

## LEGISLATIVE COUNCIL

Tuesday 14 May 2002

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

### PAPERS TABLED

The following papers were laid on the table:

By the President—

Corporation and District Council reports, 2000-01—  
Barunga West, Charles Sturt, Light, Norwood,  
Payneham and St Peters, Playford and Port Pirie

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Aboriginal Lands Trust—Report, 2000-01  
Regulations under the following Acts—  
Harbors and Navigation Act 1993—Time Extension  
Liquor Licensing Act 1997—Dry Areas—Wattle Park  
Trade Measurement Act 1993—  
Glass Measure  
Units.

### TEACHERS, ENTERPRISE BARGAIN

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I seek leave to make a ministerial statement in relation to the availability of necessary funding for the teachers' enterprise bargaining agreement negotiations. This statement will also be made in another place by my colleague the Treasurer.

Leave granted.

**The Hon. P. HOLLOWAY:** The statement is as follows:

I was unaware of the 21 December minute from the Under Treasurer to the former treasurer—

and he thanks the member for bringing its existence to his attention—

I will elaborate on this point further towards the conclusion of this statement.

Indeed, I was pleased that the member quoted from a document, as it served to emphasise the point—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Mr President, there appears to be a lot of mirth about this, but—

**The PRESIDENT:** Let's not deride magnanimity.

**The Hon. P. HOLLOWAY:**—I hope that my colleagues opposite will be interested in this. I am sure that the Hon. Mike Elliot will be interested in this statement I am reading from the Treasurer, because he asked a question on it yesterday and that is why I think it is important that the answer be given. The statement continues:

As I have previously acknowledged in an answer to a question on 8 May 2002, there has been a contingency amount set aside to fund the teachers' enterprise bargaining agreement factored into the Liberal government's last budget in May 2001. This includes a small but insufficient contingency held in the Department of Treasury and Finance of 1.5 per cent, together with an even smaller and still insufficient allocation within the Department for Education, Training and Employment.

Given the history of overspending in the Department for Education, Training and Employment, I am cautious about relying on these amounts. I will remind the house of the most recent financial history of the department: 1999-2000 overspent by \$47 million; 2000-2001, overspent by \$20 million; 2001-2002, projected over expenditure of approximately \$37 million.

That is \$37 million—great stewardship of this state's finances by the former treasurer. The statement continues:

On 8 May 2002 in this house I quoted the Under Treasurer's advice to the former treasurer (Hon. Rob Lucas) which was, and I quote: 'The cost of Department for Education and Training enterprise bargaining is certain to exceed the contingency allowance currently in budget funding.'

Having already mentioned in the house that the government had a contingency allowance for the teachers' enterprise bargaining negotiations in the May 2001 budget, I can hardly be accused of keeping this fact a secret. The former government's mid year budget review as members would know, is a document designed to inform the parliament and the public on the government's progress against forecasts at budget time and is to take account of changing revenue and expenditure conditions.

In the preparation of this review, which was to be released during the state election campaign, the Under Treasurer wrote to the Treasurer advising him of a large number of cost pressures that should be included in the mid year budget review and in particular noting, as I said in the house on 8 May 2002, that: 'The cost of Department for Education and Training enterprise bargaining is certain to exceed the contingency allowance currently in budget funding.' The former treasurer chose to ignore this advice, as to include these cost pressures would have resulted in a mid year budget review revealing a substantial budget deficit in the middle of an election campaign.

I remind the house that the Hon. Rob Lucas wrote in response to the Under Treasurer's advice that there was a need to include an allocation for the teachers' enterprise bargaining agreement: 'As you know, I oppose the size of the bid so DTF should not incorporate specific provisions for the bid in our documentation.' The contingency already in the budget that I referred to on 8 May 2002 is \$205 million. On the advice of the Under Treasurer to the former treasurer and myself it is clear that this amount is grossly inadequate.

As I have said, the former treasurer was advised that it would be wise to make allowance for these amounts and that of a number of other cost pressures. I repeat, the former treasurer was advised to make an allocation in the mid year budget review to provide for sufficient funding for the teachers' enterprise bargaining agreement. He did not make that allocation as recommended. He chose to do so with a note to the Under Treasurer that said—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** This is what the former treasurer chose to do: he sent a note to the Under Treasurer that said:

As you know, I also oppose the size of the bid so DTF should not incorporate specific provision for the bid in our documentation.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** I can understand why they are all very nervous, Mr President. I will repeat it for their benefit:

As you know—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** He said:

As you know, I also oppose the size of the bid so DTF should not incorporate specific provisions for the bid in our documentation.

The statement continues:

Whilst the former treasurer is claiming that headroom could have been used to assist the extra funding of wage rises, the Under Treasurer has advised me that this is not correct. The Under Treasurer states in his advice to me of 13 March 2002 when referring to the use of headroom, and I quote: 'These provisions should not be regarded as available to offset the deficits identified in Table 1 (Note: Details cost pressures).'

These are relatively small provisions in the context of the budget and will be required to meet emerging and underfunded issues both in 2001-02 and across the forward estimates as future budgets are developed'. The recurrent headroom available to which Mr Lucas refers is \$176 million over four years. The unavoidable cost pressures with which I was presented upon assuming office, which include the teachers' enterprise bargaining negotiations, was \$502 million over four years. Clearly, the former government's policy of funding emerging cost pressures through the use of headroom was not going to work on this occasion, and this was the advice of the Under Treasurer.

As I said in my remarks on 9 May 2002, if you believe the former treasurer they were not going to pay the teachers. I do not know what was in the mind of the former treasurer or, indeed, what the intentions of the previous government were. All I can do is provide an opinion on the facts as they are presented to me. It is my view that the former treasurer and the government were preparing for significant industrial disputation with the teachers immediately following the election given that they had grossly underfunded the expected outcomes of the enterprise bargaining negotiations. Given their previous history of wage negotiations with the teachers that stretched over a number of months, that would not be an unreasonable opinion to hold.

I would also like to add that my investigations into the whereabouts of the 21 December 2001 minute referred to by the former treasurer and the member for Davenport have revealed that this original file cannot be located in my office, and I am advised by public servants within my office that the original document was marked to the former treasurer on 21 December 2001 and there is no record of any subsequent movement of the document; that is, it would appear that the former treasurer has not returned this file.

The matter of government files being removed is a serious one and, whilst I am not making any allegations other than stating the facts, I will today be seeking the advice of the Chief Executive Officer of the Department of the Premier and Cabinet as to the appropriate action concerning this issue. However, if Mr Lucas has a government file that he should not have, perhaps he could return this file to my office.

That, as I said, is the ministerial statement issued by the Treasurer in another place.

#### DIRECTOR OF PUBLIC PROSECUTIONS 2000-01 ANNUAL REPORT

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I table a ministerial statement made by the Hon. Michael Atkinson on the Director of Public Prosecutions 2000-01 Annual Report tabled in another place.

### QUESTION TIME

#### TEACHER CONTRACTS

**The Hon. R.I. LUCAS (Leader of the Opposition):** My question is directed to the Leader of the Government and the Treasurer. Why, in statements made to both houses, did they deliberately exclude from the document of 15 January 2002 the following two pieces of information: first, the statement from me as Treasurer ‘... however I agree we should use some of the underlying surplus to increase contingency for issues including wage issues’; and, secondly, a reference to information on that same page of the memo that all of the \$170 million recommended by Treasury to be put aside for cost pressures, which was indeed put aside into an internal bank account called the headroom account, to help meet cost pressures such as the teachers’ wage rise?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** It was pointed out in the statement which I just issued—and I will refer again to the statement made by the Treasurer—that:

The recurrent headroom available that Mr Lucas refers to is \$176 million over four years. The unavoidable cost pressure that I was presented with on assuming office, which includes the teachers’ enterprise bargaining negotiations, was \$502 million over four years. That is the pertinent part of the statement that the Treasurer has just made in another house. Now, it is no wonder that the former treasurer is very nervous, given the facts that have been put out about the budget. The fact is, he has been exposed.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Here was a government that was in office for over eight years and, in spite of the most massive asset sale in this country’s history, it managed to contribute an additional \$2 billion, if one nets out asset sales, to the debt of this state. What we have seen—and I have seen this in my own department—is that there were a series of programs that were not forward funded in the forward estimates of this government. I referred to several of them yesterday, such as the aquaculture program that was not properly funded going forward, and there were others, where this government clearly made no provision for the future funding of programs but was quite happy for the people of this state to believe that those programs would be ongoing and that the money would be found somewhere. So, it is no wonder that the former treasurer is very nervous about this matter. But if the former treasurer wants to ask questions about what was present in documents then perhaps the former treasurer could tell us where this document of 21 December 2001 is?

**The Hon. R.I. Lucas:** You must have lost it.

**The Hon. P. HOLLOWAY:** He says, ‘You must have lost it,’ but somehow or other the Treasurer knew about it.

**The Hon. R.I. Lucas:** You must have lost it.

**The Hon. P. HOLLOWAY:** So you have remembered it in your head, have you? I ask the former treasurer—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** You had remembered it and you were quoting from it, and I gather the member for Davenport was quoting from it—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** You have got a photographic memory have you? Somehow you quoted from it. Where is it?

**The Hon. R.I. Lucas:** Lots of information leaks.

**The Hon. P. HOLLOWAY:** Lots of information leaks. I think all of us know the answer to that question. I need say no more.

#### MURRAY RIVER FISHERY

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

Leave granted.

**The Hon. CAROLINE SCHAEFER:** In answer to a question I asked last week the minister said, in part:

I have already had discussions on this matter with the chair of the Inland Fisheries Management Committee—

which of course is the appropriate body to advise the minister on such matters. He continued:

I have also spoken to SAFIC, which is a representative of fisheries in the state on this matter.

I quote further from two radio programs yesterday. Commercial fisherman Barry said he was not consulted at all by the government, and Neil McDonald of the South Australian Fishing Industry Council said:

I haven’t been personally, and as far as we’re concerned neither has the South Australian Fishing Industry Council, or the industry that has been affected by it.

Further, I have been given to understand that the minister held only the—

**An honourable member:** Lie, lie, lie!

**The PRESIDENT:** Order! The Hon. Angus Redford knows better than that.

**The Hon. CAROLINE SCHAEFER:**—most general discussions with the chair of the industry council, not the entire group, as he has alluded to. I have sought further details from SAFIC and it has told me that he mentioned it only barely in the most general terms in a general conversation on 5 April. At no time at this meeting did they discuss strategy, a timeline or anything relating to the process of implementing the policy of removing fishing licences. SAFIC had not spoken officially to the minister since 1 April. It is further annoyed that the minister has said, again on ABC radio:

Adequate consultation has been carried out with the Fishing Industry Council, and all commercial fishing licences, which include the use of gill nets, will expire at the end of June.

I am further informed that he has not consulted with the South Australian River Fishery Association. So, in fact, the three bodies that he might have consulted with have not been consulted. My question is: what is the minister's definition of 'consultation' or, in fact, has he lied to the council?

*An honourable member interjecting:*

**The PRESIDENT:** Order! The honourable minister knows that he should not make those references.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** One can understand the embarrassment of the former minister. After all, in the budget bilateral process, she was the one, although she subsequently denied it. The number one budget priority in the budget bilaterals was the restructuring of fisheries, which included the removal of fisheries from inland waters that was the number one budget priority. In relation to the specific question—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** On a point of order, Mr President, would you ask the Hon. Angus Redford to remove his offensive and dishonest suggestion please?

**The PRESIDENT:** Order! That is not an unreasonable point of order. I ask the Hon. Angus Redford to desist from the practice of making unparliamentary statements. I think he should withdraw.

**The Hon. A.J. REDFORD:** I withdraw.

**The Hon. P. HOLLOWAY:** In relation to the specifics of the question, I have made it quite clear from day one that I will not be in a position to discuss the details of the removal of gill nets from the river fishery until cabinet endorses the position. I have made that position known in every press statement. It was repeated again in the paper this morning. I have made it clear in every press comment I have made and radio interview I have done that, until we reach the position where I would be able to put a submission to cabinet in relation to details, I would not be in a position to discuss the details of the actual removal package.

However, the point I have also consistently made is that it was quite clear we were committed to removing gill nets from the river fishery and that we would phase out, within a 12-month period, all commercial fishing for native fin fish species. That has been a position that I have made clear over and over again, and that was the point I was making when I spoke to SAFIC earlier this year. I made it quite clear where we were going: the general parameters and the direction were quite clear. I do not dispute anything that Neil McDonald or other people from SAFIC are saying. Yes, it was general. I made that comment—

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** I made it quite clear that that was the direction we were heading in. But I also made it clear to them that I would be putting a package to cabinet and that, until that package is ready—which hopefully will be in the next week or so—I am obviously not in a position to discuss the particular details about what offer we might be making to those inland fishermen. So nothing has changed from the position. My position has been entirely consistent through this whole period.

**The Hon. CAROLINE SCHAEFER:** I have a supplementary question. When will the budget process take place that will enable you to discuss with the fisheries a package for the removal of their licences? I understand that that is to take place prior to the budget. When will you discuss it with each of them, as you have indicated?

**The Hon. P. HOLLOWAY:** As I indicated when writing to the Director of the South Australian River Fishery Association, it was my intention to write to them all individually explaining what is being developed as soon as I was in a position to do so, which means as soon as the cabinet has agreed to any package of measures I put to it which, hopefully, will be in the next week or so.

#### LEGAL COSTS

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question.

Leave granted.

**The Hon. R.D. LAWSON:** The latest issue of the Productivity Commission report on public services contains information about the efficiency indicators relevant to the law courts in all Australian states. This appears at volume 1 of the report, page 486 and following. These indicators measure the expenditure incurred for each lodgment or finalisation of matters in various courts. The expenditure is netted across revenue generated in-house. For simplicity, I will refer to this only as a net expenditure, and all of the figures are from the year 2000-01.

The South Australian figures for magistrates courts and children's courts are well within national averages. However, expenditure per finalisation in the Supreme Court of South Australia is \$24 029 compared with a national average of only \$12 034; the lowest state is Queensland, with \$7 458; no other state exceeds \$15 500, yet South Australia's average is \$24 029, almost double the national average, and the Supreme Court of South Australia is the least efficient by far.

The national average expenditure per criminal lodgment in the district and county courts was \$3 992. However, South Australia was once again the highest cost jurisdiction at \$6 999. In civil matters in district and county courts, the national average was \$1 847; in South Australia it was more than double that at \$4 525. Again, in that category South Australia is the highest.

The courts are run by the Courts Administration Council which is, of course, independent of government, but in respect of which the Attorney-General is the minister with responsibility. The state Courts Administration Council received an appropriation of public moneys of some \$53.7 million in the last financial year. My questions are:

1. Will the Attorney provide an explanation for the high average cost of the finalisation of matters in the Supreme Court of South Australia?

2. Will he provide information about what steps the Courts Administration Council is taking to improve the efficiency indicators?

3. Given that this matter was given national prominence in the editorial of the March 2002 issue of *Quadrant* magazine, will he write to Mr Paddy McGuinness to allay his fears about the Supreme Court in this state?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his very important question on those matters in relation to court costs. I might suggest to the Attorney-General that he use the Hon. Trevor Griffin as the review person to have a look at the matter. I will refer the question to the honourable minister in another place and bring back a reply.

### TARGETED EXPLORATION INITIATIVE, SOUTH AUSTRALIA

**The Hon. J. GAZZOLA:** I ask the Minister for Agriculture, Food and Fisheries whether he can inform the council of the importance of the Targeted Exploration Initiative, South Australia, to the development of the state's mineral and petroleum resources.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** This, incidentally, is another one of those very important programs that began about 10 years ago under the former Labor government. It was, after a break, continued by the previous government. However, on 30 June this year the funding of the program, I have discovered, is due to cease.

The TEISA program is designed to reduce the risk of exploration for minerals and petroleum in key areas of South Australia. The current program was established in 1998 and followed on from the South Australian exploration initiative, which was established by the previous Labor government. Indeed, the continued funding of TEISA, as it is called (Targeted Exploration Initiative South Australia), was a major recommendation of the resources task force report back in 1999. It is important to recognise some of the successes that the exploration initiative has been instrumental in developing.

Some of those successes include the Challenger mine (a gold mine) north of Tarcoola, which will be worth an estimated \$1.5 million a year in royalties to the state, we hope, when it is operational later this year; the SASE-Aulron iron deposits, which are a very important resource for this state; and also the discoveries at Prominent Hill, which Minotaur Resources has made with copper and gold. Another area where the Targeted Exploration Initiative has assisted exploration is the Cooper Basin, the results of which are helping to develop new sources of oil and gas.

The TEISA program has dramatically increased the number of companies prospecting in South Australia and has led to the identification of new geographical provinces, including those with potential for nickel and platinum, which is a key focus of the program. The future of this state, I believe, depends on strong economic growth, and the mining and petroleum industries are important sectors in achieving that growth. However, this program requires funding and the previous government, as I indicated, made no provision for further funding of TEISA in the forward estimates, despite the fact that the then minister (the current shadow minister for minerals and energy) said in February:

The highly successful Targeted Exploration Initiative of South Australia (TEISA) has played a big role in encouraging exploration in many of the as yet untapped areas of our state. Since the program

began, we have seen an 11 per cent increase in exploration licences, despite a global decline in exploration activity.

This is another example of the previous government's hollow promises to the industry of South Australia along with, as I mentioned earlier in another question, the aquaculture program and part funding for the Natural Heritage Trust program, which was not put into the forward budget. However, in 1999 we had a resources task force, which was brought about, we all know, as a result of complaints that this sector was not being taken seriously by the then government. I would like to assure the council and all members here today that this government takes very seriously the contribution to our state's economy that the mining sector can make.

### NATIONAL PARKS

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Environment and Conservation, questions about national parks.

Leave granted.

**The Hon. M.J. ELLIOTT:** I note that the state government has given notice of motions in both houses so that the Gammon Ranges National Park should be singly proclaimed, in other words, that there should be no mineral exploration within that park. Certainly, that is something of which, as a person who has walked in the ranges and who knows the area well, I am supportive. I think it needs to be noted that in South Australia the overwhelming majority of our parks—not just in number but also in area—are in fact joint proclamation parks; and there are plenty of areas as biologically significant as the Gammon Ranges National Park which still are joint proclamation parks.

What has happened in this case, effectively, is that we have waited until the receipt of an application to proceed before there has been intervention. I ask: having recognised that an area, which was under joint proclamation, needed further protection (and that is now being addressed), is the minister prepared to carry out a survey of all national parks so that those areas of significant ecological importance can be identified now and can enjoy the protection of single proclamation, rather than waiting for similar sorts of things to happen again, miners coming in, expending a great deal of money and later being told, 'No you cannot do it'?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** It not only refers to miners. In aquaculture we found that a lot of areas that were not biologically surveyed and definitive statements made on them could have saved people a lot of problems. I will refer that question to the minister in another place and bring back a reply.

### MOTOR ACCIDENT COMMISSION

**The Hon. NICK XENOPHON:** My questions to the Minister for Agriculture, Food and Fisheries, representing the Treasurer, are as follows:

1. If the Motor Accident Commission's solvency level was 9.3 per cent, as reported in the chairman's report for 2000-01, up from 8.4 per cent in 1999-2000, how is it that the Treasurer now says it is 4 per cent and falling and, further, what actuarial or other advice does the Treasurer have for making that statement?

2. Has there been any change in the way or basis upon which the solvency of the MAC is estimated and, if so, what change?

3. What measures has the MAC put forward to the government to reduce the level of road trauma and, by extension, the cost of the scheme?

4. What proposals have been put by the MAC to the government to reduce the fund's exposure to overseas claimants? For instance, if a US tourist is injured on a South Australian road as a result of the negligence of another American tourist driving a South Australian registered vehicle, is the MAC fund at risk of a massive claim determined according to US law, despite the limits to damages applicable to South Australians, and, further, are there any such claims involving overseas tourists presently notified to the MAC and, if so, how many?

5. To what extent is the MAC facing increased costs with respect to reinsurance since the events of 11 September?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** They are all very important questions. I will pass them on to the Treasurer for his response.

#### KENDELL AIRLINES

**The Hon. DIANA LAIDLAW:** I seek leave to make a statement before asking the Minister for Regional Affairs, in his own capacity but also representing the Minister for Transport, a question regarding the future of Kendell Airlines.

Leave granted.

**The Hon. DIANA LAIDLAW:** Further to the question I asked last Thursday on regional air services and the fate of Kendell services and jobs in South Australia, I note that on the following day, Friday 10 May—incidentally, four days after the Liberal Party had foreshadowed in the other place the introduction of a route licensing bill—the Minister for Transport issued a press release revealing that the government, too, would prepare such a bill for public discussion. In view of the government's apparent lack of urgency regarding the future of Kendell Airlines, knowing that it is likely that that future will be determined by Friday and, at the latest, Tuesday next week, I have a range of questions for the minister:

1. Why did it take 11 days from the date of the cabinet decision on Monday 29 April until Friday 10 May for the minister to finally broadcast the government's intention to introduce the legislation?

2. Why was this important legislative move not included in the Governor's speech to parliament on Tuesday 7 May outlining the government's legislative program for the current session, thereby providing advance notice of this important measure?

3. Why is the proposed bill only now being advanced as a draft for discussion, with comments to be received by Transport SA at the close of business on Friday 21 June—incidentally, well after the fate of the 70 jobs in South Australia and all services of Kendell Airlines is known?

4. Why has the government only introduced it for discussion when it would be aware that an almost identical bill from the opposition indicates that the government would have opposition support for this important piece of legislation, which is designed for the government to issue a single operator licence on some regional air service routes where the viability of those routes is marginal?

5. In relation to the bill itself that the government has released for public discussion, why has the government draft bill not incorporated in section 7 (relating to conditions that may be applied to the issue of a route service licence) the option of the payment of government subsidies or other forms of financial support, such as loans and start-up costs?

I understand that these matters will be raised, or have already been raised earlier today, with the Premier and/or the minister by the preferred bidder for Kendell. The lack of these options limits the government's flexibility to negotiate conditions that may be critical to remote South Australian centres in gaining or retaining airline services. Is the minister aware that, where similar route licensing has been in place for many years in Western Australia and Queensland, the payment of subsidies has been absolutely critical—in fact, equally critical as the option of having route licensing available to those governments? Is he further aware that those governments have seen the issue as an essential service in terms of social justice and access for people who contribute to but who rarely if ever enjoy the heavily subsidised metropolitan public transport services?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the member for her important questions. I share a lot of the sympathy she has expressed, not only for the uncertainty that the airlines face in trying to prepare their bids and tenders for routes that have been discontinued since 11 September—

**The Hon. Diana Laidlaw:** And they may be lost if they go into liquidation.

**The Hon. T.G. ROBERTS:** In relation to the number of aircraft operating in South Australia and the number of people we have on our routes, the minister raised the point that our passenger traffic is not as attractive as that on the eastern states routes. Many of the national companies have concentrated their attention on the important routes on the eastern seaboard and South Australia tends to be neglected, because the effort and finance required, particularly for new aircraft and the returns they would be getting for the 'bottoms on seats' becomes a nightmare for potential buyers unless a licensing strategy is in place for routes that guarantees single operator licensing.

**The Hon. Diana Laidlaw:** Strategies have to include some financial support.

**The Hon. T.G. ROBERTS:** I understand what the honourable member is saying in relation to other states subsidising routes, and I do not think it has been ruled out as possible.

**The Hon. Diana Laidlaw:** It has—by the Minister for Transport. He ruled it out last night.

**The PRESIDENT:** Order!

**The Hon. T.G. ROBERTS:** No, some assistance may be provided on some routes in relation to airstrips. I am talking about remote areas, or at least one remote area. I am sure that discussions will continue around some of those issues and, if guarantees of passenger use can be given, perhaps these issues will be reconsidered. But that is something for regional governments, the LGA and other bodies to keep working on. Even though a strategy for regional air services and transport may be mapped in part out of the difficulties that regional airlines face this time around, the important issue of travelling to regional and remote areas for tourism and recreation reasons will have to be an ongoing consideration even after the dust has settled on the difficulties we face at the moment. I think the opposition's stance is similar to or almost the same

as the government's position in relation to the wide range of questions asked, but I will refer—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. ROBERTS:** It is not an area covered by my portfolio, so I will refer those questions to minister Wright in another place and bring back a reply.

### INSURANCE, REGIONAL

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about insurance in regional areas.

Leave granted.

**The Hon. T.J. STEPHENS:** It has been widely reported that a number of insurance issues have arisen in Australia. The collapse within the last couple of weeks of United Medical Protection has raised the spectre of medical practitioners, especially obstetricians and neurosurgeons, continuing to practice. The collapse of HIH has reverberated through the insurance industry with premiums rising across the board and many companies and organisations having difficulty in obtaining insurance. The withdrawal of one of the two companies offering building indemnity in South Australia has put stress on many smaller builders.

My particular concern today and the subject of my questions relates to the adverse effects on smaller communities of the current situation. It does appear that smaller communities in South Australia are suffering greater adverse impacts than is the metropolitan area. For example, the Jamestown Agricultural, Horticultural and Floricultural Society wrote recently to the shadow attorney-general regarding the spiralling costs of insurances and, in particular, public liability insurance. A letter from Mrs Viv Hector, the show secretary, states:

... in recent years the Jamestown Show has seen its insurance premiums rise by the following:

In 1997 total insurance premium cover to cover the Jamestown Show was \$1 642.

- This was made up of \$753 for public liability premium,
- \$135 for personal accident for voluntary workers
- and \$2.00 per \$1 000 for building cover.

By 2000, three years later, the total insurance premium was \$1 764, a rise of \$122.

In 2002, the public liability premium was \$1 598, personal accident for voluntary workers \$54.95 and the building insurance set at \$4.30 per \$1 000 cover.

The Jamestown show society have to pay a total insurance premium of \$3 376.15—almost double in two years.

The annual show is an excellent showcase for the businesses and primary producers of a district to display their products, goods for sale or livestock. It attracts many visitors to the town, which also benefits through the sale of food, drinks and any sales made at the show. For some areas of the state, it is the annual return to the district of former residents who left the area to retire or for other pastures. If the insurance costs are not capped, many show societies will suffer and possibly fold. My questions are:

1. What does the minister intend to do to ensure that important annual shows taking place in Jamestown and in other country towns do not fold as a result of increases in insurance costs?

2. What assistance package, if any, does the minister intend to offer?

**The Hon. T.G. ROBERTS (Minister for Regional Affairs):** I thank the honourable member for his questions in relation to the difficulties that people living in regional areas face in relation to the problems associated with insurance

cover and the increase in premiums right across the board. I have spoken with members of regional government about some of the issues that they face in relation to housing applications which have already been approved but which are waiting on building insurance cover for the builders. That has slowed down a whole range of building programs within regional areas, and I suspect it is a problem in the metropolitan area. However, as the honourable member knows, any slowdown in building in regional areas has far more impact on local building contractors than perhaps a slowdown in the metropolitan area because, at this stage, the metropolitan area seems to be a little overheated in some aspects of the building industry.

Local government is wrestling with the problem, as are show societies and individual operators of tourism developments. For instance, in the South-East a children's park has closed, and I believe that rollerskating rinks around the state are looking at problems associated with insurance liability. The detailed problems associated with the Jamestown show, which needs a wide range of covers, indicate just how difficult circumstances will be for a whole range of organisations, and they need to be dealt with.

My understanding is that the Treasurer has had meetings with the federal government regarding this issue, and I think it is on COAG's list of matters that need to be discussed and relevant recommendations for consideration. I would not hold my breath for an outcome from those federal deliberations on this issue. If there is to be a solution to these problems in regional areas, it may well come from local organisations such as the LGA and perhaps other organisations that have broad based cover for—

**The Hon. Carmel Zollo:** Group insurance.

**The Hon. T.G. ROBERTS:** Yes, group insurance cover in regional areas. I have spoken to some regional councils about whether that cover can be extended to include other organisations which are currently being covered. I refer to sporting organisations which have some group cover, and some councils make provision for organisations that cannot afford this sort of cover.

I am also on record saying that, when national and international banks started to withdraw their services in regional communities, those communities would have to find alternative services rather than wait for, in particular, the federal government, because, in the main, state governments cannot afford that sort of programming. However, banking services can be provided by local banks and financial institutions which deal directly with and specialise in servicing regional areas, and that is starting to happen around the state. Local bodies, organisations and individuals have got together to try to attract regional banking back to their area by using those banks that are prepared to fill the gaps. I understand that the ANZ is starting to look at using some of the banking service facilities that have been closed down by some of the major banks in order to move back into regional areas. So, there is some hope in the banking service sector.

However, in respect of financial arrangements for insurance, I think regions again may have to provide the leadership that is not coming from the federal government, that is, to try to attract—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** I beg your pardon?

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** Well, it is not the state government's responsibility. There have been some fairly bad examples of banks, financial institutions and insurance

companies becoming a burden on state governments whose tax regimes cannot afford those organisations starting to lose money. It is a risk and it is a gamble with insurance but, in terms of aggregating insurance for local cover, if you can perhaps get some cooperation from some of the national bodies to localise their cover and talk to local government about some sort of extension of the provisioning that they have, that may provide some sort of an answer. I cannot see that the subsidising of individual organisations by either state or federal governments will come to terms with the problem.

This will become a long-term institutionalised problem with which we will have to deal, because I cannot see that, in the current political climate in which we live, there will be any cutting of insurance premiums for a whole range of people who, in the main, provide a risk. I do not think the Jamestown Show Society will become the victim of an international terrorist organisation, but, unfortunately, in a whole range of areas, with cross-subsidisation, international insurance companies tend to base their insurance regimes of payments, benefits and risk across a wide range of sectors.

So, we need to look local for the answers to these problems. It would probably do governments proud if show societies organised themselves in such a way as to collectively put pressure on governments if not to provide the infrastructure solutions themselves then at least to facilitate meetings with like-minded people in regional areas, and in metropolitan areas. It would bring home the difficulties that people face in dealing with just the smallest detail of organisation structures within their communities that bring benefits to the whole community. In dealing with this issue, we need to try to get some sort of solution that provides the answer that we require, because at the moment that leadership is not coming from the federal government.

### HEALTH REVIEW

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the generational review of South Australian health services.

Leave granted.

**The Hon. CARMEL ZOLLO:** The Minister for Health today issued a ministerial statement in another place regarding the generational review of South Australian health services. I understand this review has been commissioned as a first step in the delivery of the government's health pledge that was made at the last election. Will the minister outline for the council some of the issues that led to the decision to commission the generational review of South Australia's public health system?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for her important question in relation to the health review. Again, it is a question that is in the minds of many people in the metropolitan and regional areas of this state. I am advised that in the past eight years South Australia's health system, which represents the government's biggest single budget outlay, has been run without a comprehensive plan for investment in the delivery of services, either now or in the future. There has been a whole range of difficulties in this state, and the regions are now facing a whole new generational round of problems with aggregation being looked at in some areas and disaggregation in others. It has been suggested that responsibilities and provisioning for some services be

shifted from one region to another, which will—if it is picked up and followed as a recommendation—present real problems for people in regional areas.

The ad hoc approach of the previous government has not only failed to provide a system that deals with people but has also overseen a problem that has involved over 400 hospital beds closing between 1993-94 and 1999-2000. We have seen a lot of people kept on trolleys in various parts of hospitals without being wheeled into rooms of their own, or even wards, because no beds are available. We have seen major surgery cancelled, often after patients have been prepared for surgery, and this is a problem for the elderly in particular. Ambulances have been put on bypass because the system cannot cope. The directors of emergency departments have warned the government of the risk of serious adverse events because of overloaded emergency departments.

All these problems need to be considered when a generational review takes place and hopefully, while the review is going on, we can spell out to a lot of people working in the industry—particularly nurses and many doctors who are working all sorts of hours—that we are searching for answers to some of the problems that we have. Hopefully, we can cut down on some of the practices that have led to hospitals in South Australia having the highest rate of acquired infection of any hospitals in Australia.

With our system, if you are sick and you are a part of the hospital servicing system, you will find that there are a lot of hard-working dedicated people in it that are committed to the best possible outcomes but who are struggling under a wide range of problems, and, again, the insurance question goes back to insurance for doctors and their liability. We have many problems associated with part hospital closures, and, for instance, women who would like to have their children in close proximity to their homes are now finding that that is not an option. We also have a long waiting list of 94 000 people waiting for dental treatment, and there is a mental health system that is hard to find when you have people referred for mental health treatment, particularly in regional areas.

So all of these issues will be subject to review, and I am told that while the review is being conducted there are accumulated debts of \$56 million, and some health units are still operating with unsustainable deficits, forecast to reach another \$10 million this year. So we do have difficulty with our hospital system but we are trying to deal with it in the best way possible.

### PRISONS, CAPACITY

**The Hon. IAN GILFILLAN:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prison capacity in South Australia.

Leave granted.

**The Hon. IAN GILFILLAN:** In the *Advertiser* of 1 May there is an article entitled 'Longer sentences do not make communities safe from crime', an article by Frances Nelson QC, as follows:

International experience and research demonstrates quite clearly that longer sentences do not act as a deterrent. It would be unfair to convey the impression to the community that the introduction of longer sentences will reduce the crime rate and make them more secure.

The title of an article by Chris Kourakis, the current President of the Law Society, in the *Advertiser* of 6 April is 'More prisons are not the answer to reducing crime', and I refer also

to an article in the *Advertiser* of the 10th of this month entitled 'Prison ships for Britain', which states:

The Blair Labour Government is considering renting three prison ships to ease widespread overcrowding in the country's lockups.

In fact, they are currently using one prison ship already. With Executive Council's decision of last month to reject the recommendations of the Parole Board—and Frances Nelson QC is the chair of the Parole Board—to release two prisoners, it would seem that the government's commitment to higher retention in prisons is an entrenched policy. This is only part of the government's tough stance on crime and tough stance on causes of crime agenda. I recently heard the Attorney-General on late-night radio—where he is often heard—identifying some of his plans for the first Rann government, and the items were confirmed when we heard the Governor's speech last week. The moves will increase the pressures on our prisons, a prison system that is already under strain.

The minister may recall comments that he made to the media in April regarding the prospect of building a new prison in South Australia. Reading from an article in the *Advertiser* of 3 April entitled 'Prisoner numbers lift need for new jail':

The state government will consider establishing the new jail if prison numbers keep rising.

'There is no spare capacity in the prisons,' correctional services minister Terry Roberts said yesterday.

'If the current trend continues then we would probably have to be looking at another jail.'

The article went on to quote the Hon. Mr Roberts, as follows:

Where the funding is going to come from [for a new jail], I really don't know.

So as I said, the British Labour government is similarly having trouble, and it is renting prison ships. In the light of that, my questions are:

1. Does the minister agree with Frances Nelson QC that international experience and research demonstrates quite clearly that longer sentences do not act as a deterrent?

2. Does he agree with international experience and research that demonstrates imprisonment does not provide rehabilitation for an offender?

3. In the light of the government's tougher stance on sentencing, has the government decided yet that South Australia needs a new prison?

4. If the government does not believe we will be needing a new prison, how does he propose to accommodate the increase in prison population? Does he intend to follow the lead of the Premier's friend, British Prime Minister Tony Blair, and take over potential prison ships—perhaps the CSL *Yarra* which is currently conveniently berthed at Port Pirie?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I thank the honourable member for his important questions. I indicate that the *Yarra* is a prison for a certain number of seamen who have decided to—

*An honourable member interjecting:*

**The Hon. T.G. ROBERTS:** Not really voluntary. I think they would rather be with their families than protesting against the federal government's breaking of the cabotage agreement and bringing foreign crews onto Australian ships. That is another issue for another parliament, and perhaps another issue for another day.

The question raised by the honourable member regarding an article by Chris Kourakis in the *Advertiser* was, I think, in relation to a statement he read out previously regarding my

response to a question asked by a reporter concerning our seemingly very crowded prison system and the seemingly diminishing management options. I had to agree, based on the figures provided to me when I took over the portfolio from the previous government's administration of prisons, that no new moneys had been spent on new prisons for some considerable time.

I note, from memory only, that Wayne Matthew, a member in another place, when he was minister made the statement that a new gaol would have to be considered when he took over the portfolio because, when he took over the prison system, the numbers were heading in an upward projection.

The previous government did not make the capital expenditure which was required which would have taken pressure off the system by the introduction of a new prison, or by extending those of the existing prisons that had the capacity for extension. Some prisons cannot be extended: I understand that it would be very difficult to extend Mount Gambier Prison without consultation with the local community. There are other gaols in regional areas which probably could be extended, but again—

*The Hon. Ian Gilfillan interjecting:*

**The Hon. T.G. ROBERTS:** I am getting to the answer to that question. That was the first question the honourable member asked; perhaps I should have answered that first. The honourable member quoted information from other regimes which have sentencing systems that increase the length of gaol sentences. I think the information from the United States supports the proposition that that does not act as a deterrent for many crimes or many criminals. The general formula for prisons and their population is that, if there is a prison that has spare capacity, the justice system will find a way of filling it.

I am not sure whether I follow that dictate, but I do know that South Australia's prison system is at capacity, or almost at capacity. The government is looking at policies to address additional facilities, within the confines of the budget strategy, as a part of the normal budget process. These policies include putting forward options for challenging the circumstances in which we find ourselves. I can read into *Hansard* some relevant information regarding the capacity of the state's prisons:

The state's prisons hold 1 540 male and 86 female prisoners, inclusive of doubling-up. The holding capacity of each of the state's prisons is as follows: Adelaide Women's Prison, 86; Cadell Training Centre, 140; Adelaide Remand Centre, 247; Yatala Labour Prison, 395; Port Augusta Prison, 280; Port Lincoln Prison, 68; Mount Gambier Prison, 110; Mobilong Prison, 240; Adelaide Pre-Release Centre, 60—

which adds up to 1 626 prisoners in our accommodation.

I suspect that there is little or no capacity for growth in those figures; so, there is an emergency situation in this state. In reply to a question from another honourable member, I outlined that the women's prison situation is urgent. Extra capacity will be completed in June or July this year, but it will not take any of the strain out of the management of prisons because, as the prisons fill up, the number of options, in terms of the various categories of prisoners, diminish. We must come to terms with that. We must make provision, as I have said, through the budget process, and I hope that the Treasurer is generous with my portfolio. I know that there is a lot of sympathy in that respect as a result of the situation we face but, sometimes, as members on the other side realise,



sympathy is not enough when the Treasurer starts looking at your portfolio areas and the priorities are being worked out.

In answer to another question, I have an update on the prison fire, if I may include this as part of the question asked by the Hon. Mr Gilfillan. I think that the honourable member asked about the condition of the three persons who had been affected by smoke. One prisoner who was taken to hospital is back at the women's prison and is okay; one of the injured officers, due to smoke inhalation, is on WorkCover until mid June and probably will need to be medically re-examined; and three prisoners who had been involved in that fire area have been moved to Port Augusta.

Bearing in mind that Port Augusta is some 300 kilometres away, if there were another option I am sure that we would have taken it but, unfortunately, with the prison system as full as it is now, it takes those management options away from correctional services.

### LOCHIEL PARK

**The Hon. A.L. EVANS:** My question is directed to the Minister for Agriculture, Food and Fisheries, representing the Premier. Will the government honour its very clear pre-election promise to retain 100 per cent of Lochiel Park for open space and community facilities?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will refer that question to the appropriate minister. I am not sure whether it is the Premier or the Minister for Government Enterprises, but I will ensure that the question is passed on to the appropriate minister.

### GOVERNMENT INFORMATION

**The Hon. A.J. REDFORD:** I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about government information.

Leave granted.

**The Hon. A.J. REDFORD:** It is now over two months, or 67 days, I think, since the Rann Labor government was sworn in. Since then we have seen a plethora of reviews, assessments and announcements, usually announcing the same thing. During the early stages of this government, a paucity of information was made available to the opposition and, as a consequence, some of us, including our pre-eminent net surfer, the Hon. Caroline Schaefer, looked at the government web site for information. Recently, to the government's credit, it has gone to some trouble to ensure that its press releases are given to the parliamentary library.

However, the government web site has undergone some changes since the swearing in. For example, every time you press the piping shriek, irrespective of where you are on the site, you get Mike Rann. A word search for the word 'Holloway' gives you a nil return—hardly a surprising result based on the honourable member's performance today. On the Attorney-General's site, a section extols the virtues of the 1997 amendments to self-defence laws, and they are well argued. What is astounding is that the Attorney-General is said to be the Hon. Robert David Lawson MLC QC—something, I suspect, the state wants but sadly is untrue.

Another search of the South Australian Housing Trust site shows that the minister is the Hon. Dean Brown—obviously, something they want but, sadly, again, is not the case. The justice portfolio under 'ministers' states: 'What do we do?' It is left blank. In fact, the contact details for the relevant

people is as follows: for postal, post it to us; for telephone, call us; for facsimile, fax us; for location, walk in; and so on.

Indeed, with the recent change in government, a recent update lists new ministers, with the justice portfolio having several new ministers. One might assume that they do not know what they are doing. In any event, my questions to the Premier are:

1. When does he anticipate that I or anyone else in the state will be able to look up government web sites and be correctly informed as to who is the appropriate minister?

2. When will the government know who is doing what so that it can tell the public via the web site where they can access information on justice and whom they can access it from?

3. Will the government form a review group to look at upgrading the web site?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** While the finances of this state have been left in a deplorable condition by the negligence of the previous government, we do know that the one area where the former government was very good was in spending money on advertising. The one thing you could not criticise the past government on was spending lots of money on self-promotion and advertising. As far as this government is concerned, we will give that matter the appropriate priority. I will ask the Premier to give a reply to the specifics of the member's question.

*Members interjecting:*

**The PRESIDENT:** Order! Time has expired for the asking of questions. I just ask honourable members, when they are either debating or giving ministerial statements in particular, that they pay particular attention when referring to members opposite them to using their titles. On a number of occasions today, first names and surnames have been used. I would ask honourable ministers in particular to ensure that their speech writers get it right in future for the sake of the dignity of the council.

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### ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from 13 May. Page 99.)

**The Hon. R.I. LUCAS (Leader of the Opposition):** I am delighted to rise to speak in the Address in Reply debate. In doing so, I thank the Governor for her speech in the Legislative Council. It is always a wonderful connection with tradition that the Governor comes to the Legislative Council to open the sessions of parliament. Having been involved now for some 20 years or so in such openings, it is an important tradition and one that I am sure all members trust will continue.

I thank the Governor for her continuing role in the community. A number of members have already commented that she is highly regarded by all in the community, not only for her past achievements but more importantly for the job she is undertaking as our Governor in South Australia. I also congratulate new members and also you, Mr President, on your election. Having spoken on previous motions, I do not intend to devote any more time than that to it during my Address in Reply contribution.

Until last week, I had intended in the course of my Address in Reply contribution to talk about a number of issues, including a summary, certainly as I saw it and as the former government saw it, of South Australia's recent economic performance. I also wanted to look at an analysis of Labor's unsustainable (as we saw them) election promises, together with the cost of the deal that has been done with Speaker Lewis in another chamber.

For those who have been around in this place long enough, I was going to share the results of my latest analysis of the factions within the Labor Party in both houses. I know that many members long for the days of yesteryear when I used to share the results of the collective wisdom of this council of who was with whom within the Labor Party but, as other matters are more important today, I am sure I will find another opportunity—within the standing orders, of course—to share those collective views, gathered from around Parliament House, on those important issues as to who controls whom within the new Labor government.

**The PRESIDENT:** Your statesmanship is very commendable.

**The Hon. R.I. LUCAS:** I thank you for your interjection, Mr President; I hope that is on the *Hansard* record. I want to address the bulk of my comments today to what happened over the past week and what I think is the most important issue that is confronting our parliament today in terms of its operations. That relates to the actions and decisions of the member for Hammond or Speaker Lewis concerning the operation of the House of Assembly and the parliament—and I think also our democracy, when we talk also about statements made outside the house. At the outset I have to say that I think even the member for Hammond would be the first to acknowledge that I am not a natural or longstanding opponent of Peter Lewis within the Liberal Party or within the conservative side of politics. As some of my longstanding colleagues would know, our acquaintance goes back almost 25 years. In the early days, I think the member for Hammond would have looked upon me as a relatively close colleague in terms of his operations within the parliament.

As I have previously indicated to members, I did my best to assist the member to get through his MBA studies at the University of Adelaide—without success, I might say. I remember spending many Sunday evenings assisting the member, whose greatest strength was not in the area of financial or management accounting, and he had great difficulty with Management Accounting 2, which was an essential subject in the MBA. The now Speaker would arrive at my place at around 10 or 11 o'clock on a Sunday evening for his fortnightly management accounting assignment, and I would work with him and try to assist him through until 4 a.m. or 5 a.m. on a Monday so that he could get his financial accounting assignment in on the Monday. As his CV records, he has not been able to conclude his MBA studies.

Also, during my 20 years in this parliament, in the early days Roger Goldsworthy, the former member for Kavel, was the primarily nominated godfather (if I can put it that way) to try to keep Peter out of trouble, tide him over when things got difficult and try to act as a bridge between him and his colleagues and anyone else he might happen to offend or upset at any particular time. In the latter years, I was the other contact within the parliamentary party because of my acquaintance with Peter who sought again to undertake that—

**The PRESIDENT:** Order! I would ask the honourable member to refer to the honourable member by his title.

**The Hon. R.I. LUCAS:** The member for Hammond as he is now. I am not sure what his electorate was then, but he is now the member for Hammond and the Presiding Member. I know that on a number of occasions when the principal media adviser for the now Premier, Mr Ashbourne, was writing for the *Sunday Mail* and went forlornly looking for somebody to say something kind about Peter Lewis for an article or profile piece he was doing for the now member for Hammond, the only person he could find at the time to say anything moderately kind from among his Liberal colleagues was me as a member of the Legislative Council.

**The Hon. A.J. Redford:** And me!

**The Hon. R.I. LUCAS:** No; this was way before the Hon. Mr Redford was even contemplating a career in politics, I suspect. I am going back quite some time. I put on the public record that, whilst the member for Hammond has some natural and in-built enemies within the conservative side of politics, I would certainly not count myself one of those, and the concerns I am about to express publicly and obviously on the record arise as a result of his recent actions in particular over the past week.

I also say at the outset that I and I am sure most members have no concerns at all about the new Speaker's endeavours to quieten down the tone of question time in the House of Assembly. Whilst the Liberal government had to endure eight years of screaming interjections from the members for Ramsay, Hart, Elder and others, if it is the new Speaker's view that that should not continue, then certainly I and I am sure you, Mr President, and others would certainly support the notion that, whilst a better behaved question time among all members might make the task much easier for the government of the day—and that just happens to be a Labor government—we should support that.

I hasten to say that on this occasion I will not be touching on any of the issues concerning the current police inquiry into the actions of the Speaker. Also on this occasion I will not comment on other allegations which, I am sure some members have been made aware of, are being made by members of the community about the actions or behaviour of the Speaker. If that is to be broached, it would need to be broached in a different way and is not the subject of my discussion today.

My concerns, which I know are shared by many of my colleagues, at the actions of the Speaker, Mr Lewis, relate to a very grave threat to the proper functioning of the opposition and the parliament. I have been associated with this parliament for almost 30 years—20 years as a member of parliament and 10 years working in and around politics—and I have to say that in my view this is the gravest threat to the proper functioning of the opposition and the parliament that I have seen in all those 30 years. In those 30 years, I have seen some presiding members in this chamber and in another chamber. They have come in all shapes and sizes with all manner of mannerisms, actions and foibles. I say that with due consideration and without fear that I believe anyone will be able to argue otherwise than that what we are seeing at the moment is, indeed, the gravest threat to the proper functioning of the opposition and the parliament in my 30 years of observing the South Australian parliament. In my view, it is certainly a grave threat or a danger to democracy here in South Australia.

It is in my view again—and it is a view shared by my colleagues—that it is in the interests of public debate and the proper functioning of the parliament that somebody or an institution in this parliament is able to speak out publicly

about these concerns. I know I speak on behalf of members of the Legislative Council when I say that the Legislative Council will not be silenced by the member for Hammond or the Presiding Member in another place. We will not be silenced in what we say in this chamber within the provisions of the standing orders, and we will not be silenced in what we say publicly to the media or, indeed, otherwise.

In my view, what we have seen is a campaign of attempted intimidation of the opposition to try to prevent the proper questioning of the government of the day and ministers of the day, and I intend to look at some of the rulings that have been made in the past week and a bit. We have also seen a conspiracy of complicity with the Labor government, with the silent, lethal support from Premier Rann, Deputy Premier Foley and other ministers because, if the opposition is being restricted or hindered in terms of either its questioning in the House of Assembly or what it can say publicly (and we have seen another example of that today, to which I will refer later), of course, any government would love to have those sorts of circumstances. The former Liberal government did not enjoy that protection for its eight years but, at least in its first weeks, the new Labor government has enjoyed that protection from the new Speaker. It is a most critical issue, and I hasten to say that in the next part of what I have to say I am talking hypothetically.

I want to refer to some previous debates and rulings in relation to whether or not there can be criticism of the Speaker of the house. I hasten to say that this is a hypothetical situation, but as it is being interpreted, if in a hypothetical situation one had a corrupt Speaker who was engaging in criminal or improper behaviour, then that particular Speaker could prevent any member of the House of Assembly (or the lower house) from speaking outside the house in criticism of the actions of that particular Speaker and, as we will see, also severely restrict the sorts of questions that might be asked in that particular house.

In some of the discussions which occurred last week various references were made to previous rulings of previous Speakers about the convention that Speakers must not in any way, according to the ruling of the current Speaker, be criticised. I refer to the House of Assembly in November 1995 when indeed this particular member—and I will give the name of the member after I give the quotation—was defending staunchly the rights of a member of parliament to be able, in some way, to be critical of the actions of a person who might be a member for a lower house seat but also happens to be Speaker at the time, and also to highlight why the South Australian experience, the Australian experience, is a bit different in this member's judgment from the United Kingdom. I refer to *Hansard* of 16 November 1995 which states:

The explanation is an adequate one—

that is, I interpose, an explanation given by a member who was being threatened with penalty by the then Speaker—

Unlike the United Kingdom, we do not have a tradition in Australia of the Speaker being unchallenged in his or her own seat. You, sir, will not be standing at the next state election as Mr Speaker seeking re-election. That is not the capacity in which you will be standing: you will be standing as the endorsed Liberal Party candidate for Stuart or perhaps another seat so that the danger in the house's not accepting this explanation is that it will be establishing a precedent in an Australian state parliament that one cannot criticise the Speaker in his own constituency.

That would mean that for the first time in an Australian state we are establishing the principle that the Speaker must go unchallenged, effectively unchallenged in his or her own constituency, and that

would be a dubious principle to establish, because the House of Commons is a house of more than 600 members. It can afford to have one constituency unchallenged, because it is unlikely that that is going to affect the outcome of a British general election. In South Australia we have only 47 seats in this chamber and, if one of those seats is set aside as a seat in which the incumbent cannot be publicly criticised, there is then a danger that that seat will always go with the government. So, if the house votes not to accept the deputy leader's explanation, the constitutional consequences are that there is one seat in the assembly that the opposition cannot challenge, and that is the seat that the Speaker holds.

The member goes on to say:

We can nominate for it but we cannot go to the major town in the Speaker's electorate and criticise the Speaker. Sir, in your condemnation of the deputy leader. . .

He then goes on to make further comments about comments being made. Further on the members says:

If the house does not accept this explanation, in effect it is saying that the opposition cannot travel to the territory represented by the Speaker, which is a vast area of the state, and criticise the government's candidate.

Obviously conflicting views are put in that particular explanation. They are the views of the current Labor Attorney-General (Hon. Michael Atkinson).

The Hon. Michael Atkinson put his view powerfully to the House of Assembly as to why, in his view, there is a difference in relation to the principles of the parliament as they operate in the United Kingdom. He was arguing then here in Australia, in particular in South Australia. I think it does raise a critical issue. As I said, at the time there were varying views, as one might imagine, from members of both the Liberal Party and the Labor Party as to whether or not there ought to be any capacity for criticism to be made of a member of the House of Assembly distinguishing the fact that the criticism is directed at him as a political candidate or as a member for an electorate as opposed to the office of the Speaker to which that member may well hold the office.

On that basis, I move on to look at the rulings that we have seen in the last four or five sitting days of the parliament. On 13 May, which was just yesterday, members will be aware that the former premier of South Australia, the Deputy Leader of the Opposition (Hon. Dean Brown), was named by the Speaker for statements that he made outside the parliament which the Speaker deemed an adverse reflection upon him as Speaker. Let me refer to the Speaker's rulings. He said:

It does not matter that an attack on the Speaker is made directly or made by innuendo, implication or inference.

I repeat:

It does not matter that an attack on the Speaker is made directly or made by innuendo, implication or interference. It is, and always has been, unacceptable for members to make adverse reflections on the Speaker, even if done by way of a background briefing or in an off-the-record manner to encourage adverse publicity. It is, and always has been, unacceptable.

That is the Speaker's ruling. He then went on to refer to statements—and what would appear to be from the Speaker's ruling what he thought to be outrageous reflections on him as Speaker—that were made by the Deputy Leader of the Opposition. The Speaker said:

On ABC Radio on 10 May. . . the Deputy Leader of the Opposition stated: 'I think there's an air of frustration at present in the parliament. I'll say no more than that. I can't comment on the nature of rulings given in the house. The standing orders specifically exclude that. Standing orders of the parliament prohibit any member from commenting in any way that might reflect on the Speaker, so I can't answer any questions.'

The reason the deputy leader was being very cautious was that last week the Speaker had ruled and warned all members that any criticism of him as Speaker would be viewed unfavourably—if I can use a word—by the Speaker and he may well take action.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The deputy leader was then asked by ABC Radio whether he would like to comment. The deputy leader replied, 'Sure, I'd like to.' The Deputy Leader of the Opposition said, 'There is an air of frustration at present in the parliament.' He went on to say, 'I cannot say any more than that.' When asked whether or not he would like to comment he said, 'Sure, I'd like to.' The Speaker named the Deputy Leader of the Opposition—the former premier (Hon. Dean Brown)—on the basis that this was an adverse reflection upon him as the Speaker. That is just an outrageous ruling in relation to freedom of speech in South Australia and the capacity for members of the opposition to be able to comment in terms of their operations within the parliament.

**The PRESIDENT:** Order! I ask the honourable member to take his seat for one moment. The honourable member is an experienced member of parliament and a very clever debater, but I do point out that the actions he is talking about have been the subject of discussion and decision in the other house and he knows that any adverse reflections on any member of the parliament are out of order. I have allowed a lot of debate to take place, mainly because it is on the public record. I ask the honourable member to be mindful of standing order 193 when he continues his remarks.

**The Hon. R.I. LUCAS:** Mr President, I certainly will be mindful of standing order 193, and I hope that the Speaker follows your rulings when the Deputy Premier in another place and the Premier refer to the dishonest dealings of the former treasurer and the Liberal government and similarly rules in relation to undue reflections because—

**The PRESIDENT:** Order! The honourable member is very close to making more disparaging remarks about members of Her Majesty's parliament.

**The Hon. R.I. LUCAS:** I am not; I am trying to defend myself, Mr President. The second example to which I refer relates to the general issue of the capacity for questioning of government ministers to be able to be successfully conducted in the House of Assembly. On the first day of parliament (7 May), the Hon. Rob Kerin asked the following question:

What changes have been or will be made to governmental departmental structures as a result of his allocation of portfolios to ministers? It has become obvious to the opposition that the portfolio allocation within the ministerial line-up is causing a great deal of uncertainty and confusion within the Public Service. The new ministry contains no less than 40 different ministerial titles, which in turn has generated confusion, a lack of coordination and unclear lines of accountability for the bureaucracy. Under the new structure some chief executives will report to multiple ministers, leading to managerial and bureaucratic uncertainty in government departments, which is still most evident after two months.

I add that, regarding the issue of government departments and agencies, a lot of information has been provided to the opposition about concerns of senior managers about which minister they should report to, what the lines of accountability are, and a number of other similar and related questions. Anyone who has any contact with members of the Public Service will know that there are those significant concerns about the structures that have been established by the new

government and how they will operate. Before the Premier was able to respond, the Speaker interposed:

Before the Premier answers, explanations for questions should ensure that the question is understood rather than make rhetorical, controversial, ironical or offensive expressions of opinions about matters canvassed in the question. In future honourable members in the course of their explanations will not be permitted the latitude the leader has just been shown.

I am not sure which of the unfavourable descriptions—that is, rhetorical, controversial, ironical or offensive—the Speaker ruled on in relation to that, but I think when one looks at the questions which are allowed both in this chamber and in another chamber, in all the years during which I have been associated with this parliament and other parliaments, it was, in my judgment, a question at the lower end of the offensive continuum—if one has a continuum of offensiveness. I can only remind you, Mr President, as a member of the Labor caucus, and others—and I would be happy to share copies of these—of explanations used by the now Premier, the now Treasurer and the now Minister for Government Enterprises during the past four years if one wants to measure on the continuum of offensiveness the explanations that were used.

That ruling, together with some subsequent rulings, has severely restricted the capacity of the opposition to be able to ask questions. I refer to the member for Heysen's (Mrs. Redmond) maiden or first question to the House of Assembly. This was the question that she was endeavouring to ask but which was ruled out of order:

Will the Minister for Health inform the house of what action she has taken to address the critical problem of medical indemnity insurance? The recent collapse of one of the major medical insurance companies, United Medical Protection, is having a devastating effect on our health system, particularly in country areas. Already, many country doctors are having to pay double the premiums.

At that stage, the Speaker intervened and said that the honourable member was out of order in terms of the explanation—and that was the end of the honourable member's maiden question in the House of Assembly.

**The Hon. A.J. Redford:** You would be allowed to ask the question in North Korea, wouldn't you?

**The Hon. R.I. LUCAS:** You could ask that question in North Korea or in any other parliament in the world except the South Australian parliament and our House of Assembly.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** The honourable leader ought to have a look at some of the explanations that his colleagues have given in the last eight years in the House of Assembly.

**The Hon. P. Holloway:** Look at the standing orders of the House of Assembly.

**The Hon. R.I. LUCAS:** I can look at the standing orders. What I am raising here is the capacity of an opposition to be able to question the executive arm of government. If the parliament cannot question then, as I said earlier, we have a very grave threat to the democratic process in South Australia. It is fundamental to the operations of our parliament that, without fear or favour, members of parliament ought to be able to question the ministers of the day. When you have a member in her maiden question on insurance saying what some might consider to be outrageous things, such as, 'many country doctors are having to pay double the premiums', shock, horror, what a dreadful thing to say.

**The Hon. P. Holloway:** She was debating the—

**The Hon. R.I. LUCAS:** It is a statement of fact; it is not a statement of debate.

**The Hon. P. Holloway:** You should look at the House of Assembly standing orders. I have been pulled up for things like that in the past.

**The Hon. R.I. LUCAS:** It is a statement of fact. I am very disappointed that—and let us put this on the record—the leader of the government is defending these rulings and defending the muzzling of the opposition in our parliament.

**The Hon. P. Holloway:** Rubbish!

**The Hon. R.I. LUCAS:** Well, that is what is happening. I turn to a fourth example which refers to statements that were made similar to the statements made by the Deputy Leader of the Opposition outside the house. Some members will remember the debate earlier in the year about various independent members of the lower house being kicked out of their office and the Presiding Member taking possession. As I understand it, the principal concern that they expressed was that, unbeknown to them, someone other than themselves had gone into their office and, in a quite unprecedented fashion, packed all their personal belongings in the process of moving them out.

Any member of parliament, Labor, Liberal or Independent, is entitled to have his or her documents, books and other belongings treated as confidential to that particular member. I do not believe that any Presiding Member is entitled to send in whomever they did to, in essence, go through the material that those members might have had.

**The Hon. P. HOLLOWAY:** I rise on a point of order, Mr President. If the leader is making allegations against a particular member of another house, which I believe he is, it is my understanding that under standing order 193 he must do so by substantive motion.

**The PRESIDENT:** That is the standing order. With the Address in Reply there has always been a great deal of latitude. The honourable member has been given a great deal of latitude, but he is testing standing order 193, albeit in a particularly skilful way. He is getting very close to coming to the point where he will have to be stopped. However, I will allow him to continue because he is mostly quoting statements of fact which are on the record. I remind the honourable member that he is not to reflect on any decisions of the other place or members of that place.

**The Hon. R.I. LUCAS:** Mr President, I certainly abide by your ruling. Of course, in relation to the issue that we have been discussing, there was no discussion in another place on that issue; it was actually an action taken outside the operation of that particular chamber. That is for the individual members. But I am concerned if the leader of the government in this chamber is saying that, as a member of the opposition, I am not entitled to express concern—

**The Hon. P. Holloway:** I did not say that at all. I'm saying that you are not entitled—

**The Hon. R.I. LUCAS:** —yes, you are—about those sorts of actions in this chamber. The fourth issue that I—

**The Hon. P. Holloway:** I want you to abide by the standing orders, that's all.

**The PRESIDENT:** All members will abide by the standing orders and interjections are out of order.

**The Hon. R.I. LUCAS:** The fourth issue that I want to refer to is that, in relation to that issue, the Leader of the Opposition was quoted in the *Advertiser* of Tuesday 12 March as follows:

Opposition leader, Rob Kerin, criticised the Speaker's move, saying there were not enough offices for members of Parliament.

The direct quote is:

'I think Peter should reconsider that', Mr Kerin said.

That is, he should reconsider his decision in relation to the offices. As a result of the Leader of the Opposition saying 'I think Peter should reconsider that', publicly and outside the chamber, he was warned by the Speaker for a grossly intemperate remark and criticism of the Speaker.

*The Hon. A.J. Redford interjecting:*

**The Hon. R.I. LUCAS:** In relation to that statement, made by the now Leader of the Opposition outside the parliament, that is that 'Peter should reconsider it', he was, as I said, warned for his grossly intemperate remark and criticism of the Speaker. What I can say—and I say this as a participant and an observer of 30 years of the South Australian parliament—is that these rulings are significantly restricting the capacity of the opposition to both question and comment.

This morning there was a most important issue—we will be debating it again tomorrow—about the Treasurer misleading the house: I have moved a substantive motion so I presume—

**The PRESIDENT:** I am sure you will debate that in the substantive motion.

**The Hon. R.I. LUCAS:** —in fact I know that I will be able to debate that particular issue tomorrow freely and frankly, without fear or compunction. But the issue this morning was that a member of the House of Assembly, the member for Davenport, in public comment on ABC radio, I know, was restricted in what he was able to say on that particular issue. It was a verbal minefield for the member for Davenport as to what he could say for fear of being named and potentially booted out of the parliament today when important questioning needed to continue about the Treasurer's misleading of the parliament.

**The Hon. Diana Laidlaw:** The journalist wanted to know and he couldn't ask.

**The Hon. R.I. LUCAS:** The journalist, in the public interest—

**The Hon. P. HOLLOWAY:** I rise on a point of order—

**The PRESIDENT:** There is a point of order. You can refer to the allegations: you cannot make a statement that the Treasurer has been misleading parliament. That is intemperate. Proceed.

**The Hon. R.I. LUCAS:** I have a substantive motion and I certainly will be discussing it—

**The PRESIDENT:** And you can make all the assertions you like during that.

**The Hon. R.I. LUCAS:** Thank you, Mr President. In relation to this particular issue, the question of the day in the House of Assembly, the member for Davenport, as I said, was effectively muzzled by the current operations in that he was unable to speak freely on the particular issue publicly. There are some in the community, in the media in particular, who are keen to get rid of the second house of Parliament, the Legislative Council. We saw this morning the capacity for an individual member of parliament, a member of the Legislative Council, to be able to rise above this muzzling, or attempted muzzling, of the opposition and to be able to speak freely, publicly, on any issues that might relate to the other place, on any issues that might relate to the decisions of the Speaker of the day.

So I have the capacity, and will continue to do so publicly, as the need arises, to criticise and to disagree vigorously with the rulings of the Speaker if I believe that they are wrong and that they are only serving to protect this government and

ministers in this particular government about whom I have made a very significant allegation—which will be determined in the debate that we will see commence tomorrow and continue over the coming weeks. That is just one example, from the space of four or five sitting days where, on a significant issue, the opposition is being inhibited, is being muzzled, is being restricted in terms of what it can do in the questioning of the government.

Mindful of the great sensitivity that the Leader of the Government has about the opposition being able to make any criticism, I will be delighted on future occasions to highlight a number of examples where the Leader of the Government made a number of most serious allegations about the former government. I will be happy to place those on the record and test whether or not the Leader of the Government has a view on whether there is one rule for the Labor Party—or, as it is now, the government—and another for the opposition. And now that he is in government, he seeks to redefine the rules of engagement between government and opposition and he does not like the heat that he is getting. So on every occasion—

*Members interjecting:*

**The Hon. R.I. LUCAS:** —he will seek to hide—

**The Hon. P. Holloway:** Which house are you talking about? Are you talking about in here?

**The Hon. R.I. LUCAS:** I'm talking about you, the Leader of the Government.

*An honourable member interjecting:*

**The Hon. P. Holloway:** You spent the rest of your speech talking about the House of Assembly.

**The Hon. R.I. LUCAS:** I am surprised the Leader of the Government did not recognise himself.

**The Hon. P. Holloway:** You've actually come back into this chamber now, have you? You've left the green house behind and actually come back here?

**The Hon. R.I. LUCAS:** Well, you interpose. In examples of great sensitivity to any criticism, he is seeking to redefine the rules of engagement that in my 20 years—

**The Hon. P. Holloway:** He's a very fair President. Very fair.

**The Hon. R.I. LUCAS:** You raised the point of order. In my 20 years in this parliament, I have sat on this side listening to ministers like the Hon. John Cornwall, the Hon. Frank Blevins, and others—

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** Norm Foster wasn't a minister.

**The Hon. P. Holloway:** I bet that never reflected on the Speaker. Did it ever reflect on a Speaker?

**The Hon. R.I. LUCAS:** Well, if you want to redefine the rules of engagement in this council and seek to hide and gag and prevent criticism and the sort of debate that we have always had in this chamber, then look out. We will be looking.

*Members interjecting:*

**The Hon. R.I. LUCAS:** Well, the standing orders now are no different to what they have been in the last 20 years. Having sat on the Standing Orders Committee for the last two years, other than making it now gender inclusive, which was the—

**The Hon. Diana Laidlaw:** Big, big change.

**The Hon. R.I. LUCAS:** The big change—the life's work of the Hon. Anne Levy. Other than that and some minor changes, the standing orders, as we see them now, on these issues remain the same as they were when I first commenced

in this chamber almost 20 years ago in 1982-83 with my colleagues, the Hon. Diana Laidlaw and the Hon. Ian Gilfillan who, I think, started at the same time.

The last issue that I want to address is in the nature of a warning to members of the government in another place. I will have another occasion to address some comments to some of the issues raised by some of the government backbenchers in particular during the Address in Reply debate; those of an economic nature I will be able to address in the appropriations reply debates as they come up.

A number of claims were made by members in another place about the conduct of the election and the Electoral Act, and on the appropriate occasion I will address those. I do want to address some specific remarks to the member for West Torrens, Mr Koutsantonis. Mr President, I know that you, as a man of integrity—

*The Hon. A.J. Redford interjecting:*

**The Hon. R.I. LUCAS:** Tommy Koutsantonis is how he is colloquially referred to, but I will not refer to him in that way, because that would be contrary to standing orders: I will refer to him as the member for West Torrens.

Mr President, I know you as a man of integrity and a man who has enjoyed the occasional punt every now and again. I have to say that, in my 20 or 30 years in parliament, there is only one member—and this is not the substantive point I was going to make, but at least the Address in Reply allows one to wander, within standing orders—who has ever welshed on a bet. There are a few members of the Labor Party with whom I have had a bet; I have won a few and lost a few. I can assure you, Mr President, as you will know, I have paid up when I have lost, and I have collected as well. But in all my 20 years there is only one member who has behaved in a most—and I cannot say a dishonourable way, because that would be reflecting. Would 'unsporting' be reflecting upon him? He has—

**The PRESIDENT:** Very close.

**The Hon. R.I. LUCAS:** —behaved in a most unsporting and un-Australian way. It is the member for West Torrens, who still owes me \$50. In a true loyalist fashion, at the end of the year 2000, when the then Leader of the Opposition, Mike Rann, was telling everyone within the Labor Party there was going to be an early election, I had a \$50 bet with the member for West Torrens that there would not be an early election. I even gave him six months in: I gave him until 30 June 2001. For the last 12 months, do you think I could get \$50 out of the member for West Torrens? I can only hope that now, with my comments on the public record with the fearless press here—and I am sure this issue will be reported as one of the great issues of the day—the member for West Torrens will not go down in ignominy as the only member in the South Australian parliament who has ever welshed on a bet.

**The Hon. Diana Laidlaw:** Or to you.

**The Hon. R.I. LUCAS:** Or to me: maybe he has welshed with others. The issue I want to address is the behaviour of the member for West Torrens. I want to place on the public record that I am aware of the statements that the member for West Torrens is making to the media about a senior member of the opposition in South Australia. At this stage, I will not describe the nature of those most unfortunate and inaccurate claims that he has been making about a senior member of the opposition. I place on the record that the behaviour of the member for West Torrens is known and has been noted. He is on warning that that behaviour will not be accepted by the opposition.

We know the role model for this sort of behaviour, and I have referred to that before, but it is unacceptable behaviour from the member, and I hope that wiser heads within the Labor caucus may well bring the member for West Torrens into line. As I said, a number of members of the media have reported to me and to other members the allegations that have been made by the member for West Torrens, and I would hope that, if the Premier—and this would be a significant irony in itself, given my previous remarks—has changed his ways from previous days when he was a staffer—

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** —to the former premier, he will ensure that this sort of behaviour will not be allowed to continue and that we do not continue to see these sorts of reports coming back to the opposition from members of the media about statements that have been made by the member for West Torrens.

There were a number of other issues that I previously indicated I intended to address: I will not do so on this occasion. I leave my central point, and I do hope that we might see some change in terms of the operations of the parliament, in particular of another place, so that we will see at least a fair go in terms of the efficient operation of the parliament that allows the opposition of the day to be able to freely and fairly question the government of the day, and also that we do not continue to see the sorts of rulings, which I have referred to earlier, as they relate to the Leader of the Opposition and the Deputy Leader of the Opposition.

It is the absolute ultimate irony that someone such as the current Leader of the Opposition, the Hon. Rob Kerin should be targeted. I think that most members around this place would see the Hon. Rob Kerin as being the person—if one were to take a punt on it—least likely ever to be criticised for having a harsh word or for being intemperate in terms of his criticism, particularly when compared with previous Labor leaders of the opposition—I will not talk about Liberal leaders of the opposition—and, indeed, many other members of parliament. I think that most members would accept that the Hon. Rob Kerin would be the least likely to be guilty of grossly intemperate remarks of which he has been accused in other areas.

It is, as I said, an ultimate irony that he should indeed be prevented from saying some of the things that he has said on the public record, both inside and outside the parliament.

*Members interjecting:*

**The PRESIDENT:** Order! Before I call the Hon. Diana Laidlaw, I need to make it clear that, during his contribution, the leader did, on numerous occasions, refer to other members and their activities, alleged or otherwise, which in many cases can be construed as being derogatory statements. I would ask all members to take particular notice of standing order 193 and to avoid making or casting any aspersions about the operations of or the decisions made by the other place. In saying that, I am not, by any means, giving any orders that the opposition should not question or probe the government within the standing orders.

As I said, I ask all members to take particular notice of standing order 193, because if we are to have latitude on one side of the council that will happen on the other side of the council. I ask all members to recognise the standing orders.

**The Hon. DIANA LAIDLAW:** I support the motion. I thank Her Excellency for her speech in opening this current session of the parliament. I acknowledge the death of Her

Majesty Queen Elizabeth The Queen Mother. I also congratulate you, sir, on your election to the position of President and indicate that, at this stage, I think that you have been pretty perfect, not only in terms of allocating me a most reasonable office when I did not wish to move offices at all but also in relation to questioning and probing and the fairness with which you have allowed debate in this place.

I would like to welcome all members who are new to this place, and I particularly note my colleagues the Hon. David Ridgeway and the Hon. Terry Stephens. I welcome the Hon. Andrew Evans, and I intend to be particularly nice to him because I need his support on a couple of things that I want to advance. He seems to be very pleasant and the task of being nice will not be too difficult. I welcome the Hon. Gail Gago and the Hon. John Gazzola. I have listened to all of their maiden speeches and I commend them on fine performances for revealing something about themselves and the influences from family, friends and workplace that have been important to them in life today and in their decision to seek a role in this place.

I must acknowledge that they revealed little that would cause them difficulty in the future, and I note the comments by the Hon. David Ridgeway in this regard. I did freeze when he indicated that he was going to make reference to remarks I had made some 20 years ago in my maiden speech. Immediately I wondered what the hell I may have said that would haunt me now but, in fact, I could easily accommodate those remarks, and they were as follows:

On occasions others in this council have deplored the fact that politicians are probably the most mistrusted professionals in the community. The public's perception of us colours their regard for our political system, a system that we should be preserving and strengthening for future generations. The onus is on us to restore credibility.

I fully stand by those remarks of some 20 years ago. However, I am an advocate of reform in this place. I have been seeking it for some years, but not with a great deal of success within my own party in terms of its agenda for this parliament. I acknowledge that I was never comfortable when eight-year terms were introduced for the Legislative Council. This arose, I think, from the sensible decision to have four-year terms for the House of Assembly, but we should be looking at the method of election and term of office for members of the Legislative Council.

I strongly support retention of the Legislative Council. However, I have acknowledged in this place that I am not as fixed in my views as some others that its current role and function is the only role and function long term of the Legislative Council. There are enormous benefits in having a two-house system of parliament, and we have seen it time and again in terms of providing necessary breathing and thinking space and opportunity for community input with respect to final form of legislation. It is for that reason this council's role as a house of review is something I would like to see reinstated with full force, which may see a more effective committee and oversight structure and a structure that would more aggressively provide opportunities on all or some of government and private members' legislation.

I am, in this regard, very conscious of the three-tiered system of government we have in this country. I think it has served us well. I would not wish to see loss of state governments. I am not entirely impressed by the most recent words from the Prime Minister, Mr Howard, who, in this Centenary of Federation, talks about taking more powers from the states and assuming them at the commonwealth level; but, in terms

of the states, we must look at our role and our effectiveness. I have often been attracted to the view that, with population change and other concentration of industry, work force, finance and head offices in the eastern states—or the eastern bloc, as I call it—we should be looking in South Australia, the Northern Territory and Western Australia at how we can more effectively work together.

Whether the three of us establish a western bloc is something that, I think, should be debated. Whether we go back to the original form of South Australia and the Northern Territory being central Australia is something that I would also welcome in terms of strong debate. Certainly, I am pleased that, in a recent referendum in the Northern Territory, the Territorians voted against statehood for their area alone. I do believe that that provides us with a further opportunity to look at the future structure for a central Australian state, and possibly as broad as incorporating Western Australia.

I highlight that it was in the days when South Australia and the Northern Territory worked as one that men of vision in this parliament at that time—there were no women—and the community at large were instrumental in some of the most visionary, exciting and important projects that were critical to the development of this state, and I name the Overland Telegraph project. That was followed up a few years later with the start of the Adelaide to Darwin railway. Of course, at that time it only went as far north as Oodnadatta and south from Darwin to Pine Creek, but it was a major start.

It is interesting today that we find that a group including a private sector company and the South Australian, Northern Territory and federal governments is seeing the realisation of this major piece of infrastructure. I think that it will bring a focus of trade, economic factors and tourism from the eastern states or bloc to central Australia, and that will be to our advantage. I think it is to our advantage again to then start considering, as we look to the future, what the arrangements should be for governance in central Australia and to our west.

With respect to the Hon. David Ridgway's speech and his reference to my maiden speech, it did prompt me to go back and see what I may have said some 20 years ago. It is interesting in terms of the current agenda being pursued by the government and certainly the views I have just expressed about the role of the Legislative Council. I say for the record that there is not a view that I expressed some 20 years ago that I would not express in almost the same form today. It is not that I have been a stick-in-the-mud and have not changed my agenda. The sadness is, I suspect, that the issues have not advanced in that time.

Therefore, I just want to hark back to some of the matters I raised in my maiden speech, ranging from unemployment—in particular youth unemployment—to the issue of the celebration of trades and how we could be much more effective in promoting the idea that our younger people consider a trade and not just higher education in the form of university education, and how we could encourage applied training. I talked about the school leaving age and women in parliament, and I made reference to excessive secrecy by government. I also talked about the need for bipartisanship in approaching complex problems and decisions, and I am of that view today. That is why I so strongly support a more active role for members of the Legislative Council as a house of review with a stronger committee structure.

I want to recall the remarks I made about why I am a Liberal. One of the issues for me today is the blurring of understanding in the community and perhaps even the blurring by the parties themselves of what would attract a

person to join the Labor Party or the Liberal Party. My statement back on 15 December 1982 was as follows:

... I stand here... as a Liberal. Because I believe above all in the individual, in diversity, in tolerance and in caring about my fellow beings, I could be a Liberal only. The Liberal tradition is based fundamentally on the recognition of the inherent dignity of each individual and respect for his or her inherent value. Liberalism asserts that solutions to human problems are within the human ken. It asserts a faith about our ability to survive and to progress, to build a society which, in encouraging the bold, rewarding the innovative and the excellent, equally manages to protect the weak, help the infirm, care for the sick, and aid the needy. As a Liberal, my aim is to see a more equal society, not by penalising the successful but rather by encouraging more success in all.

Following that reference to why I am a Liberal, I come to the fact that today I serve the Liberal Party, the parliament and the people of South Australia as a backbencher. This is my choice, following the controversial outcome of the most recent state election which ultimately saw a disaffected ex-Liberal casting his vote with the Labor Party, a circumstance that the Liberal Party had forecast before the election on 9 February but which was heartily denied as a possibility by the member for Hammond, Mr Lewis.

This set of deceitful events makes a farce of all the holier than thou protestations that we now hear daily from Mr Lewis, since he was elevated to the position of Speaker, and generally from members of the Rann government about standards of personal performance, honesty and integrity in government overall. I have to indicate that, personally and professionally, I take exception to the implied aspersions and doubts that are cast on me, and I think all members of parliament present today and in the past, that we need a bill now introduced in the other place by the Premier, Mr Rann, to enforce integrity, honesty and performance in decision-making in public life, in the public interest and for the public record.

I strongly believe that no piece of legislation can replace the values that one brings to this place. If you do not believe in right and wrong, and if you do not know it, a piece of legislation will make no difference. You do not come to this place without the utmost regard and humility that you act as a representative—you are not here for power for your own person, you are here as a proud representative. I think it is a humbling role to represent the interests of the wider community. If that is not respected, I do not believe that one has a hope in hell of acting with the integrity that I would expect of a person who held high public office and who, in holding that office, should present a picture to the wider world of esteem for that office. You do not hold it in your own right; you hold it for the future. You hold it in the public interest, and you hold it as a representative of others.

I find this obsession, by this government, that a piece of legislation will bring honesty and integrity, casts the reflection on others that we may have acted without honesty and integrity in the past, and I find it highly offensive. It will be a big issue. Perhaps members of the Labor Party do need a set of rules, such as they have within the Labor Party, that binds them in their decision-making, their preselection, their voting and enforcing honesty and integrity. I have always felt it is part of human values. If you are not born with it, if you do not have it, if you do not bring it here, you will not gain it through a piece of legislation.

I also find it interesting that it is the obsession of Labor members, and it was with the former Bannon government, that when one looks at disclosure of interests, it is assets about which they seem to be so troubled. It is getting back to



those Liberal views that I mentioned before. I believe very strongly in not penalising the successful but rather encouraging more success in all. I also equally believe that it is debt that makes a person vulnerable to the issues that would compromise their integrity and their decision-making, not assets. Assets actually give you a freedom to move, because you are not bound by—

*The Hon. R.K. Sneath interjecting:*

**The Hon. DIANA LAIDLAW:** But it is interesting that you never include debt in any of your bills that consider interests, and this retains the blinkered, blind, old rhetoric of the Labor Party—its meanness and envy of success. My decision today not to seek a position in the shadow ministry was made for a host of reasons, all of which are sound for me, the Liberal Party and, I trust, the parliament. The portfolios that I held for eight years as Minister for Transport and Planning, Arts and the Status of Women have now been broken up and are held now by five Labor ministers.

I highlight too that this government nominating only two ministers in this place I think is a regrettable move. I will say for the record to the Hon. Carmel Zollo that I would have liked to see her as a minister in this government and in this place, and I think that, on her record in this place and across the electorate, she thoroughly deserved such recognition from her party. With this government nominating only two ministers in this place, I did not feel comfortable with our having four shadow ministers in this place. I felt that we should have maximum strength of numbers seeking accountability in the House of Assembly. That was an important part of my decision making.

I indicate also that, now that we are in opposition, it is an important time for the Liberal Party to refresh its team. Certainly, our leader, the Hon. Rob Kerin, did exceedingly well with the additions to the ministry some four or five months ago but, after I had served as shadow minister and minister for some 16 of my nearly 20 years in this place, there was an opportunity for me to step aside and give an opportunity to another person—preferably a woman—and I am very pleased that in those circumstances the leader has selected Vickie Chapman, the member for Bragg, to the shadow cabinet. In turn, I am pleased with the leader's invitation and that the Hon. Malcolm Buckby, the member for Light, accepted the responsibility as shadow minister for transport and urban planning; Mr Martin Hamilton-Smith, member for Waite, as shadow minister for the arts; and Vickie Chapman, the member for Bragg, as shadow minister for the status of women.

I highlight that it was an enormous honour for me to serve the state as Minister for Transport and Urban Planning, the Arts and the Status of Women for eight years. It was a fantastic opportunity that few young people, let alone any woman, had ever been asked to undertake in terms of the range of responsibilities. I wish to acknowledge and thank a number of Liberal leaders and premiers who continued to have confidence in me over this period: the Hons John Olsen, Dale Baker, Dean Brown and Rob Kerin. On reflection, I suspect that at no time did I give any of them an easy time but that they always knew my views on any issue. They were always presented in the appropriate forums. To this day I have always backed and always will back the leader elected for the Liberal Party. I may have strong views on a whole range of subjects and I may have views with which the leader does not agree and I may have views with which the majority of my party does not agree, but I have always had the opportunity to be heard. Thanks to early lessons in this place

from the Hons Trevor Griffin and Roger Goldsworthy in particular, I learnt that I had to research my subject well if I was ever to beat those elder statesmen of the party in any matter at any time.

In terms of women in parliament and in non-traditional roles particularly but also women in transport, I highlight that, in 1989 when the Hon. Dale Baker gave me responsibility for the transport portfolio as shadow minister, no woman across Australia at that time had ever served in a transport portfolio in any form. At the last transport ministers conference—the Australian Transport Council—38 ministers across Australia had passed through that council while I served as minister so, having finally made it there as a woman, I seemed to be the one constant for many years. I will miss attending the ATC conference which the Hon. Mr Wright will attend representing South Australia in Auckland at the end of this month.

There are some very big issues—such as heavy vehicle registration charges, road safety matters, airline issues, rail issues—on which I will keenly seek to learn his view and the way in which (I hope) he will strongly represent the interests of South Australia. He will not always find it easy, because New South Wales seems to think that its population base and its loud voice on issues will see the day. I hope there will not be Labor caucusing by ministers and that we will see Mr Wright representing South Australia, as he is elected to do, in South Australia's interests, not just Labor interests.

In terms of my role as Minister for the Arts I am proud that not only did I serve the state for the longest period as arts minister but also that over this period we saw a renaissance in the arts with a host of new initiatives, notwithstanding the dire financial and economic circumstances that the Liberal Party inherited from Labor in 1992. I leave the job as Minister for the Arts disgusted in many respects that the new Labor minister, Premier Rann, says he wants to bring clout to the arts but is prepared to see budget cuts made to the arts even before his first hundred days in the job. The Barossa Music Festival has gone. As Minister for the Arts he will have to address other very big, difficult issues, ranging from programming requirements at the Adelaide Festival Centre Trust to the Adelaide festival and across arts organisations. In addition, he wants a film festival, although he does not yet know what theme that will take. Those issues will require extra money. There are new initiatives such as the film festival and hosts of unfunded pressures in the arts, yet he has come in supporting Mr Foley's statements concerning budget cuts in the arts. It will be interesting to see where he takes those funding cuts, because they will amount to many millions to pay for the pressures of new policy commitments and some related unanticipated issues in the arts.

I make that statement against the background of the Hon. Mr Rann's releasing the arts policy prior to the last election—one of the few that he did release or one of the few that Labor had prepared—which gave the unqualified commitment that Labor would continue to maintain funding levels in the arts. That was some 10 days before the election. Some two days before the election the shadow treasurer (Mr Foley) gloated about how he would take the knife to the arts. It will be interesting to see the Hon. Mr Rann—the minister who says he wants to bring clout to the arts—deal with these issues in cabinet: will he support his Treasurer or support the arts?

Over the past eight years, I have been accused of being a workaholic and a whole lot worse. My only regret is that I could never achieve more—and it was not for want of trying. It was a standing joke amongst my cabinet colleagues that I

had a wish to be acting treasurer. Initially my ambit claim was two weeks. I was prepared to reduce it to one, then only one week and then a few days, one day, even half a day. I was told quite bluntly by my colleagues that, even if there were only two of us left and everyone else were on holiday, I would not get the acting treasurer position.

I had a spending agenda; I do not apologise for it and I never stopped fighting for it. I did not always get it, but what I am proud of is that in Transport we achieved a whole range of projects that Labor had talked about for years but had never delivered on: from the Berri bridge to the Southern Expressway, to the extensions to the Adelaide Airport and the Port River Expressway, which, I understand, will receive extra and critical federal funding tonight. I am also pleased that finally we were able to badger federal governments of all persuasions to build the Adelaide-Crafers road, a project that had been on the agenda for years but never realised for this state. Unprecedented levels of funding were provided to rural South Australia in terms of overtaking lanes and shoulder sealing, tourism roads on Kangaroo Island, Flinders Ranges, outback—

*The Hon. Caroline Schaefer interjecting:*

**The Hon. DIANA LAIDLAW:** Arterial roads: new funding programs for rural arterial roads that had never been sealed. That is a 10-year program and the money is there. It is definitely in the budgets; it has been voted for in forward estimates. I would expect all Labor members opposite, in terms of our rural populations and economic development in our regions, to support the continuation of funding for these important rural industries and rural jobs, through the development of confirmed funded infrastructure. For the first time in this state there was a new program for regional roads. Local government roads that were deemed to have important regional focus were supported with funding through the state government from increases in heavy vehicle charges; and there was the emphasis, which I hope this government will maintain in terms of funding, on rail.

Members opposite should know that, in terms of the Treasury coffers, it is fantastic to see such a buoyant economy in the regional areas, but with projections of a 50 per cent increase in heavy vehicle transport over the next 10 years alone—they are federal projections—the wear and tear on our roads, road safety and road maintenance is quite forbidding, and we must seek diligently to get as high a percentage as we possibly can of that new projected business on our roads on to rail. I would urge members opposite to help their colleagues in cabinet, the ministers for Transport and Regional Affairs, to keep a focus on regional and rural investment in this state and infrastructure generally, and particularly in relation to road, rail and freight issues. There are some real conflicts ahead not only in relation to wear and tear and road safety but also in terms of tourism if the projected increase of heavy vehicles on our roads is allowed to be realised without our taking corrective action.

Today I want briefly to talk about an issue on which I want to spend time over the next few years; that is, population policy. I am very conscious of South Australia's ageing population not only because I have parents who are older but also because I want to ensure that, when I grow older, I will be exceedingly well catered for. I have a very vested interest, I acknowledge, in seeing better age services. I have a particular vested interest in doing so as I live in South Australia which has the oldest aged population in Australia and one which is growing at a faster rate than elsewhere in

Australia. That is because our population projections are static.

In South Australia, we have a very big task in looking at issues of ageing, birth rate and population policy. Recently, I went to a talk by Ms Prue Goward, the federal Sex Discrimination Commissioner. It was the day after she released her interim options paper on paid maternity leave, and I will refer to that in a moment. I see that the federal Treasurer has plans this evening to talk about the budget implications many years hence of the ageing of our Australian population. Last week, in separate focus on this issue, the immigration minister (Hon. Mr Ruddock) talked about immigration policy and lifting our annual intake to 110 000. This will have only a very marginal impact on Australia's population over a five, 10 or 40-year time frame, because when people come to Australia they do not reflect the birth patterns and the like of their homelands.

Certainly, Greek people, Italian people and people from our Asian neighbours are not having the number of children that they would have in their—

**The Hon. Carmel Zollo:** They are not having them in Italy either.

**The Hon. DIANA LAIDLAW:** No, but they are quickly adopting the Australian way in terms of fewer children. At the moment, Australia's birth rate is among the lowest in the western world. We are at an historic low at 1.75 per cent and it is still falling—

**The Hon. Sandra Kanck:** And a good thing too.

**The Hon. DIANA LAIDLAW:** The Hon. Sandra Kanck has a very different view from mine on population. I think we have some major challenges if we do not look at an increased population and an income earning population, and particularly in South Australia where our population is growing much more slowly than that in the rest of the country.

Women—and men—are delaying having children to a much later age, the average age of a mother having her first child today now being 29.8 years. There is an issue with the older population receiving a lower income and spending less overall but having a greater demand on services. That demand is not only because of health needs but also because, today, they do not have the younger family network that they used to have in the past. Young people are moving interstate to find work opportunities—they always have and they always will—but that leaves baby boomers of the 1960s without a support network in their older age. Therefore, we can anticipate—I refer to the Hon. Gail Gago's experiences with nursing—an increased demand for a whole range of home support and hospital-based services.

**The Hon. G.E. Gago:** We are now being shortchanged in terms of nursing home beds.

**The Hon. DIANA LAIDLAW:** Yes. A whole range of issues will arise, but we will also have to build an income earning population base because all these demands for services cost money. If we have a high proportion of aged people who, necessarily and quite rightly, will cost more with fewer people earning, we will be in for a terrible clash of forces in this country and we will face resentment from younger people because of the higher intake of taxes and the like that will necessarily have to be sought from them. It is highly in our interests to see an increased birth rate in this country, as western countries around the world have already determined. South Australia is one of the few western countries in the world that do not have paid maternity leave. On page 32 of the report, Ms Goward states:

Eighteen (soon to be 19) of Australia's top 20 trading partners provide some form of paid maternity leave. In 14 of these countries, paid maternity leave is a statutory entitlement. These countries share the same economic concerns as Australia, that is, the desire to remain competitive and productive in a globally competitive market. Unlike Australia, they provide paid maternity leave.

She goes on to say:

The OECD is made up of 30 developed countries. They are committed to the market economy and pluralistic democracy—

as is Australia. She continues:

All of these countries, except for Australia and the United States, provide paid maternity leave.

New Zealand has, of course, introduced legislation for such a scheme, and that will be implemented from 1 July this year. Ms Goward continues:

Nine of Australia's trading partners provide either a social insurance or social security funded paid maternity leave scheme: Canada, France, Germany, Italy, Japan, the Netherlands, Taiwan, the United Kingdom and Vietnam.

In addition, there are some 24 OECD member countries that fall into this category.

Ms Goward's paper was released on 18 April and comments are sought by 12 July. I have been interested to read the comments generally from political parties and more widely since this paper was released. I think that, generally, there is agreement that we need to refocus on families.

The issues canvassed in the paper range from the various models that could be selected for paid maternity leave, the length of time such leave should be paid for, the rate of payment, costs overall, and who pays. The Prime Minister has adopted an interesting shift of position on this issue—having, in my view, expressed some reluctance to see this advance, notwithstanding his pro-family views—to more recently ordering a public sector inquiry into detailed costings of a scheme to be funded by the federal government. I applaud the Prime Minister for undertaking that exercise, and I will certainly urge him, through my party fora, to take this issue further as a federal government funded scheme.

I recognise that women in the Public Service generally in Australia have access to paid maternity leave whereas women in the private sector do not. In fact, some 70 per cent of Australian women workers do not have access to paid maternity leave. In my view, it is discriminatory that women in the public sector, who essentially are paid by the taxpayer, are given paid maternity leave but I do not think that anyone should suggest that every other person in the private sector should be paid by their own contribution or employer contribution. It is wrong to discriminate in that way—that taxpayers, small business and the like should pay for the women in the public sector to have paid maternity leave in addition to paying fully or partly for women they employ who may choose not only in their own personal interest but in the nation's interest to have a child or children.

I think it is also bad as national policy to see that firms in the private sector are, in a piecemeal way, taking on this issue. I think it should be national policy led by the federal government. The ACTU is taking it up, but it will be as part of either enterprise agreements—and they will always differ because of the different circumstances in the workplace—or award agreements, which again will vary. It has always been the experience in women dominated workplaces that women rarely get the benefits that are on offer.

It is interesting to note that, in terms of this piecemeal approach to enterprise bargaining, over the last month or so, the Australian Catholic University, the University of Wollon-

gong and the shires and councils across New South Wales that have granted paid maternity leave are all—and I emphasise this—publicly funded organisations. So, the precedent has been set. They all vary in terms of the rates of benefit, and I think that is a bad way to approach not only issues of fertility and population policy but women's policy.

**The Hon. T.G. Roberts:** Hear, hear! You're getting very Bolshie in your old age.

**The Hon. DIANA LAIDLAW:** No, they are consistent views. That is why at the beginning of this address I harked back to my maiden speech of some 20 years ago. My assessment in summing up this matter is that the debate has moved beyond the need for such a scheme. I think that some people would protest that motherhood is a consumer choice undeserving of financial support, but I think they would be few and far between. I think the debate, even in those instances, must move beyond the need for such a scheme to how the entitlement should be funded and what is a reasonable paid absence on leave.

I also wish to extend the argument beyond Ms Goward's proposition for maternity leave to having it equally available for choice within families for the male partner to take this leave to look after the child. One reason for this is that one of the weaknesses of the feminism debate over the years was that we argued from a woman's perspective in terms of equal opportunity and too often left the men out of the equation. Not only have we been left with double the household burden and family responsibility but we seem to have been lumped with everything. I would bring men into the debate at a very early stage in terms of this matter. I know, Mr President, that you are perfect in every way and that you share the household responsibilities and everything else and are enlightened in your views and fully support women and equal opportunities—

**The Hon. T.G. Roberts:** You're misleading parliament.

**The Hon. DIANA LAIDLAW:** I know. I was wondering whether someone was going to bring me to order or if the President himself would almost gulp and interject that I was unfairly describing him. But, even if he is not everything I have indicated, it is certainly my wish that he would be, in this leadership position that he now holds. However, it is important to bring the men into the debate early on: this is not just a women's issue. I think having it talked about as maternity leave leaves it again as an issue that women are fighting for.

**The Hon. Carmel Zollo:** It should be parental leave.

**The Hon. DIANA LAIDLAW:** I think it should be parental leave and I would strongly advocate that. I want the men and the families as a whole brought into this and I do not want it dealt with as just a women's issue or as just a fertility issue; I want it dealt with as a national population issue of major importance. There are so many arguments why they should be paid maternity leave. I simply add to those arguments: what sort of society will we be 10, 40 years ahead without such a policy as part of an overall sensible population policy? It is important for this nation and it is particularly important for the state.

**The Hon. T.G. ROBERTS** secured the adjournment of the debate.

#### BEVERLEY MINE

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a copy of a

ministerial statement relating to the Beverley Uranium Mine Interim Report and Special Task Force made by my colleague the Hon. John Hill, Minister for the Environment and Conservation, in another place.

### HEALTH REVIEW

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I also lay on the table a ministerial statement made in another place on the Generational Review of South Australian Health Services.

### EAST TIMOR

**The Hon. SANDRA KANCK:** I move:

1. That this council congratulates the people of East Timor on achieving full independence; and
2. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

This coming Monday, 20 May, will see a public holiday and celebrations in Timor Leste—East Timor to you and me—to mark that country's full independence. I move this motion in what is a limited time frame and on what is normally a day when we consider only government business, asking for and hoping for the cooperation of members so that it can pass through both houses before close of business this week. The message will then be able to be transmitted to the East Timorese Assembly in time for the celebrations.

On 20 May the United Nations transitional authority will hand over the control of East Timor to the newly elected democratic government. It will be an extraordinarily emotional moment for the East Timorese when that happens. Colonised by the Portuguese, then invaded by the Indonesians when the Portuguese bowed out, East Timor has waited a long time to declare itself a nation in its own right. The 20th of May was chosen by the new government because it was on that date in 1975 that Fretelin, the majority party in East Timor, declared itself independent. Once again, this time after democratic elections, Fretelin is the majority party in the government of East Timor.

For 24 years following the invasion, Indonesia undertook a systematic campaign of genocide against the people of East Timor. Sadly, successive Australian governments of both persuasions turned a blind eye to what was happening, preferring to side with, and even assist, the Indonesian government. I recall on one occasion being acutely embarrassed as an Australian to hear Australia's Foreign Minister, my local federal MP, Alexander Downer, state that the Australian government opposed the independence of East Timor because it did not want to see 'the Balkanisation of Indonesia'. When Jose Ramos Horta, having been awarded the Nobel Peace Prize, visited Australia in February 1997, neither the federal government nor the South Australian government, when he visited Adelaide, was prepared to host an official reception in honour of him.

**The Hon. T.G. Roberts:** We did though.

**The Hon. SANDRA KANCK:** Exactly. To the shame of the governments of the time there was an unwillingness to do anything that would not meet with the approval of Indonesia. So here in Adelaide the reception was co-hosted by the Hon. Terry Roberts, the Hon. Bernice Pfitzner and me.

For many years, a small band of political activists kept the flame alive in Australia for East Timorese independence. These included at the national level Shirley Shackleton, whose journalist husband was murdered in East Timor,

Democrat Senator Vicki Bourne and Victorian MLC Jean MacLean. At the local level, the group campaign for an independent East Timor, including especially Andy Alcock and others such as Bob Hanney, Julie-Ann Ellis, Miriam Tonkin, Richie Gunn, Bill Fisher, Don Jarrett, Crystelle Holliday and Kathie Heptinstall, and the local Catholic community through the Ramano group, groups such as Amnesty International and Community Aid Abroad and the local East Timorese community through people such as Jacinta and George Azevado and Hilda DaCosta, persistently and loudly applied pressure to the Australian government.

There is a problem for me in naming names because I might miss somebody out, and if I have done so I apologise. To me, these people are truly heroes, and I salute them. I know a number of them will be in East Timor for the celebrations, and I envy them that. I have addressed quite a few East Timor rallies since becoming an MP as, I know, have my colleagues the Hon. Ian Gilfillan, the Hon. Terry Roberts, and former MLC the Hon. Bernice Pfitzner.

Sometimes these rallies attracted no more than 20 people, but the campaign for an independent East Timor never lost its nerve, never gave up; and it would have been very easy for them to give up. Indonesia had the strength and the will to subjugate, and Australia backed them, with the aid and training of Kopassus troops.

Indonesia began a program of forced migration into East Timor so that they could suppress by mere force of numbers. They began a program of ethnic cleansing—school girls, for instance, being compulsorily injected with Depo-Provera so that they would not be able to conceive. The East Timorese people were imprisoned and many were killed in a number of well-publicised and some not well-publicised massacres. Somewhere between one in three and one in four East Timorese people were killed between 1975 and 1999. To get a sense of that, that would have been the equivalent of seeing five million Australians killed in that time.

It is somewhat strange to me that I have to acknowledge the part played by Indonesia's then president, President Habibie. It was under his leadership that the referendum for independence took place well ahead of the sort of timetables that even Nobel Peace Prize winner Jose Ramos Horta had advocated. It was a move that created great opportunity and yet at the same time incredible danger for the people of East Timor. It was fraught with danger because the leader of the Indonesian military indicated that he could not guarantee the safety of the UN personnel; and if he could not guarantee even that, what chance was there for the people and the security of the East Timorese.

The activists and the ardent supporters of independence therefore watched the approaching referendum with great trepidation as the standover tactics of the Indonesians became more and more overt. Up to this point the Australian government was taking the position that it would not be involved in any sort of military presence in East Timor, except as part of a UN peacekeeping force, and it would not be part of it unless the US were involved. Because of that, back in 1999 I sent a couple of faxes to the US President that argued for his country's involvement.

A vote was taken on 31 August 1999, and history shows that people were queuing at 4 a.m. in order to record their vote. And 99 per cent of East Timorese people voted, which is a higher percentage than in Australia. The UN declared that vote on 4 September, and it was overwhelmingly in favour of independence. I recall on that day attending a rally organised by the Campaign for an Independent East Timor

and the elation that was there, but it was tinged also with trepidation, a real fear for the worst. That fear was very much justified, because all hell really broke loose after that, with the Indonesian government turning a blind eye to the increasing level of vandalism and atrocities committed by its militias. Such vandalism saw every building in Dili damaged, if not destroyed, leaving a country without any infrastructure.

While our government dithered, the people of Australia became outraged, and I believe that collective outrage ultimately forced the government's hand. The number of rallies increased in size, in frequency and location. There was, for example, a Hills group that protested outside Alexander Downer's office.

Australia owes an historical debt to the East Timorese for their courageous assistance to Australian troops during World War II, and the people of Australia recognise that. The recent history of East Timor has been a sorry one, but eventually the Australian government had to give way to the will of ordinary Australians. Ultimately, Australia led the UN peacekeeping force in East Timor and has had a continued presence since then.

I am proud of the Australian community. It exerted moral support and expressed moral outrage at that darkest time, and its generosity in both goods and finance in the many appeals following the intervention from the UN peacekeeping force is something of which we should all be proud. As a nation, we have now committed to ongoing support in East Timor, as we should. This is a time to reflect on the tragedy that should not have occurred in East Timor, but it is a time also to move forward positively into the future with hope for the world's newest nation.

I am proud to have moved this motion, which I hope will be attributed to the whole of the South Australian parliament. I wish the people of East Timor well, and I wish wisdom for the new legislators as the parliament takes its place in East Timor. I conclude with the words that others and I have shouted at so many protests and rallies over many years: Viva Timor Leste.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I indicate that the government will be supporting the motion and will assist its movement back to the lower house as quickly as possible.

I will be one of those who will be celebrating Independence Day, when it occurs on 20 May, for the East Timorese and the newly elected government, and I will add my support to any celebrations that will occur either at parliamentary level or in the community.

This is probably one of the hardest working committees with one of the toughest tasks ever—to support a group of exiled Timorese in Australia who had to take action to remove themselves against their will from their own country in order to bring about political change in Australia to support their case for independence.

It started off with a very small group of people who found their way from Darwin after 1975, most of whom had been activists in Darwin and who had established Radio Free Timor. This group established a radio station that broadcasted messages of support back to the Timorese people. Australia's role, federally, was blighted by not just the Liberal government's supporting the integration of Timor into the Indonesian archipelago but also an exiting Labor government not being publicly open about its role in the last few days of Timor's existence as an island state under the guidance of Portugal. What would be described as a civil war was taking

place in Timor at the time of the Portuguese evacuation, or its abandoning of Timor.

The transition by the Timorese to government after the Portuguese left was very rushed. As in the case of many decolonised countries, the colonisers did not leave the infrastructure support there for democracy or for a stable government: they left it in a state whereby two major groupings were in conflict with each other, which brought about a lot of pain and suffering. Many people did make their way, as I said, to Darwin and then on to other states. The small group that was resident in Adelaide did a magnificent job in keeping the attention and focus of mainly academics and trade unionists on the real issues.

As the Hon. Sandra Kanck said, they were very lonely demonstrations in Adelaide. The honourable member, I and, in later days, Bernice Pfitzner would turn up as regulars to speak by way of invitation. The protest was usually accompanied by news of some atrocity that had taken place in Timor which was not being celebrated but which was being publicised because most of the atrocities that occurred after decolonisation were covered up. There was very little free flow of information from Timor: most of it was carried by departing refugees and/or, from time to time, visiting parliamentary groups.

In the main, the number of people who lost their lives and the brutalisation of the people of Timor was something, I think, about which we all need to hang our heads; because at the time the federal governments saw it as inevitable that East Timor would be taken into the Indonesian archipelago and come under its wing in terms of governance. Those of us following the discovery of oil in the Timor Gap knew that once that oil had been discovered, fought over and the spoils divided between Indonesia and Australia, it would be much more difficult for East Timor to make any claim on independence.

It was not until the breaking up of the archipelago into warring tribes, if you like, through international movements of the breakdown in centralised democratic processes over tribalism, to some extent, that we saw the vulcanisation of Indonesia to a point where there are now still struggles being fought by people of religious convictions in the main, and also political convictions, against a regime that is not allowing for the flexibility that is required for unified independence and a unified position with island states, island nations, which, previously, were collectively a part of Indonesian rule.

It is a tragedy that has happened. I would have preferred to see Indonesia rule with more flexibility to allow for religious freedom and political expression. That did not occur under military regimes but now, I think, there is a move to democracy in Indonesia. I think there is some great hope for change on the Indonesian archipelago and that, somehow or other, with the demilitarising of the civilian government, there may be some hope for a democracy to form within Indonesia that allows for countries, such as Timor, to continue their association with Indonesia.

I suspect that there will be a maturing of the political processes within Timor which will try to forge diplomatic relations with Indonesia and work with Indonesia in a cooperative way. Similarly, I hope that the relationships—

**The Hon. A.J. Redford:** Megawati is going.

**The Hon. T.G. ROBERTS:** Hopefully, Australia, Indonesia and East Timor could have a mature relationship in terms of expanded trade and cultural relationships. I know that some members of this parliament are doing their best to

forge their relationships at a government level by making contact individually with members of parliament. We have had delegations of Indonesian members of parliament in this council and they certainly show signs of wanting to be part of a broader church, so to speak, in relation to the way—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** One of the difficulties the honourable member raises is that democracy has trouble forming when a sub-layer of political and military fear reigns within a country. The challenges are to break that network that exists between the industrial/military complex and the civilian population; to encourage the emergence of civilian politicians who are fearless enough to tackle those real issues of brutalisation and fear that run back through those communities; and to foster democracy.

Timor has thrown off that cloak of repression. It did it with huge losses. As the Hon. Sandra Kanck pointed out, a range of atrocities was perpetrated on the civilian population who, in the main, were unharmed. Mainly they were women and children and, in many cases, defenceless as the men had mostly gone to the mountains for refuge, but they continue their struggle. I must pay tribute at a personal level to those with whom I was involved in organising Australian participation in internationally orchestrated events that were, in many cases, coordinated around the globe to raise, in a peaceful way, the levels of understanding with respect to what was happening in Timor. Those people with whom I was associated included Jean McLean, who not only took on the East Timorese issues but a range of other issues associated with struggles around international issues. I mention Andy Alcock, of course, and Richie Gunn, who was there whatever the weather. Richie did have a period where his health was not that good.

He certainly made a comeback over the time and made his contributions felt. The Ramano group was always there to entertain and to sing spiritual folk songs. I certainly pay tribute to both the local Timorese and the Darwin Timorese communities for the contributions that they made at the rallies.

I will not go down the track of progressing the military intervention that Indonesia perpetrated, as the Hon. Sandra Kanck has done that. Like her, at the time the ballot was counted and the result was known, I feared for the worst. I sent faxes and wrote to the Prime Minister appealing for a greater level of understanding about what was happening on the island because people were telling me that there was a pending holocaust. The foreign affairs department within the government was saying that that was not the case, that democracy had prevailed and that the Indonesian government would withdraw most of its forces. It said that there would not be a holocaust and that democracy would be allowed to reign. Unfortunately, either knowingly or unknowingly, everyone underestimated the real situation, and again the Timorese people had to put up with huge loss of life—

*Members interjecting:*

**The PRESIDENT:** Order! There is too much audible conversation.

**The Hon. T.G. ROBERTS:** —before the international community focused attention on them. We have independence now emerging out of that huge struggle and loss of life. I think Australia will have to play a leading role in assisting the Timorese to rebuild their lives. There is opportunity for parliamentary liaison and certainly I would encourage those members who have travel allowances to make themselves

known to Timorese people in Australia, many of whom I think will return to Timor—

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** Perhaps I should have said that they should make themselves known to Timorese people as they are on their way to Indonesia to make themselves known to the Indonesian civilian government, and even to work on some of the military people behind the scenes. They cannot be neglected because they are such a strong force.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** You have to keep the dialogue moving. The honourable member indicates that they are changing. I would have to take that as being more accurate than any of my information, because he has just returned and has been helping to build up trade relations and personal relations within the government. I support the motion and look forward to the celebrations of the East Timorese people both here in Australia and in Timor. Unfortunately, I will not be travelling to Timor either.

**The Hon. NICK XENOPHON:** I support the motion and commend the Hon. Sandra Kanck for bringing it before the council. I endorse all that has been said by the Hon. Terry Roberts and the Hon. Sandra Kanck in this regard. Some 25 years ago I actually met Jose Ramos Horta in the fledgling days of the East Timorese Independence Movement. He had an intense passion about him. It was only two years after the Indonesian invasion of East Timor. The organisation was more than fledgling: it was struggling to be heard in terms of their concerns for the East Timorese people. What impressed me then was his incredible determination: he would never give up.

I think I should also pay tribute to the campaigners in Adelaide. I know that the Hon. Sandra Kanck and the Hon. Terry Roberts have been campaigning on this for many years. Andy Alcock, who has been there from the beginning, deserves great credit for his determination and persistence. It should be said that the Howard government was courageous. It did do something that many felt was unexpected. It took steps that other governments did not, including the Keating and Fraser governments, in terms of pushing for the independence of East Timor.

The foreign minister, the Hon. Alexander Downer, does deserve credit for his moves. Many were surprised that it was a conservative government that played a key role in bringing about independence for East Timor. It is credit that ought to be acknowledged in this context. In future years, John Howard may continue to be criticised and reviled over a number of issues, whether it is the children overboard case, the GST or other issues, where he has drawn a lot of criticism but, in relation to East Timor, it is something that cannot be taken away from him. It was a crowning achievement on the part of his government, and thank goodness that East Timor is at last independent. It is on track, I hope, for a very successful period of nationhood, and I wholeheartedly support this motion and commend the Hon. Sandra Kanck for having the wherewithal for bringing it before the council.

**The Hon. DIANA LAIDLAW** secured the adjournment of the debate.

#### ADJOURNMENT

At 5.42 p.m. the council adjourned until Wednesday 15 May at 2.15 p.m.

