LEGISLATIVE COUNCIL

Wednesday 17 September 2003

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

LEGISLATIVE REVIEW COMMITTEE

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

Report received and read.

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

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. R.K. SNEATH: I bring up the report of the committee for 2002-03.

Report received and ordered to be published.

PORT LINCOLN

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to Port Lincoln made in another place by the Minister for Education.

ROSEWORTHY FARM

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): In response to a number of recent questions from the Hon. Caroline Schaefer, which focused on rumours concerning the sale of the Roseworthy Farm and campus, I stated that I would obtain more information on the review of the farm by the University of Adelaide. I have obtained a statement from the University of Adelaide on the review of Roseworthy Farm Services, which states:

> The University of Adelaide is in the process of reviewing its farm services operations at its Roseworthy campus. The Roseworthy Farm Services team manages Roseworthy Farm, provides educational services to the University's Faculty of Sciences and manages research trials on farm land. The review Term of Reference is to 'review the role and structure of Roseworthy Farm to achieve agreed educational, research and commercial outcomes'.
>
> The review team is chaired by Mr Andrew Polkinghorne, whose most recent position was General Manager of Roseworthy Farm Services. Submissions have been called for from a wide range of stakeholders, and the date submissions closed was 5 September 2003. The review team is due to meet with stakeholders and review the operations over the coming months with a report to the university by the end of November.

My office did receive an invitation to provide a response to the review, which was forwarded to the agency for consideration. SARDI, through its Chief Scientist, Livestock, who was a previous Director of Roseworthy, also received an invitation to comment, which they provided to the university on 1 September 2003. The SARDI response is in two parts:

- General comments from SARDI; and
- Personal comments from the SARDI Chief Scientist, Livestock, based on his intimate past history with the Roseworthy Farm.

The SARDI response highlighted the significant commitment the state government has made, in partnership with other key stakeholders, to develop the Roseworthy campus. Livestock and animal science research should be a key priority focus with Roseworthy becoming a centre for such research.

TORRENS RIVER

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement regarding the River Torrens clean up made in another place today by the Hon. John Hill MP, Minister for Environment.

QUESTION TIME

POLICE MINISTER

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Premier a question on the subject of the former minister for police.

Leave granted.

The Hon. R.I. LUCAS: In May this year, one of the more noteworthy decisions that was taken as a result of the cabinet reshuffle, and which has been noteworthy in recent months through its lack of public debate or discussion, was the decision to remove the former minister for police, the member for Elder, Mr Conlon, from that portfolio. The Deputy Premier was made the new minister for police. Back in May this year, I put a question to the Premier and the question in brief, without going through all the detail, was: was the Premier provided with any information which led him to believe that it was not politically tenable for Mr Conlon to remain as minister for police, and which led the Premier to dump him from that portfolio?

As I have said, that question was first asked in May and, since May this year, the Premier has continued to refuse to answer that particular question. Mr President, you would, of course, be aware of other circumstances where events occurred in November last year, which were only subsequently revealed by the opposition by way of a question in parliament many months later. My questions are:

1. Will the Premier now answer the question first asked in May, that is, was the Premier provided with any information which led him to believe that it was not politically tenable for Mr Conlon to remain as Minister for Police and which led him to remove him from that portfolio?

2. If the Premier continues to refuse to answer this question, does he concede that this is a further example of his unwillingness to be true to the commitment he made to be open and accountable in government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will take the question on notice.

CONSTITUTIONAL CONVENTION

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the Constitutional Convention.

Leave granted.

The Hon. R.D. LAWSON: In August, the Constitutional Convention was held in this place. It was conducted by an organisation called Issues Deliberation Australia under a contract with the government. Preliminary quantitative and qualitative results of that conference were issued on 15 August. Recently, I received a draft final report from Issues Deliberation Australia, which stated that the report

would be tabled in October. I was asked to respect the confidentiality of that final report—which I will do. The same report was issued to other members of the steering committee.

An important element in the process of the deliberative poll was the independence of the delegates selected and the independence of Issues Deliberation Australia, which was conducting the process. It has come to my attention that, in late August, the Speaker of the House of Assembly personally wrote to each of the delegates who attended the conference. The letter, in part, states:

> There are two 'things to do' about which I am writing.
>
> 1. The group leaders (and the Constitutional Convention Secretariat. . . and I) will need your help to get a report together for presentation to parliament. This will be prepared by your group leaders with the help of the CCS. . .
>
> 2. Please fill in the attached questionnaire and send it back to me. This is research which I am doing separately from and in addition to the deliberative poll, which is being undertaken by IDA under Dr Pam Ryan's control. Your responses to all of the questions are 'confidential' to me as Speaker. . . Please let me know if you do not wish to participate and do not wish to personally hear from me again.

The questionnaire contains a series of questions such as:

> Did you see or hear about the two-page advertisement in Friday's *Advertiser*, the 8th August 2003, before you came to the reception at the Adelaide Town Hall?

I remind members that that was a two-page advertisement inserted by Peter Lewis personally. In the questionnaire, he also asked:

> Did you get a CD from my office outlining and explaining my ideas.

My questions are:

1. Did the minister, when he was Attorney-General, or did the Hon. Michael Atkinson, Attorney-General, authorise Issues Deliberation Australia to release the names and addresses of delegates to the recent Constitutional Convention to any person or organisation?

2. Does the government endorse the Speaker's having access to the names and addresses of those delegates and his use of that database for the purpose of obtaining information for 'research which I am doing separately from and in addition to the deliberative poll'?

3. When will the government be introducing its response to the Constitutional Convention?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Constitutional Convention was, I think, a very successful event. I commented at the time how pleased I was with the great interest that was shown by those delegates who turned up and made an effort to put their minds to some of the important constitutional issues of the day. With respect to the outcome of the Constitutional Convention, of course, as the deputy leader has pointed out, we still await the final report from the steering committee. As I understand it (and I am not a member of the committee), it was due by the end of—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: All right. I believe that a report was supposed to be due by the end of September; I do remember that much. I will take those questions on notice. Obviously, the Attorney-General now has the responsibility, as far as the government is concerned, in relation to the Constitutional Convention. If there was any authorisation in relation to exactly what Issues Deliberation Australia was allowed to do, I think it was part of any contract, or arrangements that were made certainly before I had anything to do with it. I will need to take those questions on notice and bring back a response for the honourable member.

I think it is interesting that one of the outcomes of the Constitutional Convention, as I could best understand it, was that there was a view from the majority of delegates there—and certainly a changing view—that, as a result of the convention, they had a greater appreciation of the work that was undertaken by members of parliament, a greater appreciation of the problems and issues that members of parliament face—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes. Indeed, the Hon. Angus Redford has anticipated the response. In my view, the Constitutional Convention has obviously enabled those delegates to have a greater appreciation of the worth of politicians, and that is a very positive outcome. But I will bring back a response in relation to the specific questions.

The Hon. A.J. REDFORD: Sir, I have a supplementary question. Is the leader aware that, in the same document, the Speaker asked the following question:

> Did you have the chance to get hold of any information from me from the CLIC web site?

I presume that CLIC is the party of some two or three people that the Speaker is head of. Does the leader endorse the Speaker's using parliamentary letterhead—parliamentary resources—in his capacity as Speaker for base party political purposes under the guise of the Constitutional Convention?

The Hon. P. HOLLOWAY: What I can say is that the Speaker of the House of Assembly has obviously taken a great interest in constitutional reform in this state. He has made it quite clear all the way through. As I have just indicated in answer to the previous question, the Constitutional Convention was, I think, a very successful event and I, for one, certainly appreciate the effort of those 300 delegates who came along to that convention.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: The answer to the first part is no, I was not aware of what was in that particular document and, therefore, it would not be appropriate for me to comment on it, because I really do not have the information that would be necessary to enable me to form a judgment.

The Hon. A.J. REDFORD: Sir, I have a further supplementary question. Will the information that is gathered by the Speaker pursuant to this questionnaire be made available publicly or, at the very minimum, to the steering committee?

The Hon. P. HOLLOWAY: I will refer that question to the Attorney; because I have not been aware of this material it is really very difficult for me to answer it. The Attorney has responsibility for that matter and I will pass that question on to him.

The Hon. A.J. REDFORD: As a further supplementary question: will the government outline the total cost of the convention and, in particular, having regard to the suggestion at the Constitutional Convention that the panel of experts was paid, will the government advise this place whether or not any member of the panel of experts was paid for the extraordinary service they provided to the people of South Australia through this process?

The Hon. P. HOLLOWAY: I will get an answer to that question from the Attorney-General.

The Hon. J.F. STEFANI: As a further supplementary question: will the minister advise the council whether any moneys were used to fund the convention from the Parliament House budgets and, if so, what were the amounts?

The Hon. P. HOLLOWAY: My understanding was that this was a separate budget, and I think my colleague the Attorney-General has made statements on this matter. There is certainly nothing secret about the amount of money that has been spent in relation to the Constitutional Convention. I have already indicated to the Hon. Mr Redford that I would get an answer on that. Some information has already been made available by my colleague. I guess that might have been preliminary information, so I will try to get an accurate, up-to-date figure for the Hon. Angus Redford and, if there is any further information relevant to the question asked by the Hon. Julian Stefani, I will get that. It is certainly my understanding that the Constitutional Convention was provided with a specific line. Given that it is the responsibility of the Attorney, I will check that with him.

The Hon. A.J. REDFORD: As a further supplementary question: will the government rule out that, if people in receipt of these questionnaires do not acknowledge the same forthwith, the Speaker will refuse to acknowledge them for the rest of their natural lives?

The PRESIDENT: I think that was an attempt at humour.

DANGGALI CONSERVATION PARK

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about a prisoner incident at Danggali Conservation Park.

Leave granted.

The Hon. J.S.L. DAWKINS: On 29 May this year I asked the minister a question about the stand-off between five prisoners from the Port Augusta Prison and two guards at the Danggali Conservation Park north of Renmark some 12 days earlier. The minister indicated that he had not received a report on the incident from his department. However, he did say that he would seek a report and provide it to me. The minister also said:

> I will ascertain what caused this incident and whether any prevention programs can be put in place. Sometimes the prisoners who are chosen may not be suited to these outside activities. I will have a look at the selection criteria for prisoners and bring back a reply for the honourable member.

When will the minister provide the promised report related to this incident that occurred four months ago?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I apologise to the honourable member; I did make that promise publicly and to the parliament to bring back a report. I will have to take that question and make the same promise, but I will make sure that that is provided within the next seven days.

TELSTRA LANDCARE AWARD

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the 2003 Telstra Country Wide Landcare Research Award.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that the South Australian Research Development Institute, in conjunction with the Coorong District Council, recently won a landcare award for an aquaculture culture project they have been conducting. Will the minister explain to the council the details of the work for which the award was received?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her important question. I have been very impressed by this project and would like to congratulate the South Australian Research and Development Institute's Aquatic Sciences and the Coorong District Council, who have won the 2003 Telstra Country Wide Landcare Research Award. This award was presented to them for their project at the Cooke Plains Inland Saline Aquaculture Research Centre. The project has been investigating ways saline ground water can be used for aquaculture production in areas affected by dry land salinity.

This is certainly very important and topical work. The integrated aquaculture operation uses ground water taken from the shallow, saline watertable to produce saleable crops of fish, brine shrimp, oysters and seaweeds. All water discharged is evaporated on site in a 1½ hectare pond system to produce salt which can be removed. The removal of ground water also lowers the watertable and reduces the local effects of dryland salinity, ultimately allowing the surrounding land to be used again for agriculture.

The project has been funded by the National Heritage Trust, the National Action Plan for Salinity and the Department of Water, Land and Biodiversity Conservation's Centre for Natural Resource Management. South Australian Research and Development Institute research scientists Tim Flowers and Wayne Hutchinson have carried out ongoing research, and I would like to commend them for their excellent work.

Further trials have commenced at Cooke Plains to assess the potential use for 30 million litres of saline ground water per day from the Stockyard Plains Disposal Basin at Waikerie. Intercepted ground water, with a temperature of 22°-24° centigrade, flows to Stockyard Plains Disposal Basin from the Woolpunda, Qualco and Waikerie Salinity Interception Schemes. This trial will look at establishing regional inland aquaculture industries which utilise this resource.

OPEN SOURCE SOFTWARE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about open source software.

Leave granted.

The Hon. IAN GILFILLAN: On Tuesday 15 July, I asked the Minister for Administrative Services a question about open source software. He has not yet provided an answer. To continue with the subject, I referred in that question to a comment which the minister had made in a letter to the initiative for software choice. I quote from that letter dated 2 July 2003:

> Our research to date shows that generally, open source software is not seen by the marketplace to be suitable for fundamental business functions. Research also suggests that many of the emerging applications cannot yet satisfy the needs of the more expert office product users.

This quote received a considerable amount of attention in the information technology community around the world and, I suspect, some speculation on the quality of the research.

I refer the minister's attention to a recent article in the IT section of *The Australian* of 2 September 2003. The article, headed 'Telstra goes open-source', states:

Telstra, Australia's largest technology company has nailed its colours firmly to the mast of open source software, creating a potential nightmare for Microsoft and sending shivers through a range of traditional platform providers. Under Project Firefly, Telstra switched on a desktop trial in March using two flavours of Linux and a Cotrox-based Windows system, aimed at shifting up to 85 per cent of its computing desktops to thin-client technology.

The key piece of information for any government manager is contained in the next paragraph:

The telecoms giant which spends $1.5 billion each year on information technology aims to slice this cost in half within 3 years.

Therefore, Telstra is aiming to save $750 million per year by using open source software. Given Minister Weatherill's statement that open source software is not seen by the marketplace to be suitable for fundamental business functions and given Telstra's announcement, which seems to suggest that the opposite is true, I ask the minister:

1. Will he write to Telstra to explain the error of its ways?

2. Will he table the current research which he relied upon when drafting his letter for the initiative for software choice and indicate what ongoing, if any, research this government has currently in hand?

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

MEN'S SUPPORT SERVICES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about funding and resources for men and fathers.

Leave granted.

The Hon. A.L. EVANS: On 21 November 2002, I asked a question concerning the level of funding and resources provided through the minister's department to support men and/or fathers experiencing family trauma. The minister advised that no clearly defined moneys were allocated to support men or fathers experiencing family crises. However, the minister provided details of where funding had been allocated in relation to men's services generally, including $170 000 allocated to the Department of Human Services' health budget and $4 700 to fund men's information and support services. My questions to the minister are:

1. Will she advise how much of the DHS men's health budget has been spent?

2. Will she provide a description of the types of programs that have been funded under the budget, including the money spent to date under each program? If not, why not?

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

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Recreation, Sport and Racing, a question about the playing fees to be charged by the government for the use of the Hindmarsh stadium.

Leave granted.

The Hon. J.F. STEFANI: Following the announcement by Adelaide City Force not to field a team in the NSL competition for the coming 2003-04 season, a new team called Adelaide United has announced its intention to field a team and to play its NSL home matches at the Hindmarsh stadium. During its dealings with the Adelaide City Force Soccer Club, the state Labor government was most reluctant to make any concessions in relation to the fees payable for the use of the Hindmarsh stadium and demanded a flat hire fee of $8 000, plus GST, for every home match played there. My questions are:

1. Will the minister advise the council of the hire fee payable by Adelaide United for the use of Hindmarsh stadium?

2. Will the minister advise the council of the details of any other assistance or concessions made by the state government to Adelaide United in connection with the use of the Hindmarsh stadium?

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

VICTIMS OF CRIME

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Leader of the Government in the Council a question about victims of crime.

Leave granted.

The Hon. A.J. REDFORD: After very many months, the jury in the bodies in the barrels trial found both Bunting and Wagner guilty of in excess of nine counts of murder. I understand that, according to a newspaper article, the charges against a third accused, Mr Haydon, will be heard in February and March next year. On Wednesday, 17 September, the following was reported in *The Advertiser*:

Asked about calls to pay jurors more, Mr Atkinson said the allowance had been doubled to $200 a day, because Snowtown was a long trial.

Mr Atkinson went on to be quoted in the article in relation to the experience of the jurors, equating them with victims, as follows:

They showed great patience and fortitude to get through what was harrowing evidence. He said psychological counselling would also be made available to them.

It has now come to my attention that the victims—in other words, the family members and other relatives associated with the murder victims—have not been all that well treated—indeed, nowhere near as well as the jurors in the case. As I understand it, the present procedure of the Crown Solicitor's Office is to delay payments of compensation until the conclusion of the police prosecution. In many cases, this is essential to ensure the cooperation of the victims and to ensure that an offence has been made out. In other matters, however, it can cause considerable hardship.

In the case of the Snowtown murders, the crown has not made payments of compensation, as it awaited the outcome of the trial. However, as it appears there may be a separate trial for a further offender next year, it is of concern that the victims in this case will not be able to avail themselves of victims of crime payments for many more months, particularly in relation to offences which are now several years old.

Finally, I have been approached by Mr Matthew Mitchell and Mr Jamison, who both act for a number of the victims in this case in this regard. In the light of that, my questions are: first, will the Attorney direct the Crown Solicitor's officers to proceed with reasonable haste to deal with the claims by

the victims of these quite heinous crimes; and, secondly, will the Attorney ensure that he exercises any jurisdiction that he might have in favour of these tragic victims in this particular case?

The PRESIDENT: Before the minister answers the question, I am convinced of the concern of the questioner for some of the victims, but he expressed a lot of opinion when asking his question. I ask him in future, despite his concern and obvious interest in the matter, to refrain from expressing an opinion when framing his questions.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am sure we all share the honourable member's concerns for the families of these victims. I will pass on the question to the Attorney-General and bring back a reply.

PRISONERS, SEXUAL OFFENDERS PROGRAM

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about sex offenders' rehabilitation.

Leave granted.

The Hon. J. GAZZOLA: I was interested to hear the minister talk about the introduction of a prisoner sex offender rehabilitation program in response to a question asked yesterday. I understand that for some time South Australia has been the only mainland state not to have such a program. Will the minister outline what comprehensive prison based sex offender rehabilitation programs the former Liberal government put in place?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I have to report to the council that there were no programs in place when we came into government. In fact, less than that: there was diddly-squat. We had a very cold start.

The Hon. R.I. Lucas: Shame!

The PRESIDENT: Order!

SUPPORTED ACCOMMODATION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Social Justice a question about my previous question about proposals for supported accommodation services for people with a mental illness.

Leave granted.

The Hon. KATE REYNOLDS: On 16 May I asked a question of the minister regarding housing support for people with a mental illness. The minister's answer included the statement:

> The Eastern Community Mental Health Service is developing a proposal for a supported accommodation service which will provide support to the inner-city and eastern metropolitan region.

Messenger newspapers, which have been highlighting the issue of the supported housing crisis in South Australia, placed numerous calls to the Eastern Community Mental Health Service and the Royal Adelaide Hospital. Neither could provide any detail of the proposal and apparently knew nothing about it.

The journalist then contacted the minister's office on numerous occasions but has not been given any answers to her request for more information. The lead article in last week's edition of *The Eastern Courier* carried the headline 'Mental health mystery' and stated that the new mental health accommodation promised by the government was shrouded in non-answers over where, when and how much it will cost. My questions are:

1. Was the information about the proposal for a supported accommodation service for the inner-city and eastern metropolitan region tabled in parliament on 7 July correct?

2. If the information is not correct, will the minister name the source of her advice and explain how incorrect information came to be tabled in parliament?

3. If the information is not correct, will the minister explain how the housing needs of people with a mental illness will be appropriately met in the eastern metropolitan and inner-city areas?

4. If the information is correct, will the minister provide details relating to the development, location, time frames and cost of new mental health accommodation services for the inner-city and eastern metropolitan region?

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

GAMBLERS' REHABILITATION

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 Social Justice, questions in relation to the Gamblers' Rehabilitation Fund and the Breakeven Services network.

Leave granted.

The Hon. NICK XENOPHON: On 15 June this year, an extensive advertising campaign for the Breakeven Services network of gambling counsellors was commenced. It included TV, radio and press advertisements to encourage people with a gambling problem to seek assistance. The campaign mirrors a campaign in Victoria and, in fact, Victorian advertisements have been used and modified for South Australian purposes, particularly in relation to TV and radio advertisements. The government has worked with the Victorian government in relation to this campaign.

The Victorian campaign resulted in, as I understand it, an increase of some 100 per cent in the number of individuals seeking assistance from the equivalent of the Breakeven network in Victoria. Information I have received from counsellors recently indicates that here, too, there has been a significant increase in the demand for services but a lack of commensurate increase in resources for gambling counsellors.

One counsellor I talked to earlier today told me that there was enormous pressure on the agency where he worked. He said that there was something like a 100 per cent increase in demand for services and that the agency was having trouble coping, and that it was, of course, affecting not only issues of service delivery but also placing enormous pressure on the staff of that service. My questions are:

1. Will the minister advise, as soon as possible, what the increase in calls and demand for services to the Breakeven network has been since the introduction of the media campaign of 15 June?

2. Was the government aware of the increase in demand for gamblers' rehabilitation services in Victoria as a result of the campaign which this government has emulated, and did the government make any contingency plans for the increased demand in services that was anticipated as a result of the campaign in South Australia, again mirroring the Victorian campaign?

3. Was the minister aware of concerns of gambling counsellors, prior to the introduction of the South Australian campaign, that they would have difficulty in coping with increased demand without additional resources, and was that communicated to her in any way?

4. Will the government undertake to immediately increase funding for the Breakeven network that is commensurate with any increase in demand for services?

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

HOSPITALS, ADVERSE EVENT REPORTING

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question regarding adverse event reporting in hospitals.

Leave granted.

The Hon. J.M.A. LENSINK: It is estimated that some 16.6 per cent of hospital admissions result in an adverse event and that 60 per cent of errors could have been prevented. Costs associated with such errors are estimated at $4.5 billion nationally. I understand that a strategy that can assist with this particular problem is the Australian incident monitoring system (AIMS) that has been developed but that, within that system, only eight 'sentinel adverse events' will be recorded. My questions are:

1. What other risk management and benchmarking measures does the government have in place to improve hospital systems?

2. How much capital and recurrent funding has the South Australian government allocated to AIMS?

3. How many hospitals have so far implemented the new system?

4. Of those hospitals that have not yet implemented the system, how many are at the training stage and how many remain at the initial implementation stage?

5. What organisation is being used to provide this training and how will its quality and consistency be monitored?

6. When does the minister expect the system to be fully operational and data being reported in all South Australian hospitals?

7. What action is the Health Commission taking to ensure adverse event reporting by hospitals in South Australia?

8. Since AIMS is a voluntary system, will the government instigate other regulatory requirements, making its use compulsory, to ensure the safety of patients and improved quality of health care across the state?

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

NUCLEAR WASTE STORAGE FACILITY

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier, a question about government advertising.

Leave granted.

The Hon. D.W. RIDGWAY: In this morning's *Advertiser* newspaper there was a full-page advertisement on the nuclear waste repository in South Australia. The article states:

> I urge everyone to make a submission and to write to the Prime Minister and make your opposition clear. Tell John Howard—Don't dump on SA.

Recently, I read an interview with Dr Haydon Manning. The article was entitled 'Rann and Labor yet to make a mark', and, in part, it stated that the Premier and cabinet are shamelessly pursuing their populist campaign against the federal government's plan for a nuclear dump. The article went on to say:

> To impartial observers outside the state, it would seem ironic that next door to the proposed site is the largest uranium mine in the country.

During the election campaign, some of the core election promises were to cut government waste and to redirect funds to where they are most needed. My questions are:

1. Will the Premier confirm the cost of this advertisement?

2. Will he assure the council that this is yet another breach of an election promise by his government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think it is absolutely extraordinary that the honourable member should raise questions about money being spent in relation to the nuclear dump, when the Howard federal Liberal government has spent massive amounts of money to try to get spin doctors to sell the proposal.

Members interjecting:

The PRESIDENT: Order! There is too much waste in the council.

The Hon. P. HOLLOWAY: As the Minister for Agriculture, Food and Fisheries, I am greatly concerned about the impact of the dump. One of the most important factors this state has going for it, in terms of its state food plan, is the fact that this state is recognised as a clean and green environment in which to grow food—and I compliment the previous government for beginning that food plan. But what is the point of having a food plan that is based very heavily on the clean, green nature of our environment and the fact that we have the capacity to produce food, which is sought throughout the world, when at the same time we are sending the message that this is the site in the country for all the nation's waste? It is one thing to be storing and dealing with our own waste, but to be storing it for the rest of the nation is not the message to send to the rest of the world. In my view, in relation to the portfolio I hold, it is quite contrary to the best interests of the state.

The Hon. A.J. Redford: Where would you put it?

The Hon. P. HOLLOWAY: The whole point is that each state should be responsible for its own waste.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: In relation to this matter, I can only endorse the calls the Premier has made and hope that all South Australians will take up his call to write to members of the federal government to seek to change their mind. It is a tragedy that the Liberal Party in this state is complicit in the matter—just as it was with other issues, including the health agreement. The federal government was giving us a dodgy deal that was $75 million less over five years than we would have got if the previous health agreement had been rolled over, yet when the Liberal spokesperson, the Hon. Dean Brown, the former minister who five years before criticised the original deal—

An honourable member interjecting:

The Hon. P. HOLLOWAY: I will tell you what is relevant. Every time John Howard says something, this lot rolls over completely, even when it is clearly against the best interests of South Australia. The Rann Labor government will stand up for South Australia, even if the opposition will not.

The Hon. R.K. Sneath: Whingeing, whining opposition.

The PRESIDENT: Order! There is too much interjection today. It would be far more profitable if the answers remained relevant to the questions. We all have a responsibility not to debate questions and answers.

The Hon. D.W. RIDGWAY: Sir, I have a supplementary question. An inquiry this morning to *The Advertiser* revealed to me that mid week full page advertisements cost $8 397.62. Will the minister confirm that spending $8 397.62 is a sensible use of government funds?

The PRESIDENT: Order! The honourable member has been here long enough to know that there is no explanation with a question. The only question is: is it a sensible use of government money?

The Hon. P. HOLLOWAY: If, as a result of the advertisement, enough South Australians take it up and shame the federal government into changing its mind, it will be well worth it for South Australia.

The Hon. J.F. STEFANI: Mr President, I have a supplementary question. Will the Leader of the Government in this chamber confirm or deny that it was the Keating Labor government which transported 10 000 drums of nuclear waste, which are presently located in Woomera? Secondly, will the minister advise the council—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stefani has the call.

The Hon. J.F. STEFANI: —what the Rann Labor government proposes—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stefani has been granted audience to ask a supplementary question. There are too many interjections. I cannot hear him, and I am sure that the minister cannot either. I ask all members to restrain themselves and allow the Hon. Mr Stefani to put his question.

The Hon. J.F. STEFANI: Thank you for your protection, Mr President. Will the Rann Labor government advise this council and the public of South Australia where it proposes to transport the existing waste in Woomera, in relation to its commitment to free South Australia from any nuclear waste?

The Hon. P. HOLLOWAY: I am not quite sure that the latter part of the question corresponds with my understanding of the commitment that the government has made. I think it is a well-known fact that the commonwealth government of the day (which was the Keating government) did transfer some waste to Woomera for temporary storage, pending the decision on a national repository. The question with which we are faced, and for which the Premier is seeking the support of the people of South Australia, is whether forevermore all low level waste should be deposited in this state. From my point of view, that answer should be no.

The Hon. J.F. STEFANI: Sir, I have a further supplementary question. Will the Leader of the Government confirm or deny that the Premier (Hon. Mike Rann) was a minister in the Labor government in 1991, when the ongoing desk studies to locate a national repository were continuing?

The Hon. P. HOLLOWAY: Mike Rann certainly was a minister in the South Australian government in 1991. What the commonwealth government was doing at that time I could not confirm. But he certainly was a minister of the government back in 1991; that is scarcely a surprise. In relation to what the commonwealth was doing at that time, I am not in any position to confirm or deny anything.

The Hon. A.J. REDFORD: Sir, I have a supplementary question. When will the government release the long awaited EPA report and audit, which was first promised in December last year, then in February this year, then in April, then in May, then in July and then in August?

The Hon. P. HOLLOWAY: I noted some comments the other day from my colleague the Minister for Environment and Conservation that he believed that the report would be completed fairly soon. He has responsibility for that. I will get an answer from the minister and bring back a response. It is his responsibility.

The Hon. A.J. REDFORD: As a further supplementary question: is the minister aware that this report has been completed and was completed some time ago?

The Hon. P. HOLLOWAY: I will find out that information. I am not the minister responsible for that report. I know my colleague made a statement the other day, but I am not sure whether he said the report had been completed and would be released shortly. Either way, I will get the information from him. Let me say that at least this government is attempting to get some definition about what waste is held within this state. Is that not appropriate? Is that not what the people of this state would reasonably expect the government to do?

Members interjecting:

The Hon. P. HOLLOWAY: The previous government had no idea. I think it is an appalling state of affairs that when it came to office the government had little or no idea exactly what was held around the place. The reason why the EPA has been asked to undertake this task is so that we can deal with the problem of nuclear waste and get some definition of the scale of the problem. It is entirely appropriate. I understand that there are about 270 sites. I am not surprised that it has taken a fair bit of time. I am sure that the radiation control branch—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I am sure the radiation protection—

Members interjecting:

The PRESIDENT: Order! I am very disappointed today. I am offering protection to those asking questions, including the Hon. Mr Redford, and I find it disappointing that, having had the protection to ask a question, some members continue to interject when the minister is answering. It invites firm action and will receive firm action if members do not honour their commitment to maintain the dignity of the council.

The Hon. P. HOLLOWAY: I will complete the answer to the question by making the point that there were a significant number of sites around the state. The radiation protection and control branch of the EPA has a number of tasks. I am well aware of that, because through the mineral petroleum and energy division of my department my agency is involved with the radiation and control branch in relation to the operation of Roxby Downs and Beverley and other matters. I am aware that that department has a significant

role, and in looking at the 270-odd sites it certainly does not surprise me that it has taken some time to compile all that information. Again I make the point that it is a pity that there was not some proper accounting of that in the past.

The Hon. J.F. STEFANI: As a further supplementary question: will the minister confirm or deny that the Keating federal Labor government transported 10 000 drums of nuclear waste against the will and the wishes of the people of South Australia and the then Liberal government in 1995, when the then premier, Mr Brown, wrote to the Prime Minister asking him not to proceed with the decision to transport the material to Woomera?

The Hon. P. HOLLOWAY: I do not really think that is a matter to answer. It is a rhetorical question. I cannot answer about what the commonwealth government of the day did, but if a Labor commonwealth government does something it does not necessarily mean that this government will endorse it. If it is necessary for us to stand up for South Australia, we will do so.

OVINE JOHNE'S DISEASE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about ovine Johne's disease.

Leave granted.

The Hon. T.J. STEPHENS: On page 5 of the national framework for the future management of OJD in Australia it is written that various parties, including state agricultural departments, will meet in September 2003 to agree on a preferred option for the national management of OJD. Three distinct options are identified in the discussion paper for the management of OJD. Industry representatives have indicated to my colleagues that it is imperative that this government enter into an agreement for OJD management that has the interests of South Australian sheep producers at heart and is not led blindly by its eastern state counterparts. My questions to the minister are:

1. Given that a representative of his department is meeting this month to formulate a national OJD management plan, can the minister inform the council what future policy the Rann government is intending to implement for the management of OJD?

2. When will he inform sheep producers of his proposed policy?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The honourable member asked this question the other day, and I gave some background on the development of OJD policy. Of course, it is important that this state have agreement with other states and, given that we have about 10 per cent of the nation's sheep flocks, obviously our role will be important. Indeed, I think we have been punching above our weight, due largely to the prominent role the chief veterinary officer of this state, Dr Robin Vandegraaff, and his staff have played in relation to the development of OJD policy.

I make the point again that this state has really led the nation in relation to the treatment of Johne's disease, both in terms of OJD and BJD. We have been trying very hard to get the Victorians to follow this state's practices in relation to BJD. Because Victoria is the centre of the dairy industry, it is important that its policies are compatible with those operating in this state. In relation to those policies, I am well aware of these matters being developed. A week or so ago, the Primary Industries Standing Committee met, when issues were discussed by the heads of departments. On Friday, when parliament rises, I will have a briefing in relation to those matters.

It is important that this state continues to play a key role in the management of OJD. As I said, we hope that other states will learn from our experience and follow South Australia's lead in the management of this disease, so that we can avoid some of the problems that New South Wales, in particular, is facing, and where there is enormous community concern about what is happening in that state. We have been fortunate to avoid that, and that is a tribute to the good management that the animal health people in the Department of Primary Industries and Resources have played. However, in relation to the policy, obviously we will have to work with the other states to get the best outcome, as we have done in relation to national livestock identification and other issues in relation to animal health.

PARLIAMENT HOUSE, ENERGY AUDIT

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking you, Mr President, a question about the need for an energy audit of Parliament House.

Leave granted.

The Hon. SANDRA KANCK: It is fairly obvious to anyone who walks around this place in the evening, or at a time when most members are not here, when parliament is not in session, that lights remain on in rooms for many hours at a time without people in them, and there appear to be no movement detectors to ensure that the lights switch off. For example, when one is driving past at 11 o'clock at night and all the doors are locked, one will see committee room lights on. Going past some of the toilets, where lights are linked to exhaust fans, one will hear exhaust fans continuing to run, despite the fact that no-one is in the toilets. I am concerned that parliament is wasting a lot of energy. It should be setting an example to the community. It is possible to hire people to conduct audits of energy use to make recommendations about how this can be reduced. My questions are:

1. What is the annual energy use of Parliament House?

2. What are those figures for each of the past five years?

3. Will you, sir, in consultation with your counterpart in the other place, seek to have an energy audit prepared for Parliament House?

The PRESIDENT: I am not sure of the figure in respect of power consumption. I will take advice as to whether that figure is available. I can report to the council that over a number of years, since the renovations, an audit was taken. Lower wattage lighting has been installed. The lights are switched off by the caretakers on a regular basis at particular times in the night. That has presented us with another problem, because members using the building have complained about walking around in darkened corridors, and it is something of an occupational health and safety issue with which we have had to grapple. I can report that the air-conditioning switches off automatically these days at 5.30 and that there is an ongoing audit. There has been a number of issues, including a change to the wattage of globes, etc.

However, at the end of the day, these matters are not necessarily an issue for me and the Speaker but are the province of the Joint Parliamentary Services Committee, which controls the operation of these buildings. I will draw the matters that the honourable member raises legitimately to the committee, and it will make the appropriate decisions

at the appropriate time. In respect of actual figures, I do not think they are available. I will make further inquiries in respect of those matters.

The Hon. D.W. RIDGWAY: I have a supplementary question. Will the President inquire as to whether there are any plans to harness the hot air that rises from the government's side of the chamber?

REGIONAL FACILITATION GROUPS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, a question about Regional Facilitation Groups.

Leave granted.

The Hon. J.S.L. DAWKINS: Six Regional Facilitation Groups were recently established by the Commissioner for Public Employment, and they include representatives from most government departments and agencies. The delineated regions for the groups are Eyre, Mid North, Murraylands, Riverland, Spencer and South-East. The implementation of these groups followed the successful regional coordination trial in the Riverland, which was known as the Riverland Regional Management Forum, conducted by the former government. That trial included representatives of relevant local government authorities and Regional Development Boards, mirroring arrangements for the former Regional Development Issues Group.

People who experienced the work of the Riverland Regional Management Forum have told me that it is desirable that representatives of these organisations which have close community links should sit on the facilitation groups alongside the nominees of the various state government agencies. It is also worth noting that the Riverland trial held monthly meetings. This process seemed to be more timely and efficient than the quarterly schedule of meetings which has been set down for the Regional Facilitation Groups. My questions are:

1. Will the Premier direct the Commissioner for Public Employment to take the necessary steps to ensure that the voices of local government and regional development are heard within each of the Regional Facilitation Groups?

2. Will the Premier also direct the Commissioner to require the Regional Facilitation Groups to meet on a monthly basis?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. I will seek an answer from the Premier and bring back a reply.

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) ACT

The Hon. P. HOLLOWAY: I lay on the table a ministerial statement in relation to the Recreational Services (Limitation of Liability) Act 2002 made today in another place by the Attorney-General.

MATTERS OF INTEREST

WOMEN'S CLOTHES

The Hon. CARMEL ZOLLO: The correct or standard sizing of women's clothing has been a frustrating and time consuming exercise for virtually a whole generation of women. It is not uncommon to find clothing label sizes that do not correspond to the actual size of the outfit, and often clothing is labelled one or two sizes smaller as a marketing ploy. It has been an issue of concern not only for consumers, of course, but also for the many people involved in the production and retailing of clothing. I welcome the greater publicity being given to this matter over the past few months. In particular, the work of Professor Maciej Henneberg and his team has been widely reported in both the electronic and print media.

Professor Henneberg has recently completed a national size survey, which was co-funded by Sharp Dummies and the Adelaide University's Wood Jones Chair of Anthropological Anatomy and supported by several clothing manufacturers. Sharp Dummies is now using this data to construct mannequins that will be available to industry for garment construction. The problem faced by the clothing industry is how to convert the complex three-dimensional shape of our body into one-dimensional measurements which can be translated into a two-dimensional pattern which is then sewn into a three-dimensional well fitting garment.

I understand that the current Australian size standard is based on measurements taken over 70 years ago. Standards Australia's size coding scheme for women's clothing uses old US data from the 1940s topped up by self-reports from readers of women's magazines from 1969 to produce tables of body measurements for standard sizes. Professor Henneberg has pointed out that the current clothing standards are based on this very old American data that is not compatible with the biological reality of Australian women today. Comparative surveys show that the Australian woman has over that period increased in height by 1.5 per cent and in weight by about 15 per cent. This outdated data defines the average woman as a size 12 when, in reality, today size 16 to 18 is the average.

I believe the clothing industry at all levels needs to better acknowledge consumers' needs and, more importantly, their rights: the right to see clothing that is true to size. Having large stocks of clothes left over at the end of every season is a waste of money in what is a very competitive industry. It has recently been reported that a national study has found that 'millions of dollars of clothes are being wasted because the fashion industry is out of touch with the real shape of women.' It is indefensible for many fashion houses to remain out of touch with the average sized woman with clothing continuing to be modelled on stick figures. Such clothing may also leave emotional scarring by reducing women's self-esteem because of dissatisfaction with their body image. This often leads to unhealthy crash dieting and eating disorders.

Appropriately, Professor Henneberg has indicated that he will also now be looking at men's sizing as well as boot sizing, which no doubt will also be very welcome. Professor Henneberg forwarded to me a short paper dated January 2003 entitled 'National size and shape survey of Australia', which provided background details and the basis for the anthropometric survey. Professor Henneberg is also a member of the

garment sizing committee of Standards Australia. That committee has recently established a working party to conduct a larger survey to produce reliable international standards. It has been reported that the national working group is expected to recommend that size 16 now become the standard and be renamed size 12.

Standards Australia has indicated that it is very keen to see the clothing standard revised. At this time they believe that if more comprehensive data is provided the standard could be revised by Christmas. I urge all clothing manufacturers and everyone in the industry to support the efforts of the garment sizing committee of Standards Australia. I know the clothing industry will benefit greatly from this study which I am certain will help to reduce customer frustration and wastage in the industry.

SOUTHERN SUBURBS

The Hon. T.J. STEPHENS: I rise to speak about a subject which I have raised in this council many times and on which I am yet to receive a satisfactory outcome. I refer to the issue of southern suburbs infrastructure and services. Many members may be aware of the several press reports in recent months highlighting the plight of southern infrastructure. Most recently there was a report of the Noarlunga rail line having two bridges in an unsatisfactory state of repair, which is of course highly dangerous.

Under the previous Liberal government, the southern suburbs was a priority issue because of the neglect that it had suffered under the previous Labor government. Many people from that part of the world would remember it being called 'the forgotten south' and that was because Labor did absolutely nothing for the south. On the other hand, the Liberal Party, through the efforts of the local community and local MPs such as the extremely hard-working member for Mawson, fought to reverse the atrophy that occurred under Labor.

The Liberal Party invested wisely in the future of the south by putting money into infrastructure projects such as the Southern Expressway, schools, hospitals and the Christies Beach police station. Since the Labor Party dealt itself back into government there have been several southern suburbs specific issues in which one would assume the Minister for the Southern Suburbs might have an interest. First, we had the Mobil Oil Refinery which the Minister for the Southern Suburbs said was a matter for the Treasurer and the Minister for Industrial Relations. What did the minister for the south do? Absolutely nothing!

Then we had the southern bus strikes, to which the minister said, 'Talk to the Minister for Industrial Relations,' who, in turn, said, 'Not my problem.' What did the minister for the south do? Absolutely nothing again! I asked a question of the minister in parliament as to what representations he had made with regard to the Christies Beach High School oval. He replied that that was a matter for the education minister. However, when it came to announcing the bursaries for southern students, the minister for the south, not the minister for education, handled that issue.

In fact, the minister's statement of 30 April, which supposedly defines the role of the minister, makes for interesting reading. In it he states:

> My job is partly a coordinating role and partly facilitating access to government for local councils and community groups.

Being in the upper house, the significance of this may be somewhat lost on my audience opposite, but my understanding is that this is a role that any member of the House of Assembly would fulfil and something which all members on this side of the council fulfil on a regular basis. It strikes me as odd that the ALP considers this to be so above and beyond the call of duty that it needs a separate ministry for it.

The people of the southern suburbs deserve much more than a good title and an uninterested minister. There are serious issues facing the south and they need to be addressed urgently. The infrastructure crisis will only worsen as time goes on, and the economic impact of Mobil and the recurring industrial action that seems to hound this Labor government will take a toll on the southern economy which needs to be addressed.

I will support any initiative that will strengthen the economy of the south. What I will not support is a minister and a government using cheap titles to gain political mileage out of what is a serious and concerning situation. Why does there need to be a minister for a single office with a staff of three and a budget of $400 000, especially when that minister states that he actually has no influence on policy outside of his portfolio and refuses to intervene in issues which ostensibly fall under his portfolio?

In a recent newsletter published by the Office of the Southern Suburbs, it is stated:

> John Hill is the Minister for the Southern Suburbs and gives the community a direct voice in cabinet.

Maybe they use dog whistles to communicate in cabinet these days, because as far as I can tell the Minister for the Southern Suburbs' voice is yet to be heard around the cabinet table. I have asked a number of questions in this place and not once has a reply come from the minister indicating that he has made any representations to cabinet for the southern suburbs or even that he has discussed any matter in his capacity as minister for the south with his cabinet colleagues.

The newsletter goes on to mention which state electorates fall into its sphere of influence before launching details relating to several government programs that concern the south, such as the Draft Transport Plan and the Generational Health Review. From my reading of the newsletter, of the seven articles written only two are attributable to a southern suburbs specific program, and one of those is the aforementioned bursaries. I ask the government to stop playing petty politics with the people of the south and to put real resources into infrastructure, police and job creation. The people of the southern suburbs absolutely deserve better.

ANSETT AIRLINES

The Hon. J. GAZZOLA: This month marks the second anniversary of the demise of Ansett Airlines. We also note that the airline industry has gone through unprecedented turmoil in the last few years and that competition between airlines has led to cut-throat competition. As a consequence of this there have been a number of interesting developments in the Australian aviation industry. Qantas is seeking to further entrench its almost monopoly-like powers over the Australian domestic and international aviation industry. The announcement by Qantas that it will move to a more flexible work force, as their sustainable futures program outlines, actually means the casualisation of labour and the use of labour hire in their work force to the tune of anything between 25 to 45 per cent of the total work force. Together with the failed attempt by Qantas to acquire a greater interest in Air New Zealand, these are examples of what the company perceives as necessary to determine its survival.

We also have the observation, as reported in *The Australian*, by British Airways Chief Executive, Rod Eddington (who was a chief executive of Ansett Airlines at the time of its collapse), that he had absolutely no doubt that Ansett would have survived (albeit in a different form) if a merger between Singapore Airlines, Ansett and Air New Zealand had been approved. There are many reasons for this not occurring: the New Zealand government's refusal to allow more than 25 per cent investment in Air New Zealand and the refusal by the Howard government to support Ansett in favour of guaranteeing Qantas's survival being contributing factors.

There will be losers in the restructure of Qantas, with an estimated $1 billion to be cut from labour costs. These cuts and changes in employment come on the heels of the unfortunate 15 000 retrenched Ansett workers. Apart from the latter losing their employment, many after 20 years of devoted employment with Ansett, the frustration of the appeal by the trustees of the Ansett ground staff superannuation plan against the Ansett administration, which is further holding back the repayment of further redundancy payments, means that employees could possibly be further disadvantaged by the manner in which the Ansett levy will be administered.

The Hon. R.K. Sneath: It's a pity that John Howard's brother didn't own it; they might have been paid.

The Hon. J. GAZZOLA: Yes. The $335.5 million advanced as a loan by the federal government will be repaid from the asset sales, with any shortfall coming from the ticket levy. Given that further asset sales are struggling in a difficult economic climate in global aviation and that the government is withholding the levy as a payment to cover the shortfall, a likely scenario will see not all redundancy payments being met in full. The $280 million is, in essence, being held by the federal government, resulting in airlines, tourist bodies and unions questioning the government's establishment of a slush fund, although the tourist industry was quick to raise the possibility of surplus levy funds being returned to the tourism industry when the government was subjected to industry pressure.

The consequences of all this are that asset sales and loan funds will fall short of the required $700 million to fully redeem ex-Ansett workers and that the public perception of a levy to raise money for the unfortunate victims of corporate collapse is a hoax by the federal government. Retrenched workers—and the public—are again bearing the brunt of this and other company collapses. As the Hon. Robert Sneath pointed out, unless the boss is related to the Prime Minister, there is an absence of any federal policy.

POLISH SETTLERS

The Hon. J.F. STEFANI: Today, I wish to speak about the early settlement of the Polish pioneers who first arrived in South Australia in 1839 with a group of German settlers. Amongst this early immigrant group of German families were a number of families with the Polish names of Galasz and Wotka.

In 1844, on board the *George Washington*, 33 people of Polish origin arrived from the Duchy of Poznan and settled in Tanunda. Four years later, a Silesian Catholic settlement named Sevenhill was established approximately 120 kilometres north of Adelaide. This settlement included a number of families of Polish background. Amongst this group of settlers was Dr Anton Sokolowski and two Austrian Jesuit priests, who settled in Sevenhill.

The arrival of these Polish people and families in this area attracted the settlement of other Poles who originally settled elsewhere in the Barossa Valley and the colony. It is interesting to note that Dr Sokolowski became a member of the first District Council of Clare in 1853. In 1856, on board a ship called *August*, another 25 Polish families, consisting of more than 100 people, arrived in South Australia and settled on small farms in Polish Hill River and the Sevenhill area. In 1857, the first piece of land in Polish Hill River was acquired by a Pole by the name of Niemec.

As many people would be aware, most of the Polish people came from a strong Catholic background and maintained their religious traditions. The first baptism occurred in 1857 when Szymon Mlodystach was baptised and the first Corpus Christi procession was held in Sevenhill in 1864. Not long after, a committee was established to build the Hill River Church and Jan Nykiel donated the land and appointed his sons as trustees, together with Lucas Malycha and Paul Polomka. The Polish people soon became part of the local community. Jan Nykiel was appointed as a special constable in the Hill River by the District Council of Stanley.

Led by Father Leon Rogalski, a Jesuit priest who arrived at Sevenhill in 1870 to serve the growing Polish community, the church of St Stanislaus Kostka was built and consecrated soon after by Bishop Shiel. The new Sevenhill and Hill River Church had also established its own school for the teaching of both the Polish and English languages and was listed as a teaching school in the Sands and McDougall directory of South Australia in 1872.

Another member of the Polish community to achieve early success in local government administration in the District Council of Clare was Michael Rucioch, who was first elected to the council in 1873 and later, in 1877, became the chairman. Other members of the Polish community to be elected to local government were Jan Nykiel and Carl Kozlowski. The South Australian government took over the responsibility of the St Stanislaus school in 1886. A statistical census published by Father Rogalski in 1890 listed 322 people in 62 Polish families as living in the Hill River, Sevenhill and Penwortham areas. The death of Father Rogalski on 6 June 1906 was followed by the closure of the school in Hill River and the unfortunate deterioration of the church and school buildings, which were later used as storage areas by the local farmers.

A visit to the Sevenhill cemetery provides a special and enlightening record of the family history and the numerous names of Polish pioneers who made their contribution to the Hill River and Sevenhill areas and to South Australia. The arrival of many post war Polish immigrants saw the rekindling of an interest in this special settlement area where the early pioneers of Polish migrants had settled and made their contribution to the development of our state.

The Polish community undertook the renovation and restoration of the church and school buildings. They also purchased adjoining land to create a unique setting for the renovated St Stanislaus Kostka's church and school buildings, which are now listed on the State Heritage Register. These buildings have now been developed as an historical museum, which incorporates the precious history and personal items of the early Polish settlers to the Hill River and Sevenhill area. The museum is managed and staffed by volunteers from the Polish Pioneer Descendant Group, who regularly maintain exhibits and open the museum to the public every first Sunday of the month.

In closing, I congratulate the members of the Polish community for the work they have undertaken to preserve this special part of our early migration history and wish them every success in the future.

Time expired.

MENTAL HEALTH

The Hon. SANDRA KANCK: Today, I raise concerns about hospital support for people with mental illness. I have been contacted by a woman who has schizophrenia. Because she was experiencing a psychotic episode at the time, she was compulsorily detained under the Mental Health Act and admitted to the Royal Adelaide Hospital on 26 June. Unfortunately, there were no beds in Ward C3 (the ward where patients suffering from mental illness are normally accommodated), so she was placed in a general ward with a Group 4 security guard stationed nearby.

At the time of the hospitalisation, she was one of 25 mental health patients scattered throughout the RAH in various wards, each of whom were assigned their own Group 4 guard 24 hours per day. Not only were there no spare mental health beds at RAH but on that day there were simply no spare mental health beds in the whole state.

As a consequence of this woman's psychosis, she was having nightmares and was apparently somewhat noisy and agitated. Another of the patients in the ward (a bikie) threatened to kill her if she did not shut up. Fortunately for her he was in traction so he was not able to carry out his threat, but it did not help her mental state to have death threats made against her. To her later embarrassment she was to find out that another patient, who was due for surgery the next day, had not been able to sleep because of her disturbance.

The nurses were not trained to assist patients suffering psychosis, and simple mistakes were made. She was taken off her antidepressant medication, resulting in her becoming suicidal, yet, despite that development, the nurses left all her medication sitting on the window ledge. Her detention order was incorrectly filled out, resulting in the order being for 21 days rather than the requisite initial three days. It is normal procedure for a patient's treating psychiatrist to be advised when a person has been compulsorily detained, but her psychiatrist became aware of her patient's admission only as a result of an accidental conversation on the weekend while out horse riding with a doctor from RAH. This patient remained in this ward for six days, so it is clear that the bed shortage lasted for at least that long. Because of that shortage, most peculiarly—and I doubt whether this complies with the Mental Health Act—she was discharged, while still theoretically under detention, in a category of being 'on leave'. Her psychiatrist was unhappy with the treatment given and, having been taken off her antidepressant drugs and becoming suicidal, the woman took a number of weeks to stabilise.

All this raises many questions about the capability of our mental health system to cope with the demands being placed on it. I have described the situation at just one hospital but, as the situation was so critical for at least a week, one can only guess what might have been happening at other hospitals. One also wonders about the cost associated with the use of private security guards to oversee and restrain mental health patients in open wards; and whether that money be might be better spent on opening more mental health beds. I did a quick calculation: 25 patients in the RAH, for 24 hours a day, for six days, with Group Four guards being paid, let's say, $20 an hour would have cost $72 000. It is unfair that other patients who are not mentally ill have to tolerate the behaviour of a psychotic person; and it is unfair on the general nursing staff to expect them to look after someone in a psychotic state.

When the Liberals were in government, I heard the former health minister, Dean Brown, on five different occasions at functions I attended, say that mental health—and 'health' was the word he used—was going to be the biggest problem facing the health system in the 21st century. The problem was known then by the minister and it was known then by the department, yet nearly five years down the track we still have not got it right. The fact that there was not a mental health bed in the entire state for someone experiencing a psychotic episode must ring alarm bells about what supports are available for anyone else experiencing something less than that. Mere neurosis, severe depression or suicidal ideation would not get you a bed. People suffering from mental illnesses deserve better than this and our system is failing them.

BIBLE SOCIETY

The Hon. A.L. EVANS: I speak today on an international society which will celebrate its bicentenary in 2004. The British and Foreign Bible Society (or Bible Society as it is known today) was formed in London in the 1800s—a time marked by widespread indifference to biblical values such as justice and freedom. Unfortunately, this attitude of injustice resulted in acceptance of immoral and unjust industries such as the slave trade. While the slave trade had many opponents, many also supported the trade. One such person was John Newton, the captain of a slave ship, who benefited from the trade. History records him as being a very vulgar and evil man who felt no remorse for his human cargo. One day, John Newton came face to face with his evil. Such was his experience that he was converted to Christianity, turned his back on the trade and became a pastor. John was also a very gifted hymn writer and wrote many hymns, including *Amazing Grace*—a song that is testimony to his conversion to Christ.

It was John Newton, along with William Wilberforce MP, and other proponent activists of that time, who formed the Bible Society in 1804. The society has been working in Australia for over 189 years, and locally in South Australia for 158 years. Its members and volunteers work tirelessly in Australia to uphold the mission statement of the society, which states:

> . . . achieving the widest possible, effective and meaningful distribution of the Holy Scriptures and helping people interact with the word of God.

Clearly, Australian society has benefited from the work of the Bible Society. One of the fundamental principles of the Bible Society in Australia is that every effort must be made to make the Bible available to the average Australian in a language they can understand and at a price they can afford. The translation of the Bible into various Australian indigenous languages demonstrates this important principle. More recently, the translation of parts of the Bible into South Australian Aboriginal languages, such as Pitjantjatjara and Ngarrindjeri, has not only given these indigenous groups written work in their own language but has also been a catalyst for language learning, literacy and education, which has resulted in further opportunities for a new generation. The accuracy of the translation of the Bible that we have today,

written from its early manuscripts, can be trusted. It exceeds the two rigorous tests set by historians, namely, the time gap and the number of copies, and many leading historians testify to its accuracy.

On a broader level, various principles and teachings of the Bible continue to influence community values and standards. For instance, our legal morality largely stems from the 10 commandments—don't kill, don't steal. Labour laws—a fair day's pay for a fair day's work—originated in Jesus's parables. The concept of family and marriage was first proposed in the Bible. Public ceremonies, such as citizenship ceremonies, and high office appointments reflect promises of the Bible. It is my conviction that the Bible is just as relevant today for Australian society as when the Bible Society was first established. The popularity of the Bible continues to impress.

Today the Bible is a No. 1 best seller in the world—a title the Bible has held for many years. As the Bible Society looks forward to celebrating its bicentennial year in 2004, I hope that many people will pause to consider the importance of the Bible; and that its timeless message does provide a standard on which our entire community can rely and have confidence. Family First congratulates the Bible Society for its great achievements over the years, and wishes it all the best in celebrating its bicentennial year.

CONTAINER DEPOSIT LEGISLATION

The Hon. D.W. RIDGWAY: Today I would like to address an issue about which I have been passionate for some time. I bring to the attention of the chamber the need for political leadership for nationwide container deposit legislation. I am sure that all members of this chamber are aware of the container deposit legislation in our state. This legislation not only prevents unsightly litter in our urban and natural environments but also makes best use of our resources and finds further uses for recycled materials. It was first introduced in the 1970s, and changes in the legislation in the past few years have extended the scope of containers which are able to be recycled. Ian Kiernan, Chairman of Clean Up Australia, is able to report that on Clean Up Australia Day each year 50 per cent fewer containers are recovered in South Australia than in other states. Some 85 per cent of beverage containers are recovered in South Australia. Due to the initiative of the former Liberal government, even milk cartons and flavoured milk cartons now have a deposit on them in this state.

But this is not good enough. South Australia produces only 7 per cent of the nation's rubbish. In order for this legislation to have a real impact, it must be extended to a nationwide strategy. In fact, I have been contacted by the beverage packaging industry in Fiji, which is seeking similar legislation in Fiji. Most of the beverages consumed in Fiji are packaged in Australia, so the beverages consumed in Fiji are in bottles or cans which have a 5¢ deposit in South Australia, but there is no way of recycling the bottle or can. If the container perhaps stated 'a 5¢ deposit in Australia' or 'a 5¢ deposit at a recycling depot', the message might be much different. Pacific Island nations that receive the majority of their packaged drinks and foods from Australian packaging depots might then be encouraged to take up the issue. An Australian example could inspire them into action.

A single, small (in terms of political clout) state pursuing this system simply would not be convincing enough. I also have nearly 30 years of experience at a local level, living on the South Australian-Victorian border, where the difference in the amount of rubbish and beverage containers on the side of the road is quite visible. It is quite unbelievable to see, only a matter of a few hundred metres either side of the Victorian border, that there is a drop off in the number of containers in South Australia.

A major obstacle in the way of a nationwide strategy is the powerful industry lobby of drink companies, packagers and supermarket retailers. Their opposition is a powerful disincentive to state governments. If our interstate parliamentary colleagues give up on this cause, we can be sure that the industry heavyweights will ensure that the container deposit legislation is a fluke of the South Australian system. The Packaging Industry Covenant, which was signed in 1999, is an example of this. The industry secured a guarantee that a South Australian style deposit system would not be introduced into any other Australian states for the five-year life of the covenant. Since the covenant is due to expire next year, it is now time to act.

Minister Hill is happy to toe the line of his interstate Labor colleagues on the issue of shopping bags. I challenge him to show whether he has the leadership skills of his own, or any conviction to fight for the clean, green image of his government and convince his interstate colleagues that container deposit legislation is the way to go. What is needed is a nationwide strategy. Last year in Adelaide I brought this to the attention of delegates at the CPA conference, where I presented a paper entitled 'Containing waste'. I called for a national approach, based on South Australia's experience.

The Hon. T.G. Roberts interjecting:

The Hon. D.W. RIDGWAY: The Commonwealth Parliamentary Association. In Australia, like other consumer oriented economies, we have a growing waste management problem. Available landfills are rapidly diminishing and we must, as a matter of urgency, develop alternative methods of waste disposal. One of the best ways of managing beverage container waste is to recycle it, thereby reducing landfill, and recycling resources such as glass, plastic, aluminium and cardboard. Australians throw out about 5 billion drink containers each year, and about 7 billion shopping bags. If Minister Hill is serious about his government's clean, green image, let him show us, and the rest of Australia, that he means business.

STATUTORY AUTHORITIES REVIEW COMMITTEE: WEST TERRACE CEMETERY

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

That the report of the committee on the management of the West Terrace Cemetery by the Adelaide Cemeteries Authority be noted.

The Statutory Authorities Review Committee first reported on the management of the West Terrace Cemetery in August 1998. At that time, the Enfield General Cemetery Trust was the legislated manager and was required to produce a plan of management for public consultation. The committee reported that this management plan was grossly inadequate. Indeed, the committee noted that the trust had failed to advise the committee of its plan of management and to advertise widely the public meeting to discuss the plan. Key stakeholders were also unaware of its existence.

The committee published two further reports, which expressed ongoing concern about the Enfield General Cemetery Trust's failure to consult with interested stakeholders, including the Adelaide City Council, the National Trust and heritage and religious groups. At that time, the respon-

sible minister (Hon. Diana Laidlaw MLC) intervened and required the Enfield Cemetery Trust to produce a second plan of management.

In May 2001, the parliament debated the Adelaide Cemeteries Trust Bill. A select committee of the Legislative Council was appointed to examine the provisions of the bill, and one of the recommendations of the select committee, which was accepted by the parliament, was that the Statutory Authorities Review Committee should monitor the Enfield General Cemetery Trust's management of the West Terrace Cemetery. The recommendation stated:

> . . . that the Statutory Authorities Review Committee of parliament continue its function of inquiring into, considering and reporting on the management of the West Terrace Cemetery and its Plan of Management.

In October/November 2001, the committee commenced taking evidence on this matter. A written submission from Mr Paul Starke, the former principal heritage architect with the Adelaide City Council until September 2001, with particular expertise in heritage matters, noted 'the inadequate depth of policy development in respect of cultural heritage management'. The committee also took verbal evidence from Mr Kevin Crowden, who was at the time the Chief Executive of the Enfield General Cemetery Trust. The committee was disappointed to note that the plan of management for West Terrace Cemetery still had not been finalised, well over two years after the scheduled date.

The committee concluded that the management of Enfield Cemetery had been unwilling or unable to recognise the important heritage issues relating to West Terrace Cemetery, and had persistently refused to consult with relevant parties. The committee concluded that the current management of the Enfield Cemetery Trust was incompetent for the important task of managing West Terrace Cemetery, which is regarded as one of the 10 most important historical sites in Adelaide—and I understand that it is also one of the top 10 tourist destinations in Adelaide.

However, the committee recognises that, pursuant to the provisions of the Adelaide Cemeteries Authorities Act 2001, which was assented to in July 2001, the then responsible minister (Hon. Diana Laidlaw) was required to appoint a board of not more than seven members. The Statutory Authorities Review Committee has met with members of the new board, and it is encouraged that the board is aware of the heritage importance of West Terrace Cemetery. On the board's advice, the committee is aware of problems with the cemetery's operating costs. The committee received the new plan of management in April 2003, and it notes that many of the most central recommendations of previous reports have been included. The committee believes that the new plan will significantly improve the progress and the operation of the West Terrace Cemetery. I also to take this opportunity to thank all committee members, the Hon. Diana Laidlaw for her support as minister and also our research officer, Mr Gareth Hickery, who completed the report as the committee secretary.

The Hon. A.J. REDFORD secured the adjournment of the debate.

STATUTES AMENDMENT (GAMING MACHINE REGULATION—ALCOHOL AND BETTING RATE) BILL

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

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

This bill incorporates two bills that I previously introduced into the parliament on 8 May 2002 relating to the rates of play of gaming machines and also the service of alcohol within gaming machine venues and the casino. I refer honourable members to my contribution at that time. I will precis that and add to it quite briefly.

In relation to the issue of the consumption of alcohol, submissions have been made to the Independent Gambling Authority on this issue and, notwithstanding the Independent Gambling Authority's obligation to establish codes of practice to be ultimately adopted by this parliament, the parliament should not be precluded from dealing with these issues. Simply having an Independent Gambling Authority, which plays an important role, should not preclude us from considering issues because, ultimately, the decision rests with the parliament in these matters, notwithstanding the value and assistance we can obtain from the deliberations of the Independent Gambling Authority and the various submissions made to that authority.

In relation to the consumption of alcohol, this bill provides that alcohol not be served within gaming rooms or within areas of play within the Adelaide casino. I have previously made reference to work carried out by Professor Mark Dickerson, an academic and researcher who has worked previously for the gambling industry. His work, 'An Experimental Study on the Effect of Prior Alcohol Consumption on Simulated Gambling Activity', in essence states that, where individuals are consuming increased amounts of alcohol, the amount of time that they spend playing machines is increased. This report shows that there is a very clear correlation between the consumption of alcohol, particularly prolonged consumption, and increased levels of gambling, and it is reasonable to extrapolate from that increased levels of problem gambling.

The report also makes reference to a survey of the general population of New Zealand using the World Health Organisation's alcohol use disorders test, and the researchers, Abbott and Volberg, found that 46 per cent of problem gamblers and 64 per cent of gamblers fulfilling criteria for pathological gambling consumed harmful amounts of alcohol. This bill would ensure that somebody who wishes to consume alcohol is not served alcohol at the machine while they are playing. They have to make the effort of going outside the area to have a drink. It provides for a break in play, and that could well be useful in terms of ensuring less harmful behaviour in terms of playing poker machines, in particular.

Relationships Australia, in a very comprehensive submission to the Independent Gambling Authority, undertook some surveys of its clients, and they indicated that there was some support in relation to not having alcohol served within gaming areas, that it was a mixed result in respect of that. The following question was put to clients of Relationships Australia: 'I would gamble less if alcoholic drinks were not permitted in gaming rooms.' That goes further than this proposed legislation but, of the sample, 26 per cent agreed that, if alcohol were not permitted in gaming rooms, that would reduce their gaming. Of the agreeing sample, 87.6 per cent strongly agreed. However, 71 per cent disagreed that alcohol would have any impact on reducing their gambling, with 23 per cent of the disagreeing sample strongly disagreeing.

This measure would ensure that the consumption of alcohol would require the player to go outside the gaming room or outside the playing area of the casino to purchase drinks. In that regard, it would be a useful measure in dealing with problematic gambling behaviour. The bill also deals with the issue of maximum rates of play and I canvassed that extensively in my contribution on 8 May 2002.

There is a very real concern that one of the key drivers in levels of problem gambling is the rate of loss on machines. Machines in Australia compared with machines in other jurisdictions have a higher rate of loss, and reference was made to that by the Reverend Tim Costello and Royce Millar, a journalist, in their book *Wanna Bet? Winners and Losers in Gambling's Luck Myth*. It indicated that the rate of loss per hour for Australian poker machines in Australian dollars of $720 per hour compared with $156 per hour for New Zealand machines outside casinos, $130 for UK machines, $52 for Japanese machines and $705 for US machines. It also makes the point that, with multiple lines and multiple bets, the rate of loss can be very high for a particularly short period.

This has been considered and, in terms of rates of loss, 71 per cent of the client base of Relationships Australia (South Australia) surveyed agreed that a maximum bet of 20¢ would reduce their gambling. Further, 55 per cent of the agreeing sample said that they strongly agreed with this. In other words, those who have problems have indicated that reducing the rate of loss would have some considerable impact on their level of loss. I implore those members who support the hotel industry to consider, if they believe that this is simply a matter of recreational activity, why it is that someone's pay packet can be lost in a matter of minutes with poker machines as they currently exist. Something needs to be done about the rate of loss.

One of the key findings in the Productivity Commission report is that 42.3 per cent of poker machine losses are derived from problem gamblers, and that indicates that this industry derives a very significant amount, a disproportionate amount, of its revenue from problem gamblers, the vulnerable and the addicted. Reducing the rate of loss should not affect those recreational gamblers, those who might want to have a flutter of a few dollars, but it would have a very big impact on the level of problem gambling in the community, and something needs to be done to address the rate of loss on machines.

That is not difficult in a technical sense. Something can be done and, if we are serious about dealing with levels of problem gambling, something ought to be done with respect to the rate of loss on machines. I have previously stated that, when this state debated whether or not gaming machines should be introduced, Mr John Bowly, the Market Development Manager for Aristocrat Leisure Industries, one of the largest manufacturers of poker machines in Australia, told journalist David Bevan, who was working for *The Advertiser* in 1992, in an article headed, 'Maker lashes concern over "addiction"':

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

He went on to say:

> Gambling is when you go in with a couple of hundred bucks and you are wiped out or win. . . It would take you a month of Sundays to lose $100 on these things.

We know that $100 can be lost on poker machines in a very short time, and that a significant proportion of poker machine revenue is derived from problem gamblers. The rate of loss is something that we need to address. Whether it is addressed directly by the Independent Gambling Authority in its codes of practice, which I hope will be tabled later this year, remains to be seen. It is one of the issues that has been raised by various groups that are concerned about the impact of gambling, and I believe that this parliament has an obligation to consider it in terms of dealing with levels of problem gambling in the community.

Various studies, including from the SA Centre for Economic Studies, indicate that something of the order of 20 000 South Australians have a significant gambling problem, with poker machines being responsible for the vast majority of problem gamblers in this state, and that ought to be considered very seriously. The report conducted some two years ago for the Provincial Cities Association by the SA Centre for Economic Studies estimates that in excess of 20 000 South Australians have a gambling problem because of poker machines and that the rates of loss, the high intensity of play, the repetitive nature of play and the design of machines are significant factors in this level of addiction.

These are matters which ought to be considered. I ask honourable members to seriously consider the matters raised. I appreciate that they have been on the *Notice Paper* previously, but I acknowledge that, due to illness, I was not in this place for extended periods last year. I simply ask that members give these bills due consideration and that they grapple with the issue of how to deal with the unacceptable levels of problem gambling in this community, given that so many South Australians have been hurt, particularly by poker machines. When the Productivity Commission indicates that, on average, seven people are hurt or adversely affected by every problem gambler, then this is an issue which touches on the entire community. I urge honourable members to, if not support these bills, seriously consider them and deal with them expeditiously.

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

CHILDREN'S PROTECTION (MANDATORY REPORTING) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Children's Protection Act 1993. Read a first time.

The Hon. NICK XENOPHON: I move:

> That this bill be now read a second time.

The Layton review into child protection, published several months ago, had a very extensive discussion with respect to the issue of mandatory reporting for child protection. I will briefly discuss the contents of that part of the report and the recommendations of Robyn Layton QC. I commend the government for instigating this report. The government has acted on wide-spread concern about the level of child abuse in the community. I note that the Hon. Mr Evans has also been pre-eminent in respect of this particular issue in terms of his long overdue legislative amendment to abolish the anachronistic legislative provisions which prevent the prosecution of sexual offences prior to 1982. In a sense, it builds upon the success of that.

I refer to Ms Layton's report on the issue as it now stands. In terms of the current legislative requirements, section 11 of the Children's Protection Act requires that the Department for Family and Community Services must be notified if a person suspects, on reasonable grounds, that a child has been or is being abused or neglected. Section 11 sets out various

categories and classes of individuals who fall within that. The Layton report, quite correctly, points out that a number of classes of individuals were not included, but should have been, in terms of mandatory notification. In terms of the importance of mandatory reporting and child protection, the report states at 10.3:

> From the Fays' perspective, mandatory notification is critical. A number of reviews into this issue have been held, with the following findings: mandated notifiers provide more detailed and accurate information; have an increased substantiation rate; provide a higher level of consultation; have an increased understanding of the responsibilities of FAYS and other agencies; and have a commitment to working in partnership.

The report discusses a summary of the submissions made, including that the classes of professionals and individuals that should be included as mandated notifiers should be widened. One submission from Anglicare noted:

> Anglicare welcomes mandatory notification, as it provides a legislative imperative to respond to child abuse, ensuring that it does not become an individual decision. This protects those legally required to notify, as well as sending a clear message to the community that the state is committed to the protection of children.

Another view was that mandatory reporting was strongly supported. The Justice Advisory Group stated:

> A positive tool for child protection. We believe that mandatory reporting is a simple and effective way to ensure adults who work with children have a clear professional obligation to report concerns of suspected abuse. In our opinion, child protection considerations outweigh other public interest grounds for withholding relevant information.

The report recommended that there be an extension of the class of persons required to notify. Recommendation 54 of the Layton report stated that the act be amended to include:

> All church personnel, including ministers of religion, except in confessionals.

I will discuss that shortly. It also recommended that the act be amended to include as mandated notifiers: all individuals and services providing care to or supervision of children; all volunteers who are working with children, including both volunteers working in supervised and unsupervised settings and all people who may supervise or be responsible for looking after children as part of a sporting, recreational, religious or voluntary organisation.

This bill picks up on the recommendations of the Layton report, with one exception—an exception that I know is controversial. I respect the views of other members who have spoken to me in relation to this issue. I will read shortly from a letter from a constituent who disagrees fundamentally with the issue of confessionals not being exempted. However, I think it is a debate that we ought to have, and I will set out those reasons.

In relation to the issue of whether confessionals should be exempted, I sought advice from the Reverend Dr Don Owers and also from Professor Freda Briggs. The Reverend Dr Don Owers is the Anglican minister at St George's Church at Magill. He became known to South Australians earlier this year as a result of his very courageous stand in disclosing and exposing decades of abuse by Mr Bob Brandenburg, a former Commissioner of CEBS (the Church of England Boys Society), and the extensive abuse that Mr Brandenburg perpetrated.

The Reverend Owers has dealt with this issue. He has been at the front line. He has counselled victims. He has been instrumental in the Anglican Church's agreeing to a high level inquiry that is being undertaken by former Justice Trevor Olsson, a former justice of the Supreme Court. The Anglican Church should be commended for undertaking that inquiry into the processes of dealing with child sex abuse, the allegations and the process of dealing with complaints within the Anglican Church. I make it absolutely clear that I am not singling out any particular church or any church institution. This is a problem that has affected a range of churches in a range of denominations, and I do not find it helpful to single out any particular church.

In his advice to me, the Reverend Owers considered that the issue of child protection ought to override that of the confessional. He said:

> If the parliament insists that clergy become mandated reporters, the clergy, like any other citizen, will have to comply, or bear the consequences.

He continued:

> The key thing is to get clergy to do mandatory reporting training and thus increase their awareness, their skills and their sense of responsibility in general practice. It will also send a signal to paedophiles about awareness levels in churches. In my view, it will not affect responsible and proper use of the confessional.

Earlier today, I spoke with Professor Freda Briggs, who is well known to many Australians at a national level. She is the Emeritus Professor at the University of South Australia in the division of education, arts and social sciences. She teaches in the field of child protection and children in the family and the community. She was one of the inquirers for the report on the way in which the Anglican Church in the Brisbane diocese dealt with allegations of child sex abuse and its processes involving the former governor-general Dr Peter Hollingworth. She is well qualified on this issue and has a national reputation.

Professor Briggs' view—and I hope at some later stage (perhaps when I am summing up) to table her written views—was that there ought to be zero tolerance in relation to child sex abuse and that it would send a very clear signal that the confessional was not exempt. Earlier today, she expressed the view (and I hope I summarise her views fairly) that, over a number of years, had there been mandatory notification in terms of priests in the confessional reporting ongoing abuse to their superiors, much abuse could have been forgone.

I received an email from a constituent, whom I do not think it fair to name because I have not had an opportunity to get his permission to do so. However, he is well known to me and is a practising Catholic. In terms of the flipside of the argument, I think it is fair to read what he put to me:

> You would understand that the Confessional Seal, for Catholics and for other Sacramental Churches has always been sacrosanct. This is both a discipline and unchangeable truth. In my humble understanding, it's not so much that there is a need for secrecy in any worldly understanding (like a counsellor, etc) but rather that the priest acts in persona Christi—as Christ to the penitent. The penitent confessing to Our Lord, not the Priest and receiving absolution (forgiveness) also from Our Lord—but through the Priest. Therefore, were a Priest to break the seal of the confessional, he would effectively be denying the action of Christ through the sacrament.
>
> This being the case, I submit that no priest will consider himself bound by any law that would challenge this reality. Therefore, any Bill that would seek this as an outcome would not be enforceable. Why then would we want to create a law that cannot be administered?

I think it is important for the record to put the view of a considered member of the community, a person whom I know to be of devout Catholic faith and who wrote to me in the context of fraternal counsel, and I appreciate that.

However, it is not an easy issue and it has shades of grey. But, as I have been persuaded by the Reverend Dr Don Owers and Freda Briggs—and I emphasise (as has Dr Owers) that

his views are not necessarily those of the Anglican Church as a whole but are those of someone who has grappled with this issue first-hand in terms of his parish and his parishioners—that there ought to be a debate on the nature of the confessional; that we ought to consider seriously removing that exemption suggested in the Layton report.

For those honourable members who do not agree with me—and I appreciate that there is a number—I urge them to support, at the very least, the provisions of the bill that reflect the recommendations of the Layton report to ensure that priests, church workers and those in voluntary organisations be mandated notifiers, when they have reasonable grounds to suspect that children have been abused.

It is a contentious debate on the issue of the confessional; I accept that. I respect the views of members, however contrary they may be to mine. It is an issue with which I have grappled, but I urge members to consider expeditiously the primary provisions of the bill in so far as they reflect the Layton recommendations. Broadening the class of individuals that must be mandatory notifiers will send a very clear signal to the community. As Reverend Owers said, it will mean that the clergy and church workers will need to be trained appropriately to ensure that the protection of children is paramount. For that reason, and given the terrible stories we have heard involving a number of organisations and churches relating to the widespread abuse of children, I believe this measure would be a positive step towards reducing the level of child abuse in the community.

The Hon. A.J. REDFORD: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. NICK XENOPHON: I move:

That standing orders be so far suspended as to enable the second reading debate to be further considered.

Motion carried.

The Hon. R.D. LAWSON: I thank members for supporting the suspension of standing orders to enable me to make a brief commencement to my contribution in response to the Hon. Nick Xenophon's Children's Protection (Mandatory Reporting) Amendment Bill. There are a number of elements of the bill which are commendable and which, no doubt, when the various members of this council have had an opportunity to consider them, will be strongly supported here. However, I think there is one matter to which the honourable member did not pay sufficient regard, and that is that the Layton report is a very extensive—and, I might say, expensive—review of children's protection in this state. It contains very many recommendations which are worthy of support if, as the honourable member says, the protection of children is to be paramount in this state.

The honourable member has chosen one of the recommendations contained in that report but he has not taken the recommendation in its entirety: namely, extending the class of persons for whom notification of abuse or neglect is mandatory. It is regrettable that the government has not yet produced a reasoned and comprehensive response to the Layton report. The government commissioned this report and has championed it, and the Premier and other ministers have made frequent references to it in complimentary terms, yet we have not seen a comprehensive response let alone a comprehensive implementation of many of the recommendations contained in it.

It is simplistic of the Hon. Nick Xenophon to say that protection of children is paramount and that anyone who does not support his bill is putting the interests of children behind other interests. We on this side of the council agree that the protection of children is paramount, and I am sure all members of this chamber (indeed, this parliament) would agree with the principle that the protection of children is paramount, but the case in relation to compulsory notification by ministers of religion of information which comes to them in the confessional also raises an important and fundamental principle.

For hundreds of years the law has acknowledged the unique status of the confessional, and the law has not seen fit to draw back the curtain on the confessional and require ministers of religion who hear confessions in a spiritual and sacramental sense to divulge information which they obtain in the confessional. Lawyers are not required to divulge information which has come to them in a professional capacity. Journalists refuse to divulge the sources of confidential information that is supplied to them. Both of those rules are seen as important. They are not rules that put behind them the protection of children or undermine the paramountcy of the protection of children.

With the greatest respect to the Hon. Nick Xenophon, in putting forward his proposal in this way, which does not implement the Layton report but which seeks to include that which Layton said ought be excluded, the honourable member can be accused of grandstanding. The questions that ought be asked in relation to a proposal of this kind are: first, would the interests of children be seriously advanced by removing from the confessional the sacrosanct nature of the confessional; and, secondly, does the honourable member seriously suggest that paedophiles and the like would make confessions to their priests if priests were obliged by law to divulge that information to the authorities?

It is true, of course, that doctors are required by statute to notify, for example, infectious diseases, sexually transmitted diseases and other matters, and schoolteachers, social workers and many others are required to provide information to the authorities, but that is information which is gained in the ordinary secular course of their duties. It seems to me that so-called information that is obtained by a priest hearing a confession is of an entirely different character. Whilst the Hon. Nick Xenophon had the good grace to put on the record today a considered religious response to his proposal (which, of course, was contrary to his proposal), I do not believe from the contribution he made today that he has seriously considered the implications of his proposal. We are certainly in favour of the protection of children and consider child protection as paramount. We do not think, though, that important principles which many people in our community would regard as sacred ought to be undermined by a measure of this kind.

I certainly respect, as I am sure do most members, the opinions of Professor Freda Briggs in relation to child protection. Speaking for myself, I am by no means convinced that any advantage would be given to the children of our community by supporting this particular aspect of the proposal. However, I will say that I agree personally with the proposal that ministers of religion and church employees should be placed in the same situation as nurses, childcare workers, social workers and the like in regard to the requirement to notify authorities of abuse or neglect. That aspect of the measure will, no doubt, be supported. I would have preferred to have seen that included with many other of

Robyn Layton's excellent recommendations. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GENE TECHNOLOGY (RESPONSIBILITY FOR THE SPREAD OF GENETICALLY MODIFIED PLANT MATERIAL) BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to ensure that the owners of proprietary rights in genetically modified plant material are responsible for any damage or loss caused by the spread of that material and for other purposes. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

I will begin my contribution with a quote from literature. There is no prize, but I would be very impressed if any honourable member could actually identify the source of this quote before I tell them. The quote is as follows:

> Already we had barriers to hold them away from the garden and the immediate neighbourhood of the house. Now I began a more ambitious plan of making some 100 acres or so free from them. It involved a stout wire fence which took advantage of the natural features and standing barriers, and inside it a lighter fence to prevent either the stock or ourselves from coming inadvertently within sting range of the main fence. It was a heavy, tedious job which took me a number of months to complete.

The Hon. T.G. Roberts: John Wyndham?

The Hon. IAN GILFILLAN: The minister is right. No wonder he is a minister. As my learned colleague—the only one in this chamber—recognised: it is a passage from John Wyndham's classic novel *The Day of the Triffids*. While I would not contend that our own genetically engineered crops are quite as dangerous as the plants conceived by Wyndham's imagination, it would appear that ours are more difficult to contain. Not even the sturdiest stout wire fence could keep a field free from their influence.

However, it is of some satisfaction to me to re-introduce this bill. Much has changed since I first introduced the bill: the select committee inquiring into genetically modified organisms has handed down its report, cabinet has adopted the recommendations of that report, and the Office of the Gene Technology Regulator has given the green light to the commercial release in Australia of genetically engineered canola. We await the government's legislation. If it holds to the recommendations of the select committee, it will need some substantial amendment, as the committee's report falls far short of reassuring farmers who fear what genetically engineered crops will do to their markets.

However, regardless of the outcome of the government's plans, I believe that the bill I now bring before this place is essential for our state. If it is passed, it will ensure that the owners of proprietary rights in genetically engineered plant material are, or will be, responsible for any damage or loss caused by the spread of that material. Many honourable members would be familiar with the owners, being such companies as Monsanto or Bayer CropScience. It will also protect farmers who find that, through no fault of their own, their crops have become contaminated with genetically engineered seed.

Julie Newman of the Network of Concerned Farmers is a grain and canola grower and Seed Works operator in Newdegate in Western Australia. Ms Newman puts the issues concerning farmers about GMOs very succinctly, as follows:

> The potential for GMO products to cause damage to neighbouring farmers and the entire grain handling system is evidenced not only by the Starlink example but also in the increasing number of questions raised by GMOs, including genetic drift distances, insect and weed resistance and the inability of the current system to segregate GMO and non-GMO crops. Farmers assessing the costs and benefits of growing GMO crops should base their decisions not only on production costs and expected yields but also on the legal liability they may incur by planting, growing and marketing GMO crops. For those farmers who choose not to grow GMO crops, especially organic farmers, caution still needs to be exercised in ensuring that their crops are protected from genetic contamination and that any promises made about the non-GMO crops are accurate representations of factors within the farmer's control.

There is grave concern that the industry is not prepared for the introduction of genetically modified crops. The Minister for Agriculture, Food and Fisheries has admitted this much himself.

The bulk grain handlers, such as the Australian Barley Board and the Australian Wheat Board, have expressed their desire that GM canola not be commercially released at this stage. Members would know that neither of these companies handles canola but are so concerned at possible contamination of their grain that they are making strong statements in opposition to the commercial release. Earlier this year, we saw just how easy it is for contamination to occur, with a shipment of wheat contaminated with Starlink corn in Melbourne.

International markets continue to be very sensitive to the issue of genetically modified food. Whether one agrees with the reasons for that concern, one cannot dispute the effect that this could have on our markets for a range of products such as canola, wheat, barley, tuna and wine, just to name a few. Japan recently made a clear statement on not wanting GE wheat.

While on a study tour to the United Kingdom this year, I discovered that the large supermarket chain Marks and Spencer has also committed to selling GE free products. It even goes so far as to carry huge advertisements on the sides of its trucks stating, 'Our food? All non-GM.' That is a very bold statement and one that that company would make only if it believed there were substantial gains to be made in the market. Some time in the next couple of days, I intend to give copies of a photograph authorised by Marks and Spencer for me to use of this advertisement displayed on the company's delivery trucks.

Earlier this month, Greenpeace launched the second edition of its *True Food Guide*. This is a booklet that Greenpeace produces that details what products available in Australia are GE free, what companies are in the process of removing GE ingredients from their products and those companies that cannot demonstrate that their products do not contain GE ingredients. I will add, by way of explanation, I am using the term 'GE' or 'genetic engineering' in preference to 'genetic modification' because I believe it is reasonable to argue that genetic modification has been taking place by use of natural processes for hundreds of years. I think it is, in fact, more accurate to use the term 'genetic engineering' where there has clearly been an intrusion of artificial processes of quite a dramatic kind in producing the end product.

Referring back to the Greenpeace second edition of *True Food Guide*, it is interesting to note those products that are given the green light: Heinz, Dick Smith's, Tip Top, Noble Rise, Sanitarium, Flora, Coon, Farmers Union, Daily Juice Co., Berri Juices, Crusta Juices, Streets, Findus, Nutella, Greenseas and Safcol. Further to this, companies such as San

Remo, Country Life, Kellogg's, Dairy Farmers, Devondale, Bega and SunRice—I might mention that I have been sent a packet of SunRice purchased in a Whyalla supermarket, and the label on the packet clearly states, 'This product not GM'—Balfours, Haighs and even Starbucks.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: That is an interesting and entertaining interjection. I think the message on the packet does refer to the contents which were in it and which were consumed with satisfaction because they were guaranteed GE free. Even Starbucks is actively altering their operations so they too will be able to declare themselves GE free. Such is the level of concern in the community regarding genetically engineered foods there will be big money to be made by being GE free. Those who are pro GE argue that there is no clear premium for the non-GE product at this stage, but I feel that is shortsighted because, as the market finds it more difficult to get GE free product, those of us who are still producing GE free will be enjoying the markets and will have premiums. Conversely, major losses could occur should GE free crops be contaminated by GE crops.

The state government seems intent on pursuing the line of co-existence—a flawed idea that has no place in real world situations. International evidence tells us that co-existence does not work and, if the government forces our farming communities down this path, the results will be disastrous. The possibility of extensive litigation is mind blowing and, as usual, it is the smaller operators—the farmers—who will be left as the victims. Members should consider the situation of a farmer supplying GM free canola, whose crop is contaminated as a result of cross-pollination. Not only would the farmer's crop lose its GM-free status but, if it contaminates a larger shipment, the farmer may be liable for more substantial litigation.

What then of the farmer who grew the GE crop responsible for that contamination? If they were reckless in the handling of the GE seed, the liability could lie with them. However, if they were not reckless and had abided by the instructions and guidelines provided by the GE seed company, who is then responsible? I raise this because there is considerable concern that the guidelines currently under development by the Gene Technology Grains Committee are greatly inadequate in dealing with the prevention of contamination. I have raised this issue on a number of occasions, and I have received answers that the Gene Technology Grains Committee is a self-initiated ad hoc body that has no authority to develop regulatory guidelines for the use of GMOs; and that the committee is simply providing material to inform the decisions of the industry. In fact, that is true.

However, the applications for commercial release of genetically modified canola have indicated that they will be operating within those recommended guidelines. At the point where these applications are approved, the guidelines of this ad hoc committee take on much greater significance. The consultation version of the risk assessment and risk management plan for Bayer Crop Science's variety of genetically modified canola (DIR 021/2002), page 123, section 3 of appendix 6, entitled 'Bayer's stewardship strategy', states:

> In accordance with both the PIC [Plant Industry Council] and the GTGC guidelines, Bayer has developed a stewardship strategy for the InVigor canola, underpinned by a crop management plan.

The management recommendations in the InVigor management crop plan 'ensure sustainability and efficacy in use; and enable growers to manage InVigor hybrid canola within a system that allows the coexistence of alternative canola production systems'.

One of the key points raised in the GTGC canola stewardship guidelines is the need for a five-metre buffer zone. I know many members have heard me refer to this buffer zone. This offers little comfort to adjacent farmers who have contracts to grow GM free canola because, quite simply, a five-metre buffer is not enough. Information from the 2001 GM canola technical working group in its report 'Genetically modified canola in Western Australia: industry issues and information' noted that a French study found 7 per cent of contamination at one metre and 1.7 per cent at 50 metres. It also quotes a Canadian study with a 2.1 per cent contamination at 46 metres and a 1.5 per cent contamination at 20 metres. The report states:

> The canola industry will need to decide whether the concept of GM free or zero GM is of any real relevance. In the absence of an objective measure, it would be best to define the standard as the limit of detection, that is, a finite measurable purity standard. If concerned sections of the industry, such as organic canola growers, wish to continue with a concept of GM free, however unmeasurable, then a separation distance of three to five kilometres would be advised.

I emphasise the difference between a three to five kilometre buffer zone and five metres, which, apparently, is to be accepted as the Australian standard. I point out that it is three to five kilometres as a buffer, whereas we have the recommendation for it to be five metres. It is ludicrous and, quite clearly, will give no guarantee to any international market that the marketers of supposedly GE free will have any validity.

The international markets are extraordinarily sensitive to contamination of genetically modified grain, whether it be canola in a wheat or barley crop or GM contamination in a GM free crop. Percentages down as low as 0.5 of 1 per cent would constitute contamination in supposedly organic GM free product. It is important if a farmer wants to grow GM free, whether or not he or she is organic, to have this three to five kilometre buffer zone. If a GM grower needs only a five metre buffer, it still leaves quite a further buffer required by a GM free grower. I do not know many farmers who could afford to have a five kilometre buffer on their property—nor should they be required to have such a buffer.

Anyone who has seen the distance that wind can move dust, and its effect across South Australia, would realise that, in many cases, even a five kilometre buffer will be no guarantee in relation to the transport of pollen from canola crops. I have grave concerns about the ability of farmers under the proposed protocols to be able to afford to remain GM free after a commercial release. It is not a matter of being squeezed out of the market by a more competitively priced GM variety. Instead it is because the GM free growers are forced to bear the costs of segregation. I believe that it is the GM industry itself that should be picking up the bill for what will be a massive disruption to the industry. It is the GM industry that wants the change, and the costs involved with segregation should be incorporated into its business costs. However, it is more apparent that one of the major losers, if genetically modified crops are commercially released in this state, will be the farmers who choose to try to remain GM free.

The second issue addressed by the bill is protecting non-GM farmers from litigation by GM seed companies for unintentionally growing a patented GM seed. Members will recall the case of Percy Schmeisser from Canada who was sued by Monsanto for growing its Roundup Ready canola

without a licence—he was found guilty in court. The seed had blown onto Mr Schmeisser's property from an uncovered truck driven by a neighbour carting his GM canola past a property. The ruling in this case is of interest to us in South Australia, as we believe it may very well apply here. Judge MacKay, who presided over the case, in clause 92 of his judgment, stated:

> Thus a farmer whose field is contaminated by seed or plants originating from seeds spilled into them, or blown as seed, in swaths from a neighbour's land, or even growing from germination by pollen carried into his field from elsewhere by insects, birds, or by the wind, may own the seed or plants on his land even if he did not set about to plant them. He does not, however, own the right to the use of the patented gene, or of the seed or plant containing the patented gene or cell.

At clause 123, the judgment also states:

> . . . in my opinion, whether or not that crop was sprayed with Roundup during its growing period is not important. Growth of the seed, reproducing the patented gene and cell, and sale of the harvested crop constitutes taking the essence of the plaintiffs' invention, using it, without permission. In so doing the defendants infringed upon the patent interests of the plaintiffs.

One of the purposes of this bill is to pressure the GM seed companies to ensure that the guidelines for use of their products are adequate to protect against contamination of other crops by placing the liability of damage done by those crops on the seed producers.

For those who may feel that this Canadian situation is too far-fetched to apply in South Australia, I would urge them to consider that the nature of the companies responsible for the marketing of GE crops in Australia is the same as those which are responsible in Canada, and the ones which instituted this legal straitjacket, which made it almost impossible, if not impossible, for anyone to be protected from the sort of penalty that Mr Schmeisser suffered.

I would like to think that this government, this parliament and, certainly, the farming community, will think twice before letting this menace (as I call it) loose in our farming environment. It is clear from the Canadian experience that if we do not protect our farmers legislatively there is enormous scope for them to be sued for damages, either by marketers of a cereal product marketed ostensibly as GM free and contaminated or from the heavy, overpowering control by the agribusinesses which, with this sort of judgment, will be able to sue any farmer who inadvertently has grown a GM product without even knowing it and then harvests it and sells it. I think that, under those circumstances, it is important that we move quickly to legislate in South Australia before there is any commercial release of GM canola in this state.

I encourage support for the second reading of this bill, and I emphasise again that one of the valid grounds—and substantially valid grounds—upon which we can keep GE crops out of South Australia is an argument that they will destroy, or seriously undermine, marketing of South Australian product to overseas markets. I commend the bill to the council.

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

MOUNT GAMBIER HEALTH SERVICE

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

1. That a select committee of the Legislative Council be appointed to investigate and report upon the operation of the Mount Gambier Health Service since July 2002 and, in particular, the following issues—
   - (a) the negotiation of the contracts with resident specialist doctors;
   - (b) the actions of the Chief Executive Officer of the hospital in dealing with medical specialists;
   - (c) the impact of Mount Gambier Hospital on financial cuts to other hospitals within the region in the years 2002-03 and 2003-04;
   - (d) the involvement and actions of the Department of Human Services in the management of these issues;
   - (e) the selection process and appointment of Mr McNeil as Chief Executive Officer of the hospital;
   - (f) the impact on health services in the Mount Gambier region of these issues; and
   - (g) any other matter.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it 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 as to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

It is with great regret that one stands up in this place to move a motion of this nature. It is something that I do with some reluctance, in the sense that, had things been done properly over the last 12 or more months, there would be no need for me to stand and move a motion of this nature, and I will outline in some detail my concerns. It has reached the position, with respect to the state of the Mount Gambier Health Service, that there is a degree of urgency not only for the establishment of a select committee but also for the requirement that the select committee report to the parliament as soon as possible.

The Mount Gambier Hospital has a unique role in our health system in this state. Mount Gambier is the largest regional centre in South Australia. The hospital is a critical part of the services that this large and substantial regional centre provides to an extensive surrounding community. The Mount Gambier Hospital is supposed to provide extensive medical services to the whole of the South-East and, indeed, has always been looked upon as a community asset, drawing support in many different ways from a whole range of people within the South-East community.

Indeed, what also makes the Mount Gambier Hospital unique is that, in our federal system, where we receive funding from federal agencies, the Mount Gambier Hospital also provides significant services to many people in the Victorian region. Indeed, it has been suggested by my colleague the Hon. David Ridgway that the hospital services in excess of 60 000 people. The Mount Gambier Hospital has always had various problems. I can remember, as a young boy, it being featured on the front page of *The Border Watch* on many occasions.

The Hon. R.I. Lucas: That was the old hospital.

The Hon. A.J. REDFORD: The honourable member interjects that that was the old hospital, and I well remember Peter Humphries (who was a candidate for the Labor Party), who was chair of the hospital board many years ago, struggling with the then Bannon government to secure proper services. Indeed, it was not until the election of a Liberal government that a new hospital was built, and the old hospital, which was full of asbestos and poorly designed many decades ago, was decommissioned.

Yesterday, the shadow minister for health (Hon. Dean Brown) asked a series of questions and, indeed, I urge all members to read his grievance debate in another place concerning the issues surrounding the Mount Gambier Hospital. I think that members could talk on this issue for hours, but I will just touch on the community's attitude and some of the concerns that have been expressed, as evidenced in recent publications in the highly respected *Border Watch* over the past few months.

I well remember that the big social occasion in Mount Gambier, in fact, is the Mount Gambier Cup, or the Gold Cup. On that day, *The Border Watch* publication was almost entirely focused on the issues facing the South-East health system. On the front page of *The Border Watch* on that day was a banner headline which greeted the Premier when he got off the plane, which stated 'Fix it Mr Rann'. At that stage, there had been a series of articles (and I will refer to some of them) where the local community had called upon their member (Hon. Rory McEwen) to fix up the problem and, indeed, the community (and this was my perception) had plainly given up any expectation that their local member would in any way have his white car, his superannuation and his high salary threatened by intervening in this issue. So, the community went directly to Mr Rann. This was not just some sort of mickey mouse—

The Hon. Carmel Zollo: A bit of your personal opinion thrown in there, is it?

The Hon. A.J. REDFORD: It is my opinion, and I am not ashamed of it. I will be most interested to hear the Hon. Carmel Zollo's personal opinion on this matter. If I am any judge, I think that she will be too ashamed of her own government's performance on this issue to make any contribution at all on this topic.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! We do not need a conversation across the chamber. The Hon. Angus Redford has the call.

The Hon. A.J. REDFORD: I acknowledge the interjection of the Hon. Rob Lucas, and it will be a very difficult contribution that the Hon. Gail Gago will be called upon to make next Wednesday. I will quote a couple of comments from some well respected people (certainly better respected than the Hon. Carmel Zollo) on the issue of the South-East medical system. The Australian Medical Association (AMA) was quoted as saying that the issue was very serious. The article states:

> State President Joe Levy confirmed yesterday two of Mount Gambier's resident general surgeons, Mark Landy and Brian Kirkby, both have jobs interstate, and the third, Richard Strickland, was retiring. Between the three surgeons, almost 50 years of medical knowledge regarding people and families in the region will be lost. 'Accident and emergency will be a problem—people who need urgent surgical intervention will need to go to Adelaide or across to Victoria, so we are very worried,' Dr Levy said.

For those members opposite who rarely travel to country areas, let me explain just how important a local doctor is in a community such as Mount Gambier. It is not like the city. Whereas they might not have the best equipment and they might not have world recognised or eminent specialists, what they do have is a close personal rapport between doctor and patient, and the relationship between the community and the doctor in a country area is unique, and the personal relationships that are established over the years between a doctor and his or her community are quite deep and important. I spoke to a number of people, including one person who was with *The Border Watch*, who were in tears at the prospect of their medical system collapsing and general surgeons such as Mark Landy leaving the area.

When you meet with people in Mount Gambier and the surrounding areas, they will tell you stories, quite personal stories, about the sort of sacrifices these doctors make, have made and expected to make into the future for the benefit of that important community. This issue has hurt the people of the South-East very deeply. The article continues:

> South-East AMA representative Steve Dunn yesterday described the situation as a 'mess'. 'From our perspective it looks deadly serious,' Dr Dunn said. 'There are conflicting stories still going around that negotiations are still under way.' But Dr Dunn said, according to information he had received, the three general surgeons would not be available after July 1. Positions interstate were available for two of the surgeons, skip bins were being loaded, houses were being placed on the market and the rooms of Mr Landy and Mr Strickland were closing and employees have been notified.

I will speak about this in more detail later, but the response to the statements from those highly respected people and the general community outcry has been utterly and completely ignored, not only by this government but by the member for Mount Gambier and the minister. The honourable member stands roundly condemned for his failure to act on behalf of his local community.

The Hon. P. Holloway: Dean Brown is the one who should be condemned.

The Hon. A.J. REDFORD: I hear an interjection.

The ACTING PRESIDENT: Order! The Hon. Mr Redford has the call.

The Hon. A.J. REDFORD: The Hon. Paul Holloway interjects and wants to blame the previous government. The fact is that the previous government was not in office when the contracts before the doctors were being negotiated. I can tell the honourable member that, had we been asked, any assistance would have been provided to the government to negotiate a health outcome, but this arrogant government would not bother to ring or ask any of us on this side how we might be able to assist to achieve a positive outcome for that community. As Dr Dunn said—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: I know the Hon. Paul Holloway is not particularly interested in this, but Dr Dunn said:

> Just Mark Landy and Richard Strickland alone have 45 years between them of medical background, information and knowledge about (patients).

The article continues:

> Together with Mr Kirkby, they also had a professional background of working with individual general practitioners around the region, establishing respect and rapport.

That headline was fairly clearly stated, and that was the headline that met Mr Rann on that day, and I will come back to what the Premier has done in response to that clear community concerned outlined in that well respected newspaper. That was not the first time this issue was raised. My colleague the Hon. David Ridgway has been consistent and persistent in raising issues associated with the Mount Gambier hospital since his election. In February this year, in an article in *The Border Watch*, he referred to the funding issue. This is what the Hon. David Ridgway said, and no-one has got to their feet and questioned the accuracy of what my colleague had to say:

> Almost 700 Victorian people received medical treatment in South-East hospitals last year, of which 409 were patients in Mount Gambier, South-East based upper house Liberal David Ridgway

revealed yesterday. Funding is provided to the South Australian state government for those people, just as Victoria receives reimbursement for the 465 patients it treated from South Australia, according to Mr Ridgway. The difference in funding—around $500 000—is enough to keep the South-East resident specialists employed at the Mount Gambier hospital. In view of the statistics, Mr Ridgway is calling for the government to review the way it applies its current funding model for health in the South-East.

There was a clear call there, and this issue and these concerns with the resident specialists were fairly and squarely in the public arena in February this year. I know that the Hon. Gail Gago, when she draws the short straw in having to respond to this contribution and rises to her feet, will make a very predictable comment. The first thing she will do is blame the former government, and that is standard; we are used to that. Then she will take a giant leap in logic and blame the federal government, and she will blame the recent health agreement, when the premiers grandstanded, walked out and forgot to talk about other issues such as electricity and various other things that are very important to this country.

I understand that they quickly went down to the front of Parliament House and had all their photographs taken in their local football guernseys before they jumped on their planes and flew back to their own home town. It was nothing but a publicity stunt and I was ashamed at the way the premiers behaved at that conference. The health agreement that they all walked out on, spat their dummies and jumped up and down about, and then subsequently signed (and they are now alleging that there is a drop in income) was not even on the agenda when this issue was being raised. As the Hon. David Ridgway said—

Members interjecting:

The ACTING PRESIDENT: Honourable members on my right will get their opportunity to contribute.

The Hon. A.J. REDFORD: There was significant under funding by the state government even before this health agreement was being negotiated. So, to turn around and blame the federal government is a cheap shot.

The Hon. R.I. Lucas: No-one will believe it.

The Hon. A.J. REDFORD: There is plenty of evidence to suggest that no-one does. In a remarkably prescient comment—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. A.J. REDFORD: —the Hon. David Ridgway said this in *The Border Watch*:

In fact, the population of the region serviced is more like 88 000 when you include Victorian communities against Mount Gambier and other South-East towns for health services. This is a significant factor in the continuing budget pressure in the region.

"It is time for the Department of Human Services to acknowledge the Victorian component of work done in the South-East and fund the region appropriately." Mr Ridgway said he was once a member for the Bordertown Hospital Board.

"I've felt for a long time, since my time on the Bordertown Hospital Board, that the funding model was wrong.

In any event, the issue was placed fairly and squarely on the agenda. Indeed, in a subsequent article in *The Border Watch* on 18 February 2003, a well respected local surgeon, Barney McCusker, made a number of comments. In an article aptly entitled, 'No More Money', Frank Morello reported on a packed public forum in Mount Gambier. Following is the lead line:

State health heavyweights told a packed public forum in Mount Gambier that additional money would not be allocated to South East specialist medical services this financial year.

More than 400 concerned residents packed the Sir Robert Helpmann Theatre last Thursday night in a bid to gain some understanding of the medical dispute which has been simmering for more than 6 months.

He goes on:

The Human Services Department Chief executive officer Jim Birch said the South East received a "relatively" fair allocation of health funding.

May I say that the local member did not dispute those assertions by Jim Birch.

An honourable member interjecting:

The Hon. A.J. REDFORD: The Hon. Rob Lucas says that he was having his tummy tickled, and perhaps that is correct. I continue from the article:

Orthopaedic surgeon Barney McCusker personalised discussions by referring to Mark Landy who is considering leaving Mount Gambier after 21 years in the region. "For the past 21 years Mark Landy has not done an operation that was absolutely warranted on sound surgical grounds," he said. "But this year he has been restricted in his ability to look after you by a factor of 25 per cent. I suspect that we may well lose Mark Landy because he will not, cannot, abide by having to choose which three out of four he will treat. Which one out of four he will not treat. "Specialists claimed that this financial year's fee for service budget has been cut by 25 percent.

But administrators argued that specialists' calculations were based on expenditure levels rather than the actual budget, which had been overspent consistently over the years.

That is the quote from *The Border Watch*. It was clearly stated to this government that there was a serious issue. It was stated not only in *The Border Watch* but by some 400 concerned residents. If anyone knows what it takes to get 400 people out on a night in the middle of February in a country town, I can assure them that it takes a very serious issue, and a very deeply felt concern by a community about an issue for that to occur. Even the local member would have to have recognised that this was a serious and deep concern. Indeed, so deep was this concern that the Limestone Coast Regional Development Board, by letter, dated 15 April, wrote to me about this specific issue.

May I say, it has been my experience that the Limestone Coast Regional Development Board has enjoyed a very close and direct relationship with the local member and they have worked very closely together. It takes a lot for them to write a letter to me in these terms. They are referring to a letter to Minister McEwen, as follows:

The board is concerned that, should there be diminishing health care services, particularly specialist services, such a situation could impact adversely on our regional development objectives. Adequate, reliable and highly regarded health services are a fundamental plank underpinning regional development. Our ability to attract and maintain people in industry and to the Limestone Coast region can be impacted upon by the level and quality of a range of community services.

The board itself was extremely concerned about the extensive impact this government's policies were having not only on the health services but on the region as a whole and its capacity for economic development. Indeed, so concerned was it that it issued a press release. Not every day does an organisation have to go to the trouble of issuing a press release to advise the world that it is writing to its local member. I suppose the board did that in some forlorn hope that the local member would use his claimed influence within the bowels of this government to bring about some changes.

I know that the Hon. Bob Sneath highly respects the board chairman, because he talks about him very positively in the corridors and in the chamber, and he will be interested to hear that the board chairman, Bob Hender—a prominent Labor figure—said this:

The board is concerned at the risk of diminishing health services, particularly specialist services. The level and quality of a range of community services, particularly health services, can impact on our ability to attract and maintain people and industry into the Limestone Coast region.

I know that the Hon. Bob Sneath will listen to his comrade in arms, Bill Hender, and will make better representations to this government about the crisis in health in the South-East than their local member. Indeed, the board did not just sit there and stamp its foot: it made some pretty serious and constructive suggestions in that press release of 15 April. It called for the following:

A number of action points were provided by the board as a means of contributing to a more effective, longer term solution to management of regional health services. They included that:

- consideration be given to extending medical specialist contract periods to five years, leading to longer term stability and certainty for practitioners and staff;
- medical specialists to participate in a review of the cost of service delivery for the Mount Gambier and District Health Service and to prepare and implement a continuous improvement strategy;
- medical specialists should be directly involved in the budgeting processes;
- medical specialists to participate in a review of administrative systems in place across the Mount Gambier and District Health Service;
- processes be developed for further assessing the ongoing level of specialist services required to meet the needs of the regional community, including the impact on the current budget.

One thing I will listen for in the response to my contribution from members opposite is what the minister, the local member, did in relation to each of those constructive suggestions made by the Chief Executive Officer of the Limestone Coast Regional Development Board, Grant King.

The impact has been not only on the delivery of health services to the community. Because some of the doctors have been quite vocal—and for good reason: they have had to explain to their patients why their services are being cut and why they have to leave town—they have been denigrated and attacked by people within the Health Commission and, indeed, within the government. Because there is a lack of confidence in the veracity of what some people say in this debate, this is an interesting exchange: it is a comment from Barney McCusker. He refers to a letter written by our erstwhile member for Enfield, who casts his influence far and wide—certainly beyond the seat of Enfield. The member became involved in this issue and certainly did more than the member for Mount Gambier (the minister) in advancing the cause.

The member for Enfield wrote to the minister on behalf of a couple of these doctors. Indeed, the member reported to Barney McCusker that he had the distinct impression that several members of the specialist staff had already finished their contractual negotiations. As Mr McCusker reports, that letter was not true then, and in April, May, June and July was no nearer to the truth. So, anything will be said to anyone. However, I congratulate the member for Enfield, who has certainly put a damn sight more effort into this whole debate than the local member.

This issue did not impact only on the South-East. On 19 June 2003, the highly regarded *Stock Journal* reported the following under the banner 'SE medical services in disarray':

Rural communities depending on Mount Gambier Hospital for a range of specialist treatment, including surgery, are watching helplessly as a continuing dispute between the medical profession and state government authorities escalates, *Stock Journal's* regional journalist Leanne Gertners reports.

This is very interesting because, until this time, in the six months leading to June, the out-of-character silence that the member for Mount Gambier had adopted was quite conspicuous in relation to these issues.

What this article reported was that Mark Landy and Brian Kirkby had been snapped up by interstate hospitals and that Richard Strickland was retiring early. It also reported that a number of medical clinics in the South-East advised Premier Mike Rann that they had no confidence in the South Australian health minister, Lea Stevens—and they are no orphans in that respect, I have to say!

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: I get sick of talking to Labor members about this.

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: Well, you do. You keep appointing them to boards, and we congratulate you on that. However, I was distracted. The article continues:

In strongly worded letters to his office late last week, they said the minister had repeatedly failed to acknowledge the extent of the crisis and take meaningful steps to avert it. Mr Strickland will take early retirement at the end of this month after 26 years as a surgeon in Mount Gambier. Mr Landy, who worked in the city for 22 years, has sold his house and will start work in Albury with a group of surgeons on 5 July.

Mr Landy is one of the most highly regarded members of the Mount Gambier community that I can think of—or was. I have not heard anyone speak badly of him—not ever. Indeed, if one were to call for tributes or criticisms, I guarantee that all we would receive from the South-East would be tributes. The article continues:

Mr Landy said Mount Gambier Hospital reduced the amount of public operating he could perform by 25 per cent. 'I'd been doing the same amount of work here for 20 years and I couldn't see why I should reduce it by 25 per cent. It's not as if we do cosmetic surgery. We're only treating sick people.'

The article goes on to state:

Resident orthopaedic surgeon Barney McCusker, in a letter to Member for Mount Gambier Rory McEwen, says that audited figures by accountant Rob Ellerman showed there has been a reduction in absolute terms of Mr Landy's fee for service budget of between 24 and 26 per cent.

Mr Landy said he would be sad to leave Mount Gambier but he was 'sick of the lack of respect' being shown to him by the hospital and the Department of Human Services.

'I think we did a pretty good job for this place and we never got any. . . back-up; all we got was budget cuts,' he said.

Mr Landy said Mr McEwen had not been of any assistance. 'He's been of no use to us whatsoever,' he said. Mr Landy said the department attempted to get him, or Mr Strickland, to retire after the two surgeons recruited Brian Kirkby to the town as part of their own succession planning. 'They didn't care that we were sick of working every second night on call,' Mr Landy said.

That is what they thought of their local member. Indeed, their local member was conspicuously silent in this particular article.

The next document to which I refer is a letter to Tom Neilson, the CEO of the South-East Regional Health Service, from Dr Christopher Barry, who is a member of that endangered species—obstetricians and gynaecologists. There are not many left because of the way insurance and various other things are treating them. I think community expectations of some of these people are way too high. But I digress. In his letter, Dr Barry states:

I can move relatively easily, but once again people in the country are being treated as second-class citizens, despite rural medical services supposedly being a priority of the new Government of South Australia. May I remind you of the Labor SA promises that were made prior to the recent election: 'Labor will work with regional

communities to attract and maintain the services and skills of needed health professionals.'

Dr Barry referred to what the current minister said way back in May 1998, as follows:

The Mount Gambier Hospital is there to deliver an adequate and proper service. That it has been forced to cut its surgery services is an outrage. The hospital should not have to carry over its near million dollar debt into the financial year. That would mean more staff would have to be cut and serious health services would be so limited that they would be completely ineffective.

He quotes what Mr Howard said on 23 October last year, as follows:

We need to preserve the critical mass of medical speciality in many parts of Australia, particularly in rural and regional areas.

So, there has been significant criticism from that particular doctor of what was happening, and that criticism was being made very strongly and firmly as early as June of this year.

Following the budget, the local member, the member for Mount Gambier, responded. *The Border Watch*, as is its tradition, always gives space to the local member to comment. I must say that this is the first comment I had seen from him about the state of the Mount Gambier Health Services for many, many months. Perhaps he was too busy. Under the heading 'Health system crisis "nothing to do with money": McEwen', the report states:

The medical specialist crisis is 'nothing to do with money' and therefore is not a Budget matter, according to Member for Mount Gambier and Labor Minister Rory McEwen. 'I have to say on the hospital matter I personally don't know what the issue is,' Mr McEwen said.

I digress. We all knew that he did not know what the issue was, but this was a frank acknowledgment that he did not know. Bear in mind that this was an article in *The Border Watch* of 30 May, nearly four months ago. It goes on to state:

'Although I continue to ask, I don't get told. Even the people who in the past came and asked me for specific things, like (general surgeon Mark) Landy who asked me for money for (general surgeon Brian) Kirkby, which I got. He asked me for a second physician, which I got.

Of course, the doctors asked me for SMOs. . . which I got. The doctors asked me for an increase in the budget at the hospital, I got it. The doctors asked me to get the debt at the hospital wiped out, I got it. I don't know what else the doctors are asking for. But I do know the doctors are not saying the issue is money.'

The Hon. Rory McEwen (the minister) was correct, because I know, as does everybody else in the South-East, that the relationship between the local doctors and the bureaucrats—and, indeed, the minister or the government of which the local member is a prominent part—has got to the point where one of the doctors who had not had his contract renewed was contacted by a Melbourne locum service. That doctor was asked whether he could perform certain work at Mount Gambier. Coincidentally, that work happened to be precisely the same work that he had been carrying out in the past and precisely the same work on which they were negotiating.

What is interesting is that the locum service, which takes a cut—it charges a percentage for organising the doctors—offered the doctor 60 per cent more for carrying out the locum service than that which he was asking to be incorporated into his contract. So, the relationship between the minister, the government and the medical practitioners in the South-East had deteriorated to such a point that the government was prepared to pay double the amount to any doctor to carry out the same service—double the amount, so long as it did not go to the doctors who were members of that community.

How a relationship between medical practitioners who are well respected by the community and government officials of this government could get to that point is an absolute mystery to me. The words 'incompetence' and 'ignorance' keep crashing into my mind when one describes the conduct of the local member and the government in relation to this serious issue. I will be fair to the local member, because I think he deserves to have fully quoted what he said on 30 May in relation to this serious and critical issue that concerns most people in the South-East. The article states further:

Asked why doctors did not have their contracts renegotiated Mr McEwen said: 'I do not know what contracts renegotiated means because which elements of those contracts are they arguing about if they say that money is not a problem? They say the physician is not a problem if they say managing the debt differently is not a problem. I have to say I honestly don't know what else they are asking for. All I can say is my track record is—on every single issue that has got a specific detail to it, that I have been asked to deal with, over five years now, I have delivered.

'I continue to say that I am a very strong champion for our hospital. The only person who actually put a plan on the table last time of course was Kevin Johnston. Now Kevin Johnston has resigned his contract but not a theatre contract. Beyond that have any of the others come to me with a specific request? Do I know what they want? I have to say "no". But equally if you ask all of us who are the leadership team responsible for health services in the South-East—Grant King, Bill DeGaris, Anne Mulcahy, Tom Neilson, Ken McNeil, myself—I don't believe if you asked any of us that question they could give you an answer because frankly, we don't know.'

He then went on to talk about what was going to happen that day. Indeed, what happened that day was that the Premier went to the races. He waited until all the cameras got there, and he then sought out Barney McCusker. He sat down and made sure there was a clear view and proceeded to engage Mr McCusker in earnest conversation. In the end, he came out, looked the cameras in the eye and said, 'We will fix this.' I will tell you how it has been fixed: the doctors have left. Fifty or 60 years of local experience has just walked out of the district. But, Mr Premier, they did not walk out in front of a camera, so it did not really worry the Premier. That is all the Premier is concerned about: the publicity, the headline and the promotion.

The Hon. J.S.L. Dawkins: You called the President the Premier.

The Hon. A.J. REDFORD: I am sorry, Mr President. If you were the premier, I do not think this sort of thing would happen.

The PRESIDENT: Flattery will get you everywhere.

The Hon. A.J. REDFORD: I would have to say that I am a better judge than most people on the other side. I think, following that, one might assume that the government would come to the party. So what happened? We waited two or three months, and then there was an article on 2 September entitled 'Health Anger' by Frank Morello. I have only outlined all the warnings the local member and the government have had. The article states:

Thousands of South-East residents have demanded Premier Mike Rann fix Mount Gambier's spiralling medical crisis. In a political broadside, federal member for Barker, Patrick Secker, and Senator Jeannie Ferris yesterday delivered to Mr Rann more than 2 500 letters expressing concern over the state of the Mount Gambier Hospital. 'We will be hand delivering over 2 500 letters from South-East residents to Premier Mike Rann's Parliament House office, begging him to fix the Mount Gambier Hospital health crisis before it is too late', Mr Secker said yesterday.

The Hon. P. Holloway: I'm sure they went to a lot of trouble to collect them, too. I'm sure the Liberal Party went to a great deal of trouble to raise the issue.

The Hon. A.J. REDFORD: Perhaps we did; that is our job. That stands in stark contrast to the level of inactivity that this government has shown. It goes on—

Members interjecting:

The Hon. A.J. REDFORD: Yes, but the public are not buying this. Do members know why the public do not buy that line? Because, the moment the premiers walked out looking angry (and the honourable member missed this part of my contribution), they nicked down to Sydney Cricket Ground, whacked on a footy jumper and then played ring-a-ring-a-rosey while they had their photos taken in their footy jumpers. That is what the premiers were there for: to walk out, have their photos taken, put a footy guernsey on and play ring-a-ring-a-rosey. That is what it was about. You could not even sit around and talk to the government about electricity—

The Hon. J.S.L. Dawkins: Or security.

The Hon. A.J. REDFORD: Or security.

The PRESIDENT: Order! There is too much verbal exchange.

The Hon. A.J. REDFORD: I am sorry, Mr President, but honourable members need to understand that we are getting a perception on this side that all this government is about is photo opportunities. Whether they are standing at the finishing post, nodding at Barney McCusker's concerns about the Health Commission or playing ring-a-ring-a-rosey outside the Sydney Cricket Ground or walking out of very serious conferences with the Prime Minister, it is all about publicity and not about delivering a health service. That is what it is. This article goes on—

The Hon. R.K. Sneath: Don't get too excited.

The Hon. A.J. REDFORD: I am not excited; I am angry.

The Hon. G.E. Gago: You should be ashamed.

The Hon. A.J. REDFORD: We are; we are ashamed of you. In the article, Patrick Secker is quoted as saying:

> In addition to the letters we have received, many people have called us and met with us to explain out here how they are now considering moving away from Mount Gambier because they cannot access the health services.

Hang on to your seats, because this was the response from the government's spokesperson:

> Meanwhile, Mount Gambier Hospital Chief Executive Officer, Ken McNeil, said the hospital had a full complement of doctors and expected a cardiologist to start in the very near future.'In regards to visiting specialists, we have fully qualified staff members on board to provide the required urgency in elective surgery.'

It would be unparliamentary, but I get the impression that those 2½ thousand ordinary citizens in the South-East who were expressing democratically their serious concerns about the medical health system were simply being given the two-fingered salute by the government, which was saying, 'Nick off'. Indeed, it is so disappointing that the government just does not seem to understand this issue.

We then got the formal government response. An article of 3 September entitled 'Rann hits back over health fears' states:

> Premier Mike Rann has hit back over claims that the state government has neglected the health crisis in Mount Gambier. Mr Rann yesterday challenged the federal member for Barker, Patrick Secker, to fight for extra health dollars for South Australians instead of defending the commonwealth decision to cut billions of dollars from health care over the next five years.

So, there we go: we have doctors walking out of Mount Gambier, and we have the Premier playing politics. The article goes on:

> We've advertised for two new general surgeons to replace two surgeons who chose to leave the South-East despite being offered generous contracts.

[Sitting suspended from 6 to 7.50 p.m.]

The Hon. A.J. REDFORD: Before the break, I was drawing attention to the government's absolutely heartless approach to the Mount Gambier health situation. Following the article on the front page of *The Border Watch* on 2 September, which referred to the 2 500 signatures on the letter demanding the Premier do something—and I think the Hon. Paul Holloway said they were a bunch of Liberal stooges—these people—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: Well, you did.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: The honourable member says he did not say it, but 'it might be true'. That will do me. That is what he said. We had Mike Rann come back. Apart from standing near the finishing post, or lingering, as some people described it, on 30 May in front of the television cameras, this was the first incursion into the Mount Gambier health issue by the Premier since the beginning of this year.

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: He could not block me out; two days does not block me out. The first occasion was the Mount Gambier Gold Cup day when he got off the plane and stood in front of the finishing post at the races, and the second occasion was on 3 September. I am sure the Hon. Bob Sneath will be interested to hear the Hon. Mike Rann's contribution. He said:

> We have advertised for two new general surgeons to replace two surgeons who chose to leave the South-East despite being offered generous contracts.

Those two surgeons are not all that happy with those statements; and the 2 500 people who signed the letter are not all that happy about it, either. The Premier went on to say:

> We are now working to secure people for these positions. In the meantime, locum services are being provided so Mount Gambier residents continue to receive the health care they need.

They think they need a little better than that. The member for Mount Gambier might not be reporting that fact to the Premier. If he is not, I assure the Premier he can take my word for it. They are not happy. They have lost 60 years of specialist medical experience and they are not happy with the locum service. What really galls them is that the lesser service the government is providing is coming at a greater cost than would have been the case if the government had signed contracts or at least endeavoured to meet the doctors' demands in a reasonable fashion.

Things were quiet for 24 hours in the South-East on the health issue, probably because people were stunned at the Premier's intervention when he said how lucky they are in relation to the medical services that they get.

The Hon. J.F. Stefani: They have got none, so they are lucky.

The Hon. A.J. REDFORD: That is what they think. I think he is Mr Popularity. Members opposite are not interjecting as vigorously as they were before dinner, but I think he is running at about 60 per cent. He is a very popular man, particularly when he hangs around finishing posts at the races in front of a television camera.

The Hon. R.K. Sneath: He is a lot more popular than you.

The Hon. A.J. REDFORD: I do not have the capacity that the Premier has to ruin people's lives. In any event, I know the Hon. Bob Sneath is not particularly interested in Mount Gambier, but I will endeavour to pursue this debate. This stuff just keeps hitting the front page, and one would think the local member would pick it up. On Friday 5 September—not that long ago; certainly within the memory of the Hon. Bob Sneath—an article on the front page states:

Health fight looms. Lobby group to be formed. Moves are under way to establish a medical action group to give the community a powerful political voice and a strong lobbying vehicle.

If people in this area wanted a strong political voice, one might assume they would go to their local member. But this community has decided that that does not work because he has been distinctly silent about this issue.

An honourable member: He's sold himself out.

The Hon. A.J. REDFORD: Yes, he's 'white car-red' himself out, as some people down there are saying. The article states:

The proposed health and medical support group is being pushed by Grant District Council, which has been at the forefront of the health debate over the past 12 months. Grant District Mayor, Don Pegler, who is fed up about the lack of information being filtered through to the community, said yesterday a public meeting would be held to ascertain interest in forming such a group.

We have had a letter from Grant King—and we know he has a good relationship with the local member. I know the Hon. Terry Roberts has some local knowledge—certainly a lot more than the Hon. Bob Sneath—and Don Pegler, to be fair, has always given the local member a fair go. But even he is running out of patience. By this stage the doctors had packed up and removal vans were going out of the town. The article further states:

'It is imperative the community has confidence in its health service', said Mr Pegler, who explained there was a lot of angst and fear in the community about its health services.

The article continues:

Mr Pegler claimed the community's outcry over what was happening to the city's health services had been forgotten in the corridors of state parliament.

Well, we are remedying that this evening. The article further states:

He claimed the Mount Gambier Hospital board was reluctant to voice its opinions over the health debate because some of its members were appointed directly by the state government.

One would hope that, if this motion is successful, those public servants will gather the courage to come and give evidence to the select committee, which will assist in resolving this Mount Gambier health issue.

The next article in *The Border Watch* appeared the following day. This is one of the rare times that the local member would have had to go beyond the front page to pick up the latest news in relation to the medical situation at Mount Gambier Hospital. On page 3 of *The Border Watch* of 9 September there is an article by Frank Morello, which is entitled 'Hospital chief claims health lobby group unwarranted'. I can only assume that this is a government response. The government is saying to the Grant District Council that there is no need for a lobby group. I will quote the article so that members are fully apprised of this (and I am sure that the Hon. Bob Sneath will be terribly interested, because I know that he has not read it). The article states:

A medical lobby group will add confusion to the city's health issue and lead to 'Chinese whispers' based on speculation rather than fact, according to Mount Gambier Hospital board chair Ann Mulcahy.

I do not know Ms Mulcahy, but I can only assume that she is making those statements on behalf of the government. The article continues:

Calls to establish the action group were sparked by the resignations of two surgeons, who left the region earlier this year following contractual disputes. To put in a second tier of lobbyists can only confuse the issue and has the potential to turn into Chinese whispers, where people are lobbying on opinions rather than informed facts. . .

Things were quiet for a couple of days. The community thought, 'Now maybe the local member has got the message, and surely very shortly the local member will come out and do something.' What happened next? Front page again. They have come to the conclusion that he does not turn the page, because on the front page it states—and this is the message to the local member, the cabinet minister, the Hon. Rory McEwen:

Health Crisis. South-East hospitals suffer budget cuts.

The article continues:

Medical services are likely to be cut at hospitals across the region following yesterday's release of the draft regional health service budget.

Members might recall that, on 30 May, the local member was saying, 'This is not a money issue.' I want the Hon. Paul Holloway to remember that the local member, his cabinet colleague, was saying, 'This is not a money issue.' But the medical services people say that it is. The article further states:

In what health chiefs have described as a 'disappointing budget', the state government has under-funded the region by $1.5 million. While the region received an extra $1.9 million this financial year, Regional Health Service General Manager Tom Neilson said yesterday more than $3 million was needed to maintain existing medical services.

What we have here is a government confessing. The government is finally confessing, through its spokespeople, that not enough money has been put into the South-East for its regional health services. In the six months that it has come to the conclusion that it has not put in enough money, three doctors have gone interstate: three of the most respected senior surgeons in that community have left that area.

Just to get the message through to the local member, the editorial was put on the front page. So, everything was packaged up by *The Border Watch* in a nice, neat parcel so that the local member could get the message. The article states:

It's a disgrace. The South-East Regional Health Service draft budget handed down yesterday is a disgrace and an insult to the people of the South-East and more particularly Mount Gambier, where the bulk of the budget will be spent. And the blame for the $1.5 million shortfall for the South-East and about $800 000 for the Mount Gambier Hospital lies firmly at the feet of the Rann state Labor government. The Rann government is already on the nose over the surgeon fiasco, and now has even the South-East hospital boards off side.

The editor of *The Border Watch* has not fallen for the three card trick—the assertion that this has all been caused by a lack of federal funding. The local community knows where the blame is to be laid, and it is to be laid fairly and squarely at the feet of the government. The article continues:

Premier Mike Rann and his health minister Lea Stevens are dabbling in discrimination by unfairly singling out the people of the South-East to enable Mr Rann's government to balance the books.

It further states:

It is time to fight back, and that means at the ballot box. The message from Mount Gambier and the South-East will be clear. The public will not tolerate politicians, and that includes local member for Mount Gambier, Rory McEwen, if they do not fight for the

community on this issue. If Mr McEwen has the interests of Mount Gambier at heart, he should resign from the Labor ministry and return to being a truly independent member—as he was elected. He can then take up Mount Gambier's fight without fear or favour and, as an Independent, will have more clout. It's times like this Mount Gambier needs its local MP fighting for the community. The city deserves no less.

One might think that that was a pretty clear message to the local member.

The next day, the Hon. Mr McEwen made a number of comments in the paper—and I remind members that on 30 May he was saying that this was not a money issue—and he repeated himself five or six times in the article. In an article entitled 'I'll fix it, or I'll quit', McEwen delivers a non-negotiable budget demand', as follows:

Member for Mount Gambier Rory McEwen has vowed to resign from the Rann government's cabinet ministry if more money is not poured into the embattled Mount Gambier Hospital. 'I will resign if this is not resolved. I am not asking him (Treasurer Kevin Foley) for this money. I am demanding this money' Mr McEwen said.

Mr McEwen was said to have had a crisis meeting with Mr Foley on Wednesday night. The article continues:

I have told Treasurer Foley this. I have laid it on the line here and now that we are not taking that cut, end of story. But my demands are non-negotiable. There will be enough money. There will be no cut to the (health) budget.

That might ring true if the honourable member had been saying something in the six months leading up to the comment in this article. That might ring true if the honourable member had appeared in the media and said, 'Don't go, Dr Landy; don't go, other doctors from Mount Gambier.' But he said nothing, other than, on 30 May, 'This is not a money problem.' Now he is trying to convince his electorate, by saying, 'Well, now it is a money problem, and I'm going to go to my mate, the Treasurer, the Hon. Kevin Foley, and ask for $1.5 million, and it's all going to be fixed up.'

One thing I can say about the electors of Mount Gambier is that they are not stupid. They can tell that this member—the Hon. Rory McEwen—is being neglectful in representing his constituents and standing up for the interests of the Mount Gambier Hospital. He made a number of quite extraordinary admissions in this article, which states:

Mr McEwen—who was recruited to the Labor ministry last November—conceded he had been standing back from the issue and had possibly failed the community to date.

I have news for the honourable member. He has not 'possibly' failed the community: he has completely and utterly failed the community, to such an extent that he cannot retrieve it.

The Hon. J.F. Stefani: He has abandoned it.

The Hon. A.J. REDFORD: Yes, abandoned it. He has sat on his hands—

The Hon. P. HOLLOWAY: I rise on a point of order. In most other parliaments of the world, comments reflecting on other members of parliament, particularly accusations that they have neglected their electorate, are totally out of order. I believe—

The Hon. R.I. Lucas: How sensitive are you? You spent eight years saying it.

The Hon. P. HOLLOWAY: Not in those words.

The PRESIDENT: What are the words that you are claiming to be objectionable?

The Hon. P. HOLLOWAY: It is the accusation that the member has neglected his electorate or totally abandoned it.

The PRESIDENT: It may be offensive to the honourable member but it is not unparliamentary.

The Hon. A.J. REDFORD: The honourable member has posed his own question. He said that he may have been standing back and possibly failed the community. My comment is that if he deletes the word 'possibly' he has got it pretty well right. He has not possibly abandoned his responsibility: he has actually abandoned it. He goes on to say:

The question of going into cabinet was always a difficult one. I thought I could do more for this community by being in cabinet than not. If I can't get this fixed, then there is no point me being in cabinet.

I have hardly been deluged with phone calls from the local community saying, 'I reckon we have forgiven the local member. It looks like he's fairly serious and we won't be seeing him in his white car for very much longer.' The article quotes the honourable member as saying:

I was hoping the parties would work through the issues. Obviously there is not enough goodwill there, there is not enough commitment to a shared vision, and that is disappointing.

The article continued:

Mr McEwen claimed he had made 'enormous personal sacrifices' to be a minister.

I invite the Hon. Rory McEwen to list what personal sacrifices he has made to become a minister. Is there some salary sacrifice that we are not aware of or some other entitlement that he refused? Perhaps the white car is sitting in the garage. The electorate understands that the Hon. Rory McEwen has not made a single sacrifice for his community. The article goes on to say:

'I think that this community deserves to have a say in cabinet because we can influence the direction of the state,' he said. 'But if that is the cost of my key role, which is servicing this community, then the first thing which goes is cabinet.' Mr McEwen promised to provide a report card after 12 months in cabinet so his constituents could decide whether his role had been a 'plus or minus' for the electorate.

He went on to say that he would do it anyway. He did manage to secure something, because the health minister, Lea Stevens, will be visiting the South-East, I think for the 11th time since taking up that position, to take a closer look at the extraordinary demise in the health services in the South-East that she has presided over in the last 12 months.

The other reaction from the local community is outlined in an opinion piece written by Genni Marston in *The Border Watch*, who writes:

Who's telling the truth? Ask member for Mount Gambier Rory McEwen where the buck stops in the region's health funding shortfall and he points to the federal government and its lack of commitment to health funding. Mr McEwen even accused federal member for Barker Patrick Secker of playing silly political games with his 'stunt' of delivering 2 500 letters from South-East residents a few weeks ago to Premier Mike Rann's office expressing their concerns about declining hospital services in the region.

The article goes on to report the response on the part of the federal government that it is providing a 17 per cent increase, which is the equivalent of $1 100 for every man, woman and child in Australia on top of what it is already spending on health services. The paper and the electorate are not buying the line that this is the federal government's fault.

The Hon. J.F. Stefani: And rightly so.

The Hon. A.J. REDFORD: As the honourable member correctly observes, and rightly so. If members in this place want to know what the local community is saying, let me read a couple of local community comments. Gladys Tilley, Mount Gambier: 'He doesn't seem to be doing much for us in Adelaide.' David Dedonatis, Mount Gambier: 'He should

resign. He needs to focus on this area.' So David is a very observant chap. Irene Ploenges of Mount Gambier: 'I don't think he's doing very much for Mount Gambier at all.' That is something that I have noted, too, but *The Border Watch* did not ring and ask me.

The Hon. R.K. Sneath: Did you find three Liberal voters down there?

The Hon. A.J. REDFORD: Is the Hon. Bob Sneath saying that all these people are Liberal stooges? So in Mount Gambier, when the Liberal Party is not busy getting 2 500 of our members to sign petitions, we are lining up Liberal voters who just happen to be interviewed in these street polls? Is that what the honourable member is saying?

Members interjecting:

The PRESIDENT: The Hon. Mr Redford is not having a conversation. He will direct his remarks through me. I would appreciate it if he would keep to the subject and not be distracted by interjections. Members on my right will not interject while the speaker is on his feet and we will get through this much more quickly.

The Hon. A.J. REDFORD: Thank you, Mr President. I was reading out some of the comments of ordinary local people, ordinary voters, the sort of people who put people like the Hon. Bob Sneath and me into this place, although the Hon. Bob Sneath might write off their comments as being those of Liberal stooges. Kathryn Jones of Mount Gambier said: 'He should return to his role as local member because there is nothing happening since he joined the ministry.' Not a lot has happened since this mob got their ministry! Adam Kemp of Mount Gambier said: 'I have to go to Adelaide just to get my wisdom teeth out. I think we'd have more of a chance to fix the health system if Rory quit the ministry and had more time for us.'

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: He didn't talk about public funding. He just said that things have declined since the honourable member for Mount Gambier became a member of the Labor cabinet. That is what he said.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago: You are a disgrace.

The Hon. A.J. REDFORD: The honourable member calls me a disgrace.

The PRESIDENT: Order! The Hon. Ms Gago has had a fair go with interjections, and she will come to order. I have asked the Hon. Mr Redford to direct his remarks through me, and now I direct him to do so.

The Hon. A.J. REDFORD: Through you, sir, I note that one of the members opposite has called me a disgrace. If it is disgraceful for me to stand up in this parliament and fight for people in the South-East and for Mount Gambier and to tell the truth, I plead guilty. If the local member is being disgraceful because he has been silent, he can wear that disgraceful label, too. I make no apologies. As you said, Mr President, when you were standing here on many occasions, I can take the lash.

With the Hon. David Ridgway, I met with a number of people last Thursday night. I will not repeat in this forum the stories that I was told, although I expect that there will be some evidence, but I found them to be extraordinarily distressing. As the doctors said, the problems are threefold. The first is the funding issue, but it is not the most significant problem in relation to health services in the South-East. The second is the bureaucracy.

Some extraordinary decisions have been made by the bureaucracy. The third, I am told by these doctors, is that the standards of medical care for people in the South-East have become second-class. There have been quite a number of different players who have had the opportunity to give evidence in this place. What I find really distressing is that bureaucrats within the Mount Gambier and the South-East health system are now issuing proceedings for defamation and threatening proceedings for defamation against doctors, and vice versa. We now have a very poisonous situation presided over by the Minister for Health and aided and abetted—by the sheer absence of any effort—by the local member.

That is why we on this side have decided to move for the establishment of a select committee, so that we can get to the bottom of it. I know that the Hon Rory McEwen has welcomed my motion. In fact, a press release that he issued today states:

> The Minister for Regional Development and member for Mount Gambier—

and he got that in the right order, because his priorities are in that order—

> Rory McEwen is supporting MLC, the Hon Angus Redford's call for a select committee inquiry into the Mount Gambier Health Service.'But why would Mr Redford want to limit the inquiry to start from July 2002?', he asked. Let's see the whole story, let's follow up on the evidence that the last select committee took in Mount Gambier in July 2001.

My answer to his assertion is this: we on this side want a select committee, and we want it to get cracking. It has a lot of ground to cover and a lot of areas to cover to get to the problem of why, over the past 12 months, this government could not get three committed surgeons to re-sign a contract and continue to provide the medical services described by the Hon Gail Gago, prior to the last election, as being second-class, and to continue to provide the medical services that the people of South Australia have come to demand and expect. We are not interested in playing politics with this. We want to get an outcome. What earthly good would be gained by going back beyond July last year? It might enable the Hon Rory McEwen to address some of the failures that he administered in the first four years of his term, because he had better access to the then minister than we did. I can assure members of that.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: We can go back forever, but we are interested in what has happened over the past three, six or 12 months so we can fix that up, so we can move forward. That is what we are interested in. We are interested in a medical outcome for the people of the South-East of South Australia. We are not interested in protecting the political skin of the local member, nor the political skin of some of his cabinet colleagues. That is our answer. Indeed, in his press release he said:

> The last committee chair, the Hon Dean Brown MP, did not even report on the results of that inquiry.

That is outrageous. He did not report because an election intervened. When elections intervene, you cannot report. Mr President, you know that, and members opposite know that. The honourable member might think he can fool a couple of his constituents but, frankly, they do not believe anything he tells them anymore.

With that short contribution, I commend the motion. As I said in opening, we want to get on with this as quickly as

possible. The opposition is expecting that we deal with this motion as quickly as possible and, in that respect, it prefers to have the matter voted upon next week.

The Hon. R.K. SNEATH secured the adjournment of the debate.

VICTIMS OF CRIME

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

That the general regulations under the Victims of Crime Act 2001, made on 24 July 2003 and laid on the table of this council on 16 September, be disallowed.

I will not repeat the statements made earlier in a similar contribution made on the last Wednesday of sitting, when my colleague the Hon. John Gazzola set out in some detail what was offensive about these regulations. Indeed, he made a very succinct speech, and I can read it without troubling Hansard for too long. He said:

The committee noted these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining medical assessment in relation to their claim.

As a consequence, the Legislative Review Committee, supported by Labor members, unanimously recommended that these regulations be disallowed. What does the government do? The government comes back, while we all go off and parliament is not sitting, and repromulgates exactly the same regulations.

Mr President, you may have a feeling of deja vu about this, because it is exactly what the former government did in relation to net fishing—and did it a couple of times. I am sure that you, Mr President, have a very clear recollection. What has happened is that this government, in the absence of you, sir, in its cabinet—a great loss, if I may say so—is now adopting the same old tricks as the former government, which it so passionately denounced, in repromulgating these regulations.

What these regulations do, for those members who have not followed the debate so clearly, is prevent claimants going to any doctor. These people are the victims of crime, whom the Premier says he so passionately supports, about whom the Attorney-General rings Bob Francis on a daily basis and says, 'I am really concerned about victims of crime.' What the government is saying is that these people, if they are smashed around, or raped, or assaulted, or have a family member murdered, are not allowed to go to any doctor to get a medical report. They can go only to the doctor the Attorney-General's staff say they can go to. This is outrageous.

I know that the Attorney-General is looking at this issue and, in fact, we have heard from him in the Legislative Review Committee. As I understand it, the situation is this. We pass this regulation—

The PRESIDENT: Order! I draw the honourable member's attention to his responsibilities to reports that are being discussed by the Legislative Review Committee, unless the member is ready to report. They are generally not canvassed until the committee has made a—

The Hon. A.J. REDFORD: I am doing it in such a way that—

The PRESIDENT: I just draw your attention to it. I am not troubling the honourable member, but I—

The Hon. A.J. REDFORD: I am trying to be careful about this. As I understand the government position (and I am sure that the government will correct me if I am wrong), it is this: 'We pass these regulations. We are sorry, but the Crown has been applying them rigidly. We promise that the Crown won't apply them rigidly in the future.' My suggestion to the government is that that is why we do not have regulations such as this and that is why good, sensible members of parliament, such as the Hon. John Gazzola, come here and say that this is a bad regulation and ought to be disallowed.

The Hon. J. GAZZOLA: I rise on a point of order, Mr President. I do not want to be misrepresented. Indeed, at the meeting today, we were awaiting more information from the Attorney-General. Will the honourable member at least represent accurately what we are saying and doing within the committee.

The Hon. A.J. REDFORD: I am not talking about—

The PRESIDENT: There is no point of order, and it is not a debate. The Hon. Mr Gazzola may feel offended, but the Hon. Mr Redford should confine his remarks to what he says and not purport to know the opinions or the stance of the Hon. Mr Gazzola.

The Hon. A.J. REDFORD: For the record, and so that the Hon. John Gazzola understands, I am referring only to what he has said publicly. I am not making any comment about anything he may have said privately at a committee meeting, or any change of mind he may have had at that meeting; I am not suggesting that. I am referring to the fact that, on Wednesday, 16 July 2003, he came here and I watched his lips move when he said, 'This practice is not right.' He stood up and asked us to vote down the regulations.

The Hon. J. GAZZOLA: Mr President—

The PRESIDENT: Is there a point of order?

The Hon. J. GAZZOLA: I make the point again, if he is going to quote me, well—

The PRESIDENT: Disagreement is not a point of order. The honourable member can make a contribution in the debate.

The Hon. A.J. REDFORD: I will quote *Hansard*. This is what the Hon. John Gazzola said:

The committee noted that these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining a medical assessment in relation to their claim.

Pithy, succinct and to the point. He was expressing both his view and that of the committee: that regulations in precisely the form—precisely the same form—that are currently before this parliament are wrong in principle. That was his message. He may have had a change of mind; I do not know. I am sure that he will make a contribution later if he has.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: No, that is not the case. The minutes—

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: No, it's not.

The PRESIDENT: The honourable member is not helping himself.

An honourable member interjecting:

The Hon. A.J. REDFORD: I ask the member to withdraw that.

The PRESIDENT: Order! I did not hear.

The Hon. A.J. REDFORD: The honourable member is interjecting, saying 'a bit of honesty', implying that I am not being honest in what I am saying, and I ask her to withdraw that.

The PRESIDENT: It is not the practice to imply dishonesty.

The Hon. G.E. GAGO: I withdraw those comments.

The Hon. A.J. REDFORD: So that the honourable member understands—and I will refresh his memory, because obviously it needs to be refreshed—I happen to have my speech notes of that day prepared by the committee for the Hon. John Gazzola, and they absolutely reflect what was said. These are the notes, and I will read them. I am sorry that I have to go through this, but I want to clear this up. The Hon. Mr Gazzola's notes state:

> The committee noted that these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining a medical assessment to their claim.

In relation to the victim of crime regulations, the notes state:

> The committee noted that these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining a medical assessment in relation to their claim.

I concede there were some other regulations that we disallowed in order to give the committee time to consider, and we invited the government to repromulgate them. Do you know what the speech notes state in relation to that? They state this:

> The committee recommends the disallowance of these regulations so that it can consider them in the next session of parliament. This will enable it to consider additional information that will be provided by the Attorney-General in relation to their effect and operation—

and that is what he said in relation to the Listening Devices Act. So the committee decided that these regulations were offensive, and it unanimously decided that they were offensive in the sense of the protocols and the traditions of the Legislative Review Committee.

They were certainly not disallowed on the basis that the government could bring them back and the committee needed more time to think about them. That is certainly not the case. In that respect, when the Hon. Gail Gago interjects, she should understand that sometimes I do check my facts, and I have them all here at my fingertips. So, that is the problem. When the regulations came back I was very concerned because they attacked a couple of legal practitioners. What this government did—and not only with these regulations—is it struck down the right of a victim to get a medical report, but that was coupled—in a very suspicious way, I have to say—with fee increases for legal practitioners.

Mr President, you would be aware—because I know you are close to people who are victims and the oppressed in our community—that lawyers have not had their fees increased in this area since the early 1980s, and they have been expected to run some fairly complex personal injury claims for a fee of about $300 to $400. It has reached the point where it has become absurd. The net effect of this is that there are only about two lawyers left in Adelaide who still take these cases. One of those is Matthew Mitchell—as I said on a previous occasion, he is a man for whom I have great regard—and the other is Russell Jamison. Both of those gentlemen work hard for the victims that the Premier and the Attorney-General stand up so regularly and say they support, but the minute something gets a bit difficult or a cheque has to be written they abandon them. On 29 August last I wrote to the Attorney and said:

> Dear Attorney
>
> Re: Criminal injuries compensation and victims of crime
>
> I have received a letter from a constituent, who is a legal practitioner, in relation to the problems with the regulations under the Criminal Injuries Compensation Act and the Victims of Crime Act.
>
> As you are aware, the new regulations under both the Criminal Injuries Compensation Act and the Victims of Crime Act were disallowed by parliament some weeks ago. The disallowance was supported by the ALP members and was passed without dissent. Since then the government has, with respect to the Victims of Crime Act, proclaimed regulations identical to the ones previously disallowed.
>
> I understand that the government's reason for this is the need to have some regulations in place in order to ensure the collection of the criminal injuries compensation levy from offenders.
>
> These regulations repeat the provisions which prevent solicitors acting for plaintiffs from obtaining payment of the costs of obtaining independent medical assessments of a plaintiff's claim, without prior authorisation of the Crown Solicitor.
>
> I also note that no regulation has been proclaimed pursuant to the Criminal Injuries Compensation Act. Consequently, the old regulations exist. As a corollary, increases in solicitors' costs have reverted back to the scale proclaimed in 1987 ($400 in cases where the offenders are not known).

I think this is important because sometimes justice is what is seen to be done and what impressions the government might give, so I go on to say:

> The perception created as a consequence of this is that the failure to increase costs under the Criminal Injuries Compensation Act is a 'payback' for the political agitation of the plaintiffs' solicitors involved. I have to say, in the absence of some logical and cogent explanation, that it is an entirely reasonable conclusion at which to arrive. If that were the case, I have no doubt that you would understand the seriousness of the situation and the likely response of the majority of the Legislative Council. This is particularly so if the Council was to come to the conclusion that this government would seek to prevent or discourage open and frank submissions to its committees through devices such as this!
>
> I further observe that even under the disallowed regulation, the pay increase only applied to new matters and did not apply to existing files where notification had already been given to the Crown Solicitor.

I was pretty fair and square with the Attorney; I laid it right out and did not even do a press release. However, I have to say that this appeared to me to be an act of bastardry. To be fair, the Attorney-General has written back to me and given me an assurance (which I accept) that that was not his intention, but we have to be careful about how we treat our community and our citizens, particularly those who take the trouble to give evidence to select committees and on occasions criticise what governments might or might not be doing.

We have to be very careful, because I have to say that people like the Matthew Mitchells and the Russell Jamisons of this world have a lot to offer our communities. They are doing a pretty hard job for a particularly disadvantaged group in our community, namely, victims of crime. In that sense, it is my view that we have to look at this issue very carefully.

In relation to the victims of crime system, there are a number of other concerns which have been expressed to me. First, I would be grateful if the government would confirm at some stage—I asked the following question today about this: what is the actual funding situation in regard to victims of crime?—the advice given to me that the government is collecting more money from the victims of crime levy than it is paying out to victims. If that is the case and if at the same time the government is seeking to prevent victims of crime from going to doctors to get medical reports, I find that outrageous. It is not money driving it at all or the government seeking to make a grab and putting its hands fairly and squarely into the pockets of victims of crime.

I am also concerned that the Attorney-General's discretion is being exercised in a negative fashion on many occasions when perhaps more compassion should be applied. So, there is a range of issues that I will not go into now which give me some concern. The Legislative Review Committee is awaiting evidence. I understand the Attorney-General is considering the matter and obviously he will need time to do that, so we will not seek a vote on this issue urgently, but the opposition

expects the Attorney to respond in a timely fashion to the serious concerns that have been raised by both me and these two very senior and able members of the legal profession on behalf of their disadvantaged clients.

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

SURVEY (MISCELLANEOUS) AMENDMENT BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation) obtained leave and introduced a bill for an act to amend the Survey Act 1992. Read a first time.

The Hon. T.G. ROBERTS: I move:

That this bill be now read a second time.

The Survey Act provides for the licensing and registration of surveyors and makes provisions relating to the surveying of land boundaries. Only surveyors licensed under the act can undertake surveys of land boundaries. The act came into effect on 1 January 1993.

The legislation was recently reviewed as part of the state's commitment to the competition principles agreement. While the review generally commented favourably on the legislation, it identified that certain restrictions relating to the licensing and structure of the companies were anti-competitive. It concluded that these restrictions had little to do with surveying land boundaries and were an unnecessary intrusion into the business operations of companies that employed licensed surveyors to provide boundary surveying services.

The review recognised the need to continue to protect licensed surveyors from an employer exerting undue influence over the surveyor to perform surveys in an inappropriate or unprofessional manner. These matters are dealt with in the bill. The requirement for company licences or registration is removed and so also are the provisions imposing special obligations on companies.

A company or other entity that provides surveying services through the instrumentality of a surveyor will be subject to disciplinary provisions and it will be an offence for such an entity to direct or pressure a surveyor to act unlawfully, improperly, negligently or unfairly in relation to the provision of surveying services.

Prior to 1993, the registration and licensing of surveyors was carried out by a statutory board established under the Surveyors Act 1975. The Survey Act 1992 altered this arrangement and introduced a co-regulatory regime where the Institution of Surveyors is responsible for the licensing and disciplining of surveyors, and the government, through the Surveyor-General, sets and monitors surveying standards.

The Institution of Surveyors has requested amendments to the act to improve administrative and disciplinary procedures. These amendments include a change in the reporting and licensing periods from a calendar year to a financial year basis and clarification of the authority of the institution to delegate its investigating powers. The institution intends to delegate its power to direct investigations to a small subcommittee of members.

The bill will also remove the powers of the Institution of Surveyors to reprimand surveyors and place all disciplinary hearings within the jurisdiction of the District Court. These amendments are designed to separate the investigative and complaint processes from the hearing process to ensure that there is no issue of compromising principles of natural justice, equity and fairness. The bill also implements a number of minor amendments requested by the Surveyor General to improve administrative processes. The bill has the full support of the Institution of Surveyors and has been endorsed by the Survey Advisory Committee. I commend this bill to the house. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of Survey Act 1992

Clause 4: Amendment of section 4—Interpretation

The definitions of company and share are deleted and new definitions inserted relevant to the imposition of obligations on surveying services providers—entities that provide surveying services through the instrumentality of a surveyor.

Clause 5: Amendment of section 12—Fees and levies

Section 12 requires the Institution of Surveyors to prepare a statement of account of fees and levies received under the Act in respect of each calendar year. This is altered to each financial year.

Clause 6: Amendment of section 13—Annual report

This amendment requires the annual report to relate to a financial year rather than a calendar year.

Clause 7: Insertion of section 13A

13A. Delegations

The new section enables the Institution of Surveyors to delegate functions or powers under this Act to a member of the Institution or a committee established by the Institution. It does not allow subdelegation by that member or committee.

Clause 8: Amendment of section 14—Obligation to be licensed to place survey mark

This amendment clarifies that the offence is committed by the person who personally places a survey mark on or in land without being licensed. (There is to be no offence where a survey is carried out by an unlicensed person or company acting through the instrumentality of a licensed surveyor or a person acting under the supervision of a licensed surveyor.)

Clause 9: Amendment of section 15—Obligation to be licensed to carry out cadastral survey for fee or reward

The section is amended to enable a cadastral survey to be carried out for fee or reward by an unlicensed person or company acting through the instrumentality of a licensed surveyor or a person acting under the supervision of a licensed surveyor.

Clause 10: Amendment of section 21—Applications

This amendment is consequential to the change to financial years for licence and registration periods.

Clause 11: Amendment of section 22—Grant of licence or registration

The subsection dealing with company applications for a licence or registration is deleted.

Clause 12: Amendment of section 24—Duration and renewal

This amendment provides for licences and registration to run for financial years rather than calendar years.

Clause 13: Amendment of section 26—Continuing education

This amendment is consequential to the change to financial years for licence and registration periods.

Clause 14: Substitution of Part 3 Division 3:

Division 3—Special provisions relating to surveying services providers

28.Improper directions, etc., to surveyor by surveying services provider

The new section provides that it is an offence for a person who provides (or who occupies a position of authority in a trust or corporate entity that provides) surveying services through the instrumentality of a surveyor to direct or pressure the surveyor to act unlawfully, improperly, negligently or unfairly in relation to the provision of surveying services.

Clause 15: Amendment of section 34—Proper cause for disciplinary action

The amendment to section 34(1) clarifies that a surveyor is liable to be disciplined if the surveyor has failed to exercise proper care in any aspect of carrying out a survey, including establishing survey marks or preparing a plan or record of the survey.

The new subsections provide that a surveying services provider, or occupier of a position of authority in a trust or corporate entity that

is a surveying services provider, is liable to be disciplined if there has been a contravention or failure to comply with the Act.

Clause 16: Amendment of section 35—Complaints

The amendment is consequential to the extension of the disciplinary provisions to surveying services providers.

Clause 17: Amendment of section 36—Investigations by Institution of Surveyors

These amendments are, in part, consequential to the extension of the disciplinary provisions to surveying services providers. The amendments also extend the range of investigative powers available to the Institution of Surveyors by enabling the investigator to ask questions to identify who carried out a survey and to require any person who is in a position to do so to answer questions or produce records or equipment relevant to the matter under investigation.

Clause 18: Amendment of section 37—Consequence of investigation by Institution of Surveyors

The power of the Institution of Surveyors to reprimand a person under investigation is removed. If the Institution is satisfied that a person should be disciplined, the matter must be referred to the Administrative and Disciplinary Division of the District Court.

Clause 19: Amendment of section 38—Disciplinary powers of Court

These amendments are consequential to the extension of the disciplinary provisions to surveying services providers and enable the Court to prohibit a person from carrying on business as a surveying services provider or occupying a position of authority in a trust or corporate entity that is a surveying services provider.

Clause 20: Amendment of section 40—Restrictions on disqualified persons

This amendment makes it an offence for a surveying services provider to knowingly employ or engage a disqualified person to provide surveying services.

Clause 21: Amendment of section 44—Investigations by Surveyor-General

This amendment extends the power of the Surveyor-General to investigate a matter in the same way as the power of the Institution of Surveyors to investigate is extended.

Clause 22: Amendment of section 51—Surveys within Confused Boundary Area

This amendment makes a slight adjustment to notification requirements relating to approval of a plan to change boundaries within a Confused Boundary Area.

The amendment removes the requirement to have a second round of notices if no objections are received to the original proposal to change the boundaries and the original plan is approved without modification.

Since the right to appeal against approval of a plan is determined by entitlement to receive the notice, the amendment means that appeals will be limited to persons who object to the original proposal to change the boundaries, persons who hold a relevant interest affected by a modification of the original proposal and persons who acquire a relevant interest in the land after the original proposal is first notified.

Clause 23: Insertion of sections 55A and 55B

55A.Victimisation

This section makes it an offence for a person to cause detriment to another for disclosing information or making an allegation giving rise to proceedings (including disciplinary action) against the person under the Act.

55B.Vicarious liability for offences

This section provides that each person occupying a position of authority in a trust or corporate entity guilty of an offence against the Act is also guilty of an offence.

Clause 24: Amendment of section 61—Summary offences

This amendment removes the provision classifying offences against the Act. This is a matter now dealt with by the *Summary Procedure Act 1921*. The amendment excludes expiable offences (which have been introduced in the regulations) from the provision extending the period for prosecution to 2 years.

Schedule 1—Transitional provisions

Clause 1: Companies

Companies are to be removed from the registers.

Clause 2: Licences and registrations

Current licences and registrations are to be able to be renewed for either 6 or 18 months to accommodate the change from calendar year terms to financial year terms.

Clause 3: Annual reports

The next annual report of the Institution of Surveyors is to cover a 6 or 18 month period to accommodate the change from calendar year reporting to financial year reporting.

Schedule 2—Statute law revision amendments of Survey Act 1992

The Schedule contains statute law revision amendments.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 16 September. Page 75.)

The Hon. J.M.A. LENSINK: First, I want to congratulate Her Excellency, Marjorie Jackson-Nelson, for her superb carriage in the community and the terrific job she does. I also congratulate His Excellency, the Lieutenant-Governor, Bruno Krumins, on his delivery and commitment to the people of South Australia.

I acknowledge the passing of former members of this parliament: the Hon. Murray Hill, the Hon. Trevor Crothers and Mr David Boundy. The only one with whom I had much contact was the Hon. Trevor Crothers. Had I been able to understand what he was saying most of the time, I believe I would have known him to have quite a voracious sense of humour. We pass on our condolences to their families and are sad to see their passing.

As a new member of this chamber a number of people have asked me, since my appointment, what particular issues do I think should be changed and where would I set my priorities. One of the things that comes up continuously in conversation with people within the community is the subject of industrial relations, in particular, the WorkCover Corporation.

The Hon. Sandra Kanck: You associate with some strange people if that's the conversation.

The Hon. J.M.A. LENSINK: Well, they are the good people who are employing the men and women of our society, as well as some employees who have been disrupted by the system. However, I will get to that later. Workplace relations issues are absolutely critical to our competitiveness, as is the sound functioning of the WorkCover Corporation for our prosperity and our ability to retain young people in this state. This has been identified by the Economic Development Board as absolutely critical. To quote from the Lieutenant-Governor's speech:

> The government is committed to reducing workplace deaths, illness and disease.

Accompanying that there has been an announcement of a 50 per cent increase in the number of workplace safety inspectors.

I note from the latest WorkCover annual report that there has actually been a decrease in the incidence of workplace injuries from, on average, 50 000 per annum in the 1990s to 41 000 in 2001-02. Given that we would have a higher number of employees since then, that is commendable. I commend employees, employers and, indeed, organisations such as the Safer Industries Program within Workcover for the initiatives aimed at those objectives.

I want to highlight to the council the primary objects of section 12 of the WorkCover Corporation Act 1994:

> (a) to reduce. . . the incidence and the severity of work-related injuries; and

(b) to ensure, as far as practicable, the prompt and effective rehabilitation of workers who suffer work-related injuries; and
(c) to provide fair compensation for work-related injuries; and
(d) to keep employers' costs to the minimum that is consistent with the attainment of the objects mentioned above.

I think that from the evidence we can say that (a) has been delivered on (reducing the incidence) and, at times, (c) (to provide fair compensation for injuries), but on (b) and (d), I am afraid the evidence says that the system is failing. It has recently been highlighted that under this government the unfunded liability has blown out from approximately $85 million to over $400 million. Without urgent action to address this problem, the blow-out will no doubt be lumped onto employers or else on the people of South Australia through some kind of bail out.

To return to the objectives of WorkCover. Firstly, regarding the prompt and effective rehabilitation of claims, one thing I would like to highlight is the need for early intervention, with which no-one would disagree. It minimises the suffering of the worker and the costs to the system and, most importantly, effective early intervention leads to better long-term outcomes through fewer sequelae and a more rapid return to work. I commend WorkCover on a new service, which is to be introduced in October, called EarlyClaim, which is obviously aimed at encouraging faster lodgment of claims.

As in most fields, something like the 80/20 rule applies. In residential aged care (a field with which I am quite familiar), actuarial calculations show that injuries to workers who spend more than two weeks away from work result in 85 per cent of claims costs. There are a number of psychological, physical and statistical tools that can identify at least some of the likely longer-term and more complex claims, and I would say they need to be fast tracked. Early identification also depends on an efficient system and timely processing of claims. This is beginning to blow out and cause some difficulties.

With regard to rehabilitation and return to work plans, we need closer scrutiny to ensure that ongoing treatment is effective rather than giving false hope to workers and suffering a cost to the system of something that is not working.

WorkCover's web site states that it requires its medical and rehab providers to be accurate and clear in their diagnosis and to assist the worker's return to work program, and that is commendable. As a health professional, I would argue that the best way to ensure higher accuracy would be to ensure a level of specialisation in all the fields of discipline involved. This is critical for medical officers who may be involved in the initial claim through to the two-year review stage, not just for allied health professional service providers, as seems to be the situation. Medical and health professionals who do not normally work within the system may not have an appreciation of the detriment to the client's recovery if they do not provide their reports on time. I will refer to a particular case in which a worker with a stress claim had all sources of income suspended because she had this difficulty in obtaining a report from a psychiatrist.

Closure can be quite difficult to obtain in this system. There is a merry-go-round of appointments, conciliation meetings, attempts to find alternative duties and trying to force incapacitated people to do things beyond their capability; and it does not allow people to move onto the next stage of their life. Recently, I spoke to a spinal surgeon who has seen a number of clients at the two-year review stage. His assessment is that by then little progress can be made, whereas if he assessed clients at, say, three months post injury he might be able to help. Realistic assessment by people who have expertise and a commitment to resolution will assist workers to get back to work or to move on.

Alternative duties is another area which is fraught with difficulty, and that relates to section 58B of the act. The experience of the aged-care industry is probably not different from that of many workplaces in which there is little diversity of tasks, making it difficult to provide alternative duties from those that the injured worker is unable to perform. Similarly, a small business with few employees may not have the space or capacity to provide additional places. An overly optimistic expectation often leads to aggravation between the parties and is the subject of many complaints to claims agents.

There is also the issue of stigma. Workers' compensation is a very complex field and it has a dubious reputation for all parties who find themselves involved in it. There are mindboggling stories of inefficiency; stories of arrogance from corporation staff in dealing with both employees and employers; many stories about people who abuse the system; and, ultimately, there can be a great deal of conflict between parties. Employees and employers are afraid of getting stuck in that vortex. Clearly, they lack confidence in the system.

I know of situations where an employee successfully claimed to have sustained an injury from pulling a plug out of a sink; and another who claimed to have received an electric shock in spite of the wiring being found not to be faulty at all. Employers who challenge such claims may find that it suddenly turns into a stress claim—even if the original claim is not verified. Employers will also tell you that injuries seem to occur on a Monday—the day after the weekend gardening and sporting activities.

In order to restore confidence the government needs to improve the system's integrity, because only then will the genuine claimants not be subjected to discriminatory labelling as rorters or bludgers. Claims need to be more closely scrutinised at the front end when the claim is first lodged with a GP. I suggest that prescribed medical certificates be approved only by medicos who have some level of expertise in the field, such as through an accreditation system. Because of the rorter and bludger stigma, genuine workers are often afraid of becoming victimised or they are not taken seriously—which is hardly conducive to their recovery.

I highlight to the chamber a case which has come to my attention since I was appointed. A lady, who shall be known as Ms A, was the victim of bureaucracy and a lack of interest by the WorkCover system. Ms A was an occupational health and safety representative, and she was the victim of an unfair dismissal claim—which she successfully won after leaving her employment, obviously. The circumstances were such that she made a stress claim. The claim could not be accepted without a psychiatrist's report. She had to go through several phone calls in order to obtain one, but she was not successful. When she called her case worker, strangely enough, he was always on training, and the corporation itself, which she turned to in some form of desperation, was just not interested. She went to Centrelink because she did not have any income. It was unable to help her because, supposedly, she was a WorkCover client. She is a single mother who has had to bunk up with a friend because she has no source of income. I ask the government whether this is its form of social justice.

In relation to keeping costs to a minimum, obviously these problems within the system just increase the overall cost,

which ultimately is borne by employers and the community and which results in fewer places for new employees. It was designed as an income support safety net, which I understand is different from the systems that operate in all other states. It is an unrealistic goal. It is a lifetime disability support pension. The commonwealth government must think that members of the South Australian parliament have rocks in their heads, because it has set up a system which is a massive cost shift and which is the South Australian parliament's own design. It is not sustainable for this state to carry on providing payments ad infinitum, and it is a huge risk to our economy.

There are also issues of liability in that employers can be held 100 per cent liable for an injury, even if the contribution from their work site is as little as 1 per cent; and even if the worker had a prior undisclosed workplace or sporting injury. As a no-fault system, it does not encourage people to take responsibility for their co-workers as the liability, strangely enough, always falls back on the employer.

An emerging issue in the aged-care industry is that violent behaviour in residents can trigger responses in some workers who have been abused earlier in their lives. While I have every sympathy for all victims of abuse, it does not follow that the system can be held responsible for actions that took place before someone set foot on that work site. Furthermore, WorkCover is often used as a way out of other industrial problems, such as workplace bullying, that may exist. Under the law, co-workers, as well as employers, have responsibilities to one another, and all these issues should not be sidestepped through the lodgement of a WorkCover stress claim.

In relation to levies, penalties and classifications, two days ago the Hon. David Ridgway spoke about a case in which a business's levy has been nearly doubled from approximately 4.9 per cent to 9.1 per cent due to one single claim of $15 000 by someone who was not even an employee of that company. Cases of the penalty system imposing additional charges out of proportion with the company's safety record and costs are rife. Employers are often also mystified by the classification to which their company has been attributed. For instance, the residential housing industry has been grouped for classification purposes with the commercial construction industry—a much higher risk industry, which naturally incurs higher costs. This leads to cross-subsidisation and an unfair impost on workplaces which have a good safety record. Furthermore, other issues, such as whether employees aged over 70 are covered, need to be clarified. The levy is still paid but workers cannot obtain consistent advice from WorkCover as to what their situation is.

Under this government we have seen the long tentacles of the minister tighten their grip on the corporation and the tentacles of the corporation tighten on workplaces. I understand that no exemptions have been granted in the past year, despite applicants' meeting the required criteria. Similarly, there is a recommendation that the agents be dispensed with and that the functions for case management be brought back into the WorkCover Corporation. I suggest that is not a pragmatic and sensible decision but, rather, ideological and all about control. Industries in this state are terrified that if this happens it will lead to mere processing of claims, rather than management of claims. The tail in the system will never be resolved; it will be back to the bad old days when WorkCover was managing it all and it was a disaster.

A number of outsourced agents provide employers with a choice, and WorkCover can utilise performance criteria to control the agents. I suggest that that is a sensible system. Another huge issue is in the labour hire section. The escalating trend affecting labour hire is WorkCover's pursuit of third party recoveries through the public liability insurance of the host employer who has engaged a casual worker who has been injured on their site. I would suggest that a flexible work force is critical to South Australia's international competitiveness, particularly in manufacturing, due to its cyclical nature. Many workers prefer the nature of casual employment because they receive a loading and have more flexible working hours. And why should they not have that choice?

On-hired employees have an advantage over permanent staff who work with them side by side in that they are already able to claim through the labour hire company's WorkCover. They are also able to sue through common law, which enables them to double dip on the system. It is suggested that not only has WorkCover been recovering all its costs, and not a proportion of its costs, from settlements, but it has also encouraged some injured workers to pursue damages claims. The pursuit of common law claims presents a costly process for host employers, and a number choose to settle, not as an admission of guilt, but to save the cost of going to court. Strangely enough, insurers are saying, 'Enough is enough', and host firms are paying through the nose on public liability. Some brokers charge up to three times the equivalent in insurance of a comparable WorkCover levy. They have introduced restrictive clauses to policies, and there is a strong suggestion that there is some exploitation of common law rights by elements of the legal fraternity who are known, in the vernacular, as 'ambulance chasers', as well as WorkCover trying to recover these costs.

WorkCover provided statistics over 12 months ago, which indicated that 90 per cent of its recoveries are employee initiated, and the reminder are pursued by WorkCover. There is some concern about the accuracy of those figures, as there was a flurry of agent activity identifying to WorkCover potential third party claims over $5 000 over 12 months ago. The insurance industry apparently has contradictory evidence, as it is dealing with WorkCover recovery claims daily. The effect of all this is that host firms who employ staff through labour hire firms are either taking a huge risk or are paying a huge premium. Industries with fluctuations in demand, such as housing, wine and manufacturing, are being restricted in responding to demand. Casual employment, however, runs counter to the philosophy of the ALP and the union movement, which is nationally seeking to undermine casual employment. I would suggest that this activity will stagnate growth in this state. Within the last 18 months, several South Australian manufacturers have not made decisions to put on additional shifts because they are unsure of the future direction of workers compensation or of internal WorkCover policies.

The Stanley Review, in fact, raised this trend with some concern, and has recognised an increased requirement for what is called 'hold harmless' insurance (and I quote from volume 2):

> The review understands that several bodies have made representation to the government that section 54 is inequitable and unjust. It is asserted that WorkCover's right of recovery under section 54 in its present form, and WorkCover's policy of pursuing third party wrongdoers for full recovery jeopardises the way in which business is done, and further jeopardises the future existence of labour hire firms in the state. It is said that this is because 'host employers' . . . are insisting upon contractual terms to the effect that labour hire firms will indemnify them against any common law liability that they may incur as a third party wrongdoer. It is said that some insurers are no longer prepared to insure against this liability and that insurance is difficult and expensive and in some cases impossible to obtain.

The issue is particularly invidious because, under the act, there is no allocation of proportional liability. Again I quote:

> A third party wrongdoer whose fault was a minor cause of the injury may be required to bear the whole of the cost of workers' compensation, while the more substantial fault of the employer is ignored.

In the previous government, minister Armitage recognised this problem with third party recoveries and appointed a working party, which came up with three recommendations. Under the Labor government, this process has stagnated. We have seen another review, and no decision has been made. So, two years later, employers in this state, including the on-hired industry, have been struggling with this problem, which, if not addressed soon, will surely eat away at the economic base of our state.

This loophole also catches group training schemes and other parties. I understand that a case that is about to be pursued by WorkCover involves a situation where an employee of a ship building company was injured. That company is insolvent, so WorkCover is going to pursue the landlord—the people who own the building—and the injury has nothing to do with the design of the building or the behaviour of the landlord. But, again, we have the ambulance chaser mentality where the one with the deepest pockets is the one who is pursued.

Group training schemes, which take on apprenticeships in building, mechanics and engineering, are also suffering the same circumstances as labour hire firms. We all know the difficulties that we have in hiring electricians, plumbers and so forth, and in the building trade this could be a great tragedy for our state, if employers are unable to take on apprentices because of WorkCover and this issue of third party wrong doers.

I see a bleak future for WorkCover because of the spiralling costs and a lack of leadership within the government. I would have to say at this point in my career that, if there is one thing that needs to be fixed, it is that. Lack of confidence in the system is hurting injured workers and if the Labor Party wants to suggest that it helps workers, it needs to urgently look at the way in which it deals with them through the WorkCover system, because it does not work for them any more than it does for employers.

It is an inefficient system, and WorkCover needs to focus on its core business of rehabilitation and return to work. In its current situation, it is unsustainable, and it might need to be held more accountable via an organisation such as APRA and be put on the same footing as private sector insurance companies. Industry in this state desperately needs the government to act on the sensible recommendations contained in chapter 12 of the Stanley report. WorkCover needs a CEO, and it also needs a minister who will recognise the flaws in the system and who will take positive action to amend them, rather than attempting to extend his control.

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

UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

Universities in this State and elsewhere are facing significant challenges to their operation; very few of these are academic. The most serious challenge for our universities is to continue to provide an innovative research and educational program with dwindling resources provided by the Commonwealth Government. In recent times universities have had to rely more and more on income derived from student fees and commercial activities, or reduce the volume and scope of their operations.

The University of Adelaide has acknowledged that the current structure and processes of the Council are not conducive to making optimum decisions about either its academic program or its commercial activities. The University is seeking to amend its Act to give its Council similar constituency and power as Flinders University and the University of South Australia.

While the Government sees the need for the University to have the freedom to operate within a more corporate structure, it is important for the University to meet community obligations and expectations for a higher education institution. This Bill therefore, establishes clearer lines of decision-making including powers of delegation while imposing heavy penalties for breaches of propriety leading to loss or damage to the University. The Bill gives protection by statute to the University's name and devices, and removes restrictions on the disposal of freehold property, that is land owned by the University but excluding land given in trust such as the North Terrace, Waite and Roseworthy campuses, so that it may operate more competitively in a commercial environment.

The Bill recognises the value of the Academic Board, the university graduate association and the Students Association of the University of Adelaide Incorporated by making the presiding officer of each an *ex officio* member of the University Council. It also allows for the election of two graduate members to replace the current Senate members.

The Bill will disband the Senate as a formal body of review although this role will be undertaken through other means. I take this opportunity to thank Senate members, and to recognise the contribution the Senate has made to the University for more than 100 years. The removal of the Senate gives effect to the Council as the central decision-making body in the University.

In line with the other universities, the Bill provides for the University of Adelaide to confer honorary awards on those whom the University thinks merit special recognition.

The Adelaide University Union is established under the current Act to provide necessary services to students. The Government is committed to preserving the autonomy of the Union but recognises the need for the University Council to have sufficient information for setting the fee for union membership. The Bill will ensure the Union reports its financial position to the Council.

The Chancellor of University of Adelaide proposed amending the university legislation in April 2002. A Discussion Paper containing the University's proposed amendments was circulated for public consultation in June 2002. Over 30 written submissions were received on proposed amendments and a series of meetings were held with interested parties. This Bill reflects the University's original proposals, tempered by the various consultations and submissions.

I commend this Bill to the House.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment provisions

These clauses are formal.

Part 2—Amendment of University of Adelaide Act 1971

Clause 4: Amendment of section 3—Interpretation

This clause amends, deletes and inserts a number of definitions.

Clause 5: Amendment of section 4—Continuance and powers of University

This clause clarifies the composition of the University, and provides that the University may, with the exception of certain land vested in the University under a number of specified Acts, deal with University Grounds in the manner it thinks fit. The clause further clarifies that the University is not an instrumentality or agency of the Crown, and that the University may exercise its powers within or outside of the State, including overseas.

Clause 6: Repeal of section 5

This clause repeals section 5, a provision dealing with discrimination, as the subject is properly dealt with under specific legislation at both the State and Federal level.

Clause 7: Insertion of sections 5A and 5B

This clause inserts new sections 5A and 5B into the principal Act. These measures establish a degree of protection for the intellectual property of the University; in particular the title of the University, the logo or logos used by the University and the combination of title and logo, which is defined by the measure as an "official symbol". Together, the Bill defines these as being "official insignia". A number of offences are created under new section 5B relating to the use of official insignia without the permission of the University. The maximum penalty for contravention of section 5B is a fine of $20 000.

Clause 8: Amendment of section 6—Power to confer awards

This clause provides that the University may confer an academic award jointly with another University, and may also confer an honorary academic award on a person who the University thinks merits special recognition. The clause also makes a number of amendments of a minor technical nature.

Clause 9: Amendment of section 7—Chancellor and Deputy Chancellors

This clause amends section 7 of the principal Act so that there will only be one Deputy Chancellor appointed. The Deputy Chancellor so appointed will hold office for a term of two years rather than the current four year term.

Clause 10: Amendment of section 8

This clause clarifies the role of the Vice Chancellor as the principal academic officer and chief executive of the University, responsible for academic standards, management and administration of the University.

Clause 11: Amendment of section 9—Council to be governing body of University

This clause inserts a requirement that the Council must in all matters endeavour to advance the interests of the University.

Clause 12: Amendment of section 10

This clause substitutes a clarified power of delegation, including a power of subdelegation where the instrument of delegation so provides.

Clause 13: Amendment of section 11—Conduct of business of the Council

This clause provides that a quorum of the Council consists of one half of the total number of Council members plus one (ignoring any fraction resulting from the division).

This clause also makes a consequential amendment due to the reduction of Deputy Chancellors to one under this Bill.

Clause 14: Amendment of section 12—Constitution of Council

This clause provides for three new *ex officio* members of the Council, namely the presiding member of the Academic Board, the presiding member of the Students Association of the University of Adelaide Incorporated and the presiding member of the Graduate Association.

The clause provides for two new Council members to be elected from the graduates of the University, replacing the members previously elected by the Senate.

The clause also:

- makes a consequential amendment by removing the provision for members to be elected by the now-abolished Senate
- reduces the number of members elected from the academic staff to two
- reduces the number of members elected from the student body to two
- amends the term of certain members
- makes other minor technical and consequential amendments.

Clause 15: Amendment of section 13—Casual vacancies

This clause inserts a new subsection (3a) into section 13 of the principal Act dealing with a casual vacancy in the office of a member appointed under proposed section 12(1)*(h)*.

Clause 16: Amendment of section 14—Saving clause

This clause clarifies section 14 by providing that a decision or proceeding of the Council is not invalid simply because of a defect in the appointment of any member of the Council.

Clause 17: Insertion of sections 15 to 17B

This clause inserts proposed sections 15, 16, 17, 17A and 17B. These proposed sections reflect amendments to the *Public Corporations Act 1993* currently before Parliament, and provide for a greater level of honesty and accountability in respect of Council members, in keeping with the increasingly commercial nature of the operations of the Council. Contraventions of the proposed sections carry a maximum penalty of a fine of $20 000 and, in the case of proposed section 16, imprisonment for four years.

Clause 18: Repeal of sections 18 and 19

This clause repeals sections 18 and 19 of the principal Act.

Clause 19: Amendment of section 21—The Adelaide University Union

This clause provides that the Adelaide University Union must provide certain financial information to the Council, and the dates by which that information must be provided. This enables the Council to ensure that the fees set by the union are appropriate. The clause also provides that the union must not set fees except with the approval of the Council.

Clause 20: Amendment of section 22—Statutes and rules

This clause makes consequential amendments by removing references to the Senate. The clause also provides the Council with the power to constitute and regulate the Academic Board, and other boards of the University. The clause further provides that the Council can specify that certain offences be tried by a tribunal established by statute of the University.

This clause also clarifies the procedure for variation or revocation of a statute or rule, and clarifies that a statute does not come into operation until confirmed by the Governor.

The clause also removes the reference to "regulations" from section 22.

Clause 21: Amendment of section 23—By-laws

This clause clarifies certain by-law making powers in relation to traffic control and trespassers. The clause also provides that a by-law must be sealed with the seal of the University, and transmitted to the Governor for confirmation. The clause also inserts new subsection (5), which states, for the avoidance of doubt, that section 10 of the *Subordinate Legislation Act 1978* applies to a by-law made under section 23.

Clause 22: Amendment of section 24—Proceedings

This clause provides that a staff member, as well as a student, may be tried by a tribunal established by statute of the University.

Clause 23: Amendment of section 25—Report

This clause removes the reference to "regulation" in section 25.

Schedule—Transitional Provisions

The Schedule makes transitional provisions in relation to the members of the Council whose offices are to be vacated, and the members of the Council who are to assume office.

The Hon. G.E. GAGO: I am very pleased to rise in support of this bill. The proposed amendments are aimed at bringing the governing structure of the University of Adelaide into line with the two other South Australian universities. In other words, the University of Adelaide wants to amend its current act to give its council a similar constituency and powers to those of Flinders University and the University of South Australia. Across the nation, universities have been facing increasing financial challenges under the appalling current federal government cuts. Cuts to funding have meant that universities have had to struggle to continue to provide the high quality of service that years of tradition, hard work and good policy have established. This has necessitated a change in the governing approach of many universities, Adelaide university being no exception.

The University of Adelaide, like other universities across the nation, it is sad to say, have had to rely less and less on commonwealth government funding and more and more on an income derived form of student contributions in the form of fees and commercial activities to maintain their operations. The necessary shift by the University of Adelaide to a more corporate approach towards governance also needs to be accompanied by a reassessment of its current governing structures.

The existing structure of the council and senate noticeably belong to a bygone era. Importantly, this bill proposes to bring the University of Adelaide's governing structures into line with the need for a more corporate management approach. It will introduce provisions for addressing conflicts of interest, care and diligence, good faith for council mem-

bers and broaden the provision for the council to delegate its powers.

Given the shift towards a more commercially driven system of governance, these amendments will also introduce necessary measures for improved financial accountability for the Adelaide University Union. They will enable the university to dispose of property owned freehold without recourse to the Governor. However, there will be safeguards. Property held in trust or received by gift will still remain subject to the Governor's approval.

Proposed amendments to the existing 1971 University of Adelaide Act will address the composition of the current council membership to reflect that of other university councils. In a more structural sense, these amendments will abolish the senate to make council membership consistent with that of the other two South Australian universities. One of the important changes will be the disbanding of the current university senate. Despite its very good work over the years, the role of review that the university senate has historically played will now be undertaken through other means.

Elected senate members will be replaced with two elected graduate members. The Convenor of the Academic Board, the President of the Students Association and the Presiding Officer of the Graduates Association will all be made ex officio members of the University Council. It is also proposed that the number of elected academic staff members and undergraduate members will be reduced from three to two positions.

Further bringing itself into line with other South Australian universities, the amended bill will allow the University of Adelaide to confer honorary awards on those deemed to warrant special recognition. The bill then establishes very clear guidelines for decision-making processes, which includes the powers of delegation and heavy penalties for any breaches of propriety which lead to loss or damage to the university. Through these moves it is very clear that the University of Adelaide is most concerned that it remains a quality tertiary educator as well as being financially responsible and, of course, accountable. In this way it can continue to make its valuable contribution to teaching, research and scholarship in the community.

In supporting these amendments, the government is keen to see that the University of Adelaide continues to meet its obligations to the community as a quality tertiary educator. I believe that the University of Adelaide will better be able to meet these obligations with an overhaul of its current governing structure, which will bring it into line with other South Australian universities and with the new way it needs to do business in the current economic climate. I commend the bill to the council.

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

COOPER BASIN (RATIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 60.)

The Hon. T.J. STEPHENS: The Cooper Basin (Ratification) Amendment Act was enacted in order to provide the consortium of petroleum companies (known as the producers) with some certainty at the time when considerable investment was about to be undertaken in order to service the markets of Sydney and Adelaide with gas obtained from the Moomba gas fields.

That certainty was facilitated by ratifying an indenture between the government and producers that clarified several points, including: that the joint marketing of the gas producers was not a breach of the commonwealth Trade Practices Act 1974-75; that the producers would be entitled to the grant of production licences as required; that the detail of how royalties would be calculated would be explicit; that the producers would have the right to construct facilities, roads and pipelines, etc., in areas outside their licence areas as required to develop those gas reserves; and that all the production licences held by the producers could be treated as a single licence for some requirements under the Petroleum Act for administrative convenience.

This act was required to be reviewed under national competition policy, and this review was undertaken during the last year of the previous Liberal government. The review has identified key issues that are perceived to be of an anti-competitive nature and, in particular, the lack of transparency in the trade practice authorisations and exemption from being subject to the economic criteria for the grant of production licences.

The changes that this bill will implement will have the effect of making the trade practice authorisations clear and explicit, as well as including the exemptions for joint petroleum liquids marketing, which was previously included in the Stony Point (Liquids Project) Ratification Act 1981. Both these points have relatively little anti-competitive effects on the gas markets of Sydney and Adelaide, and any negative effects are outweighed by the significant public benefits of assuring industry that the South Australian government will continue to honour commitments made in relation to significant infrastructure investment.

This bill also requires that producers meet the requirements needed to be granted a production licence. Under current legislation, producers are granted production licences upon request, and this was perceived as giving current producers an advantage over other petroleum licensees. Producers have voluntarily agreed to the removal of this provision and, since all current licences have expired and no further licences are to be allocated without meeting licence requirements, the clause no longer has any real effect.

In adding to the debate on this bill, I ask the minister to confirm that all parties to the AGL letter of agreement and other agreements and contracts mentioned in the bill have agreed to the changes made in the bill. I appreciate that the minister may not have this information to hand. If this matter could be confirmed before the bill is debated in another place, the opposition will support the bill.

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

STATUTES AMENDMENT AND REPEAL (STARR-BOWKETT SOCIETIES) BILL

Adjourned debate on second reading.

(Continued from 16 September. Page 61.)

The Hon. R.D. LAWSON: I indicate support from the Liberal opposition for this bill. The effect of this bill will be to repeal the Starr-Bowkett Societies Act 1975. That act has an interesting origin. It is, in fact, the renamed Building Societies Act, which was passed in 1975. The Building

Societies Act ceased to exist as such as most building societies currently operating in our state are now governed by other legislation.

The Starr-Bowkett building societies have an interesting origin. It is probably worth recording that three types of building societies were established in Australia. One group comprised the permanent building societies and the second class were the terminating building societies. In fact, they are the oldest form, and until the late 1960s they were the most important. As their name suggests, these building societies had a limited life, generally around 30 years, with a limited number of members. They generally had one common bond in the tradition of cooperative ventures.

The aim of these societies was to obtain low cost finance for members who, in more recent years, were usually required to be low income earners in order to qualify. Funds are obtained from a financial institution under a government guarantee or from a government agency. However, the terminating building societies now play a relatively minor part in providing housing finance for certain types of borrowers.

The third category of building society was the Starr-Bowkett societies—they are also terminating societies—but by the sixties they had all but disappeared from the housing scene. Under the Starr-Bowkett societies system, members contributed, on a regular basis, to a fund from which loans were allocated by lot. Generally, no interest was paid on loans or received on deposits. Provision, in some of them, was made for dealing in loans between members, with prices reflecting implicit interest rates. However, as I said, Starr-Bowkett societies had all but ceased to operate by the time of the Building Societies Act of 1975, although there were still some in existence. Information from the government indicates that there are no Starr-Bowkett societies established in South Australia.

The effect of this measure is to prohibit anyone from carrying on business as a Starr-Bowkett society here, or from operating a system in which loans are balloted. It is possible that South Australian citizens might be participants in some Starr-Bowkett societies that are still operating in New South Wales and this bill will provide that an interstate Starr-Bowkett society will not contravene the prohibition against balloting for loans if it conducts its business with a member in South Australia, provided that that person became a member of the society before the member commenced to reside in this state. In other words, it will not be possible for New South Wales Starr-Bowkett societies to canvass for members in this state.

I think it is worth recording the contribution that Starr-Bowkett societies made to the building societies movement over the years but the fact is they are now but a footnote in the history of lending in this country. It is appropriate that the act itself be repealed and that provisions be inserted into the Fair Trading Act to provide continuing consumer protection. The opposition is glad to support this measure.

The Hon. IAN GILFILLAN: I would like to indicate Democrat support for the second reading of this bill. It is our second opportunity to support the bill, or at least its predecessor that lapsed when parliament was prorogued. I understand that Starr-Bowkett societies are a piece of history that no longer exists in South Australia and I was surprised to find that New South Wales still has provision for the regulation of these societies with their loans awarded by ballot. It is good to see that this bill does not persecute people who are members of New South Wales based Starr-Bowkett societies, provided their membership pre-dates their residence in South Australia. I repeat, we support the second reading.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I understand that there are no other speakers and I thank the honourable members who spoke in this debate for their indication of support.

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

STANDING ORDERS COMMITTEE

The House of Assembly appointed a Standing Orders Committee consisting of the Speaker, the Hon. D.C. Brown, Mrs Geraghty, the Hon. G.M. Gunn and Mr Hanna with power to act during the recess and to confer or sit as a joint committee with any Standing Orders Committee of the Legislative Council.

ADJOURNMENT

At 9.27 p.m. the council adjourned until Thursday 18 September at 2.15 p.m.