives. The memo continues:

> 5. Cabinet yesterday and today allocated $1.5 million of the $20 million to the Department of Human Services capital works, $0.75 in 02-03 and $0.75 million in 03-04. Cabinet also made decisions on concessions and firefighting costs.

Again, the last line of the photocopy has not come out, but there are my initials, and the date would have been 15 January 2002.

That was therefore the advice I received on the first day of the election campaign, and I will be tabling that document at the end of my contribution. On the following day, which was the second day of the election campaign on 16 January, I received a further confidential memo from the Under-Treasurer, and I will table that memo as well so that it is on the public record. The Under-Treasurer advised me on the second day of the election campaign:

> You have sought confirmation the revised budget outcomes put forward in our advice of 15 January were as follows: and that was the table which showed an estimated underlying surplus this year of $96 million.

Again, I remind members, particularly those in the Labor Cabinet, they have been told by the current Treasurer that there is a $26 million deficit in this financial year. The Under Treasurer's memo goes on:

> You have sought to:
> - put aside $20 million into headroom to fund one-off initiatives
> - put aside amounts into headroom in 2002-03, 2003-04 and 2004-05 for ongoing initiative and cost pressures
> - make timing adjustments to produce small surpluses across the forward estimates

There is then a table which does indeed do that. The Under Treasurer then summarises his advice:

> These adjustments will result in estimated small surpluses across the forward estimates, confirming that your determinations are within

the terms of the Treasury and Finance advice provided on 15 January.

I repeat that, on the second day of the election campaign, the Under Treasurer sent me this note confirming that my determinations were within the terms of the Treasury and Finance advice provided on 15 January, which was the day before. There are some further tables in this memo, which, as I said, I will table, and then at the end there is a table which says:

> The government now has a headroom provision across the forward years of. . .

And when you add up the figures it is a bit over $180 million in headroom provision in that particular part of the budget. There are other parts of the budget that have contingency funding, which I will refer to later on. But in relation to the headroom provision there is some $180 million referred to in that memo of 16 January.

I hope that the odd member or two will look at these memos from the Under Treasurer. They summarise the advice from him to me, and they have concluded, because of the boom in stamp duty receipts and, indeed, some other receipts as well—gambling taxation and a number of other areas were higher than expected—the budget was looking at a significant budget surplus in this financial year. As I have said, it was something that the government was not advised of by Treasury until around the start of the election campaign. These memos were from the first and second days of the election campaign, and they came about as a result of the mid year budget review by Treasury in relation to stamp duty adjustments.

A number of things need to be followed through as a result of these memos now being on the public record. First, when one looks at this year's budget—the 2001-02—and the claim that there is a black hole in this year's budget, a $26 million deficit, Treasury has provided advice that as of 15 and 16 January there is a $96 million surplus. The former government was not able to make any conclusive decisions in relation to spending any of that surplus between 16 January and the transfer of government, which was on 5 March. So, the former government could not make any decisions to spend any of that money during that period because of the caretaker conventions.

Secondly, the other bogey, which has been raised in relation to the forward estimates and which is a reasonable discussion point, is the size and quantum of the education department's enterprise bargaining bid. That will not affect this year's financial budget at all, because I believe that teachers received a 3½ or 4 per cent pay increase last October and their next salary adjustment is not due until October of this year, which will be in the next financial year. I understand from the new government's response that they are not talking about the EB for the education department impacting on this year's budget, either. So, at least the current government and the former government are of one mind in relation to that.

So, in relation to those two key areas—the former government could not spend any of the surplus between 15 and 16 January and 5 March and there is no impact on the education department's EB on this surplus—the question which is unresolved and on which the Treasurer will be pursued is: what has happened to the $96 million surplus to create this fictional $26 million deficit for this financial year? The only response potentially possible is that the government has agreed to write off some $130 million worth of accumulated debts and deficits across the board or spend it on a number of other items since they were elected.

Given that Labor's budget update was released on 14 March, it would have to have been between 5 March and 14 March when the budget update was released by the incoming Treasurer. So, in nine days a $96 million surplus was magically and mysteriously turned into—you beauty! whoopsi do!—a fictional black hole of $26 million deficit for this financial year. I know that some members of the cabinet have some concern about aspects of what they have been told by the Treasurer and Treasury. Indeed, one cabinet member has had a discussion with me, and I have provided some advice in terms of questions that should be asked, such as where the money is potentially being hidden and what the Treasurer is trying to do in relation to this.

I hope that cabinet ministers in this chamber will have a good look at this contribution. Indeed, I am available, for a consultancy fee, to provide further advice to ministers who have some concerns with the stories they have been told by this Treasurer. As I have said, this is in relation only to this year's budget, where magically and mysteriously a $96 million surplus all of a sudden becomes a $26 million black hole—shock horror!—under the guidance of the new Treasurer. If the new Treasurer can turn a $96 million surplus into a $26 million deficit in nine days, we have some worries in relation to the Treasurer.

In relation to these two documents, the other issue that I want to express some significant concern about is the writing off of overspending by government departments and agencies. I have not seen all the comments, but I understand that the Treasurer has tried to put his position, in part, in another place on that issue today. I had a strong view, which was supported by my colleagues, that it was unfair on those agencies, which were given tough budgets and stuck within them, to allow any agency that might have been given a tough budget but overspent, in essence, a dispensation to continue that overspending and have those deficits and debts forgiven. Indeed, if that is the way you run a budget—

The Hon. Caroline Schaefer: It is a reward for inefficiency.

The Hon. R.I. LUCAS: As my colleague the Hon. Caroline Schaefer says, it would be a reward for inefficiency. What incentive would there be for any agency to stick to its budget? If a treasurer is to adopt a position that overspending would be rewarded by the debts being written off, no agency, in essence, would have the incentive to manage their budget within the strict terms of the funding agreements which have been provided to them.

It was never a palatable budgetary position: it was always difficult. I am sure that I speak on behalf of some of my colleagues when I say that, having done the hard yards or metres within their agency to keep the spending down within the budget limit, those agencies come along to a budget meeting and find agencies saying that they have overspent—if you have a treasurer and a government that say, 'Don't worry about that; we will just give you the extra money'—if that is the Treasury approach that is to be adopted, let me warn you now that that is a recipe for disaster. That is indeed the response that this current Treasurer is adopting.

What he is referring to is my note—and he has only referred to it today, as I understand it—and where in my specific instruction to Treasury I said:

> As you are aware, I have strong views agency overspending should not be rewarded by writing it off—so I don't believe that we should provision for it.

The current Treasurer is disagreeing with that particular policy. What he is evidently adopting—and I do not think his cabinet colleagues are fully aware of this yet, but here is some advice, I guess, if that is to be his policy—is that there will be no sanctions: just overspend—and this Treasurer is pretty much a soft touch—and, if you overspend, you will get your budgets topped up at the end. There is some free advice for the Hon. Mr Roberts and the Hon. Mr Holloway. Under this current Treasurer, who is a soft touch, overspend the budget and he will top up the budget at the end of each financial year.

I make no apologies for this: the former government—it was not me—as a cabinet took a decision that we were not going to operate in that way, and so when a couple of agencies did overspend they negotiated—if I can use a colloquial expression—a scheme of arrangement where their overspending had to be repaid over the forward estimates periods and, in the education department's case because it was sizeable, the period was over four years. Contrary to the notion that the current Treasurer is saying, 'Well, teachers would not be paid and pencils would not be bought for students', the education department in its billion dollar plus budget was told that, over the next four years with an expenditure of over $4 billion or $5 billion during that period, its overspending for the past couple of years would have to be recouped during that particular period.

The human services department was told the same thing; that is, with an expenditure each year of over $2 billion, which is about $8 billion to $9 billion over four years, its over expenditure would need to be reined in and repaid to the budget during that period. Not a single year repayment so there would not be a massive effect on the delivery of the services, but nevertheless a firm rule which said, 'You have to repay that expenditure if you have overspent in a particular year.' As I said, I place on the record again that the current Treasurer's soft touch approach to overspending by government agencies is a recipe for financial disaster. A few bureaucrats in government departments and agencies will be delighted to hear that the overspending policy of the previous government has now been overturned by this Treasurer.

He is quite relaxed about overspending: there will be no sanctions; there will be no repayment; those issues will be written off. The current Treasurer, as well as making some inflammatory statements in his statement of 14 March, said:

> We have a Treasury briefing note that proves the former Treasurer Rob Lucas was made aware of significant cost pressures prior to his signing off on the budget mid year review yet he refused to take them into account.

I again say that that statement is untrue and it is also dishonest. I again refer to the comment to which I referred earlier in the memo of 15 January where I said:

> However, I agree we should use some of the underlying surplus to increase contingency for issues including wage issues.

The memo from Treasury on 16 January said:

> You have sought to put aside amounts into headroom. . . for cost pressures. . .

Its summary states:

> . . . confirming that your determinations are within the terms of the Treasury. . . advice provided on 15 January.

That is proof that the statement made by the Treasurer is untrue.

Indeed, when one looks at those memos, virtually all the underlying surplus—as I said, which was only advised to the former government at the start of the election campaign—was put aside into headroom at about $50 million a year to meet the potential costs of the teachers' enterprise bargain, the firefighters' enterprise bargain and other new initiatives that the government of the day might have. On another occasion I will explore in much greater detail some of the aspects of those tables, but I will not do that on this occasion. Some of the aspects of the supporting documentation, some of the memos, and indeed the current Treasurer's statements will need to be explored in much greater detail.

The current Treasurer also said on 14 March that I had chosen not to take the advice of the Under Treasurer. Again, as I have just indicated, that statement, too, is untrue. I also refer to the memo which was distributed by the current Treasurer and which was written by the Under Treasurer to the current Treasurer dated 13 March. I have to say that some aspects of this memo disappointed me, given the advice that the Under Treasurer provided to me and I have now just placed on the public record. I guess it will be for the Under Treasurer to explain the differences in the positions that have been put in those particular memos, but I guess that is the way of public service life.

I really do want to oppose strongly a couple of aspects in the Under Treasurer's memo to the Treasurer because I think it takes the proper advice that the public sector should be taking way beyond what should be the case. I remind members that, certainly under the former government, every year a series of bilateral meetings were held: one before Christmas and a second round (which I understand has just concluded) generally in March or April. In the first round all the cost pressures and new initiatives from agencies are put on the table. In the previous budget cycle what is called the green book was produced, I think by Premier and Cabinet, which was an aggregation of all the bids and cost pressures of all the agencies. That document, which was then sent to every agency in a very helpful way by Premier and Cabinet, was leaked to the opposition.

The *Advertiser* reported that the green book indicated that there were bids worth some $1.5 billion from agencies for new money. Now we have a budget of about $7 billion. At the end of the year 2000, all the agencies put in bids of up to $1.5 billion in cost pressures and new initiatives. Clearly, in any budget cycle that is the ambit claim, and through the second round of bilateral meetings one comes back to what is manageable and what is possible in the actual budget. There has to be some process of selecting and choosing which cost pressures and new initiatives are taken into account.

In relation to the mid year budget review, one of the issues that was asked of me—and I responded in the same way as I had on previous occasions—was that what they should be taking into account in terms of expenditure is what has been approved by cabinet or me as Treasurer. That is, if there is cabinet authority for a decision, that is what goes in; or, if the Treasurer has approved it, that is what goes into the mid year budget review. That has always been the process they have adopted in relation to the production of either budget documents or the mid year budget review. As I said, on the other side of the equation in relation to revenue projections that certainly does take into account the expertise of Treasury in predicting the growth of the economy and so on.

However, in relation to expenditure the approach has always been that it has to be a cabinet decision, and indeed every month I was given a list of the adjustments to the budget by Treasury as a result of cabinet decisions or decisions I had taken as Treasurer, and they were the only formally approved adjustments to the budget. Therefore, in

the mid year budget review the approach I adopted on previous occasions and again on this occasion, in general principle, was that is what ought to go into the mid year budget review. Is there a cabinet decision or has there been a decision by the Treasurer and, if that is the case, then it ought to go into the mid year budget review.

As I said, in the memo that the Under Treasurer has written to the Treasurer there are some worrying aspects about that advice from a senior public servant to the Treasurer. Certainly it is something that I would not accept as Treasurer in terms of what I believe the proper operation of the Treasury officers ought to be in terms of independent and impartial advice.

I would like to refer to a page in the memo—it is not numbered but it is the third page of that memo—under Cost Pressures. In what is, of course, a backup to the budget update that the Treasury has now put out on the public record, the Under Treasurer has provided the following sentence:

> We have included cost pressures where, in our view, it would be very difficult to avoid incurring some additional expenditure, either because of the practicalities of the situation or our perception of what is likely to be politically acceptable.

If this Treasurer and this government are going to adopt the position that Treasury officers are going to adjust budget updates on the basis of Treasury officers' perceptions of what is likely to be politically acceptable—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: It is not only outrageous, as my colleague the Hon. Mr Redford says, but it is a slippery road to financial disaster. With due respect to Treasury officers—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: The all powerful Economic and Finance Committee may well look at these issues. I have the greatest admiration for the hard work of Treasury officers and I will never criticise the quality of their economic and financial advice. It is a difficult task; they make mistakes, as indeed everybody does, but they are the best in our state at this particular job. My former Treasury officers will not be surprised to hear me say that I do not believe that Treasury officers are the ones that ought to be making political judgments about what is politically acceptable in terms of budget bids and cost pressures. As Treasurer I would not accept that and, frankly, I am amazed that this government—and people like the Hon. Terry Roberts, given his particular flavour within the Labor Party—would accept a Treasury officer's judgment of what is politically acceptable going into the budget update to create this fictional black hole, which has been constructed by the Treasurer to try to screw his cabinet colleagues before they have the opportunity to understand the true nature of the state's finances in relation to these particular issues.

There are a number of other references to 'politically acceptable', in relation, for example, to the hospitals area, as follows:

> Treasury and Finance expects that hospital deficits are likely to be unavoidable and restricting expenditure in later years may be politically unacceptable.

The document incorporates a number of references to political judgments in relation to these cost pressures.

There is a stark difference between this government and the former government and that is that we rely on Treasury for economic and financial advice. We do not rely—never have and never will—on Treasury officers for advice on the political acceptability of cost pressures and adjusted our budget updates accordingly. It suits the purposes of the current Treasurer to accept that advice of Treasury officers in relation to the political acceptability of cost pressures because he has constructed this fictional black hole in these particular documents.

The Hon. P. Holloway: If only it was.

The Hon. R.I. LUCAS: Let me say to the Hon. Mr Holloway, having been in government for eight years, there was never a budget that was easy. I would say again what I indicated in frank discussion with one of your cabinet colleagues, which is that at least in the last three to four years the cabinet of the former government made collective decisions about its spending priorities. We did not—heaven forbid—leave those decisions to me as Treasurer, or to a budget review committee to just deliver a final document. What we required of the Treasurer and the Treasury was a listing of all the revenue options and all of the cost pressures. They were filtered and classified by Treasury but they were all listed. It was as a result of actual cabinet meetings, where all cabinet ministers sat around the table and worked through all of those expenditure options, that decisions were made about where the limited amount of new money was ultimately going to be spent.

They were not delivered a fait accompli by a Budget Review Committee or a Treasurer saying, 'We have done the budget. Here it is, and this is what's accepted and what's not.' Certainly, with my agreement, cabinet insisted that it wanted to know how much money was available to spend in each year of the next three or four years and all the expenditure options which were there. Cabinet then decided over a series of thre to four meetings—in some cases, daylong meetings for each budget—on the priorities of the government.

That was a good process. It meant that all ministers had to accept ownership of the decisions which were being taken, and there was not the capacity for Treasury, or indeed a Budget Review Committee, to say, 'We have looked at all of these. This is what we can do. These items are going to be the expenditure items, and those items will not be funded.'

The final point I want to make, and I will explore this again on another occasion, is that, subsequent to all of that advice which was received during the election period, after the election period and during the interregnum between the election day and the eventual transfer of government, the Commonwealth Grants Commission issued a further report. In broad terms it provided an extra $100 million over the forward estimates period over and above what is in in the midyear budget review.

In the midyear budget review, as I have highlighted in the memos of 15 and 16 January, there was about $170 million to $180 million available for wage increases, cost pressures and new initiatives in that area. There were also other budget lines, such as the capital contingency and others, which again I can talk about on another occasion.

In relation to the specific recurrent headroom provision, there is this $170 million to $180 million. But, in addition, after the election and in that interregnum, there was a decision from the Commonwealth Grants Commission that provides up to approximately another $100 million. There is a memo—and there are other memos which I am still trying to find in my material—which highlights revisions to general grants since the midyear review, and when one adds that up it comes to just under $100 million. It was actually about $70 million originally, but that is because Treasury has made a notional further downward reduction in the year 2004-5—for $30 million to reduce the $100 million down to $70 million.

Therefore, an extra $100 million which was not included in the budget review has been produced.

In the capital contingency line, there is a brief reference in some of the Treasurer's documentation where cabinet ministers have not been fully informed of what is available. The Treasurer's statements made in relation to the Treasurer's contingency lines, his public statements, have been misleading in relation to that. Cabinet colleagues have not been fully informed of the detail of what is available in those particular lines.

In conclusion, the series of statements made by the Treasurer, in particular, and the Premier in support on these issues in relation to the black hole are both fictional and dishonest, and I believe it is sad that a Premier and a government which proclaim that honesty and integrity will be a part of their public platform for the next months or years—however long they happen to be in government—should start off in this fashion with the creation of this fictional black hole. I seek leave to table copies of two memos provided to me that I referred to earlier in my contribution.

Leave granted.

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

DAIRY INDUSTRY

The Hon. IAN GILFILLAN: I move:

I. That, in the opinion of this council, a joint committee be appointed to inquire into and report on the impact of dairy deregulation on the industry in South Australia and in so doing, consider—

(a) Was deregulation managed in a fair and equitable manner?

(b) What has been the impact of deregulation on the industry in South Australia?

(c) What is the future prognosis for the deregulated industry?

(d) Other relevant matters.

II. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of council members necessary to be present at all sittings of the committee.

III. That this council permits the joint 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 reported to the council.

IV. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

This really is a repeat of what was successfully moved in the last parliament. However, I will speak to it again, virtually making the same argument that was made before. Honourable members will know that the committee in the previous parliament sat, took considerable evidence, submitted an interim report and was well under way to achieving material for if not its final report certainly another significant interim report.

The purpose of this motion is so that we can finish the comprehensive work that began in the last parliament. The deregulation of the dairy industry is now a fait accompli. It is an accepted fact, and we cannot wind back that particular clock. However, certain things can be explored in the work of this select committee. Deregulation of the Australian dairy industry has meant that we are the only major dairy industry in the world without government support for dairy farmers. That position was established in the Senate report entitled 'Deregulation of the Dairy Industry.' This creates an uneven paddock on which our farmers are forced to play by tougher rules than the rest of the world. Many maintain that there was little wrong with the industry structure and that deregulation was unwarranted. In a report by the Senate Rural and Regional Affairs and Transport References Committee of October 1999, entitled 'Deregulation of the Australian Dairy Industry' (the same report I referred to earlier), some interesting points about the dairy industry are noted. The industry:

· had export earnings of $2 billion in 1998-99;

· supplies 12 per cent of world dairy trade (third largest dairy trader after the European Union and New Zealand);

· is Australia's third largest rural industry in value at the farm gate (behind beef and wheat);

· is the largest rural industry valued at the wholesale level ($7 billion);

· had efficient milk production costs by world standards;

· exports over 50 per cent of total milk production;

· produces 10 billion litres of milk—a 55 per cent increase since 1986 and a 6 per cent average annual increase during the 1990s;

· had 13 500 dairy farmers—a 30 per cent reduction since 1985 when there were 19 342—with approximately 98 per cent of dairy farms in family ownership;

· has seen average farm size (now 180 hectares) and average herd size (now 149 cows) double since the 1980s;

· has seen dairy companies invest $1.5 billion to expand manufacturing capabilities in the five years to 1998;

· is an important regional employer, with 60 000 direct jobs at farm and manufacturing level;

· has 75 per cent of Australia's milk production processed by dairy farmer owned cooperatives;

· has 45 per cent of all milk intake and 50 per cent of all milk used for manufacturing controlled by the two major dairy cooperatives (Bonlac Foods and Murray Goulburn, both Victoria based).

One must say that this was a vibrant industry by any standard, and it begs the question: why did we need to deregulate it? Personally I think deregulation has virtually destroyed the economic viability of small dairy farmers. It is very hard to find figures to substantiate the gains or the actual advantage to the consumer. Consumers are paying more for milk now than was the case before deregulation, whereas the producer is getting dramatically less. It is unclear how well the price was known before deregulation—whether it was between 35¢ and 39¢ a litre. There was one rather alarming report that it is now and has been down to 18.5¢ a litre in certain markets which really is a highway to dairy bankruptcy. That is bad enough. However, it is clear that there are quite a lot of personal tragedies, suicides and serious health deterioration from the stress of this. Even if we cannot reverse it, we owe it to the industry to offer an open forum so that we can get the detail and data, and see whether adjustments could and should be made to at least attempt to ameliorate the devastation that deregulation has brought.

In South Australia we had a discrepancy between certain groups of dairy farmers who have, in their opinion, received discriminatory treatment in the matter of compensation. I believe that that should and would be addressed further by the select committee reconstituted so that these people's grievances can be further heard. I do not believe it is my role to argue any particular line in moving to set up a select committee, because it should—and I believe it would—approach its responsibilities with an open mind. It is a traditional, strong and cherished industry in Australia. It has been efficiently conducting its business over decades. We in South Australia owe it to the industry to offer a forum through the select committee so that along with the consumer the industry can present its case—both the manufacturing and the dairy

farming—and to evolve through that process, as we have done so successfully in the past in this parliament, recommendations which will be to the advantage of all the parties involved. I urge support for the motion from honourable members.

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

PASSENGER TRANSPORT BOARD

The Hon. DIANA LAIDLAW: I move:

That the council requests the Statutory Authorities Review Committee to undertake an immediate inquiry into the efficiency and effectiveness of the Passenger Transport Board in performing its objects under the Passenger Transport Act 1994, and in relation to the integration of infrastructure and service delivery across the metropolitan area and in regional and rural areas of the state.

The Passenger Transport Board, established by the Passenger Transport Act 1994, is a statutory authority. The motion I move today asks members of this council to request the Statutory Authorities Review Committee to undertake an immediate inquiry into the efficiency and effectiveness of the Passenger Transport Board in performing its objects under the Passenger Transport Act 1994 and in relation to the integration of infrastructure and service delivery across the metropolitan area, and in regional and rural areas of the state. I move this motion now because only since the last election on 9 February has the Labor Party revealed that within the next six months the Minister for Transport will introduce legislation to this parliament to repeal the Passenger Transport Act 1994, to abolish the Passenger Transport Board and to transfer all relevant functions as part of some undefined structure within the Transport SA agency.

Incidentally, this pending legislation was not referred to in the speech prepared by the government and delivered by Her Excellency yesterday. Traditionally this speech outlines the government's legislative program for the forthcoming session. In fact, the speech omitted all reference to public transport, including taxis and hire vehicles and the road and rail, air and marine sectors—even cycling and pedestrians. This silence, whether deliberate or an inadvertent oversight, is unprecedented in my 20 years experience in this place.

The silence is all the more stunning, considering that the transport portfolio accounts for the third biggest area of government expenditure each year in this state, or at least it did during the eight years that I was minister. It is equally revealing that there was absence of any reference to transport, considering the government proclaims that it is interested in economic development, prosperity and jobs in this state, and that it is also interested in social justice and inclusion.

On both of those counts, transport to any observer—other than possibly this government—is a major and vital contributor. Members should be aware that some 64 per cent of the users of public transport on a daily and annual basis in this state are people who are concession travellers—the youth, students, older people, pensioners, the unemployed, and people with a disability. Transport is absolutely vital to their needs, and the government's so-called social justice and inclusion agenda which I hope is not mere rhetoric. I hope the government means it in earnest and, if it does, it should seriously question the decision that the minister has announced to abolish the Passenger Transport Board.

I believe very strongly that this council, as a house of review, should be looking at this issue before the government introduces the legislation so that the government's move can be seriously considered on its merits, and that the PTB and public transport in this state can be given a fair hearing.

On reflection, the government's disdain for transport in all its forms, and from an operational and performance perspective and in terms of economic development and social justice, should not necessarily come as a surprise to any observer. The Labor Party did not even release a transport policy during the last state election campaign. This failure is also unprecedented in my experience, not only in South Australia but across Australia. It is a first for South Australia that I do not think the ALP should be proud of on any grounds.

The Hon. R.I. Lucas: Did the media highlight that?

The Hon. DIANA LAIDLAW: I know that Greg Kelton wrote an article about the failure of the ALP to deliver a transport policy.

The Hon. R.I. Lucas interjecting:

The Hon. DIANA LAIDLAW: He wrote this before the election, and it was based on press releases issued by the RAA and other representative transport associations and me highlighting this absence and calling on the Labor Party to reveal its plans, if there were any, for transport. Greg Kelton did not get his story published in the *Advertiser*, but ABC Radio did run the RAA's concerns.

However, the ALP did not listen to those calls for the release of a policy. All it did was release in early January a statement regarding the taxi industry. It was 18 days after the state election, on Wednesday 27 February 2002, that, unheralded by any press release or public presentation, the ALP's transport policy miraculously appeared for the first time on the ALP web site. Subsequent inquiries made by me, my office and others, including the RAA, as to who had authorised the posting of the ALP transport policy on the web site at this late date, were all met with stunned silence, stonewalling and insolence.

Reading the ALP's belated transport policy is an equally interesting and somewhat surprising exercise, because there are various references which suggest that it may have been hastily written after the ALP learned that it would form government in South Australia, so as to give the new, inexperienced, untried and untested Minister of Transport (Hon. Michael Wright) some guidelines to help him administer his new portfolio. I seek leave to table a copy of the so-called ALP transport policy released on 27 February 2002, some 18 days following the state election.

Leave granted.

The Hon. DIANA LAIDLAW: The policy contains a commitment by the ALP that, in government, it would abolish the Passenger Transport Board. It indicates that this board will have its functions absorbed within the Department of Transport. The rationale for this belated policy decision and the abolition of the Passenger Transport Board is inadequate and at best false in terms of the government's record. It provides no real or accurate framework for the Labor Party's reaching the conclusion that the Passenger Transport Board has not performed and has not met its budget and statutory obligations. In fact, the premise produced by the Labor Party in this paper for abolishing the Passenger Transport Board is as follows:

This Liberal government has a poor public transport record, presiding over dramatic losses in patronage during the 1990s. The Liberals' response was to privatise the problem and hand responsibility to private operators.

There is no reference to up-to-date facts and figures that the Passenger Transport Board, with the encouragement of the government and private operators in the bus sector, plus the

improved performance by TransAdelaide in the rail and tram sector, has in fact realised the first sustained increase in public transport patronage in this state in decades.

Last month alone, I understand, there was a further 6.8 per cent patronage increase across all modes of public transport, on top of the increase recorded 12 months ago. This is a phenomenal and fantastic turnaround. It identifies that in public transport we are outperforming other states in terms of attracting not only more people who need public transport and are concession users but more fully paid commuter travellers.

In addition, there has been considerable investment made in public transport from the buses to the rail and tram sector, and the government had proposals for a joint venture operation, including the attraction of private investment in the tram system between Glenelg and Adelaide with potential for extension of the light rail beyond that tram corridor. It is not certain whether the government's privatisation opposition will see that this initiative in terms of public-private partnership investment in the tram will be realised. If it is not, I think the government will find it exceedingly difficult to justify taxpayer investment in the tram line when private sector operators and investment concerns are ready to partner TransAdelaide in an urgent capital injection in our tram system, including new trams and the upgrade of the track and stations.

There are a whole range of other important factors in public transport which the Labor Party either distorted or ignored in coming to its conclusion—which we learnt about only after the election—that it intended to legislate to abolish the Passenger Transport Board. I have subsequently heard the Minister for Transport, Mr Wright, say that it is important that the PTB be abolished, because it does not work in an integrated way with other transport infrastructure and service arrangements across the metropolitan area and beyond. That is just not so. That comment identifies his inexperience and lack of willingness even to seek the facts of the matter. The former government deliberately formed the Department of Transport, Urban Planning and the Arts to ensure this integration across the transport and planning agencies. This structure has been the envy of other state governments in Australia and across the world in terms of bringing transport policy and planning with urban planning together under the one agency.

Transport SA has been the only agency focused on road transport in this state that has also set up an officer who has sole responsibility for passenger transport issues. That initiative was exceedingly difficult to establish within Transport SA, because that agency is full of engineers focused on issues that are foreign to the public transport sector and its agenda. Yet, that position and the creation of the Department of Transport, Urban Planning and the Arts, with the strong input of the Passenger Transport Board on every occasion, has seen for the first time in this state bus priority lanes provided at intersections for the bus network and to improve bus on-time running. I see that the Brisbane City Council has adopted this same bus priority initiative which Transport SA and the Passenger Transport Board have already negotiated and which they are well advanced in implementing in this state.

Equally, I highlight that just some weeks ago the *Age* newspaper identified that the train and tram operators in Victoria are now working together with the government agency in that state to integrate delivery, ticketing and marketing of public transport. The Passenger Transport Board already does that effectively in South Australia. What we have been doing here through the Passenger Transport Board has led to the Victorian Labor government realising the good things we do here and are now wishing to copy what the Passenger Transport Board has implemented. I highlight too that across the border to our west the Western Australian government has had an integrated agency in terms of the Passenger Transport Board being part of the broader infrastructure and transport portfolio in that state. However, it will now legislate to abandon that structure and set up a separate statutory transit authority—something that we already have in South Australia. They have tried, tested and found wanting the very structure that this government belatedly announced in its transport policy, and that is establishing public passenger transport as an office of the department of transport.

What is really important in terms of the motion I move is that the Labor Party did not release for public comment and knowledge prior to the election its decision to move to abolish the Passenger Transport Board. It did not release the policy, and therefore we were not aware of what it now wishes to do. This issue could have been canvassed during the election. It could also have been tested in terms of the rationale the government is now using to advance this abolition of the Passenger Transport Board. The point is that what this government plans to do is unwise, and the Western Australian experience has shown that. It is very important that, before legislation is introduced in this place, the Statutory Authorities Review Committee has an opportunity to consider the wisdom of the government's move and that we, as a house of review, assist the government in reassessing this decision.

In addition, from eight years of experience within this portfolio of transport I would say that one of the great strengths of the Passenger Transport Board was that for the first time it had clout across the public and passenger transport sector and across the transport sector as a whole. It was able to have the same public sector authority, status and budget in arguing the issues with Transport SA, which had a very different culture and very little understanding of public and passenger transport issues.

I also think that to move to abandon the Passenger Transport Board and simply have an office of public transport—which is subsidised transport and which does not include the commercial sector and country operators—is an exceedingly poor move, because public transport will have to battle as part of an office within the department of transport or Transport SA on all budget issues and to be heard on every issue concerning services and investment.

As has been shown in Western Australia, it will struggle to be heard, taken seriously and funded properly to fulfil the service goals and objectives that are outlined in the Passenger Transport Act. In summary, my goal in moving this motion today is to highlight that this government never advanced this proposal to abolish the Passenger Transport Board and create an unspecified office in Transport SA. In that sense, it is important to use the time before the government moves to abolish the PTB fairly to assess the performance of the Passenger Transport Board in meeting the objectives that this parliament set for passenger transport in this state, and to look at interstate experience—

Members interjecting:

The Hon. DIANA LAIDLAW: The Labor Party supported the legislation. It did not need to look at it, because it supported the initiative.

Members interjecting:

The Hon. DIANA LAIDLAW: The Labor Party supported the legislation so it did not need that.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: It is not progress. The Statutory Authority Review Committee should fairly look at it to see what is happening interstate—with open minds, learn from practices interstate to see that not only are the arguments in this belated policy by the Labor Party incorrect and unsound in reaching the conclusion that the board should be abolished but also that the interstate experience highlights that others who have tried the proposed ALP model have abandoned or are abandoning it in favour of what this parliament set up in 1994 with the establishment of the Passenger Transport Board. So, I move this motion and trust that, as a member of this house of review, this place will—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —fairly and reasonably and, on the basis of fact and not union rhetoric or old-fashioned thoughts such as those of Mr Sneath, fairly assess the performance of the—

The Hon. R.K. Sneath interjecting:

The Hon. DIANA LAIDLAW: You did not need to because the Labor Party supported the legislation. You were not around then; nor would you ever want to know a fact before you opened your mouth to talk.

Members interjecting:

The PRESIDENT: Order! Honourable members will address the chair.

The Hon. DIANA LAIDLAW: Mr President, Mr Sneath is actually more ignorant than I thought that he would ever wish to reveal on the public record.

The PRESIDENT: Order! The honourable member will not cast reflections but will get on with it.

The Hon. DIANA LAIDLAW: I will get on with it. However, Mr Sneath has made statements and, for his benefit, I would like to—

The PRESIDENT: Order! The Hon. Mr Sneath's interjections are out of order.

The Hon. DIANA LAIDLAW: I understand that they are out of order, but—

The PRESIDENT: The honourable member's responsibility is to address the issue before the chair.

The Hon. DIANA LAIDLAW: —if his thinking and ignorance were the basis of the ALP decision to abolish this board—unannounced before the election, incidentally—there is even more reason to now question the ALP move to get rid of this board. First, his suggestion whether the Passenger Transport Act was—

The Hon. R.K. Sneath: I asked you whether the statutory authority looked at it when you put the board in place.

The Hon. DIANA LAIDLAW: You silly man, it was not even set up then. We did not—

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —in this parliament have a statutory authorities review committee in existence at that time.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will have an opportunity later to put forward his view.

The Hon. R.K. Sneath interjecting:

The Hon. DIANA LAIDLAW: First, you can hardly refer an initiative, such as the establishment of a passenger transport board, to a committee of the parliament when that committee did not even exist at the time.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Secondly, the Liberal government's decision to establish the Passenger Transport Board was announced 18 months before we went to the election. It had been well canvassed with the unions, the public transport providers and the STA and was clearly on the public record and debated prior to the election. Thirdly, when we came to introduce the legislation, the Labor Party supported it in this place and the other place. So, why did it have to be referred to a non-existent committee? The very point of the exercise today is that the Labor Party plans to move to abolish the structure. This is a move it was not even confident enough about to announce and have tested and debated before the election. It is not confident enough about it even now, before it moves the legislation in this house of review—the Legislative Council—or before the Statutory Authorities Review Committee has had an opportunity to test the wisdom of the decision and to see whether, in fact, the current structure or the government's proposed structure is the way to advance the interests of passenger transport, operators and users in this state.

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

INTERNET AND INTERACTIVE HOME GAMBLING

The Hon. NICK XENOPHON: I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report on the feasibility of prohibiting internet and interactive home gambling and gambling by any other means of Telecommunication in the state of South Australia and the likely enforcement regime to effect such a prohibition;

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;

3. 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 reported to the council; and

4. That standing order 396 be suspended 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.

In 1998, I moved a motion in identical terms for a select committee to be appointed to report on internet and interactive home gambling. I acknowledge the pivotal role and support of the Hon. Angus Redford in this regard. In March 1999, the terms of reference, as agreed by the Legislative Council, were put in place and the committee began to meet from that time. The composition of the committee was the Hon. Robert Lucas, the Hon. Paul Holloway, the Hon. Angus Redford and the Hon. Carmel Zollo and me. Initially, though, the Hon. George Weatherill was on that committee until his retirement from this place.

The issue of internet and online gambling is just as topical today, with the increased internet usage in the community and the proliferation of online gambling sites. The commonwealth government has gone a significant way with its interactive gambling legislation, which was finally passed in July last year. The legislation, in some respects, is a compromise. It does allow for online wagering on horse racing and other

sporting events, but it does restrict ball-by-ball plays, margin betting and the like. It also prohibits online poker machines and casino games. So, in that respect, the legislation is certainly a vast improvement on not having any legislative regime in place, although I note that a recent article in the *Financial Review* of 6 and 7 April 2002 indicates that some in the gambling industry say that the gambling ban has failed to stop online punters. The report by Katrina Nicholas gives a perspective from the industry that the legislation is not as effective as it ought to have been. I believe that it is important for any committee constituted, or reconstituted in a sense, to look at that issue.

The committee in the previous parliament met on a number of occasions, and a lot of work was done in relation to this issue. An interim report was handed down, but some important work is still to be done in the context of forming a view—there may well be a dissenting view—in relation to a statutory framework for dealing with this issue, whether it is prohibition or regulation. Honourable members know my view is that it ought to be nipped in the bud and that there ought not be any access to online gambling services. There is an important role for state governments to play in relation to this issue, which is why I think it is important that this committee be, in a sense, reconvened or constituted again.

I do note that, when I initially moved this motion in 1998, I made reference to six members. I indicate that, in due course, I will move an amendment that there be only five members, and I hope and trust that the previous committee members agree with some alacrity to be on this committee again. In fact, I can see the Hon. Paul Holloway and the Hon. Robert Lucas almost jumping for joy at the thought of being on the committee again! It is an important issue. Whether members support regulation or prohibition, it is an issue that is important in the community in terms of how we deal with it. We already have a situation where in Australia gambling losses are at the highest level anywhere per capita. I refer to the Reverend Tim Costello again: 'With online and interactive gambling you will be able to lose your home without ever having to leave it.'

I believe that we have a body of knowledge—corporate knowledge in a sense—on this committee from the previous parliament on which we ought to build. I would like to think that this particular committee can meet on a few more occasions so that a final report can be prepared and, in due course, so that this parliament can look at legislation that we must consider in the context of what we do with online gambling services and the issue of protecting consumers. I commend the motion to members.

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

GAMING MACHINES (LIMITATION ON EXCEPTION TO FREEZE) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill now be read a second time.

When the gaming machines freeze legislation was passed at the end of 2000 and subsequently extended in the course of the former government's gambling reform legislation, a clause was inserted in the lower house with respect to section 14A(2)(b) and the transfer of licences. In that context, it is important to outline very briefly the legislative history. The *Hansard* record shows that the member for Chaffey (Karlene Maywald) introduced this amendment, which, in certain circumstances, would allow for the transfer of a licence in the case of a surrender or a removal of a licence to new premises.

The explanation given in the debate at the time was that this was to allow for situations where there was an issue of transferability. For instance, if a landlord had taken control of new premises because his former premises had burnt down and he had to be relocated in the vicinity, there should be a facility to do that. My understanding is that the member for Chaffey took over the conduct of the bill on that evening in the other place because the member for Gordon (Rory McEwen) was absent from the house. My understanding is that the amendments that were moved were as a result of advice from the Liquor and Gambling Commissioner—

The Hon. A.J. Redford: I do not think that is right.

The PRESIDENT: Order!

The Hon. NICK XENOPHON: My understanding is that some advice was given by the Office of the Liquor and Gambling Commissioner that, in exceptional circumstances, there ought to be something to allow transferability in the context of the removal of a licence or the surrendering of a licence. That was part of a compromise, in a sense, when that bill was passed in the lower house. I know the Hon. Angus Redford expressed some concerns in relation to the issues of transferability, and it was an issue that was raised by the Australian Hotels Association on behalf of its members.

That particular clause was passed. It was passed in this place. It was part of the compromise, or the package, to deal with this issue. However, since that time, it appears that the Whyalla Hotel is attempting to transfer its poker machine licence to a hotel proposed to be built in Adelaide at Angle Vale. When this issue was discussed on radio a number of weeks ago, in general terms the Executive Director of the Australian Hotels Association, John Lewis, said that he thought anyone undertaking a transfer in those circumstances—and I emphasise that he was not talking about the Whyalla Hotel case—was opportunistic. I agree with John Lewis, the Executive Director of the Australian Hotels Association, in respect of that—

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: That is right; it is very rare that I ever agree with John Lewis from the Australian Hotels Association, but he is absolutely right: it is opportunistic. I can say that, in relation to the Whyalla Hotel case, the Liquor and Gambling Commissioner has taken the unusual step of intervening with respect to the licence application that is to be heard for the Angle Vale Hotel. That matter will be heard by Judge Kelly in the Licensing Court later this month. I should disclose that I have assisted on a pro bono basis residents who are opposing the hotel licence and, in due course, the poker machine licence for the Angle Vale property and, if I have an opportunity, I would be more than happy to appear for them in court.

However, in relation to the Whyalla Hotel case, I understand that the Liquor and Gambling Commissioner has instituted disciplinary proceedings or commenced the process of disciplinary proceedings in relation to those particular premises, and obviously it would not be appropriate for me to comment any further in relation to the beginnings of that process in respect of this matter. However, I can say that this bill simply attempts to deal with an anomaly, what appears to be a loophole in the legislation and what the Australian Hotels Association Executive Director in his own words

terms as 'an opportunistic practice' in relation to transferring a licence from one area to an area some 300 to 400 kilometres away.

This bill makes it clear that the initial intent of the legislation that it be within one kilometre appears to be in keeping with the original intent of the legislation.

The Hon. A.J. Redford interjecting:

The Hon. NICK XENOPHON: The Hon. Angus Redford says that they are clearly trying to thumb their nose at the intentions of the parliament in this regard, and I agree wholeheartedly with his remarks. I indicate in summing up that I have had an opportunity to speak to Karlene Maywald and Rory McEwen in relation to this matter, and I understand that they are very sympathetic to this amendment. They did not intend for this particular clause to allow for this sort of loophole—some would say 'rort'—to occur. I urge members to deal with this matter as expeditiously as possible. It is important that the intention of the parliament not be subverted. The consequence of not dealing with this amendment will be to allow for a trade in poker machine licences throughout the state which was never the intention of the freeze legislation. I commend the bill to members.

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

PASSENGER TRANSPORT BOARD

The Hon. DIANA LAIDLAW: I seek leave to table a paper outlining the Passenger Transport Board achievements 2000-2001, which I failed to seek leave to table when I was speaking to the motion which I moved earlier today.

Leave granted.

[Sitting suspended from 6.05 to 7.45 p.m.]

ADDRESS IN REPLY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) brought up the following report of the committee appointed to prepare a draft Address in Reply to Her Excellency the Governor's speech:

1. We, the members of the Legislative Council, thank Your Excellency for the speech with which you have been pleased to open parliament.

2. We unite with Your Excellency in expressing our deepest sorrow at the recent death of Her Majesty Queen Elizabeth, the Queen Mother, and join with Your Excellency in conveying our sincere sympathy to her Majesty the Queen and members of the Royal Family.

3. We assure Your Excellency that we will give our best attention to all matters placed before us.

4. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. G.E. GAGO: I move:

That the Address in Reply as read be adopted.

The PRESIDENT: I would just point out to honourable members that this is the member's maiden speech and I trust she will be heard in silence and given all the courtesy that we generally expect on this auspicious occasion.

The Hon. G.E. GAGO: I thank Her Excellency the Governor for the speech with which she has opened this 50th parliament. I would like to take this opportunity to acknowledge the accomplishments, the commitment and the dedication with which Her Excellency is fulfilling her duties as a representative of Her Majesty the Queen. Her Excellency's achievements have been widely applauded by all sections of our community.

Mr President, I would like to offer my congratulations to you on your election to this very important office and wish you a rewarding time as President of this council.

I join Her Excellency in expressing regret on the death of Her Majesty, the Queen Mother, and note too the sad passing of a number of prominent former state and federal members: the late Allan Burdon, who served his South-East community with distinction; the late Gil Langley, who represented the seat of Unley for 20 years and was a former speaker of the House of Assembly; the late George Whitten, who held the seat of Price for 10 years; the late Geoffrey Virgo, who held the seat of Ascot Park for over 10 years and was a former local government and transport minister in the South Australian government; the late Les Hart, who served in the Legislative Council for 10 years; Ralph Jacobi, who represented the seat of Hawker in the House of Representatives for 18 years; the late John McLeay, who was a successful businessman and who held the seat of Boothby for 15 years; and the late Cathrine Brownbill, who was the first South Australian woman elected to federal parliament and who represented the seat of Kingston. Although I did not know these members personally, it is with sadness that we note their passing, and we extend our sympathies to their families.

At this point I would like to acknowledge a number of former members of parliament who retired from this council at the last election: the Hon. Legh Davis, the Hon. Trevor Griffin, the Hon. Carolyn Pickles, the Hon. Trevor Crothers and the Hon. Jamie Irwin. I would like to pay tribute to the valuable contributions that each of these former members has made. I would especially like to acknowledge the many years of extremely valuable work performed by my friend and colleague, Carolyn Pickles. I wish to thank her for all the support and encouragement that she has offered me over the years. I wish all five former members of this chamber well in their future pursuits.

In listening to the Governor's speech, the theme clearly related to rejuvenation and rebuilding of South Australia. I feel very proud to be serving in a government that has outlined a wide range of innovative strategies and programs to achieve this, especially in relation to the financial and economic management of the state. The new government has established the health of our hospitals as one of its priorities, which include a package of initiatives to improve the safety and quality of care in our hospitals. We have also heard an outline of the government's agenda for education, in particular its commitment to improving school retention rates. Innovation has also been a key theme, as evidenced by initiatives such as the Centre for Innovation, the new Economic Development Board, the new Science Council and the Social Inclusion Board, to mention just a few.

Before taking the opportunity to address some of these policy areas, I would like to say what a great honour it is to represent the people of South Australia in this place. As I am sure it is with all honourable members, I take the charge of representing all South Australians very seriously, and I commit to carrying out that task to the very best of my ability. I am tremendously optimistic about our great state. There is much that we should feel proud and positive about. I am pleased to note that I am not alone in this view, after reading

the front page headline of last Saturday's *Advertiser*, 4 May, which read:

South Australia's optimism leaps to a dramatic peak.

The grammar is not mine, of course. Our economic and political stability is the envy of many a nation. Tolerance and our strong sense of a fair go have been the cornerstones of our social development. Yet there are still too many in our society who continue to be left behind. One of our greatest challenges is to get the balance right between growth and development and a secure future for all, not just a few. I learned the value of community from my family growing up in country Victoria. My grandparents were immigrants from modest rural communities in Italy and Yugoslavia.

They settled in country Victoria, hoping to establish a better life for themselves and their children. My parents, Mijo and Patricia, continue to be very active in that same community. My brothers, my sister and I were all encouraged to leave home to pursue further education. For me that was nursing. In fact, it was a family tradition to receive a suitcase on our seventeenth birthday.

Looking back, I regard that family tradition with both great affection and a little sadness. The affection is for my parents who sought to instil in us a strong sense of independence, self-reliance and confidence in engaging with the wider world. For them the message they tried to instil in us was, 'You may have to leave home, but that is nothing to be feared.' The sadness arises because I see now that these gifts symbolise the unfortunate reality that, for many young men and women living in the country—whether it be Victoria or South Australia—the lack of prospects often mean that many have to leave home to pursue opportunities in career, business and education. That is a pointed lesson that I learned very early. It makes me determined to see future generations of young South Australians living outside Adelaide have the opportunities and resources they need to remain in or at least to return to jobs within their communities.

However, there is a wider lesson, too, because our state as a whole faces major challenges in increasing the opportunities for our young people here and in reducing the exodus of our best and brightest out of our state. Of course, we have so much to offer in South Australia. South Australia is a very special place for my husband and I. We adopted Adelaide as our home over 15 years ago. We chose to make it our home, initially coming here so that my husband could study oenology and gain employment in the wine industry, which is one of our most famous, prestigious and nationally and internationally highly recognised industries. For me it provided an opportunity to continue my nursing.

We also chose to make this our home because of the many wonderful things South Australia and Adelaide have to offer—its beauty, charm, sense of community and, for most, a very wonderful standard of living. South Australia has been remarkably successful on many fronts. Our aquaculture industry is booming, as is tourism; our education system attracts students from all around the world; and we will soon see the opportunities arise from the construction of the Alice Springs to Darwin railway which we know is under way. Of course, there are many other success stories.

We can all be impressed, too, with South Australia's reputation as a leader in social reform such as the vote for women, women's eligibility to stand for parliament, land rights for indigenous Australians, decriminalising homosexual behaviour, and the list goes on. South Australia is rightly seen as a leader in social justice and liberal reform. I am proud to be serving in a government that has a renewed commitment to that agenda. However, we have many major challenges ahead and there is no room for complacency; for example, South Australia's public health services are clearly themselves on the critical list. My own experience as a nurse and as Secretary of the Australian Nursing Federation has allowed me to see first-hand that funding and staffing have simply not kept up with the needs and reasonable expectations of this community. This has resulted in a crisis in our public health system.

One area of health care is of particular concern to me, that is, our mental health services which are also in serious need. They have been reviewed more times than I have had hot dinners. Just about every report for the past decade has said the same thing—mental health services need to be based in local communities, and additional community resources are needed to allow these services to develop and to reduce the demand on acute hospital services. The Kurrajong Ward on the Glenside campus continues to stand as a monument to the mismanagement of public mental health services. The ward has been marked for closure for almost a decade and, even though there are plans for construction of a replacement, patients and staff still remain in disgraceful conditions. I intend to take a very keen interest in this issue.

Whilst we have listened to stirring platitudes about primary health care for the past eight years, community health services have been at a standstill because of inadequate funding during this period. However, this important area of health education and illness prevention is pivotal if we are ever to reduce the growing demands on our acute services. I would like to say here that, despite cuts to health care in recent years, the skill, enthusiasm and dedication of our health care workers is second to none. In particular, I have to say that our nurses in South Australia are world-class professionals, and I feel privileged to have had the opportunity to work with them.

The funding of our health care will always be a difficult issue. While there are no easy solutions, the current policy settings, particularly those of our federal government, are often counterproductive. While governments have withdrawn industry assistance and protection, particularly affecting our local car and clothing industries, and often at the expense of jobs, the Howard government has no reluctance in dishing out around $3 billion a year in the form of a federal subsidy to private health insurance industries. If this subsidy were instead paid to the states, South Australia's share would almost be enough to fully run and staff a hospital around the size of the Royal Adelaide Hospital. Imagine the difference that that would make to waiting times and access to services generally.

There is one other health related issue which, while I know it is surrounded by controversy, is nevertheless one about which I feel extremely strongly, that is, the issue of voluntary euthanasia. My personal experience as a health care professional over the years has led me to revise my own views on this issue. In my younger years I would have strongly opposed voluntary euthanasia, heavily influenced as I was by my Catholic upbringing. However, in my role as a nurse, I was soon to learn that not all suffering associated with terminal illnesses can be alleviated by palliative care, and some go on to have intolerable deaths. Of course, I wish to acknowledge the incredibly valuable work conducted by the palliative care workers in South Australia.

South Australia is recognised as a lead state in palliative care. However, in some situations even state-of-the-art

palliative care is quite simply not enough. I believe in the need for compassion in the face of hopeless terminal illness. In situations where a person is competent to make an end of life decision, I fervently believe that reform which gives these people more control over their own death and dying is essential. Of course, the issue of dying with dignity is not a partisan one. I know that honourable members from both sides of the council and in the other place share a desire to see reform on this front. I understand, too, that many honourable members have deeply and sincerely held contrary views. The issue is not an easy one but one with which we will need to deal quite soon. I look forward to engaging in that debate.

Although migration is a federal issue, I feel I must take this opportunity to raise my deep personal concerns about our current treatment of asylum seekers. Australians have a long and proud history of assisting refugees and accepting people in need into our country on humanitarian grounds. I feel deeply ashamed when I read and see reports of the current conditions and treatment of asylum seekers in Australian detention centres, including the Woomera Detention Centre in South Australia. As a review of the *Tampa* asylum seekers and other recent arrivals now show, most of the recent asylum seekers have fled war, persecution, terror and often torture to seek asylum in Australia.

Analysis indicates that overall a large proportion of asylum seekers landing in Australia are legitimate refugees. Australia has the right to protect its borders and manage our migration program in an ordered way. However, as a civilised society, we have an obligation to treat every human being with decency and respect. I believe we are failing miserably in that obligation in relation to asylum seekers. Of course, a short period of detention may be necessary to enable identity, health and security checks. However, detention periods of months and at times even years are simply unacceptable and unjustifiable. Indeed, in some cases other countries have legislated a time limit of months or even weeks for which a person can be detained in these circumstances. Thereafter, a claim for refugee status is processed whilst the claimant lives in the community.

We now know that the Howard government acted dishonourably about information regarding children being thrown overboard as an election stunt. We know, too, that information about the number of asylum seekers heading to our shores was grossly exaggerated, and we also know that Australians have been wrongly told that our intake of refugees is high by world standards. In fact, a recently completed world refugee survey identified the ratio of refugees to host country population and compared them across different countries.

It found that Lebanon had a refugee population ratio of 1:11; Iran, 1:36; Germany, 1:456; Canada, 1:566; while Australia's ratio is 1:1 583, more than three times lower than that of Germany. Significantly, countries least able to cope with the refugee intake, such as Lebanon and Iran, are bearing the brunt of the problem. I do not believe that Australians are three times less compassionate than are Germans or Canadians.

While I am reluctant to single out any one of those working on behalf of asylum seekers, I particularly want to acknowledge the valuable pro bono work that Jeremy Moore and the Refugee Advocacy Service of South Australia are performing at Woomera under extremely difficult circumstances and conditions. The asylum seeker issue is not just about our humanity and compassion: it is also about our trust and faith in our system of government.

There are many in recent times who perceive that the independence of our defence forces has been compromised, that our media has been effectively censored by government action, and that Australian people have been deliberately misled. There can be no more fundamental breach of trust between a government and the community. I believe that as a nation we have the capacity to do better and the public, in fact, deserves better.

One of the most fulfilling roles I have undertaken in my working life is the position of Secretary of the Australian Nursing Federation in South Australia. I was an official of the ANF in both appointed and elected positions for a total of 13 years. I have already indicated my strong respect and admiration for my colleagues in the nursing profession generally and for health care workers as a whole. It would be remiss of me if I was to fail to note the role of the ANF in my life and my personal development.

The ANF has been at the forefront of important changes in the health industry and in industrial relations in so many areas in the last 20 years particularly. Most important, the work of the ANF has seen nursing emerge in this century as a professional cornerstone of the health care system. Through its work, nursing as a profession has been redefined. Nurses are no longer viewed as doctors' handmaidens but as highly educated men and women—professionals in their own right.

Like the work of other unions, the importance of the ANF's role in the quality of working life and ensuring safe working conditions and in guaranteeing wage justice cannot be understated. Unions: where would we be without them? Like many other members in this place, I am exceptionally proud of my union background, and to the officials, staff and members of the ANF, let me record my gratitude and affection.

I also wish to publicly extend my gratitude to my friends and colleagues who supported me throughout my preselection and the election campaign. I would especially like to thank my husband Peter and my family for their unrelenting support and the sacrifices they were prepared to make to assist me in having the opportunity to stand before you today in this chamber.

I also want to pay tribute to the Australian Labor Party team for their tremendous efforts and support in the past and in particular throughout this last state campaign. I would like to congratulate my colleagues in both this and the other house on their success. Of course, I would like to particularly congratulate Premier Mike Rann in leading Labor to government. I note, too, with regret the many good candidates who will not join us in government in this term and who lost in sometimes exceptionally closely run contests.

The nation and our state are at crossroads. We live in a very uncertain world where issues such as sustainable economic growth and maintaining a clean environment have to be balanced with other responsibilities such as overcoming global poverty, securing international peace and guaranteeing social justice. It is all too easy to become disheartened by the enormity of the task. It is not surprising that some South Australians prefer to see themselves as a small population in a nation geographically far removed from many of these challenges.

But, there is a saying: if you are not part of the solution, then you are part of the problem. I believe that all my colleagues on the government benches and I are committed to finding solutions to the concerns we face in our state and additionally those in our national and international relationships. We have a big task ahead of us, and I am looking

forward to joining with members on both sides of the chamber in seizing the challenge before us. I commend the motion to the council.

The PRESIDENT: Before calling on the Hon. John Gazzola, I point out that he will be making his maiden speech, and I am sure honourable members will pay him the same courtesy in his efforts.

The Hon. J. GAZZOLA: I also second the motion for adoption of the Address in Reply. I, too, thank the Governor for her opening address to parliament. I join with the Governor in passing on condolences on the death of the Queen Mother. I would also like to acknowledge the traditional owners of this land, the Kaurna people.

I rise to address honourable members of the Legislative Council, to introduce myself and to outline my aspirations as a newly elected member. It is a great honour to be elected to the South Australian parliament and one that I gladly accept with respect and humility. On 5 March this year, several honourable members rose to offer their condolences to the families of former federal and state members of parliament who had recently passed away. I also wish to offer my condolences to the families and friends of Allan Burdon, Gil Langley, George Whitten, Geoffrey Virgo, Les Hart, Ralph Jacobi, John McLeay and Cathrine Brownbill. I had met only a few of them briefly, but I was impressed by the speeches of honourable members who outlined the contributions and services of those past members to the people of South Australia.

As a new member of the Legislative Council, I would also like to thank all honourable members for their warm, kind and at times good humoured welcomes to parliament. My observations lead me to believe that honourable members share the goal of ensuring that South Australia is a healthy, fair and safe place to live, work and play. But while we share the same goal, I acknowledge that our means of achieving this goal differ. We are directed by our own life experiences, education and ideologies and, while my approach to the governance of South Australia may not accord with yours, it is based on the belief in fairness and the right of all to move forward together, rather than the right of individual passage at the expense of the majority. These principles should, I believe, underpin all good legislation.

This attitude was instilled in me by my mother, father and family. My father, Beniamino, passed away in November last year. He was not a parliamentarian nor a public servant but he was a supportive and caring leader to his family, friends and colleagues. He never sought fame or fortune. He was, as many have described, a decent, hard-working, fun-loving bloke.

My father emigrated from Italy in 1937, arriving here poor and only 15 years old. Europe was politically disintegrating and the dark clouds of war were approaching. Fortunately, unlike refugees fleeing war and misery today, he was welcomed to Australia. He quickly established himself with the help of his older brother and sisters and came to love Australia, especially South Australia. Living with, or, more accurately, surviving drunken attacks from patrons of city hotels for being a new Australian, he learnt his new language and came to enjoy and love his new friends.

His values were simple and, to further introduce myself, I will share with you his maxims: never resort to violence or incite hatred to make a point; always join in and work hard; when you get a job, join the union; always vote Labor because they support workers, the exploited and the disadvantaged; and, finally, enjoy what you do. I accepted his advice and will pass it on to my young children, Henry and Ruby, who like their father will hopefully listen and benefit from it.

I assure honourable members and the people of South Australia that my input will be positive and of good intention. I will sometimes argue and disagree. I will consult and negotiate wherever possible, and I will do so without malice or disrespect. I also believe that, as leaders in our community, we owe the people who have entrusted us with the authority to represent them a good standard of government. I am concerned, however, at the suspicion, cynicism and resentment shown towards parliamentarians. According to popular opinion, we are held in the same degree of esteem as journalists, real estate and used car salesmen, and we will soon be joined, if we are not already, by banking and insurance executives.

It is only the efforts of public relations spin doctors that seem to stop the list from growing. I will play an active, positive and hopefully lengthy role in a Rann Labor government which will move to restore trust in politicians. Perhaps the reason why we are so disliked and distrusted is that we administer and preside over an economic system that is seen to be palpably unjust. There are fewer real jobs paying fair wages, denying many the opportunities to afford a healthy and comfortable lifestyle. A few in our community have manifest wealth, while the many have little. As we embrace global citizenship, politicians sell the community's assets and deregulate health, energy, telecommunication and transportation industries, because governments of the day succumb to the rhetoric of the free marketers, who endlessly bleat about the efficiency and productivity of the private sector.

Only the private sector, they claim, will deliver cheaper and more efficient goods and services. I am not convinced of the truth of these claims. I do note as an aside that increased productivity and efficiency usually means shedding jobs or paying workers less or, if you can get away with it, do both and, for good measure, charge more or cut services.

To support government intervention or regulation is often described as old fashioned or somewhat socialist or communist. Some economists have viewed such revisionary sympathisers as feeble intellects struggling to grasp the intricacies and nuances of contemporary economic theory. I support government intervention and regulation. Our community needs a government that will diligently and responsibly work for the well-being of everyone. I am pleased to be part of a Rann Labor government that will end privatisation, and I also share the Premier's view that we live in a community, not just an economy.

I welcome and am proud to be part of a Labor government that will be inclusive, open and accountable to the community. While the mooted code of conduct for parliamentarians is an important and welcome step, it will be our progressive, inclusive and fair agenda, our decisive action and sound legislation that will restore community confidence.

I often hear that we lack political leaders. Dunstan, Playford, Chifley and Curtin were politicians of the people, with a vision for the state and nation. They had the ability to bring people together to work for the common good. From this illustrious perspective I believe that history will judge Prime Minister Howard harshly over the handling of the economy and social issues. This same harsh judgment will also be reserved for state conservative coalition governments which embrace the Prime Minister's agenda.

The Howard government has divided the nation on so many important issues. Instead of unity we get division.

Where we need national leadership that encourages rational and open debate we get misinformation, censorship and secretiveness. The Howard government has divided the nation on industrial relations, the republic, the stolen generation, native title, reconciliation, health and education. When the litmus test of our values of tolerance and a fair go is under further scrutiny in the refugee crisis, our clear political and moral obligation is to pursue values and ideals that enhance our personal, national and international well-being and worth. The Prime Minister's obdurate and opportunistic stance on the refugee crisis is disconcerting and pragmatic. I hope that future leaders of conservative political parties abandon destructive, divisive, racist policies. As a South Australian I am saddened by the treatment of refugees and shamed by the policies that have driven this outcome.

In our state under the previous government our assets were sold, our commitment to schools and hospitals was cut and the environment was neglected while a sporting stadium, wine centre and beachside resorts were exampled as symbols of good government. South Australia lacked leadership and vision, and in this vacuum people turned to other heroes for direction and comfort. We cheered—and rightly so—when the Thunderbirds, Kevin Sweeney, Lleyton Hewitt, the 36ers the Crows, the great Port Adelaide, Adelaide City and the Redbacks won state, national or international titles, but by Monday it was back to political reality.

As a young man I was always proud that our state was a leader in education, health Aboriginal rights, gay and lesbian rights, industrial relations, the environment and the arts. If we are to regain our pre-eminent position there is much to be done. The Rann Labor government is committed to restoring pride in our state, and I was pleased to hear and read in the media that the Opposition will play a positive role in this regard. I was also glad to hear in this chamber that honourable members wish to assist rather than hinder or block the government.

In regard to my union and industrial background, I had the great honour of leading the Australian Services Union South Australian and Northern Territory branch. I commenced my union career while working as a clerk at the Australian Taxation Office in 1983. My experience of unionists over the past 20 years is that they are ordinary, decent workers seeking a fair go and a fair deal. I have always enjoyed assisting members to act collectively in pursuing their rights and claims. Too often unions are depicted as acting contrary to their members' wishes or to community prosperity and have been subject to the usual baseless anti-union campaigns by employers and governments. Unions are an important and necessary part of Australian history and will continue to play a significant and positive role. The constant in the Australian political landscape are the trade unions. Should we for one minute believe that unions are irrelevant, then we only need to ask why so much private and public money is spent on questioning and challenging their relevance and importance.

In regard to issues of probity, unions are the most regulated and scrutinised organisations in Australia. A union must register its rules under the annual auditing of financial statements and list its office holders with the federal and state industrial registries. They must be registered and comply with state and federal industrial acts of parliament. Unions must hold elections conducted by electoral commissions in accordance with the act and their registered rules. By comparison, if as much energy and financial resources were expended in regulating or investigating the private corporate sector, the taxpayer would not have to pick up the tab for corporate failures such as HIH, One.Tel and Ansett. At least 40 000 permanent and contracted workers lost their jobs and entitlements and, in many cases, their financial security. I am a proud trade unionist and will support union members in their fight for a fair go.

In conclusion, there are a number of supporters I wish to thank. First, I want to thank the staff and membership of the unions who have helped me along the way; in particular, the ALHMU, the UFU and of course the ASU. I acknowledge the friendship, guidance, patience and help from the respective union secretaries, Mark Butler, Mick Doyle and Anne McEwen. All are inspirational leaders. From the ASU, Helen Malby, a long serving committee member; the Assistant Secretary, Andy Dennard; Senior and Admin. Officers, Georgie Matches and Marg Adams; and organisers Daryl Payne and Paula Reid, who have been with me for the past 15 or so years, are also deserving of special mention. I must also thank Harry Krantz, a former FCU Secretary, for his leadership. Harry is acknowledged and respected as the individual who built the Federated Clerks Union in South Australia. Former comrades in Victoria and Queensland, Gaye Yuille and Chris Woods respectively, and current interstate ASU leaders, Martin Foley and Linda White, are others equally worthy of mention.

Although I consider all ASU workplace representatives as exceptional leaders in the workplace, I need to mention in particular Maureen McLean and Adrian Iziercich from Ansett who, you can imagine, have gone through a lot over the past 12 months. TAB representatives Maxine Winkley, Mary Latty and Helen Mordowicz are also appreciated for their courage, wisdom and patience. Current federal members of parliament, Lindsay Tanner, Alan Griffiths and Nick Bolkus, are thanked for their support and willingness to share experiences and knowledge. Former members of this chamber, the Hons Carolyn Pickles and George Weatherill, who have both provided me with a form guide on most honourable members opposite, which I am sure will be a valuable resource, are also acknowledged. Another thank you goes to the ALP membership for my preselection and to the Hons Paul Holloway and Carmel Zollo for their assistance since my election. To the Hon. Patrick Conlon and Paul Caica I owe many thanks for their wisdom and support, friendship, good humour and fishing tips.

Thank you to the Port Adelaide Football Club for all and continuing bragging rights. Penultimately, I must also mention my friends with whom I have been through thick and thin from school days; my family for their support, love and understanding; and Gwenda, my wife, for her tolerance, patience and love over the last 20 years and for the care of our beautiful children, Henry and Ruby. Finally, to the people of South Australia, most of whom I have just named, I will try hard not to let you down.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

STATUTES AMENDMENT (GAMING MACHINE REGULATION—BETTING RATE) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

It seeks to reduce the maximum rate of betting on a poker machine, either in the Casino or in hotels and clubs, to $5 per minute. The Productivity Commission report into Australia's gambling industries, which was released some 2½ years ago, reported that Australia had 21 per cent of the world's high intensity poker machines, which is quite an extraordinary figure when you consider that Australia has something like one-third of 1 per cent of the world's population. We also note from the Productivity Commission's report that, in terms of the 290 000 problem gamblers in Australia, each lost an average of $12 000 per annum—and that was some 2½ years ago. I would hazard a guess that the figure would be appreciably higher now—that between 65 and 80 per cent of those problem gamblers had a problem with poker machines. Reports prepared in South Australia, including the SA Centre for Economic Studies report for the Provincial Cities Association, estimate that in excess of 20 000 South Australians have a gambling problem because of poker machines. The rate of loss, the high intensity of play, the repetitive nature of play and the design of the machines are significant factors in this level of addiction.

The Productivity Commission report also found, quite significantly, that, in relation to poker machine losses, 42.3 per cent of those losses were derived from problem gamblers. There is quite a marked difference in relation to other forms of gambling: 5.7 per cent for lotteries; some 19 per cent for Keno; and some 33 per cent for wagering. So, clearly, there is a significant problem in relation to the safety of these machines in terms of the impact they have on individuals. This bill seeks to reduce the rate of loss by regulating the level of betting so that it is no more than $5 an hour.

In their book *Wanna Bet? Winners and Losers in Gambling's Luck Myth*, Reverend Tim Costello and Royce Millar referred to their research, which shows that the maximum average rate of loss per hour for Australian poker machines, in Australian dollars, is $720 per hour compared to $156 per hour for New Zealand machines outside casinos, $130 for UK machines, $52 for Japanese machines and $705 for US machines. They also make the point that, in terms of accessibility to poker machines, Australia clearly is a world leader, a record of which we should not be proud.

The Productivity Commission, in its own research, in terms of the expected hourly losses on the 'cash chameleon' machine, refers to the fact that, for instance, where there is a player return of some 87.78 per cent, if the machine was being played at 25 credits per 20 lines, the expected hourly loss would be $879.84. Over the years I have spoken to many problem gamblers whose rate of loss per hour has been in the hundreds of dollars, if not thousands of dollars in extreme cases, because of their gambling problem, where they have bet at a maximum rate, where they have not received the expected average return over a two or three hour period, and where they have lost several thousand dollars.

What this bill proposes to do is really quite consistent with the—

The PRESIDENT: Order! I am having difficulty in hearing the speaker because there is a high level of audible conversation in the chamber.

The Hon. NICK XENOPHON: What this bill proposes to do is really very much in keeping with the intent of the poker machine industry. In 1992, David Bevan, a reporter for the *Advertiser*, in an article headed 'Maker lashes concern over "addiction"', referred to remarks by Mr John Bowly, the Market Development Manager for Aristocrat Leisure Industries, one of the largest manufacturers of poker machines in Australia with some 60-plus per cent of the market, who said:

> How can you say taking $20 down to a local club is gambling?

He went on to say that playing these machines was entertainment, not gambling. He said:

> Gambling is when you go in with a couple of hundred bucks and you are wiped out or win.

He also denied that these machines were a more addictive form of gambling. Mr Bowly said:

> It would take you a month of Sundays to lose $100 on these things.

We now know that $100 can be lost not in a month of Sundays, not on one Sunday but in a matter of minutes.

The Liquor Administration Board of New South Wales, in a very comprehensive report entitled 'Gambling harm minimisation and responsible conduct of gambling activities review of the board's technical standards for gaming machines and subsidiary equipment in New South Wales', which was released some 18 months ago, recommended a package of measures: to reduce the rate of loss by slowing the rate of play by some 43 per cent, typically from 3.5 seconds to five seconds; to reduce the maximum bet by 90 per cent, that is, from $10 to $1; and a number of other measures, such as removal of auto gamble and play-through capabilities.

We have dealt with at least one of those measures—the removal of auto play—although its implementation has been less than satisfactory. I hope that the new gambling minister, Mr Hill, deals with that issue. I have written to him about this issue and he has provided me with a fairly comprehensive response. The Liquor Administration Board also recommended providing breaks after significant wins, with the requirement for an informed decision to be made to cash out or play on.

Sadly, the Carr government backed away from these reforms in terms of reducing bets. In an article in the *Sydney Morning Herald* of 7 March 2002, it backed down from that reform in relation to research, apparently commissioned by the gambling industry, where there were concerns about the economic impact on the industry. When considering the social impact of poker machines, there are those who say that it is a form of entertainment. Recreational gamblers—those who have the $10 flutter—would not be affected by this amendment, but it would make a very appreciable difference to those who have a severe gambling problem.

I urge all members to support this bill. It would mean, I believe, a very significant reduction in the level of gambling addiction in the community. It would mean a very significant reduction in the number of individuals who front up to welfare agencies in our community because they have lost their savings, in some cases their homes, because of gambling addiction. If we are talking about poker machines being a form of entertainment on a par with other forms of entertainment such as going to the cinema, theatre or out to dinner, then the average rate of loss based on this proposal would be something in the order of $35 to $40 per hour.

I urge members to support this particular bill, at least to consider the ramifications it will have on those in the community who have been severely impacted by gambling addiction and, on the flip side, that this bill will not impact on those individuals who, members remind me, are recreational gamblers who only have the occasional flutter.

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

STATUES AMENDMENT (GAMING MACHINE REGULATION—ALCOHOL) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill now be read a second time.

Over the past four years this chamber has dealt with the issue of intoxication and the link between intoxication and gambling. I remember many an hour spent in debating some of the clauses I introduced in the context of the Casino Bill and the questions that the Hon. Rob Lucas asked me, as well as other members, in relation to that and I think that—

The Hon. R.I. Lucas: Have you got any answers yet?

The Hon. NICK XENOPHON: The Hon. Rob Lucas asks whether I have got any answers. I say that I thought I provided the answers a number of years ago, but the Hon. Rob Lucas and others may not have fully accepted those answers, although there seemed to be some consensus at the end of the day that something had to done about the link between intoxication and gambling. Members may be aware of a case currently before the New South Wales Supreme Court of Preston v. Star City Casino where Mr Preston has claimed that a substantial proportion of his $3 million in gambling losses were due to the fact that he was intoxicated whilst gambling at the casino.

In previous bills before this chamber my approach has been to say that no food or beverages ought to be consumed within the poker machine area—

The Hon. R.I. Lucas: Not even Lifesavers.

The Hon. NICK XENOPHON: The Hon. Rob Lucas makes light of that, but I do note that the intention of the previous bills was to make the point that giving gamblers, particularly problem gamblers, a break from play so that they consume food and beverages outside the poker machine area, in many cases, would provide a valuable break. This is the feedback I have had on many occasions from gambling counsellors. However, this bill is much simpler and something that I hope would at least provide a break for players. What this bill proposes to do is to make it a condition of the casino licence that the licensee must not provide or offer to provide a person with an alcoholic beverage while that person is at or in the immediate vicinity of the gaming machine; and in relation to the Gaming Machines Act—because the area is defined in terms of the gaming machine area—not to provide a person with an alcoholic beverage within the gaming area on the licensed premises.

So, the approach is different. In other words, it is simply saying that, if someone is going to have a drink, that it cannot be served to them on a platter, they have to, in a sense, step outside the area where they are playing and get it from the bar. Why is this important? On a number of occasions previously I have referred to the research of Andrew Kyngdon and Professor Mark Dickerson who in 1999 prepared a research report which appeared in the publication 'Addiction'. They carried out this research whilst at the Australian Institute for Gambling Research at the University of Western Sydney Macarthur.

Professor Mark Dickerson is an academic and researcher who has done work previously for the gambling industry. He has done consultancy work for Tattersalls. Under no stretch of the imagination could he be considered to be anti gambling in his approach. This report headed 'An experimental study on the effect of prior alcohol consumption on a simulated gambling activity' essentially says that where individuals are consuming increased amounts of alcohol, the level of time that they spend playing machines is increased. The report, which is quite lengthy, sets out the placebos, the trials and the sources of variation and essentially says that alcohol therefore may both influence the probability of the start of a playing session and the continuation of a session once started.

The report also makes reference to a survey of the general population in New Zealand using the World Health Organisation's alcohol use disorders test and that both the researchers Abbot and Volberg found that 46 per cent of problem gamblers and 64 per cent of gamblers fulfilling criteria for pathological gambling consumed harmful amounts of alcohol. Essentially, the report concluded that, whilst there was only one experimental study in relation to this particular issue, there were vexed issues about the link between alcohol consumption and problem gambling behaviour. The information I have received from gambling counsellors over the years and most recently today from Mr Vin Glen from the Adelaide Central Mission is that they are concerned about the link between the two in terms of the easy access to alcohol in gambling venues, particularly poker machine venues, and the impact that can have on problem gambling behaviour—

The Hon. Ian Gilfillan interjecting:

The Hon. NICK XENOPHON: I have seen a number of individuals. Of course, this does not obviate the need to deal with the issue of intoxication, and I know that is something that has been looked at in this place and it may well be revisited again. This bill deals with a discrete issue: given the research that has been carried out and given the concern of gambling counsellors, should alcohol be served within the gaming machine area within the casino and the immediate vicinity where machines are being played. It simply requires those players to go to the bar, have a short break and, in a sense, hopefully make an informed decision about whether or not they continue to play.

I believe that this bill is consistent with the new government's approach announced in Her Excellency's speech to minimise the harm caused by gambling. At least this would not be a radical measure, but I believe it would make a difference for a number of individuals who have a severe problem with gambling or who could develop a severe problem with gambling. In terms of inconvenience to recreational players, I believe the inconvenience would be minimal and I also believe that recreational players who do not have a problem will understand that the clause in this bill is intended to assist those who have developed severe gambling problems and that, on balance, it is an inconvenience and, if it is an inconvenience at all, that it is minor and inconsequential when you compare it with the potential benefits in terms of fewer people being hurt. I commend the bill.

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

DIGNITY IN DYING BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of patients who are

hopelessly ill and who have expressed a desire for the procedures subject to appropriate safeguards. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

I introduced a bill almost identical to this one last year, and it is with pride that I introduce it in this new parliament. However, I also experience a degree of frustration that it is necessary, and that is because three earlier bills have not succeeded. We had the Quirke bill in 1995, the Levy bill, which was referred to a committee, in 1997, and then my Dignity in Dying bill which was introduced in both houses in March 2001.

I care passionately about the right for people to choose to die with dignity. It is because of causes such as this that I am back in parliament again for another term. This bill would allow competent adults, who are hopelessly ill, the right to access medical assistance to end their life. It would be accessed by the person making a request, either with an advanced directive or current request. I will walk members through the process of the current request so that everyone is clear about what is involved.

The right to legally make the request is about all this bill ultimately guarantees because there are a minimum of 12 compulsory hoops through which a person has to jump before voluntary euthanasia can occur.

Step 1: the patient must ask their treating doctor to assist them to end their life, but they cannot move on to step 2 if the treating doctor does not agree to assist. If that agreement is not gained, step 1 will have to be repeated, perhaps many times, until such time as a willing doctor is found.

Step 2: the consenting doctor must fully inform the patient of the prognosis of the condition and the options available—of course, if the doctor does not know all those then even that can be a delayed process.

Step 3: this is an optional step, although I predict many doctors would not move on to step 4 without it occurring, and that is consulting a palliative care specialist. I suspect that this would become a matter of course in the metropolitan area but, because South Australia's six palliative care specialists are all based in the metropolitan area, it would be unfair to rural people to make this an obligatory step.

Step 4: the ill person must find two witnesses.

Step 5: the ill person must organise for those two witnesses to be present at a consultation with the treating doctor, during which time the person should fill out the form requesting voluntary euthanasia and the witnesses should sign it.

Step 6: the treating doctor must also sign the form stating that all the information required by this legislation has been given to the patient.

Step 7: the treating doctor must then further examine the patient to determine if there are any signs of treatable clinical depression.

Step 8: at this point the doctor may seek advice from a psychiatrist if so desired. I have deliberately kept this as an optional step. As with the issue of consulting a palliative care specialist, with but one exception there are no psychiatrists practising in regional South Australia; making this provision mandatory would discriminate against people living in rural areas, but the option is there to protect the treating doctor should they have any doubts about the patient's mental state.

Step 9: having satisfied him or herself that the patient has no treatable clinical depression, the doctor must sign a form which states this.

Step 10: the treating doctor must then find another doctor who is not involved in the day to day treatment of that patient. As with step 1, this is not necessarily guaranteed to happen easily but, once achieved, we can again move on.

Step 11: requires the new doctor to also examine the patient, which probably means a new appointment being arranged, with all the delays involved with that.

Step 12: the new doctor must also sign a certificate of confirmation giving the all clear for treatable clinical depression. At this point the patient will have seen a minimum of two doctors or, if the optional steps have been included, four doctors.

Step 13: a 48-hour cooling-off period comes into effect.

Step 14: the doctor who has consented to assist the person to die must ask that person sometime after the 48 hours has elapsed if they are still resolute in their decision to end their life.

Step 15: only at this point can voluntary euthanasia be administered. I stress that 48 hours is the absolute minimum time from step 12 to step 15—the administration of euthanasia. This does not take into account the time taken to achieve steps 1 to 11.

I would seriously doubt that all of these steps could be successfully undertaken in less than 48 hours: to the contrary, I suspect that it would take days, even weeks, to get to step 12. Remember, if the person requesting voluntary euthanasia is less than 18 years of age, they are not eligible; if they are not mentally competent, they are not eligible.

I would also remind members that the person must be hopelessly ill when they make a current request, so it is likely that the person will be bedridden, perhaps not able to use a telephone to contact people, may have lost their sight, may be suffering intractable pain or be nauseous, vomiting or incontinent during the process. I ask members to please try and put themselves in that position when looking at this process. It would be an exhausting one for someone in those circumstances and, potentially, also very frustrating.

The opponents of my previous bill argued that it was dangerous because it allowed a hopelessly ill person to seek to end their life. With the previous bill there were those who argued that someone might seek to end their life because a relationship had broken down, they had lost their hair or become infertile. I would like to think that such assertions were made facetiously, because surely those who suggested such things, both inside and outside the parliament, would not believe that any doctor in this state, let alone up to four doctors, would comply with such a request for such a reason.

If the opponents had looked at my bill properly, they would have very quickly understood that a patient giving these reasons would not get past step one of the process, let alone get any doctor to sign the necessary forms. We must remember, too, that under this legislation all the forms must be forwarded to the State Coroner.

Let me talk about what 'hopelessly ill' really does mean. It does not necessarily mean terminally ill. For most terminally ill people, the pain relief and the palliative care that is available through our health system are adequate. However, a small percentage of the terminally ill may also be hopelessly ill. On each of the occasions when I have spoken in support of legal voluntary euthanasia, I have given examples of people who are hopelessly ill. Today I will give two exam-

ples, one being someone who is still alive and the other someone who is now, mercifully, dead.

The woman who is still alive is hopelessly ill. She is not terminally ill, and that is part of the horror of her condition. I am not at liberty to give the council the details of her condition because she is still alive and it might identify her. However, I can tell the council that she is a highly intelligent professional woman in her mid fifties who will in the near future most likely be admitted to a nursing home in which she will spend the next 20 or more years of her life, bed bound, racked with pain, possibly blind, dependent on others for feeding and toileting and surrounded by others who have become simple minded.

I ask each MP here—all of you, with intelligent, active, inquiring minds—to try to imagine yourself in that position, of being totally dependent, unable to take yourself out of bed to go to the toilet, and having a mind that is crystal clear yet unable to gain any mental stimulation. You might not even be able to read a book to break the mental tedium because of deteriorating sight and, even if your sight were okay, you might be unable to hold a book because of the tenosynovitis in your hands and the cysts on your hands. You might always be in pain, and that could last for 20 or more years. That could be the case with this woman, as she has a strong heart despite all the other things that are wrong with her.

Because her condition is not terminal, palliative care is not available. Surgery is not an option, and the pain clinic has not been able to find a suitable chemical formulation that will relieve her pain. This woman has attempted suicide once and will attempt it again while she still has some mobility left. I hope for her sake that the next suicide attempt will be successful unless she can find a sympathetic doctor willing to give her an overdose of morphine before then. I want all the MPs in this place who aim to oppose this bill to place on the record why this woman should be condemned to live. She will be very interested to hear your reasons, and perhaps when we get to the committee stage I can tell each of you what she thinks of your reasons.

The second example is a man called Rex. His wife spoke to the Social Development Committee a few years ago when we conducted an inquiry into voluntary euthanasia. Rex was diagnosed out of the blue with prostate cancer which had already attacked his spine, and over the course of a decade the cancer spread. As the cancer spread, Rex needed pain relief. Unfortunately for him, he was not able to tolerate morphine, because it made him retch and vomit.

A radiotherapy specialist at St Andrews Hospital and doctors at the pain clinic at RAH and the Modbury hospice all told him that, despite this reaction, it was the only pain reducing option they could give him. So they gave him anti-nausea medication to take with it, but it did not stop the appalling nausea. Of course, this made it difficult for him to hold down food, and by the time he died he weighed just 30 kilograms. What was now bone cancer affected even his skull and, for most of the last year of his life, every square centimetre of his body was painful to the touch. His wife told us:

> I could not even hug him or touch him because he hurt everywhere, and this was a cause of great sorrow to him as he was a very loving, affectionate person.

Again, I invite members of this chamber to place yourself in that man's position where you could not even be hugged or caressed. Most of you would find that alone untenable without any other symptoms.

As Rex wasted away he was not able to turn himself over in bed and needed others to do it for him. Imagine the excruciating pain he must have felt, too, as people moved him around in his bed. Towards the end of his life, when he was being turned over in his bed, he put out a hand to steady himself and broke a collarbone and two ribs, and had to be readmitted to hospital. He explicitly asked nursing and medical staff on a number of occasions to help him end his life. For those who claim that palliative care is the answer, I quote from the evidence given to the Social Development Committee to show the limitations imposed by Medicare, as follows:

> For both Modbury and Mary Potter Hospices, 32 days is the maximum time. If the patient does not die quickly, as was the case with my husband, the spouse has to care for the patient at home, with totally inadequate home nursing help . . . or a nursing home placement has to be found. None of those alternatives provides the 24 hours a day care needed by a terminally ill person. I was made to feel guilty because I could not, would not, care for my dying husband at home. I am not a nurse and could not provide anywhere near the quality and constant 24-hour a day care needed. I tried on one occasion with disastrous consequences.

Rex had been a very active, outgoing and independent man, and he hated the dependence now forced upon him.

His wife told us:

> He would say to me that he did not want me to have to do everything for him. I could see it in his eyes that every time the nurses came to attend to him for all his personal needs, he hated it. It was the indignity, all the horrible things that are associated with dying—visitors coming to you and you are busy throwing up because of the morphine.

How did he die? I will quote from his wife:

> They knocked him out so that, for the last two or three days of his life, he was mainly unconscious.

Members may be aware that the medical profession calls it pharmacological oblivion but Rex had not wanted it. As his wife said, what is the point of that? I ask that same question of those members who intend to vote against this legislation.

It is very clear from examples like those what 'hopelessly ill' means. However, because of the mischievous or perhaps merely ill-informed interpretation placed on these words by opponents of the bill last time, I have altered the definition of clause 3 by adding the words 'and there is no realistic chance of clinical improvement'. It is so easy to resort to the glib statement that palliative care can provide the solutions, that pain can be managed. However, if one's condition is not terminal, palliative care is simply not available. As for pain management, no matter how bad your pain is, if your condition has not been diagnosed as terminal, at the Royal Adelaide Hospital at present one has to wait at least four months before even getting an initial appointment with its pain management clinic.

When I introduced this bill last year and the inevitable lobbying against the bill started, I received a letter from an elderly couple who told me that, if parliament continues to prevent the passage of legal voluntary euthanasia, they would be taking the step of ending their own lives while they can at a time when they do not need to, in anticipation of a time when they might have to but may not have the means at their disposal. Those who choose to vote against this bill must understand that. A consequence of their opposition is people committing suicide—perhaps needlessly—most certainly ahead of time because legal voluntary euthanasia is denied them.

It is salutary to look at the methods used by the elderly to kill themselves. For people aged 75 and over whose death

certificates record them as having committed suicide in the five year period between 1990 and 1994, the Bureau of Statistics figures revealed the most common method is hanging, followed by the use of firearms, then carbon monoxide poisoning and then suffocation by plastic.

I ask the people who oppose legal voluntary euthanasia to explain, for posterity's sake, why they prefer people to hang themselves, or shoot themselves, rather than allowing a doctor to give a lethal injection so that the person dies peacefully and not bloodily. Those people wanting to prevent legal voluntary euthanasia wish to deny access to a peaceful and legal means of ending life, but they should be very aware that they will bear a partial responsibility for similar violent deaths which will occur in the future in South Australia if this legislation is not passed.

Those who choose to vote against this bill must also understand that, in the case of people who develop motor neurone disease, you are effectively saying, 'I condemn you to choke to death,' because that is the fate of everyone who develops MND. The only other legal option for them is pharmacological oblivion. What, I ask, is achieved by that? Is that life?

When people are denied the right to legal voluntary euthanasia, which is the state of play almost everywhere in the world, some of them will make the choice of suicide which forces them to act covertly in order to find the means to bring it about and the appropriate time to take the action when they know that members of their family will not be present. They have to pretend to their families; they have to be secretive; they have to be dishonest. How unfortunate that they are put in that position.

Throughout this speech I have asked the members who intend to vote against this legislation a number of questions. It is my challenge to them to answer those questions, and I look forward very much to hearing those answers. But when you answer the questions, please do not insult me or the supporters of voluntary euthanasia or hopelessly ill people by saying that they must endure their agony and horror because of the possibility, the mere possibility, that someone might be bumped off against their will. That can be done now without any voluntary euthanasia legislation to assist in the task.

There is much more that I could say, but I will leave that to my response at the end of the second reading debate. I conclude my speech by quoting from a speech made last year by my colleague the Hon. Ian Gilfillan on prostitution law reform. I quote it because I believe that it equally applies to voluntary euthanasia. He may disagree and he will have the opportunity to argue that later. This is the quote from Ian Gilfillan on which I finish:

> It is important that we recognise that we do not have a divine right to arbitrate on what is morally right or wrong. It is important that we acknowledge that the activity is going on. We are obliged to acknowledge that and, where we can, put in place legislation to protect and regulate so that it is in the least objectionable form in our community.

I commend this bill very strongly to the council.

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

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That unless otherwise ordered, for the duration of this session—

1. The council meets for the dispatch of business on Monday at 2.15 p.m.; and
2. Government business shall on Mondays be entitled to take precedence on the *Notice Paper* of all other business.

This sessional order is necessary in order to alleviate the need at the conclusion of sittings on a Thursday for an adjournment motion to enable the council to sit on Mondays for the duration of this session. Members would be aware that it is the policy of the new government to increase the number of sitting days to 69 in a full year. Of course, a pro rata number has been set for this year, given the rather late start that we had because of the election and the lengthy delay leading up to the installation of the new government.

The government has decided that we will have a four-day week to enable us to meet the requirement of increased sitting days while still allowing some flexibility for members to be able to do the other business that is required during the year. We believe that that is the most sensible method to adopt. I note that four-day weeks are common in other parliaments. For example, the commonwealth parliament some years ago moved to sitting an increased number of days during the week to provide greater flexibility.

In moving this motion, I do concede that, at least on face value, it may alter the balance between private members' business and government business, and there may be the need for some time to be devoted to private members' business on the other three days of the week. I do notice that during the last parliament some flexibility was shown in this matter. I recall that we often dealt with private members' business on a Thursday morning or at some other times to fit in with the needs there, and I concede that there might be a need for similar flexibility to be shown in this session. I would hope and expect that this will continue. I commend the motion to the council.

The Hon. R.I. LUCAS (Leader of the Opposition): The Liberal Party in the Legislative Council will not oppose the motion but I have to place on the public record some concerns about a number of aspects of this particular debate. I must say that, as a member of the Legislative Council, and like most members of parliament in both houses, I very much resent the media-inspired notion, in some cases aided and abetted by the odd member of parliament in either house of parliament, that the only time that members of parliament work are the either 69 or 49 days that the parliament actually sits.

There are actually 365 days in the year and, as most members around this chamber this evening would know, members of parliament work virtually seven days a week. Depending on their roles, whether they be in government or opposition, frontbench or backbench, it will be to varying degrees. I do not know too many people who come into parliament for the easy life. I say that with respect to both sides of the house, including hard-working Independent colleagues or non-major party colleagues represented in this council and the other house as well.

I think the Hon. Mr Gazzola earlier referred to the low esteem in which members of parliament are held. As I said, I very much resent what I believe was a media-inspired notion, aided and abetted by some in the parliamentary arena. I repeat: the notion that the only time members of parliament work is when they sit in this parliament is a nonsense. All who sit in this council and the other house will understand that as well.

The other aspect I would note in relation to this is that, certainly from my personal viewpoint, if it is the majority view, as it appears to be, to have greater accountability of the executive arm of government, that really is achieved by spreading the sitting weeks through a year rather than, as proposed by this particular motion, continuing to limit the number of sitting weeks to approximately just 17 in the sitting year rather than 23.

As I understand it, we have already seen a notice from the Government Whip in the upper house indicating that the practice that the previous government instituted of sitting on Thursday mornings has now been cancelled by this government. So, the two hour session that the previous government put in place for Thursday mornings has, in essence, now just been transferred to Monday afternoons. Mark my words; let us check them at the end of the year and see how long the Monday and Thursday afternoon sessions have gone under this government. There will be the obligatory question time and a relatively modest amount of sitting time on Monday and Thursday.

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: It might have been a sessional order, but it was actually a practice instituted by the previous government and supported by my colleagues and me to enable, as the Hon. Mr Holloway has indicated, not always but by and large an opportunity for private members' time and government business to be done—

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: Well, you can, but at this stage it has not been. All I am saying is that this is really just a facade and that we will have two to three hours on a Monday afternoon instead of two hours on a Thursday morning. That is all that has occurred. It may well make certain members of parliament delighted that their great parliamentary reforms have been achieved, but they do not really realise what goes on. They are played on a break by experienced practitioners in the houses of parliament. They think they have achieved a significant parliamentary reform but, certainly in relation to the Legislative Council—I cannot speak with great definition about the operations of the House of Assembly—when we compare this session with the last sessions of the last parliament in this chamber, all we are seeing is the transfer of a couple of hours from Thursday morning to two to three hours on a Monday afternoon.

That said, Liberal members in this chamber will not oppose this great parliamentary reform that has been instituted. We will 'suck it and see', if I can use a colloquial expression. I guess I take the Hon. Mr Holloway at his word that the government will look with flexibility at the reforms the previous government instituted to allow greater opportunities for private members' time to be used during the sitting week, albeit that on that occasion it was only a three day sitting week.

Motion carried.

BEVERLEY MINE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement relating to the investigative team into the Beverley uranium spills made earlier today by my colleague the Minister for Environment and Conservation.

CITIZENS' RIGHT OF REPLY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That, during the present session, the council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated into *Hansard*—

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—
   (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
   (b) requesting that his or her response be incorporated into *Hansard*.
2. The President shall consider the submission as soon as practicable.
3. The President shall reject any submission that is not made within a reasonable time.
4. If the President has not rejected the submission under clause 3, the President shall give notice of the submission to the member who referred in the council to the person who has made the submission.
5. In considering the submission, the President—
   (a) may confer with the person who made the submission;
   (b) may confer with any member;
   (c) must confer with the member who referred in the council to the person who has made the submission;
   but
   (d) may not take any evidence;
   (e) may not judge the truth of any statement made in the council or the submission.
6. If the President is of the opinion that—
   (a) the submission is trivial, frivolous, vexatious or offensive in character; or
   (b) the submission is not made in good faith; or
   (c) the submission has not been made within a reasonable time; or
   (d) the submission misrepresents the statements made by the member; or
   (e) there is some other good reason not to grant the request to incorporate a response into *Hansard*,
   the President shall refuse the request and inform the person who made it of the President's decision.
7. The President shall not be obliged to inform the council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.
8. Unless the President refuses the request on one or more of the grounds set out in paragraph 5 of this resolution, the President shall report to the council that, in the President's opinion, the response in terms agreed between him and the person making the request should be incorporated into *Hansard* and the response shall thereupon be incorporated into *Hansard*.
9. A response—
   (a) must be succinct and strictly relevant to the question in issue;
   (b) must not contain anything offensive in character;
   (c) must not contain any matter the publication of which would have the effect of—
      (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph 1 of this resolution, or
      (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
      (iii) unreasonably aggravating any situation or circumstance,
   and

(d) must not contain any matter the publication of which might prejudice—
(i) the investigation of any alleged criminal offence,
(ii) the fair trial of any current or pending criminal proceedings, or
(iii) any civil proceedings in any court or tribunal.

10. In this resolution—
(a) 'person' includes a corporation of any type and an unincorporated association;
(b) 'Member' includes a former member of the Legislative Council.

Essentially, this motion is in the same form as that moved by the previous Attorney-General, Trevor Griffin, back in March last year. Similar motions were passed on 25 March 1999 and 26 October 1999. There were some slight changes to the motion that was moved by the previous Attorney-General in March last year; I think they were improvements that were based on experience in relation to this motion.

Most other parliaments within Australia allow for a right of reply to any citizen who believes that they have been misrepresented or maligned in some way during debate in parliaments. This motion simply seeks to give that right of reply to a person who believes they have been maligned in some way during debate in the Legislative Council.

During the time that the sessional order has been in place since March 1999 I understand there have been two requests—one was granted and one was refused—in relation to the right of reply. So, it is not a matter that comes up on a great number of occasions, but I believe it is an important part of the democratic system that we at least recognise that people who might be maligned here under parliamentary privilege should have the right to have their side of the story put on record, provided, of course, that it complies with the very sensible guidelines that are set out in the motion.

One other point I might make is that it is of interest that, at the time when the Legislative Council adopted a right of reply, the House of Assembly did not see fit to do so. I am not sure what action will be taken there, but I think it is to the credit of the Legislative Council that it established that right of reply. I would ask members to support this motion as soon as possible so that that right of reply can be established as soon as possible and so that, should the need arise, the public will have that protection. I ask the House to support the motion.

The Hon. R.D. LAWSON: I indicate that the opposition—the Liberal Party—supports this motion and commends the minister for bringing forward this sessional order which, as he says, is in identical terms to that adopted initially in March 1999. It was subsequently slightly amended, but the language of the current motion is in precisely the same terms as that which was adopted as a sessional order last year. I think it is worth saying that this is a good initiative, as the minister mentioned, although the opportunity presented by this sessional order has been availed of on only two occasions. On one such occasion the President approved the publication of a response in *Hansard* and on the other he refused that application, for reasons which were, with the greatest of respect to that President, very sound.

It is important to say that, although this is often described as a 'right of reply', this sessional order really supports an opportunity for reply. Before this council adopted this measure it was not easily possible for someone whose reputation had been adversely affected by a statement by a member in the council to have some response put on the public record. The Senate in Australia adopted a similar type of procedure in the late 1980s in the Senate and over the years the House of Representatives have published a number of replies. In the federal parliament, a committee of the relevant chamber is appointed for the purpose of considering these matters and granting or refusing requests.

In our chamber we have resolved previously and will resolve in this sessional order to place that heavy responsibility on you as President. I think it is a heavy responsibility and the sessional order makes clear that the opportunity is limited, and those limitations and conditions are stipulated in clause 1. Not everyone who might for some trivial reason feel that they do not agree with something that was said by a member of parliament can come to the President and ask for a response to be published. It must be something which seriously and adversely affects their reputation; it must injure them in the profession, occupation or trade; or in the holding of an office or in respect of some financial credit or other status; or his or her privacy has been unreasonably invaded.

So, it is a wide description, but there are limitations upon it. A process is laid down which gives natural justice to the individual concerned but also ensures that this process is not abused and that the process cannot be used for the purpose of berating members of parliament. It provides protections: submissions cannot be trivial, frivolous, vexatious or offensive and they must be made within a reasonable time. I think that one of the cases that have come before the Legislative Council was a request made many years after the original statements were made. Our sessional order requires you, Mr President, to take that into account when deciding whether or not a response will be published.

I mentioned also that the response must be succinct and strictly relevant to the question in issue. Most members of parliament realise that many people who complain about what is said about them in parliament can be very long-winded and discursive in the way in which they would seek to justify their position, and it is important that the response be succinct and relevant to the question in issue. With those brief remarks I add that the opposition commends the minister for bringing forward the sessional order at the beginning of the session, and we wholeheartedly support the adoption of this measure, which was originally an initiative of the Hon. Trevor Griffin in the previous parliament.

The Hon. IAN GILFILLAN: I simply put on the record that the Democrats wholeheartedly support this motion.

Motion carried.

ADJOURNMENT

At 9.26 p.m. the council adjourned until Thursday 9 May at 2.15 p.m.