LEGISLATIVE COUNCIL

Wednesday 26 March 2003

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

HILL, Hon. C.M., DEATH

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Murray Hill, former member of the Legislative Council, and places on record its appreciation of his distinguished service and, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

I move this condolence motion to mourn the passing of the Hon. Murray Hill, member of the Legislative Council from 1965 to 1988. He passed away on 24 March, aged 79 years. The Hon. Murray Hill was born in South Australia in 1923 and, prior to his term in parliament, he served as president of the Real Estate Institute and was a member of the Adelaide City Council. He served on the council for three years after his election to parliament.

The Hon. Murray Hill served his country in World War II and was on board HMAS *Canberra* when it was attacked in the Solomon Islands in 1942. During his five years of wartime service, he married Eunice in 1944 and, together, they had three sons and a daughter, one of whom is Australia's defence minister, Senator Robert Hill. During his 23 years in the Legislative Council, six premiers held office. The Hon. Murray Hill was a minister in both the Hall and Tonkin governments, and held such diverse portfolios as local government, transport, housing, the arts and assisting the premier in ethnic affairs.

In 1972, the Hon. Murray Hill introduced private member's legislation to legalise homosexuality, the first time such a reform had been attempted in Australia. While the bill was unsuccessful in its original form, it did lay the ground work for the landmark legislation later introduced by the Dunstan government. According to the Hon. Chris Sumner, attorney-General at the time of the Hon. Murray Hill's retirement, the Hon. Murray Hill had 'the capacity as a politician practising in this community to recognise social change and the need to adapt to it'. The Hon. Chris Sumner also acknowledged the Hon. Murray Hill's support for 'principles of universal franchise and the fight for electoral justice in this state'.

In his speech to parliament marking his retirement, the Hon. Murray Hill acknowledged Australia's prosperity and its debt to migration when he said:

. . . our way of life in Australia—our lifestyle, if you like—has been tremendously broadened and enriched as a result of post war migration. We should thank these migrants for this new environment and this new society in which we live. Australia is a land of migrants or those of migrant stock, and the community at large has been tolerant and understanding of the acceptance of large numbers of newcomers over the last 40 years. The migrants themselves are part of the Australian nation, and the mix of cultures, languages and former nationalities has given our overall communities an international concept and a very rewarding social base. The economic benefits have also been immense.

In a newspaper article published at the time of the Hon. Murray Hill's retirement, journalist Geoff Jones stated:

Those who knew the real Murray Hill believe he sought public office because he felt success in the city demanded a duty to that community and you stood by your beliefs.

The Hon. Murray Hill was a gentleman of the old school—a man who believed in bipartisanship and service to the community. Our sympathies are extended to the Hon. Murray Hill's wife, Eunice, and his family.

The Hon. R.I. LUCAS (Leader of the Opposition): On behalf of Liberal members I second and support the motion and speak to it with some sadness. I know that a small number of my colleagues will also add their contributions to the condolence motion. I must admit that, as I prepared for the speech and looked through some clippings and recalled some memories of Murray Hill's time in the Legislative Council, a smile came to my face as I recalled that, in 1986—and a press clipping referred to it—two years prior to his retirement, there was a lovely photograph in the then Adelaide *News* of him decked out in Italian gear; and my colleague, the Hon. Di Laidlaw, may describe technically what he was wearing—a beret and striped jumper—

The Hon. Diana Laidlaw: It was authentic Venetian gondolier.

The Hon. R.I. LUCAS: There he was on the Torrens. He had come up with this idea about a good tourist venture for Adelaide and thought that this was one of the things that someone ought to do in Adelaide. I know that some will remember that particular time and, as I said, the clipping brought a smile to my face, because we will read and hear a lot about his formal achievements and his record, but some of the vignettes or the little stories that relate to Murray Hill will bring a smile to many who served with him or knew him personally. I thought that summarised Murray very well. Murray was a great Liberal, a great member of the Legislative Council and, as the Hon. Paul Holloway has indicated, he had a distinguished record of service. I will not repeat all that.

I recall first meeting Murray some time in the mid-1970s. I probably have known Murray for something like a quarter of a century. I probably first met him through my friendship with his son, Robert, or possibly through my work because I was then involved with the Liberal Party and I occasionally liaised with members of the parliamentary party at that time. I have known him formally and politically as I served with him for six years on the Legislative Council. I have also known him and his family, and of his great love for his family, for a quarter of a century.

His period as a minister, as the leader indicated, was not a continuous four years of history, as ministers these days tend to have. He had a brief two years back in the Hall government (1968 to 1970) and then a three-year term in the Tonkin government from 1979 to 1982. In those days, elections were held much more frequently than fixed terms of four years. I think through the 1970s we averaged elections every two years—1973, 1975, 1977 and 1979. They seemed to be a quite common occurrence.

The history of Murray's ministerial record was dotted with the brief periods that the Liberal government served in 1968-70 and then 1979-82. He covered the portfolio areas to which the Hon. Paul Holloway referred, and on his retirement he himself listed some of his achievements as being the formation of the Ethnic Affairs Commission, the formation of the History Trust and the formation of the Youth Performing Arts Council at Carclew. I suspect, although I do not know, that my colleague the Hon. Diana Laidlaw may well refer to his impressive record in support of the arts and the arts community in South Australia.

He was also the minister who oversaw the introduction of compulsory seat belt legislation in South Australia. When one looks at his history, as the leader indicated, just from reference to the private member's bill on homosexual law reform I think it is fair to say that Murray's record was littered with his being prepared to have a go on controversial issues if he believed strongly in those issues. Homosexual law reform was one that has been referred to but, if you look at his 23 years, you see that he took an ongoing interest in road safety issues. Again this parliament is wrestling with further attempts at road safety legislative reform at the moment.

In looking at the clippings, I saw that he introduced private members' legislation to reduce the 0.08 blood alcohol limit to 0.05. He was unsuccessful at that time, in 1987. It was interesting that the then Premier (Hon. John Bannon) said that the blood alcohol limit would not be cut from 0.08 to 0.05 unless evidence showed that the move would reduce the road toll. Mr Bannon said that the bill was a diversion to the worrying road toll. At that time, the RAA slammed the proposal from Murray Hill, saying that it was ill considered and poorly timed. Adelaide University Road Accident Research Unit Director Dr Jack McLean was quoted as saying that he did not see the point of reducing the limit because it would hit social drinkers rather than those who caused road deaths.

So, what we accept now at 0.05—and there is some manoeuvring going on between the houses and from members about what penalties might apply for a level between 0.05 and 0.08—when one goes back only 14 or 15 years to when it was first introduced as private members' legislation, a number of the expert groups and commentators were arguing strongly against it. But it is a further example of Murray Hill's views. In a number of areas where he held his views strongly he was prepared to argue the case, even though those views might have been unpopular or not supported by the expert commentators or the media at the time.

The Hon. Diana Laidlaw: They have now caught up.

The Hon. R.I. LUCAS: As the Hon. Diana Laidlaw says, they have now caught up. Going back to the homosexual law reform issue, when talking to Murray in the years following that, one heard about the level of personal abuse that he and his family received during that period of the early 1970s. One can guess that, in those times, someone raising something as controversial as that issue was likely to attract significant criticism. He, in particular, and his family received a lot of vile abuse during that period of the early 1970s.

Also—and this is something I guess particularly for those members of the Liberal Party—there was a controversial period during the 1970s when there were differing viewpoints within the Liberal Party about the direction of the party, and Murray Hill was one of the small number of members of parliament who chose to join the then party within the party, known as the Liberal Movement, headed by Steele Hall and three members of the Legislative Council at that time, I think, Frank Potter, Martin Cameron and Murray Hill. When the Liberal Movement remained a party within a party—or perhaps, as the Labor Party might refer to it, a faction within a party—he was one of those who nailed his colours to the mast. At the time and subsequently—I cannot turn it up at the moment—I know he was quoted as saying that there were two views within his Liberal Party: there were those with liberal views, as he described them, and there were those with conservative views. He described himself as supporting the liberal view within the Liberal Party.

So, in all of those areas and in many other areas that I will not canvass this afternoon, Murray Hill showed that he was prepared to stand up for what he believed in. As I think other members might comment in their contributions, he was a tireless worker within the ethnic communities, and the Leader of the Government referred to his own statements in that area. I think my colleague, the Hon. Julian Stefani, will acknowledge that the Hon. Murray Hill played no small role in his election to the Legislative Council back in 1988. He, together with obviously a majority of others within the Liberal Party, was one of the prime movers at the time who strongly supported a prominent and effective member of the ethnic community being elected as a Liberal Party representative as his replacement, and he set about with single-minded determination to ensure that that occurred.

Whilst he was the minister assisting the premier for ethnic affairs in government, I think he continued for a period as shadow minister for ethnic affairs and, even if he did not have that formal title for an excessive time, he continued to work assiduously amongst our ethnic community consistent with the quote and statement that the Leader of the Government has put on the public record.

The Hon. Diana Laidlaw and I were elected as new members in 1982. I speak on my behalf and the Hon. Diana Laidlaw will obviously speak on her own behalf, but I acknowledge that I have a debt of gratitude that I was in the fortunate position as a new and inexperienced member of the Legislative Council to have the wise counsel of some wily old foxes in the first few years—people such as DeGaris, Cameron and Murray Hill. Murray continued for I think our first six years in opposition, and Martin Cameron continued for almost eight to 10 years while we were in opposition. For me, having the collective corporate experience of former ministers and members of parliament of longstanding—people who had served in both government and opposition—was invaluable as a new member of a political party, and it is an important part of the learning process of political parties and their representation in both chambers but, in particular, in this chamber.

Murray Hill was not, in terms of internal party debates, a loudly outspoken person. He had advice to give. I recall that he would generally take you aside—which was his way—and give you that advice quietly but firmly. He was no shrinking violet but he would certainly give that advice quietly but firmly to new members—and old members, for that matter—in his inimical way.

In recent years, Murray Hill had enjoyed his retirement, in particular, the opportunity to enjoy time with his grandchildren and great-grandchildren. The only occasions that I saw Murray recently tended to be family celebrations such as weddings of his grand-children or engagements, and I was able to catch up with him. Obviously, in recent years his health had deteriorated significantly.

On behalf of the Liberal members in this chamber and also on behalf of the Liberal Party organisation and others who do not have a chance to speak to these sorts of motions, I place on the record our sympathy to Eunice who, in recent years, had the unenviable task of caring for Murray very significantly in the home environment—with some support in later years—and also to acknowledge the role that Rob Hill's wife, Di, played in recent times trying to assist—indeed, as did other family members—Murray and Eunice during those difficult final weeks and months. On behalf of the Liberal Party, I pass on our sympathy to Rob, particularly at this challenging time for him in his ministerial and political

career. I place on the record, too, our sympathy to his brothers, Greg and Nick.

The Hon. SANDRA KANCK: I did not know Murray Hill, so I am very much dependent on the press clipping record from his time in the parliament, but what I read gives me a very clear impression that he was a genuinely small 'l' liberal. I imagine that his decision to temporarily become part of the Liberal Movement probably reflected that. When you consider his achievements, such as the introduction of legislation for homosexual law reform, which put South Australia ahead of any other state in Australia, you cannot but be impressed with his record. Amongst other things, I note comments that he made such as:

> Until local government is recognised in the constitution, it is really only a servant of state government.

He played a role in ensuring that local government was distanced from the state government, although I lament that, after all this time, local government is still not recognised in the Australian Constitution.

Some of his views were quite radical at the time, such as the bill that the Hon. Mr Lucas has mentioned for a .05 blood alcohol limit for people when they are driving. I note also that he was a friend of the parklands, and I am sure that, had he been politically active in more recent times, he would have been a member of the parklands Preservation Association because, as an MP in 1986, he called for some sort of a trust to protect the parklands.

He called for Adelaide's population to be kept below 1 million—something dear to my heart. At a time when the words did not even exist, he talked about 'urban consolidation' in Adelaide. I note, too, that back in 1982, the *Advertiser* talked of his role as arts minister and stated:

> Despite widespread fears that this area would become a casualty of Liberal monetary restraint, strong government patronages continued (given that the renaissance is well and truly over) and without the self-congratulatory political trumpeting of the Dunstan government.

Clearly, here was a man who had a sense of vision of what would keep South Australia great. I extend the Democrats' condolences to his family.

The Hon. DIANA LAIDLAW: The Hon. Murray Hill's wife, Eunice, has asked me to speak about her husband's parliamentary service at his funeral service on Friday morning. I am concerned about doing so because she has insisted that I must be brief, which I will find difficult, first, because by nature I am a talker and, secondly, because he had such a distinguished career in this place and in public life generally.

The Hon. T.G. Roberts interjecting:

The Hon. DIANA LAIDLAW: I could do that, yes. I plan to begin my remarks with a statement as follows: in so many ways, Murray Hill was a man before his time. It has been highlighted that Murray Hill served in this place for 23 years, from 1965 to 1988. He served for two terms as a minister in the two Liberal governments during that period. He became a minister in the Hall government three years after being a member of this place, and it was only at that time that he gave up his dual service with the Adelaide City Council. Murray Hill was always a loyal member of the Liberal Party but, within the Liberal Party, he always performed as a Liberal, inspired by the vision of the party established by Sir Robert Menzies in 1944, and based on the Liberal principles earlier espoused in Australia by Alfred Deakin and, during the Victorian era, by Gladstone and Asquith.

I refer to some of the words that Murray Hill said in this place upon his retirement. He was one of the few members who chose their time of retirement and, therefore, he had an opportunity to present some views reflecting on the state, his period in parliament and the future, and also in regard to the party that meant so much to him, the Liberal Party. He said:

> I hope that my party will always remember the early principles as laid down by its founders and the basis of liberalism, for which we should stand. I have been somewhat concerned, in recent times, with the growing preoccupation amongst our party members of the perceived efficiencies of the marketplace. We should not forget that the free market can very easily benefit the powerful and, in consequence, the danger looms of neglecting the weak and the less fortunate within the community. In the Liberal Party, we must never forget our responsibilities to the weak and those in genuine need of assistance. If we move to the right of the political spectrum we will not, in my view, truly reflect the views of the average citizen, of the ordinary man and woman.

Like Murray Hill, my family and I have always shared and sought to practise the Liberal philosophy. We together were members of the Liberal Movement and, in fact, I recall that the first meetings were held at our house in Leabrook to discuss the formation of such a group. We also, as a family, enjoyed a more direct association. My grandfather served from 1947 to 1965 and, when he died in office, it was Murray Hill who filled the casual vacancy in this place. It was a keenly contested pre-selection. Then in 1975, when Murray contested his third pre-selection (then on a state-wide franchise) Murray got number one spot and my father, who was standing for the first time, got number two. While dad has never been quite prepared to acknowledge (as is my family as a whole), we know that dad got to number two on that ticket with Murray Hill's encouragement and support.

Then, in 1982, when Murray contested his fourth and last pre-selection, my father did not contest at that time but I did. Robert Lucas beat me; he got number four and I got number five on the ticket—I could have done with a bit more of the help that Murray gave my father earlier on! Murray had given me enormous assistance in the meantime and, certainly, the confidence to stand for the Legislative Council, because during the years he served as minister in the Tonkin government I served as his ministerial assistant, and we worked so hard together and achieved much for this state.

Murray was frugal. He was a self-made man; he had earnt his money by hard work. He knew that the taxpayers' money was not his own, and he was a mean custodian of taxpayers' money. In his office he had just one assistant—and that was me—for ethnic affairs, housing, the arts and local government. When I look at the offices today and the range of assistants, I know that Murray would not be impressed.

There were many other enduring lessons from my time working as Murray's ministerial assistant. He believed in the supremacy of parliament, so no matter the political persuasion of any MP, no matter how relevant their representations were, no matter how pressured your time was, always he insisted that MPs' concerns were paramount. It is a lesson that I have always tried to deliver. Always he was intensely people orientated, and that was reflected in the portfolios for which he was responsible and it was a fact to which the Hon. Chris Sumner paid respect in 1988 and earlier.

Murray attended functions seven and eight times on a weekend and, because of the arts, almost every night of the week. He drove himself hard. He was always supported by his wife, Eunice, and they were everywhere, all over the state,

every hour of the day and night, for local government. He had portfolios that were not necessarily popular in the Liberal Party and were the natural constituency of the Labor Party, and I reflect particularly on the arts. It was a hard portfolio to have for the Liberal Party at a time of cutbacks in the Tonkin government, following on the heels of Don Dunstan, but Murray excelled. He always acknowledged Don Dunstan's contributions to the arts and it was what he wished to continue to build on as a Liberal minister for the arts.

Always he believed strongly in the individual South Australian, no matter where they came from, no matter where they lived, and that is a lesson that I have also sought to apply. I love working the pavements and the bus stops. I know that if you can sell a message at those places you are doing well in terms of your focus and the delivery of your job, and that was Murray Hill's approach. He served with integrity. He was a man of conviction, courage and compassion and he was caring.

I want to speak about some of the issues that he championed, challenging issues for the time and still challenging today. In 1969, he was one of the first and strongest advocates of Robin Millhouse's abortion bill, providing that, under certain circumstances, abortion be legal this state. In 1972, as others have mentioned, he introduced for the first time in Australia homosexual law reform, which ultimately was enacted. Today we still struggle with issues like same sex couples and relationships in terms of entitlements to superannuation.

I know from discussions with former premier David Tonkin that, in 1975, Murray gave him the courage to move as a private member's bill the first legislation in Australia to ban discrimination on the basis of gender, which was enacted some years later by the Labor government, but it was with Murray's encouragement that David Tonkin moved that pioneering legislation.

He had interests that were much broader and he raised issues that have yet to be resolved. I think of the questions about dogs that are before the Adelaide City Council. In 1986, Murray wanted dog parks in the city and in the parklands, and what a good idea it would be today to see that implemented. The Hon. Sandra Kanck mentioned the parklands, and Murray advocated in the mid-1980s that a trust be established, and that is one of the options that the Minister for Environment and Conservation (Hon. John Hill) is proposing at this time for the management of the parklands.

Murray Hill wanted the Henley jetty finished because, when he used to go down there for ethnic functions, there were too many Greeks on the jetty! He wanted the jetties fixed and, finally, across the state, the jetties were repaired, but the Henley jetty remains in a bad condition because the council will not get its act together.

He wanted the Art Gallery to move into Government House and Government House to move to Carrick Hill, and I still think that is a great idea. He advocated the baking of bread on weekends: what a radical idea in 1986! Today we are still arguing about shopping hours and people being able to shop whenever they wish. Murray would have been pleased that I voted for the legislation to free up shopping hours when it was last before this place. He wanted gondolas on the River Torrens as part of turning the focus of the city toward the Torrens and, under the last Liberal government, with Rob Lucas's initiatives, that was undertaken.

There is more work to do. In terms of parliamentary reform, he sought the universal franchise but, more particularly, the issue that I am keen to see but could never get enthusiasm for in the former government, that is, a stronger committee system in this place. He was really worried about the relevance of the Legislative Council long term if it became a political rubber stamp of the House of Assembly, and I would share those views today. We really have to do something as responsible members of parliament, paid members and custodians of democracy, to make sure that this house works far more effectively. That should be one of Murray's legacies and lessons to us. His early calls were equally supported by the Hon. Chris Sumner: they just could not get up the parliamentary systems that they sought, and yet now we have constitutional conventions and others running the agenda for us because we ourselves have not worked out the agenda.

As Minister for Roads he rationalised the then Department of Transport and Department of Roads. He established transport corridors for the MATS plan. That land was subsequently sold, and wouldn't every transport minister today love to have those corridors for the efficient movement of freight and passenger transport across the metropolitan area. He had seat belts made compulsory in cars, and from the headlines today about deaths in rural areas it seems there are not enough people in rural areas sensible enough to be wearing those seat belts and saving their lives. And we have yet to resolve the .05/.08 drink driving issue, the one that Murray raised as a private member's bill decades ago.

He established the Ethnic Affairs Commission, the Department for the Arts, the Carclew Youth Performing Art Centre, Artlab and the History Trust, of which he was very proud to be appointed chair by the Hon. Anne Levy when she was minister for the arts. He was responsible for moving the South Australian Film Corporation to Hendon and giving it that fantastic location, although the lease is running out and it may well be time for it to move to another site. He established the Museum of Migration and Settlement, the first in Australia, and they have now been established across every state government. He redeveloped the South Australian Museum with the barracks, the armoury and the natural sciences. That was then stopped by John Bannon.

He had money approved for the Whyalla, Riverland and Mount Gambier regional theatres, an initiative started by Don Dunstan but continued, despite its being a Labor initiative, by Murray Hill. They continue to be assets for our communities in regional areas. He started the major rewrite of the Local Government Act, which had not been reformed since 1934, and that was really what Murray loved to do: he was a reformer. And he had local government recognised in the State Constitution. In housing he was just bewilderingly wonderful.

In terms of issues for women, he got the first cooperative arrangement for women's shelters, for when a woman in distress in a woman's shelter had nowhere to go afterwards. He brought the Cooperative Building Society, the South Australian Housing Trust and the government together to establish half-way houses for women, and that has become the major cooperative housing movement in this state and has been copied elsewhere. Also as minister for housing, he got local government involved for the first time anywhere in Australia in the construction of aged housing.

He was an astute politician. We were so different in nature. He had a very straight face and would give little away. He overheated his office because he did not like to meet with public servants for very long—nobody could stand the heat in Murray's office and the meetings were short and sharp. But you could never tell from his face what he was thinking

about. I have been told over and again by my own family to stop showing on my face—whether I am angry or happy—what I am feeling at every moment. I was told to develop Murray Hill's face. My God! Murray Hill was a most fantastic man, but he was not handsome.

I loved Murray. He was a wonderful friend and has been the greatest inspiration that anybody could have in this place. I earnestly hope that, with his death, the Liberal Party will again have the courage to appoint true liberals to this place—people who are prepared to speak out and think for themselves, to not just be guided by the numbers game but to think big and think beyond their comfort zone. Certainly, I have tried to the best of my ability to apply myself in that way, and I hope that with my departure from this place shortly the Liberal Party will at least ensure that there is another liberal in this place in the mould of Murray Hill.

To Eunice and Murray's family, I give my love, best wishes and condolences. You were most fortunate to be part of Murray's life. He was a wonderful husband, father, grandfather and friend.

The Hon. J.F. STEFANI: I join my parliamentary colleagues in noting with sadness the passing of the Hon. Murray Hill and to express my condolences to his wife and family in their time of great loss and personal bereavement. I first came to know Murray Hill as the minister who was responsible for the establishment of the South Australian Ethnic Affairs Commission. Amongst other achievements, Mr Hill can be credited with the establishment of the South Australian Migration Museum and the South Australian History Trust. Both institutions have gained great prominence in our state as well as at national and international level. It was through the great foresight and vision of the late Murray Hill that, today, South Australians are the beneficiaries of these important institutions that provide the continuing basis for the collection and preservation of important cultural and historical information about South Australia and its people.

I was privileged to know Murray Hill as a parliamentarian who worked with great understanding and sensitivity for all South Australians. Murray Hill had a great empathy with the many migrants who settled and made their contribution in our state. He had a great understanding of the many multicultural and cultural values and the traditions which form part of the cultural diversity which is represented in our community. I can still recall his phone call to inform me of my appointment to serve as an inaugural member of the South Australian Ethnic Affairs Commission, which was established under the Tonkin Liberal government by an act of parliament in 1980.

Murray Hill encouraged the inaugural members of the commission to actively pursue the objects and functions of this newly established organisation. I can still recall the emphasis which he placed on the promotion of greater understanding of ethnic affairs in the community; the assistance and encouragement which members of the commission were to provide to various ethnic groups to fully participate in the social, economic and cultural life of the community; and the promotion of greater cooperation between various ethnic groups within our community and, in particular, those organisations concerned in ethnic affairs.

Murray Hill was a strong advocate for multiculturalism. He laid the foundations for the work of the commission, which included the making of recommendations and the provision of advice to government and various government departments and instrumentalities on the implementation of ethnic affairs policies.

Murray Hill encouraged the undertaking of research and the compiling of data relating to the needs of ethnic groups and, at the same time, he was responsible for the establishment of the grants advisory committees and the allocation of funds for promoting the interests of various groups. Under his stewardship, interpreting, translating and information services were established in consultation with various agencies—particularly the courts and the health services—to assist people from a non-English speaking background.

As a minister, Murray Hill championed the rights of individuals and the avoidance of discrimination on the basis of ethnic origin. I feel confident in saying that all the inaugural members of the South Australian Ethnic Affairs Commission would join me in expressing similar sentiments about a man who worked tirelessly for the many community groups which he served and represented with distinction during his parliamentary career.

I feel very privileged not only to have known the late Murray Hill but also to have filled his position in this chamber when he retired in 1988. It was through his direct encouragement and assistance that I was elected as a member of the Legislative Council. I know that it will be impossible for me to emulate his achievements in this place. However, through his encouragement and wise counsel, I trust that in some small way I have continued to carry out the work that he so capably undertook, representing and serving the interests of our diverse South Australian multicultural community. I express my sincere and deepest sympathy to his wife, Eunice, and to all members of his family in their time of personal loss. I support the motion.

The Hon. R.D. LAWSON: I wish to join briefly in supporting the remarks made by my parliamentary colleagues in relation to the passing of the Hon. Murray Hill. I first met Murray Hill when he was principal of Murray Hill and Company, a successful real estate agency which he had founded. I was a young lawyer in the legal office that Murray used and I had occasion to have interviews with him a number of times. He was a most astute businessman but, to me, surprisingly kindly and very honourable in all his business dealings. He was quite unlike many other successful business people with whom I had had dealings at that time.

The Hon. Diana Laidlaw said that he was 'a mean custodian of public moneys'. If that is true (and I certainly do not doubt it), that is the only respect in which Murray Hill could be described as mean, because he was most generous in his personal dealings. He had a wonderful courtly manner, a genuine interest in people and a genuine compassion and integrity. I saw him again frequently when he was minister for the arts because he attended practically every arts performance and opening that occurred during the time of his ministry. The commitment that he made to developing a connection between my party and the arts fraternity was a signal contribution, admirably carried on by the Hon. Diana Laidlaw after he left parliament.

Murray Hill had a fine reputation in the community, a reputation that I believe was greater than many of us in this place enjoy. He set standards to which we should aspire. His membership of the Order of Australia was indeed well deserved. He served here for over 22 years. In recent years, sadly, he was in failing health. However, I know that he had the great support of his family, to whom I extend my sympathy and condolences, particularly to his widow.

The Hon. IAN GILFILLAN: I rise to add my condolences and support to the motion and extend my sympathy to Murray's family, which must sorely miss him as a father, grandfather and husband. I am grateful to have heard the chapter and verse of the achievements of the Hon. Murray Hill, because I did not ever come to realise the extent of his statesmanship, and I think that that really was a hallmark of the man. He was such a humble person that, in the time that I shared with him for six years in this place, I never really had a chance to hear from his lips any of the multitude of achievements that have been so clearly and eloquently described this afternoon.

However, there were various aspects of my time with Murray which were an interesting reflection on the fact that Diana Laidlaw said she was his only assistant for the hatful of portfolios that he held and that he was mean with public money. The first contact I had with Murray, after a fairly warm welcome (and I found him to be a consummate lobbyist: he was someone whom one needed to watch very closely to determine whether there was a hidden agenda in his approach), was when Lance Milne and I were allocated the generous use of one secretary between us. Murray was so attached to the secretary that he wanted to share her as well. So, his aim was to have one secretary looking after the three of us. It was such a plaintive plea—that he had become so attached to her and he really did not know how he could carry on without her. That was my first lesson with respect to the very persuasive nature of the Hon. Murray Hill in getting people either to accede to his request or take on his point of view.

The Hon. Diana Laidlaw mentioned dog parks. I do not remember the details, but I do remember that the Hon. Murray Hill had this wonderful capacity to make one feel as though they were the most special person in his world at that time, and that he would be enormously grateful if one would listen and agree with what he was asking. In the case of which I speak, it was, I think, to give him—and, I assume, his wife—the consummate joy of being able to take their dogs for a walk in the morning off the lead, and I think it may have been on a beach. But those details are not important. What was important was that Murray had the capacity to persist to make sure that what he wanted—whether for himself or his dogs in this particular case (and I am sure it was for the dogs)—was achieved. The enduring legacy that Murray Hill left with me was a person who was full of humour and a delight to have in the chamber and, although often in debate, never of ill will. In fact, I would summarise him as being a dear man.

The Hon. A.J. REDFORD: I rise to support this motion. While I am a relatively new member in this place, compared with the late Hon. Murray Hill's achievements, I did have the opportunity to meet with him on a number of occasions. I must say that it is times such as this that one should re-evaluate where one stands in the context of the philosophy of liberalism, which he so ably espoused and contributed to throughout his career. I go on record as saying that I believe his views—small 'l' liberal views—are a vital component of our party which must, if it is to survive and thrive into the future, be a broad church. He was not a timeserver. He was an inspiration. Indeed, from time to time he inspired the Hon. Diana Laidlaw who, in turn, has inspired me on occasions.

The Hon. Diana Laidlaw: Not often enough.

The Hon. A.J. REDFORD: That could change. I think that is another contribution that he has made and will continue to make into the future. My sincere condolences go to my colleague Senator Robert Hill who is also confronting extraordinarily challenging and difficult times at present, and to the rest of Murray's family, with whom I am not personally familiar. The Hon. Murray Hill was an adornment to this chamber and parliament, and, ultimately, to the Liberal Party. In that respect I support the motion.

The Hon. A.L. EVANS: Family First honours the late Hon. Murray Hill. I met him once. He was actually the first minister of the crown that I ever met. We were encouraged to meet him as a delegation about an issue in which we were interested. As a young person at that time I was rather nervous about meeting this man in a position of great power in our state. I remember meeting him and finding him very charming. He quickly put us at ease and I felt very relaxed. He listened carefully to what we had to say. We felt that he had taken on board our requests and that we were sure to get a positive outcome. It did not turn out that way, but it did demonstrate that he had that ability to make you think he was on your side. As a party we believe in honour. Anyone who has served this state for 23 years and held ministerial positions needs to be honoured. Today we honour him with this motion.

The Hon. J.S.L. DAWKINS: I rise to speak briefly to this motion. The late Hon. Murray Hill was a colleague of my father in this place for 17 years. Initially, through their relationship, I got to know him, even if it was only briefly. I do remember, as a younger person in the Liberal Party, coming across him, particularly when I was secretary of the Liberal Party's Rural Council and I needed to arrange for people, such as Murray Hill, to speak to our group from time to time. He was always very accommodating. He always encouraged young people to be involved in politics on either side of the fence, and I echo what the Leader of the Government said about the importance he placed on bipartisanship. I echo the comments that the Hon. Julian Stefani and others have made in relation to the high importance that he placed on the various ethnic communities in this state and the work he did in the establishment of the Ethnic Affairs Commission. I know that a number of multicultural groups, particularly outside Adelaide, hold the Hon. Murray Hill in high regard for the work he did to recognise their various groups. In closing, I extend my condolences to Mrs Eunice Hill, to Senator Robert Hill and his wife Diana, and other family members.

The PRESIDENT: I thank members for their contributions. I myself will make a short contribution. I personally did not know Murray Hill, but, as someone interested in politics, I was always impressed by the presentation of the Hon. Murray Hill. He struck me as a cross between an English baron and an Errol Flynn look-alike. He was always the statesman and always the gentleman. He was also a believer in the Legislative Council—as I am sure we all are here today. He was a great believer in parliamentary democracy and the rule of law. I pass on my condolences to his wife, family and friends on this sad occasion.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3.15 to 3.25 p.m.]

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 21st report of the committee.

Report received and read.

The Hon. J. GAZZOLA: I bring up the 22nd report of the committee.

CHILD PROTECTION REVIEW

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on the child protection review made by the Premier today.

QUESTION TIME

LOCAL GOVERNMENT DISASTER FUND

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about the Local Government Disaster Fund.

Leave granted.

The Hon. R.I. LUCAS: On 24 October last year the minister was quoted on ABC radio, and the transcript reads as follows:

> The state's agriculture minister Paul Holloway says councils can apply to the Local Government Disaster Fund for help in dealing with sand drift. The drought in the Murray-Mallee has led to a large build-up of sand and topsoil on roadsides, prompting some councils to consider closing some minor roads. While Mr Holloway isn't making any promises, he says there may be a system available through the disaster fund.

Having had those discussions and raised those hopes with local councils, will the minister indicate the end result of those discussions? Have councils accessed the Local Government Disaster Fund along the lines that he was recommending?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is my understanding that the District Council of Karoonda East Murray has recently received correspondence from the government indicating that the head of the Local Government Disaster Fund would be writing to it soon in relation to this matter. Exactly what has happened beyond that I am not sure, but it is clear that at least one council (the council of Karoonda East Murray) has sought assistance from the Local Government Disaster Fund in relation to this matter. I believe that it will be receiving a response on that matter very shortly, if it does not have it already. Without actually pre-empting—because it is not really within my portfolio—

The Hon. Caroline Schaefer: What is?

The Hon. P. HOLLOWAY: What is? Let us be clear about this: I am not the Minister for Local Government, so I am not responsible for the Local Government Disaster Fund. I do not write to local government about it and I do not think anyone could reasonably expect that I do. It is not in my portfolio. I cannot answer for what letters have or have not been written. I am aware, as I have informed the council, that a letter has been written indicating that the district council would be getting a response soon, because I have sighted that letter. That is all the information I have and all I think I could be reasonably expected to have at this time. However, I will obtain the exact details from the appropriate minister as soon as I can and bring back a response.

The Hon. R.I. LUCAS: As a supplementary question, in bringing back a response on behalf of other ministers or the government, will the minister indicate whether or not the government's legal advice is that the Local Government Disaster Fund can be used for such applications?

The Hon. P. HOLLOWAY: I recall that at the time of the press release some queries were made. The statement reportedly made by me in the media was on the basis of information that I had received in relation to the Local Government Disaster Fund. What legal advice that was based on or whether it was just the opinion of the fund itself assessing its own qualifications, or whether there was a legal opinion on that matter, I am not sure. Again, I will obtain that information for the leader.

MARALINGA

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 Maralinga lands?

Leave granted.

The Hon. R.D. LAWSON: Yesterday in the federal parliament the report of the Maralinga Rehabilitation Technical Advisory Committee, entitled 'Rehabilitation of former nuclear test sites at Emu and Maralinga,' was released. The report describes in detail the $108 million clean-up of the former British nuclear test sites in South Australia and concludes that the project achieved its goals and a world's best practice result. In a ministerial statement the federal Minister for Science said:

> The Maralinga clean-up was planned on the assumption that, after the remediation was completed, the land would be returned from the commonwealth to South Australia and given back to the Maralinga Tjarutja traditional owners.

The minister said:

> Stakeholders are working constructively with the commonwealth interests to this goal, and I hope the site will be handed back during this year.

The legal representative of the Maralinga Aboriginal community, Mr Andrew Collett, stated on ABC Radio that he was satisfied that the clean-up had been satisfactorily completed and he trusts the commonwealth government's declaration that the site is safe. He said that the process of returning the land to the traditional owners is continuing. He further said:

> The negotiations are under way with the current negotiation of a land management agreement to deal with whom honours the land in the future, who looks after it, and what should happen if any further contamination is discovered.

The Premier, however, in a ministerial statement in another place yesterday, said that the state would not be taking the land back and, therefore, the land could not be passed on to the traditional owners unless the South Australian government is indemnified by the federal government for future liability. He pointed out that plutonium has a life of 250 000 years and said:

> Radiation standards change, and what might be considered safe in 2003 may not be considered safe in 2005 or 2010, let alone in 10 000, 20 000 or 100 000 years from now.

My question is: will the Minister for Aboriginal Affairs and Reconciliation, who has particular responsibilities for the interests and welfare of the Maralinga Tjarutja people, give an assurance that the process of returning the Maralinga lands to the traditional owners will not be delayed by political

point-scoring and that it will be concluded, as anticipated, during this current year?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his very important question in relation to a very important issue that has been going on in this state for some considerable time. The position of the government is as stated by the Premier in another place as follows:

> . . . I can assure all South Australians, especially the Maralinga Tjarutja people, that I will not accept back the land until I am fully satisfied that the clean-up was successful. We do not want these lands to become a radioactive liability for either the state or for the traditional owners.

That is the position that I, as minister, agree with. If there are other parts of the statement that need clarification, I will pass them on to the Premier in another place; and, if there is another part of the question that needs a reply, I am sure he will reply to it.

DAIRY INDUSTRY

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

Leave granted.

The Hon. CAROLINE SCHAEFER: It has been rumoured this morning on radio that buyers from the eastern states are buying struggling dairies in South Australia for the water licences alone. The dairies, once purchased, are closed and the water licence is used to remove water from the River Murray upstream in Victoria and New South Wales. My questions to the minister are:

1. Is he aware of South Australian dairies being purchased by eastern states buyers?

2. Is he able to say what effects such sales are expected to have on the dairy industry in this state?

3. Does he believe that the uncertainty in the dairy industry in the Lower Murray region is a result, in any part, of the reduced government offers to the Lower Murray dairy farmers for the rehabilitation project in that region?

4. What effect will this have on the government's statement that the river flow to this state must increase by 1 500 gigalitres, not decrease?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The answer to the first question is: no, I am not aware of any sales having taken place. The Hon. Terry Stephens or the Hon. David Ridgway asked me a question about this matter last week. I assume that the honourable member was referring to the Lower Murray irrigation area when she asked these questions and not other parts of the state.

My department is concerned that a viable dairy industry remain along the Lower Murray flats because, quite clearly, those flats produce about 20 per cent of the state's dairy produce, and it is absolutely vital for the state's dairy plan that production should continue. Nevertheless, it is also part of the rehabilitation plan that there be a reduction in the number of farmers practising along those flats. There are a number of regions within those flats, the larger area being at Jervois, with other smaller areas with as few as two or three dairy farmers.

The obvious intention of the rehabilitation plan that has been developed over some years, including under the previous government, was to reduce the amount of area under dairy from 5 000 hectares down to 4 000 hectares but to improve the efficiency of the remaining 4 000 hectares so that production would increase on the remaining area. That is necessary because this state has been subject to considerable criticism in relation to our practices along the Murray River, because a lot of return of effluent has occurred from the Lower Murray swamps back into the river, and that has been somewhat of an embarrassment to this state for some years. Over the years, we have cleaned up our irrigation practices upstream, but that has not been the case in the Lower Murray swamps. Clearly, it is very important that we address this problem.

In one of her questions, the honourable member talked about 'reduced offers to farmers'. I think my colleague in another place, the Minister for the River Murray, has very effectively rejected that claim. There have been no reduced offers, as I understand it. Under the previous government it was established that a committee would evaluate the projects along the Murray River, and that has continued with the change of government. The results, it was always understood, would be the basis on which the proposals for the Lower Murray irrigation area would be settled. So, I do not accept that there has been a reduced offer.

The honourable member also asked about the environmental flow of 1 500 gigalitres that this state has been asking for. Obviously, this state desperately needs additional environmental flows down the Murray River. At the moment the Coorong is under such enormous threat because we cannot keep the Murray Mouth open, even with dredging at considerable cost to the taxpayers of Australia, because it has been funded through the Murray-Darling Basin Commission. Even with the extensive dredging that has been going on now for some months, it has proved impossible to keep the Murray Mouth open, because, as the sand is removed, it keeps getting washed in again from the sea as there is no water flowing in the opposite direction to keep the Murray Mouth open. As was pointed out by my colleague on the news services last night, that has a potentially disastrous impact upon the Coorong.

In relation to the water that is being transferred out, the shadow minister would be well aware of the comments that have been made by the Deputy Prime Minister and other members of the federal government, where the transfer of water licences has been a key issue under national competition policy. The federal government has been particularly vocal, as one might expect it would be, in relation to transfers of water licences. If one is going to have a national market in water, then one has to abide by those rules.

My department has been trying to ensure that adequate water remains within this state in order to ensure that we have a viable dairy industry, and it is investigating the possibility of some sort of water bank in relation to those water transfers. However, it is very early days as to whether or not that is a viable option. As I indicated in answer to the question last week, we do have a national market for water here, and we have to abide by the rules that apply in relation to water transfers. So, certainly, from the government's point of view—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Mr Anderson has been saying a whole lot of things about water. I do not necessarily accept what Mr Anderson is saying—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I do not for one moment necessarily accept the comments that Mr Anderson has been making in that matter.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What I am saying is that the commonwealth government is very insistent that the principles of water rights be maintained. The point that I am making in relation to the question asked by the honourable member is that there is very strong interest from the National Competition Council in relation to what happens regarding water rights, and I can understand why that is the case. We obviously have to operate within that framework. We are, certainly, from a departmental perspective, looking to see what options are available and trying to ensure that as much water as possible remains within this state, so that the industry remains viable.

The Hon. CAROLINE SCHAEFER: Sir, I have a supplementary question. Would the minister accept my offer—and that, I am sure, of the Hon. Ian Gilfillan—to assist him, given his commitment to the dairy industry, in a bipartisan fashion to lobby his colleague in another place for a more realistic package for the dairy farmers on the Lower Murray flats?

The Hon. P. HOLLOWAY: As I answered last week, I believe that my colleague has offered a realistic package, and I understand that he is prepared to look at this matter. I can only repeat what I just said: whatever is done there has to operate in terms of national competition policy. Certainly, as far as offers are concerned, as I understand it, the whole of this project was exactly the way that it was planned under the previous government. The previous government set out the ground rules for how this scheme would be funded, and it is my understanding that those ground rules have, essentially, been followed.

Let us understand this. We are talking about a market process by which dairy farmers will exit an industry—not dissimilar to what we have just had with the dairy restructuring package. It is inevitable that during that process, because it is a market driven process, there will be a lot of uncertainty about who will exit and who will not. It is inevitable that there will be many concerns amongst some of those people. And let us not kid ourselves: the process is about reducing the number of farmers along the river flat. It is a market driven process. That will inevitably create all sorts of concerns and political heat, and that is happening at the moment. But I hope that, at the end of the process, when it has settled down (as the federal dairy restructuring package has now settled down), we will retain a viable number of dairy farmers along the flats. I have full confidence that my colleague will be able to negotiate such a situation.

The Hon. A.J. REDFORD: I have a supplementary question. Given the minister's new found endorsement and love of competition policy, will the minister, in the light of his meekly surrendering to these competition gurus, pass on the competition payments received by the state government to the stakeholders in the dairy industry, as recommended and urged by the Deputy Prime Minister, Mr Anderson?

The Hon. P. HOLLOWAY: Under competition policy, of course, there are payments for a whole range of reasons. The main reason why we had competition payments was related to areas such as the electricity industry. Part of competition policy in its early forms was to drive competitive neutrality and, indeed, the privatisation of government agencies, one of which was electricity. It means the states have lost access, as a result of those electricity changes driven by competition policy, to the distributions and dividends they were previously receiving from state owned authorities. Indeed, the competition payments were largely devised to do that.

In relation to dairy farmers along the Lower Murray irrigation area, it should be remembered that those dairy farmers will receive water rights as a result of this that, for most farmers, will probably be in excess of $500 000, and most farmers will receive in the vicinity of $150 000 under the dairy restructuring package. As well as the government contribution of at least 67 per cent of the cost, all those dairy farmers have received significant benefits in relation to the transfer of water rights. They can get cash for them. In relation to the core of the honourable member's question (which he thought was so clever), those dairy farmers are being given water rights that, for most of them, will be worth in excess of $500 000.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, you are saying, 'They haven't been given.' The Hon. Caroline Schaefer's question a moment ago asked whether I was aware these water rights had been sold. The shadow minister is telling me they have sold the water rights and others are saying they have not got them. There is a bit of inconsistency on the other side. I think the Hon. David Ridgway asked me a question last week, and I am still seeking a response, about when the water rights will be transferred. That question was asked last week.

What more need one say? In fact, water rights worth a considerable amount of money have been granted to the farmers and the state is funding, in effect, two-thirds of the total cost of the scheme. In relation to some parts of the scheme, it is my understanding that the state government will be funding 100 per cent of the cost of some parts. In relation to other parts of the scheme, which have an entirely private benefit, it will be expected that those dairy farmers themselves will fund that, because they are the beneficiaries of it. Through the dairy restructuring package and through water rights, those farmers should have either significant money to exit the industry and establish other industries elsewhere or, alternatively, sufficient funds to make the investment necessary to enable the remaining 4 000 hectares to be viable. They are matters that are being handled by my colleague the Minister for the River Murray, and I will see whether there is any further information he may wish to add.

KANGAROO ISLAND

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about food promotion.

Leave granted.

The Hon. R.K. SNEATH: We often see produce from areas such as King Island doing well in the gourmet food area, and I think of King Island cream and cheese, in particular. It is clear that Kangaroo Island would have similar potential. Will the minister advise what developments are taking place on Kangaroo Island in relation to the food sector?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Last week I had the pleasure of visiting Kangaroo Island to open the new PIRSA offices in Kingscote. PIRSA and the Department for Environment and Heritage had shared a building since 1988 but, with the expansion of

staff numbers, it is now necessary to find more suitable accommodation. While I was opening that office I took the opportunity to visit and meet with producers on the island. I was certainly impressed with what I saw and heard. The farmers on Kangaroo Island are known throughout South Australian rural communities for their ability to diversify. There are approximately 350 full-time farming enterprises and 100 part-time or hobby farmers on the island.

Traditionally, Kangaroo Island has been known for its sheep wool production but, with the wool crash of the early 1990s, many farmers have now diversified into additional cropping, cattle and prime lamb production, farm tourism, seed potatoes, viticulture, forestry, particularly blue gum and pinus radiata, aquaculture, eucalyptus oil, and so on. These producers are making quite a name for the island as a supplier of gourmet food, including prime lamb (and an alliance has been set up to do that), free range chicken, sheep milk cheese, honey (with the Ligurian bees on Kangaroo Island which are unique in the world), wine, olive oil, olives and seafood. Those members of parliament who were fortunate enough to attend the function at the Seafood Council today would have heard the address from Debra Ferguson, who has a significant rock lobster business on Kangaroo Island.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: For the honourable member's benefit, I advise that rock lobster is caught all over the island. In fact, they are found all round the island. Indicative of this is the success experienced—

Members interjecting:

The PRESIDENT: Order! Members have had too much seafood, obviously.

The Hon. P. HOLLOWAY: As well as visiting the island and seeing all this great food, fortuitously at the weekend I had the opportunity to witness the success experienced by home economics students from the Kingscote Area School in the Come Out 'Art of Pies' competition. I was fortunate to attend the presentation ceremony and, whilst there, I had the opportunity to taste a number of the entries, which were superb. Having seen the enthusiasm of the students first-hand, I feel great satisfaction in knowing that the future of our food generally, right across the state, is in good hands.

The Hon. Diana Laidlaw: Which was your favourite?

The Hon. P. HOLLOWAY: There were all sorts of pies, including mullet pie. What is relevant to the question is that 28 teams from schools in areas ranging from Marree to Mount Gambier entered and used regional produce to create a culinary delight unique to their region. The inaugural 'Art of Pies' competition was sponsored by Food South Australia and Regency TAFE, and I believe it will be an important event in the future and will help spread the message of the importance of regional foods.

Again, to come to the key point, Kangaroo Island had considerable success in that competition. Kingscote Area School's savoury Encounter Pie was judged champion pie in the 'Art of Pies' competition. It won best savoury pie and best Face 2 Face marketing award for the best product brand development, and it was also named Food South Australia's best regional pie for its use of regional ingredients such as Kangaroo Island feta, olive oil, red wine and kangaroo in the filling. I am told that the Encounter Pie will be commercialised and made as the official pie for the Come Out Festival in 2005, which is quite an achievement.

Kingscote Area School won not only the savoury pie but also the sweet pie category, with its mulberry and honey custard pie. Members who have been to Kingscote would know that the original mulberry tree there was probably the first fruit tree planted in this state. It was delicious. I think that we will be seeing more Kangaroo Island produce in the future as a number of areas are currently expanding. The dominance of Kangaroo Island in a statewide competition shows that the food culture has captured the minds of Kangaroo Island and, with the island's young students, we can look forward to more in the future.

Kangaroo Island also has considerable fishing resources, particularly rock lobster, as those members who attended the seafood launch today would be well aware. It also has oysters, abalone and marine scale fish, predominantly King George whiting, and the island is developing a large aquaculture industry. Over the past 10 years, abalone, trout and yabbie and marron farms have been established. In addition, Kangaroo Island prime lamb producers have a marketing alliance and are looking at feedlotting and growing summer fodder crops to maintain a year-round supply of lambs, which will be of great benefit to the island. The prospects for irrigated horticulture are being actively explored, and particularly the potential for vegetable seed production. The council may not know that Kangaroo Island is a registered wine production area, with more than 20 vineyards in production. This growth industry has developed within the past decade, with many more vineyards planned to come into production within the next five years.

The Hon. Ian Gilfillan: Are you going to shift down there then?

The Hon. P. HOLLOWAY: I would love to, actually. In summary, the island is certainly an excellent example of diversification and innovation, and producers on the island have developed keen instincts when it comes to taking advantage of their unique location in this state and the advantages that that offers them. With the support and assistance of officers of Primary Industries and Resources and other departments, particularly through their new office located on the island, the industry is well placed to grow and develop further, and I think that we can expect big things in the future from Kangaroo Island.

The Hon. J.S.L. DAWKINS: As a supplementary question, will the minister indicate the PIRSA staff levels on Kangaroo Island and how many of the officers employed by PIRSA on that island have a focus on the development of new crops and export products?

The Hon. P. HOLLOWAY: There are a number of PIRSA staff on the island. They have, as I indicated, increased over the last couple of years. Two Fisheries officers have been stationed on the island since January 2002, because previously the Fisheries patrols were conducted out of Birkenhead. Several officers from Rural Solutions have been working with Agriculture KI and local producers, in particular the alliance I was talking about earlier that is going into lamb production there. They have had assistance from the Rural Solutions staff on the island to help develop some of these areas.

There are about a dozen officers in all at the PIRSA office there, including a number of administrative officers. Of course, there are also vets on the island. The local member for the island did raise with me the problems we had in relation to OJD. There is a particular problem on Kangaroo Island with the OJD area, and we have been able to ensure that the island has had access to a veterinary officer on the island in relation to that program in particular. So, as I said,

there are a significant number of officers from PIRSA on the island.

That, of course, is why we are opening a new office. Indeed, Fisheries have their own separate office in the building, because the amount of space that we require has increased because of the importance of the island to our rural industries.

MUNDULLA YELLOWS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation a question about research into the disease Mundulla yellows.

Leave granted.

The Hon. SANDRA KANCK: On 17 February the Minister for Environment and Conservation announced that a 12-month contract to the value of just over $150 000 had been awarded to the Institute for Horticultural Development based in Victoria, for research into the disease Mundulla yellows. This was the second research contract awarded. The first 12-month contract, worth $142 000, went to the Waite Institute in March 2001. Funding for both contracts was jointly provided by the commonwealth and South Australian governments. Almost 12 months elapsed between the Waite contract and the granting of the second research contract. The delay in allocating further research funds is inconsistent with the minister's recognition that:

> Mundulla yellows potentially poses a threat to a wide range of eucalypts and other species of native flora and could impact on our biodiversity as well as industries such as farming, forestry, tourism and the apiary and cut flower industry.

Further, this postponement of research occurred despite a 1999 national conference on Mundulla yellows recommending continuity of research. The announcement that a Victorian-based institute is now undertaking the research has also caused consternation in the environment movement. There is concern that the Victorian research institute will have to replicate the research already undertaken at Waite: that the second research project will need to reinvent the wheel.

I am informed that the research undertaken by the Waite Institute is the intellectual property of both the researchers concerned and the Waite Institute, and that the Institute for Horticultural Development will not have access to it. As a consequence, by February 2004 we are unlikely to be any closer to finding a solution to the Mundulla yellows problem than in March 2002 when funding ceased for the Waite program. My questions are:

1. What role did the minister's department play in the team which chose the Institute for Horticultural Development?

2. What were the terms of reference that the team used to make the decision?

3. Which sites were visited by the tender team in determining the awarding of the contract?

4. Was the Waite Institute visited? If not, why not?

5. In awarding the contract to a body other than the Waite Institute, did the team take into consideration the possibility that the research already undertaken by the Waite Institute would be intellectual property and therefore unavailable to any other tenderer?

6. Does the minister believe there was a conflict of interest for representatives of the Forest Science Centre and the Arthur Rylah Institute to be involved in awarding the contract to those researchers from those institutions who are advantaged?

7. Is it true that officers from the minister's department have attempted to seize all documents from the Waite Institute related to the first round of research?

8. What role did the environment and conservation department officers play in encouraging the Institute for Horticultural Development to tender?

9. Does the minister concede that an almost two-year gap in advancing our understanding of Mundulla yellows has enabled the disease to become further entrenched?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer all those important questions to the Minister for Environment in another place and bring back a reply.

TOBACCO SMOKE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about environmental tobacco smoke in the workplace, particularly in poker machine venues and the casino.

Leave granted.

The Hon. NICK XENOPHON: Almost two years ago, the New South Wales Supreme Court awarded Mrs Marlene Sharp $466 000 to be paid by a Port Kembla hotel and a Port Kembla club for the throat cancer she contracted as a result of working in those venues as a bar attendant for 11 and 12 years respectively; and, further, the court accepted that Mrs Sharp had a high risk of developing a secondary cancer and that her former employer, the Port Kembla RSL Club, had been negligent and breached its duty of care by exposing Mrs Sharp to unnecessary risk.

As a result of a number of questions on this issue that I put to the minister on 4 June 2002, the minister responded on 26 August 2002 indicating, amongst other things, that, first, a subcommittee of the Occupational Health, Safety and Welfare Ministerial Advisory Committee considered the issue of passive smoking in the workplace in 2001 and had recommended that as from January 2004 all enclosed workplaces, including hospitality workplaces, be smoke-free. Secondly, the minister stated:

> Inspectors do not have a specific power under the current regulations to declare a workplace smoke-free but may, if warranted by the circumstances of a particular case, use their powers to issue improvement or prohibition notices to require a workplace to be free of smoke.

Thirdly, the minister indicated that the failure on the part of employers to identify risks in the workplace may lead to higher WorkCover premiums. My questions to the minister are:

1. Given recent media reports that the government is considering April 2005 as the date to phase in smoke-free pokies rooms and a smoke-free casino, has the government, in fact, abandoned its January 2004 timetable referred to for smoke-free workplaces and, if so, what representations are being made by the Department of the Treasury and/or the Treasurer's office in relation to such a timetable being delayed; and, further, what other factors have been involved in the delay of the January 2004 timetable in relation to the recommendations made by the Occupational Health, Safety and Welfare Ministerial Advisory Committee?

2. Given the minister's answer about the power of inspectors in relation to environmental tobacco smoke in workplaces in respect of improvement or prohibition notices, how many inspections have taken place in workplaces for environmental tobacco smoke by the department's inspectors from April 2001 to the end of March 2002, and from April 2002 to the present time?

3. Further, how many improvement or prohibition notices have been issued?

4. What has been the outcome of those notices? If none has been issued in the periods I have referred to, does the minister consider that the department's inspectors have not fulfilled their obligation pursuant to legislation, particularly since the Marlene Sharp decision?

5. How much have passive smoking claims cost the WorkCover scheme since its inception? How many claims are currently before WorkCover in relation to such claims?

6. What steps is the minister taking to ensure that workplaces that expose workers to environmental tobacco smoke pay increased premiums reflective of the increased risk of damage to workers' health?

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

BICYCLES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about bikes on trains.

Leave granted.

The Hon. DIANA LAIDLAW: As part of the former Liberal government's cycling strategy, free travel for bicycles on trains was introduced in 1998-99 at all interpeak periods, after 6 p.m. on weekdays and at all times on weekends. As of mid last year, it was estimated that, on average, some 9 000 bicycles and cyclists travelled free of charge each month. As part of the Liberal government's 2002 transport policy, based on a recommendation from the State Cycling Council and supported by the Passenger Transport Board, the former government promised that by 1 July 2002—that is, last year—free travel would be extended to all bikes, at all times and on all train services.

I note that by last week free travel for bicycles on trains had become so popular, particularly on weekends and particularly on the Belair line—

The Hon. J.S.L. Dawkins interjecting:

The Hon. DIANA LAIDLAW: And the Gawler line, too—that at times at least 70 cyclists and their bikes have been waiting to board the train to go to the Hills and then ride back. This level of popularity has become quite distressing for train drivers, who have been talking about stopping work on the Belair line on weekends for safety reasons. Trans-Adelaide's management appears to have avoided strike action at this time by giving an undertaking that it will enforce a rule of 12 bikes only per carriage at any time and, over time, will add more carriages to the line. My questions are:

1. How many more carriages are to be added to each train, at what times, on what lines and at what cost, to cater for the increasing popularity of cycling in our community?

2. What is the cost of a proposal to convert other carriages to bike only?

3. When will a decision be made on whether to progress this initiative?

4. Does the government propose to endorse a cycling strategy, updated to 2006, that I authorised the State Cycling Council to prepare and, if so, when?

5. Does the government plan to introduce free travel for bikes at all times on all lines and, if so, when?

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

WORKERS COMPENSATION

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about workers compensation reform.

Leave granted.

The Hon. A.J. REDFORD: In the last 12 months, the Minister for Industrial Relations, who is responsible for workers compensation, has presided over a blow-out in unfunded liabilities of the WorkCover Corporation to $350 million, a fact disclosed on the day that war broke out. Yesterday, the minister sought to blame everyone—

An honourable member interjecting:

The Hon. A.J. REDFORD: Why did he do it that day?

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Yesterday, the minister sought to blame everyone except himself—the board and the former government—despite having a personal representative attend each and every board meeting of the WorkCover Corporation. In addition, he said that he would fix the problem through a range of measures, but he did not rule out an increase in the WorkCover levy. Last year, the minister appointed Mr Brian Stanley to review this issue and, in February this year, the minister, in releasing the review, said he would consult—in other words, have another review—before giving a response, thereby causing considerable uncertainty in the business and investment community in South Australia. Some of the recommendations in this report (which, I might add, were missed by the *Advertiser* and, indeed, by the minister in the press release that he gave to the *Advertiser*) include—

The Hon. Diana Laidlaw: Did he deliberately ignore them?

The Hon. A.J. REDFORD: They were in small print, and they were past page 5. Some of the recommendations included the following: that the cap on levy payments be increased to 10 per cent of gross salary—a whopping 33⅓ per cent increase in premium; that lawyers get an increase in pay, and that unqualified advocates get paid three-quarters of what lawyers get paid; that three new bureaucratic bodies be created, including an ombudsman; that WorkCover be removed from freedom of information legislation; that the small and medium business enterprise programs be closed, including the concept that the legislation take into account the size of a business in terms of finding employment for those who are determined to be partially disabled; a recommendation to return journey accidents into the system; a recommendation increasing the liability of public risk insurers of contractors and others; a recommendation extending payments to retired workers by six months; a recommendation that non-economic compensation be given for psychiatric injuries; and a recommendation that would give inspectors

power to audio tape interviews, necessitating an override of the Listening Devices Act.

In the light of this, can the minister rule out, first, that the cap on levy payments will be increased by this whopping 33⅓per cent? Can he rule out the removal of WorkCover from freedom of information legislation? Can he rule out the closure of the small and medium enterprise programs? Can he rule out the returning of journey accidents into the system? Can he rule out the increasing of liability of public risk insurers of contractors and others? When will the minister stop blaming the government for his own inadequacies? And what stakeholders will the minister consult with in determining the government response to this report?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not sure whether the honourable member wants to rephrase the second last question. I will refer those important questions to the minister responsible in another place and bring back replies.

The Hon. A.J. REDFORD: Sir, I have a supplementary question. Can the minister give me an assurance that we will have a government response to these important and critical issues prior to the much vaunted economic development summit that is to take place in the next few months?

The Hon. T.G. ROBERTS: I will also refer that question to the minister in another place and bring back a reply.

The PRESIDENT: Let me give an assurance that, if we get exceedingly long explanations and questions like that, I will be annoyed.

SHOEBOX OF LOVE PROJECT

The Hon. G.E. GAGO: I seek leave to make a brief statement before asking the Minister for Correctional Services a question about the involvement of women from the Adelaide Women's Prison in the Shoebox of Love project.

Leave granted.

The Hon. G.E. GAGO: I was very impressed recently to hear a local Adelaide radio station highlighting the support that women from the Adelaide Women's Prison have been giving to the station's Shoebox of Love project. Can the minister for Correctional Services provide details about the involvement of the women in this project?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I am sure I have everyone riveted in relation to the answer to this question. A number of interesting programs have been run out of the prisons in the past 12 months, including the spectacle collection for overseas aid. In line with some of the community spirited attempts to build up community spirit within the prisons, this is another one of those programs. Community minded women from the Adelaide women's prison are interested in putting together what is regarded as a shoebox of love for a project being run by Adelaide radio station SAFM. In this project—

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, it is not reading the honourable member's old love letters. In this project, listeners have been invited to prepare a shoebox for children in orphanages in Bali.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Someone said a matchbox would cover the correspondence that the honourable member had in old love letters; I am not sure about that, but he might be able to explain in matters of interest. Each shoebox contains something that a child can wear, read, wash with and play with. Approximately 40 women have been involved in the project which has seen 65 shoeboxes prepared by the women. The women, most of whom participate in activities in the prison industries area, have made pencil cases using materials and zips donated by suppliers, and they have given from their own limited resources to complete the items in the shoebox. Representatives from the radio station plan to visit the prison during the first week of April to take delivery of the shoeboxes, and any that are surplus to the requirements for orphanages in Bali will be provided to other orphanages in Asia. I thank members for the silence in which they listened to the reply to the question. I encourage them to assist the women by providing items to assist them.

ELECTRICITY SUPPLY, RETIREMENT VILLAGES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General as Minister for Consumer Affairs, a question about electricity charges to retirement villages.

Leave granted.

The Hon. IAN GILFILLAN: I have been approached by residents of a retirement village, which is probably inappropriate to name at this stage. They are concerned about the multiple supply point electricity meter charges. They were sent correspondence by AGL, as follows:

> Supply charges: With the introduction of retail competition, ETSA Utilities charges a distribution supply charge for each connection point per premise (typically a connection point exists for each meter). These distribution supply charges have been included in AGL's standard prices approved by the regulator. As a result, customers with multiple connection points are facing increases in their supply charges.

Another document entitled 'Frequently asked questions and answers' states:

> Q. Which customers will not be entitled to a reduction in their supply charges?. . . Also, customers who have multiple connection points on the same non-farm tariff will be required to pay all supply charges for their connection points and will not be eligible for a reduction.

This retirement village has 45 different electricity meters, and each meter is, in fact, associated with a supply point. The distribution supply charge will be charged per quarter for each supply point. The supply charge is $67.34 per meter per quarter—and anyone who is doing rapid sums will realise that that is an extra charge to this retirement village of $3 030 per quarter. My questions to the Minister for Consumer Affairs, with his responsibility for retirement villages, are:

1. Is this the expectation of the way in which AGL will charge retirement villages?

2. If so, will the minister, as a matter of urgency, intercede on their behalf for a reduction of this charge?

3.If it is not the method of charging, would he, through either his own office or AGL, make a very clear statement to put at rest what is profound concern by many residents in retirement villages in Adelaide?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I believe that the matter of electricity charges, including those for retirement villages, would be the responsibility of my colleague the Minister for Energy, so I will pass that question on to him and bring back a reply.

ABORIGINAL AFFAIRS PORTFOLIO

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions regarding his portfolio of Aboriginal affairs and reconciliation.

Leave granted.

The Hon. A.L. EVANS: The lack of policy information on Aboriginal affairs was recently brought to my attention. The ALP's own web site refers only once to Aboriginal people under its social inclusion initiative, where it targets the single issue of Aboriginal health. I have been informed that Aboriginal bodies have been asking the government for its policy on Aboriginal affairs since the middle of last year. My questions are:

1. Does the minister have an Aboriginal affairs policy?
2. If yes, would the minister detail the key policy areas for the government and confirm the outcomes achieved to date?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important question and indicate that there is good news on the horizon for those who are able to access the web site. I hope that the policy framework that we are operating will be posted in the near future, but we do have a whole range of policies in relation to the improvement of the conditions of Aboriginal people within South Australia. We certainly have policies in relation to health, housing, education and training, and a whole range of policies will get public airing in the near future. I cannot give the honourable member an exact time, but I will endeavour to bring that information back to the council.

We have been handling a whole range of problems without spelling out in detail what the policy development is in those areas. For example, we have policies to deal with deaths in custody and domestic violence, and we are working on drug and alcohol programs for rehabilitating people in the community who have serious drug and alcohol problems. Working through recommendations from the Drugs Summit, we have programs for dealing with prisoners who enter our system affected by drugs and alcohol.

We have a partnering agreement with ATSIC on a range of issues that ATSIC sees as priorities, which is shared by the government. That partnering agreement was signed on 14 December 2001, and perhaps we should post that on the web site, as well. The agreement documents a range of initiatives to progress over a three-year period to improve outcomes for Aboriginal and Torres Strait Islander people in South Australia. The agreement recognises that multi-agency approaches and partnerships with Aboriginal people are vital if government is going to be effective in facilitating these improved outcomes. We are recognising, probably for the first time, that cross-agency cooperation is required with DOSAA to make sure that the Department of Aboriginal Affairs and the minister's office are aware of the programs that are being put together in the cross-agency offices of health, education, housing, etc.

The first annual report on progress under the partnering agreement was prepared by the Department of State Aboriginal Affairs with assistance from ATSIC and relevant government agencies. The report was presented to cabinet on 16 December 2002. As part of the review process agreed in the partnering agreement, senior management will meet with members of the elected arm of the senior management of ATSIC to discuss progress this week. The partnering agreement is a continuing agreement for partnership between ATSIC and the government of South Australia and has the ability to evolve and adapt to new circumstances. The policies can be altered or corrected as we go.

Discussions are being progressed through my office and a number of enhancements of the partnering agreement are being discussed at the moment. So, not only has the partnering agreement been signed off on, but the next round of those cooperative programs will be discussed and agreed to as enhancements to that stand-alone agreement. Although there is not a lot of public trumpeting of our policy developments, I assure the honourable member, who is genuinely concerned about progress being made within the portfolio of Aboriginal affairs, that I will endeavour to get a written update to him, post some progress in relation to a lot of policies, and perhaps make some projections as to where we hope to be in the next period of government.

MATTERS OF INTEREST

SPORTS, PARTICIPATION

The Hon. R.K. SNEATH: I take this opportunity to speak on two different issues. First, with the cricket season nearly over in South Australia and the football season just beginning, as well as all the other sports that are concluding their seasons or just starting, such as netball, basketball, soccer and hockey, I congratulate all those mums, dads and other volunteers who take time out to umpire, score, run their children around, encourage their children to participate, and personally get involved in helping out. It is so important that growing children participate in sport with their parents' support. Sporting clubs are a great place to learn how to socialise, make friendships and to take part in a healthy activity. It is also a great place for the young and not so young to mix with and learn from one another. Without the participation of volunteers and parents, sporting clubs would be non-existent.

I take this opportunity also to encourage those schools that have little or no physical education in their curriculum to introduce at least a couple of hours a week to enable students to participate in sport in their schools. In the last 20 years, we have seen a decline in participation by children and schools, especially at a competitive level, and that is very disappointing. When I went to school, there were many opportunities to participate in sport and to compete against schools in the surrounding districts, and one thing we took a lot of pride in was representing our school at footy or cricket and beating the school up the road, if possible.

I also take this opportunity to congratulate Australia's one-day cricket team, which had a magnificent tour of Africa and went through the World Cup without being defeated. The players' wonderful performance in the final was a credit to Australian cricket from the grassroots up to the school level, to district cricket in each state, and to the Pura Cup competition in Australia. That is why our cricket and other sporting prowess, including swimming, is so good. That will suffer if students are not encouraged by their schools to participate.

I also touch on the disgraceful treatment of former Ansett employees. These people were paying superannuation money

of their own and were working to look forward to retirement with a nest egg, which included their employer's contributions. Two such employees I was speaking to last night had 30 years' service each and have yet to receive any superannuation payments. This is absolutely disgraceful. We have heard talk today about dairy farmers getting some compensation and fishermen getting some compensation, yet the federal government has sat on its hands and introduced a levy that so far has raised some $130 million, I understand, yet the workers of Ansett who were put off and are out of work have received nothing. Some have been fortunate enough to get jobs; others are not so fortunate. Now with no wages and no nest egg, these people are finding it impossible to make ends meet.

The federal government has a responsibility to make sure that workers get their entitlements when companies go bust. The federal government has a responsibility to pass legislation that protects workers' entitlements. One way of doing this is to insist that companies pay superannuation into an industry-based fund, where the company and the employer cannot access that money for other purposes and, if they go bust, at least the superannuation is available in the industry-based fund. It should be the same with long service leave. It would be nice to see the Prime Minister and his government fix some of the problems at home instead of junketing around the world at the beck and call of the American President.

OPERATION SHUT-EYE

The Hon. T.J. STEPHENS: I rise today to speak on a positive initiative of South Australia Police, an operation conducted from early January through to mid-February. This operation was able to be achieved through the hard work and diligence of Senior Constable Mick Michael and his team, and I would like to explain a little about Operation Shut-Eye, as it was called. As members would be aware, Hindley Street has for a long time had a bad reputation for crime and violence. This operation focused on the fact that young people who come to town on Friday nights often do so by public transport. Due to the fact that trains and buses stop running by midnight, these young people are stranded in town, essentially until very early the next morning when these services start again, which is approximately six hours later.

As members would expect, some of these young people become bored and destructive towards not only property but each other. Many of the assaults, robberies and other property damage are a result of the combination of young people unable to travel anywhere and being bored. Naturally enough, the community has become concerned, as it should, about the direction in which both Hindley Street and the young people who frequent the city are headed. Thus, Operation Shut-Eye was born. It was designed to be a coordinated response aimed at identifying youths at risk and to change the culture of the youths who undertake this unruly and criminal behaviour.

Operation Shut-Eye aimed to identify those youths at risk, to remove them from Hindley Street and the surrounding area, to reduce the level of street violence and unruly behaviour, and to reduce the number of assaults, robberies, property damage and vehicle theft. This was implemented by personnel from the Adelaide Uniform Tactical Team and the Mobile Assistance Patrol in conjunction with Adelaide youth officers and youth workers from Kumangka. The team identified youth at risk in Hindley Street, drawing on the experience and expertise of the various people and groups involved.

If the youths were identified before midnight, they were encouraged to use the public transport that was available before it stopped for the night. Once that option was no longer available—that is, after midnight—the youths identified were asked to give their details to the group and were then taken to a safe place or home, if necessary, where the parents were informed of their child's whereabouts and activities. The options, once the youths had been identified, ranged from being picked up from the Hindley Street police station by their parents to being taken home by the Mobile Assistance Patrol, Kumangka or the police, or to an identified relative requested by the youth.

I must say that, from the reports I have heard, the crucial part of the operation was the use of a bus to drive the young people home once they had been identified, because it maximised police resources rather than turning police into a shuttle service. This way, the police could walk the beat and the young people still got home—and an officer accompanied the bus, in case members were wondering. I am pleased to report to the Council that the results of this operation were a magnificent success. In the six-week period for which Operation Shut-Eye ran, over 122 youths were spoken to. There were 10 arrests, two reports, 12 informal cautions and one drug diversion. I believe that in such a short period of time this is a terrific outcome for the community.

The people who were actually breaking the law were arrested and the bulk of these young people were given a push in the right direction before they got to the stage where they might have been arrested. I commend all the people involved in this operation and particularly congratulate Senior Constable Mick Michael and Chief Inspector Neil Smith, who authorised and encouraged this operation. Senior Constable Mick Michael was the officer who put this program together and who has taken an active and positive lead in trying to stop street crime in the city. I hope that he continues to provide leadership in this matter and continues to be given the opportunity, resources and assistance that he has received in the past to continue this important work.

I conclude by commending the other people involved, and I hope that the community and community groups continue this work in conjunction with this program, because it has been so successful and because it is so important to give the youth of this state, particularly young people who may be veering off the tracks, a nudge in the right direction through programs such as this. Once again, I offer my sincere congratulations.

EDUCATION, PHILOSOPHY

The Hon. J. GAZZOLA: I would like to reflect on a trend that is becoming apparent in the Leader of the Opposition's contribution on Iraq and in his last matter of interest speech. I mention this by way of introducing what is an innovative development in secondary school curricula. I might add, however, that I have enjoyed the many witticisms that the Leader of the Opposition has offered in his contributions in the council. I really enjoyed his glowing appeal to authority and personal association in reference to his federal colleagues in his contribution on Iraq. This defence, in its claim to moral purity, servitude and insight, reminds me of Little Lord Fauntleroy.

The Hon. Rob Lucas delights in invoking ad hominem argument through fallacious association: 'wholly-owned subsidiary' being a popular one, and in the *Welcher and Welcher* reference in his matter of interest speech. Returning

to the point, the flavour of the opposition leader's matter of interest was too much focused on the personal, which reflects the lack of policy of the opposition and a lack of leadership by the honourable member. It is these observations that bring me to discuss the introduction of the graduate certificate in teaching philosophy, one part of teaching philosophy in schools.

On 14 March I had the pleasure of making the opening address for the launch of this certificate, an important initiative. Both the Flinders University philosophy department and the University of South Australia's Education Department are conducting a stand-alone certificate course to accredit graduates and teachers in this subject as defined by the SSABSA year 11 and 12 curricula. The aim of the certificate course is to give secondary teachers with no previous training in philosophy the grounding to teach the subject at this level.

The introduction of philosophy into schools in South Australia is not driven so much by specific vocational demands, as in current subjects in the SSABSA curricula, but to further assist students in the ability to think critically about the assumptions and values of the society we live in; to think about, among other things, the nature of justice and claims about social justice, the distribution of resources and the operations of systems of law in our society. The introduction of this certificate course will provide further knowledge and direction for teachers which, in conjunction with SSABSA subject guidelines, will enable senior secondary students to think clearly and to question.

Given the growing complex nature of society and the current conflicts in which we are embroiled, this is an important and valuable addition to student learning. The importance of and interest in the graduate certificate were reflected in the attendance at the launch. Staff from both universities were present, as were staff or students from urban and country secondary schools and colleges, both private and public. The spread of participating public and private schools could be seen in the attendance of representatives from public schools geographically as far apart as Burra Community School and Marden Senior College, and in private school representation from St John's College and Prince Alfred College. In total, 18 schools were represented.

In concluding, I congratulate all those involved in this worthy undertaking, especially Dr Sue Knight and Dr Lynda Burns. I also thank the Hon. Gail Gago, the Hon. Kate Reynolds, the Hon. Rob Kerin, and the member for Norwood (Vini Ciccarello MP, representing the Premier) for their support and attendance.

GREEK NATIONAL DAY

The Hon. J.F. STEFANI: Today I wish to speak about the National Day of Greece, which was celebrated yesterday at a reception hosted by the Consul-General of Greece, Mr Papadoyorgakis. I was privileged to be among the many invited guests who shared in the special celebrations of this important event. It was also pleasing for me to congratulate my many Greek friends who were in attendance at this function.

Greece is a nation of great historical significance and civilisation dating back more than 4 000 years. Throughout the ages, Greece has been a role model for democracy and has made important contributions through the arts and literature. Having endured five centuries of Ottoman rule, Greece emerged and attained its national independence as a unified Greek state. Its ancient Macedonian history and Hellenic character have been indelibly recorded through the archaeological discoveries at Pella, Dion and, in particular, Vergina where some of the most important historical treasures stand as a testament to the ancient Macedonian civilisation which has influenced almost every nation in the world.

The South Australian Greek community can be justly proud of its cultural heritage because it is directly linked to the Hellenic civilisation and to the ancient Macedonians. South Australians of Greek origin can also be proud that Greece has given to the world the Olympic Games which, next year, will be held in Athens.

The revival of the Olympic Games occurred in the reign of Iphitus, King of Elis, during a troubled period of civil war between the Eleans and the Pisatans, who were the original inhabitants of Olympia and Iphitus. On consulting the Delphic oracle, the Eleans received the message that they must renew the Olympic Games and the Olympic truce. From that time, the Eleans, protected by Sparta, remained in control of the games except for a brief period when Pheidan of Argos invaded Elis on behalf of the jealous Pisatans. The actual date of the revival of the games was fixed at 776 BC, the year in which Coroebus won the foot race. This became the starting date from which each Olympic period of four years was established and Olympia became famous as the city where the Olympic Games were held.

Olympia, sacred to Zeus, was a beautiful place between the rivers of Alpheus and Cladeus in the western Peloponnesus, bordered by richly wooded hills. It became, through the years, a unique museum for the whole of the Greek world, famous for its temples, for the treasures of the various states and colonies and for the Altis, a sacred grove full of statues and monuments.

During nearly 1 200 years, the Greek Olympic Games flourished and, at their best, displayed an ideal of sportsmanship and fair competition without the lure of prizes, inspiring all the finest traditions in more recent sports. Olympia became the cradle of our modern Olympic Games and today stands in silence until the Olympics return to Greece in the year 2004.

I take this opportunity to offer my congratulations to the members of the South Australian Greek community on celebrating their national day. In so doing, I pay tribute to the important contributions which they have made to the development of our state. I wish each and every South Australian of Greek origin continued success in the future.

UNITED STATES OF AMERICA

The Hon. IAN GILFILLAN: I want to put into *Hansard* an article which was in the *Weekend Australian* of 22 and 23 March 2003 by Mike Steketee, National Affairs Editor of the paper. Its heading is 'Buck the conventions', and above it is a cartoon of a two-faced President Bush. On one side is the world policeman with a truncheon and on the other side is what is obviously a burglar with a jemmy, and the title is 'Biological Warfare'. The article states:

> During the 1990s, Australia was vice-chair of a group established under the Biological Weapons Convention to devise an international monitoring and inspection mechanism. The idea was to put some teeth into the convention which bans the development, production and possession of such weapons but provides no means of enforcement.
>
> In 2001 the Bush administration killed off seven years of effort by rejecting a draft protocol due to be presented to the 145 signatories to the convention. Alexander Downer was not a happy foreign

minister. 'It's an enormous setback for the negotiation of the protocol and we're very disappointed about it,' he said at the time. . . . A year after the US torpedoed the protocol, it proposed that a two-week review conference be reduced to a day or half a day and make only one decision—to hold the next conference in 2006. . . . Why did the US reject efforts to detect and hold countries to account for the development of biological weapons? . . . One explanation lies in the increasing US tendency to favour unilateralism over international cooperation. The US in recent years has renounced the Anti-Ballistic Missile Treaty; opposed the Comprehensive Test Ban treaty and a new treaty on controlling small arms; rejected membership of the International Criminal Court; and opposed the Kyoto treaty on climate change.

When it comes to the Biological Weapons Convention, the Bush administration argues that it cannot be verified and would harm legitimate activities in biotechnology. More particularly, the US has the largest biological weapons defence program, according to experts quoted in the 2002 yearbook of the Stockholm International Peace Research Institute. . . . One of the US proposals in 2001 was that the UN Security Council should be the body to determine the need for an investigation in the event of a suspected outbreak of disease. Of course, this is the body on which the US, as well as France, has a veto. How ironic.

Also in 2001, the *New York Times* revealed three secret US projects: construction of a plant for the production of biological warfare agents; a plan to genetically engineer a more potent strain of anthrax similar to one developed by the Russians; and the construction and testing of a copy of a Soviet bomb that disperses biological agents in an aerosol form.

As well, an investigation into the anthrax attacks in the US following September 11 found that the US had a secret program to weaponise anthrax by preparing it in a form that was highly infectious and could be readily dispersed. None of these projects was declared in the annual reports the US prepares as a signatory to the [Biological Weapons Convention].

Americans are dismayed and puzzled that they have so much trouble winning international support for the war against Iraq. Credibility has something to do with it. The US would sound more convincing in its arguments for taking biological weapons from Iraq if it were prepared to participate in international arms control in this area. A US decision to go it alone could make it a very busy policeman in the future.

I have read extracts from that article. I recommend that honourable members read it in full. Mike Steketee is renowned as a balanced and competent journalist.

Members may also have received, as I did, from the United Nations Association of Australia a media release from the National President, Margaret Reynolds. The heading is 'Prime Minister Turns His Back on Australia's Historic Link with the United Nations' and it states:

The Prime Minister has undermined more than 50 years of commitment to the United Nations in his determination to support the Bush Administration and the USA. This is a tragedy for Australians as we will no longer have the trust of so many nations which have relied on this country's role in advocating humanitarian law. Unilateral invasion of Iraq when weapons inspections were making progress in disarming Saddam Hussein's regime sets a dangerous precedent that may have horrendous consequences for global stability.

The duplicity of the USA is an embarrassment. We have seen just recently the two-faced line as far as treatment of prisoners of war is concerned. I think it is a most unfortunate reflection on a nation that wants to lead the world but is unable to be consistent and fair in its dealings with the world's problems.

GAMBLING

The Hon. NICK XENOPHON: I rise to speak about Problem Gambling Awareness Week, which is an initiative of the Adelaide Central Mission. I commend the mission and those involved in its organisation, particularly Vin Glenn, a veteran gambling counsellor who has been involved in assisting people with gambling problems for many years before the introduction of poker machines and who has been working in this field since about the time of the introduction of the casino in South Australia in the mid 1980s, and also Mark Henley, the Director of Social Policy at the Adelaide Central Mission, who has also been instrumental in relation to this week.

Over the next few minutes, I will reflect on some of the issues that have been covered and will be covered as part of Problem Gambling Awareness Week. Dr Paul Bellringer, the Director and founder of Gamcare, the peak body that looks after problem gamblers in the United Kingdom, gave a keynote address last Monday. He made a number of interesting comments: that he could learn from us and we could learn from him in terms of the impact of gambling in the two jurisdictions.

He made the point that in the UK problem gambling is about to be deregulated, and that should be of concern to those in the United Kingdom, given what has occurred in Australia in terms of open slather, in some respects, with respect to easy access to forms of gambling. He made the point that in the UK pubs do not have the sorts of poker machines that we have: they have two or three machines with a maximum £25 jackpot from a maximum 30 pence (a bit under a dollar) bet. That seems to be a reason that problem gambling rates are significantly lower—because of the design of the machines and the degree of access.

The Adelaide Central Mission has also focused on sports betting. Last night, a panel looked at that issue, and it is an issue that we need to deal with, and a select committee of this council is currently looking at interactive gambling. This issue will not simply go away. We know the controversy several years ago about the Shane Warne weather forecasts, and there is real concern about the amount that he was paid. There is a real concern that sports betting has the potential to undermine and corrupt sporting codes, and that must be addressed.

Internet gambling was dealt with earlier today. It is interesting to note that the number of people seeking help from Dr Paul Bellringer's organisation in the last 12 months for internet gambling related problems has jumped from 3 per cent to 28 per cent. Interestingly, Dr Bellringer is of the view that you should have a form of regulation. That view is quite contrary to mine and, indeed, that of the Hon. Angus Redford, who deserves great credit for being a prime mover in having this issue brought forward in the parliament and in the community. It is a pity that members of parliament on the other side of the chamber do not have similar views in relation to internet gambling because, clearly, this is an issue that begs for bipartisan support and action, given the amount of damage that gambling is causing to the community currently.

On Friday, the issue of gambling and crime will be considered by a panel that includes Richard Brading, who is a solicitor who deals with gambling related issues, including gambling related crime, at the Wesley Mission in Sydney. An article in last week's *Sunday Mail* headed 'Fraud jackpots' stated:

Mr Glenn said that last week 11 people had sought help after allegedly being caught stealing about $20 000 each, while one person defrauded more than $200 000.

This is a very serious issue. I note that the former gambling minister, the Hon. John Hill, said that there would be an inquiry (I am not sure what has happened with that), but it is time that this government looked at this very important issue.

A whole class of individuals that had not committed criminal offences in the past are now committing criminal offences because of a gambling problem—largely poker machine related.

So, in relation to the Problem Gambling Awareness Week, I commend the Adelaide Central Mission. I support its pokies free day tomorrow—although it will not be much of a problem for me to avoid poker machines. It is important that the issue be kept alive, particularly because of the emerging threats of internet gambling and sports betting.

ECONOMIC DEVELOPMENT SUMMIT

The Hon. A.J. REDFORD: In less than three weeks, the business leaders of South Australia and other lesser lights will gather at the Adelaide Convention Centre (a remarkable achievement of former premier John Olsen and former tourism minister Joan Hall). At that time, the conference will discuss a strategic plan which will 'support the future economic growth of SA' scheduled for release in May 2003.

Obviously, if the conference is to have any success, it is vital for all stakeholders and, in particular, the wealth generators of South Australia—the business community—to make an informed contribution. In that respect, if the summit is to be more than just a talkfest, the government must release its response to two very important reports in a reasonable time prior to the commencement of the Economic Development Summit.

The first of those reports was the review of the workers compensation and occupational health and safety systems in South Australia, which is known throughout the community as the Stanley report. The Stanley report made a number of recommendations, including that a cap on levy payments be increased a whopping 33⅓ per cent, which would cause a significant increase in cost to doing business in the state; that lawyers and advocates get an increase in pay; that we get three new bureaucratic bodies; that WorkCover not be subject to FOI legislation; that the small and medium business enterprise programs be ended; that we bring back journey accidents into the system; that we increase the liability of public risk insurers of contractors and others; and that we extend payments to retired workers by six months.

The report also stated that we should give further compensation for psychiatric injuries and that we should give inspectors power to audiotape interviews and override the listening devices act. In addition, these people will be meeting to talk about the economic future of this state in the context of a blow-out of approximately $300 million in the unfunded deficit of WorkCover in South Australia.

Indeed, a second report was released some considerable time ago which seems to have disappeared in the ether. Again, it appears to me that, for the business community to make an informed decision and have an informed discussion about the economic future of this state, we ought to have the government response to the review of the South Australian industrial relations system. Some of the recommendations in relation to that involve giving the Industrial Commission greater powers, particularly in determining whether or not a contract is against the public interest, whatever that might mean; that there be extension for unfair dismissal options; that the act cover contracts and contractors; that we have an extension of union power and the unions be given exclusivity in negotiating workplace agreements; that we extend the duration of industrial agreements; that we increase the cap in relation to unfair dismissal; and many dozens of other recommendations.

It is time now for the government to stop reviewing. It is time now for the government to put a position, so that when we go to the economic summit in less than three weeks, the community—particularly the business community of South Australia—knows what this government is all about because, in the absence of any statement or any position from the government on these two extremely important reports, this economic summit, this important meeting of South Australians, will turn into an absolute farce.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

REYNOLDS, Hon. K.

The Hon. SANDRA KANCK: I move:

That this council welcomes the Hon. Kate Reynolds as the replacement for the Hon. Mike Elliott.

As members are well aware, the Hon. Mike Elliott resigned just before Christmas and was replaced, first, by a preselection ballot of the Democrats and then by a sitting of both houses, which chose Kate Reynolds to be his replacement. Normally, members who are elected at a general election have the opportunity to make their first speech as part of the Address in Reply, and range over a wide number of issues. Because the Hon. Kate Reynolds has filled a casual vacancy, she has not had that opportunity. Today I would like to give her the opportunity to range over the many issues about which she feels passionate and to give members a sense of what they might be in for in the long term.

The PRESIDENT: I remind all honourable members that this is the Hon. Ms Reynolds' maiden speech, and I expect that the normal conventions will apply and that members will hear her in silence without interjection. I am sure that she will not be making any personal attacks or political remarks.

The Hon. KATE REYNOLDS: I rise today to speak from a position of both privilege and responsibility. It is a privilege to represent the Australian Democrats in the South Australian parliament, and acting honestly, honourably and with good judgment for all South Australians is a responsibility that I willingly accept.

Before proceeding, I acknowledge the indigenous people of Australia and that we are on Kaurna land. My predecessor, the still honourable Mike Elliott, earned, over 17 long, hard years, the respect of members from all sides of politics by consistently and doggedly campaigning inside and outside this place for the parliament to consider policy and legislation that builds stronger communities, restores damaged environments and builds a stronger local economy—policies and laws that could last beyond one election cycle. I honour his service to the party, to the parliament and to the state of South Australia, and I sincerely wish him well in his new life outside politics.

I also extend my appreciation to the members of the Australian Democrats who elected me to fill the casual vacancy created by Mike's resignation. Their faith and confidence in me is both humbling and motivating. I also thank my parliamentary colleagues, the Hon. Sandra Kanck and the Hon. Ian Gilfillan, for their support, guidance and advice as I settle into my new role. The entire Democrats state parliamentary team, especially Anna Tree, and the joint parliamentary staff have helped me to make the transition

from a relatively ordered and mostly anonymous life to this new one manageable and reasonably painless.

I also pay tribute to my family—to my partner Michael and to our children Mieke, Jack, Joshua, Jordan and Billie. They have high expectations of my performance as a member of parliament, both inside this privileged place and outside in the real world, in the many and diverse local communities which are the state of South Australia. Without their support, encouragement and, at times, fierce provocation, I would not have put myself forward for a role in the governance of our state.

Since my election, I have learnt that many people assume that members of parliament were always destined for a career in politics. I have never felt this to be true of me. I grew up at West Beach, I went to the local state schools and I lived a very ordinary life, where politics was rarely, if ever, discussed. Members of my family were involved in community organisations but, as children, we certainly were not interested in political ideals or rhetoric. We valued a secure home, a good education, a clean local beach (sadly, now at risk of ruin forever), regular home-cooked meals and time with friends and family. Politics was not a feature of my childhood. In fact, it has come as a great surprise, and perhaps even a shock, to some members of my family that my years of community activism have resulted in a full-time role in politics.

In common with many women, my first round of tertiary education was interrupted by child bearing. But, fortunately, this has had many benefits, and I do not regret that I am still trying to finish that first degree—although I know that my course coordinator will be very pleased to see the back of me. I have been able to combine the most important job—parenting—with continuing my education and with volunteer work, part-time employment and self-employment over the past 20 years in a range of community, private sector and public sector environments. In fact, my role in this place is my first full-time job (and some of you, I am sure, would say more than full-time) outside our home since I became a mother, nearly 21 years ago.

The issues that directed me towards community activism two decades ago are the same issues that drive me today. I still cannot accept that, in South Australia, poverty and inequality continue to rise. I still cannot accept that an increasing number of people subsist on an income that is too low to meet the costs of a frugal lifestyle. I still cannot accept that families are forced to live in precarious housing, in areas where having a job which brings in an income just above the poverty line feels like a dream which may never come true. In fact, even having a job in these times of growing casual, part-time and intermittent contract employment does not make wage earners in South Australia immune from experiencing poverty. And for those households where there is only one breadwinner, the experience of poverty is even more likely, and for longer periods of time. We now have a poverty rate in this state of nearly 12 per cent. That will always be unacceptable to me.

I still do not accept that people from poorer families, people with disabilities, indigenous people, people whose first language is not English and people from rural communities or the outer suburbs of Adelaide are likely to have health and educational outcomes far below those needed to achieve a decent standard of living. I still cannot accept that our state and federal governments fail to recognise the benefits to the community of investing properly in public and community housing and, instead, continue to reduce our public housing stock and ignore the struggle of low income families in the private rental market.

I acknowledge the contributions made by a number of important groups to my understanding and passion for community activism, community development and good governance as a way of building a stronger, equitable and positive future. First, I pay tribute to every midwife who has ever supported a woman to give birth in her own time and in her own way. A skilled and practised midwife helps women to find their inner strength, to have a belief in their own abilities, and will help build for life every woman's confidence to stand up for her rights and choices. The network of 85 community and neighbourhood houses and centres in South Australia taught me that, no matter how impoverished a local community or neighbourhood might seem to someone else, there are always people willing to work together to create tangible benefits for everyone in that community.

The staff and members of the policy council of the South Australian Council of Social Service are inspirational and tireless advocates for disadvantaged people and communities that, with the assistance of member organisations, provide excellent, timely and progressive social policy advice to government—advice which, I regret to say, is too often ignored. I was a member of SACOSS's policy council from 1997 until earlier this year and I already miss its robust, but always respectful and constructive, monthly debates and discussions.

The hundreds of community based volunteer organisations which I have worked with and for over the last 15 years have provided me with continual examples of active citizenship and community participation at its very best. Not-for-profit organisations do it tough. They rarely have enough people to share the workload; the expectations of members, communities, funding bodies and government are often beyond what is realistically possible, and blessed, indeed, are the few who have sufficient funds to carry out their work. Nonetheless, with dedication and hard work, they achieve miracles.

Nearly 100 000 hours are given by almost 500 000 South Australians each year through more than 20 000 organisations. I place on record my commitment to working to achieve a better deal from every level of government for the work undertaken by community development organisations; sport and recreation clubs; art and culture groups; landcare, coast care and water care organisations; the formal and informal groups who speak up for and take care of the most vulnerable people in our society; and the myriad other groups who work incredibly hard to make South Australia a great place—and not just a good place—to live, work and raise our families.

I remind members of the words of Margaret Mead—words that have sustained me through many tough times as a community development worker and as a Democrat. She said:

> Never doubt that a small group of committed citizens can change the world. Indeed, it is the only thing that ever has.

I pay tribute also to the many South Australian individuals and organisations who, in either a paid or voluntary capacity, work at an international level to protect or restore human rights, to protect or restore damaged or threatened environments, and work to preserve the rich cultural heritage of the nations of the world. I must also acknowledge and thank the community services team from Murray Institute of TAFE where until recently I worked. These women have reinforced for me the value of being a supportive, caring and trusting

work mate—and a part of me will always miss working alongside them.

I am very proud to be an Australian Democrat and I am always impressed by and appreciative of the continuing dedication and commitment of our members and supporters. The Australian Democrats are the progressive force in South Australian politics. We unashamedly promote policies which are innovative and which focus on building a stronger future. This is always underscored by a commitment to social justice, environmental and economic sustainability, and accountability of government. Our attention and effort in this place are always directed towards progressive legislative review and good policy advocacy. We are prepared to negotiate to achieve improvements to legislation—as we did last week in relation to the Nuclear Waste Bill—but always without breaching our fundamental principles. We will continue to use the resources and the powers of the parliament to enable opposing voices to be heard, and we will bring the views of the most disadvantaged and the most marginalised individuals and groups in South Australian society to the attention of the parliament, so that their circumstances can be known and we, as the elected custodians of the state, can be prevailed upon to take the necessary action.

Last year, the Democrats celebrated a quarter of a century of continuous representation in the South Australian parliament. Nationally, the Australian Democrats are in a constructive period of renewal and rebuilding. I am optimistic that we can harness this energy and goodwill at a local level to continue to build on our political success in this state. I look forward to this work and to making a responsible and positive impact on the South Australian political landscape. I hope that 11 years from now I can be sitting proudly in the gallery and with great optimism, listening to the first speech of my successor. Ghandi said:

> Work without faith is like an attempt to reach the bottom of a bottomless pit.

I have faith in the value of what I can achieve here as an Australian Democrat, and I will work with energy and integrity to justify my place in the parliament. Along the way I will be campaigning for much needed reforms to the way parliament structures its sitting arrangements. Many members in this place and the other place—like millions of other Australians—have experienced the dreaded work/time squeeze and—like many others—may even have resorted to trading stuff for love. This unwelcome and unnecessary work/time battle wears down individuals, partners and families—and it wears down community spirit.

The reputation of parliaments around the country for legislating through sleep deprivation is well known and makes no sense. Our parliaments were designed by and for wealthy, old, white men and continue to this day to be places which seem inaccessible and unfriendly to anyone with caring responsibilities, but most particularly to women, poorer people, younger people, indigenous people and people from other marginalised groups in society. In 1895 we were the first Australian colony—and only the second constituency in the world—to allow women to stand for public office. Despite this, only 11 women have been elected to sit in this place. In fact, only 38 women have been elected to the South Australian parliament in its 146 years of history.

Just as we must educate and legislate to distribute more fairly the personal and social benefits, privileges and costs associated with paid work and caring for others, we must work together in this parliament to reform our own decision making processes and schedules in order to make them more inclusive, more family friendly and less adversarial. In conclusion, in a week when literally millions of individuals and families all over the world are taking to the streets to oppose war, standing here speaking about what I hope to achieve in this place seems just a little self-indulgent, so I feel compelled to speak briefly about the current conflict, which Australian history may well name 'Howard's Vietnam'.

We are now into day seven of war—a day when the official deaths of civilians and military personnel are expected to reach 1 000. This is a war that is unjustified and unreasoned and it will not be fought in my name or in the name of my family or in the name of the Australian Democrats. I ask all members to join me now in a minute's silence to reflect on the difficulties facing the men and women of the Australian forces currently in Iraq and the anguish of the people who will be injured or maimed, or lose their friends or family members, or lose their homes or their heritage as a result of this war. Mr President and members, I thank you for showing your respect.

Motion carried.

SOUTH AUSTRALIA POLICE

The Hon. IAN GILFILLAN: I move:

1. That a select committee be appointed to inquire into and report on the staffing, resourcing and structure of the South Australia Police (SAPOL) and the efficiency and adequacy of management of SAPOL with particular regard to—
   - (a) efficiency and effectiveness of SAPOL resource utilisation;
   - (b) allocation of personnel to special units and their responsibilities;
   - (c) allocation of personnel to rural police stations;
   - (d) the need for, and allocation of, minimum staffing levels;
   - (e) effectiveness of recruitment and retention of police personnel;
   - (f) adequacy of recruit training;
   - (g) adequacy of ongoing training for serving officers;
   - (h) adequacy of selection and promotion processes and policies;
   - (i) adequacy and standard of equipment;
   - (j) suitability of mechanisms for dealing with complaints and feedback from serving officers;
   - (k) methodology of collection, recording and use of personal records;
   - (l) efficiency of evidence gathering;
   - (m) resources allocated to support prosecution;
   - (n) deployment of resources for prosecuting expiable offences; and
   - (o) other relevant matters.
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 sees fit, of any evidence or documents 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.

I move this motion constructively and with no particular agenda for predetermined criticism of SAPOL, but I will outline some aspects that I have found persuasive in bringing this forward at this time. As I am sure members would have noted, there has been media criticism and reflection on resources for the police and on the allocation of resources for police, to which the Police Commissioner has made explanation in the media from time to time, certainly on the radio. It seems to me that to offer the police force, the Commissioner, the general public and members of this place the oppor-

tunity for an extensive assessment of how the police resources are used would be a constructive measure that could easily bring forward some recommendations that would result in better policing for the people of South Australia.

I refer to a letter that was written by Nigel Ambagtsheer, senior constable 858/5, as he was then, which was published in the *Police Journal* in February 2003. I do not intend to read the whole letter, but it indicated his resignation from the force and terminated his membership with the Police Association of South Australia. It states:

> My decision to resign is for personal reasons and the fact that I am fed up with the incompetence and inadequacies of SAPOL. I could no longer tolerate my safety and that of my friends and colleagues being put at risk by ludicrous policies, inadequate equipment, poor staffing and training.

He goes on with some fairly trenchant criticism, stating:

> Things have gone from bad to worse in recent times, particularly with the GRN and all of its flaws. I fear it won't be long before someone is seriously injured or worse through poor management and conditions.

Further, he indicates:

> The promotion system is flawed to the point of being corrupt and sees those who deserve it least getting ahead. This adds to the already poor morale which is compounded when SEG insults you by claiming that morale is high. It is sad to see more honour and camaraderie among the criminals than amongst police officers.

The Hon. A.J. Redford: Who is the SEG?

The Hon. IAN GILFILLAN: I am not sure, but it is an internal unit of the police force and I suspect it is the body that makes public statements. It is not listed in this letter. However, it is an answer that I hope we will be able to put into *Hansard* in due course.

It is true that Nigel Ambagtsheer had had a dispute with the police force previously when he criticised the placing of probationary officers on the beat without an accompanying experienced officer, and that was the cause of his going public with that statement. It was picked up by me, amongst others, and the letter was published in the *Police Journal*, which is a semi-public publication. It resulted in my having a conversation with Nigel in which we went into a much more constructive assessment of the force than just the criticism that I have outlined to date. I was impressed with his capacity to be constructive with his assessment of SAPOL, how it is managed and how it could be managed better, in spite of having the grievance that I have just outlined. I may come back to that because he emphasised that he believed that the issue was not the need for more resources but for more appropriately apportioned and allocated resources that are currently within SAPOL.

The issue that I found quite concerning was his statement that the promotion system is flawed to the point of being corrupt. One could say that is sour grapes, and I would suspect that a lot of people who read his letter would have just put it down to that. However, in the *Police Journal* of March this year, the Vice President of the Police Association of South Australia, Mr Trevor Haskell, has written an article in the Straight to the Point column entitled 'Codes of conduct and police selections'. I select some quotes from that article, as follows:

> The new code of conduct gives a clarifier: 'Do not participate in a work matter if your relatives or people you know are involved, unless your manager has authorised your involvement'. . . SAPOL selection practice and policy. . . The Selections Policy (1999) also states that there will be no nepotism or patronage.

Further the article states:

> I suggest that working relationships between supervisors and those who they supervise are close personal relationships and, if they are not, they should be.

Towards the end of the article, in relation to codes of conduct and police selection processes, this appears:

> It was recently reported to me that an LSA manager—

and the Hon. Angus Redford may well ask what LSA stands for, but I do not know off the top of my head—

> told someone that he need not apply for a position because he was to be the chair of the SAC and he had already picked the person. Sorry—that is not nice. That is bias and prejudice. That is our corruptible selections system.

That is a quote from the article by the Vice-President of the Police Association of South Australia. His final paragraph reads:

> SAPOL should comply with the codes of conduct or get rid of them. Or perhaps move to a full-time specialist selections group that has the training, independence, time and focus to ensure a fair selection system.

In the same edition of the *Police Journal* in a section headed 'The last shift' there is a letter from a resigning police officer from Narrung. Members can find it: I do not intend to name him although, as I say, this is a semi-public document. He writes to the editor:

> Dear Andy,
>
> I wish to tender my resignation from the Police Association effective 29 January 2003, my last day of employment with SAPOL. There is a popular prayer kept on many desks and often misquoted by cynics. In its original form it requests:
>
> > God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.
>
> For many years I accepted. Then I tried to effect changes as they affected me and those with whom I worked. Then, finally, I gained the wisdom to realise the difference was too significant to overlook. It was either time to move on or become part of the burgeoning, endlessly resourced SAPOL 'project squad.'

The 'project squad' is an issue that I would like to refer to a little later in a bit more detail. Further on in his letter, he states:

> So I shall dust the footprints of others from my shoulders and take my experience where I feel it will be valued.

He leaves this message:

> To SAPOL, try looking after your personnel for a change, and look at their conditions. When you compare SAPOL with interstate forces, particularly in relation to conditions for country police, all I can say is wake up and join the current century.

The reason that I am mentioning these is that a select committee may very well be able to analyse these disgruntled comments from serving police officers who have felt that they have had a raw deal or that the system is not working properly. And that is the way it should be analysed, rather than via the to and fro of comments and statements in the media. I know that Mr Ambagtsheer has been criticised for going public, but the point is that when someone who cares for a service feels frustrated to the point of exasperation, that is the last resort. And thank goodness he did, because it has prompted this motion to form a select committee so that these issues can be properly investigated.

It is my hope and wish that an improved SAPOL will result from it. Mr Ambagtsheer made the point, as I noted before, that it was the inappropriate positioning of officers that caused deficiencies in certain areas of policing in South Australia. The project squad, which I referred to in that letter from the senior constable at Narrung, was also mentioned by Mr Ambagtsheer as being often the sort of special pet project of senior officers in which staff were drawn from other areas

to staff these particular projects. It lifts the lid, I think, on the value of having a select committee look at the terms of reference that I have outlined.

I am looking forward to discussion with members who may have either additions or alterations to these terms of reference before they are finalised, because I do not claim them to be definitive. However, I think it is important for members to know that I took the opportunity to discuss the terms of reference with the Police Association before finalising their form. With that confidence, I feel that to a large extent they reflect the concerns of the Police Association of South Australia about the administration of SAPOL.

Finally, in moving this motion I refer to a trends and issues paper by the Australian Institute of Criminology, no. 245, 'Preserving institutional memory in Australian police services.' It came to me just recently and I found some quotations from it that emphasise the potential value of a select committee along the lines that I am proposing. I quote from various paragraphs as follows:

> In the past decades, public inquiries and royal commissions have been highly critical of police agencies and their reluctance to adjust to this new environment. . . Academic commentators have also made vigorous contributions to the debate on police reform, highlighting structural, cultural and managerial deficiencies.

There are several references here that I do not intend to put into *Hansard*. Those members keen to follow up can find their own copy, I am sure. I continue:

> Amid this barrage of criticisms, very few studies have attempted to examine on a systematic basis what police leaders are doing to steer their organisations toward more effective and efficient practices, and how they are doing it.

If I may interrupt my own quote here, this is exactly the aim of the select committee that I am proposing. The document further states:

> Themes such as police integrity, the development of common police services, the expansion of community policing and new strategies in traffic policing were then explored in detail—

this is in an earlier analysis—

> Finally, more general issues such as change management techniques and technological innovation were canvassed.

Again, that is the sort of menu of issues that I would like the select committee to address. This article contains many quotes from various police commissioners who do not wish to be identified but who were prepared to make comments for this paper. The paper states:

> In the lead up to their appointment as commissioners, many experienced selection criteria and procedures that were rudimentary and clouded to a large extent by political considerations.

That, unfortunately, is a charge that has been laid on various commissioners in various places at various times. I continue:

> Some were thankful to have received the full support of governments, which ensured they obtained the resources they needed and the legislative powers they requested. Whilst one experienced 'a total lack of understanding for the doctrine of the separation of power'—

I am not sure whether that might have been a reference to Queensland, but it would not only be Queensland—

> others reported a more subtle process of negotiation with governments insisting on more direct forms of control over the running of the police. To explain this high, if sophisticated, level of interference, one interviewee offered the extreme view that 'no government is comfortable with autonomy of policing.'
>
> Commissioners and police associations have traditionally enjoyed tumultuous relations, despite the fact that the former have sometimes been members of the latter's executive. Valuable and constructive collaborative arrangements were identified, but it was generally agreed that commissioners and police associations were part of a 'love-hate relationship'. . .

That has certainly applied in South Australia, and I think the select committee will give both parties an opportunity to have a fair hearing. Further on the assessment in the article states:

> The current militaristic model of policing has clearly reached its use-by date: with a tertiary-trained work force in search of rewarding careers, and a healthy economy offering a lot of professional opportunities, police organisations have realised that they must provide a more democratic and less hierarchical workplace in order to retain their best elements. Nevertheless, old habits are still entrenched in the police organisational culture. Autocratic styles of leadership remain predominant in many services and sections.

I quote from the remarks of a commissioner himself, who states:

> I believe that there is a need to fundamentally reshape the way in which policing does business, the way in which we select and train our people, the way in which we develop and demonstrate trust in them. . . We moved right away from a paramilitary structure to a much more flexible evolved team structure. I have had a ceremonial burning of the rules and regulations and we've turned many of the rules and regulations not required by legislation into simply guidelines of a previous way to do business.

I quote another commissioner:

> I think that self-regulation is absolutely essential to the policing profession. If the only way by which they can be expected to play by the rules or practice appropriate or best practice is if an external body is oversighting that behaviour, obviously we are a long way from where we need to be. It's a little bit like a football team that only trains if the coach is watching.

I do not intend to go into that article further, but I recommend that people who are interested in this issue read the whole of it. It is identified in *Hansard* if members do not have it to hand. It focuses on what a lot of people with virtually a working lifetime in the police force see as the exciting prospects of an enlightened police force. The last quote reflects on surveillance and control, the investigation of complaints, and argues that it should be done by an internal organ or entity in the police force.

In South Australia we have the Police Complaints Authority—an internal unit in the police force itself—yet we still have serious concern that allegations of poor or, at times, even illegal policing are made and they are not properly dealt with. I want to repeat that the main purpose for moving this motion to construct a select committee is, in the first instance, to attempt to offer suggestions which will improve policing. It will not be a select committee aimed at extracting and emphasising criticisms of the police force.

Finally, I see it as the most efficient—certainly, the cheapest—form of investigation and hearing at which all parties would be welcome and able to give their opinions if they wish in camera, or otherwise in a public hearing. I encourage the council to support the motion.

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

CONSTITUTION (GENDER NEUTRAL LANGUAGE) AMENDMENT BILL

The Hon. DIANA LAIDLAW obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

The Hon. DIANA LAIDLAW: I move:

> That this bill be now read a second time.

Earlier this month I announced that I will retire as a member of the Legislative Council on Friday 6 June. When consider-

ing all matters in relation to my retirement, I checked the provisions of the Constitution Act 1934, specifically section 16(1), which provides:

Any member of the Legislative Council may resign his seat in the Council by writing under his hand, addressed to the President of the Council, and delivered to the President forthwith after the signing thereof, and upon receipt of such resignation by the President the seat of the member shall become vacant.

I have no wish or intention of retiring as a 'his' or a 'he'. I wish to go as I entered this place 20 years and seven months ago—as a female—and recognised as such in the Constitution Act.

The Hon. Ian Gilfillan: Would it be some way of keeping you in this place if we turned this bill down?

The Hon. DIANA LAIDLAW: Do you wish to keep me here?

The Hon. Ian Gilfillan: I don't know. I am toying with the idea.

The Hon. DIANA LAIDLAW: You have a week to make up your mind, because I want you to speak next week on this bill. To persuade the Hon. Gilfillan of the importance of his supporting this bill, I point out that, with the assistance of parliamentary counsel, I have since discovered that there are 83 references to members of parliament of both houses, all being male only. To redress this deficiency, I considered introducing a bill to delete all 83 references to 'he' and 'his' and inserting in each instance 'she' and 'her'. That really would have been landmark legislation, and I suspect that, if the Constitution Act 1934 had been written in terms of 'she' and 'her', it would never have passed, or would never have existed in that form for so long, because I have no doubt that no man would want to be a 'she' and ignored in terms of his male gender. However, with customary restraint, I have resolved that all references to members of the South Australian parliament should simply be expressed in gender-neutral language.

In relation to anyone who may wish to argue that section 26 of the Acts Interpretation Act 1915 provides that 'he' means 'she', I see no reason why everyone who reads the Constitution Act should have to refer to two acts of parliament to learn that the Constitution Act in South Australia applies equally to women and not just men. Indeed, I suspect that there are few people other than lawyers and MPs who would even be aware that the Acts Interpretation Act is a statute that needs to be 'consulted' regarding this matter of women's representation in our parliament.

The Constitution Act also features repeated references to both 'His Majesty', which has not been relevant since 1952, and 'Her Majesty'. Accordingly, where appropriate, the bill I have introduced updates all such references to 'Her Majesty', with the exceptions of sections 8, 10A and 41, which are the so-called entrenchment provisions that can be amended only by a referendum.

In relation to gender neutrality, on the advice of parliamentary counsel, I have also taken the opportunity to update the Constitution Act to reflect the Australia Acts Request Act 1985. Hence, the bill proposes that references to the presentation of a bill to the Governor for Her Majesty's assent be amended to 'the presentation of a bill to the Governor for assent'. Likewise, the power in section 75 of the King, his heirs and successors to remove a judge of the Supreme Court upon the address of both houses of parliament becomes the Governor's power.

I highlight that at this time I have not sought to amend section 36 of the Constitution Act relating to 'chairmen' of committees on the understanding that related amendments would be required to the standing orders of both chambers of the parliament. I consider that this matter is best left for others to correct at a later stage.

Finally, having canvassed the amendments that I propose to move to the Constitution Act, with members of parliament and officers of both houses, I wish to record my thanks to them all for recognising the need to advance debate on this bill as a priority measure to enable the bill to pass both houses and gain the Governor's assent before 6 June 2003. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Part 1—Clause 1: Short title:

This clause is formal.

Part 2—Clause 2:

This clause amends provisions in the Constitution Act to provide for neutral language.

There is no specific commencement clause, as Parliamentary Counsel has confirmed the measures outlined in the bill will be brought into operation on the date of the Governor's assent, and will not require a separate proclamation stage.

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

[Sitting suspended from 5.55 to 7.45 p.m.]

STATUTORY AUTHORITIES REVIEW COMMITTEE: PASSENGER TRANSPORT BOARD

The Hon. R.K. SNEATH: I move:

That the report of the committee on an inquiry into the Passenger Transport Board be noted.

On 8 May 2002, on a motion by the previous minister for transport, the Hon. Diana Laidlaw MLC, the Statutory Authorities Review Committee received a request from the Legislative Council to inquire into the effectiveness and efficiency of the Passenger Transport Board (PTB) under the Passenger Transport Act 1994. The committee took the opportunity to conduct a broad inquiry into the PTB and advertised for written submissions prior to inviting witnesses to give verbal evidence to the committee. Advertisements were placed in South Australian newspapers in July 2002, and 30 written submissions were received by the closing date of 16 August 2002.

The committee heard initial evidence from Ms Heather Webster, Chief Executive, Passenger Transport Board, on 25 July 2002. It also took evidence from 38 other witnesses between 5 September and 18 November 2002. Witnesses were drawn from a wide range of backgrounds and expertise; all were knowledgable and passionate about the state's passenger transport system.

The committee believes that the South Australian passenger transport system is fundamentally sound and commends the PTB for its endeavours to both improve the services and increase patronage. However, some areas of the system require attention, and these are listed in the recommendations section of the report. The current system for competitive tendering for bus services was perceived by many bus and coach operators as flawed, with bias being shown to government or favoured operators. Although the committee was not convinced of these charges, it recommends the removal of the PTB from this process and believes that it should be handled

by an independent agency, such as Transport SA's passenger transport asset management unit.

The committee also believes that the system of reporting private charter use of Metroticket buses needs to be strengthened to ensure accurate and audit proof reporting. System changes, including measures to check the accuracy of figures being reported, should be introduced. To aid the policing of this recommendation, the committee suggests that Metroticket buses running private charter be required to display prominent signage noting the fact that they are on charter.

The committee heard evidence of service difficulties and fraud associated with the South Australian Transport Subsidy Scheme (SATSS). The Alzheimer's Association also gave evidence that the South Australian transport subsidy scheme was not applied fairly. A recent review was considered an improvement and is currently being trialled. It is hoped that the changes will solve any problems and that the trial period will be a success.

Mr Joel Taggart provided evidence to the committee from the point of view of a young and avid public transport user. The committee was impressed by Mr Taggart's enthusiasm and knowledge of the public transport system. He described his difficulties communicating with the Passenger Transport Board in relation to service improvements and timetabling. Many witnesses from most areas of the passenger transport industry felt that regulation and policing were significant problems and, although some improvements have been made, considerable progress is still required.

The committee notes that public reporting on public transport service provider performance is delivered quarterly in Victoria and believes that a similar system would assist all interested parties to be able to access information about the success or failure of passenger transport in this state. Consequently, the committee has recommended that such a report be made available. As a result of its deliberations, the committee concluded that the Passenger Transport Board had achieved the aims specified in the Passenger Transport Act 1994. Critically, however, the committee noted that the fundamental conflicts inherent in these legislative roles caused difficulty for the Passenger Transport Board.

The committee thanks all those who made written submissions and gave verbal evidence to the inquiry. The management and staff of the Passenger Transport Board greatly assisted the inquiry with their cooperation and assistance regarding requests for further information and data. The members of the committee give individual thanks to Mr Luke Condon of the PTB for his patience and understanding for the many requests made of him for further information or clarification.

The committee agreed that the Passenger Transport Board achieved increase in the usage of public transport. This is an important area, and it would like to see many more people using public transport. The PTB was successful in its campaign to bring to the public's attention the benefits of public transport. However, I agree with a comment made by Dr Derek Scrafton, Adjunct Professor of Transport Policy and Planning, Transport Systems Centre, University of South Australia, and formerly a South Australian director-general of transport. In evidence, he said:

> From the outside, the PTB as a board did some jobs well; it did some jobs poorly; and it did some jobs not at all.

I think that is relevant to people as they read the evidence within the report.

I would like to take the opportunity to thank the other committee members for their assistance: the Hon. Nick Xenophon, the Hon. Caroline Schaefer, the Hon. Terry Stephens and the Hon. Andrew Evans. I would also like to thank the staff who assisted the committee in its deliberations. For a period we had Tania Woodall, who was committee secretary until August 2002; Gareth Hickery, research officer and committee secretary; and Tim Ryan, research officer since November 2002. I recommend the report.

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

IRAQ

The Hon. SANDRA KANCK: I move:

That this council condemns Australian military involvement in the illegal and immoral invasion of Iraq with particular reference to—

1. The fact Australian forces are engaged in an unprovoked strike against a country that poses no direct threat to Australian security;
2. No substantive case has been made by the Australian government justifying the invasion; and
3. The probability that the blood shed in Iraq will lead to greater international instability.

As I speak, Iraq is engulfed in the nightmare of modern warfare. The invasion of Iraq is illegal under international law, it is immoral and it is illogical. Australian troops are being needlessly put at risk in the deserts of Iraq. Innocent children, women and men are being maimed and killed in the execution of a reckless foreign policy that will leave the world a more dangerous place when the shooting stops. Do we ever learn? It was the appalling carnage of the great war, World War II, that drove international efforts to create a legal framework for the initiation of war and the conduct of war.

The United Nations charter is the product of those efforts. It regulates the use of international force. Under the UN charter, self-defence is recognised as a valid reason for a unilateral strike. Yet Iraq poses no direct threat to the US, the UK or Australia. It is a country of just 22 million people that has been systematically stripped of its long-range offensive capabilities by more than a decade of US sanctions. There have been unconvincing attempts by the US, the UK and Australian officials to link the Iraqi regime with al-Qaida. The result has been little more than clumsy propaganda. The plain fact is that this is a war of aggression, not self-defence, and would be instantly recognised as such under international law.

Extreme humanitarian concerns can also justify unilateral action under the UN charter, and there have been attempts to justify this invasion by reference to the brutality of the Iraqi regime under Saddam Hussein. There is no doubt that Saddam is a ruthless dictator and that the Iraqi people would be well rid of him. But the tyranny he has inflicted upon the Iraqi people will not, does not and cannot justify this military assault under international law. If the violation of human rights under the Iraqi regime is to be the benchmark for international military adventure by the Coalition of the Willing, the world will be at war permanently.

Sadly, freeing the Iraqi people is little more than a convenient justification for the US, the UK and Australia. Indeed, it is bald faced hypocrisy for John Howard to invoke the torture of Iraqi citizens as justification for military action when, just 15 months earlier, he labelled people fleeing from

Iraq as 'queue jumpers' and changed Australian law to deny them admission as refugees.

The UN charter also permits war to be waged with the backing of the UN Security Council. But when the US saw that it had no hope of getting that backing, it conveniently bypassed the UN. And despite the dissembling by the US, the UK and Australia, UN Resolution 1441 does not authorise this invasion. We have become mavericks in international affairs, flouting international law. This war is not just illegal, it is also immoral. I accept that, legally, self-defence and extreme humanitarian concerns are valid justifications for international conflict. But this invasion meets neither of those criteria under international law.

Long before the advent of international law and the United Nations, Christian theologians wrestled with the moral dilemmas of war. I believe it was Saint Augustine who first formulated the principles of a so-called just war. Today, our troops do battle in the Iraqi desert without the blessing of our Christian churches because the invasion is not in self-defence; because it is not a just war. This war cannot be justified by either religious precepts or secular moral precepts. Human life is now being sacrificed in an immoral war.

Further, this war is illogical. I have searched in vain for a plausible official explanation of our headlong rush to war. The fact that Iraq may possess weapons of mass destruction has oft been cited as the reason for this invasion. Yet, if it had them, it failed to use that advantage in the 1991 war. It is possible that the Iraqi regime retained some of the myriad chemical and biological weapons sold to it by the west. That is what the weapons inspectors were in the process of finding out. But the US would not allow them to complete their task. As a consequence, we have the spectacle of the invaders claiming that Iraqi's unproven breach of UN resolutions is justification for an actual invasion that itself is in breach of the United Nations charter.

The possibility of Iraq providing chemical, biological or nuclear weapons to terrorist groups has also been raised. Again, weapons inspectors were in the process of determining whether Iraq was in possession of such weapons. That process should still be going on today. Freeing Iraqis from human rights abuses has in no way driven the decision to invade; that is simply a subterfuge. Human rights are rarely advanced by the barrel of an invader's gun. I would like to cite a fairly famous quote of singer John Lennon, in a slightly modified form, in which he said that fighting for war is like copulating for chastity. The outcome with respect to human rights in Iraq—

The Hon. T.G. Roberts: Fighting for peace.

The Hon. SANDRA KANCK: Yes—that fighting for peace is like copulating for chastity. The outcome with respect to human rights in Iraq is uncertain. I can only hope that things get better, and not worse.

Many unofficial reasons have also been put forward to explain this invasion. They include access to cheap oil; control of the Middle East's strategic waterways; George Bush junior completing the unfinished business of George Bush senior; a mask for the failure to capture Osama bin Laden or neutralise al-Qaida; or a strategy to impress the ferocity of US power on other rogue states and groups. All these ideas certainly have attraction for me but, whether or not there is truth in these theories, what we do know is that the coalition of the willing has failed to make a cogent case for this invasion. They could not convince the United Nations Security Council in camera, and they have not made a valid case to the people of the world. One thing we are told is that the world will be a safer place as a result of the removal of the current Iraqi regime. This is profoundly wrong and illogical.

The invasion of Iraq will act as a sustained recruitment campaign for fundamentalist groups of many shades around the world. The violence of this invasion will breed further violence. By flouting international law, the US invites retaliation that pays no heed to morality, and by attaching ourselves to the US invasion we, unfortunately, invite similar attacks. This war is wrong, and the Democrats call for the return of our troops as soon as practicable. Enough people have died already.

With the coalition troops advancing, I also pay tribute to my friend and colleague, Ruth Russell. Ruth has placed her life on the line in an attempt to prevent this terrible conflict. I sincerely hope that Ruth and the other human shields survive the oncoming onslaught and that the coalition soldiers respect that she is protecting a wheat silo—a source of food for the Iraqi people. That wish extends to our troops and all other combatants in this unnecessary war. Our troops are not in Iraq of their own volition. They are there because of the serious misjudgment of our Prime Minister. They serve their country through the government of the day, but, unfortunately, we have a government that is not listening to its people. I stress the Democrats' support for our troops, but we want them home defending Australia's interests and not assisting the United States' lust for oil. Finally, I wish for peace and prosperity for the long suffering Iraqi people—they deserve it—but war is not the answer.

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

GOVERNMENT APPOINTMENTS

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

That this council notes recent appointments made since the state government was installed in March 2002.

In speaking to this motion this evening, I want to address one particular aspect of the appointments since the government was appointed in March last year, but I will return on another day to address a range of other issues. The issue I raise this evening is most important, particularly in light of the debate we are having currently on the Public Finance and Audit (Honesty and Accountability in Government) Amendment Bill. I understand from the Leader of the Government that the bill will not be debated tonight but may be debated further tomorrow. As some members will know, the opposition has raised some important issues in relation to that legislation, and I will refer obliquely to some of those in the comments I make this evening.

I refer to recent appointments that have been made in the critical Department of Treasury and Finance. I say at the outset that governments of both persuasions—Liberal and Labor—over many years have been well served by the senior officers in that department. Whether or not politicians of any variety have liked the advice they have received from the Under Treasurer, Deputy Under Treasurer or senior officers, certainly when we look at people such as John Hill, Ron Barnes, Sheridan and Bradley, people from both political parties would acknowledge they were—and this is not used in the pejorative sense—true public servants. They were competent and hardworking individuals who provided

fearless advice that might not be liked by politicians of all political persuasions. It is important in key departments, such as the Department of Treasury and Fiance and crown law, that governments, the parliament and the community do have confidence that there are no concerns in relation to those particular positions.

John Hill, to whom I referred, recently retired. It is a little earlier than I thought he intended to retire, but I publicly acknowledge the excellence of John Hill's contribution to not only the Department of Treasury and Finance but also the public sector and the community during his long years of public service. If any public servant deserved recognition, it was John Hill, a man who merits public approval and commendation; and, in fact, he was acknowledged with a Public Service Medal during my period as Treasurer. He was a fearless public servant. I knew him for over 20 years indirectly as a result of my being a member of the opposition and occasionally through bills in parliament which were of a financial nature. However, I certainly grew to know him better during my four years as minister for education when, together with other spending ministers, I would go to budget committees or meetings with the treasurer to seek funding or minimise reductions—as it was in those days—in the education portfolio.

In my dealings with John Hill during that period he was fearless, independent and competent in terms of his advice. Obviously, I spent a lot of time with him during my four years as treasurer. Again, he was fearless and independent in his advice. If he did not agree, in a mostly good humoured way, he would make it quite clear that he did not approve or agree with the direction in which the government, the treasurer or minister might be heading. However, again, in a good natured way, he acknowledged decisions taken by the politicians or cabinet and would move on. He demonstrated his competence in whatever area in which he was asked to work, whether in relation to gambling tax or commonwealth-state relations; all those sorts of things proved his competence. I know during one meeting with federal and state treasurers he recalled that he had attended his very first Grants Commission meeting (as it then was) in 1968. This would have been just before the year 2000, so it was just over 30 years. He said that he did not attend them all, depending on his position in Treasury, but, for 30 years or more, he had been attending Grants Commission meetings.

It is a perfect example. Treasurers come and go and, whatever we think of our own immortality, infallibility or whatever—we all vary in relation to that as ministers or former treasurers or, indeed current treasurers—we have a certain view of ourselves and our own level of competence. The reality is that we come and go relatively quickly. Senior officers such as John Hill go on for decades. Indeed, that has been the way the public sector traditionally has been structured here in South Australia and nationally. I publicly acknowledge the excellence of the contribution that officers such as John Hill have made.

In referring to John Hill, the point I want to make is that, in all my time associated with politics in South Australia, that is, since 1973, which is 30 years, I can never recall criticism being made that the officers at the senior level, either Under Treasurer or Deputy Under Treasurer, had any potential association with any political party. I would have no idea what the political thoughts of the John Hills, Gerard Bradleys, Ron Barnes, etc., of this world were. I have no idea whether they had any connection or affiliation with political parties, and I suspect they did not.

It is within that context that I mention some concerns that have been raised with me in recent months. Upon the retirement of John Hill, and with some manoeuvring, perhaps, which is the understated word that I will use, of the other Deputy Under Treasurer, Mr Gino de Gennaro, into a finance position in the Department of Education and Children's Services, the Under Treasurer and the new Treasurer oversaw the appointment of two new deputy under treasurers. The two people who have been appointed are Mr Paul Grimes and Mr Brett Rowse.

At this stage, I make it clear that I do not intend to make any specific criticism about the competence in relation to economic and finance matters of those two gentlemen. That issue will need to be closely monitored as we look at their contributions to the Department of Treasury and Finance over the coming three years. What I want to place on the public record are concerns that have been raised with me by senior members of the Labor Party from within the Labor Party caucus, from the organisation and from some officers within Treasury in relation to these appointments.

First, I indicate the nature of a conversation that a senior current member of the state parliamentary Labor caucus relayed to me in relation to this issue. This caucus member indicated that Treasurer Foley was openly telling Labor Party identities and gloating about the fact that he had appointed two 'Labor men' to the positions of Deputy Under Treasurer in South Australia. As I said, I recount the advice from a senior member of the Labor Party caucus that this is the comment that Treasurer Foley was gloating about, openly telling Labor Party identities that two Labor men had been appointed to the two Deputy Under Treasurer positions in the Department of Treasury and Finance in South Australia. I have also been provided with advice that the head of Kevin Foley's faction—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! I remind the leader that he should refer to the Treasurer by his correct title.

The Hon. R.I. LUCAS: I refer to the head of the member for Port Adelaide's faction within the Labor Party, Mr Don Farrell. I have spoken to one person who has had a direct conversation with Mr Don Farrell on this issue.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Holloway laughs at Mr Farrell but he is a significant identity in the member for Port Adelaide's faction in the Labor Party. What Mr Farrell has openly stated is that he was delighted to have one of his people in the Treasury, and he was referring in that case to Mr Paul Grimes. I have also been advised that the union associated with Mr Farrell, the Shop Distributive and Allied Employees' Association (SDA), of which a third of the Labor Party caucus are members, had provided some financial assistance to Mr Grimes for some of his university studies as he prepared himself for a career latterly in the federal Treasury and now this position as Deputy Under Treasurer. That matter can be easily proved or not proved by the Treasurer asking—

The Hon. G.E. Gago: Why don't you say it outside?

The Hon. R.I. LUCAS: What is wrong with saying that financial assistance has been provided?

The Hon. G.E. Gago: Why don't you say it outside?

The Hon. R.I. LUCAS: I am very happy to.

The ACTING PRESIDENT: Order!

The Hon. Carmel Zollo: What is wrong with that?

The Hon. R.I. LUCAS: The Hon. Carmel Zollo says, 'What is wrong with that?'

The Hon. Carmel Zollo: So why are you bringing it up if there is nothing wrong with it?

The Hon. R.I. LUCAS: Because the Hon. Gail Gago asked why don't I say it outside.

The Hon. Carmel Zollo: Why are you bringing it up if there is nothing wrong with it?

The ACTING PRESIDENT: Order! The leader has the call.

The Hon. R.I. LUCAS: The Hon. Carmel Zollo says, 'What's wrong with that?'

The Hon. Carmel Zollo: No, I said, 'Why are you bringing it up?'

The Hon. R.I. LUCAS: I am just putting it on the record.

Members interjecting:

The ACTING PRESIDENT: Order! The leader should not be diverted.

The Hon. R.I. LUCAS: I am also advised that Mr Farrell, the head of the member for Port Adelaide's Labor Party faction, also discussed the issue with Mr Foley or officers within Mr Foley's office prior to the appointment's being announced. I am also advised (and this was the subject of a question in the House of Assembly) that the Under Treasurer, Mr Jim Wright, had a confidential discussion with Treasurer Foley and advised Mr Foley prior to the appointment that Mr Grimes had very close connections to the Australian Labor Party. He asked whether the Treasurer had any comment about or difficulty with the appointment.

I note that when the Treasurer was asked that question in the House of Assembly he refused to answer it. He was asked by the member for Unley whether or not there had been a confidential discussion between the Under Treasurer and the Treasurer in relation to Mr Grimes' close association in recent years with any political party. The Treasurer, in a long-winded response, refused to answer that question. In effect, he refused to deny that there had been that discussion. Noting the potential dangers for a minister in misleading the parliament, it was a very wise decision by the Treasurer not to respond to that direct question from the member for Unley. I am sure that we will not see on the public record in the parliament any denial of that claim from Treasurer Foley. I also indicate that two senior Treasury officers have raised their concerns about the connections of at least one of the deputy under treasurers with the—

The Hon. P. Holloway: Do you care to say who they are?

The Hon. R.I. LUCAS: If the Treasurer chooses to answer some questions, I will consider whether or not I will provide further information to him. Those two senior officers raised concerns with me, and their comment was that it was the first time ever that any of the top three—

The Hon. P. Holloway interjecting:

The ACTING PRESIDENT: Order! The minister will get the chance to respond.

The Hon. R.I. LUCAS: I would have thought that the leader of the government would be the last to talk about having talked to public servants, after the claims that the former leader of the opposition and former shadow treasurer made about documents, conversations and other things that they had from public servants over the past eight years. I will be intrigued to see how he rationalises any criticism in relation to that.

The Hon. R.K. Sneath: When are you going to get to the appointment of the Reserve Bank?

The Hon. R.I. LUCAS: That is already on the public record: these issues are not on the public record.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: And the Labor Party criticisms of that appointment are already on the public record.

The Hon. R.K. Sneath: I don't know—

The Hon. R.I. LUCAS: Yes, they are—Bob McMullen's criticisms.

The ACTING PRESIDENT: Order! The leader should not allow himself to engage in a conversation. The Hon. Mr Sneath will cease interjecting.

The Hon. R.I. LUCAS: These two Treasury and Finance officers, as I said, commented to me that this was the first time that any of the top three Treasury officers have ever been linked in any way to any political party in South Australia. Many questions are raised by the statements that have been made by Treasurer Foley and Mr Farrell on this issue. As I said, it is only as a result of the statements made by Treasurer Foley and Mr Farrell that this issue is being raised.

Members interjecting:

The Hon. R.I. LUCAS: I have just outlined the statements that they have made. As I said, it is only as a result of those statements being made by Treasurer Foley and Mr Farrell that these issues are now having to be raised as part of the public record, because they do raise some serious questions. I am in the process of putting a series of questions on notice in relation to what discussions, for example, Treasurer Foley or any of his officers had with Mr Farrell in relation to this issue; what discussions the Treasurer had; whether he is prepared to deny having a discussion with the Under Treasurer about the matter of Mr Grimes prior to the appointment; and whether or not, for example, the Under Treasurer actually had any conversation at all with Mr Grimes outside the panel process prior to his appointment. There is a series of questions which, as a result of the statements made by Mr Foley, the member for Port Adelaide, and Mr Farrell, will now need to be cleared up on the public record.

It is important to look at why this particular issue is so important from the parliament's viewpoint, from the opposition's viewpoint and from the community's viewpoint. As I said in relation to the Public Finance and Audit Bill that we are looking at at the moment, for the first time in South Australia, at the time of the next election, the Under Treasurer, advised by the two Deputy Under Treasurers, will have to produce a pre-election budget update report.

The Hon. R.K. Sneath: That's if we pass the bill.

The Hon. R.I. LUCAS: We of course do not have the numbers to stop a bill. If the bill is passed, the Under Treasurer, advised by the two Deputy Under Treasurers, will, prior to the next election, have to release a pre-election budget update report. The reason why these appointments are critical, in terms of ensuring that such a pre-election budget update report will be conducted in a way that is seen to be absolutely fair by not only the Labor Party and the Liberal Party but also by the parliament and the community, is that we have seen from the 14 March documents released by the Treasurer and the Under Treasurer the way that such a budget update potentially might be tackled by the Treasury Department.

As you know, Mr Acting President, soon after the state election, the Labor Party and the member for Port Adelaide made inaccurate and untrue statements about the last Liberal budget having a black hole. As we highlighted before, they claimed a $60 million cash deficit when there was in reality a $20 million cash surplus in the budget. At that time, on 14 March, advice was released from the Under Treasurer that

outlined the Treasury explanation as to why allegedly there was this black hole that had been left by the former government. As part of that memo, the Under Treasurer said:

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

that is, Treasury's perception of what is likely to be politically acceptable. On the next page the Under Treasurer went on to say:

> Treasury and Finance expects that hospital deficits in 2001-02 are likely to be unavoidable in practical terms, and restricting expenditure in later years may be politically unacceptable.

Those examples demonstrate that the Under Treasurer was making judgments of what was politically acceptable in his view and that of senior Treasury officers at the time of rewriting the forward estimates, contrary to specific cabinet decisions, contrary to specific directions by the Treasurer—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: For the first time, through that interjection, we now have an acceptance from the leader of the government that there were cabinet decisions and Treasurer's directions to the Under Treasurer that indicated what he should do. The leader of the government is now saying they were nonsensical directions and cabinet decisions, but at least for the first time he has acknowledged that there were specific cabinet decisions and specific Treasurer's instructions to the Under Treasurer in relation to particular issues. The Under Treasurer then said that his judgment and senior Treasury officers' judgment of what was politically acceptable meant that he would rewrite these particular accounts.

This is the first time ever in South Australia's history and, from what I can determine, the history of any other state or the Commonwealth of Australia, that the Under Treasurer has adopted such a course of making politically acceptable or unacceptable judgments contrary to cabinet decisions and contrary to specific decisions that have been taken by the Treasurer on the basis of the political implications of a particular decision. This decision will not occur after the next election: this decision will occur just two weeks out from the state election, so that the Under Treasurer and the two Deputy Under Treasurers will make a judgment about the budget position and the forward estimates and, based on what the Under Treasurer has written on 14 March, will do so on the basis of his political judgment and that of his senior officers, the two Deputy Under Treasurers, as to what is politically acceptable or unacceptable.

That is why these claims that have been made by Treasurer Foley and the leader of his faction, Mr Don Farrell, are so critical as we commence the debate on clause 6, in particular, of the Public Finance and Audit Bill. The opposition needs to have confidence, as do the parliament and the community, that the pre-election budget update report will not be produced on the basis of political judgments of what is acceptable and unacceptable by the Under Treasurer and the two Deputy Under Treasurers, two of those who are being at least claimed by Treasurer Foley as being two Labor men.

The reason why we as the opposition have to place this on the public record, I repeat—and I conclude my remarks at this stage—is as the result of claims that have been made by Treasurer Foley and the claims that are being made openly by Mr Farrell, who is the leader of the member for Port Adelaide's own faction. I have expressed my concern. The fact that the Treasurer has refused to answer a question in the lower house already on this topic is a matter of further concern. He had the opportunity to deny—

The Hon. P. Holloway: Why would he want to speculate on your rumours?

The Hon. R.I. LUCAS: He had the opportunity to deny that he had been advised of Mr Grimes' political connections to the Labor Party by the Under Treasurer in a confidential meeting and he refused to answer that question in the House of Assembly. As I said, the Treasurer will now have the opportunity, as I will lodge a further series of questions on notice to the Treasurer, to deny, or at least clarify, the position in relation to these appointments. Some of my other questions will be directed at who are the members of the panels who nominated Mr Grimes and Mr Rowse to the Deputy Under Treasurer positions and, as I said, whether or not the Under Treasurer had discussions outside the panel process with, in particular, Mr Grimes prior to the appointment, and what other discussions were had with the Treasurer or members of his office in relation to the possible appointments prior to the announcement of those appointments. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

LOCAL GOVERNMENT (LOCHIEL PARK) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 1804.)

The Hon. A.L. EVANS: I support the bill introduced by the Hon. Nick Xenophon concerning Lochiel Park and its use as a community recreational area. Before the 2002 elections, the issue of what would happen to Lochiel Park became a contentious one and both parties had a policy regarding it. The policy of the Labor Party, according to a letter from the Hon. Mike Rann, was to leave Lochiel Park as an open space area. In fact, the letter from Mr Rann contains a clear promise just prior to the last state election. It states:

> . . . if a Labor government is elected this Saturday, we intend to save 100 per cent of Lochiel Park for community facilities and open space, not a private housing development as the Liberals have proposed.

However, since the election and with the defeat of the Labor member in the area, I and other members have found it difficult to get an assurance that the promise made before the election will be upheld. There has been a fear amongst some members of the community that commercial interests would influence the government to subdivide the area and that this pristine piece of land would be used for the building of upmarket houses, thus adding to the Treasury's coffers.

Margaret Sewell and June Jenkins have been at the forefront in the fight to preserve Lochiel Park. They organised a march which was attended by several hundred people, a public meeting supported by a good number of people and then a further meeting on the site. They sent a strong message to the government that the promise given before the election should be kept.

During the Hon. Mike Rann's policy speech on conservation in the lead-up to the last election he spoke of the creation of suburban forests. I consider that Lochiel Park would be an ideal site for such a proposal. Another concern for Family First is that this land has claims upon it by the Aboriginal community, and certain sites are considered by them to be of significant heritage and spiritual value to their community.

This bill really just reinforces what the government promised in the first place by stating that the park must be used for the purpose of a public park and recreational, sporting and other community purposes. Lochiel Park is an ideal spot for families to gather for leisurely Sunday afternoons. Development that is damaging to our environment should not be supported. I encourage the government to support the bill and, further, to support the efforts of the conservation movement to plant more trees and have a suburban forest in that area.

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

WATER RESOURCES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. D.W. RIDGWAY: I move:

That this bill be now read a second time.

Clause 10, which details conflict of interest as it stands prior to this proposed amendment, creates unnecessary problems for the activity of catchment water management boards and water resources planning committees. With regard to the operation of the South-East Catchment Water Management Board, the member for MacKillop in another place has found, with regard to at least some of the functions with which the board has an obligation to form a quorum, the quorum would be impossible to achieve if the members were to comply with the other provisions under the conflict of interest clause, thereby disabling the board from its obligations under the act.

The member for MacKillop noted that the conflict of interest provisions are so strict as to prevent anyone from being party to a debate, or resolution of a debate, on a land based levy or a local council levy if, indeed, they were a ratepayer of that council. The problem stems from part (1) of clause 10 in schedule 2 which provides:

> A member who has direct or indirect personal or pecuniary interest in a matter decided or under consideration by the council, board or committee. . .

has a conflict of interest which precludes him from certain activities, which breach entails a fine of $20 000. From my understanding, a 'personal interest' is a special or extraordinary interest that is not shared by others. A 'personal interest' is thus taken to imply that, under clause 10(8) of schedule 2, a member will be taken to have had an interest in a matter for the purposes of this clause if an associate of the member has an interest in the matter. Clause 10(11) goes on to define an 'associate' of the board or committee member if the other person is a relative of the person or of the person's spouse.

So, for reasons of association with other members of the community, a board or committee member may be deemed to have had a personal interest under clause 10(1), and parts (b), (c) and (d) require them to not take part in any discussion by the council, board or committee relating to the matter; not to vote in relation to the matter; and to be absent from the meeting room when any such discussion or voting is taking place.

A 'pecuniary interest' is similar but would allow for a board or committee member to gain financially, or have some reasonable expectation that they would gain financially, from a matter that was under consideration by the board or committee. This interest is different from personal interest in that it is irrelevant whether or not it is widely shared, and it may be that all the board or committee members have a pecuniary interest in common. This is particularly the case when several or all board members or committee members have a water holding or water taking licence. This means that, in relation to the discussion and setting of water holding or taking levies in the district, all board or committee members with water licences (otherwise defined as a pecuniary interest, for the use of this water would facilitate a board member's financial gain) would be obliged under clause 10(1) parts (b), (c) and (d) to discount themselves from this matter at all stages of the discussion or voting.

The legal complications that arise from this unamended conflict of interests clause were confirmed by legal advice given by the Crown Solicitor to the South-East Catchment Water Management Board which stated:

> The member's duties as a board member involve the consideration of issues that come before the board in the exercise of its statutory functions. Those functions are (a) preparing and implementing a catchment water management plan; (b) advising the minister and the local council on the management of water resources; (c) promoting public awareness on water management; and (d) any other functions assigned under the act, which includes the preparation of draft water allocation plans. Decisions on matters incidental to functions that may include recommending to the minister whether a water allocation levy should be imposed, whether land must be acquired or drained and how water from each resource is to be allocated, or whether a development plan should be amended.

The implications of these stated duties for the conflict of interest clause as it stands unamended are further elaborated on by crown law advice, and the Crown Solicitor states:

> A problem could arise in the case of a matter in which a large proportion of members has an interest and cannot therefore take part in consideration or decision making in relation to it. A quorum for a meeting of the board is half the number of members, plus one. This number of persons must not only be present at the meeting, but must also be involved in all the decisions made at the meeting. So, if half the number of members have an interest, it will be impossible to form a quorum. It appears that this situation could well arise when the board is deciding whether to recommend a water allocation levy, particularly given that an interest held by a relative or associate is deemed to be an interest of the member.

As the legislation stands, the board is, in effect, unable to comply with its legislative duty to prepare a catchment water management plan if those plans contain recommendations that a levy be imposed. It is highly likely that over half the members of the board or committee would own land in the local council area but, under the current legislation, if a number more than the quorum of members owns rateable land in a council area that they may recommend to contribute to levy funds, the board or committee would be unable to consider or decide upon such a plan. The Crown Solicitor goes on to state the legal implications as follows:

> If half the members of the board have a conflicting interest, then a significant element of the act will be rendered unworkable, given that the levies and contributions are the principal source of funding for catchment water management plans.

The proposed amendment would be inserted at part 10(a) of the second schedule of the Water Resources Act 1997 and would ease the legislative block created by the conflict of interest clause in a manner similar to the conflict of interest provisions set out in the Local Government Act. Under clause 10(1), the amendment allows a board or committee members to be prohibited from deciding on matters in which they have a reasonable expectation of gaining a pecuniary benefit, except:

> . . . in relation to a benefit or detriment enjoyed or suffered by a member of the council, board or committee in common with a substantial class or group within the community.

Given that catchment water management boards and water resources planning committees will need to make decisions with regard to levies and water allocations in order to comply with their legislative duties under the act and that these decisions are currently hindered by their shared pecuniary interests as owners of water licences and rateable council lands, I believe that the amendment addresses the main problems of the current legislation, and I commend this amendment to the council.

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

INTERSTATE AGREEMENTS BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1060.)

The Hon. CARMEL ZOLLO: I indicate that the government will not be supporting this private member's legislation. The bill would impose obligations on government ministers to inform each member of parliament and to consult with the Legislative Review Committee or other parliamentary committee before the government entered into an agreement with another Australian government. The types of agreement to which it applies are those the implementation of which could reasonably be expected to require legislation to be passed by the parliament. The bill provides no penalties or other consequences for noncompliance.

Political criticism of a minister who failed to comply is to be expected, and a minister might be censured or subject to a vote of no confidence in parliament. The obligations of a responsible minister would be: to inform each member of parliament about negotiations in accordance with clause 5; to consult with the Legislative Review Committee and any other parliamentary committee nominated by the Legislative Review Committee about negotiations in accordance with clause 6; to have regard to any recommendations made by a relevant committee when participating in the negotiation (clause 6(5)); to refrain from entering into an interstate agreement until either a recommendation of a committee has been received, or six days have elapsed (clause 7(1)); to have regard to any recommendations made by a committee in considering whether to enter into the agreement (clause 7(2)); and to write to each member of parliament informing him or her of the terms of any interstate agreement that is entered into and of any other commitments made on behalf of the state (clause 8).

A minister may choose not to notify and consult on negotiations if the minister is satisfied, on reasonable grounds, that compliance would not be possible or reasonable because of urgency, or because it would adversely affect the public interest or the interests of the state. In that event, the minister must notify each member of parliament in writing of his or her grounds for not complying with clause 9. There would be no excuse for not informing each member of parliament of agreements that have been entered into and commitments that have been made on behalf of the state.

In speaking against the bill, the government makes the following comments, in particular, for the consideration of members in this place other than members of the opposition. If the executive enters into an agreement which requires for its implementation the passage of legislation through parliament, the agreement must be understood as being subject to the authority of parliament to legislate (or not legislate) on the subject, as the parliament sees fit. Parliament is not subject to the agreements entered into by the executive. To speak, as the objects clause of this bill does, of the parliament as 'being subjected to necessity or compulsion due to the actions of the executive' to pass legislation to implement an agreement negotiated by the executive is to misunderstand the nature of the powers that are exercised by both arms of government. It has traditionally been seen as a decision for the executive in each particular case as to how much, if any, consultation with the parliament is justified before a bill is introduced. This bill removes the executive discretion about consulting.

Ministers may inform the parliament, if they consider it appropriate, without any act to compel them to do so. Ministers will consult and lobby other members of parliament if the minister or the executive consider that it is worthwhile. Honourable members should also be reminded that one of the existing functions of the Legislative Review Committee is to inquire into, consider and report on any matter concerned with intergovernmental relations. The committee may refer a matter to itself. I refer honourable members to sections 12(a)(iii) and 16(1) (c) of the Parliamentary Committees Act 1991.

Also, the bill does not adequately take into account the realities of negotiating agreements. For example, a negotiator may choose to put an opening position, knowing that it will not be the final position, or may choose not to disclose the government's full position. Further, a government's position may change as negotiations progress, especially when the negotiations proceed over several years. Compliance with the act could result in premature disclosure of the government's position, with negative effects on negotiating strategy. Negotiations may commence but not result in the agreement to and introduction of a bill. In those cases, consultation under clause 6 may be premature and a waste of resources.

In all cases, the additional compulsory layer of consultation will require the expenditure of more government resources. In his contribution, the Hon. Angus Redford said that this bill mirrors the Administration (Interstate Agreements) Act 1997 from the Australian Capital Territory. Advice from the ACT Attorney-General's Department is that their act does not work well for negotiations through dynamic meetings, such as those of the Standing Committee of Attorneys-General or COAG or for ministerial councils that have a very long agenda: 3.3.7.3 sometimes this impedes the progress of negotiations, because the state is unable to make any commitment owing to the need to comply with the act. It also imposes a significant burden on the Public Service and the ministers' offices. It is thought by some not to add much value to the processes of parliament, and information sent by the Clerk of the Legislative Assembly of the ACT indicates that ministers often do not comply—or not fully—with the act. As I said, the government will not support this legislation. We believe that this bill is cumbersome, with the notice requirements being crippling on governments.

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

WORKERS COMPENSATION TRIBUNAL RULES

The Hon. J. GAZZOLA: I move:

That the Tribunal Rules 2001 under the Workers Rehabilitation and Compensation Act 1986, made on 17 October 2001 and laid on the table of this council on 13 November 2001, be disallowed.

The Workers Compensation Tribunal Rules 2001 appeared in the *Government Gazette* of 8 November 2001 and came into operation on 12 November 2001. Those rules were referred to the Legislative Review Committee pursuant to section 10 of the Subordinate Legislation Act 1978. The committee subsequently considered the rules at a number of its meetings, and sought additional information from the tribunal about consultation that was undertaken in their development.

The committee also contacted the United Trades and Labor Council of South Australia, a representative of workers who may appear before the tribunal, for its views on the rules. The UTLC advised the committee, on 9 October 2002, that it opposed subrule 30(4) which restricts oral submissions to the Full Bench of the tribunal. The subrule in its entirety provides as follows:

> If the Full Bench, having considered the appeal books and the submissions of the parties, is of the opinion that the issues arising on appeal are adequately presented in the appeal books and written submissions, and is unanimously of the opinion that the appeal has no prospect of success, the Full Bench may determine the appeal without hearing oral submissions from the parties.

The UTLC stated its opposition to the subrule in the following terms:

> The position taken by the UTLC is that no restrictions should be placed on parties from making oral submissions on appeal to the Full Bench. We take this position because it could allow for submissions to the Full Bench to be incomplete in a number of ways. We are therefore opposed to any proposals that would restrict or prohibit oral submissions from being made to the Full Bench of the Workers Compensation Tribunal of South Australia.

The committee noted that, under the previous version of the rules, there was no such restriction on making oral submissions. It also noted that the rules were made pursuant to the Workers Rehabilitation and Compensation Act 1986, which provides, at subsection 85B(1):

> A person is entitled to appear personally or by representative in conciliation proceedings or other proceedings before the tribunal.

The committee also noted that the restriction may be contrary to the principles of natural justice, which require that a person be given adequate opportunity to answer a case against him or her. This issue is of particular relevance, given the committee's principles of scrutiny which require it to consider whether regulations unduly trespass on rights previously established by law or are inconsistent with the principles of natural justice. Consequently, for the reasons outlined above, I move the motion standing in my name that the tribunal rules be disallowed.

The Hon. A.J. REDFORD: This matter was dealt with this morning. There has been a series of meetings and discussions and a series of correspondence between the committee and the Chief Judge of the Workers Compensation Tribunal. One of the issues that the Workers Compensation Tribunal raised with us was whether or not the Legislative Review Committee, or the parliament, had any jurisdiction in so far as dealing with rules of court are concerned. In that respect, Mr President, as you well know, being a longstanding member of the Legislative Review Committee, that was a novel proposition given that we have been allowing and disallowing rules of court for the Supreme Court, District Court, Magistrates Court, Environment, Resources and Development Court and various other courts in South Australia for as long as I can remember. Notwithstanding that, we received an opinion from the Crown Solicitor's Office which indicated to us that these rules certainly do have to be referred to the Legislative Review Committee under the Subordinate Legislation Act and, secondly, they are instruments which can be disallowed by a resolution of either house of parliament.

The Hon. John Gazzola set out one basis for the disallowance of the regulation, which was that it removes a pre-existing right from an individual, namely, the right to appear personally in a court to present his or her case. I know that this is not without precedent and I know our courts in South Australia, in particular the Workers Compensation Tribunal, are under extraordinary pressure in terms of their workloads. I also know that there are many occasions where matters are brought before courts and tribunals which, on the face of it, may appear to be without merit. Certainly, on the face of it, they may appear to be without merit on the documents. In my experience, there have been occasions when one has looked at documents which might have appeared to be without merit, and when one has engaged in verbal forensic exchange one might find some merit in relation to the case. There is some risk, albeit minimal, that this could cause some injustice.

I know that in the case of Nguyen v The Refugee Review Tribunal, the High Court, in considering a decision of the Refugee Review Tribunal, highlighted and emphasised the importance of informing an applicant of all information relevant to his case and providing an opportunity for a reply, whether by written or oral submission. In the case of Elderly Citizens Homes of South Australia Incorporated v WorkCover Corporation of South Australia (a decision made in 1999), the court said:

> There is a duty at common law to act fairly in the sense of according procedural fairness and the making of decisions which affect rights, interests and legitimate expectations, unless there is a clear manifestation of a statutory intention to the contrary.

In that context the committee sought to consider the effect of section 85B(1) of the act which provides:

> A person is entitled to appear personally or by representative in conciliation proceedings or other proceedings before the tribunal.

There are two ways of reading that particular provision. First, it might be argued to mean that a person is entitled to put in a written submission either personally or via a representative. The alternative interpretation is that it gives a person a right to appear personally.

The committee did not feel itself in a position to read down section 85B and was of the view that, on the face of the section, it provided a worker or a litigant with a right to orally make a submission to the tribunal. Particularly in light of the UTLC's submission and the comments by other members, who have had experience with the Workers Compensation Tribunal, it was felt this was an important right. That is not to say that this issue cannot be revisited and it is not to say that, if the minister finally decides to deal with one of his dockets—and he does have a reputation for not dealing with his dockets—and looks at the recommendation on WorkCover from former Judge Stanley, and if he comes clean before the economic development summit (which is due to be held in the next six weeks) and honestly informs the employers and business people of South Australia what reforms he has in mind with WorkCover, he could also consider an amendment to section 85B. So it is within all those circumstances that the committee, under the capable chairmanship of the Hon. John Gazzola, resolved with unanimity this morning to disallow the regulation.

Motion carried

PASSENGER TRANSPORT ACT

Order of the Day, Private Business, No. 27: Hon. A.J. Redford to move:

That the regulations under the Passenger Transport Act 1994 concerning taxi fares, made on 15 November 2001 and laid on the table of this council on 27 November 2001, be disallowed.

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

That this order of the day be discharged.

Motion carried.

MINING (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development) obtained leave and introduced a bill for an act to amend the Mining Act 1971 and the Opal Mining Act 1995.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The bill has been prepared by government to enable various amendments of an administrative nature to be made to the Mining Act 1971. One amendment is also to be made to the Opal Mining Act 1995. The act in its current form does not recognise indigenous land use agreements, even though such agreements can be validly negotiated under the commonwealth's amended Native Title Act 1993. This bill therefore provides for minor amendments to part 9B of the act to enable the minister to grant mining leases to proponents who have negotiated an indigenous land use agreement and have had that agreement subsequently registered by the National Native Title Tribunal.

The bill also sets out various amendments to part 5 of the act dealing with exploration licences to encourage more efficient turnover of exploration ground in order to facilitate new exploration and accelerate current activity in South Australia. These amendments include the introduction of smaller maximum size areas for licences and a more prescriptive process for the renewal of exploration licences at the expiration of the period of five years.

Another important amendment involves the redefinition of 'mining' under section 6 so that investigations and surveys carried out by authorised officers under section 15 of the act are not classified as mining. These activities are either geological or geophysical investigations which are consistent with the role of the department in the orderly management of the Crown's mineral resources and the promotion of the mineral potential areas of the state. None of these activities leads the state into direct involvement in mineral extraction; rather, the aim is to attract increased investment by the private sector in mineral exploration and development.

Flowing on from that amendment, the bill also proposes changes to section 15 to provide that the minister may publish a notice in the *Government Gazette* setting out areas in the state which will be subject to departmental investigations and surveys. This provision will be used where it is anticipated that the investigation or survey will take some time or where, for the benefit of all South Australians, the area under investigation or survey will be exempt from exploration or mining for a specified period until the work has been completed and results published. The owner of any land affected by any such investigation or survey will retain a right to compensation for the disturbance of land under section 61 of the act.

A further amendment to the act is the introduction of a provision whereby the minister may delineate exploration licences in such manner as the minister deems appropriate, thereby allowing the geodetic datum system GDA 94, currently used by other states and territories, to be used.

A further amendment to the act deals with the repeal of section 87 which provides that, where a company making application for a mining tenement is a subsidiary of another company, evidence of that fact must be presented to the minister. Further, where the parent company of a tenement holder is taken over by another corporation, the minister's approval to that takeover is required. No other state or territory has this provision in legislation and it is considered to be an unnecessary administrative procedure which has no meaningful value.

Finally, the operation of the South Australian right to negotiate schemes in both the Mining Act 1971 and the Opal Mining Act 1995 has generally been acknowledged as being relatively successful to date. At present, these schemes contain sunset clauses that would see the schemes expire on 17 June 2003. The bill provides for the repeal of these clauses so that these schemes can continue to operate into the future. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment provisions

This clause is formal.

Clause 4: Amendment of section 6—Interpretation

The definition of "mining" is to be amended to ensure that investigations or surveys carried out by authorised officers under section 15 of the act are not classified as mining.

Clause 5: Amendment of section 15—Powers of Minister, Director and authorised persons

Section 15 of the act is to be amended so as to allow the Minister to publish a notice in the *Gazette* identifying an area that is to be the subject of an investigation or survey by the Department. The Minister will then be able to refuse to receive and consider an application for a mining tenement in relation to that area until a completion date specified in the notice.

Clause 6: Amendment of section 28—Grant of exploration licence

Subsections (4) and (4a) of section 28 of the act relate to the area in respect of which an exploration licence may be granted. This is now to be dealt with under proposed section 30AA. Subsection (6) of section 28 is no longer necessary in view of the proposed amendments to section 15 of the act.

Clause 7: Amendment of section 29—Application for exploration licence

An application for an exploration licence may be made "in writing". It is appropriate that an application be made in a manner and form determined by the Minister.

Clause 8: Insertion of section 30AA

New section 30AA relates to the area of an exploration licence. It has been decided to deal with this matter by a separate provision in the act. The prescribed maximum will now be 1000 square kilometres, unless the Minister considers that circumstances exist that justify the grant of a licence in respect of a greater area. However, as to an exploration licence for precious stones in an opal development area, the maximum area for a licence is to remain at 20 square kilometres.

Clause 9: Amendment of section 30A—Term of licence

An application for the extension of a term of an exploration licence will need to be made in a manner and form determined by the Minister and accompanied by the prescribed application fee and any associated information that the Minister may require.

Clause 10: Insertion of section 30AB

The Minister will, on the expiration of an exploration licence the term or aggregate term of which is five years, grant a new licence

over the area (or part of the area) of the former licence. Increased commitments will then be expected to apply.

Clause 11: Insertion of section 33A

The Minister will be able to describe or delineate the land in respect of which an exploration licence is granted in such manner as the Minister deems appropriate. Provision will be made to deal with cases where an alteration to the manner in which land is described or delineated results in a change in the areas of two contiguous licences.

Clause 12: Amendment of section 58—How entry on land may be authorised

Clause 13: Amendment of section 58A—Notice of entry

These amendments recognise indigenous land use agreements registered under the *Native Title Act 1993* of the Commonwealth.

Clause 14: Amendment of section 61—Compensation

A right to compensation under this section will extend to any relevant operations undertaken under section 15.

Clause 15: Amendment of section 63F—Qualification of rights conferred by exploration authority

Clause 16: Amendment of section 63H—Limits on grant of production tenement

These amendments recognise indigenous land use agreements registered under the *Native Title Act 1993* of the Commonwealth.

Clause 17: Repeal of section 63ZD

This amendment repeals section 63ZD of the act.

Clause 18: Repeal of section 87

This amendment repeals section 87 of the act, which is no longer required.

Clause 19: Repeal of section 71

This amendment repeals section 71 of the *Opal Mining Act 1995*.

Schedule: Transitional provision

New section 30AA of the principal act will extend, in its operation, to exploration licences applied for before the commencement of the section if the Minister has not, as at that commencement, advised the applicant of the terms and conditions on which the Minister is prepared to grant the licence.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

ADJOURNMENT

At 9.22 p.m. the council adjourned until Thursday 27 March at 2.15 p.m.