

LEGISLATIVE COUNCIL

Wednesday 15 September 2004

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

LEGISLATIVE REVIEW COMMITTEE

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

Report received.

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

Report received and read.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry and Trade (Hon. P. Holloway)—

- Report, 2002-03—
 - Murray-Darling Basin Commission
 - South Australian Metropolitan Fire Service
- Report, 2003-04—
 - Listening and Surveillance Devices Act, 1972
 - Return of Authorisation Issued to Enter Premises Under Section 83C(1)—1 July 2003—30 June 2004
 - Witness Protection Act 1996
- Reports—
 - Adelaide Film Festival Charter
 - Aware of Route Service Licence on Adelaide-Cooper Pedy Scheduled Airline Route
 - Government Board and Committees Information—
 - Listing of Board and Committees (by Portfolio) as at 30 June 2004—
 - Volume 1 of 3
 - Volume 2 of 3
 - Volume 3 of 3
 - Land Management Corporation Charter
 - Transport SA Rail Land Project—Removal of Track Infrastructure
- Regulations under the following Acts—
 - Conveyancers Act 1994—Correction
 - Country Fires Act 1989—CFS Organisations
 - Criminal Law Consolidation Act 1935—Witness Fees
 - Electricity Corporations (Restructuring and Disposal) Act 1999—Payments
 - Gas Act 1997—
 - Recover Provisions
 - Regulatory Framework
 - Highways Act 1926—
 - Port River Expressway
 - Revocation of Regulations
 - Land Acquisition Act 1969—Forms
 - Land Agents Act 1994—SA Homebuyers Seminars
 - Liquor Licensing Act 1997—Long Term Dry Areas—
 - City of Onkaparinga
 - Copper Coast
 - Maritime Services (Access) Act 2000—Parts Access Regime
 - Motor Vehicles Act 1959—
 - Driver Standards Group
 - Passenger Transport Act 1994—
 - Animals
 - Standby Taxi Licence
 - Plumber, Gas Fitters and Electricians Act 1995—
 - Apprentices
 - Road Traffic Act 1961—Taxi Zones
 - South Australian Country Arts Trust Act 1992—
 - Country Arts Board
 - Subordinate Legislation Act 1978—Postponement of Expiry

- Trustee Companies Act 1988—Scheme of Regulation
- Victims of Crime Act 2001—Allowable Victim Compensation
- Volunteers Protection Act 2001—Remuneration
- Rules of Court—
 - Magistrates Court—Magistrates Court Act 1991—
 - Summonses
 - Supreme Court—Supreme Court Act 1935—
 - Summonses
- Report of the Attorney-General made pursuant to Section 71 of the Evidence Act 1929 relating to Suppression Orders—2003-04
- Return pursuant to Section 74B of the Summary Offences Act 1953, Road Block Establishment Authorisations—1 April 2004—30 June 2004
- Return pursuant to Section 83B of the Summary Offences Act 1953, Dangerous Area Declaration—1 April 2004—30 June 2004

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

- Reports, 2003-04—
 - Phylloxera and Grape Industry Board of South Australia
 - Physiotherapists Board of South Australia
- Regulations under the following Acts—
 - Agricultural and Veterinary Products (Control of Use) Act 2002—Chemicals
 - Authorised Betting Operations Act 2000—Fixed-Odds Betting
 - Chicken Meat Industry Act 2003—Fees
 - Chiropodists Act 1950—Advertising Restrictions
 - Controlled Substances Act 1984—Clean Needle Programs
 - Daylight Saving Act 1971—Summer Time
 - Environment Protection Act 1993—EPA Board
 - Fisheries Act 1982—Aquatic Reserves
 - Livestock Act 1997—Stock Feeds
 - Maralinga Tjarutja Land Rights Act 1984—Co-Management Board
 - Meat Hygiene Act 1994—Retail Meat Processing
 - National Parks and Wildlife Act 1972—
 - Co-managed Park
 - Unnamed Conservation Park
 - Occupational Health, Safety and Welfare Act 1986—
 - Asbestos
 - Occupational Therapists Act 1974—Qualifications
 - Public and Environmental Health Act 1987—
 - Notifiable Disease
 - Public Intoxication Act 1984—Petrol
 - South Australian Local Government Grants Commission Act 1992—Councils
 - Water Resources Act 1997—Northern Adelaide Plains
 - Workers Rehabilitation and Compensation Act 1986—
 - Maxima Training Group Inc
- Rules under Acts—
 - Authorised Betting Operations—Betting Review
 - Local Government—Eligible Rollover Fund
 - Department of Health and Department of Families and Communities Response to the Recommendations of the Report of the Select Committee on Pitjantjatjara Land Rights
 - 205th Report of the Public Works Committee—Public Capital Works consultancies—Response to the Report
 - Response to Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation.

YOUTH CRIME, NORTH-EASTERN SUBURBS

The **Hon. P. HOLLOWAY (Minister for Industry and Trade)**: I lay on the table a copy of a ministerial statement relating to youth crime in the north-eastern suburbs made earlier today in another place by my colleague the Minister for Police.

QUESTION TIME

EXPORTS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question on the subject of export figures. Leave granted.

The Hon. R.I. LUCAS: Yesterday, in response to a question from my colleague the Hon. David Ridgway regarding the issue of export figures and export strategy, the leader said, 'All the recent information shows that exports recovered significantly over the past 12 months.' I advise members that the most recent export figures in South Australia for the past 12 months are for July 2004. When one looks at those figures, exports for the past 12 months were approximately \$7.6 billion. Exports for the previous 12 months to July 2003 were \$8.2 billion—an absolute decline of \$600 million in the most recent 12 month period.

The Hon. D.W. Ridgway interjecting:

The Hon. R.I. LUCAS: My colleague the Hon. Mr Ridgway says that he was talking about a trend. It is worse than that, because, sadly, when one looks at South Australia's export performance in the last 12 months, we have seen a decline of some 7 per cent in export figures, which is the largest decline of any state in Australia over the past 12 months. My questions to the government are as follows:

1. Does the minister concede that in the last 12 months exports have declined by approximately \$600 million (or 7 per cent) and that the export figures in South Australia for the last 12 months are the worst of all states in Australia?

2. Does he concede that, when he said yesterday, 'All the recent information shows that exports recovered significantly over the past 12 months', he misled this council?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What I should have said is that—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —at the end of the 12 month period, there had been an increase towards the end of the period.

The Hon. R.I. Lucas: No; you said, 'over the past 12 months'.

The Hon. P. HOLLOWAY: If I said that, I apologise. It is all very well for the opposition. They continually interject during these questions and then pick out—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —and they continue distracting—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I do not mind at all the honourable member interjecting but, if halfway through all these interjections, he is then going to take what are literal—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition has asked his question.

The Hon. P. HOLLOWAY: If that is the case in future, I will simply refuse to respond to any interjections. The point is that—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —it is true that the figures for the last 12 months have shown a decline in export performance, but the trend over the last quarter of that 12 month period (I think something like 2.8 per cent is the figure, but I will get the exact decimal point for it) has been increasing. The point I was trying to make yesterday was that—

The Hon. R.I. Lucas: No, you didn't. You said, 'over the past 12 months'.

The Hon. P. HOLLOWAY: In the answer—

The Hon. R.I. Lucas: No; you said, 'over the past 12 months'.

The Hon. P. HOLLOWAY: Towards the end of the 12 month period there was an upturn.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, if that is what the record says and that is what I actually said, I apologise. What I should have said—and what the record should state—is that there has been an increase towards the end of the 12 month period. That is what one would expect, because of the factors I referred to yesterday, such as the revaluation of the Australian currency compared with all our trading partners, and that was at its peak towards the end of the calendar year.

Another story needs to be told here, and I will repeat what I said yesterday. These monthly figures that we are talking about do not refer to services. Of course, it is in the services area that one can see the big increase, or one would expect to see that there would be a big increase in services. From my experience, since the time I have been in the trade portfolio, it is quite clear that many of the opportunities we have, particularly in the Asian region, are for services—that is the area where this state can contribute in agricultural, building and financial services, and so on. Indeed, many South Australian companies are very successfully contributing and gaining business in service industries overseas because that is where we have the expertise. The point I made yesterday was that commodity figures such as seafood and the like will always bounce around due to external factors such as the SARS epidemic, which had a big impact on seafood. Obviously, other export areas—tourism, for example, which is also a growing area—will also be affected by things such as terrorism, events with airlines and the like.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The important thing is that some of our growth areas such as the software industry—and I referred to that yesterday—are not reflected in all of the figures that one sees. One needs to look at the special ABS statistics that relate to those particular services. We, the Export Council and the Economic Development Board are looking at the economic performance and the measurement of that performance that truly reflects what is happening in the economy. Certainly, there has been a downturn in exports, and no one would deny that; but, as I said, the recent trend towards the end of the 12 month period has shown a recovery, as one would expect, given the end of the SARS crisis and other factors which have had an impact on it. Obviously, if we are to achieve the export goals, it is important that we do have a competitive currency and, like every minister for trade around the country and probably throughout the world, I would hope that the Australian dollar stays below the 70 cent mark as it is at the moment.

The Hon. R.I. LUCAS: I have a supplementary question. Given the minister's response today, and he made the same

comment yesterday, about the problem with the figures which is that they do not include services, can the minister clarify whether or not the \$25 billion figure—that is, the stretch target that he talked about yesterday—includes both commodities and services?

The Hon. P. HOLLOWAY: Obviously any target set would include all of our exports, and that would include services. Some of the growth areas would be in the service areas. I do not think that the question of how one can accurately measure those has necessarily been examined in detail before. Clearly, if we are to have targets that governments set and we are to achieve those targets, it is important that they mean something and accurately reflect what is happening in the economy. I know from trade ministers meetings that I have been to that there is often a lot of discussion on what ABS statistics should actually count.

I know that the ABS regularly updates the measurement of its statistics. An example of that is in the small business area. I was there when they were looking at how statistics were kept in that area, because how one defines small business can be very important to the nature of the statistics that are kept. Obviously, there should be some consistency in definition and measurement. My understanding is that the \$25 billion figure reflects all exports for this state. I suppose it raises the question about the base figures, and that is something that I will look at to ensure that whatever targets we have set are based on accurate statistics, because it is no good fooling anybody. One needs statistics that are meaningful.

The Hon. R.I. LUCAS: Is the minister aware that the answer he just gave is contrary to the statements that his own Premier made in relation to this target of \$25 billion, when he indicated a trebling of exports at the launch of the Economic Development Board at the start of last year? He referred to the commodities figure alone and did not include the services figures.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What we are doing here is talking about export targets for this state and what figure we should reach by—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Our target is to increase exports by as much as we possibly can; if we can exceed that, so much the better. What I am saying is that, if we were to measure our performance along the road—whether or not we achieve that figure—it would be in 2013. The way the opposition is going, I expect that a Labor government will still be here in 2013. But the point is that what is important is that we measure our performance right across the economy sector by sector. That is what we will be doing, and that is what the Export Council is now working on, namely, looking at the sectorial performance—the mining, food, wine and aquaculture industries, and all the other sectors of the economy. That is the only way in which we will achieve this objective.

What we are trying to do in our export plan is to get each of those sectors to set their own targets, and those targets should be as ambitious as possible.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Some of those sectors will exceed the trebling, but others will not. However, what we have to do is to set the target as high as we can.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Is the Leader of the Opposition seriously suggesting that, in trying to improve the export performance of this state, we should neglect the services? Is that what he is saying?

The Hon. R.I. Lucas: No; we are asking you.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Well, that is the implication of what he is saying. The Leader of the Opposition is saying that we should neglect services. We will not neglect services in our export targets: we will include them, as well as all the other sectors. We will look at all of them in achieving our target.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister provide a breakdown of all the export figures for the year 2003-04, identifying each of the industries which have exported from South Australia?

The Hon. P. HOLLOWAY: I would be happy to provide whatever information we can. One of the problems with ABS statistics is a large block of statistics called 'confidential'. It is one of the biggest single items the ABS uses under the breakdown, and it includes items such as barley. I am not aware of the history of why barley exports come under the confidential category. We will certainly try to break those figures down. But the point I am trying to make is that, in terms of developing an export strategy, we need more accurate statistics on a sector by sector basis if we are to encourage each of those sectors to reach what are stretch targets. They will be difficult to achieve, and no-one is saying otherwise. What is the point of having targets that are not ambitious and that do not stretch industries? Quite clearly, we are discovering that some of those statistics for some of those sectors are very difficult to obtain and are not readily measured but, unless we can do that and get some reasonable form of measurement, it will be difficult to know how we are going. However, knowing how we are going and how we are performing is very important in achieving any target.

The Hon. J.M.A. LENSINK: As a supplementary question, do I take it from the minister's response that the government does not expect to meet all the targets set by the Economic Development Board?

The Hon. P. HOLLOWAY: That is a ridiculous statement. The government would not set targets if it did not expect to meet them. I am saying that some of them will be very difficult to meet, and it may well be that we do not. It is a pity the honourable member did not attend the summit meetings organised by the Economic Development Board. Certainly, her colleagues, such as the Leader of the Opposition, did attend and they would have heard from the state of Oregon—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Which had its state strategic plan.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The state of Oregon has had these targets for some 15 years or more—

The Hon. A.J. Redford interjecting:

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

The Hon. P. HOLLOWAY: Clearly, in relation to that, not all targets will be achieved.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I said it was a pity she had not been able to go. I am not saying they should invite everybody.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: This is exactly the case—
Members interjecting:

The PRESIDENT: Order! There is too much interjection. Breaches of standing orders 101 and 182 have been taking place all day, and I have noticed that they have always taken place during answers, and there have been no breaches during questions. It indicates to me that members on my left are breaching their own standing orders. I am going to take particular notice from now on. I expect the speaker who is asking the questions to be heard, and I expect the speaker answering the question to be heard in the same way.

The Hon. P. HOLLOWAY: Mr President, we can just see the tactics the opposition is using. In that case, I said it was a pity the honourable member did not go to the conference. Okay, maybe she could not go if she was not invited, but when I say something like that I immediately have it thrown back at me by the opposition as though I am in some way misleading it. This is exactly what is starting to happen in question time. I am not going to put up with this tactic where the opposition is continually seeking to misrepresent what is said, interjecting and trying to distort those answers. If members are going to take a very pedantic interpretation of what is said and restrict the free flowing debate, and if they want to turn this question time into a pedantic exercise, we can do that. But, I would like to think that question time would be a robust exercise where you should not have the sort of interjections like that which distort the point being made. I was simply making the point that, if the honourable member had been able to attend the conference, or if she—

The Hon. A.J. Redford: Why couldn't she attend?

The Hon. P. HOLLOWAY: Let me put it this way. If only the members of the Liberal Party who were invited and who did go had kept the honourable member informed about what happened at that conference, then she would know that in Oregon a significant proportion of their targets were achieved and some were not. That was the 'goad to action' as it has been described. The point I am making is that there is no point in having targets that you can reach automatically, because that would not be the goad to action. The targets should be difficult, and that will mean that not all of them will be achieved; that is the reality. The expectation is to try to achieve every one, and this government will try to achieve every one of its targets, but the reality will undoubtedly be that, because these targets are stretch targets and a goad to action, we do not achieve them all. We will certainly be trying our best to achieve them all and, if we do not, we will expect to have good reasons.

The Hon. J.M.A. LENSINK: For my own benefit, will the minister bring back to this council a definition of 'target' (something quite definitive), the difference between stretch targets and other targets, and to what degree the government relies on the ABS as a definitive authority?

The Hon. P. HOLLOWAY: I suggest the honourable member consult the Concise Oxford Dictionary that is in this chamber for the best definition.

COLLINS, Hon. R.

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

Leave granted.

The Hon. R.D. LAWSON: Following the withdrawal of Assistant Police Commissioner Litster from his appointment as Coordinator of State Services, on 7 April the Hon. Bob Collins was appointed as coordinator. He visited the lands and on 23 April delivered an initial report. Mr Collins attended Parliament House and briefed a number of members of parliament concerning his initial observations, and he also briefed members of the Aboriginal Lands Parliamentary Standing Committee.

Unfortunately, on 19 June, Mr Collins was seriously injured in a motor accident and, like the minister, I know that all members on this side wish Mr Collins a speedy and complete recovery. However, on 25 August, the government finally announced that Mr Collins was not continuing with the work and that Professor Lowitja O'Donoghue and the Reverend Tim Costello had been appointed as advisers on the lands. My questions to the minister are:

1. What was the cost to the South Australian government of Mr Collins' services?
2. From the budget of which department or agency were such costs paid?
3. Does Mr Collins have any ongoing engagement with the South Australian government in relation to the APY lands?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I gave an explanation yesterday (and it should be in *Hansard*) in relation to the appointment of Professor Lowitja O'Donoghue and Tim Costello. I have noted those negotiations in relation to their contracts, or advisory roles, or employment, and those answers will be given to the honourable member after referral. Regarding the costs associated with Bob Collins' contract, I will refer that matter to the office of Premier and Cabinet, which was responsible for the contract. What was the third question?

The Hon. R.D. Lawson: Does he have any ongoing engagement?

The Hon. T.G. ROBERTS: I think I can answer that in relation to Mr Collins' health. I do not think that he will be doing any further work in the near future for the South Australian government, but it is quite possible that there may be an engagement at a later date. I am not aware that that is being considered, but I will refer that question to the departmental officer in Premier and Cabinet who will be responsible for any further contact with Bob Collins.

The Hon. J.F. STEFANI: Sir, I have a supplementary question. Can the minister advise the term of the contract and whether there were any monetary provisions in the contract that would be payable on termination of the contract by either party?

The Hon. T.G. ROBERTS: I will refer that question to the office of Premier and Cabinet and bring back a reply.

PRESS RELEASE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Leader of the Government a question about a press release dated 3 August 2004.

Leave granted.

The Hon. A.J. REDFORD: While the Minister for Correctional Services was visiting Canada last month, the Acting Attorney-General (Hon. Paul Holloway) decided to impose his limited political skills on the current debate between Frances Nelson QC on the one side and the Premier and the Deputy Premier on the other side. On 3 August 2004, the Hon. Paul Holloway issued a press release in which he made a number of assertions, which included the following:

I am becoming increasingly concerned about Ms Nelson's behaviour. . .

He continued:

. . . it appears she was contradicting her own submissions to the court at an earlier hearing.

He also said:

Ms Nelson also claimed she is opposing the application before the court.

In the press release, in discussing a man who was released on licence to live at Glenside in 2000 and his then application before the court that he be permitted to live in Berri—a man who, in fact, had been detained under psychiatric supervision for the rest of his life for killing a man in 1997—the Acting Attorney-General said:

It appears from court transcripts that Ms Nelson has not been opposing the man's application.

He went on and accused Frances Nelson QC of, effectively, lying to the media when she criticised the government for supporting this man's application to go and live in Berri. In closing he said:

I believe her behaviour is becoming shrill, and needlessly so.

I have obtained a copy of documents that show that, in fact, Frances Nelson was, on behalf of the Parole Board, opposed to the man's application for release to Berri. A letter to the Director of Public Prosecutions, dated 23 July 2004, signed by the secretary of the Parole Board, says:

The Parole Board clearly does not support this proposal.

An email dated 22 July 2004 says:

The board would not approve of him residing in Berri.

In a letter dated 18 June 2004, Ms Nelson says:

The proposed placement at Berri is, in our view, totally unsuitable. We would consider that a placement in Berri would compromise potentially the safety of the community.

Indeed, it is clear that the chair of the Parole Board and the board were strongly and with some clarity opposed to the release of this man to Berri, despite the assertions to the contrary in the Hon. Paul Holloway's defamatory press release. In light of that, my questions are:

1. Was this press release prepared by the Premier's office or by the Hon. Paul Holloway's office?
2. Did anyone get any advice as to whether or not this press release was defamatory?
3. Does the Hon. Paul Holloway agree that this press release was factually incorrect?
4. Has the Hon. Paul Holloway issued a press release correcting his misleading press release?
5. Has the Hon. Paul Holloway apologised to Frances Nelson QC and, if so, will he now distribute the apology as

widely as the initial release? If he has not apologised, why has he not apologised?

6. Finally, does the Attorney agree that the press release was yet another breach of the ministerial code of conduct, paragraph 2.3 of which prohibits a minister from dishonestly, wantonly or recklessly attacking the reputation of another person?

The PRESIDENT: Just before the minister answers that question, the Hon. Mr Redford in the last couple of days has asked a number of questions that are seeking opinion. The minister can answer and give his opinion, but questions seeking opinions from a minister or from a member are out of order. The minister will take that on board when he prepares his answer.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Yes. I, of course, did release a statement during the period when I was acting Attorney-General. However, I do not have responsibility at this time as Attorney-General and I think it would be against convention for me to answer questions for which I am not the minister responsible. However—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I do not have the details with me, obviously. What I will say in relation to my recollection of it is that before I released that press release—and I do recall it—I did read the transcripts of the case, where Frances Nelson had appeared, dated towards the end of 2003. The comments that I made, and I stand by them, were verified by the position that was taken by the chair of the Parole Board at that time. Subsequently, I have had several lengthy discussions with Frances Nelson. I respect the difficult job that the chair of the Parole Board has, and I think our discussions have satisfactorily resolved the matter. I accept that the position that was taken by the chair of the Parole Board did change over that period, and I accept that the view of the Parole Board is now different from what one would get from the initial position that was taken.

I think the press release did say that it appeared to be the position taken at the time. Anyone can look at the transcript of that case—anyone can get them; they are public documents. As I say, I do not have access to them now because I am not the Acting Attorney-General.

The Hon. A.J. Redford: I haven't seen them. You're making this up.

The Hon. P. HOLLOWAY: I will have to take that part on notice. Obviously, I cannot answer that now because I am not the Attorney-General, but I will refer the question to the Attorney-General inasmuch as he can provide that particular information. I have spoken to Frances Nelson about this matter in some depth and I know that she has spoken with other ministers in relation to it.

I believe the outcome in this particular case, as a result of discussions between a number of parties, will be the correct one. That is the way that government should be. It was my concern at the time that I believed the particular statements that were made certainly appeared to contradict the position that was taken at an earlier hearing. Really, this is ancient history. I am no longer—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I will take the question on notice and I will be more than happy if the Attorney-General can provide the transcript of the original case. I have said that I have read it very carefully. I will refer the question to the

Attorney-General so that he can provide the documents. As I said, I do not have access to the records, but I will refer the question to the Attorney-General. I will be very happy if for the benefit of the chamber I can provide original comments that were made. In fairness to the record, I accept that that was not the position that was subsequently taken by Frances Nelson because the case at the time—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: No, it was not wrong.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford will remain silent.

The Hon. P. HOLLOWAY: I am sick of this gross abuse of question time. If the honourable member is going to do that, I will refuse to answer his question. I have tried to be helpful and put information on the public record, but if the honourable member is going to abuse question time to this extent by not allowing me to answer those questions appropriately then I will simply sit down.

The Hon. A.J. REDFORD: I have a supplementary question. Given that on 3 August the honourable member issued a press release stating that she was supporting the release of this man to Berri, when documents at least a week old at the time were indicating that she opposed the position, will the minister now apologise to Frances Nelson for defaming her and misleading the public?

The Hon. P. HOLLOWAY: I have already answered the question. I will get the information from the Attorney-General, but, given that I am not the Attorney-General at this time, I will not be drawn into answering questions for which I am not responsible in relation to the portfolio. I will get that information. I have tried to be helpful to the honourable member in relation to the background of this matter, as I recall it. As I said, I had a discussion with Frances Nelson and I believed we had resolved the matter in relation to the current view of it.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I have already put on record all that I think I need to say. I accepted Frances Nelson and the position that had been put at a subsequent date. I was not aware of any transcripts of later hearings at the time. As I understood it, the case had not been completed at that stage. I will get all the information. I will take the question on notice, given that I am not the minister responsible at present.

The Hon. A.J. REDFORD: I have a further supplementary question. Given that the ministerial code of conduct states that it is the minister's personal responsibility to ensure that any error or misconception in relation to a matter is corrected or clarified as soon as possible, why has the Hon. Paul Holloway not sought to correct the record?

The Hon. P. HOLLOWAY: As I said, I will be happy if the Attorney-General provides the information in relation to the earlier position taken by the chair of the Parole Board.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: How is that disgraceful? The honourable member is not bad, is he? I am a disgrace because I will provide the council with information. I think a disgrace in this parliament is the Hon. Angus Redford, and perhaps he should reflect on some of his personal behaviour if he wants to get into that.

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister advise the parliament whether he received advice from his own staff or the staff of the Attorney-General's office in relation to this matter? Will the Leader of the Government in this chamber provide all the back-up information that was given to him in the preparation of the press release, to which he has referred, and table all that information?

The PRESIDENT: The minister has actually answered that question.

The Hon. P. HOLLOWAY: I am not responsible; I am not the Attorney-General at this time, so I cannot do it.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I have already said in answer to an earlier question that I will seek to obtain the information from the Attorney-General.

The PRESIDENT: The minister has already given that commitment.

The Hon. R.D. LAWSON: To which minister does Jill Bottrill, whose name appears at the foot of the minister's press statement, report?

The Hon. P. HOLLOWAY: I think the answer to that question is well known: Jill Bottrill is a journalist. Along with all the ministerial journalists, it is my understanding they are employed either by the Premier or the Department of Administrative Services.

Members interjecting:

The Hon. P. HOLLOWAY: Media advisers are assigned to the one unit.

The Hon. A.J. REDFORD: I have a supplementary question. Did the minister seek to check anything that was presented to him by Jill Bottrill, and did he make any amendments to any drafts presented to him by Jill Bottrill?

The PRESIDENT: The minister has already answered that question.

The Hon. P. HOLLOWAY: The honourable member should go back and read again the answer I have given. Given that it was about six or seven weeks ago, I cannot recall exactly with respect to particular drafts. However, I repeat the answer I gave earlier; that is, I certainly sought information. I read the relevant court transcript, and I invite the honourable member to do so as well. It is quite clear.

The Hon. A.J. REDFORD: I have a further supplementary question. Will the minister check what happened on 3 August to determine precisely what was presented to him and precisely what was released?

The PRESIDENT: I think the minister has already answered that question.

The Hon. P. HOLLOWAY: There is a record of what was released on the ministerial web site.

The Hon. A.J. REDFORD: I have a further supplementary question. Will the minister release what was presented to him by Jill Bottrill?

The Hon. P. HOLLOWAY: Does the Hon. Angus Redford think that every minister keeps every draft of every document that ever comes into their office? Someone somewhere may or may not have a record of it. However, the fact is that it is not my department; I am not the Attorney-General now. Any advice I received would have come

through the Attorney-General's Department. I have answered the question.

PROMINENT HILL

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding mining exploration at Prominent Hill.

Leave granted.

The Hon. CARMEL ZOLLO: Members may have noted over the past year announcements made by Minotaur Resources regarding a copper-gold discovery at Prominent Hill in the state's north. I ask the minister: what is the status of that discovery?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am very pleased to be able to tell the council that Minotaur and its joint venture partner Oxiana released their resource definition study to the Australian Stock Exchange on Thursday 26 August, and I am happy to say that it was good news for South Australia. Primary Industries and Resources staff met with representatives from Oxiana Limited and Minotaur Resources on Tuesday 24 August to discuss progress being made on the project. They also had the opportunity of meeting with board members of Oxiana in August. The proponents indicated that the initial resource drilling program has been completed and the amount of available ore is being calculated for the copper-gold deposit. The proponents then plan to undertake a formal feasibility study in 2004-05, after which time a development decision may see commercial operation by 2008.

Once the project reaches commercial production, PIRSA estimates the project may provide the following benefits. The project may provide about 200 direct full-time jobs and employment for hundreds more in associated service and supply industries. Production rates may amount to about 60 000 tonnes of copper per year, plus associated gold. At current commodity prices and exchange rates this would be worth in excess of \$300 million annually. Mining by underground methods will produce 3 million to 4 million tonnes of ore per annum. The government is very encouraged by these results and is very supportive of the project. I am optimistic that Prominent Hill will become a mine in the future and, as far as I am concerned, the sooner that happens the better.

OUTER HARBOR

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Infrastructure, questions about the deepening of Outer Harbor.

Leave granted.

The Hon. SANDRA KANCK: I recently met with the Flinders Ports chief executive, Vincent Tremaine, regarding the need for the deepening of Outer Harbor from its current 12.2 metres to a minimum depth of 14.2 metres. The argument for deepening Outer Harbor is simple and compelling. With a constant increase in the size of the international container shipping fleet, Adelaide's channels are not deep enough to handle the larger ships when they are full or when the tides are not right. As a consequence, those ships will bypass Port Adelaide forcing South Australian exporters to move their goods to an interstate port for export. I note the

comments in the Lieutenant-Governor's speech yesterday about the government's commitment to the export industries.

The possibility of Melbourne deepening Port Phillip Bay only increases the threat to the viability of the operation of Port Adelaide. A substantial loss of trade to Port Melbourne or other Australian ports would be detrimental to the South Australian economy, increase greenhouse gas emissions, and lead to a greater number of road accidents. The dredging would cost an estimated \$50 million of which Flinders Ports is offering to put up \$18 million. My questions to the minister are:

1. Was there any implied or explicit agreement when the ports were privatised that the state government would fund the dredging of Outer Harbor or the Port River?
2. Should Outer Harbor not be dredged, what is the projected cost to the South Australian economy?
3. How would a failure to dredge Outer Harbor impact upon the efficacy of the \$300 million infrastructure upgrade planned for Port Adelaide including the Port River expressway and the new rail crossing?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Infrastructure and bring back a reply.

MOUNT LOFTY RANGES

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

GLENSIDE HOSPITAL

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions about Glenside Hospital security.

Leave granted.

The Hon. A.L. EVANS: On 26 July this year a media report in *The Advertiser* stated that a review of security at Glenside Hospital had been requested by the health minister and a briefing had been provided to her office on what measures were required. On 11 August this year 5AA reported that a retired police officer had been appointed as a director at Glenside Hospital to provide high-level advice on safety and security issues. In an interview on 5AA on 12 August with the retired police officer it was stated that he had been asked to conduct a review of the safety and security issues at Glenside Hospital. This review was to focus on three key stakeholders: the patients, the staff and the community at large. My questions to the minister are:

1. Has the review referred to by John Murray been completed, and what are its findings in relation to the safety of patients, the staff and the community at large?
2. How many other reviews have been completed in the past 12 months in regard to safety issues for staff and patients at Glenside Hospital?
3. In regard to any other reviews that have taken place, can the minister detail the terms of reference and findings for each review and inform the parliament about the expected timeframes for full implementation of the recommendations of the reviews?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to

the Minister for Health in another place and bring back a reply.

The Hon. NICK XENOPHON: I have a supplementary question. Given the important issues of public safety raised in the question, what advice has the government sought from SAPOL regarding basic security issues?

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

EXTRACTIVE INDUSTRIES REHABILITATION FUND

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the extractive industries rehabilitation guidelines.

Leave granted.

The Hon. CAROLINE SCHAEFER: At the end of the last session I asked a question about a review of the regulations and guidelines regarding extractive industries in this state. The minister's answer indicated that, after consultation, he was not satisfied with the suggested changes to the guidelines and would be consulting further and making some changes. My information is that the contractors who advise on and undertake some 75 per cent of the rehabilitation for the extractive industries industry have been excluded from this consultation and that the moratorium has meant that rehabilitation and new applications have virtually halted. I am further informed that the new guidelines are operating unofficially, even though they have not been introduced, and that they have had the effect of excluding contractors from the process.

Approvals (the very few there are) now go to the owner and not the contractor, thus leaving the contractor, who submitted the application in the first place, culpable if there is a discrepancy, even though they may now not actually be doing the work. Rehabilitation advice is now provided, if at all, by the department, which has a good deal less expertise than contractors. Small quarry operators will be at a disadvantage compared with the large companies, which have the ability to do their own remedial work. My questions to the minister are:

1. Will he explain the guidelines currently in operation?
2. When will the draft guidelines for operation, dated 24 May, be introduced, and when does he expect them to be in operation?
3. Will he tell us what effect any changes will have?
4. Who was consulted on such changes and over what time frame?
5. Will he advise how many project approvals or payments have been made by the Chief Inspector of Mines since 1 April 2003?
6. Is it true that the department has refused to pay some \$80 000 owed to a creditor for over 12 months because of the moratorium the department instigated?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): As the honourable member mentioned in her question, she asked about the EIRF at the end of the last session. As I indicated then, I was concerned about the response particularly from some of the smaller operators within the extractive industries, and I said I was currently reviewing the position. I can tell the honourable member that just yesterday I signed a cabinet submission which will be considered by cabinet in the next couple of

weeks and which will address all the guidelines in the new proposal for the Extractive Industries Rehabilitation Fund.

Given that the matter is now before cabinet, I would rather not make any comment now. However, I hope that when parliament resumes after the next two-week break I will be in a position to announce all the information about the new EIRF, because it is important that we have this set up. If the submission is accepted, it will require some amendments to the act, which will, hopefully, be passed by the end of this year so that the scheme can be up and running in 2005. I will have more to say after the matter has been considered by cabinet. I will take the honourable member's other questions in relation to the alleged non-payments on notice and get back to her as soon as possible.

ANANGU PITJANTJATJARA LANDS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I have recently been advised that administration officers have been appointed to the APY lands and that they have been given a package by the government which includes a salary of approximately \$100 000 annually. I have also been advised that these officers are receiving free rental accommodation. However, my understanding is that they refuse to live on the lands and that they have, in fact, demanded that they be housed in Alice Springs at considerable cost to the taxpayer. My questions are:

1. Did the minister approve these packages to the officers?
2. Is the minister aware that there is considerable unease from local communities with these arrangements as people on the lands are finding it difficult to communicate with these officers?
3. Does the minister agree that, given the generous arrangements given to these admin officers, it is reasonable to expect that they would live in the area for which they have been given responsibility?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. I am not aware of the packages to the admin officers to which the honourable member refers. They are not administered by my department. I understand the frustration that individuals would have on the lands in relation to dealing with some of the changes required with the support and assistance of the government partnership with commonwealth and state admin officers and specialists who will be required to rebuild the lives of people in the APY lands. One of the biggest difficulties we have in coordinating human services and individuals to deliver those human services within those communities is the availability of appropriate housing and, particularly, the availability of family accommodation. In most cases the government is left with no option but to fly people in and out at this point until the housing shortage is accommodated, or until that catch-up applies.

There has been a shortage of housing for APY people on the lands for some considerable time, so sensitivities need to be applied in building houses or housing for non-Anangu while people who are living in accommodation that is overcrowded. The challenge for the commonwealth and state in relation to the partnerships that we are putting together is to be able to coordinate those activities using the cross-

agency administration officers required while putting in place the infrastructure required to provide housing and, in cases later on, send children to schools and so on.

Alice Springs is the closest city to the lands. It is much closer to the lands than is Adelaide. Historically, programs have been delivered from Alice Springs through the Pitjantjatjara Council, where specialist service providers were housed and from where they then travelled into the lands. That is not new, but I take the point that the honourable member makes. That is, if admin officers and service providers are to familiarise themselves with the geography and culture of the lands, it would be more appropriate to have those people housed in the lands. I think that, for all those people who are wrestling with the question at the moment, it is a matter of short-term, medium-term and long-term strategy development. At the moment the government's short-term strategy is to try to deal with the issues. Some services will be provided from Alice Springs and some will be administered on the lands.

Members of the standing committee visited the lands recently and stayed in Pukatja; I got to know my parliamentary colleagues very well, and they got to know me very well after sleeping four to a room. I am sure that the occupational health and safety requirements would not have been met. We made a pact at mealtime that baked beans were not to be on the menu for the delegation on the lands that evening, and it was stuck to quite rigidly.

ADNYAMATHANHA ELDER

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about an Adnyamathanha elder. Leave granted.

The Hon. G.E. GAGO: In April 2003, a ministerial statement titled 'Death of an Aboriginal elder' was made by the minister in this council. The minister informed the council of the passing of Mr Wilton, who was an Aboriginal elder. He stated that Mr Wilton was a much respected member of the Aboriginal community and was, in fact, the last Wilyaru, or fully initiated man, under Adnyamathanha cultural traditions. Will the minister inform the council of any steps undertaken to commemorate the life of the late Mr Wilton?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Hopefully, the honourable member will be satisfied with the reply that I can give to her question, and I thank her for her interest. The government is taking some steps to honour the last fully initiated Adnyamathanha man, Mr Artie Wilton. I am aware that several members of parliament made public and private expressions of condolence to the Wilton family in the early part of this year, so I am sure that they will have an interest in this development, as will all honourable members.

The state government was saddened to learn of the passing of the Adnyamathanha elder, Mr Artie Wilton, and acknowledges that he was a much respected member of the Aboriginal community. Indeed, the honourable member was correct in saying that he was the last Wilyaru, or fully initiated man, under the Adnyamathanha cultural traditions and, with his passing, an important cultural link to the past has been lost. If we do not act within the next half decade to capture the language, which is vital, of the fully initiated men from many of the language groups within this state, the language will be lost forever. We are trying to do that at another level. Also, the traditional initiation ceremonies and

other ceremonies associated with culture and heritage protection will be lost if we do not take into account the ageing of many of the traditional men and women within our northern regions, in particular.

It is in this context that I am pleased to inform the council that the department—DAARE—the Nepabunna community and the Wilton family are currently finalising arrangements for a memorial and a community celebration of the life of Mr Artie Wilton. The commemoration will take place in the Nepabunna area on Saturday 2 October 2004, and I understand that the community has sent out invitations. I understand that there are members in this place who would have received an invitation to attend that ceremony. The department is contributing financially to the memorial, and a plaque will be unveiled at the Mount Serle Station, within the view of the traditional land that Mr Wilton was born in, and the land that he was spiritually attached to and loved.

The community event is expected to see up to 300 people pay their respects to a much loved elder of the community. I acknowledge Transport SA and the Nepabunna community, which have combined to move a huge rock which has been—

An honourable member: A rock?

The Hon. T.G. ROBERTS: It is a huge rock, upon which a plaque will be fixed. It has been a combination of departmental spirit and traditional owner spirit in getting the rock into a position to apply the plaque. I also would like to thank Tom Rich, DAARE senior policy officer, who has been managing this project. I also thank those concerned for the cooperation that he has received through cross agencies. Certainly, the connection to the Adnyamathanha people will be made much stronger by the recognition of elders such as Mr Wilton. A commemoration plaque certainly reminds us of the leaders within those communities and the respect that is paid to them by the non-Aboriginal community and the local people within the area.

FAMILIES EAST

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Families and Communities a question about the Families East program.

Leave granted.

The Hon. KATE REYNOLDS: The Families East program is a home visiting service that operates in Adelaide's eastern suburbs and is facing closure unless ongoing funding is secured. The program started earlier this year and is providing support for vulnerable families in Adelaide's eastern suburbs. The program's volunteers visit families with children aged under three, helping them with a variety of problems and issues, and was established after receiving grant funding from both the federal and state governments. Despite numerous applications for federal funding, no recurrent money has been allocated to this valuable early intervention program, leaving it in jeopardy. This funding is necessary to employ a part-time coordinator to recruit, coordinate, train and supervise volunteers, and there is already a waiting list for both volunteers and families.

I understand that the program's current coordinator has lodged a number of applications for funding; some have not been successful and for some they are still awaiting a response. My questions to the minister are:

1. Given the state government's many statements about its commitment to early intervention in relation to child

protection, why has no interim funding been provided to this program?

2. Will the minister immediately ensure that at least interim funding is allocated and, in the weeks to come, lobby the federal Minister for Families and Communities to do the same, or will the minister make state funding available to secure the future of the program?

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

MATTERS OF INTEREST

SOUTH-WEST PACIFIC THEATRE OF WAR

The Hon. J. GAZZOLA: It has been proposed that the first Wednesday in September be called the Battle for Australia Day. It would be a day on which Australia honours the efforts of our troops during the war in the south-west Pacific in 1942 and 1943. In one theatre of this war in Papua New Guinea, barely 150 kilometres from the Australian mainland, our young soldiers fought heroically at places we might have heard of but do not really know much about: Kokoda, Isurava, Gona, Buna and Milne Bay are just some of them. Under extreme conditions and against a much larger Japanese deployment, our brave defence forces defended Australia. Sadly, not too many Australians know what happened to our troops who fought there 62 years ago and who have still not received due recognition for their extraordinary efforts.

Tragically, those war heroes were, back in the 1940s, scorned by the Australian High Command and General MacArthur who, from the relative luxury of their Brisbane digs, directed the war effort in the south-west Pacific without having any comprehension of the real enormity of what our young soldiers were being asked to do and what they actually achieved. Happily, ordinary South Australians are doing something about acknowledging the efforts of those extraordinary Australians. I am very pleased to advise that, in June this year, 16 South Australians took their backpacks and boots to the jungles of Papua New Guinea and followed in the footsteps of the Australian troops who fought along the Kokoda Track.

Crossing 96 kilometres and collectively climbing over 5 000 metres up and down one of the world's infamously treacherous and difficult mountain trails, these South Australians made the effort to see what it was that our troops endured. It must be said that our 2004 trekkers had an easier time of it: they were not shot at, for a start; as well as being beneficiaries of the goodwill between the Australian troops of the 1940s and the PNG locals, the famous 'fuzzy wuzzies'.

Sixty-two years on, the locals were there to help our trekkers and make the amazing journey from Kokoda to Owers' Corner. Knowing that we represent such fine South Australians is a good thing, but I believe it gets better. Not only did our constituents undertake an extraordinary physical and emotional challenge to honour our troops but they also used the opportunity to raise more than \$120 000 to build a respite centre for the families of children with disabilities. When these 16 South Australians signed up to do Kokoda, they also signed up to raise funds for Centacare, the Catholic

welfare organisation which is building Auricht House in Elizabeth North to provide respite care for children with intellectual disabilities. The government is also to be commended for its support of Auricht House. The Rann Government, through the Minister for Disability Services, has contributed the sum of \$370 000 to the centre.

I also have to acknowledge that there are many people in this place and the other place who put their hands deeply into their pockets to support the 16 trekkers and their fundraising efforts. Indeed, one of the trekkers, Mr Graham Clarke, is employed by DAIS to drive the Hon. Rob Lucas; and I understand that he got good support from those of us who work in this place. Another of the trekkers was Anne McEwen, Secretary of my union—the Australian Services Union—and now a Senate candidate in the coming federal election. Her father is a Kokoda and Middle East veteran who served with the 2nd/27th Battalion, a brave contingent of South Australian young men who famously fought the battle of Mission Ridge on Kokoda. Anne put the wood on plenty of us on this side of the council to support the Centacare venture. We coughed up handsomely, as did the South Australian union movement.

Who were the other ordinary South Australians who took on the challenge of the Kokoda Trail? They were teachers, lawyers, barristers, business men, builders, community service workers, university students, council workers, IT specialists and, as the Hon. Bob Sneath points out, Mr George Shepherd, a former AWU shop steward. They are the people who demonstrate the best qualities of Australians—qualities that are recognised at a memorial built by the Australian government at Isurava on the Kokoda Trail to honour our soldiers—mateship, courage, endurance and sacrifice. I believe it is a fitting tribute if this council recognises the valour of our veterans and the efforts of our 2004 Kokoda Trail trekkers who, inspired by the veterans of 1942, showed us all a thing or two about how ordinary people do extraordinary things to help those in our community who are unable to help themselves.

FEDERAL ELECTION

The Hon. T.J. STEPHENS: I rise to speak on a matter that is of the utmost importance for many people in this state—indeed, the whole country. That is, the choice we face at the upcoming federal election. I believe that the people of South Australia have clear alternatives from which to choose at this election. In previous years accusations have been made that there was not a lot of difference between the major parties, but the choice, particularly in the Hawke years, was between an economic rationalist government and an even more economic rationalist government. I think it is a measure of the maturity of the opposition at that time that the Labor government's deregulation policies were not opposed in a philosophical sense.

Today the choice is stark. On one hand we have a Prime Minister who has insulated Australia during the Asian economic crisis that engulfed our region; who has protected and built the economy following September 11 when most other countries, including the US, faltered; who has delivered record low unemployment, record low interest rates and record low inflation; who has provided enormous tax relief to the tune of some \$14.7 billion; who has reformed the waterfront; and who has reformed the tax system that has led this country through three international crises. This is a long

record of action and achievement that is unequalled in the modern era. No government has made as many hard decisions and has remained as strong as the Howard government. John Howard also represents what everyone wants in a Prime Minister. He is across the detail of policy, understands the issues in their totality and does not shoot from the hip to grab a quick headline.

Mark Latham, on the other hand, prefers to play the boofhead in a desperate attempt to empathise with the common man, because he has never had a real job. He has been either a political hack or on the taxpayer payroll. I believe this country has much to fear from a man who lists Gough Whitlam and Paul Keating as key influences. The Labor Party has held many press conferences and stunts to try to convince voters that they will not ruin the economy and send interest rates through the roof, as if signing giant cardboard promises is some kind of protection. If Labor is elected and interest rates start to reach the heights they did last time Labor was in, one should try taking the cardboard promise to the bank and telling them that one does not have to pay, because Mark Latham signed that piece of cardboard.

What really counts is results, and the Howard government's results are outstanding: inflation of 2.5 per cent this year compared with Labor's average of 5.2 per cent, an extra 1.3 million jobs compared with Labor's 'recession we had to have', unemployment at 23-year lows, 280 000 work for the dole places, and nearly four times as many apprentices and trainees as there were in Labor's last year.

John Howard has committed \$40 billion to give the Australian Defence Forces the resources they need to protect Australia and defend Australians from terrorists and other global threats. The average home owner now saves \$500 a month on interest payments, with interest rates now averaging around 7 per cent compared to the dark days of Labor's 17 per cent interest rates. Families are better off under the Coalition, with \$19 billion extra, including the \$600 family tax benefit, part A. Pensioners now have more and have had their pensions linked to the high male total average weekly earnings. Low income earners get a helping hand with the superannuation co-contribution to look after them in retirement.

Medicare has been not only preserved but also strengthened with Medicare Plus, a \$2.85 billion plan to put 1 500 more doctors and 1 600 more nurses into the system. The Medicare safety net will protect against major out-of-pocket expenses provided outside of hospitals. Of course, only the Coalition unreservedly supports the 30 per cent private health insurance rebate. If more patients take up private health insurance, Medicare will be better able to provide even more care. John Howard has the experience, knowledge and the understanding of details to lead this country. Mark Latham concerns himself with trendy issues and glib slogans but does not really have the patience or attention span to run a \$800 billion economy.

NARACOORTE LUCINDALE COUNCIL

The Hon. R.K. SNEATH: It was interesting to hear that the last speaker could only fill in four minutes of his five minutes on how good the Howard Liberal government is. The last time I spoke about the Naracoorte Lucindale Council, I told honourable members about the bullying and intimidation of some council staff, council members and the public by the CEO and Mayor. Since then I have received a lot of feedback regarding the council. I can repeat only that the bullying and

intimidation continue and that the council is in disarray, with low morale amongst the staff and many good staff being sacked or resigning. It is interesting to note that neither the CEO or the Mayor answered any of the questions I raised about their activities in recent editions of the *Border Watch* or the *Naracoorte Herald*. I invite the CEO and the Mayor to answer the following questions about the practices of the Naracoorte Lucindale Council:

- Why has nothing been done about the town toilets, and where are the minutes of the decisions made about the toilets?
- Why does the CEO fail to reply to people's letters and, indeed, the media?
- Why did the CEO and the Mayor allow bulldozers to enter the local quarry, eroding a valuable geographical profile dating back hundreds of years; and why were the letters sent to them by the university professor about this valuable site never responded to by the CEO?
- Is it true that secret meetings are going on amongst the CEO, the Mayor and a few of the councillors to the exclusion of other councillors?
- Are some councillors leaving council meetings in tears and others being victimised for asking questions on behalf of ratepayers?
- Has any councillor been paid for secret sweetheart work deals with the CEO?
- Why did the finance manager, Mr Barry Gale, throw his hands in the air and resign? This highly respected man was passionate about Naracoorte and wanted to retire there, but we have lost him from Naracoorte to Murray Bridge. Why?
- Why did the CEO hire a person with a criminal record in the first place, only to fire him a few weeks later? Does not the CEO believe in giving people a second chance in life?
- Why was the Naracoorte Caravan Park sold to developers under a cloak of secrecy, with 14 acres of prime land flogged off for just \$600 000?
- Are the successful purchasers of this bargain allies of the Mayor and the CEO?
- Why were the people managing and leasing this caravan park for 12 or 14 years never given a fair go when seeking to purchase it?
- Why was not the survey of 740 ratepayers considered when 88 per cent of them did not want the park sold?
- Why was not the survey of 631 ratepayers considered when 61 per cent of them wanted traffic lights installed at an intersection instead of a roundabout?

Why has the council not taken heed of an agreement signed between itself and the National Bank of Australasia in 1918 regarding the land where a war memorial monument honours those who lost their lives in war? This agreement says that the land donated by the bank should be used only for garden areas and roundabouts, yet this will interfere with this memorial that honours our heroes. I would like to read from this deed that was signed in 1918 by the council and the bank. It states:

[the said land] shall be forever held and used by the Council for the following purposes and no others namely as and for a garden or ornamental ground for the use and enjoyment of the public. . . should the ratepayers of the Council so decide for the purposes of erecting thereon [an] appropriate monument to soldiers from the District of Naracoorte who shall have [fallen during] the war now being waged with Germany and its allies AND FURTHER that the Council will with the consent in writing of the Bank erect or allow to be erected

or any buildings. . . on the said land other than the said monument and will at all times keep and maintain . . . paths [and gardens].

With that agreement they meant that there should be no roundabout put there. Sixty-one per cent of those surveyed wanted traffic lights. They decided on the traffic lights and then changed their minds, and now they are going to interfere with that monument and interfere with the wishes of the RSL. Why did the council not give a fair hearing to the RSL and its members when they raised concerns regarding the interference with the monument and also the dangers that the monument would face in the middle of a roundabout? Traffic lights certainly would have been a sensible way to go. Why have council lawyers not turned up for the industrial relations hearings in the commission regarding the unfair treatment of Penny Fairweather? Why has the *Naracoorte Herald* been full of letters to the editor mainly complaining about local council issues? When will the council listen to the majority of its ratepayers? I raise these matters on behalf of the ratepayers who have contacted me and I ask that they be answered truthfully by the CEO and the mayor.

UKRAINIAN INDEPENDENCE

The Hon. J.F. STEFANI: Today I wish to speak about the 13th anniversary celebrations of Ukrainian independence organised by the Association of Ukrainians in South Australia on Sunday 12 September 2004. I was privileged to receive an invitation to share in these celebrations with many of my friends from the Ukrainian community. The Ukrainian Independence Day honours the Declaration of Independence which gave Ukraine the freedom to be a sovereign nation. It also represents a momentous occasion in the history of the Republic of Ukraine and for thousands of Ukrainians living around the world.

The record books tell the terrible story of the reign of terror and human suffering forced on the Ukrainian people by Stalin when, through a forced famine, 7 million were starved to death. But today the spirit of Ukrainians has survived and triumphed. As we can all recall, it was an unforgettable occasion when, in 1991, after more than 50 years of the oppression of the Russian invaders, the national flag of Ukraine was hoisted throughout the nation. The people from the captive nations were moved by a driving force and vision for freedom and a better future. The 48 million people of Ukraine defied the imperial forces which had imposed upon them years of economic stagnation. Overcoming the world's most horrific nuclear disaster at Chernobyl, the people of Ukraine have worked hard to rebuild the nation and to achieve greater economic stability.

In South Australia, in 1949, the Ukrainian community proudly established the first Ukrainian organisation in Australia to assist Ukrainian immigrants arriving from Europe. The association has grown to become a major focal point for the Ukrainian community. The Ukrainian people who migrated to South Australia were from many diverse professional backgrounds and skills. However, their professional qualifications were of little use to them because they were not recognised and because they experienced language difficulties. Nevertheless, South Australia has given the many Ukrainian immigrants great opportunities to build a better life for themselves and their families. At the same time, Ukrainians have given much in return to our state as outstanding citizens over the past 55 years.

Since their arrival, Ukrainians have contributed in many areas of commercial activities, including the manufacturing

industries. In sport, first generation Ukrainians and their children have represented Australia in many codes. In the arts, they have given Australia some outstanding artists, as well as opera and ballet performers. Many second generation Ukrainians have achieved responsible positions in the Public Service, in business, in the professions and in the armed forces.

The South Australian Ukrainian community has maintained a strong commitment to the mother tongue and to the core values of cultural and family traditions through the Homin Choir and the Kashtan Song and Dance Ensemble, which was established by Stephen Misajlo. I have been fortunate to attend numerous performances presented by the Ukrainian Kashtan Song and Dance Ensemble which has thrilled many Australian audiences with its spectacular performance and stage productions in prestigious concert halls, theatres and convention centres.

I take this opportunity to express my sincere congratulations to the President, Boris Potiuch, and to all members of the South Australian Ukrainian community for celebrating the independence of the Ukraine. I also pay tribute to the significant contribution it has made to the development of our state. I wish them continued success for the future. Slava Ukraine!

WOMEN'S HOUSING ASSOCIATION

The Hon. KATE REYNOLDS: Last week, I attended the annual general meeting of the Women's Housing Association, which provides safe and stable housing for both women and children. I am sure that all honourable members would fully understand that housing is not simply a roof over one's head: it is a need inextricably linked to all aspects of daily living. Above all, good housing is essential for the most basic wellbeing of women and children. The absence of safe, accessible, affordable and secure housing impacts on every other area of living and is the main contributing factor to the poverty trap, where the majority of those caught are women.

With this in mind, I listened closely while the Chairperson of the Women's Housing Association, Karen Burnes, took us on a trip back in time over the way in which the issue of women and housing has been treated during past years. In recent times, there have been reviews, consultants' findings, implementation plans and lists and lists of recommendations about proposed changes to the organisation. All those reports looked at women's housing and asked questions such as: why does it cost so much; how can it be made better and more cost-efficient and so on.

In recent years, the association's challenges were to manage significant growth, particularly in country areas. When not actively managing that growth, the organisation has looked to improve its practices, update its systems and constantly be on the lookout for better, smarter and more economical ideas. The Women's Housing Association has gone through many changes in the past 10 years and has progressed from a mortgage based system in partnership with the Housing Trust and building societies to a perpetual debenture system with the South Australian Community Housing Authority. It has also had major structural changes, particularly in management. It has moved from a representational based board of management to a skills based board of management, and it has changed its name from the Women's Shelters Housing Association to the Women's Housing Association. It has grown from having 140 properties to almost 300 properties in erratic and often intense periods of

growth, although in some years there has been no growth. There have also been numerous reviews, when consultants analysed, watched, measured, recorded and reported back to SACHA about the association.

On a positive note, it has moved from having a comparatively high rent arrears and evictions record to a system in which both are now minimal, despite the very large number of tenants. Throughout all this, the focus has remained on the association's clients, who need safe, secure and affordable housing for themselves and their children—many of whom are survivors of domestic violence.

The association's staff work long hours. They deal with difficult situations—at times in a highly stressful environment. Tenants ask for help not because they want or choose to, or, as Karen Burnes pointed out to us, because the tenants thought it was a good idea at the time, but because they are forced to. They do not have any other options.

Often these people are desperate and housing, one of the most basic of human rights, has often been denied to them through violence inflicted upon them and, perhaps, on their children. Therefore, they come to the association often with very little, and they need to rebuild their lives to heal, to feel safe and to actually have a life. A lot of these women come with multiple and complex needs and, because of the nature of that client base and because of the turnover of stock and the age of that stock, this association costs quite a lot more to operate.

However, at the same time there is no denying that the association does provide a vitally important service to the community, and it does it well. But, at the moment, one of the major issues facing the Women's Housing Association is escalating and uncontrollable costs based on the property costs which significantly affect its bottom line. It is totally dependent on funding from government. Especially with its current return to government of over 40 per cent of rent received, and without the subsidy it receives back from SACHA, the association simply would not be able to operate. Based on the current levels of funding it receives and the return to government it makes, the predicted outcome for 30 June 2005 is not optimistic.

Unfortunately, the Minister for Families and Communities had not yet arrived at the meeting, but I urge him to respond to the challenge issued by the chairperson, Ms Karen Burnes, when she said the following:

We work harder, smarter, quicker and constantly improve so that things can get easier, but they never do; they are always getting harder. I hate to even think of what the situation could be if our staff weren't so diligent.

Time expired.

SIBLINGS AUSTRALIA

The Hon. A.L. EVANS: In Australia, over 200 000 people under 25 have a severe or profound disability or chronic illness. In addition, there is a significant number of young people with mental illness. I know the impact on families is enormous, and there has been considerable focus on carers in this regard. However, there is an overlooked group in this scenario: the siblings.

Siblings often grow up in a situation of considerable stress brought about by the day-to-day demands on families striving to cope with their disabled, chronically ill or mentally ill child. Children do not have the maturity to understand the mix of feelings they may experience in this situation. Without support, these children are at risk of developing longer term

emotional and psychological problems. Siblings Australia is a not-for-profit organisation that aims to address the needs of siblings and, through that process, strengthen the whole family. It is based in Adelaide at the Women's and Children's Hospital, and its mission is 'siblings: acknowledged, connected, resilient'.

The relationship between siblings is often the longest of any. Through relationships with their brothers and sisters, children learn to express emotions such as love, loyalty, anger and rivalry. They gain companionship and support, and they learn to give and take. Siblings help teach each other social skills and play a role in each other's identity development. When one sibling has special needs, other aspects of the relationship can change enormously. Siblings experience a range of feelings and reactions to having a brother or sister with special needs. A child may feel loving and protective towards their brother or sister but, at the same time, they may feel resentment, embarrassment, guilt, sorrow and fear. Without the skills and emotional maturity to understand and deal with those feelings, a child's self-esteem can suffer. Anger and guilt can turn inward and lead to shame and a sense of worthlessness. Longer term problems such as depression and anxiety may then follow.

It is important to intervene early and provide support to children who are at risk of developing emotional problems. Support needs to occur within the range of settings in which a child operates such as immediate and extended family, friends, peers, school and community. Overseas studies have shown that, with appropriate support, siblings will feel less isolated and develop greater understanding and resilience. As a result, not only will they be more likely to develop their full potential but also they are more likely to contribute to the quality of life of their brothers and sisters with special needs.

Since its inception, Siblings Australia has experienced an overwhelming demand for its services by siblings, their families and service providers across Australia. It has already undertaken a wide range of activities, including counselling with individual families and assisting with training to parent groups and service providers about sibling issues. It has also assisted with creating manuals for sibling groups locally, nationally and internationally. Siblings Australia has assisted in the development of network groups through a directory of services and a web site with its resources and information for families. It also assists with policy development and research for the needs of families with siblings in these situations. Siblings Australia looks forward to holding a national conference on sibling issues. It is to be held in Adelaide in November 2004 and has received considerable interest from around the country and overseas. Currently, the organisation is staffed by a full-time director and a part-time project officer, with a voluntary board of management comprising a number of prominent South Australian business and community members.

This organisation is addressing the needs of a group that is overlooked by the current system. However, reliance on a small parcel of one-off funding makes it extremely difficult for it to meet existing demands for its services, let alone achieve its long-term objectives. Some assurance of ongoing funding support is required if Siblings Australia is to remain viable.

JAKARTA BOMBING

The Hon. A.J. REDFORD: Last Thursday was yet another black day in the history of our near neighbour,

Indonesia, and our shared common fight against terrorism. I was first informed of the blast within minutes of its occurrence by close friends in Jakarta. Practising Muslims and good friends, they rang and expressed their dismay at the events. At one stage, my friend apologised—although I am not sure why, because I do not believe it was an attack by the Indonesian people on Australia. Not long after that, I received an email from another friend, an Indonesian woman living in Adelaide. She said:

How sad I am to hear about the bomb again in Jakarta. When is this going to stop? How can we educate these barbaric people???? It is very hard for us to make friends, now our people just easily destroy everything we have!!!! I do not understand at all what exactly they would like to achieve!!!! I don't!!!! My personal opinion, some barbaric people like these deserve death punishment!!

I think that reflects the general view of nearly all Indonesians—Muslim, Christian or otherwise—to this cowardly and despicable attack. On this occasion, Australian lives were spared and those who lost their lives were all Indonesians, two of whom I had walked past on many occasions and said 'Good-day'. Indeed, they were among the Indonesian nationals who diligently and professionally provide the first line of defence to our embassy officials and staff. My deepest condolences and sympathies go to their families and loved ones for their tragic loss. I also express my admiration to the ambassador and the embassy staff for the way in which they dealt with this crisis, calmly and professionally. I felt proud to be an Australian in observing, from this distance, the manner in which they confronted what must have been great personal loss with the death of the Indonesians caught up in the bomb blast.

Like the reaction to the Bali bomb, the reaction of the Indonesian police and the Australian Federal Police was swift and professional. The reaction of the Australian government, supported by our federal opposition, was timely and effective and, in that respect, I congratulate the government for establishing a fund to support the relatives of the nine deceased and the 180 persons who were injured. I think that the observation of the Indonesian foreign minister, Hassan Wirayudu, when he said that this tragedy would bring Australia and Indonesia closer together and would not cause any discord between the governments of the peoples of the two countries, is correct.

After the Bali bomb, the Bali police chief, Budi Setyawan, vowed to resign if the perpetrators were not found within a month. He did not have to resign, because a remarkable police effort from both countries has led to more than 30 suspects being convicted.

I watched the Indonesian Ambassador to Australia, Imron Cotan, on television over the weekend. He expressed the views of the Indonesian government and the sentiments of the Indonesian people passed personally to me that this attack was roundly condemned in Indonesia, causing great dismay and hurt throughout the country. Indeed, if any good has come out of these attacks, it is that Australia and Indonesia are coming closer together to confront a common enemy. Finally, I agree with the Prime Minister's statement that we should not be intimidated by these attacks. I would add that we should seek every reasonable opportunity to expand our relationship at personal, state and national levels. It is only by doing this that our respective countries will see off this menace and improve our understanding of each other.

I believe that we have to continue to expand the personal, business and regional ties. This problem will not be resolved if dialogue simply occurs at a national level, because by

themselves I believe national governments are impotent. History is littered with such examples. In that respect, we all in our own small way have a responsibility to ensure that dialogue and friendship between our two great nations continues, despite these madmen who inflict their bizarre views on the rest of us through their terrorist acts.

MURRAY RIVER WATER RESOURCES

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a ministerial statement made in the other place today by the Minister for the River Murray on River Murray water resource conditions and authorised use of water from the River Murray.

DEVELOPMENT (PROTECTION OF SOLAR COLLECTORS) AMENDMENT BILL

The Hon. SANDRA KANCK: I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

HUMAN RIGHTS BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to respect, protect and promote human rights. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

It is with a mixture of excitement and regret that the Democrats take the initiative to introduce this bill. I am proud to be the first to introduce such legislation in South Australia but, while it pleases me to take this action, it ought not to be necessary. It is a matter of regret that, despite a number of attempts, Australia does not have a bill of rights. I believe passionately in my right to free speech, my right to dissent and my right to express that dissent. Over time I have used that right to campaign against the French testing of nuclear bombs at Mururoa Atoll; to protest against the failure of governments to support the independence of East Timor; and most recently to rally in support of residents of Aldinga against development encroaching on their conservation park.

I have been exercising these rights for decades, but in law I do not have a guarantee of those rights. This is because despite repeated attempts the conservative and fundamentalist right of this country has fought it. How strange that one would not want the right to free speech or the right to freely assemble set in law.

Currently, we can only assert such a right by exercising it, for we have no legislative protection of basic human rights—and this leaves us all vulnerable. We have those rights only by common agreement, but for that reason they can disappear at the whim of law makers. The obstruction to a bill of rights at the federal level means that the only way in which to enshrine these rights in law it to achieve them incrementally with each state and territory taking its own action.

It is an embarrassment that Australia does not have its own bill of rights. Once, Australians were leaders in the world in this field. We were right in there after World War II intensely involved in the formulation of the Universal Declaration of Human Rights. We are certainly not the worst in the world when it comes to human rights, but our record has taken a beating in the last two decades.

In the early 1990s the Keating government passed legislation for the detention of asylum seekers, despite the fact that it is a perfectly legal act to seek asylum in this country. In so doing, we broke our human rights obligations. More recently, the Prime Minister has exploited the threat of terrorism to deliver enormous new powers to ASIO. Such legislation would have been unlikely to be passed, indeed it might not ever have been presented to the federal parliament, if Australia had a bill of rights.

This Human Rights Bill is based on that successfully passed in the Australian Capital Territory earlier this year—the first jurisdiction to do so in Australia—and the ACT government must be congratulated for that. It is an easily read bill, and I encourage all members to look at it, not simply refer (in the case of government members) to the Attorney-General for his view or to the shadow attorney-general (for opposition members) to interpret it for them. It begins with a seven point preamble which provides:

1. Human rights are necessary for individuals to live lives of dignity and value.
2. Respecting, protecting and promoting the rights of individuals improves the welfare of the whole community.

Part 3 of the bill provides that the primary source of these rights is the International Covenant on Civil and Political Rights, and I remind members that Australia has been a signatory to that covenant since 1980. What are the rights that this bill is enshrining? Some of the major rights which would be given protection under this legislation include: freedom of movement; freedom of thought, conscience and religious belief; freedom of expression; the right of peaceful assembly; freedom of association; rights to privacy; right to life; recognition and equality before the law; protection against discrimination on the grounds of race, colour, sex, sexual orientation, language, religion, opinion, national or social origin, property, birth, disability or other status; and protection from torture and cruel, inhuman or degrading treatment.

The bill establishes the position of human rights commissioner, who will also be the Equal Opportunity Commissioner. I point out to members that the Canadian province of British Columbia so prizes human rights that it has a human rights minister. If passed, this bill would require the Attorney-General to prepare a written statement about any government bill introduced to the parliament. To be known as the compatibility statement it would have to state whether the bill is consistent with human rights and, if it is not consistent, an explanation of the inconsistencies.

I know the arguments that will be mounted against this bill because they have been trotted out before in Australia when other attempts have been made to give Australians these rights. We will be told that such a bill will take away the power of elected parliaments and give them to an unelected judiciary. In fact, what this legislation does do is add another layer of protection to our democratic rights. Put simply, no parliament should have the power to legislate our rights away.

If we could always be certain that governments would respect human rights, there would be no need for this legislation. However, when we see governments making decisions based on populism, when we see governments taking actions that are aimed at making the people in a country or state fearful and keeping themselves in power, one knows we need added protection. A bill of rights protects the people against the intrigues and bigotry of the parliament and parliamentarians.

A friend of mine, Mary Gallnor, who is known to many in this chamber, had this to say about a bill of rights:

It is my view that democracy is based on the premise that we are all born free. However, in order to live in harmony as a society we elect parliamentarians and give them authority to take away any rights which will impinge on that harmony. They don't give us rights, they remove. That is why we should all be ever vigilant about what they remove.

Some might argue, for instance, that we each have a right to drive our car on the right-hand side of the road at 100 km/h, but parliaments have the job of making decisions and diminishing such apparent rights. We do so in order to ensure the safety of the majority, and the argument is successfully made that we will require all drivers to drive on the left-hand side of the road at 60 km/h. We take away the claimed rights of a few on the basis that it gives more equal rights to many.

This bill, in its preamble, raises this issue of conflicting rights. At point 6, it provides:

Few rights are absolute. Human rights may be subject only to the reasonable limits in law that can be demonstrably justified in a free and democratic society. One individual's rights may also need to be weighed against another individual's rights.

That comment from Mary Gallnor that parliaments do not give rights but instead take them away is one on which we should reflect. A bill of rights puts in some checks on the parliament's capacity to take away rights.

Introducing this bill into a state parliament in the middle of a federal election will, I hope, create a focus on issues, such as the human rights of asylum seekers, which are, thus far, being sidestepped in this election. Today is a starting point but a very important one. I want this bill to be discussed and dissected; I want South Australians to have their say about it; and I want to get it as good as we possibly can. I welcome criticism and I welcome the opportunity for debate and I welcome amendment.

It is common for an MP when introducing a bill to end their speech with the words 'I commend this bill to the council.' I do indeed commend this bill to the council, and I do so enthusiastically. I encourage members to read the bill and to question themselves about what rights they hold at the expense of others. I encourage each honourable member to engage with their electors to seek their opinions on ways in which this bill can be improved. This bill presents an exciting opportunity for South Australian politicians to protect the rights of South Australians for no other reason than the fact that human rights are worth protecting.

The Hon. R.D. LAWSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That unless otherwise ordered, for the duration of this session—

1. The council meets for the dispatch of business on Monday at 2.15 p.m.; and
2. Government business shall on Mondays be entitled to take precedence on the *Notice Paper* of all other business.

I am sure that all members are aware of the background to this motion. On coming to government, the Labor Party promised that the parliament would meet on a certain number of days a year; and we decided that the best way to achieve that and provide a workable timetable was for parliament to sit four days a week, including Mondays, rather than the previous three days a week. I believe that is the preferred model. This will now be the third year in which that approach has been taken. It is my view that, given the number of days

that we sit, it is preferable. I believe that it allows members greater flexibility in how they organise their affairs. If we were to sit the same number of days at three days a week, it would certainly reduce that flexibility. So, it is my view that we should continue with this arrangement indefinitely, but I would be interested to hear other views. It will certainly be the case for the remainder of this session anyway. I move the motion so that we can continue to sit on Mondays.

The Hon. SANDRA KANCK: The Democrats do not support this, but we are not going to divide on it. I think we have a situation where, on various occasions, I have heard the minister tell this chamber that the chamber is the master of its own destiny. Yet, he is tying us to an agreement that the current Speaker of the House of Assembly made with respect to the number of sitting days for the House of Assembly—this is not the House of Assembly. In agreeing to link the Legislative Council to the House of Assembly's sitting dates and times in this way, it is confusing quality with quantity. Sitting four days a week simply means that we use up more time when we could actually be more succinct and get things done in three days rather than four days a week. I believe that it also probably adds to the costs of running this parliament.

The Hon. R.D. LAWSON secured the adjournment of the debate.

CITIZENS' RIGHT OF REPLY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That, during the present Session, the Council make available to any person who believes that he or she has been adversely referred to during proceedings of the Legislative Council the following procedure for seeking to have a response incorporated in to *Hansard*—

1. Any person who has been referred to in the Legislative Council by name, or in another way so as to be readily identified, may make a submission in writing to the President—

- (a) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in profession, occupation or trade or in the holding of an office, or in respect of any financial credit or other status or that his or her privacy has been unreasonably invaded; and
- (b) requesting that his or her response be incorporated in to *Hansard*.

2. The President shall consider the submission as soon as practicable.

3. The President shall reject any submission that is not made within a reasonable time.

4. If the President has not rejected the submission under clause III, the President shall give notice of the submission to the Member who referred in the Council to the person who has made the submission.

5. In considering the submission, the President—

- (a) may confer with the person who made the submission;
- (b) may confer with any Member;
- (c) must confer with the Member who referred in the Council to the person who has made the submission at least one clear sitting day prior to the publication of the response;

but

- (d) may not take any evidence;
 - (e) may not judge the truth of any statement made in the Council or the submission.
6. If the President is of the opinion that—
- (a) the submission is trivial, frivolous, vexatious or offensive in character; or
 - (b) the submission is not made in good faith; or
 - (c) the submission has not been made within a reasonable time; or
 - (d) the submission misrepresents the statements made by the Member; or

(e) there is some other good reason not to grant the request to incorporate a response in to *Hansard*, the President shall refuse the request and inform the person who made it of the President's decision.

7. The President shall not be obliged to inform the Council or any person of the reasons for any decision made pursuant to this resolution. The President's decision shall be final and no debate, reflection or vote shall be permitted in relation to the President's decision.

8. Unless the President refuses the request on one or more of the grounds set out in paragraph 5 of this resolution, the President shall report to the Council that in the President's opinion the response in terms agreed between him and the person making the request should be incorporated in to *Hansard* and the response shall thereupon be incorporated in to *Hansard*.

9. A response—

- (a) must be succinct and strictly relevant to the question in issue;
- (b) must not contain anything offensive in character;
- (c) must not contain any matter the publication of which would have the effect of—
 - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy in the manner referred to in paragraph I of this resolution, or
 - (ii) unreasonably aggravating any adverse effect, injury or invasion of privacy suffered by any person, or
 - (iii) unreasonably aggravating any situation or circumstance,

and

(d) must not contain any matter the publication of which might prejudice—

- (i) the investigation of any alleged criminal offence,
- (ii) the fair trial of any current or pending criminal proceedings, or
- (iii) any civil proceedings in any court or tribunal.

10. In this resolution—

- (a) 'person' includes a corporation of any type and an unincorporated association;
- (b) 'Member' includes a former Member of the Legislative Council.

This is the same motion that has been introduced at the start of the session since 1999. Although it was amended, I think, by the Hon. Robert Lawson at the start of last session. That made a relatively minor amendment to one part of it. It has been put forward in the same format as it was passed by the Legislative Council in the last session. Briefly, this motion provides for a right of reply to any person who believes that they have been maligned during debate in the Legislative Council. It is a measure that exists in many of the parliaments in this country. However, it is not yet in the House of Assembly—it is a matter for that chamber to decide.

In my view and the government's view this measure has worked reasonably well since its introduction in 1999. It has only been used on several occasions to my memory but, nonetheless, I believe that it is an important part of parliamentary reform to have the provision in our standing orders to enable any person who feels aggrieved by debate to at least have the opportunity to put a response. Various safeguards have been incorporated in this legislation to ensure that any response is properly considered and does not unnecessarily prolong the debate. I think that the measure has stood the test of time since 1999 and I seek the support of the council to continue this procedure for the following session. Perhaps, at some stage, we should consider whether or not this should become a permanent measure within the standing orders of the parliament.

The Hon. R.D. LAWSON: I indicate that Liberal members support this motion, which is, as the minister indicated, largely in similar terms to those originally proposed in March 1999 by the previous attorney-general

(Hon. Trevor Griffin) and supported by the council on that occasion. Although the measure is ordinarily described as a citizen's right of reply, I think it is more correct to describe our sessional order as a citizen's opportunity for reply in certain circumstances. Similar measures have been adopted in the houses of the national parliament. In that parliament, a committee of each chamber is appointed for the purpose of considering whether or not a request for the publication in *Hansard* of a reply is accepted or rejected. In this place, we leave that important responsibility to the President. Given the fact that there have been very few occasions since 1999, when the measure was introduced, on which citizens have sought an opportunity to have a reply incorporated in *Hansard*, I think our decision has been justified. There is no warrant for having a special committee to examine these issues. The President has discharged that onerous task with distinction.

As the minister mentioned, one amendment was made to the original proposal. That was done on the last occasion the sessional order was adopted, and I note that the sessional order now being adopted incorporates that amendment, which was, briefly, to give members who might be referred to in such a statement at least one clear sitting day's notice of the proposal to publish the response. We support this innovation. The rules have worked well. I commend the minister for moving this motion.

Motion carried.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CRIMINAL LAW CONSOLIDATION (ABOLITION OF THE DRUNK'S DEFENCE) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

PROFESSIONAL STANDARDS BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the bill be restored to the *Notice Paper* as a Lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

TOBACCO PRODUCTS REGULATION (FURTHER RESTRICTIONS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The Hon. T.G. ROBERTS (Minister for Correctional Services): I move:

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

MEDICAL PRACTICE BILL

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

That the bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

PITJANTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation) obtained leave and introduced a bill for an act to amend the Pitjantjatjara Land Rights Act 1981. Read a first time.

The Hon. T.G. 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.

Recent press coverage of conditions on the AP lands graphically illustrates the misery the practice of petrol sniffing inflicts not only on those that participate in it, but on all community members.

The Co-ordinator of State Government services and the Task Force are developing a range of responses to assist those people that are sniffing, or have long-term health problems as a result of sniffing, as well as identifying and addressing the reasons that people resort to this form of abuse.

Measures designed to stem the illegal supply of regulated and illegal substances coming onto the APY lands is one response that this Government will instigate.

This Bill recognises the seriousness of the conduct of those persons who are trafficking in petrol and other substances to the detriment of the people on the APY lands.

The Bill introduces a new offence to the Act substantially increasing the penalties for a person who is caught on the lands selling or supplying a regulated substance, taking part in the sale or supply of a regulated substance, or having a regulated substance in his or her possession for the purpose of selling or supplying the regulated substance, knowing or having reason to suspect that the regulated substance will be inhaled or otherwise consumed. The maximum penalty of \$50 000 fine or imprisonment for 10 years is severe, and in keeping with the provisions of the Controlled Substances Act. This Bill includes provision for the forfeiture of the vehicle used to traffic in the regulated substance where appropriate. The Government believes the trafficking in petrol, and possibly other substances, is no less serious than the conduct caught by the Controlled Substances Act, that is to say, trafficking in illicit drugs.

It is important that we continue to tackle the problem of petrol sniffing and consumption of other illegal substances from every angle.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary**1—Short title****2—Commencement****3—Amendment provisions**

These clauses are formal

Part 2—Amendment of *Pitjantjatjara Land Rights Act 1981***4—Amendment of section 4—Interpretation**

This clause inserts a definition of *motor vehicle* and *regulated substance* into section 4 of the principal Act. The definition of motor vehicle is consistent with that in the Motor Vehicles Act, while a regulated substance is defined as petrol, or any other substance declared by the regulations to be a regulated substance.

5—Repeal of section 38

This clause makes a consequential amendment.

6—Insertion of section 42C

This clause inserts a new section 42C into the principal Act, which provides that—

- it is an offence to, on the lands, sell or supply, or take part in the sale or supply, or have in your possession for the purpose of sale or supply, a regulated substance. The maximum penalty for contravention is a fine of \$50 000 or imprisonment for 10 years;
- a police officer may seize and retain a motor vehicle that the officer suspects of being used for, or in connection with, an offence against the clause, or which affords evidence of such an offence;
- the mechanism for dealing with a motor vehicle seized under the clause, including its forfeiture upon conviction of the offence charged to which the motor vehicle's seizure relates, and the payment of the proceeds of the sale less costs to AP. The Minister may, however, permit the release of the motor vehicle on such conditions as the Minister thinks fit.

7—Amendment of section 43—Regulations

This clause makes amendments consequential upon clause 6 of the Bill. To preserve consistency, the clause mirrors the seizure and forfeiture provisions found in proposed section 42C of the principal Act in relation to a contravention of a by-law relating to the sale or supply of alcohol on the lands.

The Hon. R.D. LAWSON secured the adjournment of the debate.

ADDRESS IN REPLY

The Hon. P. HOLLOWAY (Minister for Industry and Trade) brought up the report of the committee appointed to prepare a draft Address in Reply to His Excellency the Lieutenant-Governor's speech:

1. We, the members of the Legislative Council, thank His Excellency the Lieutenant-Governor for the speech with which he has been pleased to open parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in His Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. J. GAZZOLA: I move:

That the Address in Reply as read be adopted.

I wish to acknowledge the traditional owners of this land, the Kaurna people, and I hope that the fourth session of the 50th parliament sees a positive resolution for indigenous people.

I congratulate the Hon. Michelle Lensink on her appointment and welcome her to the Legislative Council—better late than never! I also note the passing and offer condolences to the families of the former Premier, the Hon. Des Corcoran AO, the Hon. Tom Casey MLC and MP, the Hon. A.F. Kneebone, the Hon. R.K. Abbott, Mr John Mathwin MP and Legislative Council assistant Sean Johnson.

We have witnessed over the past couple of years of the 50th parliament that world instability and conflict have become more widespread and more sharply defined than at any other time since the Vietnam war. The post-Vietnam spirit of national and international reconciliation has largely dissolved as globalisation and its political and economic alliances have largely defined our national response to foreign policy and trade. We are living in a different era and, while acknowledging the need and benefits of our national alliances, we have to ask ourselves: what has been the cost and legacy as it affects our lives and direction? We need to examine the relevance of a wider view, and it is apparent that federal imperatives are becoming increasingly intrusive in state matters. We have witnessed this in state legislative responsibilities in the 50th parliament and, no doubt, we will continue to deal with these in the present parliament.

If there are those who further question relevance here, we need only remind ourselves of federal influence over industrial issues, the application of national competition policy and the recent conflict over nuclear waste. There are other reasons, however, why we should firstly look at the bigger picture, and these are the way that federal policies and attitudes have shaped public attitudes and working conditions and how these initiatives have reflected and shaped the public belief and faith in politicians and the political process.

It is easy to lose sight of public attitudes, only to be reminded around election time. Public opinion of politicians was something that I raised in my first speech and, if we want confirmation of any positive change in public attitudes towards politicians, a recent survey by the *Readers Digest* clearly disappoints—not that politicians should, heaven forbid, hanker for public approval, for difficult decisions and compromise are the reality of political fabric. There are, though, several controversial and important issues that have been pivotal in shaping our political landscape and consequent national direction. I refrain from using the term 'ideology'. It is our world view (a term more palatable for those opposite), if you like, that shapes our responses at the state and federal levels.

The most divisive issue confronting us is the selling and justification of the Iraq war. The consequences of a safer world and a safer Australia, as the Howard government has committed us to, are yet to be fully realised, alarming as they could be, as suggested by grounded war correspondents in Iraq and as we are reminded by the pressing reality of unfolding events.

The Howard government suggests to us that we have come through relatively unscathed as it predominantly welds us to a political and economic alliance with the Bush government in what is portrayed and sold as mutual interest. And while the election process further questions or distorts perceptions and fear over Iraq and terrorism, our geographic isolation gradually diminishes in the face of increasing terrorist threats as the public becomes more and more aware of the difference between what they see as the expediency of politics and reality. It is the decisions made and the tone of decision making, however, that has also shaken the 'Coalition of the Willing' and, with it, public confidence and faith. And it is expediency that has damaged and further damages the public perception of the political process.

The public clearly understands that governments are elected to act in the national interest, but they are also aware that there are limits to expediency at the cost of fair play, and they are not prepared to accept the growing climate of distortion and manipulation. There is a tide of change

building, as evidenced in the US and England, that has Iraq as its focus but, more importantly, is directed against governments and processes that have engendered and further seek to practise and profit from opportunism. The public seriously desires truth and trust in public debate, and the growing perception of their lack, as General Peter Gratton clearly noted in the government's stance on its use of intelligence, not only results in the erosion of public confidence in the relevance and effectiveness of political process but also creates the belief, and rightly so, that they are alienated from any effective voice and that there exists a crumbling foundation for ethical belief and action.

As *Advertiser* political reporter Paul Starick said in his article on the federal scene, 'In all honesty, who can we trust?' It is the fundamental need for proper leadership that is being asked for by the public. It is the present federal government that is failing in this regard and, at the same time, seeking political profit in furthering this undesirable and destructive political climate. I am taking care in discussing this and I intend to discuss this in a responsible and constructive way, but it needs to be said. It is clear that governments in the western world have moved to the political right in the last 10 years, as it is also evident that Australia seeks to shore up political and economic security through its alliance with the United States. The Free Trade Agreement, when it comes to fruition, will spell out the concrete wisdom or otherwise of this cultural and economical alliance.

Iraq, though, is the most questionable act of a federal leadership that, like its counterpart national governments, sought to justify what was and is proper international responsibility through means that defied international sanction and confirming evidence. That the federal government is not subject to the fierce scrutiny that has bedevilled the Blair and Bush administrations does not mean that the federal government has got it right. The failure of the federal government to substantiate its initial case for war, a case which Bush, Blair and Howard have all acknowledged throughout and which was described as 'thin, ambiguous and incomplete' by the Flood report, is well known.

Add to this the undermining of the moral high ground by the disclosures on Abu Graibh and Guantanamo Bay; the general finding of investigations into intelligence-gathering agencies that could be summed up in the words of Blair that 'no-one lied: no-one made up the intelligence.' (read: really a genuine mistake of some trivial sort made with the best of intentions); the ultimate laying of all blame on intelligence agencies or broken lines of defence communication; the lack of proof of a credible connection between Iraq and al-Qaida; the federal government's eagerness to exonerate itself from the required level of responsibility while heavily relying on what was questionable evidence in the first place where an illegal war of such questionable intentions was being avidly pursued.

All these have raised legitimate but unanswered questions, and when a government puts power before truth it can hardly wonder why public trust is on the slide. The Prime Minister also made clear in the justification that this war is war on terrorism and that opposition policy on withdrawing troops would increase the likelihood of attack on Australia by JI. The government has in the wider sense been consistent in its criticism of countries like the Philippines and Spain for withdrawing their troop commitments to Iraq. Attacks on countries offering secondary assistance, however, as in the Philippine contribution, need to be separated from the case for Spain in relation to the danger facing us.

Spain was directly involved in military action against Iraq, and reprisals against Spain, in the argument put forward by Mick Keelty, were of a higher likelihood than countries that were not directly involved. Australia is in the top three on the terrorist list—a fact well known to us. But we need to divorce ourselves from the government's fiction that the federal opposition's stance to troop withdrawal increases the possibility of JI action against us. Australia's direct involvement under the Coalition of the Willing, regardless of any argument about our troop withdrawals, has guaranteed our high priority as a target. Mr President, I hear you ask, 'Who says so?' The answer is: two of the leading experts on terrorist groups—Rohan Gunaratna on al-Qaeida and Zachary Abuza on JI—are the only two independent experts who should be believed if our intelligence service is said to be that wide of the mark. Al-Qaeida has said, in regard to the promises it has kept so far (Spain, for example), that it has been consistent with its promises. The Police Commissioner, Mick Keelty, has said so; and the British Joint Intelligence Committee said it prior to our troop deployment. The realisation of a sufficient level of threat in necessarily satisfying the highest probability of reprisal was achieved by our military involvement in the first place, according to most of these experts. Unless the government has better intelligence advice than this, our troop withdrawal will not decrease the likelihood of attack on Australia. If we need further proof of our vulnerability, then the open letter to the Prime Minister from 43 former service chiefs and diplomats must give us cause to think.

We need to be clear on this. The question of international terrorist groups as a body or associated groups gaining greater succour from general troop withdrawal is another question, and we need to avoid the confusion between what the government is trying to establish in its deliberate conflation of home safety, troop withdrawal and terrorist groups.

There is another important question here and, given the information and facts that the government possessed and possesses, we need to ask why the government (giving it the benefit of the doubt) persists in proceeding on the basis of these half truths. Prime Minister Howard's eulogy to Ronald Reagan offers some interesting insights. Howard, in the spirit of his mentor Menzies, and following what the former saw as the regeneration of the American spirit under Reagan, has dedicated the federal government's foreign and economic policies to reestablishing our identity and position in the world under a new conservatism. Like Thatcher and Reagan before him, Howard has tapped into and played upon traditional black and white sentiments over the family, the moral superiority of the west and its values, the primacy of the individual over the state, liberty over equality, capitalism over unionism, the pragmatic mainstream over what he categorises as elites and the Australian character.

Just as Reagan spoke to the people and as Bush sought to give a stronger edge to American conservatism, Howard now links us to a conservative ally where Iraq, global terrorism and the refugee crisis replace the Cold War as the context in speaking to the people in the voice of new tradition. To understand the blueprint, one should look at Mr Howard's piece in *The Australian* entitled 'Man of tradition who reshaped history', and the article by Micklethwait and Wooldridge, senior writers at *The Economist*, 'Only in America'.

In the hands of the federal government our alignment becomes a two-edged sword. The Prime Minister can play upon public concerns over his political perceptions of

insecurity and vulnerability, and the examples are manifest. He stated to his Adelaide radio audience on ABC morning radio that he can appeal to us as 'strong and independent. . . living in an open society. . . we are an independent grown up country. . . Australia has grown beyond. . . an echo of an earlier day when we felt a sense of insecurity and felt somehow or other that our fate was always going to be determined by what others said and did'.

The Hon. R.D. Lawson interjecting:

The Hon. J. GAZZOLA: That was Prime Minister Howard's quote; he wrote that part. Relax, Robert, you will get your turn soon. It is limiting debate to simple choices and statements, as if no other debate or context existed or should exist in the public arena. His clichés speak for themselves and have been commented on by many, but if nature abhors a vacuum then wedge politics thrives upon simplistic explanation and heightened public fear. Witness, for example, the federal Attorney-General and former immigration minister on the *7.30 Report* on 2 September raising another *Tampa* ghost about a newspaper report in the *West Australian* regarding refugee boats allegedly coming to Australia, as well as his unseemly and tactless initial response to the Chechen terrorist tragedy in Beslan.

The Prime Minister is correct, though, when he detects and regrets what he rightfully sees as a 'coarsening of society' or, as he puts it, 'trends in our society towards less civility'. However, he is stretching our credibility when he says in the same breath that neither government policy nor his leadership have contributed to these. There are real problems and real issues, and the Australian public dearly wants its prime ministers to show honest, independent leadership and to be grown up. The Howard government has for far too long relied on wedge politics and misinformation, be it national security or Iraq, or whether it be debate on the traditional family or education.

As Mike Steckete, National Affairs Editor for *The Australian*, stated in regard to ministerial responsibility and the abuse of Iraqi prisoners, '. . . unlike Hewson, Howard was not about to take responsibility for anything.' The buck passing of defence communication failures, the famous 'I did not mislead parliament' or 'I have no direct knowledge' statements, the failure to tell the truth as not misleading parliament have clear consequences, as Steckete points out:

The fact it now seems absurd to many that politicians should even offer to resign if found to be telling lies is an indication of just how much the political currency has been devalued and how debauched the role of the parliament has become.

As one testament to public concern and anger over the flouting of the traditions of Westminster and ministerial responsibility, we now see the existence of the web site *JohnHowardLies.com*. I would be interested in seeing the government—or, indeed, Mr Howard—sue.

Again, given this public track record, as documented by others, it is interesting to hear of the Howard government's opening election theme, when the Prime Minister said, 'This election . . . will be about trust.' Since trust implies truth, the government is keenly establishing its own platform as to what truth and trust constitute. As we know, the scare campaign has started, the interest rate scenario being the Howard government's first salvo in its version of the truth. The Prime Minister's interview on the *7.30 Report* on the day after the announcement of the election pretty well captures the Prime Minister's construction of reality. First, we have his celebration of the stability of leadership and his appeal to the goodwill of the electorate as a champion of the people,

notwithstanding the reality of buried ill will between the Treasurer and the Prime Minister and the intense dislike, according to commentator Hugh Mackay, of the Prime Minister.

According to another pollster, Sol Lebovic, the Prime Minister is running an approval rating between 50 to 60 per cent on trustworthiness. When questioned on the *7.30 Report*, the Prime Minister's responses are interesting. Argument based on the issues, or counter-evidence, are in the main subsumed in the appeal to the judgment of the public—the 'flattery will get you somewhere' approach, as in his opening foray on the meaning of trust, which gets irrelevantly fudged into his public appeal to the strengths of his personal leadership, historically founded in his government's construction of the yet to be determined truth on 'kids overboard' scandal, a scandal that refuses to die, despite the government's claimed veracity on this issue. When further pressed on the central question of the degree of knowledge, the current debate involving the counter-evidence of Mike Scafton, who is backed by no less than two high ranking military officers, the Prime Minister's defence is one of ignorance of the claim. 'No direct evidence' or 'strongly dispute' are the catch phrases which he has consistently maintained in the hope that legitimate concerns will die of public disinterest under the often proclaimed mantle of his government's strong defence of border protection under his equally peddled illusion of Labor's softness on the issue.

The tools of trust and truth that the government still wants us to accept come in the form of appeals to public judgment under the guise of a projected belief in the public as a fully informed arbiter, in concert with the government's denial of the reality of the existence of counter evidence; its denial of the need for all legitimacy of informed and accurate debate; its claim that it is really only about one opinion against the other; to endlessly continue to appeal to past electoral success on the foundation of public fear, lack of information and disinformation as the plank of its electoral strategy; and to push away the concerns of many critics trying to discover the truth. If the government is serious about the current level of truth in debate and the consequences of this in the coarsening of public attitudes—something that the Prime Minister has publicly lamented in his appraisal of our cultural trend—it has a golden opportunity to redress this. Surely, the opposition in this council will embrace this opportunity in the Address in Reply. As we know, the list of questions and questioners grows.

Let us, though, take the opinion of one individual whose major concern is with parliamentary process. Harry Evans, Clerk of the Senate, had this to say in relation to federal ministerial staff and ministers. He stated that staffers 'browbeat and intimidate public servants to ensure that public service performance accords with political objectives' while ministers can use staff to fend off accountability by 'ensuring ministers can profess experience of information which becomes politically inconvenient to know.' Evans also had in mind the Reith Doctrine, the name accorded to the recommendation by Ian Harris, the Clerk of the House of Representatives, who recommended to Reith that he should not be forced to give evidence to the Senate inquiry which, in Evans' opinion, exemplified the orthodoxy where public servants feel obliged to bow to pressure exerted by the government of the day. How often in the life of the Howard government have we heard of the convenient ministerial excuse 'I was not told'?

An honourable member interjecting:

The Hon. J. GAZZOLA: Well, we'll get to him. If these claims of federal untrustworthiness and opportunism in the service of promoting fear as an electoral wedge are in further question, members should look at independent opinion on the matter of industrial relations as discussed by Mike Steketee in *The Australian*. The Prime Minister told the New South Wales Liberal Party State Council the following:

We will have wall-to-wall, coast-to-coast Labor without let or hindrance, without the checks and balances that are so important in any national political system. In particular, it will carry enormous implications in the area of industrial relations, because it will represent a temptation too great to resist for the Australian trade union movement that still remains the master of the Australian Labor Party, indeed, to a greater extent than in the mid-1980s.

As Steketee pointed out (which I paraphrase) the Prime Minister did not point to Liberal dominance of federal and state politics in 1969 and 1970 as a cause for concern; nor did he consider the decline in union membership in the private sector as relevant; nor is the evidence of industrial harmony in New South Wales and Queensland under state Labor industrial legislation considered relevant countervailing evidence; and nor is his displeasure with the value of the Senate as providing checks and balances or the view that coast-to-coast Labor could be an electoral impediment to the federal opposition brought into his summation—again, the appeal to ignorance and fear.

The federal government and the opposition at a state level are always arguing how wage increases and improved conditions for workers negatively affect productivity and flexibility for employers in the interest of increased employment especially at the level of small business, yet we rarely see substantial argument to support this, and nor do we see similar argument for establishing what would comprise a balance between fair play and productivity. We had the example on 2 September in the comment by the state opposition industrial spokesman in his attack on the Economic Development Board when he claimed that the Fair Work Bill would cost 10 000 jobs. Mr President, I ask you, where did he get this figure from? I recommend that the opposition reads the report by Dr Barbara Pocock of the University of Adelaide's School of Social Sciences on the Fair Work Bill, because she answers this sort of hysteria, smear and fear raised by the state opposition once again and the concerns argued by Business SA through its Access Economics report.

Given the general nature of arguments pursued by the federal government and the state opposition, the logical extension of its position would be never to grant wage increases or improve conditions. In fact, in following its argument, it would be consistent to reduce wages and conditions. If members opposite think that this is far-fetched, I refer them to the Prime Minister's position on minimal wages in 1991. He said that the concept of no minimum wage would be 'quite appealing and a lot more saleable'.

To put the argument in a broader context, let us look at the hours worked by workers in Australia. According to an international and comparative employment relations study, Australian workers work harder and longer for less than do their counterparts in industrialised countries. Let us look at some facts on the government's record on workers. In its first two years of office, the federal government made 77 400 public servants redundant. In 2003, the Australian Council of Social Services claims that unemployment of 1.8 million is actually 12.8 per cent and not 6 per cent, as the federal government claimed. The former figure is supported in the main in 2002 by Mark Wooden, Professor of Economics at

the Melbourne Institute, who said that putting the underemployed into the unemployed mix as the correct measure of the unemployment rate would put the correct figure at between 9 to 10 per cent. It should be noted that working for one hour prevents you from being included in the unemployment statistics.

One in four Australian families with children is jobless or dependent on a single part-time job. The gap between work poor and work rich families is widening, and we have one of the highest figures in the developed world. What about the changing nature of the work force? Only one-quarter of all new jobs created in the 1990s was full-time. The figures to the present time show no sign of abating. Part-time employment is around 28 per cent of the total work force, and 75 per cent of available jobs are part-time. In industries such as retail and hospitality, nearly half the work force is casual. Only 8 per cent of Australian workers in permanent part-time jobs have employment that comes with annual leave, sick leave, superannuation and other entitlements. To answer the mantra of those who claim that part-time work is the prerogative of those who wish to exercise choice and flexibility in their lifestyle, it needs to be pointed out that about one-third of those who work part-time want more hours of work. In 2002, a quarter of Australia's part-time work force—592 000 people—was willing but unable to find more work, with 60 per cent of these looking for full-time work.

What about the future for our youth? The former chairman of the Prime Minister's Youth Task Force stated that Australia faces a skills crisis unless the government puts more money into youth work and study programs. That was over two years ago. The Duseldorp report, 'How Young People are Faring 2003', stated that the government had reneged on its responsibilities to youth in this area. The government has also announced a reduction of \$4.1 million in youth transitions over the next four years. In 2001, the Minister for Foreign Affairs launched a report encouraging companies to move their operations overseas to minimise wage costs. Coles Myer now has a call centre in New Delhi. The ANZ Bank employs 450 people in Bangalore—so much for promoting work for Australians!

Returning to South Australia, I will read the conclusion to Barbara Pocock's paper on why we must address reform to industrial practice, as counselled by the Fair Work Bill—a step which she refers to as 'a modest step in the right direction'. Dr Pocock states:

The prospect of widening pay gaps between South Australian workers, between the top and bottom of the labour market and between the state and the nation as a whole must be a source of concern in the current context. We are witnessing a widening disparity in earnings of South Australians relative to the national average, a growing gap between unionised and non-unionised workers and between those working under informal, less regulated contracts and those in traditional regulated work. The growth and high level of casual work must be a particular cause for concern. . . South Australia must avoid becoming the industrial poor cousin of Australia: a state of low pay, widening insecurities, deteriorating working conditions, with an increasingly insecure work force and an inadequate safety net.

Hers is not a lone voice, but what is of further concern is the attitude taken by the opposition, at both state and federal levels, when these issues are debated, and also the federal government's attitude to the top end of town. In 1998, Consolidated Press Holdings, Kerry Packer's main private company, made an annual profit declaration \$385 million; tax paid—zero; nothing; no tax paid; no contribution. Also note that the Australian Taxation Office failed in its bid to acquire

\$260 million from companies controlled by Mr Packer in a Full Federal Court appeal judgment. In 1999 the Tax Office estimated that 100 wealthy individuals continue to avoid about \$800 million in tax. In recent years, one of Australia's five billionaires claimed a taxable income of \$12 524. This is a weekly income of \$241.

A survey in 1999 conducted by the Australian Financial Review found that salary packages of the CEOs of Australia's top companies rose by 22 per cent to an average of \$1.5 million. In the same year, when workers of National Textiles and Braybrook were fighting to get their pay entitlements, the failed CEO of the AMP received a \$13 million payout.

The Hon. D.W. Ridgway interjecting:

The Hon. J. GAZZOLA: Well, if you support the Fair Work Bill, we will give people a fair go at work. That is all you have to do. National Textiles was helped by a taxpayers' package—and we know the story about that—while Bradmill went into receivership without government assistance. Another survey by the same paper in 2000, saw the salary packages of CEOs of the top 150 Australian listed companies rise by around 27 per cent to \$1.8 million, while the average increase for the average wage earner was three per cent to a figure of \$41 000. The Prime Minister has expressed concern over some of the extreme payouts, but only to the extent of its poor example to workers. The funding of education reflects this unfair—

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

The Hon. J. GAZZOLA: It has nothing to do with what I am talking about.

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

The Hon. J. GAZZOLA: Well, we are talking about work, and we are talking about what His Excellency said in his speech about fair work and work, so it is relevant; and it is not your judgement either, John. The funding of education also reflects this unfair diversity, and two examples will suffice. The new funding formula saw Kings School in Parramatta given an extra \$1.4 million a year. I am told that this school has 15 cricket fields, five basketball courts, a 50 metre swimming pool, an indoor rifle range and a gym. On the other hand, Parramatta High School, a school of which has no fields, no basketball courts, nor a swimming pool received, on the basis of average calculations, an extra \$4 000 a year. There are many other stories about this; all too common attacks on the welfare and earning power of ordinary Australians.

It is an attack on Medicare, university funding and fair access, the cost and availability of child care, the real costs and problems of national competition policy and the US-Australia Free Trade Agreement, as recently commented upon by the Farmers' Federation. With the state opposition, the Howard government shares a preoccupation with creating public anxiety and fear in industrial relations in its attack on unions at the expense of just and fair outcomes for employees. I do not consider that the arguments that I have raised in this council on unions, union members and their role in industrial fair play have been properly met by the opposition, and here I refer to the Bargaining Fee Amendment Bill and also to the other union related bills in general, such as the Extension of Small Business Amendment Bill and the Shop Trading Hours Amendment Bill in the main. The terms, unions and employees rights generally induce a response of shock and horror in the opposition that fails to address the needs and rights of a group of employees as a class of

employees generally whose conditions and pay are continually under threat.

I ask members of the opposition, given their belief in free association and a just and humane society, what they think constitutes in principle and practice the role and rights of unions and union members as employees? Members opposite often express their hatred of unions, but in debate on these bills I rarely hear them express an alternative view supporting the rights of these employees. Yes, we can reply that they are not the only struggling sector in society but, as a wealth producing sector of society and people with real needs and concerns, they get short shrift from the opposition. The question to be asked is: who will look after their interests if the unions do not? Will the opposition? No. Will big business? No.

The remark will inevitably be made that employees and union workers have never had it as good as under the Howard government. But will this continue to be the case? The signals coming from minister Kevin Andrew—who you buried; who you do not want to come out and say anything during this federal election campaign; who has disappeared into the woodwork in this current campaign—are not heartening for workers. I refer to the draconian Choice in Award Coverage Bill just introduced into federal parliament—

An honourable member: What was the word?

The Hon. J. GAZZOLA: Draconian. It gives employers in small business the choice as to whether or not employees will have award coverage. What about choice for employees? The federal government is again playing two cards in one. One is what it believes is correct industrial policy and the other has it with an eye on the voter and public perception.

The federal government's industrial agenda, as also endorsed by the state opposition, is clear, as signalled by Kevin Andrew and before him by Tony Abbott, in an article by Tony Abbott in the *Adelaide Review* of December 2002 entitled 'Contracting out'. The previous minister said:

This government favours flexibility rather than prescription. Hence we have tried to remove award provisions prohibiting the employment of casuals and contractors.

He notes that, while the award system, in his view, undoubtedly inhibits (his words) economic growth, it is not necessarily the main cause of Australia's high rate of employment. He continues:

In modern economies, a combination of taxation and the welfare system puts a floor under wages such that, in some industries, it's hard to find workers at award rates of pay. The problem with the award system is not that it keeps wages artificially high but that it keeps productivity artificially low by inhibiting the introduction of more efficient work practices. Employers are often unable to pay the level of wages which would make moving from welfare to work more clearly advantageous especially for some families receiving multiple social security benefits subject to very high effective marginal rates of tax even at low incomes.

Digressing for a moment, one wonders why taxation rates for those on below \$52 000 are not reduced in the current federal budget to further assist unemployed family members to find employment if that is the case. By way of further digression, the payment of the one-off payment of \$600 per child from the current budget, itself criticised by the *Financial Review* as a buyout of family resentment over a flawed family tax system, seems to go against the grain of Abbott's philosophy on the woes of the welfare system as outlined in his C.D. Kemp Memorial Lecture, 'Making work pay—the trouble with the welfare state', when he said:

It's counter intuitive to pay tax and receive transfer payments at the same time. Apart from the inefficiency of giving and taking with

the same people, there's a suspicion of official sleight of hand, of bribing people with their own money.

You can reply that this is a one-off payment, but for Abbott, like Costello's budget, according to the *Financial Review* editorial on the latter, 'it's a missed opportunity' for essential reform. In another opinion piece, the same paper said of the federal budget:

Large chunks of money are being thrown at the entire population in a budget which makes only the smallest pretence at being about structural reform or economic management.

In the words of the previous Minister for Employment, Workplace Relations and Small Business, it is about bribery, it is about trickery, it is about an election—and it is the motif of this federal government. To return to high wages for workers and productivity, let us again pick up Tony Abbott's thoughts in his article and his memorial lecture. In the latter he said:

This government supports high wages and is proud of the way its policies have boosted average weekly earnings and basic award earnings since 1996. But wage increases must be backed by higher productivity if they are not to be eroded by higher inflation, higher interest rates and higher unemployment.

The real path to improved productivity for the Howard government, as indicated by both the former and the present minister's IR stance is obvious: attack award provisions, deregulate the labour market, promote casual and self-employment, and attack unions and union rights. There is more than a hint of this in Tony Abbott's *Adelaide Review* article in his counter reply to a prominent Adelaide builder's view on independent contractors as a model for all employees, as follows:

As Day says, 'the conditions under which many independent contractors work can be arduous and their hours long, but they prefer the freedom that goes with being their own boss and are not prepared to sacrifice their own freedom for the so-called benefits of traditional employment.'

Tony Abbott is aware of the pitfalls and problems with this, noting ironically that it could impose even more restrictive work practices, implying the need for an award system of wages and conditions of some sort. As to the role of his government, he continues:

Conversely, there are many who don't want to run their own businesses and collect and pay GST and who would rather be employed at lower in the standard way even at lower rates of pay. The government's job is to facilitate choice rather than to favour any particular form of working arrangement.

By all means let people have choice, but choice for whom and about what and by whom? And at what low rates of pay under what benefits of traditional work practices, what unfair rigidities and inadequacies of the standard employment system or improved efficiencies? Outside of memorial lectures and public relations exercises the proof of the Abbott pudding, to be fair, is in the eating, but his view is that all IR issues are cosmic struggles between labour and capital, where 'facilitating choice' was heavy handed and unfair in practice. His big truncheon approach is demonstrated in his veto of federal funding for the building of the Australia Post Airmail Transit Centre, where freely entered into certified agreements held between the contractors and the union were not upheld in favour of a new deal being forced through between contractors and individual employees.

Is this government facilitation and freedom of association at work? You tell me, Mr President. Then we have him upholding the Reith indemnity to workers who perjured the case against two union members. Yes, workers will have a choice if the Howard government has its way on industrial

reform; they will have the right to choose an individual contract. But is this the way it has to go, given C.D. Kemp's notion of 'ethical free enterprise', the guiding spirit, if not the practical spirit, of Abbott's memorial lecture? I must confess to knowing nothing of C.D. Kemp and little of the Institute of Public Affairs, but I can point to a contemporary Liberal voice, a new Liberal voice on industrial relations, the former federal Liberal leader, John Hewson, now Dean of the Macquarie Graduate School of Management, who said the following recently about corporate social responsibility:

The corporate sector needs to understand that while it may have a distorted view of the bottom line, which any good manager can maximise, it's really about achieving a reasonable profit while meeting accepted standards of social responsibility. A truly responsible company ends up being a better investment bet than one which tries to cut corners for a short-term gain. Corporate social responsibility is not only the right thing to do, it tends to be good for the company. Yet I'm amazed that such groups as the Business Council of Australia are so easily swayed by just a few of their members, who actually think they benefit from the fact that it pays to be irresponsible—aluminium smelters, significant polluters and others who are more vocal to the detriment of the rest.

Is this the voice of industrial sanity or that of a disaffected Liberal? I would like to know the opposition's view, and I am sure I will hear it one day. We know, though, the Howard government's approach to industrial disputes, which the Victorian industrial minister Rob Hulls characterised under Abbott as the ministry for conflict, as we know about the claims by Abbott that this approach has brought about the required climate for economic success.

Putting politics aside, objective studies by academics such as Professor Junukar, Professor of Economics in the Faculty of Business at the University of Western Sydney, and Professor Lansbury, Professor of Work and Organisational Studies at the University of Sydney, give a clear picture of economic reality under the Keating and Howard governments that also clearly puncture the political claims of industrial brilliance of the Howard government. I will not discuss these further, as I have discussed their findings and concerns on previous occasions.

Following on from John Hewson's remarks of a more socially responsible workplace safety and worker orientated approach by employers, I point to the study, amongst others, by John Langmore, Director of the New York Liaison Office of the International Labour Organisation, entitled 'An international decent work strategy', which looks at international studies and evidence to support this IR approach as the way of a rational future. In closing, I want to comment briefly on the notions of justice and equality in the Liberal Party's 'Declaration and the spirit of liberalism', which, in part, states the following:

We believe in equal opportunity and social justice for all Australians in a tolerant community. Liberalism's central task is to safeguard and advance the freedom of the individual.

As to whether the Liberals practise a tolerant society, I leave it to others to judge. In relation to IR matters, the balance and tension between individual rights, justice and subordination of institutions, including unions, to the rights of the individual, the manifesto offers the following path of resolution:

Great ingenuity is needed to safeguard the essential freedoms without destroying the benefits undoubtedly provided by such institutions.

The 'great ingenuity' in resolving the conflict between political rights in a liberal democracy, the competition of talent as wealth creation and competitive enterprise, given that equality is seen as a minimal and not an equal benefit for

all, leads to pragmatic justification of inequality. The plight of the vulnerable, then, leads to the situation where the disadvantaged may have freedom of expression but no right of justice. This is a tension that the Liberals cannot and do not want to resolve. This is the challenge that they must meet, as they must meet the challenge of honesty and integrity. I commend the Address in Reply to the council.

The Hon. G.E. GAGO: I rise in support of the Address in Reply and thank His Excellency the Lieutenant-Governor for the presentation of the government's agenda for the next session of parliament. I congratulate the Hon. Michelle Lensink for her recent election to this chamber, and I pass on my condolences to the families and friends of those members who have sadly passed away. These include the Hon. James Desmond Corcoran AO (former premier of South Australia), the Hon. Thomas Mannix Casey, the Hon. Alfred Francis (Frank) Kneebone, the Hon. Roy Kitto Abbott and Mr John Mathwin OAM.

I also include my condolences to the family of Sean Johnson for their sad loss. Not only was Sean very conscientious and diligent in the way in which he approached his work as attendant in this chamber, but he was also an extremely delightful young man who had many friends here in Parliament House. We all miss him.

There are a number of areas that I would particularly like to address in relation to the government's future priorities and activities. As the Lieutenant-Governor mentioned in his address, this government's bold plan for the future of South Australia is outlined in the State Strategic Plan. This policy framework sets out in clear, straightforward terms benchmarks and targets for the economy, the environment, education, health, community development, creativity and creating opportunities for all South Australians.

I would like to take some time in outlining just some of the Rann Labor government's successes and why I am so proud and honoured to be part of this government. The impressive achievements of the government, I believe, are due to the tireless work of the members who make up this government and their relentless commitment to the people of South Australia. The government's achievements thus far have been remarkable. Our wideranging reforms have included the policy areas of health, education, the environment, industrial relations, social justice, housing and economic development, just to mention a few. This government is not afraid of hard work or making tough decisions, and our approach has been based on wide community consultation and sound research.

One of the most important features underlying Labor's policy, both state and federal, is our fundamental respect for people. The contrast between the Labor and Liberal way of looking after people can best be seen in the way in which the parties have recently approached the issue of caring for children. For example, unlike the federal Liberal Party policy, the Labor Party believes that keeping innocent children locked up in detention centres is inhumane and wrong. It is very rare—

An honourable member interjecting:

The Hon. G.E. GAGO: I will get to that. Just keep listening, because there is plenty to come. It is very rare that the former Liberal prime minister agrees with us on policy. In his wisdom, Malcolm Fraser quite justifiably denounces the Howard government's policy of keeping children locked up in immigration detention centres. This country's only living former Liberal prime minister has many sympathisers

to his view that detaining innocent asylum seeker children is nothing short of a disgrace. Among these is the Human Rights and Equal Opportunity Commission, which in May this year released an inquiry scathing of Howard's policy.

The Inquiry into Children in Immigration Detention found that the Australian federal government 'failed to protect the mental health of children', 'failed to provide adequate health care and education' and 'failed to protect unaccompanied children and those with disabilities'. In response to this criticism, and in defence of the Howard government's policy, the Minister for Immigration, Senator Amanda Vanstone, stated that, if children were released from detention, a 'dangerous message' would be sent to people smugglers who would consequently bring more families to Australia. This is an appalling attempt to rationalise an atrocious policy position and an abysmal past record.

I draw members' attention to federal Labor's policy on children in detention. Since 2002 federal Labor has made an absolute commitment to release all children from detention. This proposal would see accompanied children released with their mother and father, unlike Howard's policy that separates children from their fathers, and wives from their husbands, and breaks up families who have often already experienced immeasurable pain and suffering. Federal Labor supports accompanied children living with both parents in residential-style housing, with discrete supervision and security, such as the Port Augusta model.

The federal Labor Party cares for children and the Rann Labor government cares for children. Probably the most important part of the Labor Party's platform driving our reform agenda is our goal to provide opportunity for all. One area where the Rann government is acting to provide greater opportunities for some of the most economically and socially disadvantaged people in our community is in the important area of child protection. The way in which a society takes care of its most vulnerable—its children—goes to the heart of social inclusion. We as a socially responsible government have an obligation to make sure that children are kept safe from harm in a sustained way to ensure that their access to opportunities is equal to that of others.

This government has made and continues to make the care and safety of children one of its highest priorities. In March 2003 the Layton Child Protection Review Report was tabled in parliament. This government's response to the recommendations of the Layton review include the 'Keeping them safe' initiative. This initiative sets out a program for the reform of our whole system of child protection. In the 2004-05 budget, just over \$148 million over four years has been allocated to child protection through the Department of Families and Communities.

This funding will go towards the creation of 186 new positions within the child protection system, in addition to 73 child protection worker positions created in 2003-04. These initiatives are in addition to a wide range of other programs which this government has been working on since we came into government. These initiatives include the expansion of family reunification services, the establishment of new home-based care services for children with disabilities and the provision of extra support for families in the northern metropolitan area to build parenting skills through the Family Reach Out program. We have also made children under the guardianship of the minister a priority by establishing a rapid response service initiative so that these children have priority access to all government services.

Another major achievement of the Rann government in the last session of parliament which we will continue to build upon in the future was the signing of the two historic COAG agreements: the Murray-Darling Basin Agreement and the National Water Initiative. These agreements will see an extra 500 gigalitres of water pumped into the river—the amount needed for the Murray to flow again.

The Hon. R.D. Lawson interjecting:

The Hon. G.E. GAGO: I note that the members opposite are squirming with shame at their lack of activity in this policy area. The first historic agreement—the National Water Initiative—gives farmers and irrigators access to more water outside South Australia through the fair national water-trading scheme. This is a policy area that the previous Liberal government could only ever pay lip-service to. They simply never had what it takes to actually deliver the goods. This agreement is an important win for the environment. For example, this initiative contains provisions for revegetation activities to protect and re-establish native habitats and better manage pests and diseases. This agreement ensures effective outcomes for sustaining the environment while at the same time giving farmers and irrigators an excellent opportunity to develop and expand their industries.

The Rann government has led the way nationally in water reform to protect the River Murray, in stark contrast to the woeful efforts of the former Liberal government, which in eight years did not achieve any substantial outcomes that improved flows to the river. It was extremely disappointing but, I must admit, not surprising to note the Prime Minister's recent announcement of a \$2 billion Australian Water Fund, which I read in the paper the other day, of which not one cent will go to improving the flows to the Murray River. What is more, it was reported in *The Advertiser* that this initiative will actually strip \$1.6 billion from state competition payments to fund this program. The actions of this Rann government speak for themselves. South Australia was the first state to appoint a minister for the River Murray.

Members interjecting:

The Hon. G.E. GAGO: I note that members opposite squirm with shame at their neglect of the River Murray. South Australia was the first state to introduce legislation to protect the river. This government was the first government to commit to signing both of these historic agreements. The Rann Labor government has committed to continue to deliver for the environment.

Another way in which the Rann government has firmly put the environment on the agenda is its commitment to reform the way our natural resources are managed in this state by passing the Natural Resources Management Bill. This bill revolutionises the way issues relating to water, vegetation, conservation, soil, pest plants and animals are managed by forming a peak advisory NRM council and eight regions, each with a skills-based regional NRM board. Sub-regional NRM boards will also be formed to ensure that local communities can make contributions to the management of natural resources in their area. This structure replaces the old system where more than 70 boards separately managed these issues. This new management structure will promote an integrated and coordinated approach to the management of our environment which will result in greater ecological sustainability. The Rann government has demonstrated its strong commitment to natural resource management reform by allocating \$6.8 million in the 2004-05 budget over a period of four years.

This government has a vision for South Australia to lead the nation in environmental reform and progressive green policy. Other examples of this are the One million Trees program and the Living Coast Strategy, to mention just a couple. The Rann government is determined to promote South Australia as a clean, green state to attract foreign and interstate visitors and, also, business.

That is why this government fought the Howard federal government so hard—to prevent this state from being used as the site for Australia's national nuclear dump. This has been a tremendous achievement. In the end, after they were dragged kicking and screaming, the Liberals abandoned their nuclear dump proposal—not because of the damage it would cause to South Australia's environment and its reputation as a clean, green tourist destination, or because of the protests of our indigenous groups and South Australians generally but, rather, because of its desperation to win three crucial marginal seats in the forthcoming federal election. The Howard government could not care less about protecting South Australia's environment and tourism industry or about respecting indigenous culture.

Another policy area in which the Rann Labor government has excelled, and on which we will continue to place a major focus, is our sound economic management. This government has successfully managed the South Australian economy, in spite of the mismanagement of the previous state Liberal government and the enormous pressures placed on it because of the federal Liberal government. For instance, under the Howard government workers are paying more tax than ever before, with the average person paying \$9 834 in 2003. On 2 April 2004 it was reported in *The Advertiser* that personal income tax rose 6.2 per cent in 2003, which amounts to double the growth in average earnings.

While workers are paying more tax than ever before, in the 2004-05 federal budget Howard decided that only those earning in excess of \$52 000 deserved a tax cut. While the majority of Australians do not benefit from the Howard and Costello federal budget, women fare the worst by far. Only 10 per cent of Australian women earn over \$52 000, leaving only a minute percentage of women to benefit from this tax cut for the rich. The total average of women's earnings, which includes part-time jobs, is just \$30 540. That means that the average Australian working woman is over \$20 000 short for the budget tax cut; hence, 90 per cent of Australian women received no tax cut at all under the 2004-05 federal budget. Not surprisingly, the May 2003-04 figure shows that the gap in men and women's total average earnings has widened since the election of the Howard government.

Another way in which the Howard government is making life tougher for women is its failure to tackle comprehensively the increased cost of visiting the doctor and the lack of accessibility to bulk-billing doctors. This pertains not just to women but to all low income people. However, women use Medicare services 50 per cent more than men, especially in their child-bearing years of 20 to 45, when they use Medicare 100 per cent more than men, and this is why I raise the issue of women. The consequence of an increasingly expensive and inaccessible health service will be that women who do not have the money will be denied access to proper medical services and will be less able to make informed decisions about their own health and that of their family.

If the Liberals' failure to fund Medicare adequately was not bad enough (the Howard government could not care less about providing an affordable and quality health system for all Australians), it was prepared to risk the integrity of our

pharmaceutical benefits scheme (PBS) in the recent free trade agreement with the United States. Like so many of Howard's ill-fated errors during his dreadful eight-year term, he was prepared to sign this agreement, which, in its original form, did not best serve the interests of all the Australian people. But, as with Australia's response to the war in Iraq; the attack on Medicare, child care and tertiary education; and tax cuts for the rich (to name just a few of Howard's damaging policies), the free trade agreement is a blatant example of Howard's not having the best interests of the Australian public at heart.

If it was not for Labor's refusal to pass the FTA enabling legislation without the necessary amendments which protected the PBS, the Australia public would have been forced to pay more for medicines under the PBS. For example, one of Labor's amendments will ensure that it is more difficult for multinational pharmaceutical companies to block the entry of cheaper generic brand medicine to the market.

As soon as we took power in 2002, the Rann Labor government launched intensive reform aimed at repairing the terrible mess in which the previous Liberal government left our health system. I have spoken about that at length, so I will not go into all that detail again as my comments are already on record. The Rann Labor government and minister Stephens inherited a health system which had been literally run into the ground. The Rann Labor government and minister Stephens have made enormous inroads by embarking upon a fully funded and progressive health reform agenda.

One of the many reforms is the \$120 million upgrade to the Queen Elizabeth Hospital which officially ended the 80 years of uncertainty over the QEH's future to which it was subjected under the former Liberal government. Our record of achievements—too many to outline here—gives an indication of the dedication this government has to South Australians and their health. As outlined in the Deputy Governor's address, health continues to be a priority for this government.

One of our recent and important achievements about which I was asked for more detail by one of my parliamentary colleagues opposite and which I must make mention of was the successful restructure of the hospital boards and regions on the basis of a recommendation made by the Generational Health Review. The Generational Health Review, of course, was another really important initiative of this government. From July this year, metropolitan Adelaide was divided into two health regions: the central north region and the south. A third region incorporates the Women's and Children's Hospital and Child and Youth Health. This new system of regional health service boards replaces 12 hospital and health service boards which agreed to disband. It is envisaged that the new boards will deliver a more coordinated and integrated system of primary care, acute care and rehabilitation services to deal with the projected demand of South Australia's ageing population.

Another exciting and innovative initiative in the health portfolio that ensures the provision of better health care to South Australians is the Every Chance for a Child initiative. More than 35 nurses have been allocated to this program, which sees them visit the homes of almost all newborn South Australians and their families within two to four weeks of their birth. Nurses conduct health checks on the baby, weigh and measure the baby and are available to answer questions that parents may have. This initiative is receiving \$4 million in funding per year, and it aims to detect problems early in

newborns. Nurses are also assisting the health of siblings of newborn babies. Mental health is also a big priority for this government, with the Mental Health Act being audited in order to improve the way in which the justice system deals with mentally ill offenders.

The Rann government's exceptional record on funding our health system makes it difficult for the shadow minister for health, the Hon. Dean Brown, to score any political points. In fact, the Liberals are, once again, trying to rewrite history. They have distributed inaccurate information regarding the current state of our regional health services to the alarm of the government, employees and directors of those particular services. In the Legislative Council on Monday 19 July, the Hon. Mrs Schaefer claimed the following:

Today we are greeted with the news that two hospitals on Eyre Peninsula will have their acute care facilities scrapped, thereby reducing them to aged-care facilities only.

However, this claim was based on a beat-up media release by the shadow minister for health, the Hon. Dean Brown. However, the General Manager of the Eyre Peninsula Regional Health Service, Mr Gary Stewart, proved the Hon. Dean Brown to be inaccurate in this media release and in his comments on 8.91 ABC Adelaide's morning program.

Mr Stewart put the record straight by stating that no hospitals were facing closure on Eyre Peninsula, that no discussion on this issue had ever occurred and that the only changes that were being made were upgrades. In fact, in Mr Stewart's press release he stated that the health services at Cummins, Tumby Bay, Elliston and Cowell are undergoing current upgrades. I do not believe that I have ever seen either the Hon. Dean Brown's or the Hon. Caroline Schaefer's apologies for misleading parliament in relation to this matter. Shame!

An honourable member interjecting:

The Hon. G.E. GAGO: No. While I am on the subject of poor representation, I briefly refer to an example that shows how inadequately South Australia's interests are being represented by South Australia's four federal cabinet ministers—Hill, Minchin, Vanstone and Downer—in relation to the federal government's national transport funding program Auslink. Like the nuclear dump issue, if it was not for this state Labor government's continued protests about the inequity of this funding announcement, South Australia's roads would continue to be under-funded. The federal government's initial proposal, which was changed only today (I note in today's paper), saw 85 per cent of the funding going to the eastern states and South Australia receiving a mere 3.5 per cent of the funds. It is an absolute disgrace. This original proposal was clearly unfair and unsatisfactory, considering that South Australia has 15 per cent—

Members interjecting:

The PRESIDENT: Order! There is too much interjection on my right.

The Hon. G.E. GAGO: —of the national road network and 8 per cent of the nation's population. However, Howard has decided to listen to the outrage expressed by the South Australian state government, industry groups and the general public outcry, and I understand that his deputy, John Anderson, is today announcing extra funding for Auslink. No doubt the threat of the forthcoming election has improved the Prime Minister's concern for South Australian roads. I would have hoped, however, that South Australia could rely on its four federal cabinet ministers to fight harder—God forbid that they fought at all!—and stand up in cabinet for their state's constituents to secure a better deal for this state. But, like the

nuclear dump issue, the job of sticking up for the interests of the people of this state is left to the Rann government and, of course, public outcry.

At this point I feel that it is probably appropriate to make some comments on the issue of the sale of ETSA by the previous Liberal government. It is an issue that continues to plague this state and an area where the Liberals have desperately sought to rewrite history, as we have seen the Hon. Rob Lucas do on a number of occasions in this chamber. We have seen much posturing and blustering on his behalf in the past.

I would like to set the record straight. The previous government claimed that selling of the electricity industry would do many things, but it did not tell consumers that it would result in higher prices, even though it did everything it could, in fact, to create those higher prices. The decision to sell these assets was bad enough, but the previous government could not even organise the sale of these assets without a complete mess up. The way in which it botched this was quite peculiar in that it claimed that the sale would encourage competition, but it proceeded to establish a lot of monopolies.

These monopolies were established in transmission, distribution and retail. Indeed, it was only in the area of generation that the Liberal Party created competition, but this had more to do with the requirements of the NEM than the desires of the Liberal Party, if the truth be known. It created a monopoly transmission company. No market in the country has attempted to create competition in transmission. It created a monopoly distribution company, which was different from what happened elsewhere. And the icing on the cake was the establishment of a monopoly retailer—and it was a monopoly retailer, whatever fig leaf of respectability the Hon. Rob Lucas has tried to place on it since then by referring to a number of companies that sought licences to retail electricity in this state.

There can be no argument that the former government chose, as part of its privatisation process, not to form a number of competing incumbent retailers and distribution companies as occurred in Victoria and a number of retailers as in New South Wales and, instead, chose to sell ETSA Power as the incumbent retailer with a dominant position and an effective monopoly with little opportunity for effective competition.

The Hon. R.D. Lawson: Okay, what are you doing about it? The Lieutenant-Governor didn't say anything about this.

The Hon. G.E. GAGO: I am asked what we are going to do about it, and I will in some detail, when I finish this section, go on to outline what we have done about it and what we plan to do about it. I will be pleased to do that. They are embarrassed: obviously, these facts are embarrassing members opposite me. Anyway, the truth is that over 90 per cent of customers were reserved for ETSA Power or AGL, as it became known, until 2003, when full retail competition was introduced. But do not just take my word for it. The industry also says that you lot opposite created a monopoly and, in its statement to the report on the NEM Task Force, a report for the previous government, Citipower stated in relation to AGL:

It is virtually a monopsony buyer and a monopoly seller to the region. No other region of the NEM has this level of retail market domination.

What shame members opposite should be feeling! But the information pack that the Hon. John Olsen's advisers handed to members of parliament to encourage them to support the privatisation push specified that a number of retailers would

be created. The question has to be asked: why the change between what the previous government proposed and what it eventually delivered? Why did the members of the Liberal government, the so-called champions of competition and avid supporters of the market—not that they worry too much about it being rigged against consumers—decide to create monopolies? They did it for the money they could rip out of consumers' pockets. And it is not only regrettable that businesses like monopolies, it is scandalous that the previous government conspired with them to set up a monopoly retailer and distribution company in the power industry.

The reason why businesses like monopolies is that it gives them pricing power in the marketplace. They get to charge consumers more than in a competitive market. It also enabled the Liberals to charge more for the assets and then allow those companies to seek their return from South Australia's consumers. And what a return it was! The government is in a position to be able to say that, at the specific time and date of the five-year EPO being brought down in South Australia, similar decisions were being taken in an interstate market in the same circumstances. In this case, it was an apples for apples comparison. The weighted average cost of capital decisions between states does not put the decisions of the previous government in a good light.

The Electricity Pricing Order (EPO) that the Liberals established gave a pre-tax real weighted average cost of capital (WACC) of 8.26 per cent. This EPO issued in October 1999 for both ETSA Utilities and ElectraNet SA was in excess of anything that was given to regulated electricity assets in the same period. The ACCC's revenue determination in January 2000 for the New South Wales transmission company Transgrid included a pre-tax WACC of 7.35 per cent, some 10 per cent below the deal done by the Liberal government here in South Australia. Also in 2000, the Essential Services Commission of Victoria set a pre-tax real WACC of between 6.8 and 7.2 per cent for electricity distributors.

In 1999 IPART (the New South Wales regulator) set a pre-tax real WACC of between 7.5 and 7.75 per cent for electricity distribution. In these cases the return allowed to the utilities started with either a six or a seven. I am advised that there was one decision which resulted in a WACC and which started with an eight, and that was in South Australia. The claims by the Hon. Rob Lucas that the WACC the Liberals set was comparable to interstate decisions is laughable. The opposition set a higher WACC and gouged consumers in this state to increase the price that they got for those assets. Why did the previous Liberal government do this? They did it for the money and for their mates in big business; they did it to rip off consumers.

The increases that business and residential consumers have suffered, following the failed privatisation, reflect the impact of policies of the Liberal Party. The former government's own South Australian NEM task force report highlights increases of 30 to 35 per cent. Figure 9.1 of the report highlights that business customers received an increase in tariffs of up to 45 per cent, with a number of customers facing increases in the range of 75 to 80 per cent. The report goes on to state that retail customers would face price increases when full retail contestability commenced. I find it difficult to believe that the previous government would not have been advised that residential consumers would have price increases of a similar magnitude to those faced by businesses.

In contrast, this government has increased competition in the market. During the past 20 months over 100 000 small

electricity consumers have agreed to transfer to market contracts—one of the largest market shifts to occur in Australia. This has occurred as a result of policies this government has implemented. The contrast that this provides with the outcomes of the policies that the previous government pursued could not be starker; that is, the sale of an incumbent retailer who retained effective monopoly in the market and higher power prices.

This government continues to deliver initiatives to help people who are struggling to pay their electricity bills. This government has increased the pensioner energy concession by 70 per cent—the first increase in over 10 years. This is to help low income households affected by the failed privatisation of the Liberal Party. In addition, a program of energy audits is offered to reduce power usage; a second fridge buyback is operating and a no-interest loan scheme is now available to help replace energy hungry appliances or increase thermal efficiencies. These steps demand management and are undertaken in conjunction with legislative changes in order to enable a three year price path to be established and a review to be undertaken of AGL and ETSA Utilities charges. The government will continue to encourage competition in the energy market, and to this end it has decided the cost of introducing full retail competition in gas would not be borne by consumers. In order to achieve this, the state Labor government committed \$64 million to meet the cost of entering this competitive market. Consumers will get the benefits of increased competition in the gas and electricity markets without having to bear the cost of gas full retail competition.

The Rann Labor government has delivered significant achievements across all policy and platform areas and is building on the priorities which have been mapped out for the next parliamentary session. However, time does not permit me to outline all these. I would be remiss if I did not acknowledge, with praise, the Rann government's approach in tackling the significant issue of problem gambling. Before outlining this government's measures to combat the issue of problem gambling, it is important to understand the extent and prevalence of the problem. Figures collated by the Independent Gambling Authority, and its inquiry into management of gambling machine numbers, show that problem gamblers make up 2 per cent of the total adult population, make up 15 per cent of the gambling population and create 40 per cent of gambling expenditure.

That is a huge amount of money that problem gamblers contribute to total gambling profits—nearly half of all profits. It is not just the problem gamblers themselves who suffer from their problems, because their families and friends are also adversely affected. More broadly speaking, problem gambling produces a huge strain on the whole community, particularly on social services, such as charities, government organisations and church-based organisations. For these very compelling reasons outlined in the IGA's inquiry, this government has decided to introduce a range of reforms to counteract the damage caused by problem gambling.

One of these reforms was the passing of the Problem Gambling Family Protection Orders Bill. This legislation gives family members the right to apply to the Independent Gambling Authority for a family protection and problem gambling order if they believe that one of their relatives has caused financial hardship through excessive gambling. Such an order can bar a person from gaming venues, require that the person attend counselling, education and rehabilitation appointments, and impose an arrangement over a person's finances.

A significant finding of the IGA's inquiry into the management of gambling machine numbers is the interrelationship between the density of gambling machines and the incidence of problem gambling. The report states:

The greater geographical concentration or availability of gambling machines appears to be associated with greater gambling losses and a high prevalence of problem gambling.

On the basis of these findings, the government has introduced the Gaming Machines (Miscellaneous) Amendment Bill, in order to reduce problem gambling or contribute to a reduction in the level of problem gambling. This bill proposes measures to reduce the number of gaming machines in South Australia by 3 000, meaning that the total number of gaming machines in South Australia will be reduced to 12 000. These initiatives are aimed at curbing the impact of problem gambling on our society as part of a package of reforms that the Rann government has introduced since coming into power. This includes the introduction of new codes of practice developed by the Independent Gambling Authority, to mention just one more initiative.

The Rann Labor government's achievements are too many to list today, and I have provided only the briefest of thumbnail sketches. However, I conclude my remarks by saying how proud I am to be part of a government that does not shirk responsibility for problems that exist as a result of many years of neglect by the previous Liberal government. The Rann Labor government has done more for the people of South Australia in its first couple of sessions of parliament than the previous Liberal government achieved in eight years.

I am pleased to be part of a government that has made a real difference. This government has not shied away from making necessary changes and taking tough decisions for the benefit of all South Australians. This is a government which cares and a government which has from the outset strived—and will continue to strive—to provide opportunities for all, particularly those who struggle the most. Building on the work we have already completed, it is clear that the future of South Australia is in safe and capable hands and that we have much to look forward to.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

ADJOURNMENT

At 6.04 p.m. the council adjourned until Thursday 16 September at 2.15 p.m.