LEGISLATIVE COUNCIL

Wednesday 13 November 2002

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

JOINT COMMITTEE ON IMPACT OF DAIRY DEREGULATION ON THE INDUSTRY IN SOUTH AUSTRALIA

The Hon. IAN GILFILLAN: I seek leave to move a motion without notice concerning the Joint Committee on Impact of Dairy Deregulation on the Industry in South Australia.

Leave granted.

The Hon. IAN GILFILLAN: I move:

That the members of this council appointed to the committee have permission to meet during the sitting of the council this day.

Motion carried.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to the presence of some very important young South Australians—year 10 students from Pembroke—who are visiting our parliament today as part of their studies. They are being sponsored by the member for Norwood, Ms Ciccarello, and are accompanied by their teacher, Mr Wilfried Westermann. We hope that their visit to our parliament is both interesting and educational. I welcome them on behalf of all members.

QUESTION TIME

PETROL SNIFFING

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

Leave granted.

The Hon. R.D. LAWSON: On 6 September this year, the South Australian Coroner handed down findings in relation to the deaths of three young Aboriginal men who were petrol sniffers on the Anangu Pitjantjatjara lands. The findings of the Coroner were greeted with reports that the situation on the Pitjantjatjara lands was a national disgrace and a matter of shame for all Australians.

In January and February of this year, the northern operation service of South Australia Police conducted an operation called 'Pitulu Wantima (Petrol—Leave It Alone)' on the Pitjantjatjara lands. That operation resulted in a report which noted, amongst other things, that a total of 302 petrol sniffing offences were detected on the AP lands during the operation. These offences were committed by 95 individuals (20 females and 75 males). It was noted in the report that those statistics in relation to petrol abuse could not be regarded as an accurate reflection of the total abuse on the lands. It was noted that a wide range of age groups (from as low as 10 years up to 59 years of age) were participating in petrol sniffing. The report also noted:

SAPOL have identified a number of key areas for consideration, including increasing the police presence on the AP Lands, facilitating diversion to assessment and treatment and all agencies identifying and implementing best practice in managing issues around petrol sniffing in remote communities.

The report continues:

The value of recreation/occupation has also been highlighted, and the community should continue to explore opportunities to divert Anangu away from petrol sniffing by offering alternative activities.

In section 2 of the report, on page 31, it states:

Police are concerned at the current lack of judicial options for petrol-related offences, and note that imprisonment is a last resort, not necessarily being an effective deterrent. The most tangible benefit appears to be the brief period of respite provided to the victim and the community by the period of incarceration.

The report elsewhere notes that there was little attitudinal change against the practice of petrol sniffing, notwithstanding the tougher stances adopted. It was also recorded that the police are currently planning an operation to apprehend some of the people who are trading in liquor and drugs on the AP lands. My questions are:

1. When will the police report of Operation Pitulu Wantima be publicly released?

2. What action has the government taken to implement the recommendations made by the Coroner in the inquest previously referred to?

3. Have the police undertaken an operation to apprehend some of the people providing liquor and drugs on the AP lands and, if so, what was the result of that operation?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important questions and hope for his continued support in a bipartisan way to assist the Anangu Pitjantjatjara people deal with a lot of the problems that they have on the lands. Petrol sniffing is just one of their problems: alcohol and drug abuse are also included in the deteriorating condition that exists within the lands where opportunities and choice are not available, particularly to young people, in relation to their future. In relation to the first and second questions about the release of the police report, it is in the hands of the police minister and I will endeavour to bring back a reply.

In relation to the third question and what has been done about the running of liquor and drugs, I think the honourable member refers to the accusations about the activities of running alcohol and drugs into the lands from Mintabie. Although there are other entry points for both liquor and drugs, Mintabie seemed to be raised in evidence before the select committee as being the main area. I can report anecdotally, but again I will have to bring back a reply from the police minister.

We stayed in the lands for the elections last week. Eight police officers had been staying in DOSAA's accommodation but vacated when we arrived and moved to the western side of the lands. They were involved in sweeps of the lands trying to detect a range of lawbreakers in relation to a range of issues. The levels of activity of the police have been lifted, but I will bring back details on those activity levels and some of the programs in which they are involved. The government is also interested in providing community policing, as well as police enforcement of the current laws.

In relation to question two and the action that is being taken, the current status and progress of programs that are being put together by the current government are many and varied. I will take this opportunity to report that the Anangu Pitjantjatjara Lands Intergovernmental Interagency Collaboration Committee, commonly known and referred to as Tier 1, was formed in August 2000 under the previous government in response to concerns and reports that communities on the AP lands were living in poverty and suffering serious health

conditions, despite large sums of money being invested in services and programs on the lands. Comprising senior executives from state and commonwealth agencies and originally chaired by the chief executive of the Department of Human Services, Tier 1 has now been transferred to the Department of State Aboriginal Affairs (DOSAA) following cabinet endorsement on 30 December 2002.

The project team, comprising an executive program manager and two senior project officers, was recently established, with initial funding committed by the commonwealth Department of Family and Community Service, DHS, the Senior Management Council and Department of Health and Ageing, to progress the work of Tier 1. The terms of reference for Tier 1 currently read as follows:

> To work with and through the Anangu Pitjantjatjara to:
> - improve Anangu community capacity to manage current and emergent issues;
> - ensure that Anangu have access to services necessary to sustain life and wellbeing at a quality comparable with that enjoyed by other Australians;
> - design and deliver services in a manner which respects, promotes and sustains Anangu hopes and aspirations; and
> - monitor, evaluate and review the success of programs and processes in light of the above.

In December 2001, the petrol sniffing task force was established, its key objective being the identification of a range of solutions to the issue of petrol sniffing on the lands. The petrol sniffing task force, also convened by DOSAA, reports to Tier 1 and comprises senior officers from the state and commonwealth agencies operating in consultation with AP. Through these officers the petrol sniffing task force links with a range of existing forums addressing substance misuse.

Under the auspices of the petrol sniffing task force, the South Australian police have recently completed the operation to which the honourable member referred. This initiative increased the number of patrols on the AP lands for a six week period to collect data on problems associated with petrol sniffing. The police operation was prompted by community concerns about safety and violence from intoxicated sniffers, and its outcomes included improved community police relationships, information regarding the extent of substance misuse and the reduction in the incidence of crimes of violence and property damage.

As the honourable member said, the State Coroner, Mr Wayne Chivell, recently conducted an inquest into the deaths of three people as a result of the inhalation of petrol fumes on the AP lands. The findings of the inquest were handed down on 6 September and contained a series of recommendations.

We are dealing with a whole range of issues in cross-governmental agencies. We are dealing with the commonwealth in trying to put together programs tristate and with the commonwealth. There has been a meeting of justice ministers in three states, and we will be looking at recommending cooperative programming and spending regimes for setting up diversionary programs to assist the communities in dealing with petrol sniffers. A lot of short-term initiatives are being taken. Some will have immediate effect and some will be intermediate programs. We will be putting in some programs to alleviate the boredom that goes with petrol sniffing and the deprivation and poverty that exist within those communities, and we hope that over time there will be an improvement in the lives of Aboriginal people in that north-western region. This is not confined to South Australia: there are problems in many of our communities throughout Australia, and we hope to be able to deal with them using commonwealth support and assistance.

The Hon. R.D. LAWSON: As a supplementary question: when can we expect to see some positive action in relation to petrol sniffing and not just long-winded statements?

The Hon. T.G. ROBERTS: Some programs that are running at the moment have been introduced for short-term benefits, and they are being implemented immediately. The real impact and challenges are for the intermediate and long-term programs. I suspect that the most important initiative that can be taken by AP is to get its own governance working, so that it can work with our governance to help to integrate those programs that I am talking about on the ground. As for the initiatives that are being taken, I can bring back to parliament a cross-section or snapshot of those programs that are running to improve the life of people in the short term, as well as the policing that was demanded by AP to try to draw a line in the sand to stop the circumstances from getting worse up there. We need remedial programs, after addressing the problem or trying to slow down the acceleration of the deterioration within those communities.

DROUGHT RELIEF

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

Leave granted.

The Hon. CAROLINE SCHAEFER: Yesterday, the *Advertiser* published a front page article entitled '$1 billion pain relief', which, in part, states:

> Based on 40 per cent or 52 000 farming families, that would mean the government could pay out $17 576 000 a week or up to $1 billion a year in welfare. . . About 1 300 families received exceptional circumstance (EC) relief and more than 1 000 families living outside EC declared areas were receiving welfare payments or Farm Help. . . Under rules agreed to by state and federal governments, farmers in EC declared regions can receive welfare payments for up to two years, and Farm Help for 12 months.

Will the minister confirm that not 1¢ of that money is being seen and used in South Australia because this government has continued to dither over its application for exceptional circumstances funding? Will the minister also give details as to what portion, if any, of the $5 million hypothecated for drought relief from state funds has found its way onto any farms or into any regional drought relief project?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the first question, I can confirm that not 1¢ of commonwealth money has gone into exceptional circumstances assistance to the state. Indeed, there has been no assistance in this state under the EC package since the Howard government has been in office, even though many other states have received assistance. Indeed, I well recall that during the term of the previous government an application in relation to the north-east pastoral area was knocked back. I remember that, when I was in opposition as the shadow minister, I supported the then government in its attempts to try to get the commonwealth government to meet its responsibilities—or what I thought were its responsibilities—on that occasion.

Members interjecting:

The PRESIDENT: Order! Members on my left will come to order.

The Hon. P. HOLLOWAY: Last week, federal officials were in this state. They met with people in the regions. There

was a meeting at Yunta and a meeting the following day, I think Thursday last week, in Karoonda in relation to the exceptional circumstances application. It is important that, if these applications are to be successful, all the relative factors are addressed, because extremely complex conditions are set by the commonwealth in relation to exceptional circumstances. That is exactly the reason why all state ministers of agriculture at the last meeting, and indeed the meeting before that, of the primary industries ministerial council have sought to change the conditions for exceptional circumstances in order to simplify it. There was agreement by all the states and the commonwealth in relation to the fact that these conditions for exceptional circumstances should be simplified and made clearer.

However, the sticking point, the reason it has not been changed, is that the commonwealth has insisted that it would pay considerably less than it does at the moment in relation to the business support package of exceptional circumstances. None of the states have agreed to that particular condition that the commonwealth set. That has been the sticking point in relation to conditions.

The application process is, as I said, under way. The federal officials were here last week visiting the two areas, assisting in relation to those applications. I think the other point that needs to be made in relation to the provision of drought assistance is that it will, of course, be most needed next year. Had there not been this drought, those grain farmers would not have been expecting to receive any income anyway, regardless of whether or not there had been a drought, until crops had been reaped this year. There would be no income from that source until later this year anyway. In relation to the state drought provision and our $5 million package, I made it quite clear that our priority was for restocking and also providing for seeding next year.

In relation to the package, I was very pleased to see that the Deputy Prime Minister, Mr Anderson, as I heard on a radio program this morning—or I read his comments in the newspaper—is looking at that very thing: restocking. He is concerned about the fact that stock—

Members interjecting:

The Hon. P. HOLLOWAY: Let me tell the council, for those who are interested in the condition of our rural industries, that sheep flocks are now at their lowest level in 50 years. Sheep flocks in this country have never been lower. That is of some concern, I must say, because clearly if our wool industry cannot get sufficient wool, or if our overseas markets cannot obtain sufficient supplies, they may well change to other fabrics and that could be of long-term detriment to the sheep industry. I am very pleased that the Deputy Prime Minister has recognised the problem—and I certainly fully support him in this matter—and acknowledged that he should provide assistance, as this state government is doing, in relation to restocking. It is important that we do rebuild those flocks.

This government is doing its part in relation to providing drought relief, and applications for exceptional circumstances with the commonwealth are being processed. They will be lodged shortly. We have had federal officials visiting the state. One can only hope that for the first time since the Howard government came to office it will provide some exceptional circumstances funding to farmers in South Australia.

NORTHERN REGION STRATEGIC FORUM

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Regional Affairs questions about the Northern Region Strategic Forum.

Leave granted.

The Hon. J.S.L. DAWKINS: On 26 August this year I asked the minister about the Northern Region Strategic Forum. This forum was proposed as part of the ALP 2002 election policy and was intended to strengthen relationships between the state government, its agencies and local government in the northern metropolitan area. In his answer the minister said:

> The Northern Region Forum is probably the last of the regional forums that we are looking at in relation to its role and function.

He added that he hoped to be able to work with local government and the regional development board in this regard. The minister also said:

> I understand that the responsibility for setting up an office in the northern regional area will come under another minister, and will not be under the Office of Regional Affairs. . .

However, the minister concluded his answer by undertaking to bring back a reply following the development of a position by the Office of Regional Affairs in relation to the northern regional body.

I also recently noted an article in the *Bunyip* newspaper, prior to the community cabinet meeting which was held in the Playford and Gawler council areas on 3 and 4 November. The article indicated that the cabinet visit to Playford was to include the opening of the Office of the North, a state government initiative to develop and advance northern Adelaide. My questions are:

1. Has the Office of Regional Affairs developed a position in relation to the Northern Region Strategic Forum, as promised by the minister?
2. If so, will the minister outline this position?
3. Will the minister indicate which minister has responsibility for the office of the north?
4. Will the minister also indicate the staff levels relating to this office and the relevant reporting mechanisms?
5. What action has been taken to seek the agreement of northern suburbs councils to establish the Northern Region Strategic Forum?

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS (Minister for Regional Affairs): No, I did not attend the opening. I will have to refer the questions in relation to the office of the north that was recently established in combination with—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The fact is that another minister has responsibility for the matter.

The Hon. A.J. Redford: Which minister?

The Hon. T.G. ROBERTS: Minister Stevens. The office was established and opened during the time that we held a community cabinet meeting, as the honourable member mentioned. It was a welcome initiative by the Rann Labor government in order to provide answers to some difficult questions. A review process is currently underway in respect of the Northern Region Metropolitan Economic Development Board, but there is a strategy for the north.

It is important to this current government to come to terms with many of the problems faced by this area in relation to high unemployment, even in this day and age where employment levels are quite high; and, even if the employment is

only casual and part-time, a strategy needs to be developed. The government has done that. We are supplying infrastructure support through contact with people in the office, as well as to the servicing members who do a very good job under difficult circumstances.

GENETICALLY MODIFIED FOOD

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that two applications for the commercial release of genetically modified canola are before the Office of the Gene Technology Regulator. Will the minister advise the council of the latest developments with regard to the possible introduction of genetically modified commercial crops to the State of South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): There are two applications for commercial licences for the introduction of crops within Australia: one from Bayer CropScience Pty Ltd and the other from Monsanto. In late October I wrote to those two companies—the two major players—urging them to delay introducing GM crops into this state until at least 2004. My letters sought agreement from those companies that they would not establish any commercial GM canola crops on any site in South Australia until the South Australian parliamentary Select Committee on Genetically Modified Organisms, which has been established to inquire into and advise the government on a range of issues relating to GMOs, has completed its work.

Unresolved matters such as these are of concern to the government and to the community, and it is for this reason that we are seeking the cooperation of the companies. As foreshadowed to the council in answer to a question from the Hon. Ian Gilfillan on, I think, 17 October 2002, I did, as I undertook to do then, visit the Office of the Gene Technology Regulator in Canberra during the recent two-week break. I met with Dr Sue Meek, the Gene Technology Regulator, and several of her senior staff. It was an extremely useful and beneficial meeting. I personally raised with the regulator the need to gather further information on GM crops prior to their commercial release.

I note that, subsequent to my visit, Dr Meek announced that she is stopping the clock on applications lodged by Monsanto and Bayer CropScience until more information becomes available. I welcome this decision by the commonwealth Gene Technology Regulator which, in effect, delays a final decision on whether to allow the commercial release of genetically modified canola. Dr Meek has made it clear in her press release that the public consultation process of the two applications, which was originally planned for this month, will be delayed until early next year, with a final decision on whether or not to issue licences for the commercial release of GM canola also being delayed as a result.

It would appear from the press release that Dr Meek is keen to wait until information gathering, which is currently in progress, is completed before the applications lodged by the two companies are considered. That would include the development of a coexistence strategy by the National Gene Technology Grains Committee, which is not due to be completed until early next year. The South Australian parliamentary committee that is investigating a range of issues on GM plant technology is also not due to complete its work until August next year.

In conclusion, I believe that South Australia's farmers are likely to welcome Dr Meek's decision. I note that a survey that was recently undertaken by the South Australian Farmers Federation suggests that, while the state's farmers are overwhelmingly supportive of the continuation of research into GM crops, 80 per cent favour some sort of moratorium and 66 per cent have expressed concern about the market response to GMOs. I believe that that result reinforces our view that more information needs to be collected and considered before genetically modified crops are commercially grown in this state. As a result, the regulator's decision to stop the clock, from the government's perspective and also from the perspective of most farmers in this state, is a welcome one so that we can undertake some further work on this important matter.

The Hon. IAN GILFILLAN: I have a supplementary question. Is the minister aware that some open field trial plots, approximately nine hectares in size, have been approved? Did he address the regulator on consent for continuing open field trial plots of that considerable size?

The Hon. P. HOLLOWAY: This government's position on trial plots was made clear when I spoke in response to the Hon. Ian Gilfillan's bill, when I stated that, in relation to research and trialling, we believed, as from that survey the majority of farmers of this state appear to believe, that we should continue such research. Under the new regulations that have been put in place by the commonwealth, any trials of GMO crops have to be extremely closely monitored. Strict provisions are put in place under any licence issued by the Gene Technology Regulator in relation to those matters, and I believe that the measures put in place by the OGTR are sufficient to ensure that there will be no problems. I believe that, having discussed these matters with the Gene Technology Regulator, that agency will be very responsible in ensuring that the guidelines are properly managed.

DUBLIN DUMP

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the effects of the Dublin dump on local primary industry production.

Leave granted.

The Hon. IAN GILFILLAN: In last week's *City Messenger* there was an article on waste management in our city. Part of the article related to the diversion of waste from the Wingfield tip to the Dublin dump and the benefits that would bring. The environment minister was singing the praises for Dublin, and the article states:

> Environment minister John Hill said environmental standards at other dumps such as Dublin would be far superior to Wingfield.

The minister here is referring to the Integrated Waste Services' northern balefill, more commonly known as the Dublin dump. Dublin has been hailed as an example of the future of environmentally progressive waste management systems. However, concerns have been raised with me by locals about the effects that the practices at Dublin dump are having on livestock in the area. I have been forwarded photographs, which I would be happy to show to the minister, that depict rubbish littered around neighbouring paddocks,

rubbish polluting the ground water and exposed dump faces at the tip.

Mr Stephen Jones, a local councillor of the District Council of Mallala, has written to the minister to whom I am addressing the question concerning this matter and received a short and uninformative reply. Mr Jones asked a series of 11 questions to only three of which the minister provided a response. Quoting from the letter by Mr Jones, two questions asked by him were:

5. Did PIRSA, during assessment, have input into determining risk factors re animal health?

6. Was there a scale of risk determined by PIRSA?

Mr Jones is referring here to the original assessment of the establishment of the dump. To this the minister responded:

PIRSA was approached by both residents and the EPA during the planning stages.

The letter further states:

On the information supplied, the disease risk to neighbouring animal enterprises was assessed as minimal to non-existent, particularly as regards exotic diseases.

We know that foot and mouth disease was introduced into the UK through inefficient waste storage and handling. This is a matter of great concern to the livestock industry in the area of the Dublin dump.

The Hon. Diana Laidlaw interjecting:

The Hon. IAN GILFILLAN: The interjection was whether foot and mouth disease would come from the Dublin dump.

The Hon. Diana Laidlaw: No, I said, 'Are you suggesting it will?'

The Hon. IAN GILFILLAN: I was informing anyone who is prepared to listen that the foot and mouth disease which was introduced into the UK was traced back to improper handling of waste and, therefore, primary industries in South Australia are extraordinarily sensitive to improper handling of waste, wherever it is. My questions to the minister are:

1. Recognising that these answers are unacceptable to those who are concerned about the health risk to their livestock, exactly what input did PIRSA have in the assessment, in particular to the risk to livestock of plastic material being distributed over nearby paddocks?

2. What did PIRSA determine to be the risk to livestock, and what was the basis upon which that assessment was made?

3. Is PIRSA engaged in an ongoing assessment of the risks to livestock in the area?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. I was well aware of the concerns of locals when the Dublin dump was first proposed; it must be some four or five years ago now that the first proposals—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, maybe it is more than that. It certainly was a long time ago. I recall at the time meeting with some local people, as the then shadow minister, and receiving from them correspondence in relation to their concerns. That dump has subsequently been approved; it has received a licence, and so forth, and is now a fact of life.

Another proposal for the region which comes from the closure of the Wingfield dump is the composting tip at Buckland Park. I think the Hon. Caroline Schaefer asked a question about that matter several weeks ago. That was a proposal by Jeffries. Some of the market gardeners in the Virginia area were concerned about the impact of waste being composted and brought into the region and the fact that it may inadvertently introduce (if the procedures are not correct) fruit fly as well as other pests such as the glassy-winged sharpshooter, which was one of the pests that locals were concerned about. It is a common pest in the Adelaide area and is found on plants that are grown for decorative purposes, but it could cause problems in the area.

These issues are currently being addressed, and I suppose all of them ultimately arise from the closure of the Wingfield dump. As a society, we have to come to terms with the fact that we create an enormous amount of waste and that wherever we dispose of that waste is likely to cause problems; nobody wants it in their backyard. Transport of that waste will not only be expensive but will also would pose other risks.

In relation to the consideration of this matter by the primary industries department in the past, I will have to see what information is available. As I said, it would have happened long before I was the minister in relation to the Dublin and other sites. However, in relation to the current one, I am aware, as I indicated in the answer to the Hon. Caroline Schaefer, that the primary industry department has made an input into the final issues paper which is being prepared on that particular project.

The Hon. IAN GILFILLAN: Can the minister give an undertaking that PIRSA will assess the current situation on the site at Dublin?

The Hon. P. HOLLOWAY: As I understand it, this dump has its full licences and, indeed, has been operating. Certainly, if there are any new concerns that have arisen in relation to that, we can look at those; however, I am not quite sure what would be achieved if it is just a matter of going over previous ground. If the honourable member wishes to provide me with some information that suggests that there are some new issues that need to be considered, I will look at that on its merits.

MAWSON LAKES HIGH SCHOOL

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about Mawson Lakes High School.

Leave granted.

The Hon. A.L. EVANS: Recently, I received a letter from a member of Mawson Lakes School governing council. The council is angry at funding cuts to the school, which now means that the Mawson Lakes High School will not eventuate. Mr Bonsell has already petitioned the government. He, his wife and other residents of Mawson Lakes have collected signatures from 170 residents who have expressed overwhelming support for the Mawson Lakes High School.

From the letter, I understand that the concept of the high school was that it was not to be a traditional one but one that would tap into existing schools in the area, including Parafield Gardens, Salisbury High School and Elizabeth High School. The high school would have a base in the current Mawson Lakes School; however, the students would travel to surrounding schools for more specialist classes. As such, the original budget was to be used to develop innovative ideas, such as iBooks. This new model of learning came from an understanding that Mawson Lakes would not have

sufficient numbers to qualify for a purpose-built high school. My questions are:

1. Can the minister explain why the original innovative concept for secondary education in Mawson Lakes School has not been supported by the minister?

2. Did the minister consult with key groups in Mawson Lakes, such as the residents groups and the Mawson Lakes School governing council? If not, why not?

3. Will the minister review or reconsider her decision? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important questions. I will refer those to the Minister for Education and Children's Services and bring back a reply.

SCOTT, Mr A.

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government, representing the Premier, a question about Mr Alan Scott's comments regarding Mr Kevin Foley.

Leave granted.

The Hon. R.I. LUCAS: Last evening, on the Channel 7 news, an interview with the prominent South Australian businessman Mr Alan Scott was featured. In the introduction to that story, the presenter, Jane Doyle, said that Mr Scott believed that the state government was driving away investors. Mr Scott said:

> There's not a lot of confidence in South Australia. We were going to build a big warehouse at Gillman for over $4 million. We have put that to one side. We will probably build it in Mildura, I think.

The reporter, Mike Smithson, then commented:

> Alan Scott has singled out Kevin Foley for some rough treatment following the recent report from the Economic Development Committee.

Mr Scott replied:

> And the government has to be prepared to give it all, not take. All Kevin Foley wants to do is take, take, take, because otherwise you're going to drive more and more people out of South Australia.

Mr President, as I am sure you and other members will recall, in the past two years Mr Scott has made some public comments in relation to matters of a political or business nature in South Australia and, on those occasions, Mr Foley and Mr Rann have indicated that Mr Scott was a great South Australian, a prominent businessman, and indicated that his views should be listened to in relation to government policy.

I might add that a number of businessmen have commented to the opposition in recent times that the impact of the policies of this government, which is the biggest taxing government in South Australian history, on investment in South Australia is something that will have to be considered in terms of future economic policy and direction. My questions to the Leader of the Government, representing the Premier, are:

1. Will the government confirm that Mr Scott or his group of companies are now no longer proceeding with the multimillion-dollar warehouse investment at Gillman and have indicated that they will now transfer that multimillion dollar investment to another state, namely, Victoria?

2. Is the government aware of any other major investment by the Scott Group of Companies that is now not proceeding because of Mr Scott and his companies' concerns about the economic policies of Mr Foley and the new Rann government?

3. Will the Premier now order the Treasurer (Mr Foley) urgently to meet with Mr Scott to try to ascertain what his particular concerns are in relation to the economic policy direction of this government, report back to the Premier and the cabinet and then review the government's economic policy direction?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Mr Allan Scott is a very prominent business person in this state and he is certainly very forthright in his views, as we have seen on a number of occasions. Treasurers in particular—

The Hon. R.I. Lucas: Do you agree with me?

The Hon. P. HOLLOWAY: Well, I certainly agreed with what he said about you.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I certainly agree with what Mr Scott said in relation to the previous treasurer when he called him useless, but apparently—

Members interjecting:

The PRESIDENT: Order! Members will come to order.

The Hon. P. HOLLOWAY: —treasurers do not rate very highly in Mr Scott's view. Mr Scott is, of course, a significant owner of hotels in this state. Perhaps one should look at his comments in relation to investment in the context of the increases which this government introduced in relation to gaming machines with the gaming machine tax. Perhaps that has something to do with any comments he might make. Regarding the question about the Gillman investment, I will seek a response from the Treasurer in relation to that matter and bring back a response.

ENTERPRISE ZONE, UPPER SPENCER GULF

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about the enterprise zone promised for the Upper Spencer Gulf.

Leave granted.

The Hon. T.J. STEPHENS: Before the election, Labor made a key commitment to the establishment of an enterprise zone in Port Pirie, Port Augusta and Whyalla. The establishment of these zones has been promised by the former leader of the opposition (now Premier Rann) for the past five or six years. Despite that, nearly nine months into this government's term, Labor's promise of an enterprise zone seems no closer. During estimates on 30 July (three months ago) Treasurer Foley said:

> The government is of the view that enterprise zones are models that can work, and we have announced publicly that we are looking at options in the Spencer Gulf area. Details of any potential economic development zone have not been sufficiently advanced to give an answer now.

My question to the Minister for Regional Affairs, who obviously would be right across the issue in the Upper Spencer Gulf, is: what progress has been made towards the establishment of an enterprise zone in Port Pirie, Port Augusta and Whyalla and what relief is being considered to be offered to individual businesses located in that zone?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will take this question, Mr President, because I represent the Premier who, of course, is the Minister for Economic Development. I will seek a response from the Premier in relation to this matter and bring back a reply.

EXPORT DEVELOPMENT

The Hon. G.E. GAGO: I seek leave to make an explanation before asking the Minister for Regional Affairs a question about export development officers.

Leave granted.

The Hon. G.E. GAGO: I understand that an export development officer position based in the Regional Development Board has recently been funded by the Office of Regional Affairs. Can the minister outline the role of an export development officer and indicate the rationale for the regional approach to creating export opportunity?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): The South Australian Tradestart office in the Eyre Regional Development Board is one of the four locations that participate in Tradestart programs in South Australia. This is a new position that has been created to provide support, with funding from the Office of Regional Affairs. There are other offices in the Riverland Development Corporation, Limestone Coast Regional Development Board, and the important position within the Whyalla Economic Development Board for the Upper Spencer Gulf. Having spoken to the Whyalla Economic Development Board, the position for the Tradestart offices has been vital—not just important—in pulling together, in particular, aggregated catch or the aggregated weighing of aquacultural outcomes, and putting together not just national but international marketing strategies and making those important contacts.

Given the importance of increasing exports to the economic growth of South Australia, the state government, through the Office of Regional Affairs, continues to support the program, with $20 000 per annum of the four-year period, 2002-06, to each of the successful South Australian locations. The Tradestart program is operated by Austrade in conjunction with approved regional service delivery agencies in South Australia. The Regional Development Board agreements are entered with agencies to place an experienced export officer in each target location perceived to have export potential. The program has operated since 1998. It was set up under the previous government. It has been continued by us and recognised by us as an important feature of linking national and international trading programs.

South Australia initially had Tradestart offices placed in the Riverland, and also servicing the Murraylands, the Barossa and parts of Sunraysia and the South-East Limestone Coast Regional Development Board. These two placements were part of the initial national network of 18 specialised offices. In January 2000, a two year contract was secured for the Upper Spencer Gulf via the Whyalla Economic Development Board. Performance targets were associated with each contract, with generally a minimum of 10 new clients from each region into exporting.

Austrade provides $80 000 to each of the three participating RDBs, and the South Australian government supported these arrangements with the additional $20 000 per annum per board through my office. The program operates nationally to assist small and medium enterprises to commence export on a sustainable basis and to convert irregular exports to regular sustained exporting. It takes account of the particular needs of regional Australia and industries which have high potential for export growth.

In broad terms, the programs involve mentoring selected companies through evaluation of the firm's export capabilities, preparation of overseas market visits, development of specific export market strategies, including business matching, market visits and follow-up to secure ongoing export businesses. So, the programs are vital, recognised by the previous government and by this government. With commonwealth and state government support, I guess the hope would be that, when regions are able to get their export marketing programs up and running, they will take over some of the responsibility for funding, and perhaps add further expertise to the marketing promotion and export orientation for those niche marketed products, particularly in regional areas, that are able to be either aggregated or on their own merits secure overseas export marketing and designations, linking local government economic development boards and community investment, so that we can aggregate small business to the sizes that become important for export, and also to promote those that are stand-alone but do not have the expertise or the funding to be able to make those initial contacts in the export marketing business that are vital to setting up businesses, particularly in Asia.

VENOM SUPPLIES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about royalties levied on reptiles collected for venom supplies.

Leave granted.

The Hon. M.J. ELLIOTT: Snake bite antivenoms worldwide are in short supply. Many antivenom producers are now ceasing production because of increased costs. Australia produces the second most expensive antivenoms in the world. Antivenom costs are reflected in the cost of venom itself, which has been impacted upon by the costs of taking reptiles from the wild. The state government has received royalties for the taking of such reptiles since the year 2000, when amendments to wildlife regulations under the National Parks and Wildlife Act 1972 were implemented.

My office has been contacted by Venom Supplies Pty Ltd, the largest venom producer in Australia. Venom Supplies produces the most comprehensive range of venoms, toxins, antibodies and snake blood serums from Australian and overseas species. Venom is produced for antivenom production, the production of therapeutics, scientific research and diagnostic production. Venom Supplies' Peter Mirtschin has raised concerns about the Department for Environment and Heritage's application of royalties for a number of permits issued for the taking of protected animals from the wild. Mr Mirtschin is opposed to the taking of royalties for the following reasons:

- that they are a tax on sustainable activities when unsustainable practices are ignored;
- they send the wrong message to the community;
- they tax volunteer groups and businesses that provide valuable community services;
- they perpetuate the focus on individual specimens rather than ecosystems and gene pools; and
- royalties collected flow to the Wildlife Conservation Fund rather than directly benefiting wide ecosystems.

There is concern that royalties paid for the removal of native animals from the wild is seen as the government owning and selling that fauna. My questions are:

1. What advice has this or the previous minister received in relation to the establishment of royalties on native animals from the wild?

2. Which experts were consulted in this decision?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice and refer them to my colleague in another place and bring back a reply.

COMMUNITY LAND EXCLUSIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Local Government, questions regarding community land exclusions.

Leave granted.

The Hon. T.G. CAMERON: A community lands register is being prepared by all councils across the state as a result of changes to the Local Government Act. The act allows the exclusion of a number of land use categories before 31 December this year, and the Light Regional Council has spent almost two years identifying land within its boundaries to determine which properties it believes should be included and excluded according to LGA criteria. The criteria include: council land that is used solely for council operations, that is, offices and depots; used solely for commercial purposes intended for future development; intended for disposal in the foreseeable future; not a reservation, dedication or trust; not specifically modified or adapted; not available to the public as a right; and, of no social, historical, cultural or environmental significance.

I recently received representations from residents and ratepayers of the Light Regional Council who are most upset over the way that council has conducted the community land classification exclusion process. They are alleging that the council has conducted the process in a manner that has allegedly resulted in numerous breaches of the provisions of the Local Government Act 1999 and the council's conventions in respect of its own policies and codes of conduct and a general failure to follow best practice guidelines as published by the Office of Local Government and the Local Government Association. Other allegations that have been made include:

- failure to provide timely and adequate public information about the purpose of community land;
- failure to set up a properly constituted and representative committee to administer the process;
- the original working group criteria and recommendations have been ignored and overruled, often by the sole use of additional criterion or with no criteria or reasons supplied at all;
- council endorsing the draft list of exclusions without consideration of any criteria or rationale for the assets being listed;
- public notices were inconsistent and misleading and did not provide the necessary information for community members to make an informed decision about the listed assets; and
- the burden of proof has been unfairly placed on the community to justify why these assets should remain as community land despite the manifest lack of evidence to justify exclusion.

Local ratepayers are so alarmed that at a recent public meeting, attended by nearly 80 people, a motion of no confidence in the council's chief executive officer was carried, as well as one condemning the process as undertaken by the council and a third calling for a formal complaint to be lodged with the State Ombudsman and the Minister for Local Government. My questions are:

1. Will the minister as a matter of urgency order an inquiry into the way the Light Regional Council has conducted its current community land classification exclusion process?

2. Will he suspend any final decision by the Light Regional Council on this matter pending the outcome of the inquiry and its recommendations?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice and bring back a reply.

REGIONAL HOUSING

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about regional housing.

Leave granted.

The Hon. D.W. RIDGWAY: Some weeks ago I did a search of the government's web site 'Achievements in the last six months'. I typed in 'regional development' and could find only one response. I thought that was probably a little unfair, so I typed in 'regional affairs' and found five responses, one of which was the Regional Housing Review. The issue was to review regional housing needs with local government, the private sector, government agencies and HomeStart. An implementation group has been established to consider the findings of the review. Local working groups are being set up in the South-East and Murraylands to progress local solutions, with the government providing seed funding of $10 000 to each group.

I noted from last Saturday's *Advertiser* that the Minister for Housing (Hon. Steph Key) was announcing a new state housing plan to be developed over the next 12 months, to identify the type of housing needed to meet public demand over the next 10 years. The Hon. Ms Key said that the Housing Trust, Aboriginal and community housing agencies and HomeStart would work with the building industry to develop a plan. The plan's aims are to identify housing needs, encourage private sector investment in affordable housing, approve housing for indigenous people, coordinate housing supply and planning strategies, and promote energy-efficient housing designs and accessibility for people with disabilities. My questions to the minister are:

1. What is the composition of the local working groups in the regional housing review?

2. What is the $10 000 seed funding being used for?

3. Where does rural and regional South Australia fit into the housing minister's new state housing plan?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): Many of those questions are to be directed to the Minister for Housing, the Hon. Steph Key. I will take those questions on notice and bring back a reply.

AUDITOR-GENERAL'S REPORT

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

That question time be extended by one hour for the purpose of considering the Auditor-General's Report.

Motion carried.

The PRESIDENT: I have accommodated Mr Steve Archer, who will be located to my right and will assist the minister with the answering of questions regarding the Auditor-General's Report.

The Hon. CAROLINE SCHAEFER: My first question refers to page 765 of the Auditor-General's Report. Given that the Auditor-General's Report notes that three significant programs previously run by the Department of Primary Industries are now under the auspices of the new Department for Water, Land and Biodiversity Conservation, will the minister advise the council how much of the Primary Industries' budget has been transferred to the new department and what percentage of the total Primary Industries' budget this figure represents?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): What I can say is that the net expenditure from restructuring, which is provided in the budget for 2001-02, is $2.353 million. As to the break-up of that cost, I will have to take that question on notice.

The Hon. R.D. LAWSON: My question is directed to the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Police, and arises from pages 536-538 of volume 2, part B, agency audit reports. It is recorded by the Auditor-General that, first, over the three-year period from 1999 to 2001 unsworn police officers took approximately 25 per cent more uncertified single paid sick leave days on Mondays than any other day of the week. Secondly, that the average number of paid sick leave days taken by unsworn officers is higher than the average number of sick days taken by similar employees in other administrative units. Thirdly, that a relatively high level of sick leave for police department employees is encountered in South Australia when compared with the comparable benchmarking report containing interstate data.

Fourthly, that there is a need for improvements in systems and processes to provide management with timely and reliable information on sick leave trends. All these matters were referred to by the Auditor-General in a management letter issued to the Commissioner of Police in February of this year. The Auditor-General also notes that, in August of this year, the department advised that it will implement improved reporting of sick leave trends and patterns to identify individuals taking excessive sick leave. What action has been taken in relation to the matters referred to by the Auditor-General in relation to sick leave; and will the Minister for Police provide the parliament with a report of action taken to address this issue?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will seek a response from the Minister for Police in relation to that question.

The Hon. D.W. RIDGWAY: I again refer to the relocation of the responsibilities of the new Department of Water, Land and Biodiversity Conservation on page 764 under the heading 'Significant features'. Can the minister give us accurate figures on the cost of moving the sustainable resources group to the Department of Water, Land and Biodiversity Conservation, including the cost of the refurbishment of the buildings at Keswick?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Department of Water, Land and Biodiversity Conservation was, of course, formerly the division of sustainable resources within the primary industries department. That division is located at the Waite Institute, and remains there. When the honourable member refers to Keswick, I am not quite sure to which part of the department he is referring. I suspect that it is another part of the Department for Environment and Heritage and, therefore, we would need to obtain a response from the minister responsible for that department in relation to the matter. I repeat that most of the old division of sustainable resources, which is now part of the Department of Water, Land and Biodiversity Conservation, remains at its previous location at the Waite Institute.

The Hon. D.W. Ridgway: At what cost has it remained where it was?

The Hon. P. HOLLOWAY: Essentially, the same cost as it was before. I indicated, in answer to the Hon. Caroline Schaefer, that there is a line in the Auditor-General's Report that refers to a sum of $2.3 million on page 778, I think, 'Net expenditure from restructuring'; there is that item in there. But that would include a significant amount of restructuring over the department. Presumably, that would also include restructuring that occurred in relation to the Office of Regional Development in the last half of 2001, I believe. So, there would be other costs involved with that as well as any cost in relation to the new Department of Water, Land and Biodiversity Conservation. That is why I undertook that we would need to obtain that breakdown to see how much of that was due to any restructuring after the election—and a restructuring that occurred in 2001.

The Hon. M.J. ELLIOTT: The Auditor-General highlights that the main source of revenue from the public financial corporations is income from SAAMC and SAFA, and 'these fluctuate over the forward estimates period due to the way distributions are managed to achieve the required result'. It seems to infer perhaps dodgy accounting, and the minister might care to comment on that. Since 1997-98, there have been no distributions from SAAMC or SAFA, with the exception of a $20 million dividend received from SAFA in 2001-02, yet the 2002-03 budget projects distributions from institutions totalling $561 million over four years, with $324 million in 2002-03. The Auditor-General said:

> I remain of the view that such distributions from SAFA and SAAMC are unsustainable, as these entities have no capacity to replace amounts of this magnitude going forward.

Will the government comment on the Auditor-General's remarks?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think it is an important question, and I will certainly ask the Treasurer to provide a response to it, because it is a subject that has been debated in this parliament for some time now. I note that the Auditor-General refers to the fact that those dividends from SAFA and SAAMC have been used as a balancing item, along with slippage of capital works and superannuation; basically, those four items have been used as a balancing item in the past. I think the Auditor-General quite correctly points out somewhere in his report that, of course, those dividends from SAAMC and SAFA are finite and are coming to an end.

I think the Treasurer has made the point that after 2006 (I believe it will be around 2005-06, but certainly about four years out from the budget) those dividends will be small or negligible. The Auditor-General has made some very valuable points in relation to the way that various budget practices have been undertaken in this state, and we would be well advised to heed some of those comments. For example, I note that the Auditor-General, in the overview of his report, on page 24, said:

> Cash-based systems have a powerful attraction in their simplicity, however, virtually all forms of public sector financial reporting have

moved to accrual-based systems. This aligns with the view that improved information is available to the user to support management of resources and decision making.

He goes on:

In addition, I have continually made the observation in past years that the government's ability to determine central transactions at the finalisation of the budget outcome had been a facility for the government to achieve published estimated outcomes. The key point to acknowledge is that the achievement of the cash-based budget target was readily accommodated through timing of transactions. It has been the regular practice of previous governments to process transactions at year-end to essentially achieve budgeted outcomes.

This process means the actual result did not relate to the budgeted flows for a year but rather the actual flows as adjusted to achieve the budgeted result. Over the years this final adjustment process had, in my opinion, become administratively cumbersome. It was presentational and did not affect the overall public sector financial position. For this reason it was important that the estimated and final results were not seen, on their own, as a reflection of the government's ability to meet its budgeted performance. A sound understanding of the changes in the outlays and revenues comprising the result was, in my opinion, vital to interpreting performance.

They are important matters and I will refer them to the Treasurer for a more detailed reply.

The Hon. R.I. LUCAS (Leader of the Opposition): As a supplementary question: does the Leader of the Government recall that the Treasurer referred to this particular use of SAAMC and SAFA funds to which the Hon. Mr Elliott referred as both deceitful and as a smokescreen? Given that the current government and Treasurer have used this device in exactly the same way, does the Leader of the Government agree with the Treasurer's description of this usage as both deceitful and a smokescreen?

The Hon. P. HOLLOWAY: In relation to the way in which this government is balancing its budget, I think the Treasurer is being completely up front. The fact is that a certain amount in dividends is available from SAFA and SAAMC. Those dividends will be applied, as has been set out in the forward estimates, to address the budget position of this state. Further, this government has set itself the much more onerous task—which I recall, from when we were in opposition, the Leader of the Opposition challenged this government to do—of achieving accrual balance towards the end of the term of the government.

That is why this government has set aside very considerable cash surpluses to get itself into a position where the budget is truly sustainable, that is, where the net lending position of the government will be in balance. That is an onerous fiscal discipline this government has imposed on itself, but this government is quite happy to accept those challenges. In relation to those particular dividends, they will be applied as has been indicated over the forward estimates of the government.

The Hon. T.G. CAMERON: I refer to page 646 of the Auditor-General's Report under the heading 'Auditor-General's Department'. In the year 2000 the Auditor-General spent $990 000 on consultancies; in 2001 he spent $1.11 million on consultancies; and in the last year that figure dropped to $356 000. I am not sure whether that was due to his sensitivities in relation to criticisms of his use of consultancies and tendering processes or whether he has just tightened his belt. However, I would appreciate his providing a list of all the consultancies used over the past three years; their cost; the tendering processes used; and some further explanation—I have looked at the various notes but I may have missed it—in relation to why there has been such a significant drop in the use of consultants.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will see what information can be provided in relation to that, but I can think of one obvious answer and that is, of course, that the Auditor-General was given a role by this parliament to take a very close view of the ETSA sale process. Of course, a committee was established by the parliament to which the Auditor-General reported in relation to that sale process, and those of us who were on that committee were aware that the Auditor-General sought some advice in relation to fulfilling those quite considerable additional functions that were required of him by this parliament. That would have been in 1999-2000 or thereabouts, and possibly 2001, in relation to the sale process, and I think that would be one obvious reason for the drop in relation to the number of consultants. But I will see what information can be obtained through Treasurer's office in relation to that.

In relation to an earlier question about the cost of restructuring the Department of Water, Land and Biodiversity Conservation, the figure of $2.353 million referred to at page 778 reflects the value of the transfer of net assets. I am advised that no additional costs were incurred to make the transfer, so that figure reflects the value of the transfer of the net assets to that new department.

The Hon. T.J. STEPHENS: I refer to page 767 under the heading 'Loxton Irrigation District Rehabilitation'. The Auditor-General notes that $4.6 million of commonwealth funding for the Loxton Irrigation District Rehabilitation program was received by the Department of Water, Land and Biodiversity Conservation. Given that the program was not transferred from the Department of Primary Industries to the new department until 1 May 2002, can the minister advise the council:

1. How much of this funding was outlaid by the Department for Primary Industries in the expectation that the commonwealth funding would be received?

2. What systems have been put in place to ensure that the Department of Primary Industries will be reimbursed for these outlays?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am advised that it was received in June: it is shown as a receivable of approximately $2.7 million and relates to the money that was transferred. Certainly, the Loxton rehabilitation project has been successful. I had the opportunity to visit that particular project while it was still under the control of PIRSA. It has been a real pacesetter in dealing with some of the many problems we face in the irrigated areas of the country. If only other states were able to duplicate programs like that, we would probably be a lot better off this year in relation to water coming down the Murray. Regarding the financials of that project, it has received considerable commonwealth assistance. I will take the honourable member's question on notice and get the information he seeks in relation to how that is being dealt with after the transfer to the Department of Water, Land and Biodiversity Conservation.

The Hon. M.J. ELLIOTT: On page 251 of volume 1, in relation to the Department of Water, Land and Biodiversity Conservation—Audit findings and comments—Fixed assets, the Auditor-General's Report states:

In previous years, Audit reported that certain assets have been identified by the former Department for Water Resources (DWR) since its establishment in February 2000, but not recognised in the accounts, as uncertainty exists over where control and ownership rests and the appropriate entity that should recognise them. Examples of these assets include infrastructure assets associated with the River Murray (evaporation basins, locks, weirs, etc.), metropolitan drainage assets and Linear Park. Due to the potential significance of these assets, the Independent Audit Reports on the financial statements for DWR were qualified for the past two years. Last year, DWR advised that it has been working towards identifying those assets it should be responsible for and that, while progress has been made, the matter remained unresolved. As a part of this process, issues were raised as to whether, in principle, the scope of DWR was to include being a major government asset owner with a large asset base and significant asset management responsibilities. DWR indicated that 'until the matter of principle is settled, we will not be able to resolve the asset identification issue for the department.'

I seek from the minister a government response to those comments.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Obviously, we will have to get some details from the department of water resources in relation to those, but I can provide the advice that a review is being coordinated by the Department of the Premier and Cabinet of these assets. The review has been commenced this year and is coordinated by the Department of the Premier and Cabinet. Obviously, it is a cross-agency issue, so my advice is that a number of agencies are involved in relation to that issue, but I will seek further information for the honourable member.

The Hon. CAROLINE SCHAEFER: On page 765 of the report, under the heading 'Interpretation and analysis of financial statements', obviously to do with PIRSA, the Auditor-General notes that the Department of Primary Industries is owed $2.9 million by the Department of Water, Land and Biodiversity Conservation in relation to the transfer of functions of the Sustainable Resources Group on 1 May 2002. Will the minister advise the council what the payment is for; if the payment has been received and, if not, why not; and, if the payment has not been received, will he assure the house that that debt will be pursued? Further, will the minister advise the council exactly how many staff were also transferred to the new department, and whether this involved any net loss of staffing?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to the last question, I can inform the honourable member that it was approximately 160. I will seek advice on the exact number, but it was certainly of that order. Any staff reductions would have come as a result of budget measures, not as a result of that transfer. Obviously, all officers who were previously in the division of sustainable development were transferred to the new Department of Water, Land and Biodiversity Conservation, and a handful of them remained within the Department of Primary Industry. I provided that information at the estimates committees. I have also been given the information that that sum of $2.9 million relates to $2.7 million for the Loxton rehabilitation works and $0.2 million is classified as 'others'. I am advised that it has not yet been settled but that it is in the process of being settled at this time.

The Hon. R.D. LAWSON: My question to the minister representing the Minister for Police arises out of pages 538 and 539. On page 538 it is recorded that the cash assets of the police department increased by $5 million to $38.8 million due to a delay in progressing major capital projects. It is recorded that this increase mainly reflects slippage and that the department needs to improve reporting to senior management on a project by project basis. My questions are:

1. What projects were involved in this slippage?

2. What steps have been taken to accelerate the completion of these projects?

Page 539 states:

Employee benefits [in the police department] increased by $9.2 million. . . due mainly to an increase in the department's long service leave liability. The increase. . . results from a reduction in the benchmark number of service years used to calculate long service liability and the enterprise bargaining pay increases during the year. . .

My questions are:

1. What changes have been made in the formula used to calculate long service leave liability?

2. Why were those changes made?

3. Were they in any way affected by the enterprise bargain reached between the department and its employees?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Obviously, in relation to the latter question, I will have to seek information from the Minister for Police. In relation to slippage of projects, I am aware that the government, particularly through Treasury, is looking at the question of slippage of capital projects. I believe that some attention has been given to that matter. In relation to the specifics in the police department, obviously I have to get that information from the Minister for Police and bring back a response. Certainly, this question of slippage of capital projects is one we have seen year after year and, of course, it is a matter to which the Auditor-General has responded in his report. I will also seek a response in relation to how the government is addressing that matter in a broader framework.

The Hon. A.J. REDFORD: My question is in relation to the Lotteries Commission of South Australia, page 923 of Volume 3, in particular the passage headed, 'Unclaimed Prizes Reserve'. The explanation given by the Auditor-General is that where a lottery prize has not been collected or taken delivery of within 12 months, it is forfeited to the commission and transferred to an unclaimed prizes reserve; 50 per cent is distributed to the government, while the commission can apply the remaining 50 per cent for the purposes of providing additional increased prizes in subsequent lotteries, providing prizes in promotional lotteries or making ex gratia payments. I note at page 924 it is reported that promotional prizes rose from $1.5 million in the year ending 2001 to $5 million in the end the year ending 2002. My questions are:

1. Why was there such a substantial and rapid increase?

2. Who received the moneys?

3. Will the Treasurer provide us with a full accounting of this additional $3.5 million of expenditure?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It certainly seems a pretty fair question, given the shape of that graph. There appears to be some change in behaviour but it has happened, I notice, over the last couple of years. I will refer that question not to the Treasurer but to the Minister for Government Enterprises, who is responsible for the Lotteries Commission, and bring back a reply.

The Hon. T.G. CAMERON: I refer to page 651, and my question is directed to the Leader of the Government. I notice that there is one employee who earned between $250 000 and

$259 000 during the financial year 2001-02. My questions are:

1. Could we be provided with the name of that employee?
2. What was the employee's title?
3. Did that person receive a motor vehicle? If so, what was the make and type of vehicle?
4. What was the cost of leasing and running that vehicle?
5. What other benefits and/or entitlements did that person receive and what was their value?
6. What is the estimated total value of that employee's remuneration package, including superannuation entitlements?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): One would assume that the highest paid officer in the Auditor-General's office would be the Auditor-General himself, and I understand that the information in the report does, in fact, provide the band of remuneration.

The Hon. R.I. Lucas: The band of joy.

The Hon. P. HOLLOWAY: Perhaps the Leader of the Opposition is able to help me with this one, but I assume that those bands are inclusive of all salary components. My understanding is that that is the value of the total package but I will check on that matter and bring back a response.

The Hon. T.J. STEPHENS: On page 768 it is stated that expenditure on FarmBis was $4.4 million. The minister has claimed that not all FarmBis money was spent. My questions are:

1. What was the carry-over from 2001-02?
2. Can the minister assure us that all that money will be totally committed to maintaining FarmBis programs?
3. Has the minister notified the federal government of the cuts to the state's share of FarmBis funding in the current budget?
4. Has the minister also notified the federal government of the additional $1 million drought assistance which has been earmarked for FarmBis and has been locked away, dollar for dollar, against the federal assistance component?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): A number of questions have been asked in this parliament in relation to FarmBis and I have provided some information in relation to that. The advice I have relating to FarmBis expenditure is that grants for 2001-02 totalled $4.4 million. There were also some other components in relation to that: state management; information promotion; and administration including the state planning group sitting costs, etc., as well as coordination. I am advised that the total expenditure of FarmBis was $4.612 million in 2001-01 and $6.133 million in 2001-02.

In relation to the projected expenditure, that is, for 2002-03, the honourable member would have to understand there have been some changes. The government did announce in its drought package that further money would be provided to FarmBis. The sum of $1 million dollars was put into the FarmBis program and, of course, that will spread over two years. I remind the council that, under the original situation that this government inherited when it came to office back in March this year, no provision had been made for funding FarmBis for the 2003-04 year. Therefore, to ensure that there was some funding in that year, the government has rescheduled the package of expenditure.

At this stage, for 2002-03 we are looking at expenditure of $6.6 million (half that amount is from the commonwealth) in 2002-03, with $3.4 million in 2003-04. As I have indicated in answers to other questions in this parliament in relation to the future, I understood that, when it announced FarmBis2, the commonwealth made clear that it was not its intention to increase funding beyond 2003-04, but whether the commonwealth has changed its position on that is something that we will have to wait and see.

The Hon. CAROLINE SCHAEFER: On page 765, under 'Adverse Events', the Auditor-General makes comments on costs of $7.8 million in 2001-02, while costs of adverse events in 2000-01 were $12.5 million. This is a decrease of $4.7 million in spending on adverse events. Further, on page 781, note five, under the heading, 'Supplies and Services', the Auditor-General states:

> The decrease in adverse events expenditure in 2001-02 is primarily due to a significant locust control program which was undertaken in 2000-01. Expenditure on locust control in 2001-02 was $36 000 compared to $6.6 million in 2000-01.

The state budget papers for 2002-03 state:

> The decrease in expenditure is due to a high number of biosecurity incidents in 2001-02 which is not likely to be repeated in 2002-03.

This is the same reason given for a decrease in spending on incidents response in the 2002-03 budget, yet clearly the high number of biosecurity incidents referred to occurred in 2000-01. How does the minister reconcile the budget statement with that of the Auditor-General and who is wrong—the government or the Auditor-General?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I would have to examine the actual comments that the Auditor-General made in relation to that. Can I just say generally that, clearly, the whole issue of biosecurity is of some concern to this government. I believe that in its first year the biosecurity fund accumulated a surplus, and in every other year it is my understanding that the provision for the biosecurity fund has been, in some cases, very significantly overdrawn. Of course, there have been a number of events and, while they have not been repeated, new events unfortunately occur each year that provide a call upon the biosecurity fund.

I am advised that in 2000-01 the locust plague was very costly and expensive for this state, and the honourable member has referred to a figure in excess of $6 million in relation to that. In 2000-01 we had some severe fruit fly outbreaks and at that time we also had the PPK review into fruit flies. It was then that the government of the day decided—I think correctly—to try new measures of control using sterile flies (Queensland fruit flies and Mediterranean fruit flies) to deal with those sorts of outbreaks without using such high levels of insecticide as had been used in the past.

All those developments, of course, added to the cost. The other factor one needs to consider in relation to these biosecurity funds is that OJD has been funded from the biosecurity fund. A levy was recommended by the Sheep Advisory Group, and it is imposed on all sheep. The Sheep Advisory Group has recommended an increase in that particular levy, as I am sure the shadow minister is aware, so that expenditure on OJD can be recouped. That is another factor that needs to be considered, that there have been some transfers in relation to spending on OJD.

It is probably better if I provide the honourable member with a detailed briefing as this is a highly complex area. There are a number of calls upon the biosecurity fund, some of which are funded through measures such as the sheep levy, but there are other matters such as we now have with

Caulerpa taxifolia in the Port River which arise from time to time and which must be directly funded. Unfortunately, there are also an increasing number of outbreaks in other states that also draw upon that fund. The red fire ant is one, and the other one that I have raised in this chamber in recent times is grapevine rust in the Northern Territory, and the state is contributing about $220 000 towards its eradication. I agree with the shadow minister that the funding of biosecurity requires some revision by government, and the matter is currently being addressed.

The Hon. A.J. REDFORD: My question is directed to the leader, representing the Treasurer, and I draw his attention to Statement A appearing at the back of volume 3 of the Auditor-General's Report, in particular, pages 3 and 5. First, in relation to page 3, the budgeted income from gaming machines tax was some $192 700 000 and the actual receipts were $211 609 000—some $29 million difference or a 12 per cent variance. At page 5, I also draw the honourable member's attention to fees and charges receipts and, in particular, infringement notice schemes and expiation fees where it was budgeted that the government would receive $45 774 000 and in fact received some $51 070 000 or a variance of some 10 to 12 per cent. My question is: what steps has the Treasurer taken to ensure that budgeted figures more accurately reflect the actual results such that the Treasury does not receive windfall gains, in the case of gaming machines of the order of $20 million and in the case of infringement notice schemes some $6 million?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will seek a response from the Treasurer to that question but I make the comment that, if the honourable member looks at Statement A on page 5, he will see that the total budgeted amount from fees and charges was $103.053 million and the actual result was $104.927 million, which is not greatly different. I think that is the page the honourable member referred to. Whereas certainly the infringement notices have increased, it is also true that other fees and charges have fallen. Overall, the total fees and charges are within 2 per cent. I am sure our Treasury officers do their best to estimate. Overall in relation to fees and charges they have got it pretty well right. They predicted $103.053 million and they got $104.927 million.

I also point out that the figures that we are looking at were projected in the 2001 budget, when the Leader of the Opposition was treasurer. I have just given him a compliment that overall he or his officers in the Treasury got it pretty well right. From time to time there will be changes in relation to receipts and estimates. One of the receipts that has varied considerably in recent times relates to stamp duty because of the high property price rises which were probably unpredicted. When we had the budget revision, which the former treasurer has referred to on many occasions to the difference between the mid-year budget review and the review in March, and the increase in property values has had a significant effect in relation to revenues. There are ups and downs but, by and large, when one looks at the bottom line figure, Treasury has done a pretty good job. But I will pass that question on to the Treasurer to see if he wishes to provide any further information.

The Hon. A.J. REDFORD: As a supplementary question (and I would appreciate it if the minister would pass this one on to the Treasurer), can the minister seek an assurance from the Treasurer that next year's variance in relation to gaming machine tax income and traffic tax income, which bear little relationship to overall economic predictions of receipts, will be closer to the mark?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In relation to gaming machine income, the honourable member would be well aware that considerable tax changes have been made in the budget in relation to gaming machines. At this very time we have before us a measure in relation to a surcharge, and the amount of revenue that is recovered under that particular surcharge will depend, to some extent at least, on how this house of parliament votes on amendments to that measure.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, it was to recover money. It was a negotiated change, yes, but the overall figure that was predicted from gaming machines depends on that. The point I am making—and I am sure the Treasurer will be happy to expand upon this—is that there have been significant changes in the 2002 budget, as I am sure all members are aware, in relation to gaming machines. So, obviously, those predictions that Revenue SA or Treasury makes in relation to those matters will have more uncertainty attached to them than would be the case if those tax regimes had been in place for some time; that obviously stands to reason. I will see if the Treasurer wishes to add to my answer.

The Hon. D.W. RIDGWAY: My question relates to page 766 of the report and is on the subject of fruit fly eradication. On page 766 of his report, the Auditor-General notes that in May 2001, following community concerns about health and safety aspects of the fruit fly eradication program, the government announced a review of the program and recommendations were made to a reference panel.

The department has actioned the major recommendations arising from the review and there were no issues of concern arising from the audit. However, the auditor notes that an evaluation of the program will be undertaken 'later in the year'. Can the minister advise the council if this task has been commenced? If not, why not, and when will this occur? If it has commenced, when will the minister be releasing the results?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am advised that we believe the Auditor-General is referring to a procurement program in relation to that and that there has been a review. But my understanding is that it just refers to the actual procurement issues that are involved, and not more broadly. After all (and I referred to this in an earlier answer), it was PPK who undertook the review of the previous fruit fly program that we had in place. That was quite a comprehensive review in itself and made a number of recommendations which, as I indicated earlier, the previous government adopted. It was probably in the time when the Hon. Caroline Schaefer was the minister or perhaps just before.

As I said earlier, I think those changes that were adopted were sensible ones. Arguably the use of sterile fruit flies may be more expensive, as I understand it, but it is probably a much more environmentally advantageous way of dealing with the problem.

The Hon. DIANA LAIDLAW: I want to ask questions in relation to two arts statutory authorities. First, the Adelaide Festival Centre Trust and asset management, at page 613 of the Auditor-General's Report: I welcome the acknowledgment by the Auditor-General that, after some years of

comment by the Auditor-General, this year the trust has finally been able to address all the audit's concerns in relation to asset management. Over some time the trust had been depreciating its buildings, including plant and fittings and the like, at the same rate across all buildings.

As the trust now appears to have separated those matters, I would like to inquire how the Festival Centre Trust is now valuing Her Majesty's Theatre. What was the operating cost of this complex for the last financial year and the previous one, and what income has been received over those two financial years? I would also like to make a recommendation for the Auditor-General to consider for the future reporting on the various buildings owned by the trust, such as Her Majesty's, as specific items in the audit report so that it will be easier to understand how well or otherwise the various facilities entrusted to the trust are operating.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question, and I will refer it to the Premier, as Minister for the Arts, and bring back a response.

The Hon. DIANA LAIDLAW: In relation to the South Australian Film Corporation, on page 712 the Auditor-General notes:

> The increase in cash assets is mainly the result of state government funding, particularly in respect of funding for the revolving film fund of $3 million during 1998-99 and 1999-00, being greater than investments, grants and loans provided to film producers.

I highlight that this revolving film fund was a major initiative of the former government to promote investment in film production in this state. However, I wish to query what policy the South Australian Film Corporation has now adopted for the management of this fund, because I am rather surprised to see that, of the $3 million provided, at 30 June 2002 the revolving film fund had a cash balance of $2.2 million, of which $350 000 was committed. That sum, which was committed last year, was certainly much less than the previous year.

It seems to me that, when one considers how hard it is to obtain state funds for any purpose, let alone for the arts—and the film corporation has a $3 million revolving fund at its disposal—a cash balance within that fund of $2.2 million is a very high figure to be sitting on and not using actively for film promotion in this state. I would not want the Treasurer to spend too much time looking at this figure and thinking that these funds could be used for other purposes. So, I do not want this question referred to the Treasurer, but I would like to know what the investment policy is for the management of this fund and if, in fact, such a high cash balance is regarded by the government as the best use of this fund for film investment and jobs in this state.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Given that the Auditor-General's Report refers to the financial year ended 30 June, I am sure that the money in that fund did not all accumulate after 6 March, and I am surprised that the former minister let any of it slip past. I will refer the question to the minister responsible.

The Hon. DIANA LAIDLAW: Finally, in relation to the Film Corporation (page 713), will the minister explain why government film production costs were halved from $346 000 (2001) to $172 000 (2002)?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that question to the Premier and bring back a response.

The Hon. M.J. ELLIOTT: Page 16 of the Audit Overview in relation to financial performance expenditure states:

> The state's finances are dictated by the needs of the health and education sectors, which make up nearly one half of expenditure. Therefore, even though the government has made commitments to increase spending in both the health and education areas, it is unlikely that the level of savings required to meet the fiscal target can be achieved without also making savings in those same sectors.

Will the government give an assurance that there will be no cuts in health and education?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think what the Leader of the Democrats is asking us to do is to defy what the Auditor-General in effect says is inevitable. The government has made it quite clear that health and education are priority areas. The honourable member would be well aware that significant cuts were made in the 2002 budget and that the priority in the new expenditure derived from those cuts was health and education. I think the budget figures themselves are testament to the fact that this government has given priority to health and education, but it is self-evident (as the Auditor-General points out) that, if one is to greatly improve expenditure in those areas, one must also look within the health and education sectors themselves for improvement, because—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Well, the other thing that needs to be done is to grow the economy, and this government has given great priority to growing the economy.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, Mr Scott had a lot to say about you as well. I think he called you a teacher.

The Hon. R.I. Lucas: And you agreed with him.

The Hon. P. HOLLOWAY: Yes. I did agree with him; he called you a teacher, I think, and that is about as bad an insult as you could possibly get.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Yes. Well, that was his comment. Mr Scott has made known his views of the former treasurer.

An honourable member interjecting:

The Hon. P. HOLLOWAY: 0h, is that what it was? Given that health and education comprise half of all expenditure, it is clear that improvement in the quality of service delivery cannot be achieved without also examining expenditure in those areas and improving priorities. The budget for 2002 reflects the fact that the government has given priority to health and education but within those sectors it has also changed priorities to better reflect and improve the efficiency of service delivery. I think that is important and there really should be no misunderstanding of the point that the Auditor-General makes, that is, we need to improve efficiency within those sectors as well as give them a high priority.

The Hon. M.J. ELLIOTT: The minister appears to be indicating that there will be cuts in expenditure in education and health—not increases as promised at the time of the election—and that he concurs with the Auditor-General. Will the minister when he returns to this place tell us specifically where these cuts in education and health are to occur?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Of course, the point I was making is whereas this government has overall given priority to health and expenditure within the context of the 2002 budget, it has also redirected priorities within those sectors. They are matters for the government. However, overall, the government has demonstrated in the 2002 budget that its priorities lie in those areas. Some of that information has been well documented. Under the previous government there was clearly a lot of waste in some of those areas. Given the chaos we have in the schools at the moment with Partnerships 21, I am sure the Hon. Mike Elliott, as a former teacher, would be well aware of the problems we face in some of the schools in this state at present because of the financial chaos we have incurred as a result of the application of that Partnerships 21 policy.

We had a question yesterday from the Leader of the Opposition on the information that had been asked detailing the cuts. That information is being compiled by the Treasurer, and it will ultimately be provided. However, given that it was information asked across government departments in an omnibus question, the answer will be provided as soon as that information is available. If one compares the time taken to provide this answer to that taken when the Leader of the Opposition was Treasurer, one sees that we have certainly been quicker than many of the responses provided to estimates when he was Treasurer.

MATTERS OF INTEREST

COMMUNITY SERVICE AWARD

The Hon. CARMEL ZOLLO: Several weeks ago, I was pleased to represent the Hon. Stephanie Key, the Minister for the Status of Women, at a most prestigious occasion, the presentation of the Combined Zonta Clubs of South Australia and the Northern Territory International Service Clubs Community Service Award. On Minister Key's behalf, I was able to pass on to the Zontians and gathered guests that the government is committed to seeing that the talents of South Australian women are acknowledged and promoted, and that women have every opportunity to participate and contribute fully in communities across the state.

I know we all strongly believe that, in order for our community to prosper, women must be supported in realising and utilising their talents, and being rewarded for their achievements. Women's contributions and achievements are immense and varied but unfortunately often go unrecognised. The Zonta International Service Club's Community Service Award has over the years played a very important role in drawing attention to the work women do in the community, and in recognising and valuing that work. The annual award also plays an important part in raising the profile of women and inspiring women to achieve.

Zonta decided that, in this the Australian Year of the Outback, its award for 2002 should be dedicated to recognising the achievements of an outstanding woman from rural South Australia. The recipient this year is Dianne Hamlyn from Kimba. Dianne, who was nominated by the Pinkawillinie Branch of Women in Agriculture and Business, has demonstrated commitment to her community for over 45 years. Dianne Hamlyn's involvement and association with her community has been at so many levels, ranging from girl guides to office bearer of Kimba Area School Parents and Friends, to many years of service to Meals on Wheels, to her ongoing commitment to Women in Agriculture and Business, and to her continuing role as councillor for the District Council of Kimba.

Dianne was supported on the day by her husband Jim, mother Connie Whitwell and son Paul, and the President of Women in Agriculture and Business, Lynette Staude. I know I am joined by the Hon. Caroline Schaefer in offering my best wishes and congratulations for Dianne Hamlyn's achievements. Dianne mentioned to me on the day that the honourable member is a childhood friend of hers. I also had the pleasure of presenting highly commended certificates to representatives of the Eyre Carers and to Clara Coulthard. Eyre Carers is a network of carers reaching out to support one another through Eyre Peninsula and the West Coast, which includes many of the remote Outback parts of South Australia, stretching from Penong through Wudinna to Kimba and the entire peninsula.

Clara Coulthard lives at Colebrook Community, Quorn, and is aged 73 years. She is originally from the Far North and was removed from the care of her family and placed in Colebrook Home. Clara's story is apparently in the National Library in Canberra. As well as being involved in many community projects, she is a carer for her adult son, who has epilepsy as a result of an accident. Clara is working with the Carers Association of South Australia in the development of a project for indigenous carers of children with a disability, and she assists northern country carers to reach out to indigenous carers in the northern region.

I was recently reminded of the important work being carried out by all rural women during the Third World Congress of Rural Women in Madrid, Spain. Rural women have been and continue to be instrumental in building strong communities across the state. They have always demonstrated great courage, a sense of adventure and a pioneering spirit as they have helped shape their communities. This is particularly evident in the outback where women have faced isolation and great hardship as they have made extraordinary contributions to our state's growth and economic success.

Many members of the Zonta combined service committee were present on the day, with the presentation facilitated by Jenny Weaver, Jane Bohnsack and Margaret Rowland. I again congratulate the 2002 Zonta International Service Clubs community service award winner, Diane Hamlyn from Kimba, one of our rural women actively involved in serving her community in Outback Australia.

ARTS MINISTER

The Hon. DIANA LAIDLAW: My comments today focus on the Minister for the Arts. The arts policy was one of the few that Labor released prior to the last state election in February. The policy included an undertaking that, if he became premier, Mr Rann would also take on the role as minister for the arts '. . . to give arts to give arts the clout it deserves'. At the time nobody anticipated that Mr Rann's first act as arts minister would be to selectively hand pick activities he would be responsible for, with the rest being hived off to an assistant minister. This two-tiered approach to arts administration and advocacy breeds ill feeling across the sector. In the light of Labor's policy commitment '. . . to

maintain current funding levels for the arts', the sector was not overjoyed with the 12.5 per cent cut in the Arts SA budget this financial year, with more cuts to come next year.

Then, on the eve of Mr Rann's launch of Labor's International Film Festival concept, we witnessed the farcical situation when the Attorney-General banned the film *Baise Moi* from screening across South Australia. This mess was followed by Mr Rann's decision to cut all future Arts SA funding to the Barossa Music Festival, and he has remained silent ever since about the consultancy he authorised for Mr Anthony Steel to explore options for a new regional arts event for South Australia.

Mr Rann must know that the arts sector is increasingly unimpressed with his leadership; otherwise it is impossible to rationalise what provoked the Premier to make his unprecedented attack on the arts and our artists when he addressed the Adelaide Festival Centre Trust Foundation lunch on 30 October. Certainly it was both spineless and unprofessional for Mr Rann to spit the dummy at a function filled with representatives of corporate Adelaide, and not artists, although I suspect our artists would have liked to be present to hear what he thought of them—if only they could have afforded the cost of the $70 a head lunch! Instead, Mr Rann announced that artists across South Australia are to be called together to attend an arts summit that he will chair next year because, in his words, 'it is time for maturity, time for the arts to grow up'. What a patronising statement from the self-proclaimed 'minister for clout'.

As anyone who knows the arts and has any genuine interest or passion in this field in this state would understand, the arts is already a mature, grown-up sector of our community. If it was not so, it would not have been possible in recent years for South Australia to launch the SA Living Artists Week, the Adelaide Cabaret Festival, Music Business Adelaide, Windmill (the national performing arts company for children and families based in Adelaide), Wagner's *Ring Cycle* and Parsifal, State Theatre's Laboratory Workshop, the Festival of Ideas, the South Australian Country Arts subscription series or a host of successful independent film productions—and so much more along North Terrace and beyond.

Always Mr Rann seeks to bask in the aura of the former premier and minister for the arts, Don Dunstan, but he is not half the man. Mr Dunstan always valued artists and certainly he would have used an occasion such as the AFCT luncheon to champion and not demean the arts so that business leaders would have been left in no doubt that to be regarded as good corporate citizens they should positively consider sponsoring the arts in all its forms, long term.

Mr Rann's attack on the arts on this occasion represented the loss of a golden opportunity to win more corporate support for the arts overall, plus a frightening lack of judgment. His statement, 'I am more than happy to show leadership and to make all the decisions myself,' confuses leadership with power. Leadership requires both principle and vision: power does not.

Mr Rann's willingness to abandon the time-honoured independent peer assessment process for the consideration of all funding applications—to be replaced by political or bureaucratic decision making—is an abhorrent, unacceptable notion. It also defies undertakings in the ALP arts platform, which I understand is binding on all Labor MPs to uphold (even the Premier). Clause 39 reads '. . . to strengthen the peer assessment process for Arts SA programs.'

Finally, I highlight that many in the arts sector in South Australia will attend Mr Rann's proposed arts summit to canvass peer assessment and related issues, because they will have no choice. Mr Rann holds the purse strings and he has threatened the constituency that he is now charged to champion at their most vulnerable nerve—centre funding! Meanwhile, I regret that, as Minister for the Arts, Mr Rann has not opted to use his clout to host an arts summit that would bring together our arts and corporate sector to realise positive goals for this state in terms of image, self esteem, jobs and respect for our artists overall.

Time expired.

LIBERAL PARTY PROMISES

The Hon. J. GAZZOLA: The previous Treasurer's preciousness in feigning hurt and indignation during his attempt to take the high moral ground on the gaming machines amendment bill is disingenuousness at its best. Here is the person who would see himself as the paragon of public virtue in his self-reflecting defence of a handful of publicans. This is beyond the bounds of credulity. This is hardly an image that stacks up with the shenanigans of the previous government when he was treasurer.

The reticent attitude of the previous government in acknowledging its own broken promises as compared to its strident criticism of the government is interesting. When Stephen Baker increased poker machine tax in his last budget, the Hon. Angus Redford felt that it was 'somewhat disappointing'. He then launched into what is for him an uncharacteristic apologia. And what did Stephen Baker's successor, the Hon. Robert Lucas, say about his government's broken promise on the poker machine tax? He stated:

> I do have a degree of sympathy for the view that the hotel industry should be given some certainty about the government's [that is, his government's] attitude.

Compare this muted apology with his present self-righteous bleating. And what of the biggest broken promise of them all: the ETSA sale? And where was the Hon. Pontius Lucas? The deceit and hypocrisy of the then government and the previous treasurer was lucidly portrayed by you, Mr President, in your discussion of the 1996-97 Auditor-General's Report, when you stated:

> Stephen Baker knew and Stephen Baker flew.

It was a very good line. I am not going to reiterate what was a very interesting contribution by you, sir. The important point in this saga of deceit is that the then government and the previous Treasurer knew the lie and walked the lie on the real state of the budget and the categorical denial in relation to selling ETSA. The previous treasurer and government were part of this deceitful construction.

The Hon. A.J. REDFORD: I rise on a point of order, sir.

The Hon. J. GAZZOLA: Criticism of the mindset of the previous government—

The Hon. A.J. REDFORD: I rise on a point of order. What happens is that you sit down when that happens.

The PRESIDENT: Order! I will tell the honourable member what to do.

The Hon. A.J. REDFORD: It is one thing to call a group a liar, but the statement was directed at the former treasurer, my leader, personally. I would ask the honourable member to withdraw that.

The PRESIDENT: During the heat of the debate I did not hear the particular comment that the honourable member is talking about. Are you aware of any—

The Hon. J. GAZZOLA: I can go back to it, and say that the important point in this saga of deceit is that the then government and the previous treasurer knew the lie and walked the lie.

The Hon. A.J. REDFORD: Mr President, I would ask the honourable member to withdraw that in so far as it refers to the previous treasurer, who is the current Leader of the Opposition.

The PRESIDENT: I cannot accept that as a point of order. The honourable member has not referred to the member himself as a liar: he said that he was aware of the lie.

The Hon. J. GAZZOLA: The previous treasurer and the previous government were a part of this deceitful—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. Is the honourable member using the word 'lie' or 'line'? I have trouble understanding what he is saying. If the honourable member is using the world 'lie', then it is unparliamentary.

The PRESIDENT: No, it is not. Does the honourable member want to explain? I am happy to rule it out of order.

The Hon. J. GAZZOLA: 'Lie.'

The Hon. A.J. REDFORD: Mr President, that is unparliamentary.

The PRESIDENT: No, the honourable member is saying he knew of the lie; he did not say that he was a liar.

The Hon. A.J. REDFORD: I will accept your ruling, sir, but it will come back to you.

The PRESIDENT: I have been made aware that the honourable member did say the word 'lie' and that the use of the word 'lie' when referring to either a group or an individual is normally not acceptable as parliamentary language. The honourable member may wish to withdraw the word 'lie' and substitute some other word of his choice.

The Hon. J. GAZZOLA: I defer to your greater experience in all this. I will withdraw the word 'lie', but I do not understand how it should be—

The PRESIDENT: Substituting the word 'line' will be appropriate.

The Hon. J. GAZZOLA: I will substitute the word 'lie' with 'deceit'. They knew of the deceit—

The Hon. A.J. REDFORD: Mr President, I again rise on a point of order. That again is unparliamentary: the honourable member has been here long enough to know.

The PRESIDENT: The word 'deceit' has been used in this council in recent weeks with gay abandon. I ask the honourable member to be careful with the rest of his contribution and to conclude his remarks: he has two minutes and 34 seconds.

The Hon. J. GAZZOLA: Thank you for your protection and guidance, Mr President. Criticism of the mind-set of the previous government was resonant. The Hon. Mike Elliott, for example, in a moment of high frustration was so driven by the previous government's arrogant and defensive attitude over the MFP as to describe the defenders of its intransigence, including the Hon. Robert Lucas, as imbecilic. However, I point out that members on this side, as you know Mr President, are more generous and fair-minded in their assessments of individuals. As Shakespeare said, 'To be human is to err.' Maturity and decency are to admit our mistakes and to make good.

This brings me to the matter in question. In a ministerial statement in another place, the Hon. Michael Atkinson detailed the efforts of the Liberal Party's attack on the name and office of the member for Hammond and with it, as foreseen collateral damage, the besmirching of the status and role of the office of Speaker. It is well-known that the opposition leader in the council has been well and truly involved in the attack on the member for Hammond as exampled in his detailing of the exposé—his words—in one of his forays against the integrity and credibility of the member for Hammond. We know that the previous Treasurer, our own Inspector Clouseau (as he has been described) was digging around, and what did he come up with? A piece of trivia that had its origins in 1999! Funny that it suddenly appeared for a bit of a dusting down!

We now know the judgment of the Court of Disputed Returns and the results of the police investigation into the business matters of the member for Hammond. We also know the cost to the taxpayers of this petty, spiteful vendetta. Given the outcomes of this, one would hope that the Hon. Robert Lucas would at least acknowledge the damage done to the integrity and status of parliament and the blatant waste of taxpayers' money, let alone the slur on the character of the member for Hammond. It behoves the Leader of the Opposition, as leader and a decent person, to make good on this matter. In closing, I ask the Hon. Robert Lucas the following: will you as Leader of the Opposition in the council apologise for the opposition's behaviour in this matter?

GOVERNMENT, PERFORMANCE

The Hon. A.J. REDFORD: Today I would like to talk about government priorities. In the eight months that the Rann-Lewis government has been in office, certain patterns of behaviour—

The Hon. CARMEL ZOLLO: Sir, I rise on a point of order. I think this is unacceptable and unparliamentary. This is not a Rann-Lewis government: this is a Rann government, and I ask you to perhaps rule on that.

The PRESIDENT: I think it would suffice to say 'the present government'. I have noted that that term has been used on a number of occasions. There is no such thing. It may be offensive to some people. I do not think that it is necessarily unparliamentary; it has been put into worse contexts than that. I ask the honourable member to concentrate more on the points that he wants to make and less on being flippant.

The Hon. A.J. REDFORD: As I said, during the time that the Rann-Lewis government has been in office, certain patterns of behaviour have begun to emerge. During the course of the election campaign, the Premier and the Treasurer were highly critical of the former government's purportedly wasting money and government resources on non-core government activities. In particular, the Premier and the Treasurer regularly repeated the mantra that schools and hospitals are the government's spending priorities. To some extent, there has been some focus on schools and hospitals; that is, most of the many reviews that this government has announced are in the health-education areas. On my calculation, 31 of the first 61 announced reviews are in those areas. Indeed, every time the National Wine Centre issue pops up, the Treasurer is effectively seen as saying, 'Read my lips—it's schools and hospitals, stupid!' Whether or not one might agree with that sentiment is problematical. What I am concerned about is that the reality, as is so often the case with this government, differs greatly from the rhetoric.

The first obvious example is the many millions of dollars wasted on reviews and talkfests, many of which have nothing to do with so-called core government business. Another example is the enormous costs associated with revamping the structure of the government, thereby confusing the public,

public servants and MPs and, unfortunately, most of the cabinet, who do not know who is responsible for what. As a consequence, we have seen a confused performance from most cabinet ministers. A good example is the fact that, to date, some 232 school computers have walked out of schools without the minister even knowing about it. The sin, I would acknowledge, in so far as the Minister for Education is concerned, is a sin of omission or neglect rather than a sin of commission. However, there are far more sinister forces at work in relation to the government's saying one thing, that is, a focus on health and education vis-a-vis the actual focus.

Another example is the Thinkers in Residence program, a policy that will cost taxpayers $500 000 per annum, which is the equivalent of the hard fought for Contemporary Music Fund, a policy which will cost taxpayers some $2 million over the life of this government. Prior to the election, the government said:

> [The program] will involve. . . internationally recognised leaders in various areas of expertise being invited to Adelaide each year to work and teach. They will spend between three and six months in South Australia.

It came as a complete surprise to me when I discovered, as a consequence of an FOI application, that the Premier has written to former Governor of Massachusetts and failed 1988 Democrat presidential candidate Michael Dukakis to invite him to participate in the $500 000 a year government Thinkers in Residence program. Former Governor Dukakis (they keep their title for life over there) was one of the biggest taxing state governors in US history—so much so that his state was dubbed 'Taxachusetts'.

Indeed, I am told (and it was confirmed out of his own mouth) that the discredited former Victorian premier John Cain modelled a lot of his economic strategies on Dukakis after visiting the United States. This led to such spectacular failures as the Victorian Economic Development Corporation, which was the equivalent of our own State Bank disaster. It is disappointing that Governor Dukakis, who was the inspiration for Victoria's economic disaster, is one of the first people invited by this Premier, at half a million dollars a year, to come to this state.

If the taxpayer is to pay for world-class experts and thinkers to assist in development and promotion of the state, let us get people with decent records in their respective fields, and not former politicians who share the government's ideological beliefs. Indeed, the governor's most recent foray into the realm of politics was to associate himself with Clintons' failed reform of the Medicare program in the the United States. I hope that the Premier shows a bit more enlightenment and a bit more focus in sending out his next invitation.

YOUTH OPPORTUNITIES PROGRAM

The Hon. A.L. EVANS: I want to speak about the Youth Opportunities Personal Leadership program, which is achieving outstanding results for young people. Several years ago, businessman Peter Marshman developed a program to help unemployed teenagers become more employable. So successful was the small pilot program that, within three months, 93 per cent of the teenagers were employed—and they got the jobs themselves! While these results were excellent, Peter felt that he could go further to improve the program. He modified it and, from this small program, the program is conducted today in five schools within the northern region of Adelaide every term, every year.

Peter has personally donated over $200 000 to Youth Opportunities in order to ensure that the program is available for our young people. So far, 500 students have graduated through the program and this number is increasing rapidly, with year 10 students on waiting lists in most schools. The program is currently running in Salisbury, Paralowie, Parafield, Smithfield and Salisbury East high schools. The results so far have been remarkable. It has successfully taken the retention rates through to year 12 from an average of 52 per cent to 88 per cent, which is higher than the state average, including private schools. For example, when the program started in Salisbury High, the school had only 75 students in year 12. This year they have 175.

Students come into the program disengaged and filled with many of the symptoms typically associated with low socio-economic regions. When they graduate, the students are focused, task oriented and self-confident individuals. The program is about helping those who want to help themselves. The unique training concentrates on increasing awareness of the attitudes, habits and value systems of people who succeed. At the same time, students are taught the communication skills required to live harmoniously with others.

Teachers and Youth Opportunities personnel select the years 10 and 11 students on the basis of need, potential and desire to change. Groups of around 20 students attend training one day per week for a full term. Two professionally qualified facilitators work with them: one works with the group while the other provides one-on-one counselling. The cost of the program in each school per year is equivalent to the annual salary of one teacher. To promote the program, partnerships have been forged with Channel 7 exclusively, along with Radio 5AA.

The program has resulted in improved student grades. It has improved relationships between students and teachers and between students and their families. It has increased self-confidence and self-belief. It has increased full-time employment and enrolment in tertiary education. The list goes on. After reviewing this model, I am confident that Youth Opportunities will achieve its objective of becoming a statewide program.

Peter Marshman was awarded the Medal of the Order of Australia in 2000 for his contribution to the community through the development and implementation of the Youth Opportunities program. Youth Opportunities recently received the state award for the 2002 Prime Minister's Award for Excellence in Community Business Partnerships and is a close contender for the national award. We appear to be giving them many awards but no money. I would like to see the government demonstrate more actively its commitment to the program. Every child in every high school across South Australia and, eventually, nationwide deserves the opportunity to realise their full potential. I strongly believe that Youth Opportunities will contribute to that achievement. I trust that our government will recognise, acknowledge and participate more actively in this program for the sake of our youth today.

MATERNITY LEAVE

The Hon. M.J. ELLIOTT: Few people would argue against the introduction of paid maternity leave in Australia. Indeed, in August 2001 Newspoll undertook a survey that revealed that PML was supported by 76 per cent of the people surveyed. Paid maternity leave has caused wide debate in the community, raising all sorts of issues, including the role of

mothers in society, declining fertility rates in Australia, equal opportunity rights and the impact on private business.

The issue has largely been debated at federal government level, with the Democrats introducing the Workplace Relations Amendment (Paid Maternity Leave) Bill earlier this year. The HREOC report Valuing Parenthood was released by the Sex Discrimination Commissioner, Pru Goward, and recommended 14 weeks' paid maternity leave for all Australian women. The HREOC's final report is due in December this year and will recommend that mothers be paid from a taxpayer funded scheme.

Australia has the dubious reputation of being one of only five nations out of 163 signatories to the convention on the elimination of all forms of discrimination against women accepted by the UN in 1979 to not provide a general entitlement to paid maternity leave. The other nations are Lesotho, Papua New Guinea, Swaziland and the United States. The International Labour Organisation recommended a minimum of 14 weeks' leave at the 2000 Geneva conference. Despite the only legal requirement in Australia being 12 months' unpaid leave, a mishmash of entitlements has been established in both the public and private sector.

Companies such as Holden and Westpac have introduced proactive measures, as has the Australian Catholic University. Commonwealth employees are entitled to 12 weeks' paid maternity leave, while South Australian government employees have only four weeks' paid leave. In all, only 23 per cent of women in the private sector and 59 per cent in the public sector have access to PML. South Australia, once at the forefront of social change, has little to offer women in respect of maternity leave. Given the federal government's lack of action on the issue, it is a responsibility which the state can no longer avoid.

Indeed, paid maternity leave should be considered an important part of the government's direction with regard to strengthening the state's economy as well as addressing issues such as: equity for working women; improving the welfare of mothers, babies and families; equal opportunity at work; and honouring UN conventions. Evidence from companies such as Westpac and National Australia Bank clearly shows benefits for employers, with an increase in staff retention and productivity, reduction of rehiring and retraining, improved staff morale, and loyalty.

Although it can be argued that a federal scheme would be better placed to administer and fund PML for all Australian women, it is becoming increasingly clear that senior federal ministers are vehemently opposed to it. Even if the Prime Minister supported it as a measure of family reform, it is unlikely the federal government would prop up states such as South Australia, which has been derelict in its duty to provide PML for its own employees. New South Wales government employees are entitled to nine weeks' paid maternity leave, while South Australian employees have just managed to achieve four weeks' paid leave as part of the enterprise agreement in October 2001.

Around the nation, South Australia compares poorly with the other states, with the exception of Western Australia. In July 2002, the Victorian government offered tax breaks to employers who offered paid maternity leave. In 2000, New South Wales extended access to parental leave to all casual workers. Queensland Premier Peter Beattie supported PML but called on the federal government to increase corporate tax incentives. The Western Australian Labor Party conference announced the planned introduction of 14 weeks' paid maternity leave for state government employees, yet the minister in June 2002 evaded parliamentary questions about the announcement. Tasmanian public servants are eligible for 12 weeks' leave, and the Northern Territory adopted 14 weeks' paid leave for the public sector as part of their enterprise agreement.

Ideally, paid maternity leave should be accessible to all Australian working women. There is a strong argument that it should be available to women who are not in paid work, as well as fathers or adoptive parents. There are merits in these arguments, but there is a clear economic and health cost to women who are in paid employment, and that needs to be addressed now. South Australia lags behind other states and it is time for this state government to take responsibility. All state employees should have access to 14 weeks' paid maternity leave, while tax incentives should be looked at for private business.

There are a number of issues which I have not addressed, including the debate on the fertility rate which is particularly pertinent in South Australia, and the issue of funding PML. There are a number of ways in which this could be funded, including a scheme much like superannuation. There is evidence to show that big business can absorb the cost and even improve economic performance. However, it could be costly for small business and, clearly, this is where the concerns lie.

Paid maternity leave is not a matter of if but a matter of when, and I guess to some extent, particularly in relation to small business, a matter of how. It is time for the issue to be brought before state parliament and for South Australia to embrace social change.

VIRGINIA AND DISTRICTS COMMUNITY BANK

The Hon. J.S.L. DAWKINS: On 8 October I was pleased to attend, along with the Hon. Caroline Schaefer, a celebration to mark the third annual general meeting of the Virginia and Districts Community Bank. Members may recall that Virginia was the first locality in South Australia to open a community-owned branch of the Bendigo Bank just over three years ago, with the franchise being held by Virginia and Districts Financial Services.

It was therefore pleasing to note the announcement by board Chairman Frank Tassone that the bank had achieved a small surplus for the year ending 30 June 2002. This is a great result for the board and those local residents who initiated the possibility of establishing a community owned bank following the closure of Virginia's last bank. Mr Tassone, a local business operator for 40 years, was the instigator of the move to contact Bendigo Bank and has continued the leadership of this successful venture. The guest speaker at the AGM was Mr Rob Hunt, Managing Director of Bendigo Bank Ltd. Mr Hunt introduced the concept of community banking across Australia, and Bendigo Bank owns the trademark for the title 'Community Bank'.

It is fair to say that there were a number of unanswered questions when the board and staff of the Virginia and Districts Bank embarked on the project of operating a community bank. The obvious first question was: what is a community bank? A community bank is a new and innovative concept developed to provide communities with the certainty that banking services and access to funding will be available locally, and is a franchise with the community owning the rights to operate the branch and therefore having a real say in what banking services are made available. In the eyes of the board and staff, the Virginia branch has achieved this and

more, having a significant role in the destiny of the local economy.

The Virginia bank is classed as one of the top nine branches in the community banking network. There are currently more than 70 community bank branches throughout Australia, with this number expected to reach 90 before the end of this year. At Virginia there are more than 2 100 customers, who have opened in excess of 2 700 accounts. Staffing levels have been increased to keep pace with the growing customer base, while financial planning and advice is now being provided. The establishment of a sponsorship policy has allowed the bank to make various contributions to the local community and sporting groups.

The board has had negotiations with the City of Playford with respect to opening a community bank branch in Elizabeth. This is still in the preliminary stages, and the feasibility study has been undertaken. A sub-branch has been established at Dublin, while the board offered assistance to the community at Mallala, which has been endeavouring to open a community owned branch of Bendigo Bank. At Two Wells, the local community has investigated developing banking services under the administration of the Virginia bank.

Congratulations should be extended to Frank Tassone and the other board members: company secretary, Rodney Gibb; Dino Musolino; Russell Jenkins, who is the representative of the Bendigo Bank; Dennis Cook; Timothy Corrigan; Alan Rice; and Ron Watts. In addition, particular mention should be made of branch manager Paul McGrath and his staff, and Cathryn Dezsery, who has held an ex officio position on the board as well as formatting the bank's newsletter. It was a pleasure to attend the AGM and associated festivities, where a large number of shareholders and invited guests celebrated the success of the Virginia and Districts Community Bank branch.

Time expired.

MULTIPLE CHEMICAL SENSITIVITY

The Hon. SANDRA KANCK: I move:

1. That a select committee be appointed to inquire into and report on Multiple Chemical Sensitivity, with particular regard to—
   (a) which chemicals or chemical compounds are responsible for the majority of symptoms of Multiple Chemical Sensitivity and how exposure to them can be minimised;
   (b) the effect of chemical exposure on human fertility;
   (c) the comparative status in other countries of Multiple Chemical Sensitivity as a diagnosed medical condition;
   (d) best practice guidelines in Australia and overseas for the handling of chemicals to reduce chemical exposure;
   (e) current chemical usage practices by local government and state government departments and changes that could be made to reduce chemical exposure to both workers and the public; and
   (f) the ways in which South Australians with Multiple Chemical Sensitivity might more effectively access sources of support through government agencies.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Multiple Chemical Sensitivity, or MCS, is, in Australia at least, a mostly unrecognised illness, but its incidence is increasing, and it could be that we are on the edge of an epidemic of chemically induced illness in this country. The World Health Organisation acknowledges the existence of MCS and, as a nation, Germany recognises it. Many US states do, and consequently they have strict pesticide legislation. In California, where the Californian Medical Association recognises it, 6 per cent of the citizens of that state are known to have experienced MCS, and it is recognised as a disability in at least 10 Canadian jurisdictions.

I give credit to the former health minister, Dean Brown, who acknowledged in correspondence with Mr Peter Evans of the South Australian Task Force on Chemical Sensitivity that MCS is 'emerging as an important environmental health matter that has national implications'. He is right. Our society is experiencing unprecedented rates of auto-immune diseases, infertility, cancer and childhood asthma. Most of us personally know someone who is suffering from chronic fatigue syndrome, ADHD or fibromyalgia syndrome. Many of us know people who have allergies and intolerances to various foods and substances.

Exposure to chemical toxicity can result in symptoms ranging from headaches, poor concentration, diarrhoea, muscle and joint pain, dizziness and irregular heartbeats, through to life-threatening conditions such as auto-immunity. Once acquired, it takes very little exposure to any other chemical to tip those sufferers back into illness. More and more I find people who cannot tolerate the smell of someone's perfume—something which most people would regard as a pleasant smell. I am sure members recall media stories in the 1980s about individuals who were described as having become allergic to the 20th century. While those individual stories were told, many others were not because for the most part those who suffer from MCS are often confined to their homes. They cannot go outside without being hit by one or more of the products to which they are sensitive.

The World Health Organisation has recognised MCS as a growing problem and a serious environmental concern, yet it does not have any status in the Australian medical community. The consequence of this lack of recognition is that the sufferers of MCS are sometimes treated by their GPs as malingerers. Without formal recognition of the condition, it is hard for the sufferers to argue their need to be given the supports to which others with a disability are entitled. It must be tough for them to know that they have a genuine physical affliction and to be treated as if it is something which they are imagining.

What causes MCS? The Multiple Chemical Sensitivity Association specifically sheets home the blame to some building products, pesticides, paints, cleaning products, carpets, plastics and glues, to which I would add substances such as tobacco and fumes from car exhausts. With the number of complex chemicals being released into the environment, problems emerge from the unintended interactions between different substances in the atmosphere. For instance, nitrogen oxide from car exhausts reacts with sunlight to form ozone which is a lifesaver in the upper atmosphere but poisonous when breathed in at ground level; it can impact on the immune system and, in some cases, lead to cancer.

The Multiple Chemical Sensitivity Association argues that, because of the health impacts, what is regarded by the authorities as acceptable limits of toxins in these very commonplace substances and the acceptable exposure limits to people handling them, may no longer be acceptable and must be reviewed. The National Registration Authority sets the standards for chemical additives in food, for instance, and

the states themselves do not undertake any investigation as to what are appropriate levels. One has to ask about the need for us to use some of the chemicals we use and the problems that can arise from accidental exposure.

Tobacco is a product that we do not need—although of course some people are addicted to it—and accidental exposure in the form of side stream smoke can have quite disastrous impacts on people. Some members of this place may be aware of a campaigner against tobacco, a former member of the Australian Democrats, Sue Meeuwissen. Sue had no sense of smell, but she was highly allergic to side stream smoke from tobacco. When she was being treated for her condition in the Women's and Children's Hospital, she went outside and inhaled cigarette smoke from smokers outside the Women's and Children's Hospital. That had such a significant impact on her health that it was all downhill from there and, ultimately, it led to her death.

Firefighters are a group in our society who are often exposed to some of these substances without being aware of it, and it can permanently alter their lives. I remember about a decade ago, when I was working for Senator John Coulter, being contacted by the wife of a firefighter who had been exposed to a product called toluene diisocyanate, more commonly known as TDI. In that case the body becomes allergic to itself and attacks itself, and this firefighter had unfortunately, in fighting a fire, been exposed to TDI. Clearly, he had little chance of any sort of life in the long term. TDI is imported into South Australia and is used by just a few manufacturers in this state. In my opinion, this is material is so dangerous that it should have regulations in place for its transport and storage, and those regulations ought to be as tight as any that we have in place for radioactive materials, so much so that I believe that local government authorities should be aware of the route and time of travel of this substance when it is moved from one place to another. One has to question why we need to manufacture products that require the introduction of such materials. Surely we can do away with products that require them.

A committee that can look at the toxic nature of some of these materials will have the opportunity to ask questions of this nature. As this is early days in Australia, the committee will most likely not find all the answers it needs but certainly, throughout the world, when we have become aware of the harmful nature of some chemicals, their use has eventually been restricted, thus showing that we can do without them. When we became aware of the impact of DDT we were able to find some less noxious alternatives. When we became aware of the impact of the ozone hole in our upper atmosphere we were able to find acceptable alternatives to CFCs which were creating that hole.

Surely we need to ask questions about new chemicals before they enter the market; before they can do such catastrophic damage. There are almost always gentler alternatives. For instance, some local government authorities in New South Wales are spraying kerbside weeds with steam rather than herbicides. There is increasing evidence that exposure to particular types of chemicals is leading to decreased fertility. A Danish study published in 1992 found that around the world the average male sperm count had dropped by 50 per cent in the short period of just five decades, from 1940 to 1990. Whereas back in 1940 only six per cent of men had sperm counts classified as extremely low, in 1990 18 per cent of men were in that category. Subsequent studies in other countries have verified those results. The indicators—

The Hon. T.G. Cameron: It might be nature's way of dealing with the population explosion.

The Hon. SANDRA KANCK: I guess that is one rather cynical way of dealing with it. The indicators are that organochlorines mimic oestrogens and disrupt normal hormonal patterns. They exist, for instance, in plastics and detergents which are very common substances that we all use. The finger points at these chemicals as playing a major role in declining fertility and increased prostate cancer in men. It may be that they are responsible for increased levels of endometriosis and breast cancer in women. Exposure to such chemicals is known to disrupt thyroid production with the potential to impact in utero the children of women who have been exposed. It is known that women who experience low thyroid levels in pregnancy are more likely to produce children who are hyperactive. In nature, the impact of these dioxin-like products is producing infertility, miscarriage and birth defects. The warnings for the human species must be very loud.

We know from some catastrophic events around the world that PCB and dioxin exposure lead to low thyroid levels for mothers of unborn children and to mental retardation of those children. Exposure to these same chemicals at supposedly safe levels leads to slightly lower thyroid levels, and this may be responsible for behavioural disorders and learning disabilities in children.

I know that this goes further than the terms of reference that I am suggesting, but if we begin to tackle multiple chemical sensitivity as an issue we are likely to be tackling a range of health-related issues. At the heart of the problem is the powerful influence of chemical drug and tobacco companies. Unfortunately, ordinary people do not have the power to take on these companies, let alone have the wherewithal to question what is being pushed at them. Members might have seen the film *Erin Brockovich* a few years ago, which was based on the true story of one woman who took on one of the big chemical companies and won.

Unfortunately, such stories are few and far between. It is for sure that we will always know about the positive benefits of any new chemical coming onto the market because the PR machines of those companies will ensure that we do, and so often the media obediently complies with feel-good stories masquerading as news. The environment movement advocates the precautionary principle, which basically says that if we do not know all the possible impacts of a proposed practice or product we should not introduce it until we are certain that it will be safe. We must adopt such a principle in relation to our health.

Our governments seem to prefer intervention after the event rather than prevention. They wait until a problem emerges before doing anything about it when they could have prevented it in the first place. The cost of intervening may be much higher than any costs associated with initial prevention of the problem, but the multinational chemical companies have such massive influence and small community groups have so little voice. We should not wait until the damage has occurred before taking any action. The chemical company must always prove that it is safe: it must never be turned the other way, with ordinary consumers expected to prove that a product is harmful.

The reverse onus of proof is already the case with pharmaceuticals and it should be extended to other types of chemicals because, whether or not we like it, we are taking these chemicals into our bodies through the air we breathe, the water we drink and the food we eat. We should expect

hostility from chemical companies—they have a lot to lose: profits and the potential for legal liability. A task force was established in New Mexico to look at multiple chemical sensitivities. That task force reported in January last year—almost two years ago. In an article headed, 'Multiple Chemical Sensitivities Under Siege', Ann McCampbell, a medical doctor and chair of that committee, talked about the response of the industry to MCS. Dr McCampbell states:

> To that end, the chemical manufacturing industry has launched an anti-MCS campaign designed to create the illusion of controversy about MCS and cast doubt on its existence. What has been said about the tobacco industry could easily apply to the chemical industry regarding MCS, that is, 'the only diversity of opinion comes from the authors with. . . industry affiliations'.
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> It is a credit to the chemical industry's public relations efforts that we frequently hear that multiple chemical sensitivities (MCS) is 'controversial' or find journalists who feel obligated to report 'both sides' of the MCS story, or attempt to give equal weight to those who say MCS exists and those who say it does not. But this is very misleading, since there are not two legitimate views of MCS. Rather, there is a serious, chronic, and often disabling illness that is under attack by the chemical industry.
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> The manufacturers of pesticides, carpets, perfumes, and other products associated with the cause or exacerbation of chemical sensitivities adamantly want MCS to go away. Even though a significant and growing portion of the population report being chemically sensitive, chemical manufacturers appear to think that if they can just beat on the illness long enough, it will disappear. To that end, they have launched a multi-pronged attack on MCS that consists of labelling sufferers as 'neurotic' and 'lazy', doctors who help them as 'quacks', scientific studies which support MCS as 'flawed', calls for more research as 'unnecessary', laboratory tests that document physiologic damage in people with MCS as 'unreliable', government assistance programs helping those with MCS 'abused' and anyone sympathetic to people with MCS as 'cruel' for reinforcing patients' 'beliefs' that they are sick. They have also been influential in blocking the admission of MCS testimony in lawsuits through their apparent influence on judges.
>
> Like the tobacco industry, the chemical industry often uses non-profit front groups with pleasant sounding names, neutral-appearing third party spokespeople, and science-for-hire studies to try to convince others of the safety of their products. This helps promote the appearance of scientific objectivity, hide the biased and bottom-line driven agenda of the chemical industry, and create the illusion of scientific 'controversy' regarding MCS. But whether anti-MCS statements are made by doctors, researchers, reporters, pest control operators, private organisations or government officials, make no mistake about it—the anti-MCS movement is driven by chemical manufacturers. This is the real story of MCS.

As I say, we need to expect that the chemical industry will probably lead any attacks against this committee. What needs to be done to deal with MCS? Obviously we need to be more assiduous and more wide ranging with data collection so that we can start to make the connections between outbreaks of MCS and exposure to chemicals. Clearly a lot more research needs to be done.

There are issues that need to be investigated about the appropriate labelling of farm chemicals. In the case of some of the agricultural chemicals being used by some of the farmers producing our fruit and vegetables, many of whom speak English as a second language, the labelling would appear to be inadequate. In the book *Our Stolen Future*, written by Colborn, Dumanoski and Myers, the authors say:

> We design new technologies at a dizzying pace and deploy them on an unprecedented scale around the world long before we can begin to fathom their possible impact on the global system or ourselves. As we race toward the future, we must never forget the fundamental reality of our situation: we are flying blind. We are all guinea pigs and, to make matters worse, we have no controls to help us understand what these chemicals are doing.

From my perspective and from the perspective of many of the people who suffer from MCS or fertility problems, the impact of chemical exposure is a growing public health problem. It must be treated seriously. The investigation that I propose will begin the process of giving MCS the recognition that it should have in this state. I hope that it will also result in recommendations that will place pressure on government authorities to look twice at some of the practices we tolerate that we ought not to tolerate.

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

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1188.)

The Hon. T.J. STEPHENS: When I came into this parliament as a new Legislative Councillor, I realised very soon that one of the first legislative deliberations I would have to make would be in relation to voluntary euthanasia. Even before I had been preselected as a Liberal candidate, I was being asked which way I would vote on this very complex and highly emotive issue. I have been lobbied from day one on this bill by colleagues, by those on the preselection college, by friends and by total strangers.

The question of voluntary euthanasia has always stirred a depth of emotion from supporters and proponents of the bill, and I readily admit that the task of forming a position and finally speaking on this bill has been quite daunting. I recall saying in my maiden speech in this chamber that I felt I did not have an ironclad view of voluntary euthanasia and that I was keen to examine both sides of the argument.

I knew back then that before I would even consider supporting this legislation I would need to be 100 per cent sure that it was the correct moral, legal and spiritual course to take. Over the past seven months, I have read widely and gathered much information on the subject of voluntary euthanasia. I have listened to the competing views and interests in the debate.

From the outset I acknowledge that I have been moved by the genuine sincerity and pure compassion and concern for human suffering which obviously motivates both sides of the argument. I have great respect for the views of all those who have helped me in my often wavering understanding of this issue. I have perhaps paid more attention to the pro-voluntary euthanasia argument not only because I wanted to come to a better understanding of that particular position but probably more so because, in my heart, I knew I felt uncomfortable with the concept of someone assisting another person's suicide, and I wanted to give the supportive argument for the bill a fair hearing.

I was pleased to receive numerous newsletters from the South Australian Voluntary Euthanasia Society. I also closely read the many letters I received urging me to support the bill. Many wrote of their personal experience of caring for and seeing a loved one die slowly and painfully. The end-of-life decisions made by people such as Shirley Nolan and Joe Shearer are, likewise, compelling and emotional cases.

It is easy to image circumstances where assisted suicide and voluntary euthanasia would seem reasonable and logical: someone in such extreme pain that it is almost impossible to continue living, or someone who is depressed and in such a seemingly hopeless situation that they feel they are a burden on their carers. Understandably, these vulnerable sick and elderly people could seek voluntary euthanasia.

Media coverage of tragic cases such as that of Nancy Crick challenges us to consider reforming laws on voluntary euthanasia. And who can argue with the imagery of a depressed and long-suffering terminal cancer patient? Sadly, at the same time, the media infers that if you remain opposed to the principle of euthanasia after witnessing these tragedies you must be in favour of forcing people to die ugly, agonising deaths. Nothing could be further from the truth.

We all have great sympathy for those people who are hopelessly ill and for patients whose pain cannot be alleviated, even with aggressive palliative care. We all want only for the measures that can alleviate pain and suffering. But we must look beyond this sad imagery and, as a society, really examine just how we treat our sick, elderly and vulnerable; and I do not think that state sanctioned assisted suicide is the answer.

We must exhaust all palliative care and pain management measures before leaping into the realm of assisted suicide and euthanasia. Have we offered all the other solutions, such as improved more accessible palliative care to manage the pain? Can we give more support to assist the patient to deal with the emotional trauma of facing death and dying? Can we put more resources into assisting the carers and providing respite for those carers? It is my view that a terminally ill or hopelessly ill person should have the right to the full range of palliative care which especially includes psychiatric and other counselling services for the terminally ill person, their family and associates, to assist them to adjust to the process at the earliest time.

I recognise that principally the terminally and hopelessly ill individual wishes for some control at life's end; but there must be better ways to give people greater control and relief from suffering than by legalising assisted suicide and euthanasia. The suffering individual may want the freedom to choose to end it all, and it may well be argued that the individual has a right to choose to do this. However, they are asking for assistance in their suicide, and that involves sanctioning someone to help bring about their death. Voluntary euthanasia is, in fact, the taking of life with permission by the actions of someone else.

My colleague, the Hon. Caroline Schaefer, was correct when she said in her second reading contribution:

> Make no mistake, euthanasia is not about the right to die, it is about the right to kill.

The inescapable fact is that euthanasia entails someone killing someone else. It legally empowers someone to take another person's life. This brings me right back to the very discomfort I felt from the start. I do not agree with the basic premise that it is all right for a person to kill another, even with permission or out of benevolent motives.

I have no difficulty with treatment that is designed to counter pain, even though it may shorten life; however, I cannot stomach the alternative, that is, someone being given permission to deliberately take the life of another. A responsible, compassionate society cannot, and should not, give formal, legal recognition to the idea that individuals can decide that they should end their life and ask others to do it for them.

This debate is about whether one supports the principle of the sanctity of life or the right of an individual to make a choice in respect of their own destiny. Hundreds of constituents wrote urging me not to support the legislation. A great many of those letters appealed to me to uphold the sanctity of life on religious grounds and to not support the Dignity in Dying Bill. I am a Catholic, and I am very proud of my faith. Certainly, the sanctity of life is something I hold dear, but religion alone has not shaped my final position.

This issue is not just a matter of faith but, more importantly, what is best for society. Every inquiry that has been conducted in the world in relation to voluntary euthanasia has decided against its legalisation. The British parliament stated that it would be unsafe to pass such a law; the Canadians thought it would be unsafe to do so, as did the Supreme Court of the United States. Even in the Netherlands, voluntary euthanasia has not been legislated for; however, it is permitted under the principles of doctors' responsibilities to their patients.

Many eminent bodies have examined the question of legalising voluntary euthanasia. The New York task force found that no matter how carefully guidelines are framed, the practice of euthanasia will pose the greatest risk to those who are poor, elderly, or members of minority groups who do not have good access to medical care. The British House of Lords select committee concluded that the dangers are such that any decriminalisation of voluntary euthanasia would give rise to more problems than it would solve. It is interesting to note the view of the House of Lords:

> We do not believe that these arguments are sufficient reason to weaken society's prohibition of intentional killing. That prohibition is the cornerstone of law and of social relationships. It protects each one of us impartially, embodying the belief that all are equal. We do not wish that protection to be diminished, and we therefore recommend that there should be no change in the law to permit euthanasia. We acknowledge that there are individual cases in which euthanasia may be seen by some to be appropriate, but individual cases cannot reasonably establish the foundation of a policy that would have such serious and widespread repercussions.
>
> Moreover, dying is not only a personal or individual affair. The death of a person affects the lives of others, often in ways and to an extent which cannot be foreseen. We believe that the issue of euthanasia is one in which the interests of the individual cannot be separated from the interests of society as a whole.

That comment came after a year of research by 21 members of the House of Lords. As I said before, hundreds of letters were written to me pleading that I should not support the bill. From these letters it was obvious that a large proportion of our population, particularly the older population, is opposed to voluntary euthanasia and is even fearful of it.

If parliament were to pass this bill just so that those rare people who find themselves in such pain and hopelessness could choose relief from their suffering through voluntary euthanasia, can we, as law makers, be assured that the law would only ever apply to those extremely tragic cases? It is hard enough to limit the application of any law to any one group in society, let alone in a bill such as this, where euthanasia would be made available to people who are hopelessly ill and who have an intolerable quality of life—and, I point out, who are not necessarily terminally ill. This is a very wide definition of those who can seek what really amounts to assisted suicide.

Our law already provides the right for patients to have withdrawn or withheld life support systems. Doctors will do what is called for routinely in good medical practice. Doctors know what is best for their patients, and some will act accordingly. If this bill is passed and doctors are permitted legally to kill their patients—even with consent and benevolent motives—an important moral threshold is crossed. For doctors, helping a patient to die with dignity is very different from killing a patient in the name of compassion. Regardless of the safeguards and guidelines, the elderly and vulnerable will worry endlessly that, over time, the practice of voluntary

euthanasia might become an accepted standard medical treatment.

Legalising euthanasia would add the option of death that a dying or seriously ill patient might consider among the options of treatment for their illness and palliative care. This could create an unspoken but extremely agonising expectation on the seriously ill to consider relieving the burden on their family and carers by taking the option of euthanasia. The burden may never be spoken of, but it will certainly be there, and that could create extraordinarily unwarranted and unjustified pressure. This is precisely the fear to which we should not expose our elderly and vulnerable. As a community, we can do far more to benefit such patients by improving pain relief and palliative care than by changing the law to make it easier to request voluntary euthanasia and be assisted to commit suicide.

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

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: HILLS FACE ZONE

Adjourned debate on motion of Hon. J.M. Gazzola:

That the report of the committee concerning the hills face zone be noted.

(Continued from 28 August. Page 941.)

The Hon. M.J. ELLIOTT: I rise briefly to speak to this motion in relation to the hills face zone. The committee had a look at this issue after receiving some submissions, and it is quite clear that there continued to be some significant problems in relation to the hills face zone. In particular, there seems to be I suppose an unequal interpretation of rules from council to council. There are cases of persons commencing development without even seeking planning approval and there has been quite significant cut and fill happening on some sites without council permission—very significant problems indeed.

A message needs to get through that simply owning a title does not give one automatic right to build on it. This is an issue which I think has arisen in a number of different circumstances of late in matters that have been before the ERD Committee. We have been looking at the issue of a development plan in the Mid Murray Council in relation to areas around Morgan. Whilst I cannot pre-empt what the committee might say, it is evident that people who hold title seem to have an expectation that by the very holding of title—these are titles in scrub areas—they are automatically entitled to build.

We have seen similar problems in other areas. We have even received submissions today about people with shack sites who have subdivisions that they want to develop and they assume automatically that they will have the right to build. It is plain that the development plan as it stands and the way in which it works is not understood or that there are constant pressures in this regard in terms of people holding titles.

A very clear message must be put out that the holding of a title—whether it be in the hills face zone or elsewhere—does not have an automatic building right. That might stop speculation by some property developers and others who are driving up the prices of land and then selling it to other people and giving them the unreal expectation about what might or might not be done on it. So, some issues need to be addressed. At the end of the day, there is a very good argument to have a single authority overlooking the whole of the hills face zone, with that single authority applying the rules evenly, and not differentially as we are seeing at present.

If I might add a personal view, the hills face zone is actually a large area, and there may be a preparedness to quite deliberately have some slightly different rules in different parts of the hills face zone. For instance, the hills face zone around Willunga may or may not have a different set of rules to the hills face zone which runs to the east and south-east of the city proper. It should not be the case that we find a metropolitan council in one of those zones as I described it is applying rules differently and allowing, I would suggest, some quite inappropriate development in some areas of the hills face zone.

The Hon. J. GAZZOLA: I have great pleasure in concluding this debate. I would like to thank the following members for their most useful contributions: the Hons Mike Elliott and Diana Laidlaw and yourself, Mr Acting President, as a previous member of the Environment, Resources and Development Committee.

Motion carried.

EMERGENCY SERVICES ADMINISTRATIVE UNIT

Adjourned debate on motion of Hon. Ian Gilfillan:

1. That this council expresses its deep concern at the drain that the Emergency Services Administrative Unit is on this state's emergency services; and

2. Further, this council calls on the Minister for Emergency Services to dismantle the Emergency Services Administrative Unit.

(Continued from 23 October. Page 1187.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I indicate that the government is opposed to this motion. My colleague the Minister for Emergency Services has already announced a review of the Emergency Services Administration Unit, and I will say a little more about that in a moment. He has released those terms of reference in a ministerial statement to the parliament. So, in effect, the government has already signalled its intention to investigate the operation of that unit.

Let me say at the outset that the government's preferred outcome in relation to the future of the Emergency Services Administration Unit is not to have a witch-hunt but rather to ensure that the greatest number of resources can be most effectively delivered to the coalface where volunteers are undertaking the hardest job of all. In other words, rather than conduct a witch-hunt in relation to this unit, let us see what we can do to ensure that the volunteers have the best outcome. Of course, that is why in the recent budget the government increased spending on emergency services by $15 million, from $141 million to $156 million. I remind the council that the government was able to effect that increase without an increase in the emergency services levy. Instead, over $12 million was provided from consolidated revenue to ensure that we were able to increase expenditure in this area.

As has been pointed out, the coming fire season is predicted to be one of great risk following the exceptional drought we have had. We believe at this time that that should be the object of our focus. Rather than conducting a witch-

hunt in relation to the unit at this time, all our attention needs to be devoted to the current risk that faces it. The government will ensure that the delivery of resources, services and programs in emergency services occurs in the most effective and efficient manner. I am advised by the Minister for Emergency Services that the emergency services grants program has been cancelled. That offered $1 million of grants at the whim of the minister rather than meeting the requirements of agencies that are best able to determine the greatest need for capital works and asset replacement. That change has already been made.

There are a number of costs pressures on emergency services. The transfer of assets from local government to the Minister for Emergency Services, the maintenance, occupational health and safety standards, land rent and lease arrangements and costs are all significant cost pressures. There are cost pressures on emergency services from the government radio network as the replacement of old equipment was underestimated. The number of hand sets was also underestimated, adding to cost pressures.

The higher fire danger season also requires additional prevention measures, including back burning, the recruitment and training of volunteer firefighters, community awareness training and increased aerial surveillance. This also adds to the cost pressures on emergency services. It is quite clear that there was some significant budget mismanagement under the previous government, which left a massive black hole in the emergency services budget, including the budget overrun of over $3 million in the CFS last year, and that matter has had considerable public attention. There are those cost pressures, but the government has this matter well in hand to ensure that our volunteers, particularly those facing fires in this high risk season, will have the resources they deserve.

I repeat that on 17 October the Minister for Emergency Services announced to the house that the government has formally instituted a review of the management of emergency services in South Australia. That review will be conducted by the Hon. John Dawkins—not the Hon. John Dawkins opposite, but the other Hon. John Dawkins, the former federal treasurer—

The Hon. J.S.L. Dawkins: John Sydney Dawkins.

The Hon. P. HOLLOWAY: Is it? The review will also include the Hon. Stephen Baker, a former treasurer of this state, and Mr Dick McKay. These three men have a unique combination of experience to review the efficiency of the management of emergency services, and this review will focus on the management and governance arrangements in emergency services and determine whether these arrangements most effectively support the work done by the agencies and the government's priority of community safety.

The terms of reference of this review, including the objective, strategy and process, are as outlined. The objective is to examine and identify improvements to the management, administration and governance arrangements of emergency services in relation to the Country Fire Service, the State Emergency Service, the South Australian Metropolitan Fire Service and the Emergency Services Administration Unit. The South Australian Ambulance Service will not be included in this review.

As to strategy, the review will examine, first, the extent to which the above mentioned emergency services agencies are effectively meeting government policy and community expectations in relation to emergency services. I note that the review will not deal with the adequacy of funding provided to the emergency services. Secondly, the review will examine the suitability of the current government arrangements and, thirdly, whether the administration and support provided to the agencies are consistent with best practice, avoid unnecessary duplication of services and are cost efficient and effective. In particular, the review will examine and report on:

(a) whether the key strategic priorities announced in October 1998 to achieve better public safety outcomes continue to be appropriate;

(b) the extent to which current governance arrangements since the creation of ESAU have met the above stated expectations, including the role and functions of the emergency services leadership group;

(c) the extent to which current governance arrangements and management have optimised efficiencies through a strategic approach to policy and service delivery across emergency services;

(d) the adequacy of current arrangements to meet the non-operational requirements of the SAMFS, the CFS and SES; and,

(e) recommendations for the enhancement of arrangements to improve the efficiency and effectiveness of service delivery, including the most appropriate methods of resource allocation within the sector.

In conducting the review, consultation will be held with key stakeholders including the Minister for Emergency Services, the justice portfolio chief executive, Country Fire Service Board, relevant unions including the PSA and the United Firefighters Union, the chief officer of the SA MFS, the chief executive of the CFS, State Director of the SES, chief executive of the Emergency Services Administrative Unit, the Volunteer Fire Brigade Association and the SES Volunteer Association. The review will receive submissions from parties who may wish to present views on the subject matter of the review. As I said, the government announced the establishment of that review with the terms of reference that I have indicated back on 17 October. We believe that is the appropriate way to look at the future of the administration of the state's Emergency Services Administrative Unit, and consequently we will oppose the motion.

The Hon. G.E. GAGO secured the adjournment of the debate.

[Sitting suspended from 5.53 to 7.45 p.m.]

FLINDERS CHASE NATIONAL PARK

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

That this council requests Her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972 to vary the proclamation made under part 3 of that act on 14 August 1997 so as to remove the ability to acquire or exercise pursuant to that proclamation, pipeline rights under the Petroleum Act 1940 (or its successor) over the portion of the Flinders Chase National Park described as section 53, Hundred of Borda, County of Carnarvon.

I indicate to this place that this motion is not dissimilar to the motion which the Legislative Council passed in relation to the Gammon Ranges. However, this motion is in relation to the Flinders Chase National Park on the western end of Kangaroo Island. I understand, in going through a process of review of some of the national parks prior to the election, the former minister (Hon. Iain Evans) was informed that, in so far as the

Flinders Chase National Park was concerned, an old petroleum pipeline right was gazetted to run through the park.

I understand the history of that was that there were potential petroleum deposits off the western end of Kangaroo Island, and a potential pipeline access route was effectively proclaimed or gazetted to run through the Flinders Chase National Park—

The Hon. Ian Gilfillan interjecting:

The Hon. A.J. REDFORD: The 20th century, of which he spent a significant portion of his life. In reviewing some of the—

The Hon. Caroline Schaefer interjecting:

The Hon. A.J. REDFORD: That should not go on the record and I perhaps inadvertently allowed that to happen. In reviewing some of the national parks in response to the Gammon Ranges issue, we asked what other parks suffer the same fate as the Gammons, and it became apparent that the Flinders Chase National Park had this petroleum pipeline access route through it. This motion seeks to change the proclamation, or construction of the park, to disallow that pipeline access. That will mean that Flinders Chase National Park will, essentially, be mining and pipeline free, which is what we did with respect to the Gammons. It is a simple motion. In effect, it is a tidy-up motion that brings better protection to one of our national parks, Flinders Chase National Park on Kangaroo Island.

The government opened the $8 million visitor facility in Flinders Chase National Park only some weeks ago. The facility was built by the former Liberal government. I know that the Premier went there and participated in the opening ceremony. The Liberal Party is very proud of the construction of that $8 million facility on Kangaroo Island. It is the largest single capital works project that National Parks has ever undertaken, and it happens to be in Flinders Chase National Park, which is one of South Australia's tourism icons. The motion simply prevents the acquisition of pipeline rights through the park. When this place supports it—and I hope that it does—it will mean that, like the Gammons and the Belair National Park, Flinders Chase National Park will have the highest level of protection afforded to it, as it rightly should, given its status in the national parks within South Australia. I look forward to unanimous support.

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

LIQUOR LICENSING ACT

Order of the Day, Private Business, No. 27: Hon. Sandra Kanck to move:

That the regulations under the Liquor Licensing Act concerning City of Adelaide, Dry Zone, made on 11 October 2001 and laid on the table of this council on 23 October 2001, be disallowed.

The Hon. SANDRA KANCK: I move:

That this order of the day be discharged.

Motion carried.

SUMMARY OFFENCES (TATTOOING AND PIERCING) AMENDMENT BILL

Second reading.

The Hon. CARMEL ZOLLO: I move:

That this bill be now read a second time.

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

Leave granted.

The bill seeks to do two things: first, to make it more difficult for people to be tattooed without having a think about it, by providing for a cooling-off period for tattooing; and, secondly, in the matter of body piercing, to seek to somewhat regulate that activity.

As members would probably be aware, both of these activities that are the subject of this proposed legislation are already to some degree supervised by the law of South Australia. I will talk first about the situation in relation to body piercing. It is important for the parliament to bear in mind that section 33 of the Criminal Law Consolidation Act as it presently stands deals with the issue of female genital mutilation. It is important to note that, for the purposes of that legislation, a child is deemed to be a person of under 18 years. Female genital mutilation, amongst other things, includes 'any other mutilation of the female genital organs'.

I point out that in extreme cases the practice of body piercing does get to that point. It is interesting to note that under section 33A of the current Criminal Law Consolidation Act the penalty for female genital mutilation is seven years imprisonment, and it is not possible for anybody to consent to it, whether a minor or not. I realise that it is at the extreme end of the spectrum of possible activity of this type, but that is the extent to which that sort of activity is currently regulated by the law of South Australia.

On research, that appears to be the end of it. Between that and the relatively simple act of having an ear lobe pierced for the purpose of having a ring put in there is a vast array of possibilities. This legislation seeks to exclude the person who wants to have their ear pierced and to require that, in the case of a minor, that minor has to have parental consent for any other form of piercing. Dealing with the other piece of legislation that is currently on the statute books, I would like to refer members to section 21A of the Summary Offences Act, which already deals with the issue of tattooing and provides that, where a person tattoos a minor-and again a minor here is a person under 18 years of age-for reasons other than those associated with a medical procedure, they are guilty of an offence.

The penalty provided for here is $1250 or three months imprisonment. It seems to me that we have two activities that involve, on the one hand, the tattooing of people and, on the other hand, mutilation or decoration, depending on your perspective, partly regulated already by acts of the South Australian parliament. What I am seeking to do is fill in some of the grey areas in what is clearly material that should not be of concern (such as for example having an ear pierced) and try to regulate the activity in the middle so that minors are not in a position where they have these procedures done without some sort of parental consent.

Of course, it has to be remembered that the piercing activity is, at least, not permanent, in most cases, although medical advice indicates that there can be some neurological damage if these things are not done properly, and that severe infection issues can arise from some of these activities. So, it is not as if it is a completely benign activity.

As far as the tattooing side of things is concerned, members would all be aware that tattoos are very much in vogue these days, and what this seeks to do is not to stop people having tattoos but, rather, to say that if you are going to have one-the impulse tattoo where you and a few friends have gone out and perhaps been to one of the hotels in a street not too far from here, had too much to drink and decided to wander down the street and have a skull and crossbones, or something, emblazoned on you—you have to think about it. That is all it says. It does not say that you cannot do it: it just says that, as an adult person, you have to think about it because. let's face it, once it is there, it is there, and it is going to cost the medical system (or you, more likely) in terms of elective surgery a lot of money to get rid of it. That is broadly the background to the bill.

The specifics are:

First, section 21A, the current section of the Summary Offences Act dealing with tattoos, is to be amended by increasing the financial penalty for tattooing a minor from $1 250 or three months imprisonment to $2 500 or three months imprisonment. In the circumstances, that is a reasonable proposal. Secondly, what is proposed is that, in relation to the defence currently provided for in the Summary Offences Act (that is, a defence to a charge that you have tattooed a minor), that offence be stiffened up.

I will not take members of the house through the details of the current defence, but the current defence is sloppier than the one proposed. The one proposed requires that a person must seek evidence of age before performing a tattoo and, if they do not seek

evidence of age and then go ahead and perform the tattoo, they will have real trouble proving that they had an honest belief that the person was of age. It is really stiffening up the defence, to make sure that children are not going to be tattooed by mistake or because someone is too lazy to check properly whether they are an adult.

The next section of the bill deals with piercing of minors. It is illegal to pierce a minor, and I should point out for members opposite that piercing does not include, as you would see in the definitions, ear lobes.

We are not talking about the teenager who wants to have an earring put in: we are talking about any other sorts of piercing. We are saying that minors who want piercing other than of ear lobes need to have consent from a parent or guardian. That is the purpose of that provision. It also requires, that there be a record kept of the part to be affected. Also, it leaves room for medical procedures and so on, as you would see in subsections (4) and (5). It provides the same sort of defence as we have talked about in relation to tattooing of minors, namely, that you can defend a charge of piercing a minor if you have taken reasonable steps to ensure that the person is not a minor. If you have satisfied yourself reasonably that they are not and go ahead and do it, obviously you are not to be prosecuted. Obviously there is no prohibition on piercing of adults: that is not the object of the exercise.

The next point is the one I was particularly pleased to see included in this bill, namely, new section 21C to be inserted in the Summary Offences Act, which requires a cooling off period. This means effectively that the customer who is to have a tattoo identifies what they want, identifies the part of the body, and must wait three days before they get the job done. The object of this exercise is to prevent the impulse tattoo, and hopefully the person involved has time to reflect on whether or not they want it. If they do want it, well and good, they can go ahead and have it. If they do not, the time has passed and hopefully the headache has been and gone and they miss out on a problem they might have regretted later in life. If they are still of a mind that they want to have the tattoo, well and good, they can go ahead and do it.

New subsections (2) and (3) of section 21C as proposed are designed to prevent the coercion of people. By that, I mean that, if we were simply to require a cooling off period but to provide for people to part with a deposit on the initial occasion when they signed up for the tattoo, there might be some sort of leverage on the part of the tattoo parlour that the person goes through with it, because they have already paid for it. New subsections (2) and (3) provide that the person who is to perform the tattoo cannot demand a payment or deposit or any other form of security to ensure that the person will return in three days and go ahead with the job. The purpose is to make it clear to an individual that there is no obligation on them, there is no coercion, and they cannot be required to pay a deposit or make any other form of payment which might have the effect of inducing them to go ahead and do it if their inclination was not to.

It is the hope of the Member for Enfield in the other place, that this is the sort of legislation that will be acknowledged by all members as being sensible legislation. 1 would encourage members to give it some thought and hopefully get back to us as soon as possible with any views they have on it. It is the sort of thing that is directed towards making sure that people who might be in a vulnerable position, either because of age or infinity or because it is self-inflicted perhaps by a visit to a hotel, do not end up harming themselves or placing themselves in a position they do not need to be in. I commend the bill to honourable members.

The Hon. CARMEL ZOLLO: I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

Motion carried.

The Hon. A.L. EVANS: The bill addresses two main areas: first, the tattooing of a person's body parts and, secondly, body piercing. In South Australia, the Summary Offences Act 1953, under section 21A, regulates the tattooing of persons. Section 21A(1) provides:

A person who tattoos a minor (except where the tattoo is performed for medical reasons by a legally qualified medical practitioner or a person working under a legally qualified medical practitioner's direction) is guilty of an offence.

A minor is someone under the age of 18 years. The penalty is $1 250 or imprisonment for three months. Section 21A(2) deals with the offence of tattooing a minor and provides:

It is a defence to the charge if it is proven that, at the time the tattoo was performed, the person had reasonable cause to believe and did believe, that the person tattooed was of or over the age of 18.

No other legislation deals with the issue of tattooing. I am sure members would agree that the practice of tattooing body parts is not unique to any one culture. Tattooing is practised by many cultures. I lived for a number of years in New Guinea and during my time living in that country I saw this practice carried out many times. In that culture, people are tattooed for a number of reasons, including religious and cultural.

Apart from religious or cultural reasons, there are many reasons why people get tattoos, including for cosmetic and fashion reasons. One thing is certain about these types of tattoos: they do not wash off in the shower. Not even a good dose of Sard Wonder Soap will remove a tattoo that has been placed on someone's body by a tattoo artist.

This bill has been introduced precisely because of the permanent nature of tattoos. People need to have time to think carefully about such a decision. By all accounts, removing a tattoo is an extremely painful process and the skin never returns to its previous condition.

The purpose of the bill is to put into law provisions to ensure that people look before they leap. In a sense, the bill is not aimed at people who have firmly made up their mind that they are going to get a tattoo. The bill will assist people, particularly young people, who find themselves either coerced or unduly pressured by family or friends into having a tattoo. Alternatively, the bill would be of great benefit to a person who, whether on a whim or while under the influence of alcohol or some other mind altering substance, decided to get a tattoo. For whatever reason a person makes the initial decision, it is important that they be given a cooling-off period to examine the pros and cons of their decision. In some situations, a person in the following days may feel deep regret or even anger about their decision.

The bill amends section 21A(1) of the Summary Offences Act by increasing the penalty from $1 250 to $2 500 for the tattooing of minors. In addition, the bill tightens up the defence. The current law provides a defence in cases where the tattoo artist had reasonable cause to believe, and did believe, that the person being tattooed was over 18 years of age. This bill requires the tattoo artist to insist on evidence of age. If a person produces false evidence of age, the tattoo artist will not be penalised for someone else's dishonesty.

The bill creates a cooling-off period before a person is tattooed by providing that an operator must not tattoo before they have obtained a signed written agreement from the person to be tattooed. The agreement must be signed with the understanding that it is binding on the customer only after a three-day period. At the expiry of three days, the customer may return to get the tattoo design previously agreed to. The bill expressly prohibits a tattoo artist from obtaining a deposit. This will ensure that the customer does not feel under an obligation to follow through after the three days' cooling-off period has expired.

South Australia does not have a specific provision in the current law dealing with the issue of body piercing. At the extreme end of the scale, we have a section in the Criminal Law Consolidation Act which deals with female genital mutilation. Apart from this section, South Australia does not have any other provision. This bill requires parental consent

before a minor can have their body pierced. The bill specifically excludes ear piercing. Also included is a requirement that the person who performs the piercing must keep a record according to the required regulation, and that record must be kept for a period of two years. The bill does not apply to piercing performed for a medical or therapeutic purpose. The defence available to a tattoo artist is that they sought evidence of age but that false evidence was provided and the artist reasonably believed that the person was over the age of 18 years at the time the piercing was performed.

I believe the purpose of this bill is very sensible. It seeks to stall, not to completely prevent, an adult from getting a tattoo, thereby ensuring that a person has good time to think about their decision. Parents should be involved in deciding whether their children have their bodies pierced. Parents can offer the sensible and objective reasoning needed when their child may just want to keep up with the fashion trends. They may discuss hygienic maintenance and how serious infections could develop if the area pierced is not properly protected. The parent may want to go along and check that safe and hygienic equipment is being used by the artist.

The fact that this bill is directed at both minors and adults indicates the spirit behind it. Its intent is not to take away rights from children or to prevent adults making independent choices such as getting a tattoo. It just requires individuals to look before they leap. Family First supports the second reading of this bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1257.)

The Hon. G.E. GAGO: I am very proud to rise in support of the Statutes Amendment (Honesty and Accountability in Government) Bill 2002 which was introduced in another place by Premier Rann as part of the government's commitment to implementing a 10-point plan for accountability and honesty in government. This is probably the most comprehensive legislation addressing honesty and accountability to be introduced in this state. This legislation is long overdue, as we see amongst us widespread disillusionment in our community in relation to openness and accountability in government and trust in our politicians. It is little wonder, considering the previous government's track record: ministers forced to resign after a damning report from the Auditor-General; and the former premier of South Australia resigning after he was found to have given, and I quote from the Clayton report of October 2001, 'misleading, inaccurate and dishonest evidence' to an inquiry. South Australians deserve better.

The Rann Labor government is bringing about a new era of honesty in government. We are committed to ensuring more open and honest government and, through our 10-point plan, will reform standards of government and revitalise the community's confidence and trust in government. The bill before the council is one of a package of legislation which enshrines in law honesty and accountability of government not just for this government but also for all future governments.

This bill seeks to amend four acts: the Criminal Law Consolidation Act 1935, the Public Corporations Act 1993, the Public Sector Management Act 1995 and the Industrial and Employee Relations Act 1994. These amendments will result in a tightening up of public accountability by ensuring that all members of the public sector and agencies, including senior executives, will be subjected to duties of honesty and accountability, whether they be employees or contractors.

Amendments to the Criminal Law Consolidation Act are concerned with offences of a public nature. The bill proposes to expand the definition of 'public officer' to include persons doing work for the Crown, a state instrumentality or a council as public officers. Broadly speaking, the Crown includes all government departments, and a state instrumentality is a body established under the act for a government purpose, such as the Passenger Transport Board.

Although the current definition is broad and currently includes judicial officers, members of parliament, public servants, and members, employees and officers of local government bodies, the proposed changes significantly expand the category of people to whom this will apply. The practical effect of this amendment is to ensure that offences such as bribery of a public officer and abuse of public office will apply to contractors whilst performing public sector work.

A further amendment of this act closes a loophole by introducing provisions to make it an offence for former public officers to improperly use information gained whilst in office, as an adjunct to the current provision, which makes it an offence to do so only whilst in office. This will mean that a government contractor who improperly uses information gained pursuant to that contract, either during the term of that contract or after its completion, will be committing an offence.

I noted with some interest and concern the carping of some opposition members in this and another place, in which they deemed much of the content of this bill to be 'window-dressing', saying that many of these provisions were already covered by other legislation. What desperation! Let us look at an example. Let us look at a public officer who has, for instance, responsibility for managing a fund. Let us say, again for the sake of argument, that this person lied about how well the fund was performing, for fear of being criticised in his duties or of being accused of mismanagement. This person is unlikely to be caught by offences relating to public officers under the Criminal Law Consolidation Act, as they have not engaged in acts of bribery or corruption, for instance, used information for the purposes of securing a personal benefit or committed other offences outlined in that act. The public officer has lied to avoid being criticised. They have acted dishonestly in a matter which is not trivial and which may have a detrimental effect on the state. The new offence proposed in this bill, that is, failing to act honestly, would however apply to this sort of conduct.

The bill also seeks to amend the Public Corporations Act, which was enacted to ensure appropriate governance arrangements and accountability to government by statutory authorities that are in essence government business enterprises. The act already contains a wide range of stringent provisions related to ministerial control, performance and scope of operations and duties and liabilities of boards and directors for both statutory authorities and their subsidiaries. They also include obligations regarding honesty and conflict of interest, unauthorised transactions and duty of care for directors—to mention just a few. However, the bill makes

amendments to introduce provisions that impose a duty upon employees, including senior executives of public corporations and subsidies, to act honestly in the performance of their duties and make it an offence to breach this obligation. The offence involves a fine and/or imprisonment, the fine not exceeding $15 000 and imprisonment not exceeding four years. So they are fairly hefty penalties.

However, amendments ensure that it will not be an offence where the conduct is trivial and does not result in significant detriment to public interest. I think that is an important safeguard. If a person is convicted of an offence against dishonesty provisions, the court, in addition to imposing a penalty, can order the person to pay an amount equal to any profit, loss or damage caused by the contravention. The bill also introduces provisions which impose duties with respect to conflict of interest involving senior executives and employees of public corporations and subsidies.

The provisions for senior executives are more onerous and require disclosure of pecuniary interests, as well as disclosure of conflict of interest. It will be an offence for senior executives to fail to comply with the requirement. If a senior executive is convicted, then the court, again, in addition to imposing a penalty, can order the payment of any profit, loss or damage caused by the contravention. Employees are only required to disclose conflict of interest, and non-compliance could result in disciplinary action or constitute grounds for termination of employment—whichever is appropriate.

The amendments to the Public Sector Management Act propose to do the following things—and I will just list them briefly because they are quite technical, long and complex: give statutory backing to the codes of conduct issued by the Commissioner for Public Employment; impose honesty; authorise transactions and interests; and impose conflict of interest obligations on all corporate agency members of non-public corporations, statutory corporations and their subsidiaries.

They also repeal the current provision requiring disclosure of Public Service chief executives and the Commissioner for Public Employment and replace it with provisions requiring more comprehensive disclosure obligations regarding, again, interests and conflicts of interest of senior officials and officials employed in the public sector. Again, non-compliance will become an offence. Amendments will also require more comprehensive disclosure obligations regarding conflicts of interest for all public sector employees, including ministerial staff, and failure to comply can result in disciplinary action or dismissal.

Other amendments introduce provisions that for the first time will impose a general obligation for all public sector employees to act in an honest manner while performing public sector duties. This includes ministerial staff and senior officials. Failure to do so will be an offence. Provisions that stipulate the way in which public sector agencies prepare annual reports will also be included. These requirements include accuracy, comprehensiveness and timeliness. Current provisions regarding the preparation of annual reports will be repealed and will be reproduced under part 2, which is to be renamed 'General Public Sector aims, standards and duties'.

This bill, as introduced in this council, does not—and I stress does not—extend the definition of employee to include contractors and those working through contractors but, rather, introduces a new division under the Industrial and Employee Relations Act 1994, which is concerned specifically with contractors and those working through contractors.

I suggest that members opposite, from whom we heard yesterday, inform themselves as to the intricacies of this bill. As I have just mentioned, amendments are also proposed to change the Industrial and Employee Relations Act of 1994. These are largely consequential and seek to change the definition of 'public employee' in the Industrial and Employee Relations Act to ensure that persons performing contract work under the new division 8 do not attract the same rights and responsibilities as public sector employees under the act.

Finally, this package of legislation, with other measures, seeks to comprehensively tighten up honesty and public accountability for senior public sector executives, employees, directors of government boards, government in general and, of course, politicians. It enshrines in law the standards of behaviour which South Australians deserve and expect but in which the previous government failed. The Rann Labor government is a government of action. We promised to restore high standards of government and re-establish the public's confidence in government and politicians, and this bill is part of the package of reforms to achieve this. I commend the bill to the council.

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

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1185.)

The Hon. T.G. CAMERON: This bill was introduced by the government as part of its election promise and is based on the model used in New South Wales. The bill implements a regime of guideline sentencing rather than individual sentencing. This does not override individual sentencing but rather simply requires judges to impose the principle that similar cases, in their totality, should receive similar penalties. The Full Court of the Supreme Court will be able to make determinations as to the guidelines for sentencing. This can be done on application of the Attorney-General, Director of Public Prosecutions, the Legal Services Commission or on the court's own initiative. It can also make it on appeal of sentence from a lower court. In such hearings the court may hear from those parties or other parties that represent the interests of offenders or victims of crime.

I support this bill. It maintains discretion while balancing out the opinions of sentencing judges so that similar defendants are not advantaged or disadvantaged by having dissimilar judges.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1150.)

The Hon. SANDRA KANCK: This bill is a rerun of one introduced last year which lapsed due to the prorogation of parliament. When I dealt with the bill last year I expressed some reservations about storage of photographic images but, following the briefing I have recently received on this bill, I

am satisfied with the way the department intends to proceed in this matter.

I have one question only about the bill, and I am happy for the government to come back to me about that, perhaps during the second reading when we deal with it. In relation to clause 12, I would simply like to know how the department would become aware that someone had died. The Democrats consider that the amendments in this bill are sensible. In effect, some amendments are corrections to drafting errors, some are a response to court determinations, others deal with procedures which are already occurring but which ensure that there is no question of the validity of those actions, and still others will ensure that the taxpayer is not unnecessarily paying out after car crashes. I indicate that the bill has the support of the Democrats.

The Hon. T.G. CAMERON: I, too, support this bill, which amends the Civil Aviation (Carriers' Liability) Act, the Harbors and Navigation Act, the Motor Vehicles Act and the Road Traffic Act. All but one provision of the bill was introduced by the previous government. The bill lapsed due to the proroguing of parliament for the election, as outlined by the previous speaker. I want to run through some of the principal provisions of the bill. In relation to civil aviation, the courts will have power to impose a monetary penalty where a corporate air carrier fails to have acceptable passenger insurance.

The bill clarifies jurisdictions, so that the commonwealth laws apply as state laws in regard to the commonwealth-state civil aviation scheme. The minister will have the power to apply for an injunction against a carrier that fails to have proper insurance, and so he or she should. With respect to the Harbors and Navigation Act, the bill will allow an authorised person to issue expiation notices. The act of causing, permitting or suffering an unlicensed person to operate a recreational vessel is a proposed offence. The statute of limitations of offences against the act are brought into line with the Summary Procedures Act.

In relation to the Motor Vehicles Act, probationary drivers—specifically those returning from disqualification—are to be prevented from serving as qualified passengers for learners. A licensed driving instructor who surrenders their licence before it expires will be entitled to a proportional refund of their licence fee. Currently, under some circumstances, an uninsured driver can be provided with a more generous defence than an insured driver when it comes to the recouping of costs of insurance claims. The bill remedies this and brings them into line, and so it should. The bill limits the uses for which photographs taken for licences may be used.

In relation to the Road Traffic Act, amendments in this bill will enable officers to issue defect notices for all vehicles that are not roadworthy and to vary a defect notice where appropriate. This also includes amendments to confirm the power of police officers to issue alco tests to motorists suspected of contravening the Australian Road Rules. This clarifies an interpretative decision in the case of Police versus Siviour. Amendments to the Acts Interpretation Act are already before the parliament to clarify this further. I support this bill. It is an administrative bill. It clears up legislative oversights and loopholes and confirms the intent of the legislation.

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

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1259.)

The Hon. IAN GILFILLAN: I indicate that the Democrats support the second reading of this bill. This is the second government freedom of information amendment bill that has been introduced since I moved my own private member's bill seeking a rewrite of the FOI laws in South Australia. In this speech, we in the Democrats express our pleasure that both Liberal and Labor governments are beginning to accept our proposals on freedom of information. As far as freedom of information in South Australia goes, we are starting to get there. However, we are not there yet.

The history of this issue is quite long. Members may recall that in February 1997 the Legislative Review Committee was asked to report on the operation of the FOI Act. It took more than 3½ years for the committee to make its report. That report was tabled on 4 October 2000. In a rare show of political unanimity, the six members of the Legislative Review Committee, chaired by the Hon. Angus Redford, drawn from three political parties, unanimously recommended a new act modelled on New Zealand's Official Information Act 1982. As the Democrat representative dealing with FOI, I undertook to introduce a private member's bill, which was in fact the bill recommended by the Legislative Review Committee. The Hon. Nick Xenophon moved an identical bill. However, despite the tripartisan nature of the LRC's recommendations, both the then Liberal government and Labor opposition found themselves unable to support the bill.

The minister at the time introduced a government bill which addressed some of the concerns raised by the LRC but left others untouched. That Liberal bill sought to bring local government into the fold and it sought to shorten the time limit for agencies to respond to an FOI application. It also inserted a 'public interest balancing test' into the exemptions, which may be claimed for documents concerning business affairs and documents affecting the conduct of research. Finally, it introduced requirements for the minister to develop training programs to assist agencies in complying with the act. These were some important steps, but it also left some significant gaps.

With the change of government, a new bill is before us seeking to further amend the Freedom of Information Act. This new bill achieves more of the objectives of my original bill. First, it abolishes the practice of issuing ministerial and agency certificates. This is the intrusive and secretive concept of certificates that may be used by ministers and principal officers of agencies to pre-empt consideration of whether or not a document is to be exempt under the act. We believe that, if an agency or an officer cannot fit a document into one of the many exemptions in schedule 1, it is entirely inappropriate for a minister or a CEO to be conclusively putting a document beyond reach on their own behalf.

Secondly, the bill adopts similar provisions in regard to the right of appeal that the LRC bill proposed. It is interesting to note that, when I moved amendments to achieve this in the government bill last year, the then Labor opposition rejected these measures. The changes to the rights of appeal will mean that the reviewing authority, that is, the Ombudsman or the Police Complaints Authority, will be able to review the

decision on merit and the District Court will be restricted to dealing with appeals over a question of law.

The Ombudsman, in his 1999-2000 annual report at page 60, has described how he can direct an agency to make a determination. This then becomes the agency's determination, albeit a directed determination. An aggrieved applicant may appeal to the District Court against this determination, thus having a second bite at the cherry, that is, a second merit review. It is appropriate for any appeals to the District Court to be limited to questions of law. I note that the opposition has some discomfort with this and, while I understand its concern, I feel that on balance the path that the government has chosen here, following the general recommendation of the Legislative Review Committee, is the appropriate course. It is quite clear that a court is specifically and predominantly established to rule on the question of law. The issue of merit is an open and indeterminate aspect and we believe that the structure where the Ombudsman makes the determination on that is the appropriate way for it to be dealt with.

The bill also allows for greater access to cabinet documents by allowing cabinet to approve certain cabinet and Executive Council documents for disclosure. This is a positive move. However, I note that its value depends very much on the choice of the government as to which documents it is prepared to release.

I now move to areas of some disagreement. The bill proposes two things that did not come up in the Legislative Review Committee, one of which the Democrats reject completely and the other being one on which we will require further convincing. One of these proposals is to have personal information protected for 80 years rather than the current 30 years.

It is true that 80 years is more reflective of a person's lifetime than 30 years. However, I am curious about the potential effects of this change and ask the minister, when we move into the committee stage, to explain further the rationale for making this change. I indicate that my personal preference at this stage is certainly to hold it at the current 30 years, recognising that from time to time stress may be caused. However, if we are thinking of freedom of information, some personal information must come into the category that should be released within a reasonable period of time, and I believe, without hearing further argument, that the current 30 years is adequate.

The other area is that of charging parliamentarians for freedom of information requests. One of the key roles of our elected representatives is to keep the government of the day honest and accountable, and it is a role that we have taken very seriously over the past 25 years. Charging MPs for FOI requests goes to the heart of this and will not be accepted by the Democrats.

We recognise that this system, as any, may be abused at times, and we are prepared to discuss options. In fact, we already have addressed this with the government, perhaps tentatively, on the basis of there being the opportunity for reports to be tabled in parliament of situations which may be considered to be an abuse by an MP or MPs in acquiring or asking for FOI material.

The Hon. R.I. Lucas: What's an abuse?

The Hon. IAN GILFILLAN: An abuse may be a mischievous and purely destructive intention to block the system by excessive requests for information, without there being a justified cause for it. That determination is in the mind of the MP who is making the application. However, if we have a group of MPs which is not favourable to the government and exercise this total freedom to ask for anything without limitation, the actual cost of, and the time allocated to, answering those requests could be excessive in relation to a reasonable assessment of the use of the acts concerned.

I believe that, rather than restrict it either by quotas or cost, it is a matter that can be made available for public disclosure by being tabled in parliament, and it is up to the parliament then to make a judgment. But I suggest that the community, the media and the parliament appreciate freedom of information legislation and that there will be, in the vast majority of cases, genuine reasons for any member of parliament seeking information either on their own behalf or on behalf of constituents. It is for that reason that we totally reject any restriction on that right, either by imposing cost or quotas.

Finally, I would like to comment on two further deficiencies that we see in the bill. First, the objects of the act are amended to (in the minister's words):

> . . . explain that the purpose of the act is to promote openness and accountability in government and to emphasise the importance of government-held information being made available to the public.

The actual changes to the objectives are small, and I note that they continue to include a provision protecting the 'proper administration of the government'. This phrase sounds as if it came straight from the lips of Sir Humphrey Appleby. 'Proper administration' is a beautiful turn of phrase, but it can in no way be described as an end in itself. It is a means to an end. The end is, or ought to be, the advancement of the public interest. I remind the council that the objects, as they were in the bill that I moved in this place, were as follows:

> The objects of this act are, consistently with the principle of the Executive Government's responsibility to parliament:
>
> (a) to increase progressively the availability of official information to the people of the state in order—
>
> (i) to enable their more effective participation in the making and administration of laws and policies; and
>
> (ii) to promote the accountability of Ministers of the Crown and officials and thereby to enhance respect for the law and to promote the good government of the state;
>
> (b) to provide for proper access by each person to official information relating to that person;

and, to be emphasised most:

> (c) to protect official information to the extent consistent with public interest and the preservation of personal privacy.

We believe those words were appropriate for objects or objectives, but I return to an opinion, expressed by the Hon. Robert Lawson when discussing the bill, which indicated, as do I, that however well worded the objects may or may not be, when it comes to determining the effect of the act, it will be the black and white wording of the clauses of the sections that apply to what will or will not be made available; reference to objects or objectives will be of relatively minor consequence.

Secondly, I support the government's bill where it seeks to address the matter of government contracts, but my understanding is that it does not address the situation where government records are held by a private company under a contract that the company holds with the government. A great many functions formerly carried out by government have been outsourced, contracted out, or are now managed by the private sector; the provision of electricity and the provision of water are two major examples.

I see no reason of public policy why the actions of government should be immune from scrutiny simply because

the actions are being performed under contract by a privately owned organisation. I must indicate to the council that I have had conversations that have attracted me to look at the possibility of embracing local government to some degree in this act. Working on the principle that we are encouraging proper responsibility and legislative action by that third tier of government, there may well be a reason to move that councillors should have access to council documents, free of any let or hindrance, on the same basis that MPs do in the state situation. However, I indicate that that is still at a relatively early stage of discussion.

In conclusion, whilst we will seek some important amendments to the bill in committee, we support the general move to improve the access to government information, and we certainly will support the second reading.

The Hon. J. GAZZOLA: This is an important bill, and the debate so far has been interesting. There has been some reasonable and genuine argument over the scope of the bill and the necessity to perform a balancing act between proper disclosure and responsible protection of information in the public interest, or in the interests of the individual. However, there has also been a lot of misguided argument, motivated more by politics than reason.

If it were not so tiring, we would be amazed at the efforts of some opposition members in the other place to grasp the moral high ground, which clearly contrasts with the former government's pragmatic attitude and practices when in power. We could liken the seeming piety of a few members in their transition to the opposition benches to the passage and culmination of a lengthy swim across the River of Forgetfulness. I hope that this trend to self-deception will be confronted and rectified when debating the Freedom of Information (Miscellaneous) Amendment Bill and other government bills on honesty and accountability in government.

I wish to turn to the Freedom of Information (Miscellaneous) Amendment Bill and to trace some of the background to this bill. The government is amending this bill to promote openness and accountability in government. The necessity for this action has its many geneses in the shameful behaviour of the previous government. A good example of the need to bolster the spirit and letter of the act can be seen in the Auditor-General's report on the Hindmarsh stadium redevelopment project. What a read this is on the duplicitous, secretive and self-serving nature of the previous government.

It is the intention of the bill then to increase access by concerned agencies or individuals to potential issues and concerns like those unfortunately realised in the Hindmarsh stadium fiasco. The proposed amendments would further open and reinforce the avenues of redress to the types of problems outlined by the Auditor-General in his criticism of the actions of a former deputy premier in the previous government. What did the Auditor-General say about the previous government's conduct in this project? We can choose the required quotes at random. He says in the introduction:

> The escalation in cost and the failure of the government to provide information with respect to the project gave rise to parliamentary concern. That concern was increased when the government provided inaccurate and incomplete responses and refused to disclose relevant documents.

This report is replete with criticism of the previous government's guarded behaviour. Terms such as 'refused', 'thwarted', 'inaccurate and incomplete', 'disregard' and 'compromised' are mortar and bricks in the wall of secrecy and obfuscation as described by the Auditor-General.

Returning to the bill, these proposed amendments acknowledge the current protection provided by the act, but the general thrust of these amendments as one arm of collective legislation is to make access transparent and accountable. Of interest and importance in the light of the practices of the previous government is the removal of exemption from FOI disclosure concerning contracts entered into by the crown by virtue of new provisions in clauses 7 and 13, unless it is in the terms of the contract where disclosure would breach the terms of the contract and a minister or an agency has approved the particular terms.

The bill also repeals section 46 with its automatic right to deny disclosure of cabinet and executive documents, give ministers additional power to monitor agencies, redetermine the public interest test in regard to disclosure of internal documents in a more positive manner in terms of the spirit of the bill, give the Ombudsman fresh powers to make determinations as a review agency, provide for the disclosure of agency information to review authorities, and give these same authorities the right to publish reasons for legitimate exemptions from disclosure as well as providing them with the capacity to monitor and report on misconduct or breaches of duty by officers of an agency.

There is in the FOI amendment bill a genuine attempt to emphasise and promote disclosure and to redress delays. It will put a stop to what was witnessed in the previous government's scandalous and secretive behaviour where one FOI application took three years to be dealt with, finally prompting an appeal to the Ombudsman in order to gain the required information which, I might add, was supplied incomplete due to the imposition of cabinet confidentiality. On that point, I turn to the words of the member for Taylor, the Hon. Trish White in the other place, to highlight some of the problems. She said:

> This is not the first time that this government has tried to frustrate the processes of official independent arbiters. I am talking now of the Auditor-General, but I talk also of the Ombudsman. Members may recall that back before the last state election I was then shadow minister for recreation and sport, and I put in a freedom of information request to gather all the documents associated with the stage 2 development of the Hindmarsh Soccer Stadium. I have looked at hundreds of pages of documents, letters, correspondence and all the information that the government said it could provide.
>
> Do members realise how long it took this government to provide me with any response to that freedom of information request? Freedom of information requests are given a legislated 45 days for response: government agencies have 45 days to respond. It took three years—and I emphasise that—for me to get documents, and even then I did not get all the documents. This government slammed a cabinet stamp on very crucial documents. All the interesting documents relevant to the critical dates were not provided. That is what this government did.
>
> I lodged an appeal after considerable time. Back in 1997 I put in an appeal to the Ombudsman and the Ombudsman went on the same merry chase that the Auditor-General has been on with this government—backwards and forwards, change of ministers, shifting from one person to another, 'cannot provide', extensions of time, promises to provide some response and no response. And, in the end, the Ombudsman had to threaten court action—take a minister to court—to get access to documents that should have been provided in the first 45 days. It was three whole years of arguing backwards and forwards, not I alone, but the Ombudsman of this state. So we have this government willing to frustrate the Auditor-General and the Ombudsman, all to hide their crooked deals—

The previous government made it very difficult for the then opposition to get information under FOI applications. Its initial defence was that requests were too expensive to meet. The difficulty in general was aptly characterised by the

Minister for Government Enterprises when he stated that getting information was like levering barnacles off rocks. Since the election and change of government, though, it appears that the previous government—now opposition—has had a change of attitude in its desire for information under FOI applications, with requests flying in all directions, as noted in the other place.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. GAZZOLA: Mr President, please silence the hams.

The PRESIDENT: Order! There is too much audible conversation on my left.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. GAZZOLA: The option's hypocrisy and lightning backflip aside, the amendments to the act are important improvements.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. GAZZOLA: In fact, the statistics on current FOI applications are interesting and illuminating. In the year 2000-01 there were 48 FOI applications.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation; some of it is coming from my right, most of it is coming from my left.

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Gail Gago will come to order.

The Hon. J. GAZZOLA: Thank you, Mr President. The silence of the hams! Since March this year, there have been 115, with 51 being made by members. Based on the ascending trend for FOI since March, the figures estimated by the Minister for Administrative Services, as stated in the other place, set the possible applications for a 12 month period at 172. Probabilities aside, the 31 MP FOI applications alone received by the Department of Treasury and Finance since March have been recorded as a cost of approximately $80 000 in staff time and $110 000 in legal fees. If only half the actual MPs' FOIs reached the estimated figure, the cost in resources and time to the taxpayer could well be prohibitive.

The member for Unley considers that FOI access to unlimited quantities of free information should be a member's unfettered right. We need to keep in mind that, besides the responsible use of FOIs, as the Minister for Administrative Services pointed out in the other place, there are other avenues for gaining information. And, as he foreshadowed, the government is prepared to consider sensible propositions. This aside, what this cost requirement for FOIs does is not deny the privilege and fundamental right of any member the right to information—the right still exists—but seeks to stem abuse of right and privilege in a practical and sensible manner, and it is about seeking a sensible balance in the real world.

The member for Unley has taken fearful umbrage at this proposal, if the bill becomes law, and says that he could rightfully compel any minister in the other place outside the existing avenues and the proposed bill to comply with an order for information if it is the will of the other place. Given this possible avenue of compliance in conjunction with these existing avenues and the proposed bill, one wonders whether he is not being a tad precious. If he and every other opposition member want to turn parliament into a circus by demanding of every minister every piece of information under the sun and it goes down to party lines, I do not think the public will be too impressed by the opposition's dummy spit.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. I just wonder whether he could give us an example of an irresponsible request.

The PRESIDENT: Order! That is not a point of order. The Hon. Mr Gazzola will continue his remarks.

The Hon. J. GAZZOLA: Some concerns have been expressed by the member for Newland about cabinet and executive council documents and a minister's right to refuse disclosure, especially in regard to confidentiality clauses in contracts. Yes, the minister will retain the right, but there must be some balance in the bill to protect, where necessary, commercial confidentiality. It is a measure of the intent of the bill in that it removes what was in the past automatic clauses of exclusion from public disclosure under FOI applications. This is a welcome improvement, as the member for Fisher has noted. The member for Bright also hurled himself into the second reading debate in another place with his usual polished discretion in an attempt to plaster over past opposition deceit in his criticism of the bill. He equates the extension to the exemption of personal information from its current time period of 30 years to 80 years as a sleazy attempt by the government to protect itself from embarrassing disclosures.

The act's meaning of 'personal affairs' with the duty and person of either a government minister or member as a means to thwart disclosure shows contempt for the spirit of the bill and the lawful rights of people's personal affairs. Natural justice requires that there be a balance between the public interest and individual personal rights. The other point is that 30 years is inadequate a time period if we look at the disclosure of information when a person is still alive and can be unfairly harmed by personal disclosure. The bill seeks to fairly and properly redress this.

These improvements are about furthering and fostering good and proper public administration. After the scandals of the previous government the public expects—and good government demands—that these amendments be enacted. As a premier in the previous government said:

> Last December in this house I gave an undertaking that the government would review key policy and management issues in relation to government accountability. As I said at the time, even if it meant dissecting and analysing our own processes in order to improve the systems of government and protect the taxpayers interest, it had to be done if we were to remain an accountable, honest and open government.

He and the previous government did not follow through enough on this undertaking. Now is the time for the opposition to act in support of these amendments.

The Hon. R.I. LUCAS (Leader of the Opposition): I am pleased to speak to the freedom of information legislation. As one of the few members who have been involved in this chamber since the introduction of freedom of information legislation, I place on the record the pioneering spirit of the Hon. Martin Cameron, who was in the Liberal Party and in the parliament as one of the original proponents of freedom of information legislation. The Hon. Mr Gilfillan, myself and one or two others have certainly been here through the 1980s, 1990s and now the 2000s—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: If you look at the pressure that was being generated before that, it was coming from Martin Cameron in opposition. The other point that I make in brief response to the speech written for the Hon. Mr Gazzola is that perhaps the people who write his speeches should use slightly shorter words so that it might flow more easily. 'Obfuscation' does not flow easily off the tongue of the Hon. Mr Gazzola.

The PRESIDENT: The leader will confine his remarks—there is no need for any offensive language.

The Hon. R.I. LUCAS: He is very sensitive about that matter. The Hon. Mr Gazzola likes to go back and talk about a particular case, which he did not nominate but which went for three years. I have been in this chamber a bit longer than the Hon. Mr Gazzola and I can certainly refer him to the activities of a select committee of the Legislative Council which tried to get information under the powers and privileges of the parliament out of former premier Lynn Arnold and his then ministerial adviser Kevin Foley, the now Treasurer, and they were required to produce all documents in relation to Marineland. They were required, under the privileges and powers of this parliament, to produce those documents. They said they had done that and then they were caught out—whoops! When it was discovered that other documents had not been released, they said that a filing cabinet had been misplaced and those documents were released, but only after they were caught out.

After that, when further documents were found not to have been in either of those releases of information to the select committee, they were caught out with other documents allegedly hidden away in a safe and which had not been released by either former premier Arnold or the current Treasurer, Kevin Foley, as his senior adviser. If the Hon. Mr Gazzola wants to go back far enough on both sides of this chamber, including his own party, we can see behaviour that was deceitful in relation to concealing information and preventing its release to properly constituted parliamentary committees. For every example that the Hon. Mr Gazzola wants to trot out in this chamber, I can assure him that I will more than match him in relation to examples of Labor governments and Labor ministers, including the current Deputy Premier and Treasurer, in terms of their disgraceful behaviour on some of these issues in the past.

In the debate in the other place, the government has indicated that this piece of legislation sought to implement the promises that they had made to the member for Hammond as part of their Compact for Good Government. All I can say is that, if anyone thinks that this act constitutes wider freedom of information legislation, they would have to be a sandwich short of a picnic.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: If anyone believes that this is going to provide more freedom of information as a totality, I stand by my comments. If one goes back to the claims made in the Compact for Good Government with the member for Hammond, where he made claims about what he was going to demand in relation to freedom of information, this bill does not deliver in those areas in any genuine way. Indeed, it seeks in a disgraceful way to restrict access to information by a government which, by the day, as we have revealed this week, has become one of the most secretive governments on record in this state.

Over the coming weeks, as more and more information comes out, we will see that this is one of the most secretive governments we have ever seen in South Australia—and it has been in government for only eight months! I will be happy in question time and in my contribution this evening to indicate examples of where government members have already demonstrated that all through this legislation: they are seeking to further restrict access to information in a disgraceful and secretive manner.

I want first to congratulate my colleague the shadow Attorney-General for his comprehensive summary of the legislation. In his usual erudite fashion he has summarised all the detail, and I only want to traverse three or four broad areas in my contribution. The first one I want to turn to is the one to which the Hon. Mr Gilfillan has referred as being absolutely fundamental to his attitude to the bill; that is, this government's attempt to restrict access by members of the parliament to information.

This single provision, if it were to be implemented by this government, would turn back irretrievably the cause of freedom of information legislation. I want to explain in a number of areas where this provision is anti-democratic, and to take up the corridor whispers that have now been put on the public record by the speech written for the Hon. Mr Gazzola in relation to abuse in some way of the current freedom of information legislation. I asked the Hon. Mr Gilfillan what he means by abuse, because that is absolutely critical. What the government is saying to all members of parliament and whispering in the corridors is that the use of the current freedom of information legislation by the current opposition is an abuse, and the speech written for the Hon. Mr Gazzola in relation to requests going into Treasury is an attempt to promote that.

It is not a reason for this government, in a disgraceful manner, to try to restrict the access to information by the current opposition just because this opposition is a much more active, much more enthusiastic and a much harder working opposition than the previous shadow treasurer and the previous opposition. We all know that the former shadow ministers were lazy in relation to their attention to detail and in terms of application to task, and were unimaginative and unable to understand the capacity of freedom of information legislation to be able to release information. The former shadow treasurer's laziness and unwillingness to use the freedom of information legislation, or perhaps his incapacity to understand what was available under the freedom of information legislation, is a criticism of the former shadow treasurer and the other shadow ministers.

We will certainly not accept it as a criticism because this opposition is prepared to use the powers of the freedom of information legislation to try to put on the public record some of the sleazy goings on under this current government, which these ministers are trying to keep secret and trying to hide from the people of South Australia. This government wants to hide the information because it has been caught out. The crown law advice said, 'This information is available; it has always been available under the freedom of information legislation. Why are you complaining about it? Why are you struggling to try to prevent its release?' It has always been available—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It has always been available. It is not a reason to prevent access to the information because you happen to be lazy and because you were lazy as an opposition and you did not ask for it—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You did not have a stack. Look at the figures that were quoted by the Hon. Mr Gazzola. Hardly any requests were made by the opposition over a

period of eight years because it was lazy, incompetent, unwilling to work hard and unable to understand the power that existed in the freedom of information legislation. If only you would get off your backsides and do a bit of work, instead of endeavouring to work the factions and the numbers within your own party. This is important in relation to what is deemed to be an abuse. Suddenly, government members are saying, 'This is an abuse of a system because opposition members are prepared to work hard.' We are in a very sad state if, ultimately, the parliament is prepared to accept that.

Let me give an example. Under the current freedom of information legislation, estimates committee briefing folders have always been available. The simple fact is that previous shadow ministers had never asked for them. If they had asked for the estimates committee briefing folders, they would have had to have been released. The crown law advice would have made it clear that that particular information would have needed to be released. This opposition has been prepared to do the hard work and ask those difficult questions. As I said yesterday, this Treasurer is the most secretive of all the ministers and the most secretive Treasurer that we have seen in this state's history. He is refusing to provide answers to estimates committee questions; he is refusing to provide information under freedom of information. All ministers have accepted the advice of crown law that the estimates committee briefing folders have to be released, but the Treasurer remains the only minister who is refusing to accept the crown law advice and is refusing to release that estimates committee briefing folder to the opposition.

The Hon. J.S.L. Dawkins: What has he got to hide?

The Hon. R.I. LUCAS: That is a very good question. All the other ministers have been told that they have to release it, and they have done so. But the Treasurer is holding onto those folders for dear life. He does not want to release those estimates committee briefing folders—

The Hon. P. Holloway: It's not his decision.

The Hon. R.I. LUCAS: That is right—he is not involved in this at all?

The Hon. P. Holloway: It's not his decision.

The Hon. R.I. LUCAS: I know it is not his decision. But he is not involved in that at all?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: But he is not involved?

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I know it is not his decision. Is the member saying that he is not involved?

The Hon. P. Holloway: I'm saying it's not his decision.

The Hon. R.I. LUCAS: Yes, exactly. The Hon. Mr Holloway will not say that he is not involved, because he knows that the Treasurer's officers' sticky fingers are involved in this right through to the very end of this particular one. Of course it is not the Treasurer's decision in relation to this matter; it is a decision for the freedom of information officer—although I might say that, if the Treasurer decided that he wanted to provide an answer, he could do so. Indeed, I have received an answer from Minister Hill, who took over the handling of the freedom of information request from his officers and, as a minister, responded directly to me. So, it is not correct for the Leader of the Government to say that it is not possible for the Treasurer to make a decision should he decide or determine that, as a minister, and as Treasurer, he wants to take over the issue from his freedom of information—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: There's only one act; we have only one act in the state.

The Hon. P. Holloway: I've had a request for information under the Mining Act—

The Hon. R.I. LUCAS: The member is in government at the moment; he is not in opposition. He has just forgotten where he is.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I am just explaining to the Leader of the Government the possibility of the minister deciding that he wants to take over the issue—as, indeed, did Minister Hill: he took over from the freedom of information officer a response to an FOI from me, and responded directly to me in relation to this issue. Every other minister or department has provided this information, with the exception of the Treasurer.

Mr President, as you will know, the Treasurer has found himself in hot water in relation to misleading statements he has made, and there is a substantive motion about this issue before the council at the moment that is on hold whilst the freedom of information request is processed. I put in that freedom of information request on 13 May this year, because I know that in the Treasury department there is information that will make it quite clear that the Treasurer has misled and, of course, that will be the end of the Treasurer's career in another place should that information—that smoking gun—come out of the Treasury department. So, we have a substantive motion of censure of the Treasurer on hold here whilst we wait (since May of this year) for the information in relation to the teachers' enterprise bargaining negotiations and the advice provided to the Treasurer since 5 March. That is only one of about 10 requests, some of which are for multiple pieces of information, which are still being handled or processed by the Treasury department, or the Treasurer, depending on the process.

The Hon. Mr Gilfillan has raised the prospect that he is not attracted to the cost restriction, and I applaud him for that. I think he indicated (if I am not putting words into his mouth) that he was not attracted to a quota and, certainly, I would applaud him for that, if that is a fair indication of his position. Again, I think that any restriction on a member on a quota basis restricts those members who are prepared to work hard in opposition to try to release the information that a secretive government with secretive ministers is seeking to—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I am sure that all members will approach this in a sensible fashion. The Hon. Mr Ian Gilfillan raised the issue of—

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The Leader of the Opposition has the call.

The Hon. R.I. LUCAS: The Hon. Mr Gilfillan has raised the prospect that a possible suggestion would be that, in certain circumstances—and we would need to work through what the process would be—such as if someone, and I presume it would be the Governor (it would not be the opposition) made an accusation that a member was abusing the process, the information that member was broadly seeking might be made public. I am sympathetic to further discussions in relation to that issue.

I would have no concern at all, first, privately talking to someone such as the Hon. Mr Gilfillan or others and saying, 'This is the information I am seeking from the government.' I would be very surprised if the Hon. Mr Gilfillan, after discussion with me or, I am sure, with my colleagues, would

say that this was frivolous information, unlike one which was put to the previous government to which I think the Hon. Mr Lawson has referred. Basically it said something like (and I forget the detail) a list of every conference and function attended by every public servant over the last four years. If you want to talk about frivolous, costly and extraordinary pieces of questioning—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I am happy to discuss them if the honourable member nominates them. I will list the areas generally that I am chasing. One is the teachers' enterprise bargaining negotiation, because I believe that the Treasurer has misled the parliament, and there is no more serious accusation that a member can make about that. I have sought information in relation to the budget bilateral discussions. I have sought information in relation to heads of Treasury meetings (and that is just meetings which heads of Treasury attend and there is an agenda or discussion papers). I have sought information in relation to any financial assistance that might have been provided to Mitsubishi, SAMAG or Westpac. Some of that information will be refused on the basis of confidentiality, I would assume: no-one could argue that is not a significant question. Whether or not I get the information is up to this government to determine.

I have sought information in relation to national energy ministers' conferences. I sought information regarding the deal this government has done with the Catholic Church in relation to the tram barn site. I have sought information in relation to Treasury advice to the Treasurer on the National Wine Centre. I have sought information in relation to estimates committee briefing folders. That is broadly what I have sought. There are two other regulatory ones that I have sought and a range of others as well. However, I will not go through the whole list. I understand two have been whispered in the corridors as being, in the government's view, an abuse of the system. The first was that the opposition had requested a copy of every radio and media transcript, etc., produced by the Media Monitoring Unit.

The Hon. J.F. Stefani: It is no use getting those, because they are sanitised.

The Hon. R.I. LUCAS: That is why each two months we now put in a request for the CD, which is just one disk which provides all the information currently going to government ministers' offices. No-one needs to go out and find the information; they just go to a disk, they run off a copy—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: No, it wasn't. The promise made in the compact with the Speaker (the member for Hammond) was that the opposition would get the information provided to all ministers. The Premier, the Speaker, Mr Randall Ashbourne and the head of the media unit have all refused to provide any information at all on television media transcripts. We get sanitised versions of the radio transcripts provided to ministers' offices.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You do get that information. We are now being given the information on CD-ROM.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You might not read it or look at it—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We were promised the same information and, according to the member for Hammond—

The Hon. P. Holloway: You are probably getting some. In fact, you are probably getting more.

The Hon. R.I. LUCAS: No, we are not getting more: we are getting the same information now, but I am getting that only under FOI, which is on a two-month delay, or however often I put in an application. But, members were running around the corridors saying that the opposition was irresponsibly seeking copies of every radio and media transcript, and there was an inference that thousands of pages were having to be dug up and provided to the opposition. As I said, if the compact with the member for Hammond really had been honoured, we would not have had to request it under FOI, but this request was easily met by the provision of a CD every two months, and that handles that particular issue.

The Hon. J.F. Stefani: Or, better still, if it was not sanitised, you would not be asking for it!

The Hon. R.I. LUCAS: As the Hon. Mr Stefani knows, in the case of one particular interview, the information provided by media monitoring had a number of key words missing and he had to get a copy at a cost of about $70—

The Hon. J.F. Stefani: It was $170.

The Hon. R.I. LUCAS: Yes, $170, because the—

The Hon. P. Holloway: That often happens in transcripts if the words are not clear.

The Hon. R.I. LUCAS: But all the minister has to do—

The Hon. P. Holloway: Are you saying it was removed? Are you saying your copy had it removed?

The Hon. R.I. LUCAS: No, they all do. Those that go to the minister in the first instance do. That is the way media monitors do it: they do not include all the words. They try to get the sense of it—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Everyone gets that, but the minister can go back and request, at no cost, the full transcript of an interview. That has always been the case. More importantly, you can get television transcripts as well. The opposition was refused any information in relation to television transcripts, so the view of the government was that the provision of some information from radio was sufficient to meet the accord or compact with the member for Hammond. This information was available and, as I said, we are now getting that under FOI, and in no way can anyone argue that that is an abuse of the system because it is just a CD that is provided under FOI to the opposition; and on a two month delay we can find out what happened on Channel 7 back in September, and here we are in November.

That has been the shape and the nature of things. I concede I have made a number of other requests, and I would have no problem in sitting down with the Hon. Mr Gilfillan—privately, in the first instance—in respect of this. I think there would be an issue where an opposition was pursuing a particular minister on an important issue—or the Democrats might be pursuing a minister on a particular issue—and to have their particular request for information tabled in the parliament by that minister or by the government might be something they are not comfortable with. However, if that is the price of ensuring that we do not have an unfair cost restriction or quota restriction, then, whilst we have not discussed it in our party room and it will be an issue for our shadow attorney-general to recommend and take a lead on, certainly I know I am prepared—and I hear from behind me that my colleague the Hon. Mr Redford agrees—to at least further consider and discuss the issue. With that caveat in mind, I think that in some ways there may well be cases

where a member might not want their particular issue to be publicly revealed at a particular stage.

An honourable member: Or a constituent.

The Hon. R.I. LUCAS: Or a constituent. It might be an issue where the member, having obtained the information, decides it is not a matter of public interest or appropriate that it be released publicly. They may have obtained the information and made a judgment that in the public interest it is not an issue that ought to have been raised. Nothing springs readily to mind, but certainly I do not think that it is beyond the realms of possibility that an opposition member might agree with a government minister that a particular issue, even though they got the information under FOI, ought to be—

The Hon. A.J. Redford: Because you focused attention on it, the government might want to fix it, and that is good government. That is what good democracy is all about.

The Hon. R.I. LUCAS: It may well be that it was embarrassing to a particular organisation, a third party or something like that—not an individual, but an organisation—but that it has been sorted out, and then there is the judgment as to whether it is in the public interest for that information to be released. But, as I said, at least in the interim I am very happy to have a discussion with the Hon. Mr Gilfillan about what he has possibly been told about the opposition. In particular, the accusation is being made against my colleague the Hon. Mr Redford and me that we are intent on abusing the system and on making frivolous and countless FOIs for no good purpose other than spending tens of thousands of dollars and gumming up the works of government. They are the accusations made by government members in the corridors. We have seen a bit of that tonight in the speech written for the Hon. Mr Gazzola and, frankly, I reject that absolutely. It is a disgraceful accusation that has been made about an opposition that is prepared to work hard for information.

Another general comment I might add is that on a monthly or two monthly basis I have put in a request to Treasury for the work that the economics division has done in advising the Treasurer. The economics division looks at Australian Bureau of Statistics information on retail sales, building approvals and car registrations and gives a dispassionate analysis of the trends. That information is not particularly controversial. It is always provided to the Treasurer and, because I was aware of it, I requested it. That is at least one bit of information that is provided to me on a regular basis, because there is no good reason why it should not be provided to anyone who requests it under the freedom of information legislation.

The final aspect I want to raise in relation to the cost issue is how we get these extraordinary numbers. In his speech the Hon. Mr Gazzola referred to opposition requests having cost $80 000 in advice and $110 000 in legal advice.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: It comes from Treasury. One of the amendments to be moved by my colleague the shadow Attorney-General is an important one. Having been in government, I am aware of how these costs are calculated by FOI officers. I give the estimates committee briefing folders as a perfect example. There is no time or cost factor involved in locating one document or one briefing folder in, say, the department of primary industries or Treasury. The request that went in stated that I wanted a copy of the estimates committee briefing folder. It is a discrete document; no-one has to go and look for it; it is clearly labelled; there are not a number of documents; and you do not have to go and dig it up. It exists, it is there and it is just a document. So, there are no search costs or anything like that. Where these figures of $80 000 and $110 000 come from is that the Treasury officer or the Treasurer—depending on who is handling it in Treasury at the moment—has determined to say, 'I want you to get legal advice on every line of this estimates committee briefing folder to find out what I can claim for exemption under the existing legislation.'

The Hon. P. Holloway: Rubbish!

The Hon. R.I. LUCAS: The Hon. Mr Holloway says that is rubbish.

The Hon. P. Holloway: We know what the cost is.

The Hon. R.I. LUCAS: Where is the cost?

The Hon. P. Holloway: Particularly if they are documents that are going across a whole lot of different files it is in getting them together.

The Hon. R.I. LUCAS: The Hon. Mr Holloway is obviously not comprehending. I repeat that the estimates committee briefing folder is just one discrete folder. You do not have to go anywhere; you just go to the Treasurer's or Under Treasurer's office and say, 'Give me a copy of the estimates committee briefing folder.' It is one or two folders, which the Treasurer took to the estimates committee briefing. You do not have to go searching for it; you do not have to collate it.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I did not ask for that: I just asked for the folder. I did not ask for the working parties or anything like that: I just asked for a copy of the folder, which is clearly available under the FOI Act. There is no reason why it cannot be provided under the FOI legislation.

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: Exactly; there is no problem with that. The cost that is being quoted in the speech written for the Hon. Mr Gazzola of about $110 000 in legal fees is not for the Crown Law officers to go off looking for this estimates committee briefing folder: it is for the Crown Law officer to sit down with the folder and go through every line and say, 'Treasurer; you can hide this one on the basis of an exemption under cabinet confidentiality. You can hide this line on the basis of this.' That is how you get these extraordinary figures of $110 000 in legal fees. It is not a search cost.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: It is not a search cost.

Members interjecting:

The PRESIDENT: Order! Members will cease to interject when the Leader of the Opposition is debating an issue in an orderly fashion.

The Hon. R.I. LUCAS: That is why the amendment to be moved by my colleague is important. I have been told that if the opposition, the Democrats and others, and it looks like a series of groups and individuals, stop this anti-democratic, secretive move by this secretive government in relation to costs for members, the next thing the government will do is insist on the current $350 limit, and included in that limit will be an unlimited cost for crown law officers and senior Treasury officers, in this case—

The Hon. J.F. Stefani interjecting:

The Hon. R.I. LUCAS: Exactly. It would mean that a crown law officer and a senior Treasury executive would each be paid $80 000 a year to sit down for an hour or so poring over these documents to work out what could be kept secret. That is where the $350 will go.

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: Well, $500. That is exactly right. That is why—

The Hon. Ian Gilfillan interjecting:

The Hon. R.I. LUCAS: I understand the amendment being moved by the Hon. Mr Lawson excludes the cost. It is the search cost in trying to find the document which is the issue, not the senior executive of the department and the crown law officer trying to work out how to prevent the release of information that ought to go into the $350. Unless we close this off, I have been told that this secretive government, if this provision is defeated in the bill, will implement this restriction of $350. In that way, through the back door, they will prevent it.

In my experience, as education minister for four years and Treasurer for four years, I cannot recall—I will stand corrected if someone can find a document—an example where we actually charged a member more than $350. There might have been the isolated example. The reason I know the process is because in some of the cases that were executed for the former government—it will be the same for this current government when senior officers, and on occasions crown law officers, go through documents—if we charged the charge-out rates for those which were processed it would have been many more dollars than $350—thousands more. Treasury—to be fair—did not recommend to me, on my recollection, that in relation to those requests that went to the member for Hart (as he then was) and the member for Ramsay—and I remember one particular example where boxes of stuff were given to the Hon. Mr Rann in relation to ETSA pre 1997; I can remember releasing that—that there be any charge.

If one did the calculation that was done for the Hon. Mr Gazzola, it would have been tens of thousands of dollars, because crown law pored over all that stuff—so did senior Treasury officers in relation to that matter. Although the provision was there, the former government did not implement it. We operated on the basis that within reason members of parliament had the right to seek information. There was an unreasonable request for every convention or function, or whatever it was, that every public servant attended during the past year or two years—or whatever it was—and that is the only example I can remember where such a broad-based, comprehensive, unreasonable request was made by a member of parliament. I might stand corrected, but I think the request was made by the Premier (the then leader of the opposition). If one wants to talk about potential abuse, let us look at the terms of that particular request which was made by the Premier. I am sure that my colleague will, in the committee stage, dig up a copy or summary of that request and compare it with requests that this opposition is making, and I defy any member to say that what this opposition is asking for is an abuse compared with what the Premier asked for in relation to virtually every function that public servants attended and the costs of those functions. I think he was asked, 'What is it you are after? Is it a particular department? Is it particular executives?

The Hon. R.D. Lawson: What particular year, for example?

The Hon. R.I. LUCAS: The particular year might have helped. How many years was the request for?

The Hon. R.D. Lawson: Three years.

The Hon. R.I. LUCAS: Three years, the Hon. Mr Lawson indicates. I am more than happy to compare the request made by the current Premier on that issue with the range of requests that the opposition is making. I am sure that I speak on behalf of my colleagues (in particular, the Hon. Mr Redford) when I say that, if an FOI officer came back to me and told me that, on reflection, a request I had made was too broad and he wanted me to clarify it, I would do so. I know that we did that on occasion, when we were in government, and a number of opposition members said, 'Yes, okay. I didn't realise that that was what you were going to have to dig up. I was really only after this', and they would limit and refine the request to make it easier.

The Hon. P. Holloway: That's right, we did.

The Hon. R.I. LUCAS: In some cases you did: not in all cases. That is still available and, certainly from the opposition's viewpoint, we would be prepared to listen sensibly, as were some members in the former opposition, in relation to some of the requests. That is a way of making the FOI laws work. I cringe when some members refer to an abuse of the FOI system and imply that, because this opposition is prepared to work hard and because there have been more requests in the last eight months than there were from the last opposition in four years, that is in some way, ipso facto, an abuse of the FOI legislation.

Mr President, I did have two or three other issues that I was going to address but I will leave those to the committee stage because I think that was clearly the most important point. I will just summarise quickly and say that in those other issues that I will address in committee I will deal with contracts. The issue in relation to contracts is an absolute furphy. The former government announced its contract disclosure policy which, as from 1 July last year, requires all contracts to be put up on the government web site, and the commercially confidential provisions can be deleted by a minister. I would certainly like to know from this government how these provisions in any way add to the information that is already available under the former government's contract disclosure policy.

In relation to the confidentiality of cabinet and executive council, that is again a furphy from my viewpoint. I know that in a number of cases documents that were attached to cabinet documents by the former government were released by that government just as a matter of course. They might have been consultation documents or documents covering a range of things. If the government portrays this new provision in relation to cabinet and executive council as a bold, new initiative through which a lot more information will be provided, believe me, that is not the case. I think the Hon. Mr Gilfillan was wise enough to say that the discretion is left up to the minister so we will have to wait and see. This is no different from the arrangements which existed under the former government. In relation to tacking—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: You are talking about contracts now and there are provisions for reviewing past contracts in the contract disclosure policy if the minister is prepared to have look at the provisions. In relation to the issue of tacking, I accept that there was some criticism of the former government in the early stages involving one particular example. However, I know that certainly in the last four or five years cabinet ministers were told, on a regular basis by cabinet officers, that the crown law advice was quite clear that the existing law prevented any from pretending that a document could be attached to a cabinet document and kept from FOI. Ministers were well aware of that. Certainly, as I said, in the latter years of the last government, had any minister wanted to do that, it would not have prevented the release of information under FOI. Unless it was specifically produced for the cabinet it would not attract the cabinet confidentiality provisions of freedom of information legislation. I will speak at greater length in committee in relation to those issues.

The Hon. A.J. REDFORD: I support the second reading. I have spoken on this issue on many occasions and my views on the issue of freedom of information I believe are well known. Indeed, the Hon. Ian Gilfillan and you, Mr President, served on the Legislative Review Committee which led to the tabling of the report on the FOI legislation in October 2000. I must say that each honourable member, in his own way, comes to this debate with cleaner hands than most. Since that time I have spoken on the topic on many occasions and, in particular, I made a lengthy contribution in relation to noting the report. I made another lengthy contribution last year in relation to the former government's amendments. I know that, despite all the arguments, most of the points and arguments put by the Legislative Review Committee in its report have withstood all criticisms. This bill, it is suggested, seeks to implement substantially the Legislative Review Committee's recommendations and, for a range of reasons, I dispute that.

Without going into extraordinary detail, the package that was presented by the Legislative Review Committee and the bill that was annexed to that report was based upon the New Zealand model, but it was a total package and a number of features were attached to it. Indeed, I think that it is inappropriate to pick out some items in that bill and not others and say that they are a step forward, and I will go through some of that in a little detail. The opposition is seeking to introduce a number of amendments, some of which, in my view, are significant and extremely important.

I took the trouble to send a copy of the bill to Chris Finn of the School of Law at Adelaide University (who gave significant evidence to the Legislative Review Committee), and I asked for his comments. The first issue that came to my mind and, indeed, to Chris Finn's mind—and I have not provided a copy of this to the Hon. Ian Gilfillan but I will do that as soon as I can, and I apologise for not doing so—is the objects of the act. The objects set out the frame and the principles upon which this concept of open government is to be considered and looked at.

The amendments that will be moved by the Hon. Robert Lawson (the shadow Attorney-General) are close to my heart and something about which I have argued strongly and consistently for a period of time, and it is consistent with the fundamental principles attached to the Westminster system of government. I do not need to labour the point, but we all understand that, in serving as members of parliament, the executive arm of government in a representative democracy is accountable to the parliament and that members of parliament have at their disposal a range of devices and mechanisms to ensure the accountability of the executive arm of government.

One in which we participate every day is, of course, question time. We all know that, during a sitting week as an individual member of parliament, we might get the opportunity to ask one, maybe two questions. We also know that there is no obligation on the part of a minister to answer the question; and we know that some ministers have turned it into an art form to ensure that questions are not answered. Indeed, the only sanction ministers have in that respect is the majority of a particular house of parliament. We know that past practice would indicate that no minister has ever been brought to heel in relation to avoiding questions that might be put in parliament.

I would say that that is an arbitrary process. The second weapon or instrument we have in ensuring the accountability of the executive arm of government is the fourth estate: the media. We have all from time to time experienced problems with the media where we believe or perceive, particularly when we are in opposition, that the media are not taking seriously enough a point that we are seeking to make. They have their jobs to do and their judgments to make, just as we do in our own fields of endeavour, and there are occasions where the media might miss a significant issue. A good example of that was when the Hon. Ian Gilfillan was one of the very first members of parliament to raise some very serious questions about the State Bank, I understand to his personal cost. For quite some time the media did not take very seriously a lot of what the honourable member was saying. That is one of the other questions, and that is a very arbitrary thing.

The third and most important tool that we have as members of parliament is our statutory right under the Freedom of Information Act. It is a right that is not dependent upon the numbers in the parliament, it is not dependent upon the numbers on a committee, and it is not dependent upon the judgment of others: it is dependent upon legal rights established pursuant to this act of parliament. So the opposition will be moving an amendment that talks about the objects being consistent with the principle of the executive government's responsibility to parliament, the principle of promotion of openness in government and the accountability of ministers of the Crown, and the principle that the means by which those objects are to be achieved is to ensure that information is readily available to members of parliament in their capacity and in their responsibility to represent the community.

That is absolutely vital, particularly if one is or might be confronted with a government that simply wants to use the numbers to crush an opposition. On occasions—I am not suggesting in the short term but at some stage in the future—it may be one of the only effective tools that a member of parliament has to bring the executive government to account.

I will now touch on some principal issues, and I will deal with them at more length in committee. The first is the question of changing the appeal process from an appeal at large based on fact and law, and confining that appeal to a question of law only. The minister, in picking his grab bag of 'I will take this recommendation from the Legislative Review Committee but not others,' has fundamentally missed the point. The Legislative Review Committee recommended that appeals be confined to questions of law only, but it did so in the context of also recommending that there be deemed consent in relation to these applications.

Secondly, the committee recommended the removal of internal review, which on past practices has merely been used to delay the inevitable. Thirdly, the committee recommended the clearly defined statutory presumption in favour of the release of the document on the basis that it was assumed to be in the public interest that documents should be released. No such principle has been enshrined in this legislation and, despite the criticism of the Legislative Review Committee, this legislation has retained a whole series of exempt bodies, exempt documents and various other, very complex interrelated principles in terms of how we deal with these matters.

Mr President, you may recall that the Legislative Review Committee recommended that there be one simple test, namely, is it in the public interest for a document not to be disclosed? We recommended that no specific flavour be given because a document might be a cabinet document, or it might be this document, or it might be that category of document, or it might come from a particular agency. The decision was made on the merits and stood on that basis alone. But this

government and the former government, much to my disappointment in both cases, chose not to move away from this labyrinth of complexity in determining what is or is not an exempt document or an exempt agency.

So, in those circumstances, I think it is rather cute for the government to then come along, having ignored that series of recommendations made by the Legislative Review Committee, and say, 'But we will pick up the other one,' and that there can only be appeals on questions of law. The government has fundamentally missed the point of what the Legislative Review Committee was about, namely, that we have a very complex system of legislation and, despite all the best intentions, there are enough exemptions and exempt bodies to give the lawyers just about any excuse they want to refuse to release a document. Since about August of last year, that, to date, with some exceptions, has not been the case in relation to the executive arm of government.

Regarding the government's amendment that appeals be confined to a question of law, given the complexity of the legislation and the government's failure to adopt a single simple test in determining whether or not a document should be released, they will make the whole appeal mechanism a two-step process, thereby adding significant costs to the appeal process.

Indeed, it seems to me that if the government was serious about this, and if it was not being disingenuous about this (and I believe they are), they would say, 'Well, all right, in the case of an appeal there will be no costs sought against an applicant other than an applicant department.' In relation to the whole package, the government is seeking to empower itself by simply making it hard for an applicant for documents to exercise their rights, in a situation where an agency or a minister is being recalcitrant, and to make it impossible for them to do so because of the nature of the costs that might be incurred and the complexity that is involved.

Despite this government's rhetoric about being more open, there are two classic examples of where it is saying one thing and doing another—and I mentioned that earlier this afternoon in my grievance speech. One example is the increase from the 30 year to the 80 year rule.

The Hon. P. Holloway: That is only for personal information.

The Hon. A.J. REDFORD: The minister interjects. Can he give me another jurisdiction, another example, where that is the case? This is unique! This extension from 30 years to 80 years is something that has come from left field. This is something that was not raised as an issue with the Legislative Review Committee. In all our searches (and we do a lot of them), I have not seen any other country in the world that has gone to 80 years.

The second issue is in relation to estimates committees. Apart from the fact that the Leader of the Opposition in this place has asked for it, no statement has been put to us as to why those documents should not be released—there has been no essential view on that.

The other issue which I wish to raise is another amendment that the opposition will be seeking to move. I have to say that none of us is perfect. We all make mistakes, but in this case I have to concede that, despite my strong and fervent belief in open government, I made a mistake. Unfortunately, Mr President, you were sitting at the same table when, as chairman of the Legislative Review Committee, I made a mistake. My recollection is that the Hon. Ian Gilfillan expressed some reservations. I should not disclose our deliberations when the regulation went through, but I am sure he will not mind.

Back in 1999, the former government sought to provide a blanket exemption to the electricity regulator, the Independent Industry Regulator, from the ambit and the scope of freedom of information legislation. I know that it sat on our agenda for a short period of time, and in the end, as a committee, we resolved not to recommend the disallowance of the regulation that made the Independent Industry Regulator an exempt body.

I have a copy of the reasons that were put to the Legislative Review Committee why the Independent Industry Regulator ought to be an exempt body. In the report to the parliamentary Legislative Review Committee, which was signed by Mr Spencer of the Market and Regulatory Reform, Electricity Reform and Sales Unit, Mr Spencer said:

> The rationale for this exemption is that otherwise a competitor may be able to obtain information that would otherwise be kept confidential by a privately owned entity and because privately owned competitors of such electricity entities are not subject to the Freedom of Information Act.

In other words, the rationale for completely exempting the independent electricity regulator was that that person in that capacity, who is now the Essential Services Commissioner in the person of Lew Owens, receives commercial and confidential information in determining what is an appropriate price structure for the delivery of electricity. In that context, I believe that it is quite appropriate for that information not to be released publicly, because it would pervert and distort, and it would make the regulator's job much more difficult if those engaged in the marketplace were concerned that that information, which might be sensitive to competitors, was being made available to those competitors through the freedom of information process.

The Hon. J.F. Stefani: It would be like the tax office releasing information.

The Hon. A.J. REDFORD: Yes, I think that is a fair comment. However, not only does the Independent Industry Regulator receive information that is commercially and confidentially sensitive but also it receives extensive information that ought to be made public for what I believe will be a very extensive public debate on electricity in general over the next 12 to 18 months.

For example, earlier this year, the Independent Regulator commissioned a report on the effect of fuel poverty. I am not criticising anyone in this contribution, but that was a report on the impact, particularly on older people, of substantially increased electricity charges. He received that report, and it was paid for ultimately by the consumers and the taxpayers. There is absolutely no reason why that document should not be made public. Indeed, to give Lew Owens absolute credit, he has made it public: he put it on his web site.

However, the decision as to whether that document should or should not be made public is entirely in the hands of Lew Owens and not the subject of any independent review. A whole range of documents falls into that category. So, I have sought the support of the opposition to move an amendment so that the Independent Industry Regulator does not have a blanket exemption from FOI, only an exemption to the extent where documents and information that come into his hands are commercially sensitive should they be made available publicly or, alternatively, to commercial competitors. It is the opposition's contention that any other document ought to be made public and the subject of FOI.

The Hon. P. Holloway: He puts everything on his web site, anyway.

The Hon. A.J. REDFORD: The honourable member makes an important and appropriate interjection—he does put everything on his web site—but my point is that the fact that he does it does not necessarily mean that that will continue. What we are talking about here with this piece of legislation is a legally enforceable right. I am sure that the amendment has been sent to him for comment, so I would be very interested to hear his comments (through the government). I suspect and hope that he would say, 'I don't have a problem with that', because based on his current and past conduct it is our view that he has complied with what we are seeking to cover with our amendment.

I just want to deal with some comments made by the minister in another place. First, I thank the minister for the opportunity to be briefed by both him and his officers. I took up that opportunity in a pretty warm and bipartisan spirit, but I must admit that it has been somewhat tarnished having read the contribution that the minister made in another place. I took him on face value—I thought he was a pretty honest, decent, straight up fellow—and I had no idea that he would try to play politics and misinterpret and distort the facts in the manner in which he sought to do in his contribution in another place.

He says, first, in a very patronising way that this legislation is doing members on the other side of the house a favour. I say to a person that we on this side of the chamber do not accept for a nanosecond that this legislation in its current form is doing us on this side of the chamber a favour. The fact that he has been in this place for two minutes and became a minister immediately upon setting foot in here frankly does not give him the right to presume that he might or might not be doing us a favour. I tell him in no uncertain words that he is not doing us any favours at all, particularly in relation to the context of charging members of parliament for their services. It was a very interesting debate. The minister said:

> Some members have expressed concern about that—

that is, charging members—

> and at some levels I accept advice that this does create an unfortunate message, but those sitting opposite have to take responsibility for the abuse they have perpetrated.

Only a person who has never sat on the backbench would be stupid enough to make such a comment. If you are going to accuse members of the opposition of causing abuse, then you had better come out and say what that abuse is. I have to say that I have done a lot of FOIs, and if an FOI officer has taken the trouble to ring me and say, 'Look, I don't quite understand this,' 'I don't like that,' or 'That's a problem,' on every single occasion we have managed to sort it out, we have managed to mutually agree. To make a general assertion that there is abuse, quite frankly, in my eyes diminishes the standing of the minister. Indeed, he then goes on—and this is how out of touch this particular minister is—and says:

> I note that the member for Fisher has proposed a couple of sensible solutions in his contribution. He proposes that we might consider a deposit which is refundable if the application is reasonable.

Question: who is to determine the reasonableness? What is the basis upon which reasonableness is to be determined? Who will be the arbiter?

The Hon. J.S.L. Dawkins: The member for Fisher.

The Hon. A.J. REDFORD: The member for Fisher, or some other person? He goes on and says:

> He also proposes a notional increase in the global allowance.

I have to say—

The Hon. Caroline Schaefer: What global allowance?

The Hon. A.J. REDFORD: Got it in one! What global allowance? This is the sheer and utter contempt that members in the lower house continually show towards members in this house. They do not even understand that we do not have access to a global allowance. It is outrageous for them to sit there and just tritely say, 'We are going to charge members of parliament.' Given that two of the people who exercise their rights under the FOI Act from the opposition benches happen to be from the upper house—and I am sure the member for Fisher knows that and I am absolutely positive the minister knows that—to then obliquely suggest we are going to get a notional increase in our non-existent global allowance diminishes what they say in my eyes and should in all our eyes in the future. The comments made at that point are nothing less than insulting.

I have to say that the government rejected the concept of not getting rid of the internal review process, and I do not agree with that. However, I have not engendered sufficient support within my own parliamentary party room to sustain that argument, and I accept the decision of my party room. Again, the question on deemed acceptance and deemed refusal is another issue that I was not particularly successful at within the context of my party room. I also still believe that natural monopolies—even if they are government business enterprises (GBEs)—should be subject to FOI notwithstanding any commercial or confidence principle, given that they are acting as a monopoly. Notwithstanding that viewpoint and that very well sustained argument in the Legislative Review Committee that was supported unanimously by all members, I have not been able to sustain that argument within the party room either.

A comment was made by this wet behind the ears minister who has little past understanding, based on his contribution, that I want to correct. He said in his contribution that the contract disclosure policy was an initiative of the previous government, albeit in its dying days. The then premier initiated the current contract disclosure policy in late January last year, not in the dying days of the government but some 12 months—a quarter of its term—before its time expired. One of the FOIs I issued related to all recommendations or discussions within the current government relating to any changes in the current policy on disclosure in so far as government contracts are concerned. I got back the reply: 'There are no such documents.' I conclude from that that this government has adopted the former government's policy on disclosure of contracts.

What hypocrisy to stand up and say that you are more open than us on this issue. It is yet another example of what I said in my grievance speech this afternoon: you say one thing and do another. You are getting form on it and doing it on a daily basis. You say one thing and do another. Twelve months before the election the policy was changed, and that policy remains in place nearly nine months after this government took office. So, do not stand up and lecture us on this side of the chamber with any sense of morality or moral superiority when it comes to this issue.

I give another example of this government saying one thing and doing another. I am sure the Hon. Julian Stefani would remember that there was almost a mantra coming from the current Treasurer and Premier, namely, that they would cut down on consultants. They said, 'We have far too many

consultants—we will get rid of consultants.' Do members remember that? I put in an FOI application and asked for copies of any correspondence or documents since 5 March which terminated or refused to renew a consultancy arrangement that was in place at the time this government took office. Do you know what I got? Nothing—because this government says one thing and does another. It got away with it in opposition for a period. It nearly did not win the election and now we are starting to see this government for what it is. It says one thing and does another. The minister also said:

> In fact, in the last reporting year, 2001-02, a total of 48 FOI applications were made by MPs. Since March this year in excess of 115 applications have been submitted.

I have done at least 10 myself since that speech, so it would be a little higher than that. He further stated

> By way of example, the Department of Treasury and Finance advises that since March 2002 it has received 31 FOI applications from MPs and eight from the public.

I endorse the comments of the Hon. Robert Lucas. If the former government could only do about three quarters of an FOI application in the whole of the last year leading up to an election, then his description of the then opposition as being lazy is pretty apt. FOIs are not that hard to do. The fact that we have done 115 since the time he made his speech indicates that we are working. When I have done an FOI application I have endeavoured to identify precisely the documents I am seeking.

If I have done so, or if I do so in the future, I would be happy to take any phone calls or correspondence from the minister and/or his FOI officer to say, 'You haven't properly identified what you want.' However, I have endeavoured on every occasion to precisely identify the document so that the cost of finding a document—and it is usually correspondence—is pretty simple. Generally speaking, it has been out of one file, so it has not been all that hard and, generally speaking, with a couple of exceptions, the application has been complied with. I must say that I did have one issue, which I raised the other day, and that was the Social Inclusion Unit, where I got 33 documents, and 23 documents that I sought I was refused access to on the basis that they had something to do with cabinet.

The provision regarding cabinet is a bit stronger in these amendments, so I will wait until this bill passes and renew my application. Then I will take it to the District Court and have a look at those documents and make sure that they are not the stapled to a cabinet submission-type document, because I cannot see a government agency where nearly one-third or up to a half of the documents are not available under an FOI application on the basis that they are going to cabinet. It just beggars belief. However, I will be patient.

I will close by drawing members' attention to a very interesting article published in the *Financial Review* of 26 October this year, entitled 'The right to know', by Thomas Blanton. In that article he acknowledges that former US President Bill Clinton declassified more government secrets than his predecessors put together, and I think he ought to be congratulated for that. The article warned of a trend in some jurisdictions, given the uncertain security that we currently experience following 11 September and the Bali bombings, of a tendency for governments to close up. I think we have to be vigilant to ensure that that does not happen because, at the end of the day, that is what separates us from those regimes of which we are so highly critical. Indeed, the article states:

> Openness advocates are successfully challenging entrenched state and bureaucratic power by arguing that the public's right to know is not just a moral imperative but an indispensable tool for thwarting corruption, waste and poor governance.

I am sure that, as a matter of principle, everyone in this chamber would agree with that. It is also interesting (and I am sure the Hon. Ian Gilfillan will be interested in this), bearing in mind the difficult position that the Hon. Ron Roberts and I have found ourselves in from time to time over the past couple of years, that the most significant legislation in freedom of information in the United States has emerged where there has been a Democrat majority in the Congress and a Republican President. That is when legislation on substantive freedom of information has actually passed through those jurisdictions.

The most interesting comment that Thomas Blanton makes in his article is when he refers to former US Secretary of State Lawrence Eagleburger, who has said that most of the secrets he saw in his career as a secretary of state of the most powerful country in this world could be released within 10 years of their creation. Indeed, from my reading that seems to me to be the trend, that is, we are reducing the period of time in which documents are kept confidential, as opposed to what this government is seeking to do, that is, to multiply that period by the order of three.

At the end of the day, the committee stage of this debate will be very interesting. Indeed, I look forward to the contribution of the Hon. Ian Gilfillan, and I must say that we ought to consider very seriously the position of members of council. I think members of council, who are elected by their constituents and by the people, should not be in a different situation from members of parliament in terms of access to council documents. I know—and I am sure that the Hon. Terry Roberts would agree with me—that some funny things have occurred in councils that we have observed wryly from some distance, endeavouring to do our best to adopt the golden rule of not interfering in local politics—

The Hon. J.S.L. Dawkins: You're not going to mention any councils, are you?

The Hon. A.J. REDFORD: No, I will not mention any councils, but I have absolutely no doubt that democracy and better government and local governance would have been enhanced if individual councillors, who perhaps might have been accused of being recalcitrant or not toeing the line, had had greater access to documents. For example, the Beachport boat ramp might have been a classic case, where Barbara Cameron—wife of the former leader of the Liberals in this place, Mr Martin Cameron—might have availed herself of the opportunity if she had been able to. I think that we ought to take a little time during the course of the committee stage to explore that, because there are other issues. From time to time, elected members of council should have similar rights vis-a-vis their own councils to secure documents that we would seek to have.

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

ADJOURNMENT

At 10.18 p.m. the council adjourned until Thursday 14 November at 2.15 p.m.