LEGISLATIVE COUNCIL

Wednesday 22 October 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 fifth report of the committee 2003-04.

Report received.

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

Report received.

STATE ECONOMY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement relating to the release of the Standard and Poor's brochure made today in another place by the Deputy Premier.

URANIUM MINING

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: Last Wednesday, I made a ministerial statement on the uranium mining industry. In that statement, I included the eight recommendations from the Bachmann report. I said: 'I am advised that all recommendations have been implemented fully and procedures are operating successfully.' It has subsequently been brought to my attention that the advice I received in regard to recommendation eight of the report was not entirely correct. The memorandum of understanding to develop administrative arrangements to achieve consistent and efficient environmental regulation of all upstream petroleum and mineral resources activities under the relevant acts has been signed off by the chief executives of both Primary Industries and Resources SA and the Environment Protection Authority.

Acts involved include the Environment Protection Act 1993, the Radiation Protection and Control Act 1982, the Mining Act 1971, the Mines Works Inspection Act 1926 and the Roxby Downs (Indenture Ratification) Act 1982. However, the administrative arrangements related to the identification of a lead agency and lead minister are still the subject of ongoing discussions.

QUESTION TIME

COMMUNITY CORRECTIONS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about community corrections.

Leave granted.

The Hon. R.D. LAWSON: Today, the minister issued a media release inviting the media to the launch of new guidelines for community corrections. The launch was to take place at the Adelaide Community Correctional Centre, 181 Flinders Street, Adelaide. The minister 's release records that, in the past financial year, community corrections supervised 5 000 probation, parole and bail, home detention, and other cases. The minister says that the role of community correction's staff is to support those offenders in a bid to achieve positive change. Mr Peter Christopher of the Public Service Association is on record as saying:

> Community corrections is in crisis. Workload issues are enormous and with a continuing expectation to do more. Staff are experiencing significant difficulties.

My questions are:

1. Does the minister agree that an efficient and effective community correctional system is necessary if the South Australian community is to be kept safe?

2. Was the minister informed of the crisis in community corrections when he attended the launch today at the Community Correctional Centre?

3. Did the minister give any undertaking that the government will intervene to provide additional community corrections officers, as the Public Service Association has been asking?

4. Most importantly, will it be necessary for the Public Service Association to threaten industrial action, as it did in relation to the child protection workers in TAFE, or to advertise, as the Police Association did in the *Sunday Mail*, before this government agrees to provide more resources to protect the community?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question and for his concerns in the area of community corrections. I agree with the honourable member that it is important to have the cooperation of volunteers—

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: Hang on—at one level within the community to support correctional services. It is also very important to have community corrections working efficiently and effectively, and that the case management load is not too heavy to a point where it causes concern. Some concerns have been expressed by some of the agencies (Port Adelaide, for instance) over a period, and probably in the shadow minister's history. This area has had a long history of a workload that has created concerns.

Discussions have taken place with the department and with community corrections—not to put aside but to relieve some of the overworked areas of their case loads so as to lighten the load somewhat. The causes for concern are being managed (as the honourable member would have known when he had the portfolio) within the constraints of the budgetary process that are set annually. We do not see it as the non-manageable crisis that the honourable member is indicating. If circumstances get to a point where the case management load becomes so severe that we have a breakdown in the system, certainly we would be agreeing with the honourable member.

However, we are managing to relieve those areas of concern within Correctional Services management for community corrections. Again, I pay tribute to the volunteers in the Correctional Services organisation, who go unheralded for the work that they do in rehabilitating prisoners. Certainly, I thanked all those people in case management in community corrections in the city office for their work and the unheralded role that they play in keeping the community safe, in rehabilitating prisoners and in cutting down on recidivism. I understand the nature of the question. The PSA has been raising these concerns as issues, but the department has been dealing with the PSA in trying to deal with them.

The other question was whether the government was concerned about threatened industrial action, or the possible threat of industrial action; of course we are. Any government would be concerned about possible threats or other issues—in any area, but particularly in corrections; we would be silly not to be. So, we are trying to manage those circumstances where industrial action may be used as a threat by the PSA, to head that off through negotiations and to get the outcomes required to ensure that we do not overload workers within the community corrections system to a point where they feel as though they are being exploited. Certainly, we are trying to ensure that those prisoners and caseloads are managed in a safe and effective way.

The Hon. R.D. LAWSON: I have a supplementary question. Is Peter Christopher of the Public Service Association wrong when he says: 'Community corrections is in crisis'?

The Hon. T.G. ROBERTS: It depends on your definition of 'crisis'.

Members interjecting:

The Hon. T.G. ROBERTS: Honourable members laugh. I was at the city Correctional Services—

Members interjecting:

The Hon. T.G. ROBERTS: Some poor managers see a crisis in everything; some good managers manage their way through issues.

Members interjecting:

The Hon. T.G. ROBERTS: Well, it has not been reported to me as a crisis—

An honourable member interjecting:

The Hon. T.G. ROBERTS: The honourable member asked whether I had been lobbied by members at the community corrections launch this morning. I can honestly say that no issues were raised in relation to community corrections, other than those surrounding the launch itself. That is not to say that this will not now generate an approach by the PSA to negotiate for extra staff in, say, the Port Adelaide community corrections area. I am sure that if there is a threat of industrial action and a threatened crisis people will be on my doorstep probably before parliament gets up this evening.

The Hon. R.D. LAWSON: As a further supplementary question: does the minister agree with the Deputy Premier (Hon. Kevin Foley) when he said that the Police Association was simply after more members in claiming a crisis in police numbers? Does the minister agree that the PSA is just after more members in making this claim of a crisis?

The Hon. T.G. ROBERTS: I do not see this as a supplementary question, but I will reply to it. My experience is that the PSA was negotiating its claims under the Public Service Act responsibly. I would see that, if there were an emergency crisis within community corrections and if the PSA were to make a claim for relieving the workload, that could be done in a number of ways. If it were to make that claim through my office, rather than through the department as it is doing now, I would certainly take it up as a serious industrial issue. It is an industrial organisation and it should be respected for that in dealing with its membership.

BARLEY MARKETING

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question about the single desk marketing of barley.

Leave granted.

The Hon. CAROLINE SCHAEFER: A review presented to this parliament on the South Australian Barley Marketing Act in June took approximately seven months to complete, and we have yet to determine the cost of commissioning that report. The report made a recommendation that South Australia adopt a system of barley marketing based on the recently adopted Western Australian model, which involves a grain licensing authority with the power to grant export licences to suitable applicants other than the primary licence holder. In South Australia the primary licence holder would be the Australian Barley Board. The minister has indicated on previous occasions that that system would be his preferred system of marketing and he has assured us at various stages that the Australian Barley Board would be protected as the primary licence holder under such a scheme. Also contained within the report was the following statement:

> The panel has concluded that the Econtech estimates have a high degree of uncertainty attached to them which cannot be quantified in a normal statistical sense.

This refers to the high degree of uncertainty attached to the economic model of the report. It has come to my notice that the barley marketing legislation in Western Australia has been operational for only about six weeks, and yet it has already issued some 200 000 tonnes of export licences outside the primary licence holder. My questions to the minister are as follows:

1. How can a grain licensing authority determine that additional export licences will not hurt the single desk for barley in six weeks, when a fully resourced seven month report could not do so?

2. Given the claims made in the report about the imprecise nature of economic modelling of the single desk for barley in South Australia, will the minister now rule out creating a grain licensing authority in this state? If so, what is now his preferred option for barley marketing within this state and, if not, what does he intend to do?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am not sure I ever used the words 'a preferred system'. The Western Australian model has been recommended by the review committee that looked into the Barley Marketing Act, and that was required to take place under the amendments to the Barley Marketing Act that were made in 2001 as a result of the negotiations between the then government and the National Competition Council. I think it would be fair to say that the National Competition Council is still pushing this state to make reforms it would see as desirable under the Barley Marketing Act.

It has been no secret that the National Competition Council has been out gunning for single desks for as long as that body has been around. I know a significant number of federal Liberal members of parliament and senators in this state who have made statements about national competition policy, suggesting that single desks and the ABB single desk in particular have nothing to fear from the NCP process and so on. I am not sure that that is exactly the case as far as the NCC is concerned.

Obviously, I am restricted as to what I can say about national competition policy. About a week or two ago I indicated, in this council, that currently negotiations are taking place between the states and the National Competition Council about national competition policy. Ultimately they have to go to the Treasurer. Those responses need to be kept

confidential until the commonwealth releases its final outcome. We accept that. I note that, during the weekend, two of my colleagues in other states, premiers Beattie and Carr, were extremely critical of the way that national competition policy has been interpreted in the recent rounds. I certainly do not disagree with the premiers of Queensland and New South Wales about the way the national competition policy has been interpreted. Nevertheless, we have to abide by the terms of the National Competition Act.

I remind the member who asked the question that under the terms of that act there is what could be described as a reverse onus of truth. In fact, single desks, or any piece of legislation, must demonstrate that they do not inhibit competition and that there is no means of achieving net public benefit other than a restriction of trade. There is a fairly rigorous test that applies under national competition policy. From my correspondence with the commonwealth government, it has shown no sign whatsoever of changing that particular policy. When all legislation, not just single desks but other legislation, comes before this state, unless we abide by the dictates of the National Competition Council, the state will be subject to adverse recommendations which could lead to reduced competition payments to the state. That is the background against which the Barley Marketing Act Review is taking place.

In relation to Western Australia, the state government is closely monitoring what happens in that state. The honourable member referred to the amount of 180 000 tonnes. I have heard that that is likely to be agreed to by the export licensing authority in that state. I point out to the honourable member that this year Western Australia is facing a record grain harvest. In fact, the figure of 14 million tonnes has been suggested as the likely grain crop, so I think the 200 000 tonnes should be seen in that perspective—that it is in the context of an absolutely record grain crop in Western Australia.

As far as this state is concerned, I had some discussions last week with the chair of the Grains Council, and I have spoken to members of the Farmers' Federation in relation to this. PIRSA is currently analysing these issues. It has had meetings with officials in Western Australia. We are observing what is happening with that model but, at this stage, our efforts will be focused on achieving a system that provides more accountability and transparency in relation to the operation of a single desk.

I have made the point on numerous occasions in this council that the state government accepts that there is the expectation—and it is a reasonable expectation, not only in respect of competition policy but also from growers—that the operation of a single desk should at least be transparent and accountable. How that will ultimately be achieved will of course be determined by the government and ultimately by this council. Any changes to arrangements for marketing barley will have to go through this council under the Barley Marketing Act. At this stage, we are looking at a means of improving the transparency and accountability of the operation of a single desk. Looking at the Western Australian model is one part but not the only part of a possible way of doing that.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to the presence in the gallery today of some very important young South Australians from Pembroke School. They are in the care of their teacher, Mr Rob Young, and are being sponsored today by the member for Hartley, Mr Joe Scalzi. They are here as part of their political studies. We hope you find your visit to our parliament most enjoyable and educational.

Honourable members: Hear, hear!

BARLEY MARKETING

The Hon. CAROLINE SCHAEFER: I ask a supplementary question. Does the minister agree that the threatened loss of competition payments as a result of single desk barley marketing is $10 million and that the net gain to barley producers and the overall economy of South Australia of retaining the Barley Board's single desk marketing system is in excess of $10 million under his own model?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Regarding the figure of $10 million, as I said earlier, I cannot release any figures as far as the National Competition Council is concerned. With regard to what might be the penalty ultimately that the National Competition Council recommends to the federal Treasurer, the federal government will determine what the possible penalty might be. As to what the value of the single desk is to South Australia, obviously there are the figures referred to by the honourable member in relation to the review, but it has also been pointed out in the review that it is extremely difficult to know exactly what is the value of single desk marketing.

My view, which has been put on the record in this parliament over a number of years now (including when we debated changes to this act back in the 1990s), is that I have always regarded the single desk as being extremely significant for growers in South Australia. The actual value of that, of course, is difficult to determine accurately, but I have no doubt that it is significant.

WORKCOVER

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the minister representing the Minister for Industrial Relations a question about companies leaving the WorkCover scheme.

Leave granted.

The PRESIDENT: Order! I draw the attention of all members to the standing orders. The constant breaching of standing order 165 (standing in corridors talking) is most disturbing. There are a couple of serial offenders. Standing order 164, too, is breached almost every day.

An honourable member interjecting:

The PRESIDENT: If you want me to name them, the Hon. Mr Cameron is one. The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: On 16 October 2003 *The Advertiser* reported that Coles-Myer, Skilled Engineering, Stamford Hotels and the ACH Group were all attempting to leave WorkCover. In particular, Coles-Myer was quoted as being willing to pay a $5 million fee to exit the scheme. As members would be aware, WorkCover is facing unfunded liabilities of $419 million. There are also serious concerns being raised about WorkCover's management and the minister's involvement. My questions are:

1. How many companies in total from March 2001 to the present have indicated their intent to leave WorkCover?

2. Will the minister provide details of the financial loss that would be incurred by WorkCover if the aforementioned

companies leave the scheme and the long-term effect this would have on the tenuous financial position of WorkCover?

3. Will WorkCover be forced to sell off any more assets to offset the potential loss of income from companies leaving the scheme?

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

The Hon. R.K. SNEATH: I ask a supplementary question.

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: I thought it was you I could smell. Will the minister also ask the Minister for Industrial Relations how many employer groups became exempt under the last year of the previous Liberal government?

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

LUPIN ANTHRACNOSE

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

Leave granted.

The Hon. R.K. SNEATH: I understand that lupins anthracnose was first found on the lower Eyre Peninsula in 1996, and that annual surveys have indicated a continued presence on the peninsula to this day. A lupin anthracnose quarantine zone was put in place some time ago to contain the disease within the area in which infections are known to occur. Will the minister advise the council whether any changes are occurring with regard to lupin anthracnose quarantine restrictions on Eyre Peninsula?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Only yesterday, along with Mr Greg Schulz, who is the Chairman of the South Australian Farmers Federation Grains Council, I announced that the 2003-04 season would be the final year of lupin anthracnose quarantine on Eyre Peninsula. Unfortunately, and despite the best efforts by growers and the state government, it has not been possible to eradicate lupin anthracnose due to the various levels of resistance in current lupin varieties. Lupin anthracnose is a fungal disease that occurs in every lupin growing area in the world. Fortunately, the strain of anthracnose with which we are dealing is restricted to all species of lupins but will not affect other broad acre crops. Seed testing of lupins on Eyre Peninsula last year found 21 positive readings from 320 samples. Positive samples were found at Yeelanna, Kapinnie and Lock.

Naturally, South Australia will need to comply with current protocols until 30 June 2004, when current quarantine limits will be lifted. What we are trying to do is negotiate market pathways into other states, particularly Victoria, so that what we have is grower management rather than a quarantine issue. Whilst Victoria will not accept a paddock test from the Eyre Peninsula quarantine zone because they regard the region as high risk, they will accept controlled transport to three accredited stockfeed processors in Victoria for the 2003 harvest. For the rest of South Australia, Victoria will accept a paddock survey and a plant health certificate from Primary Industries and Resources South Australia for full access, but the certifying officers must sight a grower declaration stating that the crop was grown from seed not known to have been infected with lupin anthracnose. That is, they will accept a freedom of anthracnose test of feed lupins for full access to the state.

PIRSA has also arranged for 20 accredited stockfeed processors in South Australia to accept Eyre Peninsula lupins using controlled transport only. A paddock survey is not required. This arrangement should provide ample competition in order to prevent discrimination against Eyre Peninsula lupins. Exports from Port Lincoln do not require a paddock survey or seed testing. For eastern Eyre Peninsula, PIRSA will work with growers and marketers to facilitate easy access to regional storages such as Gladstone, Wallaroo, Roseworthy and Port Adelaide. Marketers will be encouraged not to market lupins into the rest of the state lupin growing country. New South Wales requires a current area freedom certificate issued by PIRSA, certifying that the originating area is free of the disease lupin anthracnose. Approval is required from the Chief, Division of Plant Industries in New South Wales. New South Wales will also accept crushed lupins for feed.

As anthracnose, in a worst case scenario in some parts of the world, can result in yield losses of up to 60 per cent in narrow leafed lupins and cause total crop failure in Albus lupins, depending on the variety, initial infection level and the seasonal conditions, all South Australian growers are advised to take appropriate management steps to minimise the risk of yield loss. These steps include: controlling of volunteer lupin varieties; growing disease resistant varieties such as Wonga; obtaining a seed test for clean seed for sowing; the use of fungicide dressings; adopting appropriate crop and machinery hygiene; and adopting a two-year break between successive lupin crops as anthracnose does not survive long in soil without growing lupins.

Finally, we have to remember that last season was exceptional because of the drought in the eastern states and highly volatile local prices, significantly higher than export prices in all cases. Growers who tested their seed were able to take advantage of the higher prices on offer in Victoria relative to local offers. A return to a normal season this year is likely to see prices closer to export parity. Eyre Peninsula growers are unlikely to be able to overcome transport costs relative to South-East and Victorian growers into the Victorian stockfeed market compared with export prices.

The Hon. D.W. RIDGWAY: I have a supplementary question. The schoolchildren have just left, but perhaps the minister will enlighten the council about the symptoms of lupin anthracnose and how it affects the crop.

The Hon. P. HOLLOWAY: The most obvious symptom—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: If you want a silly answer, ask Bob Sneath to get up.

The Hon. P. HOLLOWAY: I think that he probably could.

The Hon. T.G. Cameron interjecting:

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

The Hon. P. HOLLOWAY: The most obvious symptom is bending of the stem in a shepherd's crook shape. Inside the bend are oval shaped lesions up to two centimetres in length. As my colleague the Hon. Bob Sneath has already informed the chamber, the beige-pink, slimy ooze in the centre of the

lesion contains the spores. The growth above the bend or crook is usually twisted and eventually dies.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: As the disease progresses, similar lesions develop on the pods and seeds. Later infections are mainly seen as lesions on the pods, often causing distortion. I will be happy to answer any further questions on this matter.

HOUSING TRUST

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question regarding the South Australian Housing Trust.

Leave granted.

The Hon. KATE REYNOLDS: I read with interest the chairman's report, included as part of the South Australian Housing Trust's Annual Report, tabled in this chamber yesterday. In that report, chairman Jay Hogan said:

> The long-term sustainability of public housing has continued to be a major focus this year as without a major change, public housing stock numbers will further decrease with a consequent decline in the number of South Australians who can be assisted with secure and affordable housing.

Mr Hogan went on to say:

> The decline in income generated from rental collection and the extensive reduction in government grant funding have significantly impacted on the future viability of the trust and have obviously limited expenditure on some areas of asset management.

My office has been contacted by concerned members of the community housing sector who claim that the government, despite its anti-privatisation promises, is privatising public housing at an alarming rate. The trust's annual report shows that the waiting list for homes has increased by 5 cent (or almost 1 300 people) in the past year, yet I understand that as many as 1 200 properties per year are being sold off. My questions are:

1. Why are Housing Trust properties being sold off while the waiting list for public housing is continuing to grow?

2. How many Housing Trust properties were sold in the past financial year, and how does that compare with the previous five financial years?

3. How does the government intend to reduce the waiting list for public housing?

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

SMOKING IN WORKPLACES

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question in relation to passive smoking in workplaces.

Leave granted.

The Hon. NICK XENOPHON: Last week, the National Occupational Health and Safety Commission (NOHSC) issued a guidance note on the elimination of environmental tobacco smoke in the workplace which recommends that tobacco smoke be excluded from all Australian workplaces, and these exclusions should be implemented as soon as possible. A media release from the Smoke-free 03 Coalition states:

> The guidance note has been endorsed by representatives of commonwealth, state and territory governments. It calls for total indoor smoke bans in all workplaces to be introduced quickly across all jurisdictions.

Richard Marles, a spokesperson for the Smoke-free 03 Coalition, a member of the NOHSC and also an Assistant Secretary of the ACTU, is quoted as saying:

> NOHSC has reached the quite unavoidable conclusion that the continued existence of smoky workplaces is inconsistent with Occupational Health and Safety Laws.

He went on to say:

> . . . any further delay will be rightly seen as dangerous and irresponsible.

I note that one of the chief objects of the Occupational Health, Safety and Welfare Act, at section 3, is to 'eliminate, at their source, risks to the health, safety and welfare of persons at work'. My questions are:

1. Does the minister agree with the statements of Mr Marles, an Assistant Secretary of the ACTU, about the inconsistencies between current smoky workplaces and occupational health and safety laws?

2. Given that the South Australian government has endorsed the NOHSC guidance note referred to, what action will the minister take, through his department, to ensure compliance with the guidance note and, indeed, current occupational health and safety legislation, and when will he do so? Further, what resources does the government currently provide to ensure compliance, and will this level of resources change, given the issue of the guidance note?

3. Does the minister consider that the government's hospitality smoke-free task force recommendation, that smoking bans will apply from March 2005, represents an unacceptable delay; and does the minister agree that, to use the words of Mr Marles, such a delay is 'dangerous and irresponsible'?

4. Will the minister acknowledge that inspectors have the power to issue notices under occupational health and safety legislation to ensure smoke-free workplaces but that inspectors are failing to do so? If so, what steps will the minister take to ensure current legislation is complied with?

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.

Members interjecting:

The PRESIDENT: Order!

BABIES, PREMATURE

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 about services for premature babies.

Leave granted.

The Hon. J.M.A. LENSINK: It was reported in *The Advertiser* of 23 September 2003 that in South Australia the incidence of premature birth (which is defined as babies born 37 weeks) has increased by 15 per cent, based on figures from the Pregnancy Outcome Unit of the Department of Human Services, and it is predicted that this trend will continue. Premature babies require highly specialised care due to the risk of lung immaturity, bleeding in the brain and infection. Therefore, this raises the important issue of the need for neonatal intensive care and other services that are

proven to successfully improve the survival rate of premature babies. As the rate of premature babies is predicted to increase, the burden on the health system in that area is also set to increase. My questions to the minister are:

1. What is the government doing to ensure that our hospitals have adequate neonatal equipment?

2. What will the government do to ensure sufficient doctors and nurses are trained in delivering premature babies, especially in the light of the current rate of exit of doctors from the medical profession?

3. Will there be sufficient hospital places to cater for the increase in premature births, especially since babies can be in hospital for as long as three months?

4. As premature babies have a high risk of health problems, as mentioned previously, what support and counselling services will be available to parents to cater for the potential increase in complications?

The PRESIDENT: Order! I have drawn the Hon. Terry Cameron's attention to standing orders 163 and 164. I am not doing so for practice. I suggest that he read those two standing orders and comply with them in future, please.

The Hon. T.G. Cameron: I will if everyone else has to.

The PRESIDENT: Order!

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

CRIME PREVENTION

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about crime prevention programs.

Leave granted.

The Hon. T.J. STEPHENS: Given that this year's budget papers show a $450 million increase in tax revenues and that the government is, as the police minister said this week in the other place, 'tough on crime because we are', my question is: will the government reinstate the $800 000 dedicated to crime prevention programs that ran so successfully under the previous Liberal government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The last statement in the honourable member's question is, of course, an opinion. Not only is that against standing orders but I am also not convinced that it is correct. Obviously, when this government came to office, as part of restoring the finances of the state, which was one of the key—

Members interjecting:

The Hon. P. HOLLOWAY: The previous government was quite incapable of delivering—

Members interjecting:

The Hon. P. HOLLOWAY: Well, I can say it with a very straight face, because I can recall sitting where members opposite now sit, with the then treasurer in this seat, and asking questions about the accrual accounts and about how this state was racking up debt each year, as it had a very large accrual deficit; even in the last year, the government was well over $100 million. When he was treasurer, the Leader of the Opposition used to challenge the opposition by saying, 'Are you saying that you are really going to achieve accrual balance?' He did not believe that we could do it. In fact, we have, or that is our objective over the—

Members interjecting:

The Hon. P. HOLLOWAY: In fact, we vastly exceeded in the first year, with something like a $300 million or $400 million accrual surplus. We have not reached it yet in the term of this government, but it was an extremely challenging target, which the then treasurer acknowledged. It was true that to get to a stage where we would no longer—

The PRESIDENT: Order! If the Hon. Mr Cameron breaches standing orders—

The Hon. T.G. Cameron: I just got a glass of water!

The PRESIDENT: You will not walk between the person speaking and the President, as it states in the rules; you will make alternative arrangements. If you walk past there, I will name you.

The Hon. P. HOLLOWAY: This government was faced with a very difficult task in achieving that objective, and the government is well on the way to doing so. The only way we could do that was by taking some very difficult financial decisions. When we went through that process, the programs the honourable member referred to were looked at and assessed as not being as effective as other measures. In relation to law and order, the honourable member would be well aware that yesterday the Premier announced that this government will provide additional resources to the police. Not only will we meet our commitment of maintaining police numbers but also police numbers will be exceeded in the coming year. That is how this government believes the public would wish results to be delivered in reducing crime in this community.

DNA TESTING

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Attorney-General, a question about DNA testing.

Leave granted.

The Hon. IAN GILFILLAN: Members will recall that approximately a month ago I asked a question of the minister representing the Attorney regarding a constituent, and I quote his information to me as reported in *Hansard* as follows:

> I was recently arrested for alcohol in dry zone and unlawful possession. The circumstances of the arrest began when three friends and I were celebrating our friends graduation from UniSA when we left a hotel to move on to another hotel along Grenfell Street. Anyhow we walked past the C.I.B. headquarters and were pulled up because I had a pint of beer in my hand.
>
> The next 7 or so hours after this I was arrested, left in the back of a police van and then taken to Adelaide City Watch House, interviewed, DNA tested, and locked up until 6 a.m. in the morning.

I am sure members will recall that question. In that explanation I also went on to point out that, from the legislative point of view:

> A person who has possession of personal property which, either at the time of possession or at any subsequent time before the making of a complaint under this section in respect of the possession, is reasonably suspected of having been stolen or obtained by unlawful means whatsoever, is guilty of an offence.

That offence carries a maximum penalty of $10 000 or imprisonment for two years—and I emphasise the imprisonment for two years. I sent the material of the question and the answer to the constituent and got the following reply:

> I just want to. . . thank you for making the effort to look into my situation for me, it is much appreciated as I sent a similar email to the Attorney-General but received no reply.
>
> I will just let you know an update on circumstances if you are interested. First of all I made a visit to the hotel manager offering my

apologies to the hotel as well as an offer of compensation for the loss. I also explained to her what happened on the night.

The general manager was sympathetic and shocked at the punishment and treatment I received and went on to offer the glass as a gift to me from the hotel as well as offered a letter requesting that the South Australian Police do not pursue the unlawful possession charge. I am very glad I made the decision to apologise. She also mentioned the value of the glass was $1.50.

The other thing I wanted you to know was that I had my legal aid application rejected because 'it is unlikely to result in a term of imprisonment'.

I would ask the minister to refer the question to the Attorney-General. My questions are:

1. When the penalty is $10 000 or two years imprisonment, how reasonable is it for legal aid to be refused on the basis that 'it is unlikely to result in a term of imprisonment'?

2. When I asked the original supplementary question I was given an answer which has prompted me to ask the following question which the minister may have to refer to the Attorney-General. Does he, or does he not, believe that the Attorney-General has an ongoing obligation to assess the application of the law in circumstances such as I have outlined? The reply from the minister was 'indeed'. However, he did qualify that by saying, 'Obviously the Attorney would like to have both sides of the story'. That is the only point I make. It is very interesting that the Attorney did not reply to the email, which contained all the information provided by my constituent. Therefore, I ask again: will the minister ensure that the Attorney will look in detail at this issue or do we take it that the Attorney and the government have no particular interest in the application of the laws which are so cheerfully passed through this parliament?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I do not recall the question but I do recall part of the answer. I believe I suggested that the honourable member provide information about the case to the Attorney.

The Hon. Ian Gilfillan: The constituent did and did not get a reply. What more do you want?

The Hon. P. HOLLOWAY: Was there any connection between them? The Attorney's office does not have a crystal ball to know that one letter is related to the other. I am sure the question which the honourable member asked will be ultimately answered by the Attorney-General. If one is to receive a considered reply to that particular question, I am sure the Attorney's office would first like to examine all the facts about the case. The point I made in the supplementary question was that we really do need information such as: was the person charged and what was the outcome? The honourable member has provided that additional information today. It may well be that the Attorney's office was simply waiting to see what action was taken if this matter went before a court.

They are matters for the Attorney-General. I am sure that there will be a detailed answer to his question forthcoming. I will provide the additional question to the Attorney and seek an additional answer. In relation to legal aid, all of us realise that there are limits to how much money is available in our community to do all the things that we would like to do. Given that this question is in the province of the Attorney-General, I will leave it to him to give a formal answer. Obviously, in relation to legal aid, there has to be some means of limiting or restricting the amount of aid that is available; legal aid has to compete with all the other insatiable demands on this government— health, law and order, education, rural industries and so on. Obviously, there has to be some rationing mechanism.

The Hon. IAN GILFILLAN: I have a supplementary question. The date of the information that came to me was 26 September and the Attorney would have already received a similar e-mail by that date. Does the minister accept that the information that he expects should be referred to the Attorney has already been referred to the Attorney? Or does he imply, as *The Advertiser* journalist Rex Jory implied in an article this morning, that it is pointless to ask questions in this place because we really ought to ask the question directly of the minister or the Attorney?

The Hon. P. HOLLOWAY: The point I made when the honourable member asked that question was that, if an honourable member asks a question about an individual case (and this has been the case as long as I have been in this parliament) in relation to health or hospitals, for example, or in relation to matters such as this, the member needs to provide the details of the individual to the minister concerned to have the matter properly investigated. It is no good asking—in fact, it is even against the standing orders, I would suggest—about what might be hypothetical cases—

The Hon. A.J. Redford: What was hypothetical about that?

The Hon. P. HOLLOWAY: Well, we are told it was an individual but we do not know all of the facts. If it is to be investigated by a minister, we must have the name and details. In relation to the honourable member's question, I am not sure, when the information was provided to the Attorney-General, whether it was connected with his question. Was it obvious that the information provided by the constituent related to the honourable member's question? There are two issues here: one is an answer to a constituent's email and the other is the answer to the honourable member's question. If the two are linked, then I am sure there should be an answer. If the honourable member says that the question was raised on 26 September, that is less than a month ago.

Given that some fairly profound questions are asked by the honourable member, detailed questions in relation to DNA testing, and so on, I do not think the Attorney-General should be criticised for not having answered that question within a few weeks. I will speak to the honourable member afterwards to get the full detail. I will ensure that the Attorney-General has the information, and I am sure he will answer the question in due course when it is properly investigated—as all members would expect it to be properly investigated.

MENTAL HEALTH

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions about mental health funding.

Leave granted.

The Hon. T.G. CAMERON: A major article recently appeared in the *Southern Times* Messenger with the heading, 'Mental health chief blasts government'. State Mental Health Director Dr Jonathon Phillips has launched a scathing attack on the state government's funding of mental health services. Dr Phillips criticised the lack of mental health funding to non-government organisations and for emergency accommodation for the mentally ill. At a recent meeting of welfare agencies

and inner city residents during Mental Health Week, Dr Phillips said:

> I came across a staggering figure that 27¢ per year per person goes to NGOs in this state. 27¢! What's wrong with South Australia? Why are we failing to support the groups that are absolutely essential in a proper mental health service. I am not convinced the legislators in this state are prepared to go the whole way in funding. Unless the parliament says we go forward we are stuck. We have to have legislative backing.

Dr Phillips said accommodation was critical, but he was not convinced there was resolve from politicians to sort out the problem. He went on to say that 24-hour crisis support for the state's mentally ill must be a priority under any reform to the ailing health system and that there would be a much stronger focus on expanding crisis accommodation and the mental health system's acute crisis intervention service. At present, the ACIS teams are not available after hours. According to Dr Phillips, a 24-hour mobile acute crisis intervention service should be made available—the same as there is in all other states.

It is often the case that, when the mobile 24-hour service is not available, a tragedy can occur. My office has contacted ACIS and was informed that the only option for people needing help between 10.30 p.m. and 8 a.m. is to call the police. The police are already under pressure to carry out other duties, never mind the special training and skills for which these types of situations call. By his recent pledge to increase numbers, we even have the Premier himself publicly admitting that we need more police in South Australia. My questions are

1. Does the minister agree that the police are a suitable option for dealing with psychotic patients or their families?

2. If so, what training do the police receive to deal with the mentally ill, particularly those who may be suffering psychotic episodes?

3. Why does South Australia not have 24-hour mobile ACIS teams similar to other states, and will the minister consider introducing them here; if not, why not?

4. Compared to the other Australian states, how much in total—

Members interjecting:

The Hon. T.G. CAMERON: You should be careful, you two, or you will be told off for talking.

The PRESIDENT: Order!

The Hon. T.G. CAMERON: My fourth question is—

The PRESIDENT: Order! The Hon. Mr Cameron has today, for some reason, been determined to defy the chair. I have been extremely tolerant. I have tried to point out the breaches of the standing orders. If he continues to do it, I will take it as disrespect for and defiance of the chair. Complete your question and heed my advice.

The Hon. T.G. CAMERON: I thank the President for his erstwhile advice. I am not sure why he holds the opinion that he does. However, my fourth question is: compared to the other Australian states, how much in total (and per capita) did South Australia spend during 2002-03 on mental health funding for non-government organisations?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Issues raised in this council over a period of time and answers to questions indicate that the government is trying to come to grips with the very important question of mental health. Numbers are increasing and episodes that communities are dealing with are also increasing. I have indicated that Correctional Services is dealing with many cases that should be picked up in the general community. We are dealing with the whole issue of mental health through the Generational Health Review, but this will take some time in terms of the budget.

A number of budgets will try to deal with a lot of the problems associated with mental health in the community, but there has been generational neglect of mental health problems and services—and I do not blame only the previous government, although it can take some part of the blame—not only in this state but across Australia over the last 10 to 15 years. This government is trying its best within its budget limitations to deal with these problems, but I will refer the specific questions asked by the honourable member to the Minister for Health in another place and bring back a reply.

STATE FINANCES

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question on the subject of the state's finances.

Leave granted.

The Hon. R.I. LUCAS: Members will have seen today a copy of a document put out by Standard and Poor's headed 'A state with very strong credit quality'. I refer in particular to the key finding by Standard and Poor's when they look at the two key factors which have tamed South Australia's net debt burden following the spike in debt in the early 1990s associated with the State Bank and SGIC (Labor related problems). Standard and Poor's noted two issues and, in order of importance, they are, first (and most important):

> Privatisation of the state's electricity assets in 2000 and 2001, which reaped almost A$5 billion, most of which was used to pay down debt, and was a key factor in the December 1999 rating upgrade to 'AA-plus' from 'AA'.

As I said, privatisation is noted by Standard and Poor's as the most important issue in terms of the improvement in the state's debt and credit position, but the second factor is an acknowledgment of 'an effort since privatisation to address some structural imbalances in the state's ongoing financial performance.'

Given that the bulk of privatisation was in the year 2000, it is important for members to note that the last Liberal budget of 2001-02, which saw a cash surplus and a significant improvement in the accrual position, is clearly at least a factor in the second issue referred to by Standard and Poor's. On the next page of this document, Standard and Poor's states:

> As well as reducing its debt burden, South Australia has also significantly improved its financial strength in less visible but equally important ways.

It lists three areas, the first of which is unfunded superannuation liabilities being tackled since 1995.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Mr Redford points out kindly that that was a policy of the former Liberal government. The second factor is as follows:

> The sale of the electricity assets at a time the state is entering the national. . . market removes the state from this potential high-risk industry.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: That was the second factor noted by Standard and Poor's.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The third factor is:

Contingent liabilities, guarantees, and other obligations have been significantly wound back over the past decade.

Clearly, that factor refers to the last decade. There are a number of references in the Standard and Poor's document to a strong tradition from governments (plural, I note) in South Australia to budget conservatively so that there is more upside potential to outcomes than downside risk. My questions are:

1. Does the government now agree that Standard and Poor's have acknowledged that the most important factor in our improving South Australia's debt position and credit rating was the $5 billion generated through the privatisation of the state's electricity assets?

2. Does the government agree that the three other factors referred to by Standard and Poor's (that is, the tackling of the state's unfunded superannuation liabilities; the removal of electricity businesses from a potentially high risk industry; and the tackling of contingent liabilities and obligations that have been wound back over the past decade) were actually policies implemented by the former government and not the current government?

Members interjecting:

The PRESIDENT: Order! I don't need a commentary from the Hon. Mr Redford.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): We can go through some of the debates that we had at the time of privatisation. My argument always was that the test that should be applied is whether the interest savings offset the loss of dividends that we otherwise would have had. What we have seen in the electricity industry is that about $300 million per year has been shifted—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —$300 million per year has been shifted.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Just think about it for a moment. If $300 million a year was shifted to consumers—

The PRESIDENT: Order! Standing orders are provided for all members (including ministers). The minister will desist from walking between the speaker and the President in future.

The Hon. P. HOLLOWAY: If one does a back of the envelope calculation, the extra $300 million (or thereabouts) that is now being imposed upon consumers in South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Mr President, $300 million a year would support, with a simple back of the envelope calculation—

Members interjecting:

The PRESIDENT: Order! Members on my right and the backbench will come to order. Standing orders apply to both sides of the council.

The Hon. P. HOLLOWAY: A simple back of the envelope calculation would show that $300 million a year to consumers would support something like $5 billion worth of borrowing. So there has been a direct shift. If the electricity charges had risen under the old arrangements, the state would be $5 billion better off. Regarding this report, the second point states:

An effort since privatisation to address some structural imbalances in the state's ongoing financial performance. . .

I answered this question earlier today. There was an accumulation of accrual debt under the previous government. Sure, that government privatised, but it was running up debt. Over the eight years of that government, it sold about $8 billion worth of assets. . .

Members interjecting:

The PRESIDENT: Order! I have drawn members' attention to the disorderly behaviour of the council a number of times. A question was asked by the opposition, but obviously it is not interested in the answer.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

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

That standing orders be so far suspended as to enable me to move a motion without notice regarding the Aboriginal Lands Parliamentary Standing Committee.

Motion carried.

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

That, pursuant to section 5 of the Aboriginal Lands Parliamentary Standing Committee Act 2003, the following members of the Legislative Council be appointed to the Aboriginal Lands Parliamentary Standing Committee: the Hons John Gazzola, R.D. Lawson, K.J. Reynolds and T.G. Roberts.

Motion carried.

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

That a message be sent to the House of Assembly transmitting the foregoing resolution.

Motion carried.

MATTERS OF INTEREST

FASHION INDUSTRY

The Hon. R.K. SNEATH: I would like to take this opportunity to talk about the issue of fashion and the pressure put on ordinary Australians, young and old, to look like the super thin models who parade the catwalks. As reported in *The Advertiser* of 21 October 2003, a judge on the latest reality TV show *Australian Idol* told a contestant to lose a few pounds or wear more suitable clothing for her next performance. This comment drew gasps from the audience who could not believe what they were hearing on live television. Fortunately for the young woman in question, she was able to maintain her composure and appear, at least on the surface, reasonably unaffected. She could not have been more than a standard size 12. In the following night's episode, the judge explained that he was required to make all necessary comments to contestants on camera and not in quiet backstage conversations.

He felt that his comments were justified and needed to be said due to the fact that, if she ended up winning the competition and was photographed by the press on the red carpet at some award ceremony or the like, the media would obviously crucify her for her appearance. All this sounds pretty harsh, but is it not true that the glossy magazines which consumers buy by the thousands take an opportunity to chastise those in

the public eye for the slightest weight gain, and encourage ordinary people to diet their body shapes away? This is done via bold headlines and advertising new ways of losing weight in every issue.

Nearly every week in *The Australian* there is a full-coloured two page spread of the latest fashions from Europe, showing half-starved women trundling down the catwalk in a couple of shreds of fabric which barely cover their thin bodies. These clothes have been hailed as the next best thing, and readers are told that you had better start losing the excess pounds if you want to look any good this summer. What you do not often see is backstage photographs of these young girls and models puffing cigarettes and swilling champagne with not a scrap of food in sight.

How are the young and old of today supposed to have confidence in themselves when their ideal role models are undernourished and do not reflect the average Australian on the street? Today we are inundated with advertisements saturating our subconscious with unrealistic ideals that could not be any further from our actual appearance. I understand the 'ideals' are marketed in order to sell a product, but what happened to the days when a gorgeous size 14 to 16 Marilyn Monroe billboard could stop the traffic? Putting her movie star looks to one side, Monroe's figure was and still is a much more accurate representation of the average Australian woman. What happened to the days of Maggie Tabberer—we all remember Maggie Tabberer—when women could buy those size clothes off the racks in ordinary clothes shops?

Why is this particular body shape not now recognised as 'ideal'? Why is a half-starved model used to advertise products for 15 to 50-year olds? Where is the logic in that? Young girls are told that their physical progression into adulthood is not a particularly desirable look, and women over 30 are expected to regress physically to the size they were in their first year of high school. It is no different for young and old men. Woe betide the teenage boy still harbouring a bit of puppy fat or his skinny mate lacking bulging biceps. According to advertisers, those kinds of males do not get the girls: it is always the tanned, topless blokes who have spent the past 10 years of their life working out in the gym and eating eggwhite omelettes. I cannot say that I know too many men, especially in this chamber, with washboard stomachs.

Considering that the aim of advertising is to sell products, would it not be reasonable to assume that, even though glossy magazines display super slim six foot tall models wearing their fashion garments, the shops would stock clothes that correspond to the actual size and shape of the buyers in question, that is, the people on the street? I think that is a fair assumption, but it seems that the retail stores disagree with me. The sizes generally stocked for women range from six to 12—in some shops it is six to 10 only—with each size differing from store to store. Now that would not be too much of a problem if all women were slim and the same height, but, if members go out on the street, they will see that that is not the case.

Gentlemen also suffer the injustice of having to buy clothes to fit one part of their body but not the other. When short people such as us, Mr President, buy a pair of pants we are required to cut at least a foot off the bottom and then take them up a further six inches.

Time expired.

LABOR GOVERNMENT

The Hon. D.W. RIDGWAY: In *The Advertiser* yesterday, an opinion poll showed that the government and the opposition had drawn level on both a primary and a two party preferred basis. What this poll really indicates is that you can fool some of the people some of the time, but you cannot fool all the people all the time. The Labor government has attempted to bully, threaten and deceive the people of South Australia but, thanks to the efforts of the opposition and various community groupings, the true nature of the Rann government has been exposed and has now been reflected in the people's voting intentions. From the very first day, the arrogance of this government has been its defining feature. The Treasurer announced that he had found a budgetary black hole supposedly left by the previous government, but later that year he was forced to admit that there had been a surplus, which is why I found his comment in *Hansard* on Monday that 'geography was never a strong point of mine at school; and you should have seen what my maths results were like' very interesting. At least the Treasurer has the courage to admit that he is out of his depth.

The Treasurer is quite fond of using his tongue to devastating effect. Quite often he has managed to destroy reputations—admittedly mainly his own—and policies—again mainly his own government's—simply by opening his mouth. When he said, in reference to the opposition, 'You don't have the moral fibre to go back on your promises. . . I do', he was not lying. In fact, the government must have many gymnasts because it is quite good at backflipping. Perhaps members of the government are better suited to a circus than parliament. In its first year, the government broke its promise on taxes by imposing new taxes on the hotel industry; and it also raised fees and charges. In its second year, it imposed the River Murray levy and slugged the mining industry, which the Premier said he wants to be an economic success story, with a 40 per cent increase in the royalty rate. My advice to the Premier is this: if he wants mining to be really successful in South Australia, stop taxing it to death and stop your petty scaremongering about the industry.

There are many examples of the government's going back on its promises. Just ask the people of the Cora Barclay Centre, where the Treasurer, whilst acting premier, bullied and intimidated the management of a centre which helps children with a disability. How heartless can you be? This supposedly tough on crime government's track record is not much better when it comes to protecting the people of South Australia against crime. The Premier cut $800 000 from the crime prevention program and has not put one new police officer on the beat. The Premier announced yesterday that he would put some boots on the ground, but, if his commitment on police numbers is anything like his commitment in respect of Adelaide Airport, we will still be waiting for them in two years.

The government has to take a good look at itself. It was appointed by the member for Hammond under a promise of being open and accountable. The conspirators promised us a better form of government, instead we have ministers who simply refuse to take any responsibility for their actions—everything bad that happens is the fault of the previous Liberal government. Let me tell members that everything good that has happened is also as a result of the reforms and programs implemented by the previous Liberal government, because this government has done nothing but look back-

wards. In fact, this government is fond of knocking the privatisation policy of the previous government. As my colleague the Hon. Robert Lucas mentioned in his question, today's Standard and Poor's statement states explicitly:

> The privatisation of the state's electricity assets in 2000 and 2001. . . was a key factor in the December 1999 rating upgrade to 'AA+' from AA.

This is clear vindication of the previous government's position, and the government's attack on this policy shows its lack of understanding when it comes to economic management.

Mr President, as you mentioned earlier, ministers use question time to make a plethora of ministerial statements, which can take up to five minutes out of question time each day. With 64 sitting days, that is in excess of 300 minutes of questioning that the public loses each year because of ministerial statements. In fact, that is five full days of question time. How is this being open and accountable? There was such a depth of talent in the Liberal government that there were four ministers in the upper house. In the Labor government, the talent pool is such that it can afford to have only two ministers and, in the words of Rex Jory in *The Advertiser* today, 'They aren't coping.'

The government talks about being tough on crime, about being economically responsible and about tripling our exports. However, when it comes time to walk the walk, the government is betrayed. The government has no new police; it has presided over a $380 million blow-out in WorkCover, and it has cut deeply into many regional programs. Such is the arrogance of the Rann Labor government, I am sure that on 19 March 2006 the South Australian public will reward this government with yet another long stint on the opposition benches.

MEDLIN, PROF. B.

The Hon. J. GAZZOLA: I want to talk about a noteworthy South Australian whom I have met recently, Emeritus Professor Brian Medlin, a refreshing and interesting academic figure. Emeritus Professor Brian Medlin, BA (Hons), B. Phil. and MA, (Oxford), was born in Orroroo in South Australia in 1927. He attended the Adelaide Technical High School, but was educated in the Public Library of South Australia.

The Hon. P. Holloway: I know his brother, too.

The Hon. J. GAZZOLA: Good. He graduated with first class honours in philosophy from the University of Adelaide in 1958. Prior to this, he had been a factory hand, a cattle drover and horse breaker, an airline booking clerk, a secondary school teacher and a university tutor in English literature. During this time, he had a play produced and published a quantity of verse in literary journals. Subsequently, he taught philosophy in Ghana and studied at Oxford.

Shortly before Medlin's admission, in 1961, to the degree of Bachelor of Philosophy (Oxford), he was elected to the Kennedy Research Fellowship at New College, Oxford. From there he went, in 1964, to a readership at the University of Queensland. After that, he was the foundation Professor of Philosophy at the Flinders University of South Australia from 1967 to 1988. During Medlin's time at Flinders, the discipline of philosophy introduced many radical courses, all of them based upon the conviction that philosophy is properly a practical as well as a merely intellectual discipline. Amongst these was the first women's studies course to be taught in an Australian university. Radical though these courses were, they nonetheless relied heavily on the methods of linguistic and logical analysis central to modern philosophy.

Medlin early set his face against the publish or perish requirement that is responsible for so much trivia and tripe in academia. In consequence, he published sparingly, yet his publications are wide ranging, including *Studies in the Foundation of Mathematics*, *The Philosophy of Biology*, *Moral Philosophy*, *The Philosophy of Religion*, *Political Philosophy*, and *The Philosophy of Language*, as well as larger, looser speculations on the meaning of life. His most important achievement was the development, from 1958, of what he believes to be the first viable theory of mind, namely central state materialism. This theory owes much to the work of J.J.C. Smart. It was also developed independently by D.M. Armstrong and David Lewis, in both cases, again, based upon foundations laid by Smart. If Medlin, Armstrong and Lewis got it right (which Medlin still believes), they have cut Schopenhauer's 'world knot'.

In 1967, Medlin was appointed chairman of the newly-formed Campaign for Peace in Vietnam. In 1969, he and Jeannie MacLean announced, in Canberra, the formation of a national movement, the Vietnam Moratorium Campaign. Later that year, Medlin became vice chairman of the South Australian branch of the VMC. For a number of years, he was an active and notorious opponent of Australia's military involvement in Vietnam. In 1971, he was imprisoned in the Adelaide Gaol, as a reward for his service to the nation in this matter.

Medlin now lives in the Wimmera, where he continues privately to read and write philosophy, and much else besides. He is currently working on a theory in the philosophy of language, which he believes to be as original and important as was central state materialism. However, his main passions are photography and the restoration of local bushland. In this latter enterprise, he is partnered by his wife, Christine Vick. It was a pleasure to meet someone with forthright, incisive and considered points of view on a range of issues, such as the current state, federal and global political landscape.

JAMESTOWN REGIONAL HYDROTHERAPY POOL

The Hon. J.M.A. LENSINK: Today, I wish to speak about the Jamestown Regional Hydrotherapy Pool, which was commissioned on 5 October. A number of our colleagues attended, including the Leader of the Democrats (Hon. Sandra Kanck), Mr Sneath and a couple of members of the House of Assembly, the Hon. Dorothy Kotz and Ms Vickie Chapman. Other notable people in attendance included representatives from the Northern Areas Council—Mr Jeff Burgess, the chairman, and Mr Paul McInerney, who I understand is the CEO.

The most notable person in attendance that day was a local by the name of Mr Robert Stacey who is the chairman of the management committee. Several years ago, Mr Stacey underwent two total knee replacements at the same time—which I, as a physiotherapist, would have to say is rather a brave move. During his rehabilitation phase, he had hydrotherapy treatment, which highlighted to him the need for a pool in that particular area. The nearest location from the district of Jamestown is at Port Pirie, so, as a local who understood the benefits, he determined that he would attempt to get one in the region, and he is to be strongly commended for that.

If I could just highlight to the chamber the benefits of hydrotherapy. It is particularly useful for all sorts of conditions, including orthopaedic rehabilitation (such as total knee replacements) and also for people who have suffered strokes and other neurological disorders. It is a benefit for people of all ages who need to exercise in a non weight bearing environment and with the resistance of water. The warmth of the water can also provide great pain relieving benefits at the same time. So, it is a unique form of exercise, and one in which I was involved in my time as a practising physiotherapist, and I would commend it to the council. I particularly recommend to the health minister to look into it and the ways in which it can be of benefit to the people of South Australia in more detail.

Mr Stacey is such a keen advocate of hydrotherapy that he has driven the local community. He has obviously been very successful in having his dream come to fruition after several years. In 1999, the Mid North Regional Development Board provided a grant for a feasibility study to assist, based on 45 physiotherapy clients a week, and a steering committee was established in late 1999. The first public meeting was held at Jamestown Medical Centre five years ago. Along the way, a number of people have been generous, particularly Malcolm and Margaret Sparkes, who donated land adjacent to the medical centre (which has turned out to be very good location). The pool that was used for rehabilitation at the Sydney Olympics (a brand known as 'Swimex') was purchased and has been installed.

In relation to the funding, I commend the local community for having raised significant funds. I would like to point out to the government that it should be more conscientious in assisting people in regional communities. I think that, a lot of the time, the assumption is made that country people have a lot of resources and, therefore, can afford to be neglected. The cost of the hydrotherapy pool and building has been estimated at $450 000. The community has now raised $230 000. On the Friday night before the commissioning, it had raised $10 000 from a local fundraiser. This is a very significant amount, and I think it demonstrates the community's commitment to this program.

The federal government has also been significant, and I acknowledge the work of Mr Barry Wakelin, the member for Grey, who successfully obtained $135 000 towards the project from the Regional Solutions program. So, approximately $70 000 is outstanding, and I urge the government to take the bona fides of the local community on board. The government is potentially missing a great opportunity to provide goodwill to the community and to demonstrate its commitment not only to the frail aged but also to others who are in need of these sorts of services. I congratulate the community for its work.

ARTS FUNDING

The Hon. SANDRA KANCK: It is amazing how governments play ducks and drakes with their funding priorities. What a Liberal government opens up, a Labor government is just as likely to shut down—often for no other reason than, 'It wasn't our idea,'—or, if they cannot close it down, they rename it, as they have done today. I went to a function earlier today, where the Premier renamed Music Business Adelaide (which was set up by the former arts minister, Diana Laidlaw) to the Fuse Festival which is, I think, a little bit more obtuse in its title and does not quite say what it is about.

Late last year, the Labor government closed down Music House, the centre established by the former Liberal government to promote live contemporary music in South Australia. The justification given was that the centre was in dire financial circumstances. In fact, the budget overrun was some $165 000. When I attempted, through questions, to nail down exactly how the debt was generated, John Hill, the minister responsible for closing it down, was evasive. I visited Music House shortly after it had been established, and I was very impressed with this fledgling operation.

By contrast, when I recently revealed in parliament that there had been an overrun in State Opera's budget for the 2004 production of Wagner's *Ring* (and we are talking about at least half a million dollars), minister Hill was completely relaxed about it. Large amounts of public money are invested in State Opera. The fact that every ticket to a State Opera production is subsidised by the taxpayer to the tune of $50 means exacting standards of financial management should be required. Yet State Opera's loss of $500 000 brought a shrug of the shoulders from the minister: 'These things happen,' he said.

In fact, the minister should have been saying that he would be undertaking a complete investigation into the issue. The Auditor-General's annual report has confirmed that the financial controls at State Opera are lacking. Of greatest concern is the failure of State Opera to include penalty clauses for a breach of contractual obligations in multimillion dollar production contracts. The Auditor-General has also highlighted the absence of a risk management plan, a formal process for the evaluation and approval of major operatic productions and a breakdown in the proper chain of authority between State Opera and the State Supply Board. Is the minister relaxed about this? By way of contrast, when Music House, a fledgling organisation, ran over budget by only $165 000, it was unceremoniously axed.

All of the arts need support; they always have. But if we tolerate cost overruns for State Opera, where will we find the money to support the small local acrobatic troupe, the struggling rock band, or the regional arts shows—in other words, the breeding grounds for our future artists? Think how that $500 000 cost overrun from State Opera could have been spent in the contemporary music industry! Arts SA has recently announced a new funding program to support the development of live music in South Australia. That is commendable, but—

The Hon. A.J. Redford interjecting:

The Hon. SANDRA KANCK: I suspect that that is probably the case. However, the amount that has been set aside could have been greatly expanded by the addition of the half a million dollars that has been lost by State Opera. The Minister for the Arts and the Minister Assisting the Premier in the Arts need to ensure that this $500 000 is the last of State Opera's losses and not just the beginning.

LEARNING FOR LIFE PROGRAM

The Hon. A.L. EVANS: The link between the academic performance of a child and that of the socioeconomic status of that child is well established in sociological research. For instance, they are more likely to have lower levels of literacy, numeracy and comprehension, lower retention rates, lower participation rates, and higher levels of problematic school behaviour. Such children are less likely to study specialised maths and science subjects. They are more likely to have difficulty in their studies and to display negative attitudes to

school, and they are less successful in the school to labour market transition.

A good experience in school will give a child a strong foundation for life. However, the pattern that I have just mentioned reveals that, even if a child is enrolled in a good school, that child, if he or she comes from a low socioeconomic family, the child will still graduate without having received the full benefits of the education system. For the past 15 years, the Smith Family has conducted a program called Learning for Life. The whole aim of the program is to help disadvantaged children stay at school so that they can reach their full potential. The program works by offering scholarships to students whose family meets the criteria of low income and commitment to their child's education.

Under the scholarship, a student receives financial support, ranging from $204 to $2 000 per annum. The Learning for Life program is guided by holistic principles, resulting in students being not only provided with additional financial support but they are also given additional support services and resources. For example, students are given the support of a tertiary level trained education support worker, who assists students with personal support, information and advice, including access to other agencies, to specialised support and to mediation, if students are having special problems at school. The Smith Family understands that students with special needs and talents can be faced with additional expenses. For instance, a student from a low socioeconomic family may be asked to represent the school in a sports team, or they may require specialised equipment relating to a disability or gift. In these circumstances, Learning for Life students can apply to cover these additional expenses.

Another important aspect of the program is the provision of mentors. Each scholarship holder under the Learning for Life program who undertakes tertiary studies is also matched with a mentor, who is generally from the business community and volunteers their time and is usually working in a field that matches the student's aspirations. On more occasions than not, students form lasting friendships with their mentors, who provide not only academic assistance but also arrange work experience placements and future employment opportunities.

In January 2000, the Learning for Life program supported approximately 7 000 students across Australia, with students mostly from the metropolitan area. Following a change in strategic direction based on the results and success of the program, the Smith Family has made the decision to focus on and expand the Learning for Life program. In three years, the Smith Family has grown from 14 locations nationally to 47 locations, and 34 per cent of the students receiving Learning for Life scholarships are from rural and regional locations. Today, almost 22 000 students are on the program nationally, with 2 260 of that number from South Australia—an amazing figure, given that three years ago only 720 students were on the program.

The Smith Family is working actively with local communities to build sustainable long-term support for the Learning for Life program. Currently, the Smith Family has disadvantaged children on waiting lists and sufficient scholarship sponsors who are prepared and willing to support those students. However, what is lacking is the sustainable funding that will allow for the infrastructure expansion of Learning for Life.

The Smith Family and Cisco Systems were the national winners of the 2001 Prime Minister's Community Business Partnerships Award. This recognition was the result of the combined effort of both organisations. I, too, commend the work of the Smith Family Learning for Life program and would like to see the government demonstrate a greater commitment to the program as well, by recognising, acknowledging and supporting the importance of the Learning for Life program and the impact it is having on Australia's future.

BUSINESS, NORTHERN SUBURBS

The Hon. J.S.L. DAWKINS: Today I wish to highlight the level of innovation and collaboration witnessed by a group of Liberal MLCs during a visit to the City of Playford. The familiarisation and awareness visit was arranged by the then Northern Adelaide Business Enterprise Centre Chairman and local identity, Ron Watts. The group initially met at the City of Playford offices at Davoren Park, where Mayor Marilyn Baker and CEO Tim Jackson provided an overview of the council area and a summary of the current projects and issues in the region. These topics included the $100 million Elizabeth City redevelopment, Peachey Belt, Edinburgh Parks and the Virginia Horticulture Centre. This discussion was followed by a presentation from Ken Daniel, the Manager of Playford Partnerships. Three of the MLCs then visited the Northern Area Community and Youth Services at Davoren Park, where Richard Piorkowski outlined the wide range of services provided to the community and funded from various sources.

At the same time, the remainder of the group visited the Northern Adelaide Waste Management Authority (NAWMA) recycling plant at Elizabeth West. NAWMA manages the waste collections for the Playford, Salisbury and Gawler councils. Manager Brian King hosted an inspection of the education facility and explained the plant's operation in handling 500 000 waste collections each month. The two groups came together for a light lunch at the Innovation Centre on Womma Road at Elizabeth West. Here the MLCs learnt of the work of the Northern Adelaide Business Enterprise Centre, the Northern Adelaide Development Board and the economic department of the Playford Council. Presentations were made by Reg Nye, Max Davids and Rodin Genoff respectively. The Innovation Centre, formerly the Aunger factory, is undergoing a significant upgrade and will soon host a range of companies with a focus on advanced manufacturing.

The visitors then split into three groups to visit local business operators. The first group visited Exide Technologies at Elizabeth West, where manager Brian Smith outlined the operations of this battery manufacturing plant which employs 250 people. With a capital investment of hundreds of millions of dollars, this plant builds batteries from start to finish. Richard Barrett, Managing Director of Scholle Industries, also at Elizabeth West, hosted the second group and detailed the production of flexible food containers by a work force of 300. This plant has an annual turnover of more than $100 million and produces a range of containers, including wine bladders. The third group visited the smaller, family owned Calbic Tooling operation at Elizabeth South. Proprietor Roger Callow explained the role of this award winning firm in the automotive, defence and other industries. All the visiting MLCs then gathered at Lyell McEwin Hospital, where CEO Paul Gardiner informed the group about the benefits to the region of stage A of the hospital redevelopment.

I would like to quote the comments of my colleague the Leader of the Opposition and shadow minister for industry and trade, the Hon. Rob Lucas, following the visit:

> It was heartening to hear local business leaders congratulating the Playford Council, the BEC and the Development Board for their willingness to work with local industry to help foster economic development of the region. There are a number of exciting local initiatives which could be used as a model for many other regions.

It was also valuable for the group to witness the sense of identity and community pride that exists within Playford. This city was formed only six years ago, following the amalgamation of the cities of Elizabeth and Munno Para. The new council—both elected members and staff—has worked hard with many industry and community groups to blend these two cities—one purely urban and one with an urban/periurban and rural mix—into a new municipal identity within the northern sector of the metropolitan area. Last week my colleague the Hon. Terry Stephens spoke about a similar visit to the Salisbury area, and time did not allow him to cover the full trip. That trip also included a visit to the Vietnamese Christian Centre at Pooraka and one also to Nocelle Foods, a nut processing and distribution business in the Pooraka area. I indicate my thanks to all those who have helped to make these visits possible.

ASYLUM SEEKERS

The Hon. KATE REYNOLDS: I move:

> That the South Australian parliament condemns mandatory detention and the Pacific Solution as crimes against humanity.

Well known refugee rights campaigner Julian Burnside QC spoke last month at the inaugural Don Dunstan Foundation Human Rights Oration about the vision of Ben Chifley, the Prime Minister of Australia from 1945 to 1949. For most of that time his deputy was H.V. Evatt who in 1948 was elected President of the United Nations General Assembly and who then presided over the UN's adoption and proclamation of the Universal Declaration of Human Rights in December 1948. Australia not only supported the adoption of the declaration, it also strongly advocated that the rights enshrined in the declaration should be enforceable, not merely a statement of hope or principle. Following the Great Depression and what Julian Burnside called 'the agonies of war', there were abiding values which most people would recognise as the essence of the Australian character, and he named these as mateship, generosity, openness and, above all, the idea of a fair go.

But then in 2001 the arrival of the *Tampa* in Australian waters carrying 438 terrified and persecuted men, women and children, who had been rescued from their sinking vessel, was misrepresented to the public by our federal government as a threat to our national sovereignty. Most of these people were terrified Hazaras from Afghanistan, fleeing the Taliban. The Taliban's regime was so harsh that just a couple of months later our Prime Minister sent Australia to war. Julian Burnside believes that the Prime Minister revived his flagging prospects for the 2001 election by using the SAS to keep those 438 men, women and children from safety. The success of that miserable and deceptive enterprise, he says, is a symptom of the terrible poison in this nation. He said:

> Our vision is now so clouded that a human rights problem is misrepresented as a threat to national sovereignty; that compassion is now seen as a weakness; that dissent is a mark of the newly-despised elitism.

He says, and I agree, that Australia's recent treatment of refugees, which since *Tampa* the Australian government has dressed up as border protection, violates all the values we once shared. Now we have about 300 asylum seekers languishing on islands in the Pacific for months or years at a time, where families are torn apart and the uncertainty hanging over people's future continues to cause great distress, in breach of our obligations under international law.

The Universal Declaration of Human Rights is the most widely accepted international convention in human history. Article 14 provides that every person has a right to seek asylum in any territory to which they can gain access. But, when a person arrives in Australia without prior permission and seeks asylum, we lock them up. The Migration Act provides for the detention of such people until they are either given a visa or removed from Australia. In practice, this means that human beings—men women and children innocent of any crime except, according to the federal Liberal government, seeking asylum in our country—are imprisoned for months or, in many cases, years and often indefinitely.

Australia's so-called Pacific Solution is a fraud on the public and is fast becoming an international embarrassment. Our government pretends to respect the rule of law and loudly proclaims the importance of sovereignty, but the Pacific Solution involves a resolute denial of the legal rights of asylum seekers. It breaches the constitution of Nauru where, in the name of border protection, our government places refugees and governments of small, vulnerable nations in an endless holding pattern. In Article 5, Nauru's constitution forbids detention except in specified circumstances; for example, after conviction for an offence or whilst awaiting trial for a serious offence where bail is not appropriate. The exceptions do not justify the detention of the hundreds of asylum seekers who have been taken there against their will.

The Australian government knows that the asylum seekers are detained on Nauru. No competent lawyer could believe that the detention is valid under Nauru's constitution. Rather, the government avoids acknowledging that the asylum seekers are detained, and this must be news to the asylum seekers themselves, who are strictly confined within the camps in which they are held. As it turns out, this is done by a legal trick. Article 5 of the constitution permits a person to be detained 'for the purpose of affecting his expulsion, extradition or other lawful removal from Nauru'. Asylum seekers are taken to Nauru against their will. They are held in order to expel them again. Australia pays Nauru over $1 billion for this process. Stranger still, the asylum seekers are given a visa, although they are not informed of that fact. A condition of the visa is that they must stay in one of the detention camps.

As Julian Burnside points out to anyone who will listen, if the constitution forbids detention, a visa which imposes detention cannot be valid. Nevertheless, in May 2003, the Chief Justice of Nauru ruled these strange arrangements to be valid. This results in innocent people being detained for years on Nauru despite its constitutional guarantees. Allowing for the fact that the detainees have no competent legal representation, the judgment is a disgraceful piece of work: a veil too thin to hide the corruption which it attempts to justify.

Nauru's constitution also guarantees access to legal help. The asylum seekers on Nauru have asked for legal help but have been refused. Pro bono lawyers from Australia have been refused permission to go to Nauru. In March 2003, an Australian lawyer arrived in Nauru with letters from detainees requesting his help. The lawyer drew attention to the constitutional guarantee of access to legal assistance. He was told by a Nauran official that they have come under enormous pressure from Australia to not allow lawyers, human rights workers or journalists to get to the detainees. The lawyer was put on a plane and sent back to Australia. By this device, the Australian government has isolated the asylum seekers from every legal system in the world. They may as well be in Guantanamo Bay.

To help members understand what drives me to advocate for urgent change, I will read from a letter received by my office on 14 October. To protect the family, I have changed their names. The letter states:

We are a family of four people from Iran. We arrived in Australia in the year 2000 and since that time we have been imprisoned in a desert detention centre. My father's name is Habib and he is 42 years old. My father was a well-known merchant in Iran and had a big drapery shop selling curtains and material in Tehran, the capital of Iran. He often travelled to other Asian countries for business and he enjoyed his job. My mother's name is Soona, and she is 40 years old. She was a hairdresser in Iran and had her own hairdressing salon with some employees.

My brother is Tayeb and he is 18 years old. My name is Nosrat and I am 19 years old. My brother and I were high school students and loved studying and had a good and comfortable life in Iran. Due to an unexpected problem which my father faced, we were forced to leave our country. My father was a well-known merchant and had two salesmen working in his shop. Whenever my father was on business trips overseas, these two salesmen were running the shop.

One of the salesmen in my father's shop was a member of the Mujahedin Khalg Organisation, an outlawed and illegal organisation in Iran. He was an important and active member of this organisation. During my father's absence, this man misused my father's trust and used the facilities in the shop, such as the fax machine, for his anti-Iranian government political activities. Unfortunately, my father did not know about his political activities and his cooperation with MKO. The other salesman was not involved in any anti-government activities and was innocent like my father. Apparently the security agents were trying to arrest this man, and when they found out that he conducts all his anti-government activities from my father's shop, they rushed unexpectedly to my father's shop but they did not succeed to catch the MKO member and he ran away from the back door of the shop.

My father was out of the shop at this time and did not have any knowledge about this incident. The only person in the shop was the innocent second salesman. However, the security agents arrested him and took him away. They also searched the whole shop and took him away. They took some items and important documents which related to the MKO. These documents were found in the storeroom of my father's shop. MKO is one of the largest anti-Iranian government organisations and anyone who is a member or has any connection with it will be destroyed by the Iranian government. Unfortunately, all the evidence was against my father and he did not have any evidence to prove that he was innocent and was not a member of MKO. As I mentioned, because my father was a businessman and was financially well off and often had overseas trips, the Iranian government thought that my father was a member of this organisation and was financially supporting it.

In addition, because one of the members of MKO was my father's employee, so the Iranian government was certain that my father was a key member of this group and actively working to topple the government. The security forces started to search for my father. When he found out about this, he decided to flee the country as soon as possible with my family. That was the only thing my father could do in order to save his life. After our escape the government of Iran confiscated all our assets and belongings, such as our house, car, shop and my mother's hairdressing salon and bank accounts. Later on we found out that my father's second salesman whom was innocent and did not have anything to do with the MKO was murdered tragically by the security department.

When the people smugglers took us out of the country, we were taken to Indonesia. My father found out that the smuggler had decided to send us to Australia by boat. He told us that he could only take us to Australia. Without any other choice we were compelled to accept his offer. He loaded us onto an old wooden boat and we set sail towards the ocean. At sea, we endured terrible conditions for fourteen days. We had only biscuits and water to eat and drink and at any moment there was a possibility that our boat might sink. It was extremely frightening and we felt that we were near to death. We tolerated this severe hardship and thought than when we reached Australia there would not be any other danger to threaten us. We thought that we would be treated like humans however whatever we had imagined turned out to be the opposite and our hopes had been futile.

On our arrival DIMIA and ACM staff were waiting for us and we were put into a detention centre. We have now been living in Australian detention for 3 years. These places I have only imagined in my nightmares. We have been imprisoned in a frightening desert camp, in South Australia, called Baxter. My family is separated from each other. My mother and I are in Woomera Housing and my father and brother are in Baxter detention, they are surrounded by razor wire, fences and electric gates. When they put me into detention I was 16 and my brother was 15. I pleaded with them a lot. I cried a lot and asked them to let me go to school, to study but those DIMIA hard-hearted people took that dream and desire away from me and made our life harder.

After our arrival in Australia we had some interviews. Our application for seeking asylum in Australia was rejected by the RRT. The Immigration officials select people in a subjective manner and their judgment is not just. We have faced a great injustice. When our Federal Court hearing was finished, we had to wait for a long time for a result however finally (our case was approved). However to our dismay in the end the Minister for Immigration appealed against our case and our application was rejected (dismissed). This showed another injustice towards us. At the present moment we are in the process of appealing to the High Court, however we do not have any hope for this to be successful and we despair for our future. Living in these conditions is unbearable.

My family have lost many things, for example my parents now face severe psychological stress and need to take medication. The joy and happiness that my mother once had can no longer be found on her face. Seeing her suffering, with her tearful eyes, in this prison makes it unbearable for me. My father blames himself for bringing his family to this desert jail. This is also a torture for me. I have never felt as I feel now, how unfortunate I am. I am writing this letter to request you to assist and help us and write a letter to the Minister of Immigration to use her power and authority and reconsider our case. I swear to you by God and ask that you please not let my family rot and decay in this desert jail. Please help us to once more experience and feel the freedom beyond these fences.

Asylum seekers in this country are held in the most shocking and appalling conditions where the freedom they have dreamed of is prohibited and their every move inside the confines of a detention centre is watched 24/7. The United Nations Human Rights Commission has described conditions in Australia's detention centres as 'offensive to human dignity'. The United Nations Working Group on Arbitrary Detention has described these detention centres as 'worse than prisons' and has observed 'alarming levels of self-harm'. They have found that the detention of asylum seekers in Australia contravenes Article 9 of the International Covenant on Civil and Political Rights which bans arbitrary detention.

Julian Burnside QC told the audience in Adelaide last month that the delegate of the United Nations Human Rights Commissioner who visited Woomera described it as 'a great human tragedy'. Human Rights Watch and Amnesty International have repeatedly criticised Australia's policy of mandatory detention and the conditions in which people are held. Despite its newer facilities, the Baxter Detention Centre inside our state borders is as bad and some say much worse. Human rights organisations all around the world have condemned Australia's treatment of asylum seekers. Only the Australian government is untroubled by our treatment of innocent, traumatised people who seek our help. If the United

Nations were debating the wording of the Declaration of Human Rights now in 2003, the federal Liberal government would oppose it. Julian Burnside contends that, if by a quirk of geography we were eligible for membership of the European Union, we would be excluded because of our treatment of asylum seekers.

This eminent QC reminded the audience on 26 September that punishment is central to judicial power and that, because of the separation of powers entrenched in the Australian Constitution, only a judicial court can inflict punishment on a person. Locking a person up is regarded in this country as punishment. However, the High Court has acknowledged that there are circumstances where detention is necessary for the discharge of an executive function. In those limited circumstances, detention (imposed directly and without the intervention of a chapter III court) will be constitutionally valid. This holds good only as long as the detention goes no further than can reasonably be seen as necessary to the executive purpose to which it is ancillary.

The Migration Act requires that all unlawful non-citizens should be detained and should be held in detention until granted a visa or removed from the country. The widely reported circumstances of Mr al Masri's case earlier this year presented a conundrum: he had been refused a visa but he could not be removed. The question then was: should he remain in detention? For the sake of accuracy, I will quote from the judgment in Mr al Masri's case, as follows:

> Theoretically at least, detention might continue for the rest of a person's life and the Solicitor-General did not shrink from that possibility, whilst contending that in the real world such a thing would not happen.

Put simply, the Solicitor-General (on behalf of the Minister for Immigration) submitted to the court that, if it came to the point, Mr al Masri could be locked up for the rest of his life even though he is innocent of any offence.

To lock up an innocent person for the rest of their natural life is (as Julian Burnside contends) a chilling possibility. For a government to seek such a result is so alarming that it is difficult to associate it with modern Australia. The judgment from which I have just quoted was delivered on 15 April this year. The court rejected the government's argument and said that the minister could not hold a person in detention for the rest of his life. The government is, to our national shame, determined to challenge the decision.

In another case the government argued that, no matter how harsh the conditions in Woomera might be, they were nevertheless lawful, and a court could not interfere. Because of the way in which the question arose, the government had to argue (and it did argue) that even the harshest conditions of detention imaginable would nevertheless be lawful. These are, according to Julian Burnside, arguments worthy of the legal positivists of the Nazi regime. And it gets worse. When a person ultimately fails in their claim for a protection visa, the Migration Act requires that they be removed from Australia. In practice, that often means that they will be returned to their country of origin.

At the present time there are approximately 200 Iranian asylum seekers in Australia's detention centres who have been refused protection visas. A number of these people live in genuine terror of the prospect of being returned to Iran—and understandably so. Many of them have embraced Christianity, and apostasy is a very serious offence in Iran. Others belong to minor religious groups whose members are regularly subjected to terrible treatment in Iran. Some belong to human rights organisations which are campaigning for freedom and for a pluralistic democratic government to be established in Iran.

After describing to the audience back in September a videotape that he has in his possession which shows an Iranian man's eyes being pulled out with forceps by government officials, Julian Burnside told the audience about an Iranian man whom he knows whose claim for asylum had been rejected. This man lives in fear of being returned to these conditions. He applied to the court for orders preventing the government from returning him to Iran. The case theory was simple: the power to remove a person from Australia does not go so far as allowing the government to send him to a place where he faces torture or death.

The government sought to strike out the claim without a trial on the facts. It invited the court to assume the truth of all the facts alleged and argued that those facts had no legal consequences. On that footing, the government's argument was this: it does not matter that this man will be tortured when he is returned, it does not matter that this man will eventually be killed when he is returned, but that, nevertheless, the government has the power and the obligation to return him to the place where that will undoubtedly happen.

I, like Julian Burnside, believe that any government willing to collude in such actions is violating international law and betraying the values that Australians hold dear. But still it gets worse. The so-called management unit at the Baxter Detention Centre is solitary confinement bordering on total sensory deprivation. I visited the management unit and watched the prisoners on closed-circuit TV and tried to reconcile what I saw with what I thought I knew of Australia.

Julian Burnside viewed a videotape of one of the management unit cells and described it to the audience last month. The video shows a cell about 3½ metres square with a mattress on the floor. There is no other furniture; the walls are bare. A doorway (with no door) leads to a tiny bathroom. The cell has no view outside; it is never dark. The occupant has nothing to read, no writing materials, no television or radio, no company, and yet no privacy because a videocamera observes and records everything 24 hours a day. The detainee is kept in the cell for 23½ hours a day. For half an hour a day he is allowed into a small exercise area where he can see the sky. No court has found him guilty of any offence; no court has ordered that he be held in this way.

When I toured the management unit earlier this year, all the cells were full: full of men who had been put in solitary confinement for weeks, just in case something happened over the Easter weekend. Now we lock people up on speculation. It seems that our government is relaxed and comfortable with the idea of imprisoning innocent people. The Howard government conceals the worst aspects of on-shore mandatory detention by putting most of the detainees in remote desert camps hoping the detainees will remain nameless and faceless; out of sight and out of mind. It conceals the worst features of the Pacific Solution by making it virtually impossible for Australians (especially lawyers or journalists) to visit Nauru or Manus Island.

The secrecy surrounding the contracts with the detention centre operators, the lack of proper agreements between state and federal governments, and the lack of transparency and scrutiny of conditions has meant that allegations of human rights abuses cannot be properly investigated. In 2002, along with more than 80 other nations, Australia acceded to the Rome statute by which the International Criminal Court was created. This court is the first permanent court ever established with jurisdiction to try war crimes, crimes against

humanity and crimes of genocide regardless of the nationality of the perpetrators and the place where the offences occurred.

As part of the process of implementing the International Criminal Court regime, Australia has introduced into its own domestic law a series of offences which mirror precisely the offences over which the International Criminal Court has jurisdiction. So, for the first time since Federation, the Commonwealth of Australia now recognises genocide as a crime as well as various other war crimes. The Australian Criminal Code also recognises various acts as constituting crimes against humanity. Section 268.12 is of particular significance in the present context. In summary, this section covers crimes against humanity of imprisonment or other severe deprivation of physical liberty where the perpetrator commits an offence if the perpetrator imprisons one or more persons or otherwise severely deprives one or more persons of physical liberty; if the perpetrator's conduct violates articles 9, 14 or 15 of the International Covenant on Civil and Political Rights; and if the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

The elements of these offences are relatively simple: where the perpetrator imprisons one or more persons; the conduct violates article 9 of the ICCPR; or the conduct is committed knowingly as part of a systematic attack directed against a civilian population. Australia's system of mandatory, indefinite detention appears to satisfy each of the elements of that crime. The minister and Mr Howard imprison asylum seekers. The United Nations Working Group on Arbitrary Detention has found that the system violates article 9 of the ICCPR. Their conduct is intentional and is part of a systematic attack directed against those who arrive in Australia without papers and seek asylum. A representative of the International Criminal Court has expressed privately the view that asylum seekers as a group can readily be recognised as 'a civilian population'. They are an identifiable civilian cohort.

If moral arguments have no traction with our law-makers, it remains the fact that our government is engaged in a continuing crime against humanity when assessed against its own legislative standards. If the universal declaration of human rights were being debated now, Australia would oppose it. The Prime Minister resents interference from the international community, just as the previous minister for immigration showed just how much he resented interference from the courts. We have fallen a long way. We have squandered the legacy of our past.

Julian Burnside concluded his speech with the remarks that none of this would long survive if we had an opposition worthy of the name. In the years since Prime Minister Chifley promoted the great human rights conventions and spoke of the light on the hill, Julian Burnside contends, the Labor Party has disappeared from the moral map. He says:

> It is too timid to be decent; too frightened to admit mistakes, it has vanished at the time when it might urge compassion and honour and decency. Don Dunstan would have wept to see his ideals—his party's ideals, his country's ideals—so betrayed.

I, like many others, hang my head in shame at the treatment of refugees in this country. It is almost impossible to fathom how we can treat other human beings in this manner. It is time that the nation's military intelligence resources and actions were directed towards detecting real terrorists, rather than stopping refugees from seeking asylum in our country as is their legal right. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

EQUAL OPPORTUNITY (CARER'S RESPONSIBILITIES) AMENDMENT BILL

The Hon. KATE REYNOLDS obtained leave and introduced a bill for an act to amend the Equal Opportunity Act 1984. Read a first time.

The Hon. KATE REYNOLDS: I move:

That this bill be now read a second time.

I rise today to introduce a private member's bill to take the first step in achieving the recognition of carers in South Australia. This step is particularly appropriate at this time because this week is National Carers Awareness Week. I am pleased to note that members and staff of Carers SA are in the gallery. This bill to amend the Equal Opportunity Act 1984 will ensure that carers, who provide an important social thread throughout our whole society, are recognised for their efforts and not subjected to discrimination because of their responsibilities to those people who rely upon them for regular care. The simplest definition of a carer is any person who provides regular care for their family member or friend who has a disability or a mental illness, or who may be chronically ill, frail or aged.

Caring is a private issue but a public matter, and these people need to have their roles and responsibilities safeguarded whilst they participate as a citizen in employment, education and other day-to-day matters. Carers are parents, husbands, wives, sisters, brothers, partners, children, or close friends of the person receiving the care. Carers come from all walks of life, age groups and cultural backgrounds, and they can spend as little as a few hours every week up to 24 hours a day almost every day providing care for these people who depend on their carers to meet their basic needs. Generally, people do not plan to become a carer, but find themselves thrust into the role following, for example, a partner's accident, a parent's chronic illness, or the birth of a child with a disability. This can have a sudden and very dramatic impact on the carer's life, and often requires them to alter significantly their life and, in some cases, to give up a career or regular paid work to devote their time as a full-time carer.

The role of carers has been significantly under acknowledged by society for generations because many people, including law-makers such as ourselves, do not realise that, without the dedication of carers, many more people would require more care and attention from government funded services, which of course comes at significant cost to the health and community services sector and the taxpayer. When introducing a similar amendment in the New South Wales parliament, many people described looking after their families and friends as 'providing the government with a cheap social security net', a sentiment with which the Democrats wholeheartedly agree. While the work of carers provides enormous savings to our health and community services sector, it often comes at great personal cost to carers. It is too often the case that the responsibilities of caring make it extremely difficult to maintain full-time employment, placing great financial strain on carers.

This situation is compounded because many carers who are employed find that they are not given enough flexibility to juggle their caring and work or education commitments, thereby placing their job, or their future, in jeopardy. Young people in particular can suffer extreme and sometimes lifelong disruption because of their caring commitments. Their language, literacy and social skills are jeopardised and their future education and employment prospects are grim if

their right to a quality education is not protected. If some degree of flexibility could be guaranteed, it would increase the likelihood that carers in the work force could keep their job and improve their financial situation and possibly, hopefully, start to address the problems of isolation and loss that caring commitments can cause. When their caring role ceases or diminishes, they are in a better position to adjust their lives and achieve their full potential as workers and citizens.

Given our state's ageing population, the number of carers in society and the demands being placed on them are likely to increase significantly in the coming years. It is imperative that discrimination on the basis of caring commitments is remedied as a matter of urgency. In South Australia, there are approximately 216 000 carers, including more than 41 500 principal carers. Carers do the bulk of the caring work in our community, caring for the frail aged, the chronically ill or people with disabilities. Two-thirds of all care and support is unpaid. This unpaid care is worth an estimated $2 billion to the South Australian economy every year. This bill seeks to address as a priority discrimination against a person on the grounds that they are a carer. It will look at this issue within employment, as a job seeker, within education, and in relation to the provision of land, goods, services and accommodation.

Prior to having these amendments drafted, I sought the advice of Carers SA which is the recognised peak body for carers in this state and which earlier this year circulated a state carer's policy discussion paper which called for amendments to be made to the Equal Opportunity Act. Their discussion paper suggested that the act should include provisions to prevent family carers from being discriminated against in seeking and maintaining employment, and in training and promotional opportunities for employees. Carers SA also flagged the need to have an agreed definition of a carer for the purposes of the act. This bill does indeed propose a defined interpretation of a carer and refers to their responsibilities as a carer.

This issue of proper recognition for the role, responsibilities and needs of carers is of such importance to the Australian community that the Queensland government is developing a Queensland Carers Recognition Act, in partnership with the Queensland Council of Carers. Their legislation is intended to promote recognition by the community and government of the valuable contribution carers make, as well as ensuring that carers have the same rights to equality and consideration before the law as the rest of the community, and to ensure that carers are not discriminated against because of their caring role. The Queensland legislation is expected to address discrimination in the work force and employment, government, and other areas such as education, provisions of goods and services, accommodation, accessing premises, land and clubs, and incorporated associations. Significantly, it is also likely to include statements about carers' rights, financial security and services for carers, services for carer recipients, and carer recipient health care.

Adequate recognition, support and information for carers as well as carers' rights to independence, assessment, accessing services, or being maintained in employment, are common themes in interstate and overseas carer policies and legislation. My bill, which only seeks to amend the Equal Opportunity Act, does not go as far as the Queensland initiative or many of the international examples. This is the first step, and Carers SA will, I am sure, continue to lobby government for more comprehensive reform, following the recent establishment of a State Carers Ministerial Advisory Committee.

This bill will provide protection against discrimination on the grounds of a person's responsibility as a carer in the areas of employment, agents, contract workers and within partnerships. It also addresses discrimination by qualifying bodies, employment agencies, associations and members of councils. It will seek to eliminate discrimination by education authorities to ensure that carers receive fair access to studies, and that their applications to study are not refused on the ground that they are a carer. This is particularly important, because more than 13 000 young carers in South Australia are under the age of 18 and at serious educational disadvantage because of their responsibilities to parents and siblings who rely upon their care.

Finally, the bill will provide protection from discrimination against carers in relation to land, goods, services and accommodation. This bill seeks to ensure that family carers, who are an essential part of our society, are recognised as valuable community members and are not discriminated against on the basis of their selfless service to others. South Australia was once a leader in equal opportunity legislation, but nowadays we lag well behind. This is an important and overdue bill, which will enrich our community by providing some legislative protection for those people who have put their life on hold to care for others. I hope that all honourable members will support this bill, given that both Labor and Liberal have, in the past, indicated support for carers.

In 1993, as part of the state election campaign, the Liberal Party put forward a care givers policy. My understanding is that, whilst this was well intentioned, it was complicated by a reference to both professional care workers and family carers, which made it difficult to implement. However, the policy did result in some marginal recognition of family carers.

A range of policies for carers was developed by the major parties in the next state election in 1997 and included the Liberal Party's 'focus on carers' policy, which, on its re-election, was launched as a state carers policy and developed into a carer strategy. Some aspects of the policy were taken up by the Department of Human Services, but many of the issues facing carers were not dealt with in the day-to-day conduct of Department of Human Services agencies.

This policy translated into better recognition for carers and some short-term funded initiatives but did not include funds for continued implementation, and neither did it result in an across portfolio statewide policy. This meant that any initiatives for carers were short lived and did not result in long-term change or improvements in the day-to-day experience for carers in the way in which services were delivered and in which carers were protected from discrimination in this state.

The Labor Party has already expressed its support for carers, with the announcement that it will develop an across government carers policy to help address the needs of the state's 216 000 carers. The policy was to be framed with the broadest approach to cover all those who are involved in caring, and it was to be developed in consultation with a range of carer groups. The social justice minister has also asked for specific reports on services for indigenous carer and children and young people who are carers. The minister has taken the welcome step of establishing a ministerial advisory committee.

So, it appears to me that both parties have recognised the importance of carers in our community, and I hope that their

stated commitments will lead them to support this bill. It is our responsibility to care for carers, so I urge all honourable members to show their support for the hundreds of thousands of carers right across the state, many of whom go unnoticed as they put others before themselves, by supporting the bill.

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

COPPER COAST

Order of the Day, Private Business, No. 1: Hon. J. Gazzola to move:

That the regulations under the Liquor Licensing Act 1997 concerning Long Term Dry Area—Copper Coast, made on 14 August 2003 and laid on the table of this council on 16 September 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

TRADE AGREEMENT

The Hon. IAN GILFILLAN: I move:

1. That this council urges the federal government to resist the pressure to finalise the free trade agreement with the United States this year on the grounds that any free trade agreement entered into in haste to provide the President of the United States and the Prime Minister of Australia with propaganda material will be at the long-term risk that South Australia and Australia will lose on several issues, which could include:
   (a) the Pharmaceutical Benefits Scheme;
   (b) the South Australian Barley Single Desk and the Australian Wheat Single Desk;
   (c) the South Australian automobile industry;
   (d) the ability to support local industry through policies in government procurement;
   (e) the ability to support local art and culture through local content rule for television and radio;
   (f) the ability to maintain our quarantine laws; and
   (g) the ability to preserve the identity of GE-free products.
2. That this council condemns the lack of transparency in the negotiations and calls on the commonwealth government to release the current state of negotiations to state and local governments, as well as the Australian public.
3. That this council calls on the commonwealth government to halt its pursuit of bilateral trade agreements at the expense of multilateral agreements that can benefit a wider proportion of the international community.

In Adelaide, in 1892, within a small shed built of brick and corrugated iron, a business was forged that would grow over the centuries to employ hundreds of people and become a household name. I wonder whether honourable members can guess which one it is. This is where Terry Roberts comes forward with his sort of aged experience.

The Hon. Sandra Kanck: Is it Hills Industries?

The Hon. IAN GILFILLAN: No, it is the South Australian Brush Company (SABCO). I am sure that you, Mr Acting President, will remember it and lament its departure from South Australian ownership. On 2 September this year, as tap timers (one of the company's well known and respected products) ticked over while watering gardens around Australia, the workers at the Albert Park site, where the company had operated for 50 years, were told that the company was closing its doors, because the company could no longer compete with imports from China.

The effect international trade has on our domestic economy is not a new issue. The ability of foreign industry to produce goods and services cheaper than we can domestically and then either import these goods and services into Australia or, in fact, compete with our own export markets, is of importance to our local economy and the lives of everyday Australians.

The proposed free trade agreement between the United States and Australia will have many implications for the future of our economy in South Australia. It is well to remember here some well chosen and wise words that came out of America some 200 years ago, as follows:

Great trade will always be attended with considerable abuses.

These words were spoken by Edmund Burke in 1775, and they are as true today as they were then. In discussing the agreement, let us begin by reminding ourselves that it will not result in—as the term suggests—an open slate on trade. In no way will this be a free trade agreement; at most, it will be a freer trade agreement between the two countries involved. We would argue that the increased constraints on how we trade in this country will create more problems than they will solve.

International trade has a curious history, and the rules associated with it have changed considerably over time. The current institutions that guide the development of multilateral trade rules were created at the end of World War II. More recently, we are seeing developed countries—most notably, the United States and now Australia—move away from multilateral trade talks in favour of bilaterals. These one-on-one discussions allow countries to be more choosy about whom they deal with, and these occur chiefly between developed nations. The developing nations, which more than any other nation would benefit from fair access to western markets, are left out in the cold.

It is little wonder that the Cancun round of the WTO broke down. In Cancun, the developed nations focused on issues important to their own economic development and failed to address those of the developing world. It is some credit to Australia that it was with the group of developing nations that pushed the issues that eventually caused the division of the conference and its premature termination.

By making the discussions hinge on the 'Singapore issues', they doomed any potential moves to fairer trade, that is, with the emphasis of the developed nations pushing on the Singapore issues. The European Union and the United States show no sign of ending their billion-dollar subsidies to their farmers. This grossly distorts world agricultural trade and hurts both Australia and the developing world. This is not surprising, as William Greider, writing in the *Nation* just before Cancun, said quite plainly:

Soybeans are Missouri, Iowa and Kansas among other Republican voting states. Beef is Kansas, the Dakotas and the solid South. Oranges are Florida. . . there will be no agricultural deal for developing nations, not one that is real, not one that can be whispered about—at least until long after the 2004 election.

It is becoming increasingly clear that the powers that be in the international economy have turned their back on the multilateral approach. The Prime Minister's comments earlier this year regarding a possible free trade agreement with China are a clear indication that he sees no role for world trade in assisting developing nations. We face many dangers in negotiating a free trade agreement with the United States, not the least of which being that it is difficult to analyse the current agreement that is being negotiated, because it is being developed behind closed doors. The commonwealth trade minister Mark Vaile recently stated:

The FTA we are negotiating with the United States is of significant importance to all Australians for the future generation of

economic growth and wealth in Australia, particularly in South Australia, given a lot of Australia's auto industry is located there, as well as. . . the great wine industry.

There may well be benefits to the wine industry. However, reports by the Centre for International Economics found that the automotive industry in Australia is likely to reduce output by more than .2 of 1 per cent, which is a reduction rather than an increase. Further to this, a similar report by ACIL Consulting found that there is likely to be a net cost to Australia from entering into a free trade agreement with the United States.

Free trade with the United States also means that we will face the danger of becoming more dependent on the US economy. This could be exacerbated by possible requirements of the FTA that we reduce our trade ties with our other trading partners—New Zealand, for example. It is of some interest that the US is insisting that any deals forged between Australia and the US in the FTA would expressly not be set as a pattern to be followed by any free trade agreement with New Zealand. This reflects that we may well—

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: I think that the interjection is probably reflecting the observation that I was about to make.

The ACTING PRESIDENT (Hon R.K. Sneath): The interjection is out of order.

The Hon. IAN GILFILLAN: Well, it may be out of order, but it may be right on the money in that it is reflecting that the trading arrangements with the US, steered by President Bush, are very much a reward and punishment exercise. Superficially, we may be getting some sort of reward. However, I would say that the reward is just a flourishing of the document to say 'a free trade agreement', which itself is supposedly meant to be the reward. With this motion, I urge that, as a nation, we look much more closely at what we are getting caught up in. What I have just been referring to is the basis for the results in the ACIL report, which found that trade diversion under a free trade agreement with the United States would outweigh trade creation.

Concerns have also been raised about the Pharmaceutical Benefits Scheme, our quarantine laws and our policies to support local art and culture. I am sure that my colleagues will expand on these issues as the debate progresses. I would like to refer to two issues about which I am particularly concerned, as they relate to the free trade agreement—that is, the barley and wheat single desks and our ability to preserve the identity of GE free products, or GM free zones in South Australia. I would like to refer to matters that I raised yesterday, and I think it is appropriate to do so in this context.

Yesterday, I attended a lecture at which the chief US negotiator in the free trade agreement, Mr Ralph Ives, was a guest lecturer. It was organised by the American studies department of Flinders University in conjunction with the Institute for International Business, Economics and Law at Adelaide University.

Mr Ives gave quite an extensive analysis of the free trade agreement negotiations and the background to them. The lecture was being taped, and I assume that honourable members who particularly want a full transcript will be able to do obtain one. It may be worth while for future reference. However, apart from very few clear signals, the veil of secrecy over the nuts and bolts of the negotiations is still intact. I am not altogether surprised about that, but the point is that if the Prime Minister and, to a lesser degree perhaps, the President of the United States are so keen to have a document signed, sealed and delivered by Christmas, there will not be a lot of time for detailed analysis and criticism before we may be trapped in an FTA with which we do not want to live.

The Hon. T.G. Roberts: What is the relevance of Christmas? I can never work that out.

The Hon. IAN GILFILLAN: I think the relevance of Christmas is that it is a small present to the United States perhaps, because it will not make much difference to its overall economy. One point that I think may be of some comfort to Australians is that Mr Ives indicated that we wanted to protect our cultural identity, in whatever way we can. He translated it as giving us the assurance that the FTA will not affect government services—public schools or cultural services, for example.

However, from there on, I suspect that we have every justification to be nervous about the outcome of these deliberations behind closed doors. I attended an earlier lecture by Mr Stephen Deady, who is the lead Australian negotiator on these matters to which I will refer now. I have referred to them before, and they may or may not be indicative of how the strong-arm negotiating is going on, but I think that it is important to put my observations on the record.

I specifically asked Mr Stephen Deady in the seminar (which was over the road in a hotel on North Terrace) what would be the likely future for the grain, wheat and barley single desks in negotiation for the FTA. He assured the audience that Americans were not so concerned about the single desk as they were about the structure of the company, the Australian Wheat Board Limited, in that to have an exclusive right of marketing and to be a corporate entity was something about which they were concerned. However, he did not make a great deal of that. I have some sympathy with that. I think that if we are to have a single desk monitored and conducted by a corporate entity, that corporate entity ought to be isolated purely for that function. But that is not the point of my raising the observation. The reason is that the Australian lead negotiator stated to a public meeting that the single desks were not at risk.

After the lecture, in an informal gathering with people around me, I asked Mr Ives, who very kindly agreed to answer some questions, what was the American view of the single desks for barley and wheat. He said that they were very concerned about them. He said that they believed they are a serious threat to competition, and on that basis they are opposed to them. So, here we have an assurance from the Australian negotiator being flatly negated by the position of the lead American negotiator.

On the issue of genetically modified organism free zones, I asked Mr Deady, the Australian negotiator, for the American view of Australia having GM-free zones, and he said that he believed the Americans would have no objection to GM-free zones on the basis of their being justified by marketing advantages. He did not indicate that they were supportive or that they liked them, but he indicated that they would not be making that a strongly opposed negotiation point. Certainly in my interpretation of his answer it then became one factor which was not at risk in the negotiations on the free trade agreement, and I went public and said so. What Mr Deady said was quite reassuring.

With that background I asked Mr Ives yesterday what he felt about the retention of GMO-free zones in Australia. First of all, he said he had not heard of GMO-free zones, which I do not doubt. But what he had heard of and was concerned about was that Tasmania as a state had declared itself GMO-

free, and he said that that moratorium was unacceptable. He was very concerned about it. Because he had not heard of GMO-free zones, quite clearly he was not in a position to give me an immediate, considered answer. However, he made the implication very plain that the Americans would not look favourably on that discrimination (as he would see it) against the planting of a product because it was defined as genetically modified.

If that is an indication of what is going on behind the closed doors of the negotiations, first, it does not appear as if the Australian lead negotiator knows what the American lead negotiator's attitude is to certain issues. I am afraid that my view is that, when it comes down to the hard ball negotiating, which they say they are getting to, the arm wrestling will be pretty much a one-sided event unless some window-dressing is involved. I am very concerned, particularly for the areas that will suffer if the Americans crack down hard and the Australians give in because we feel so compulsively that we have to have a free trade agreement with the United States.

With a few quotes I would like to more or less consolidate my material from other sources and wind up my contribution. I quote from *The Advertiser* of 15 October this year. On page 31 under the headline 'US about to take wraps off free-trade deal' is an interview with the trade minister Mark Vaile. From the article it appears that these are the observations he made, although they are not direct quotes. The article states:

> Mr Vaile said he would meet US trade representative Robert Zoellick in Bangkok, Thailand on Friday. The meeting will precede Canberra talks to begin within a fortnight. Agriculture is the main hurdle in closing a deal before the year's end target set by Prime Minister John Howard and US President George W. Bush. The free-trade deal is expected to annually boost Australia's Gross Domestic Product by about $4 billion.

It does not say it in this article, but that is over 10 years. The article continues:

> Agriculture, wine and automotive industries are expected to be among major beneficiaries, with the final deal expected to lower US tariffs and import quotas.

According to this article, agriculture is expected to be one of the main beneficiaries, yet Mr Vaile is saying that agriculture is the main hurdle. I heard Mr Ives say yesterday (and I quoted him) that if we kid ourselves that this is not true we are really being led down the garden path. He said agriculture will be tough. The US domestic subsidies will not be affected by the FTA; they can be dealt with only within the World Trade Organisation and the politics are just not there. As I quoted an earlier authority, American politics will not even look at giving Australia concessions in any of our major agricultural export products—beef or grains. Probably a polite way of putting it is that we are whistling into the wind to be kidding ourselves that by Christmas we will get Americans to knuckle under and give substantial concessions in those areas.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: If we are, the Americans are pushing it. I refer to an issue paper by the Allen Consulting Group dated August 2003. It was commissioned by the Department of Business, Manufacturing and Trade SA, and on page 5, at point 3.2, it states:

> Economic modelling carried out by the Centre for International Economics (2001) on behalf of the Department of Foreign Affairs and Trade showed that liberalisation of bilateral trade and investment would result in trade creation exceeding trade diversion under the proposed agreement, and that as a result the negotiation of such an agreement could—

and I emphasise 'could'—

> boost Australia's gross domestic product by 0.3 to 0.4 per cent per annum within 10 years.

I do not want members to get overexcited by this, but it is reasonable to analyse the degree of supposed ('could be') improvement to the economic Australian situation if we entered into an FTA. It is so minimal that, quite frankly, I do not believe it is worth the anguish of trying to work our way through it. That is my personal view at this stage. Further down that same page it states:

> The United States is likely to see a significant expansion in its exports of manufactured products to Australia through duty free access.

That is a substantial benefit to the Americans. It continues:

> The only Australian manufacturing sector likely to experience a reduction of domestic output greater than 0.2 per cent is the automotive sector.

Members who have listened to anything I have said—and I do not necessarily expect them to have, but they may have read something else—will know that the automotive industry is being touted as the one that will benefit, yet this study for our Department for Business, Manufacturing and Trade says that the automotive sector will have a reduction. Under the heading 'ACIL Consulting study', point 3.3 states:

> The study by ACIL Consulting (2003), carried out for the Rural Industries Research and Development Corporation, came to very different conclusions than those of the Centre for International Economics study. The ACIL study judged that trade diversion associated with free trade agreement would outweigh trade creation and there would be net costs to Australian exporters and the Australian economy generally, but particularly in the farm sector.

I sounds to me that it will be a bad deal, and with the sort of gung-ho 'all the way with the great USA' propaganda I feel we are being pushed into it, and that is the point of this motion. At the very least, instead of being conned into thinking this will be this big bonus to us, we in South Australia should be saying to those negotiating on our behalf, 'Hang on, take more time; we are not convinced.'

In an article in *The Advertiser* of 29 September titled 'Strong US ties key to free trade deal' concerning Mr Stephen Deady whom I talked about before, Paul Starick writes:

> After the talks in Hawaii, Australia's chief negotiator Stephen Deady said it was 'no secret' the greatest challenge was agriculture. 'It's well known that Australia is looking for a substantial outcome from those negotiations on agriculture,' he said. 'There are sensitivities on the US side in relation to agriculture. Agriculture is an issue that is very often complicated and difficult in negotiations. 'Mr Deady said the negotiators would be talking to industry, then returning to the table with 'some specific requests for improving the offer that the United States has put on the table.'

I would not hold our combined breath on that. I do not know how Americans negotiate on small detail, however, I doubt whether they are going to be bullied, pushed and bruised into agreeing to 'some specific requests for improving the offer' on the basis of what Mr Deady may request. The American agriculture sector is totally immune to it. In *Descent*, Spring 2003, an article entitled, 'An Australia-US free trade agreement—myth and reality' by John M. Legg states:

> Who loses? What are Australians being asked to surrender in return for these dubious benefits?

He had identified these earlier. He continues:

> Close to the top of the list is Australia's quarantine system. These juicy Californian grapes are host to an unpleasant insect, the Glassy-Winged Sharpshooter—

for those who want to know its Latin classification name, it is Homalodisca Coagulata; we will call it COAG for short—

the vector of Pierce's Disease. The two have the potential to devastate Australia's wine industry. The Californian growers promise, cross their hearts and hope to die, that the insect does not live in the fruit and that the farmers would never, no really never, pack any leaves, stalks or farm soil with the grapes. To ensure that the packing is carried out to the highest standards, the farmers employ illegal Mexican immigrants and pay them less than the legal minimum wage to do the picking and packing. Australia's quarantine experts don't believe the Californian farmers and so the US wants Chapter 11 style tribunals to be able to review and reverse Australian quarantine decisions. Of course if the Australian wine industry were to be devastated by Homalodisca Coagulata and Pierce's Disease, the neighbours of the US table grape growers, the US wine producers, would be very very sorry to hear of such an unhappy accident.

I think there is a tinge of sarcasm here. It continues:

The Pharmaceutical Benefit Scheme (PBS) is also high on the US agenda. They don't want us to abolish it; just to let the pharmaceutical industry instead of the PBS drugs committee set the prices at which the scheme buys drugs. It is not only the prospect of doubling or trebling the amount of money that they can screw out of Australian consumers that excites the drug companies; too many American hospital chains and state authorities have examined the PBS, liked what they saw, and gone home to set up something similar. A treaty clause that forced Australia to accept the drug companies' price lists could be used back in the USA to abolish collective buying systems there as well.

There are some fairly astute criticisms of the risks of this FTA being put into publications in Australia. I am sure honourable members would have read a large article in *The Weekend Australian* of 20-21 September, the title of which is 'Back to the barricades', with the introduction: 'World trade and our economic future are at a turning point, writes Editor-at-Large Paul Kelly.' I do not intend to cover the entire article. It works on the multi-lateral and unilateral trading philosophies. There are two paragraphs I would like to quote into *Hansard*. Australia's trade minister, Mark Vaile, refers to the failure of the WTO talks at Cancun. The article states:

Australia's Trade Minister Mark Vaile insisted the result was a "stumble, not a collapse". He may be proved right. Australia, a key participant, believes that Cancun was on the verge of a breakthrough. "We were close to negotiating an end date for the elimination of all agricultural export subsides," Vaile told this paper. An Australian official says: "The historic goal of complete elimination of export subsidies was in sight."

For those who wish to pursue this more closely, there are, I believe, reputable analyses which show that it was the developed nations—Australia was not included at this stage—which scuttled progress in the talks at Cancun.

Australia, to its credit, under those circumstances, was prepared to go in and bat for others who predominantly were developing countries who were looking for a fair go for their exports. It seems as though we have been caught on the horns of a dilemma. As a nation, we have been convinced that we ought to break ranks with this solid core of self-interested developed entities, particularly the European Union and America, and actually throw in our lot with the developing nations in world trade negotiations. However, John Howard, in this case acting on our behalf, has seduced us into traipsing down this path of unilateral free trade agreements.

I am more concerned—and my motion expressly does this—with the American free trade agreement than the free trade agreement supposedly with Thailand. One of the reasons that I have great suspicion about them all is that, even with the Thai free trade agreement, it has never been explained to us what the Thais actually get. The benefits to Australia are spelt out and they may be real; I am not doubting that. You do not get someone who sits down at a table and says, 'You can have all you want and I do not want anything. I do not care. I am just generous. That is my nature. If you have not asked for enough, we will encourage you to ask for a bit more'.

The Hon. T.G. Roberts: Run all over us.

The Hon. IAN GILFILLAN: Yes. Anyone who believes that that is the basis of a free trade agreement is just in cloud-cuckoo land. The free trade agreements, if they are encouraged one by one, will make it more difficult for a multilateral agreement of significance to come into effect. However, I think that the point that I want to make in this motion, which I hope this council will pass quickly, is to send a message of alarm; to question the speed with which this is supposedly to be finalised; and to demand to know, as I believe we are entitled, what are the trading points that are on the table, because they are not the secret prerogative of the Prime Minister. They are certainly not the secret prerogative of Mr Stephen Deedy. They are the prerogative of the people of South Australia who are going to be benefiting or sacrificing because of the consequences of this agreement, if it is formalised and put into effect. I urge honourable members to support the motion so that it can be the vehicle for sending these messages to the commonwealth government and to our negotiators on what may or may not finish up being a free trade agreement with America.

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

VICTIMS OF CRIME (STATUTORY COMPENSATION FOR VICTIMS OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 342.)

The Hon. NICK XENOPHON: My contribution will be brief. I commend the Hon. Robert Lawson for introducing this bill. I note that the select committee instigated by the Hon. Andrew Evans in relation to certain sexual offences which were committed before 1 December 1982 and which could not be prosecuted had a very satisfactory resolution. The law was changed with the support of all members in this chamber. I note that the committee did not consider the question of compensation for victims of sexual offences. I agree with the Hon. Robert Lawson that the issue of compensation for victims is very important. In terms of a victim feeling that they have received some justice, it is part of the healing process; it is part of the process of feeling that justice has been done, in a sense, to receive compensation for the injuries sustained.

I note that the Director of Public Prosecutions, Paul Rofe QC, in his evidence before the joint committee, expressed his reservation about whether a successful prosecution could be dealt with in the circumstances. He expressed reluctance so that victims of such offences would not have false hopes or expectations. It would be fair to say that before a prosecution was launched it is something of which the victims would be advised, no doubt, but, clearly, the legislation that was passed only recently has resulted in many calls to the police. Hopefully, there will be a number of successful prosecutions in relation to the calls made to the police.

However, this bill deals with an amendment to the victims of crime legislation and to deal with this unusual and limited class (as the Hon. Robert Lawson has put it) of victims.

Given the circumstances, I believe it ought to be supported. There are questions I will put to the Hon. Robert Lawson in the committee stage about matters relating to standards of proof—how in a practical sense the legislation would operate—but I think that we should not simply rely on discretion or grace and favour from the Attorney-General or any other minister in having these matters dealt with. There ought to be a mechanism by virtue of this proposed amendment to the victims of crime legislation to give victims the right to claim compensation. For those reasons I support the second reading of this bill.

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

WOMEN JUSTICES

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council congratulates the government on its appointment of Justice Ann Vanstone, Judge Trish Kelly, and Magistrates Maria Panagiotidis and Penny Eldridge to greatly enhance representation of women in the South Australia judiciary.

(Continued from 15 October. Page 346.)

The Hon. J.M.A. LENSINK: My comments will be brief because I think the information has been covered previously. I thank members, including the Hons Robert Lawson and Paul Holloway, who have made contributions to this motion. The Hon. Robert Lawson described the appointments as not being 'token', to which I obviously agree. All the people who have been appointed to these positions have attained them on merit. The Hon. Paul Holloway pointed out that there has been an improvement in the balance but we still have some way to go. In politics, the same situation applies. I look forward to a time when the gender balance between men and women in these sorts of positions is not of note. While I believe we have come a long way, we still have some way to go. I commend all the justices for the hard work they have performed in getting to where they are today, and I wish them well in the future.

Motion carried.

TRAINING AND SKILLS DEVELOPMENT ACT

Order of the Day, Private business, No. 14: Hon. J. Gazzola to move:

That the regulations under the Training and Skills Development Act 2003 concerning recognition services, made on 19 June 2003 and laid on the table of this council on 26 June 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

FATHERS

Adjourned debate on motion of Hon. A.L. Evans:

1. That a select committee of the Legislative Council be appointed to investigate and report upon—

(a) The status of fathers in South Australia by reference to the current level of recognition of their role in family formation and child rearing and in the support given to them by the public and private sectors and the community in general.

(b) The current difficulties facing fathers in South Australia from an economic, social, financial, legal and health perspective in the formation and maintenance of the family unit.

(c) The nature and availability of government and non-government support and services for fathers in crisis in South Australia.

(d) The ways in which the status of fathers and the level of support given to them in times of crisis can be improved.

2. That standing order 389 be so far suspended as to enable the chairperson of the Committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 15 October. Page 348.)

The Hon. CARMEL ZOLLO: I indicate government support for this motion. The Hon. Andrew Evans is asking for a select committee of the Legislative Council to be appointed to investigate and report upon the status of fathers in South Australia. He has asked that the references for the committee include the recognition of fathers' roles in family formation and child rearing; and to examine the support given by the public and private sectors and the community in general to fathers. The honourable member has raised one of the most important issues for South Australia today, that is, how we value and support South Australian families and their children. Children and young people, and their health, safety, welfare and interests, must always be the priority.

The Minister for Social Justice recently announced the new appointments to the Children's Interest Bureau. In order to achieve the best advice, the appointments include community representatives from various organisations and also young people. This will ensure young people's ongoing involvement, and their experiences are a feature of the Children's Interest Bureau.

Parents are the most important people in their children's lives, whether they have full or part-time care of their children. It is well documented that children and young people need the continuing support and care of both parents. They need this to reassure themselves that the break-up is not their fault, and they need a continuing positive relationship with their parents to develop into healthy adults. Experts agree parents and families who demonstrate respect for their children and each other provide one of the best lessons for the well-rounded development and wellbeing of their children, whether the parents are together or whether they are single parents. In relation to the South Australian child protection issues raised by the honourable member, no child or young person should be subjected to abuse by either parent, or, indeed, anyone. Such matters should be reported to the police or Family and Youth Services.

Within a few weeks of the Rann government being elected, we announced an independent review of child protection in South Australia. An inter-ministerial committee is considering a response to all 206 recommendations made in that report. This committee recognises that children's needs are not the responsibility of one minister or portfolio. Health, human services, education and justice need to work together to support children and families.

It is my view that the select committee should take into consideration the report of the commonwealth government's Standing Committee on Family and Community Affairs, which the Prime Minister announced in June. The committee has now concluded its inquiry into child custody arrangements in the event of family separation and will report to the

parliament by the end of 2003. Many of the issues which the honourable member has raised are connected with this inquiry, and I believe that the select committee should not pre-empt or replicate this costly process. I hope this inquiry will provide useful information to assist those issues for which the state government has responsibility.

The commonwealth inquiry was conducted with the best interests of the child as its paramount consideration and will address the respective time each parent should spend with their children post-separation, in what circumstances a court should order that children of separated parents have contact with other persons (including their grandparents), and whether the existing child support formula works fairly for both parents in relation to their care of and contact with their children.

These are all important issues and, as I said, the commonwealth inquiry will address many of the issues raised by the honourable member. Therefore, as mentioned, I support the Hon. Andrew Evans in his call for a select committee, and I urge the committee to take into account the commonwealth report to prevent unnecessary duplication. I understand that after some discussion it has been agreed that the committee consist of six members rather than five. Accordingly, I move:

To amend the motion by inserting after 'that' in paragraph 2. the following words:

'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'

As I indicated, the government supports the motion to set up this select committee.

The Hon. KATE REYNOLDS: I rise on behalf of the Democrats to support this motion. However, in doing so, I must also express some concerns about the direction in which this issue seems to be heading. This issue has arisen because of the increasing destabilisation of the traditional family unit. No longer is it the norm for families to comprise mum, dad and 2.4 kids; instead, families come in all shapes, sizes and formations, including same-sex parenting arrangements and families separated by distance.

There is no doubt that fathers play an imperative role in family formation and child rearing. It is also true that there are current difficulties facing fathers in South Australia from an economic, social, financial, legal and health perspective in the formation and maintenance of the family unit. However, there are many similar problems that affect mothers in our society. I am sure that there are many mothers who feel undervalued and that their status is a lot lower than what it should be, despite the Hon. Mr Evans' indication that this is solely a problem for fathers.

Many of the arguments which the Hon. Mr Evans makes can also be made for women. For example, the absence of a mother (just like a father) will also create a generation that has no idea how to form and support family life. Children are suffering in Australia also because of the absence of mothers. Whilst it has been traditionally the view that women would become the primary carer for children in the case of separation or divorce, that is no longer the uniform approach. I agree with the Hon. Mr Evans when he said, 'We as a community cannot say that one role'—that is, mothering or fathering—'is more important than the other, because both are equally as important.'

The Hon. Mr Evans recognises that both mothers and fathers have vital qualities to offer their children, but I cannot help but feel that there is an agenda for shared care arrangements being worked into this select committee motion. Shared care has become a hot topic, with many quick to argue the pros and cons of such an arrangement. A paper by Lyn Craig of the Social Policy Research Centre of the University of New South Wales entitled 'Do Australians share parenting?' provides time diary evidence on fathers' and mothers' time with children. This research found that, despite the growing social acceptance of the ideal of shared parenting, mothers spend much more time with their children than do fathers. Women spend three times as long as men in child care as a main activity. Men are less likely than women to do the routine child-care tasks that have to be done at a certain time, while women are far more likely than men to be alone with their children.

This research showed that fathers sacrifice less of their leisure time than mothers and that they help out rather than take full responsibility for child care. Absolute time with children remains very different by sex, while relative time with children is also spent differently by sex. The paper concluded that this examination of actual behaviour shows that the social and expert approval of shared parenting is not reflected in current practice. This has negative implications for domestic equity and women's participation in the work force and community life. Men may be participating in child care but not in a way that really helps women to meet the demands of work and family. Child caring practices are not the same for men and women, either quantitatively or qualitatively. Therefore, shared care as an enforced option does not seem to be appropriate.

Numerous organisations and individuals have contacted my office to express their concerns about the establishment of a select committee into fatherhood because they fear that mothers would be forgotten in an environment which is just as harsh for them. The Hon. Mr Evans expressed his views that child protection and housing services treat mothers differently, but in reality some mothers wait for years to be housed and some are forced to live on the streets in cars or to stay with friends. Mothers as well as fathers beg for responses to child abuse reports to be properly investigated and acted upon.

There is no justification for looking at fathers in isolation of their children or the other parent; it makes more sense to look at what is happening for families in South Australia, not just for fathers. I agree with the Hon. Mr Evans' comments about shelters being predominantly available for women, because it is well known that women comprise the majority of domestic violence victims. Earlier this year I visited a shelter in the state's South-East which has been providing accommodation and support services in the region for some time. This shelter has recently changed its name from a women's service to a generic domestic violence service after recognising that there was a need for more men's services. This same shelter has been campaigning for an anger management counsellor to be attached to the service predominantly to counsel male perpetrators of domestic violence. So far they have been unsuccessful.

We believe that these kinds of services will become more and more in demand as the trend veers away from the nuclear family. Therefore, the Democrats strongly agree that there is a need to expand and better resource the services available for men, including fathers. We assume that the terms of reference in this motion to form a select committee may achieve that, and we welcome the opportunity to make recommendations about how South Australia can achieve a more responsive and

progressive policy and program environment to support the role of men and women in family life. Therefore, we support the motion.

The Hon. NICK XENOPHON: I indicate my support for the motion, and I commend the Hon. Andrew Evans for introducing it. There is not much on which I would disagree with any of the members who have spoken to this motion. I support this motion because this issue ought to be debated, and there ought to be a detailed examination of the needs of fathers in the community. The Hon. Carmel Zollo referred to a commonwealth report on this issue, and I think it is important that this committee not unnecessarily duplicate that report.

I also acknowledge the comments of the Hon. Kate Reynolds that today the nuclear family is not the only form of family unit. Her comments remind me of Nick Hornby's book *About a Boy* (which I read only last year), which talked about family arrangements that were not nuclear family arrangements, but throughout the book there was a common thread of humanity about the importance of caring for the children in relationships. I also think it is worth referring to a comment by Sir Bob Geldof who wrote in the *Independent* of London on 11 September about the whole issue of family courts.

I should preface this by saying that I do not necessarily endorse all that Sir Bob Geldof is saying, but I think he does raise issues that ought to be debated. I think it flows on from some of the remarks of the Prime Minister in relation to the issue of presumptive joint custody, and I note that other members of the government have spoken about this issue. It is an issue that ought to be bipartisan, as long as the welfare of the child is the paramount consideration in any debate. Sir Bob Geldof said the following:

> The law, to its eternal discredit, stands in the way of great and important cultural and social progression. If the later 20th century saw the transformation of women's lives, then the 21st century involves the transformation of men's lives and, by definition, the lives of their children. The cardinal—and excellent—difference between now and the past is that it is no longer clear, until it is determined by the couples in question, who will do the breadwinning and who the nurturing, or whether it will be both simultaneously. And yet while individuals struggle with these difficult new conundrums, the laws governing the, if you will, 'intimate' parts of society, remain unaltered in their presumptions, save for the pathetic pretence that they are gender neutral. I believe it is time for a wholesale review of what marriage means today, the validity of its contract and the consequences of its rupture.

I believe that the motion of the Hon. Andrew Evans and the work of this committee will be valuable. I believe that it can only have a constructive outcome, and for those reasons I support the motion.

The Hon. A.L. EVANS: Since introducing my motion on 24 September, I have received many emails, phone calls and letters from fathers and father based organisations, expressing their support for this inquiry. The level of support and interest in this inquiry has been surprising even to me. I thank the Hons Carmel Zollo, John Dawkins, Kate Reynolds and Nick Xenophon for their contributions and support. Although the Hon. Terry Cameron has not spoken directly to my motion, in a matter of interest concerning fathers on 15 October he stated that he will be supporting it, and I thank him for the support. It is refreshing to see that this chamber has quite rightly recognised this to be an extremely important issue which not only impacts on fathers but also has a flow-on effect to mothers, children, families in general (including extended families) and the community as a whole.

Earlier this week, I received an email from Tony Miller of Dads in Distress which I would like to place on the record because, in my view, it sums up in a passionate but accurate way the extent of the problems we are facing. The email is addressed to all supporters of the organisation and it reads as follows:

> Firstly I want to thank you for your support, the emails and phone calls have kept us going. I apologise for the delay in replying but sadly we were inundated. Especially since our appearance on *A Current Affair*. We have received calls from every state and have just expanded into Melbourne and will conduct meetings there shortly and will continue to spread through Victoria as the need and funds are apparent.
>
> The child custody inquiry comes to Coffs Harbor next week Monday 27 October at Southern Cross University Campus, Level 1, Block A. It's an important day for dads in distress and I hope some of you will be able to attend. We will be there presenting your submission. Some of our lifesavers will be there to support dads who just need someone to talk to. We know how you feel. We have all lived it.
>
> I would like to thank the federal government for taking up the challenge, for listening. I would like to thank our Prime Minister for helping dads walk a little taller. I would like to thank Senator Harris, Ken Ticehurst MP, Ross Cameron MP and Luke Hartsuyker MP and many more who have been supportive and those who know the system just isn't working in its present form. And I want to raise your awareness of the issue of fathers in crisis. . . which is a direct result from the issues raised within the child custody inquiry. You cannot fix one without the other. And we are not going to go away until you do.
>
> We believe Andrew Evans MLC needs to be commended for his stance on fatherhood issues and we know that his just having the courage to put this before the parliament will save lives. The only shame is it's not national because it's happening elsewhere. We are all inundated. Every men's service I talk to is. We are referring back and forth to each other. Men who desperately need help are suffering. Why, simply because we don't have the money to do our job. We spend $1.3 million fencing the Mooney Mooney Bridge on the F3 because there are too many suicides there. How many bridges are we going to fence across Australia before we realise that's not the answer? Sure we will bring down the suicide rate on the Central Coast, so let's just move them on to say the Hunter region, now there, look, at their suicide rates. And so on and so on.
>
> I cried when I read Andrew's speech because I know of the truth. I know first-hand of what it's like, being inundated with calls for dads desperate for help, from new partners wanting help for their men, from kids wanting contact with their dads, from grandparents wanting contact with their grandkids. From dads needing legal advice, health advice, even somewhere to live. A counsellor from Matthew Talbot Hostel contacted me recently to ask if he could refer men to us as they are seeing more and more homeless men as a direct result of marriage breakdown. Refer to what? I don't even have the dollars to train our men in suicide intervention, let alone group skills etc., etc.
>
> On the one hand, I am told to seek corporate funding and the other knocked back from the ATO for gift recipient status to enable us to offer a tax benefit. I have lot's of true lifesavers on board, some very highly skilled, others learning and honing their skills at the coalface. These dads are scattered all over Australia, work for nothing and are often easing the trigger off the gun a dad has stuck in his ear on the end of a phone line. They turn up to meetings every week just trying to be the safety net for the dads in distress, just listen, just offer alternatives, peer group support, we know how you feel because we have all felt it. We are all inundated. Ask Barry Williams from Lone Fathers, ask Dads Australia, ask Geoffrey Greene from Shared Parenting Council, ask Terry Melvin from Mensline, or any of the many trying to help men, dads, especially in rural Australia. We are all running around with bandaids to put on a great gaping wound.
>
> As I raised at the recent Fatherhood Foundation Conference in Parliament House and was sadly defeated and Andrew mentions in his speech, there should be an Office for the Status of Men, as there is for women and rightly so. And it should be set up as a department to attract funds for men's projects and disbursement amongst all

men's organisations on merit. And this inquiry needs to be a national inquiry.

While we all run around trying to chase the funding trail, let me remind you, we are losing five males a day to suicide for whatever reason, does it matter? It's too many. A divorce every 10 minutes and that's just the registered ones, not defactos. Our kids are watching, they are learning, they are hurting. They are seeing too many dads out there totally lost, depressed, lonely, angry, hurt often suicidal and disillusioned about a system they feel is against them. And I have to say in it's present form, they're right. The funding trail is hard and complicated and I have to tell you, while we are on it, we lose more dads in distress. But I guess we can just fence more bridges.

I congratulate the council for its bipartisan approach to this motion. I look forward to a positive outcome as a result of the inquiry.

Amendment carried; motion as amended carried.

The Hon. A.L. EVANS: I move:

That the select committee consist of the Hons J.S.L. Dawkins, A.L. Evans, J. Gazzola, J.M.A. Linsink, K.J. Reynolds and C. Zollo.

Motion carried.

The Hon. A.L. EVANS: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place, and to report on 3 December 2003.

Motion carried.

MEMBERS, TRAVEL REPORTS

Adjourned debate on motion of Hon. Nick Xenophon:

That travel reports of members of this council be made available on the parliamentary internet site within 14 days of any such reports being provided to the President as required under the Members of Parliament Travel Entitlement Rules.

(Continued from 15 October. Page 349.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): On behalf of the government, I indicate that we will support the motion moved by the Hon. Nick Xenophon, although I do have an amendment. I move:

Leave out 'be made available on the' and insert 'be submitted in electronic format to the President of the Legislative Council for posting to the'

The issue of publishing travel reports from members of parliament has been discussed in this council on a number of occasions. Just prior to the previous election, the various parties were trying to reach an agreement on this issue, and I think at that stage we were looking at a precis of the travel reports. However, since that time I understand that the House of Assembly has made provision to publish travel reports on its internet site.

I think that the use of the internet as a means of providing this sort of information has become more established down the years, because it is a way in which the public can gain access to that sort of information. The government's only concern was in relation to the resources available to commit to the task. I believe that my amendment adequately addresses that concern by ensuring that the onus is on members of parliament to provide their travel report in electronic format so that it can be made easily available on the internet, otherwise the Clerk or you, Mr President, would be in the position of having to judge what was and was not part of the report, which might create problems.

My only other comments in relation to this matter are that it is timely that we now move to such a system to ensure that this parliament and its members are accountable for the expenditure of public moneys and, of course, the issue of parliamentary privilege. As I understand it, anything that is published on the internet site would not be covered by parliamentary privilege, although perhaps neither would existing reports. That is an issue that the council might wish to think about at some stage in the future. I do not believe it will be a big issue at this stage, but it might be a matter we will ultimately need to address.

Further, I guess the question will arise as to how much information members provide in relation to travel reports, that is, what sort of appendices and attachments will be required. I think that is an issue we can probably address in the future, depending on our experience. However, at this stage, the government certainly supports the principle of providing travel reports on the parliamentary internet site, with a time limit set of 14 days after you receive the report, Mr President. I believe there is a reasonable time (I think it is 90 days) following the use of parliamentary travel by members to provide you, Mr President, with a report. We believe that the timing provisions are reasonable, and we welcome this as an accountable measure of the parliament.

The Hon. R.I. LUCAS (Leader of the Opposition): Liberal members are very strong supporters of openness, transparency and accountability in relation to reports of overseas and interstate travel, where it is required. When this issue was last debated, in 1999, my former colleague the Hon. Legh Davis spoke eloquently at some length (as sometimes he was inclined to do), and moved an amendment to the original motion of the Hon. Mr Xenophon, which was agreed to by the Legislative Council, that a summary of the travel reports be provided and posted on the internet. I understand that the motion was agreed and that it was transmitted to the House of Assembly for its concurrence.

An honourable member interjecting:

The Hon. R.I. LUCAS: I am reminded that, evidently, at that time, the House of Assembly did not agree. Frankly, I do not know whether the house even discussed that motion, which the members of the Legislative Council had supported. As I understand it, it was only after the subsequent election in 2002 that the Speaker instituted a new policy, without a motion of the House of Assembly, and that is what has now been implemented in the House of Assembly.

So, I think it is important to indicate that back in 1999 members of the Legislative Council (as a result of a motion from the Hon. Mr Xenophon, I acknowledge) supported public reporting, via the internet, of members' travel reports. A motion was passed successfully in this chamber, but the council sought the concurrence of the House of Assembly, which was not forthcoming, for what reason I do not know. I am not being critical of the House of Assembly; it may well have been that time expired before the house could consider it. As I have said, time has moved on, and the House of Assembly is now reporting, without a motion. We are being asked, via a motion, to support a similar policy in the Legislative Council.

As I have said, Liberal members, consistent with their long-held view of openness, transparency and accountability of members' travel, support that, and we are pleased to support the amendment being flagged by the Hon. Mr Holloway in relation to reports being provided in an electronic format to the President.

The Hon. NICK XENOPHON: I thank honourable members for their contributions and indications of support, and I thank the Hon. Robert Lucas for his very fair summary

of what occurred back in 1999 and what transpired last year in the House of Assembly. The fact is that it was this chamber that, in a sense, had a robust debate on this issue a number of years ago. The House of Assembly does things differently, and I am certainly not being critical of the assembly in terms of the way in which it deals with these issues. However, I think the way in which we have dealt with this issue, by way of a motion to allow all honourable members to speak on it, is certainly a very appropriate way to deal with the matter.

In relation to the proposed amendment by the Hon. Paul Holloway, I have no difficulty with it. It is a practical amendment and makes it clear that the administrative burden on the staff of the Legislative Council would be minimised. The current position is that, if a member has to provide a report for any overseas travel or domestic travel where more than three days per diem is claimed, a report must be submitted. The Hon. Paul Holloway's amendment simply provides that the report has to be submitted in an electronic format for posting to the internet. I think it makes it very clear to the taxpayers of South Australia that we are, indeed, being open and accountable in terms of members' travel in relation to the publication of reports.

That is certainly a very welcome step in the right direction. I reiterate my support for members travelling—whether within Australia or overseas, or whether within the state or interstate—to bring back new policy ideas and to broaden our knowledge and understanding of issues. I thank honourable members for their expressions of support.

Amendment carried; motion as amended carried.

EMERGENCY SERVICES FUNDING (VALIDATION OF LEVY ON VEHICLES AND VESSELS) BILL

Second reading.

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

That this bill be now read a second time.

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

Leave granted.

The *Emergency Services Funding (Validation of Levy on Vehicles and Vessels) Bill 2003* addresses a number of urgent matters.

The Bill will validate ESL collections on motor vehicles and vessels in respect of the financial years 2001-02, 2002-03 and 2003-04; enable the collection of ESL on motor vehicles and vessels for the remainder of the 2003-04 financial year including on additional premium class codes proposed to be introduced for Compulsory Third Party insurance from 1 January 2004; and allow ESL amounts on motor vehicles and vessels in place at the commencement of a financial year to have ongoing application to vehicles that shift from an existing premium class code to a new premium class code part way through a financial year.

ESL rates applying to motor vehicles and vessels are set by notice in the Gazette although remissions provided by means of Regulations under the *Emergency Services Funding Act 1998* reduce the effective levy payable by motor vehicle and vessel owners. The effective levy rate payable by most motor vehicle owners is $24 comprising a gazetted rate of $32 offset by an $8 remission which the Consolidated Account funds.

Gazetted ESL rates have remained unchanged since 1999-2000 when the ESL was introduced. The level of remissions has also remained unchanged since their introduction in 2000-01.

Although ESL rates on motor vehicles and vessels have remained unchanged, the *Emergency Services Funding Act 1998* requires a notice to be published before the commencement of the financial year or financial years in relation to which the notice applies. The notice must specify the ESL payable for each CTP class of motor vehicle.

The original notice published on 2 June 1999 had application only for financial years 1999-2000 and 2000-2001.

A new notice should have been published before the 2001-02 year but was not. Nor has a notice been gazetted for any subsequent year.

As a result of this administrative oversight, ESL on motor vehicles and vessels has been collected invalidly from the 2001-02 financial year to date.

The *Emergency Services Funding (Validation of Levy on Vehicles and Vessels) Bill 2003* will rectify the invalid collection of ESL since 1 July 2001 and provide the Government with the power to collect ESL on motor vehicles and vessels for the remainder of the 2003-04 financial year.

The *Emergency Services Funding Act 1998* is also being amended to clarify that in the event of premium class code changes being introduced part way through a financial year the ESL applicable to vehicles transferring from an existing to a new premium class code will have ongoing application.

This will enable ESL to be collected, at existing rates, on new compulsory third party (CTP) premium classes that will be introduced as part of a CTP dual premium structure proposed for introduction from 1 January 2004.

At the time CTP premiums were last adjusted, it was flagged that a dual premium structure differentiating between vehicles used for commercial or private purposes was likely to be implemented by 1 January 2004. This follows the expiry on 30 June 2003 of transitional arrangements that had applied to the GST treatment of CTP insurance.

Vehicles that shift to a new premium class will continue to be eligible for an ESL remission at existing rates. The *Emergency Services Funding (Remissions- Motor Vehicles and Vessels) Regulations 2000* will be varied to make it clear that this is the case.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

1—Short title

This clause is formal.

2—Interpretation

This clause provides definitions of a number of terms used in the measure. A reference in the measure to "the Act" is (unless the contrary intention appears) a reference to the *Emergency Services Funding Act 1998*. *Levy* means the emergency services levy under Part 3 Division 2 of the *Emergency Services Funding Act 1998*. A reference in the measure to a notice is a reference to the notice published in the Gazette on 2 June 1999 by which the amount of the levy under Part 3 Division 2 of the Act was declared by the Governor. *Relevant financial years* are the 2001/2002, 2002/2003 and 2003/2004 financial years.

3—Validation of certain administrative acts and payments

This clause provides that the notice (despite its terms and despite any provision of the Act) applies in all respects, and will be taken to have always so applied, in relation to the 2001/2002, 2002/2003 and 2003/2004 financial years. The notice applies, and is taken to have always done so, as if those financial years were specified in the notice as financial years to which the notice applies.

Anything done or omitted to be done prior to the commencement of section 3 in or with respect to the declaration under section 24 of the Act of the amount of the levy, or the collection and payment of the levy, is, to the extent of any invalidity that would arise but for section 3, to be taken to have been validly done or omitted to be done, as the case may require.

Schedule 1—Related amendment

Clause 2 of Schedule 1 amends section 24 of the *Emergency Services Funding Act 1998*. Under section 24, the Governor may, by notice in the Gazette, declare the amount of the levy payable under Part 3 Division 2 of the Act. Subsection (2) provides, among other matters, that the notice must divide motor vehicles into the same classes as the Premium Class Code published by the Motor Accident Commission and must specify the amount of the levy in respect of each class.

This amendment to section 24 clarifies that the classes into which motor vehicles are divided under subsection (2)(a) are the same classes as the Premium Class Code *as in force at the time of publication of the notice*. The amount of the levy as specified in the notice in respect of a particular class will be the amount of the levy for the financial year or years to which the notice applies. A change in motor vehicle classifications under the Premium Class Code during the course of that financial year or years will have no effect on the amount of the levy payable for that year or years.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES AMENDMENT (INVESTIGATION AND REGULATION OF GAMBLING LICENSEES) BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): On behalf of the Hon. Terry Roberts, 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.

This Bill seeks to amend the *Authorised Betting Operations Act 2000* and the *Casino Act 1997* in line with measures announced in the 2003-04 State Budget.

As part of the 2003-04 State Budget the Government took decisions to:

- Establish triennial probity reviews of the major gambling licensees to be undertaken by the Independent Gambling Authority with the costs of these reviews to be recovered from the licensees of the Casino and TAB; and
- Provide for the costs of the Office of the Liquor and Gambling Commissioner in regulating the Casino and the TAB to be recovered from the respective major gambling licensees.

The licensees of the TAB and the Casino and their "close associates" were subject to a comprehensive investigation by the Independent Gambling Authority, prior to being licensed. This resulted in the Authority being able to make a recommendation for licensure.

The Independent Gambling Authority has resolved that the ongoing suitability of the holders of major gambling licences should be reviewed triennially to enable the Authority to remain confident that the relevant licensee remains suitable.

Amendments to the *Authorised Betting Operations Act 2000* and the *Casino Act 1997* contained in this Bill enable these periodic probity reviews by the Independent Gambling Authority and for the cost of these reviews to be recovered from the licensees.

The Liquor and Gambling Commissioner is responsible for the day-to-day regulation and supervision of the Casino. Amendments will enable the cost of this function to be recovered from the holder of the Casino licence. These costs are estimated at $1.1 million per annum.

The *Authorised Betting Operations Act 2000* similarly requires the Liquor and Gambling Commissioner to conduct day-to-day regulatory functions for the TAB. This function was not funded and thus has not been fully established following the sale of the TAB. This amendment will enable the establishment of the regulation of the TAB by the Liquor and Gambling Commissioner through the recovery of the regulatory costs from the licensee. The cost for the TAB is estimated at $388 000 per annum.

The costs payable for regulation are to be determined and certified by the Commissioner for payment by the licensees.

As the Parliament is aware, the sale of the Casino and TAB licences included commitments regarding compensation payable to the licensees if a number of specified Events occurred. Events giving rise to compensation include increases in rates of taxation on the licensees. I note that the Government has received advice that the measures contained in the Bill do not cause a compensatory Event under these arrangements.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

3—Amendment of section 25—Costs of investigation

Section 25 of the *Authorised Betting Operations Act 2000* ("the Act") currently provides that the Independent Gambling Authority must require an applicant to meet the costs of an investigation in connection with an application under Part 2 of the Act. As a consequence of the amendment made by this clause to section 25(1), the Authority must also require the licensee to meet the costs of an investigation in connection with the continued suitability of the licensee or the licensee's close associates. (The Authority is required under section 23(2) to keep under review the continued suitability of the licensee and the licensee's close associates, and carry on the investigations it considers necessary for that purpose.)

The other amendments made by this clause to section 25 are consequential on the substitution of subsection (1). The Authority may, as a consequence of these amendments, require a licensee to make specific payments towards the costs of an investigation and recover any unpaid balance of the cost of an investigation from the licensee as a debt due to the State.

4—Substitution of section 26

Section 26 currently requires the Authority to notify the applicant and the Minister of the results of an investigation in connection with an application under Part 2. This clause recasts section 26 so that the Authority is also required to notify the licensee of the results of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

5—Insertion of Part 2 Division 10

This clause inserts a new Division into the Act. Division 10 comprises sections 33A and 33B.

Section 33A provides that the Liquor and Gambling Commissioner must, not less than one month before the commencement of each financial year, provide the licensee with a written estimate of the total amount of administration costs to be incurred during that financial year. *Administration costs* are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the estimate. At the end of the financial year, the Commissioner must determine the total amount of administration costs actually incurred during that year and provide the licensee with a certified account for that amount. Any overpayment made by the licensee must be refunded within one month of the determination being made. If the total amount specified in the certified account has not been paid, the licensee must pay the balance owing to the Commissioner within one month of receiving the certified account.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 33A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Section 33B provides for the recovery of administration costs incurred in the period commencing on the day on which the section comes into operation and ending on 30 June 2004. This section, which is similar to section 33A, expires on 31 December 2004.

Part 3—Amendment of *Casino Act 1997*

6—Amendment of section 22—Investigations

This clause amends section 22 of the *Casino Act 1997* ("the Act"), which requires the Authority to carry out investigations and make enquires in relation to applications under Part 3. The amendment has the effect of imposing an additional requirement on the Authority, that is, to keep under review the continued suitability of the licensee and the licensee's close associates, and carry out the investigations it considers necessary for that purpose.

The section as amended allows the Authority to obtain from the Commissioner of Police such reports on persons as it considers necessary for the purposes of investigations. Subsection (3), which is new, retains the existing requirement in subsection (2) that for the purposes of an investigation into an application under Part 3 of the Act, the Authority must obtain from the Commissioner of Police a report on anyone whose suitability to be concerned in or associated with the management and operation of the casino is to be assessed by the Authority.

7—Amendment of section 24—Results of investigation

Section 24(1) currently requires the Authority to notify the Governor and the applicant of the results of its investigation. As recast by this clause, subsection (1) requires the Authority to notify the Minister of the results of all investigations. The Authority is also required to notify an applicant of the results of investigations in connection with the applicant's application and the licensee of the results of investigations in connection with

review of the continued suitability of the licensee or the licensee's close associates.

8—Amendment of section 25—Costs of investigation

Under section 25(1), the applicant for the grant or transfer of the licence must pay to the Minister the costs of an investigation for the purposes of Part 3. This clause amends section 25 by the insertion of a new subsection (1) that has the effect of requiring an applicant to meet the costs of an investigation in connection with an application and the licensee to meet the costs of an investigation in connection with review of the continued suitability of the licensee or the licensee's close associates.

Under section 25(2) as amended, the Authority may require the applicant or licensee to make specified payments towards the costs of the investigation before the investigation begins and during the course of the investigation. At the end of the investigation, the Authority must certify the cost of the investigation and any unpaid balance of that cost may be recovered from the applicant or licensee as a debt due to the State.

9—Insertion of Part 5 Division 3

Division 3 of Part 5 of the Act, inserted by this clause, comprises two sections, both dealing with the recovery of administration costs from the licensee.

Section 52A provides that the Liquor and Gambling Commissioner must, not less than one month before the commencement of each financial year, provide the licensee with a written estimate of the total amount of administration costs to be incurred during that financial year. *Administration costs* are the costs of administering the Act arising out of, or in connection with, the carrying out of the Commissioner's administrative and regulatory functions in respect of the licensee.

The licensee is required, in each month of the financial year, to pay to the Commissioner one-twelfth of the amount specified in the estimate. At the end of the financial year, the Commissioner must determine the total amount of administration costs actually incurred during that year and provide the licensee with a certified account for that amount. Any overpayment made by the licensee must be refunded within one month of the determination being made. If the total amount specified in the certified account has not been paid, the licensee must pay the balance owing to the Commissioner within one month of receiving the certified account.

If the whole or a part of an amount payable by the licensee to the Commissioner is not paid as required by section 52A, the amount unpaid may be recovered from the licensee as a debt due to the State. In proceedings for the recovery of administration costs, the Commissioner's certificate is to be regarded as conclusive evidence of those costs.

Section 52B provides for the recovery of administration costs incurred in the period commencing on the day on which the section comes into operation and ending on 30 June 2004. This section, which is similar to section 52A, expires on 31 December 2004.

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

SURVEY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 399.)

The Hon. CAROLINE SCHAEFER: I rise to support the bill on behalf of the opposition. This bill is as a result of the national competition review, which highlighted a number of areas in which the existing act contravenes the national competition policy. As a result of the bill being introduced and after a five-year consultation process with the industry, a number of other amendments have been proposed by the industry itself.

The six main recommendations include the implementation of the recommendations of the competition policy review, so that current restrictions on companies and partnerships are removed and a new provision is added making it an offence for any person to exert undue influence over licensed surveyors to provide a service in an inappropriate or unprofessional manner. However, a surveyor must have insurance to indemnify their client. A surveyor can make a complaint, if the company requires unethical behaviour, to the registering authority for surveyors who are licensed.

The second recommendation clarifies that the survey plan produced as a record—that is, a boundary marking survey—is part of a cadastral survey. It requires a change to the reporting and licensing provision of the act from a calendar year to a financial year and enables the Institution of Surveyors to delegate its powers of investigation, pursuant to section 36 of the act.

Currently, my understanding is that, under the act, the entire Surveyors Board reviews any such complaints. Since there are approximately only 100 surveyors in the whole state, for a board of some 17 people to review the actions of their peers makes confidentiality almost impossible. So, this amendment enables those powers to be delegated to a smaller group so that some confidentiality can be implemented.

Finally, this bill seeks to limit the powers of the Land and Valuation Court. Currently, there is a practice that particularly applies to old boundaries that may not have been properly delineated. When disputes arise, sometimes when nothing fits, boundaries are required to be redrawn. At the moment, the process is that the Surveyor-General assesses those boundaries; a survey is done and consultation, by way of advertising, takes place; a plan is devised and objections are noted; where those objections are believed to be valid, they are taken into account; and a final consultation takes place. Issues that are unable to be resolved are taken to the Supreme Court.

This amendment recommends that the two notifications that are currently required be removed and that only one notification and one time to object be allowed. It also limits the powers of appeal and eliminates the current option for compensation to be made available to a landowner who loses land as a result of the redrawn boundary.

The opposition opposes clause 22, which is the amendment to section 51, on the grounds that we prefer the opportunity to have two chances to object to a change of boundary. We see that as much more transparent and much more acceptable to those who may be affected. We prefer that the possibility for compensation to be awarded by the Supreme Court remain as part of the bill. Other than that, we accept the amendments and support the remainder of the bill.

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

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) AMENDMENT BILL

The Hon. A.J. REDFORD obtained leave and introduced a bill for an act to amend the Members of Parliament (Register of Interests) Act 1983. Read a first time.

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

That this bill be now read a second time.

In February this year I introduced the Members of Parliament (Register of Interests) (Overseas Travel) Amendment Bill, which sat on the *Notice Paper* for some considerable time during the last session. I have no doubt that all members in this place would have considered the purport of this bill, and I would expect that this bill will be dealt with relatively speedily during this session. In January last year the government announced a 10-point plan to improve honesty and accountability in government. The document was littered

with terms such 'tough on conflict of interest', 'increased disclosure', more information to the public', 'MP's code of conduct' and so on. Since then the sense of urgency regarding the legislative program concerning honesty and accountability in government has been lamentable. This bill will seek to improve—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! It would be appreciated if members did not stand in my line of sight to the member on his feet. The Hon. the Hon. Mr Redford has the call, and all other contributions are out of order at the moment.

The Hon. A.J. REDFORD: This bill will seek to improve the honesty and accountability of government, and I hope it will secure a prompt indication of support from the government. The object of the bill is to further bolster government honesty and accountability by ensuring that all overseas travel funded by the government is revealed to parliament and the public. Quite simply, members of parliament must provide particulars of all overseas travel that they or a family member have undertaken, which travel has been funded in whole or in part by the state in their primary return to parliament. It covers all members of parliament, including presiding members—which might get me into trouble.

The reasons that underlie the introduction of this bill is that a number of members have had the opportunity to travel on occasions that do not come within the parliamentary travel allowances to which we are all entitled and which receive great publicity. Most travel is undertaken with little or no publicity and without much public scrutiny. In that respect I freely acknowledge—and have done so on numerous occasions in the past—that I had the opportunity to partake in a government paid trip some two years ago when I attended the United States to look at issues concerning insurance liability and other issues concerning volunteer organisations.

That led to the passage of two pieces of legislation through parliament and contributed to the former and current government's understanding of liability. However, some people, particularly those who are cynical, might see that some travel is being awarded or granted in exchange for some incentive or support of the government either to stay in power or for a government position. I am not at this stage making any suggestion that that might motivate the government in terms of offering this sort of travel, but the government needs to be open and accountable and ought to be the subject of public comment if need be.

It is important that such conduct is open to public scrutiny in order to ensure appropriate standards of behaviour by all members of parliament and the executive. Corrupt conduct has been defined in many places and can be said to be any conduct of any person, whether or not they are a public official, that adversely affects or could adversely affect either directly or indirectly the honest or impartial exercise of official functions by any public official. In that respect I need only briefly draw members' attention to the former New South Wales premier, Nick Greiner, who offered a position to an Independent member of parliament. Whilst it was overturned by a decision of the Full Court of the New South Wales Court of Appeal, it was defined by the then Independent Commissioner Against Corruption as corrupt conduct. The sort of conduct Mr Greiner was accused of engaging in was not dissimilar to that which might occur in terms of the government offering travel opportunities to individual members of parliament.

The Hon. R.D. Lawson: Not this government!

The Hon. A.J. REDFORD: The honourable member interjects, and there will be other occasions where I might raise a couple of specific issues in that regard, but I will not do so on this occasion. MPs using their parliamentary travel are subjected to close media and public scrutiny. However, MPs who are given trips—which is not an uncommon event, given some of the FOI information I have received over the past 10 months—are not so subject to public scrutiny. In any event, it seems to the opposition that this bill is worthy of consideration, will advance the cause of honesty and accountability not only in government but also in parliament, and will enable the proper scrutiny of this activity. Indeed, I am sure the Hon. Ms Zollo will lead the charge on the part of the opposition in support of this legislation.

In terms of the explanation of the bill, clause 1 is the short title; clause 2 is the commencement; clause 3 inserts a heading; clause 4 refers to the contents of the Members of Parliament Register of Interests return to include particulars of all overseas travel undertaken by the member or member of the member's family during the return period that is or is to be funded in whole or in part by the state. I commend the bill to the chamber.

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

ADJOURNMENT

At 6.18 p.m. the council adjourned until 2.15 p.m. on Thursday 23 October.