LEGISLATIVE COUNCIL

Wednesday 22 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 3rd report of the committee.

Report received.

The Hon. J. GAZZOLA: I bring up the 4th report of the committee.

Report received and read.

JAMES HARDIE INDUSTRIES

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a copy of a ministerial statement relating to James Hardie asbestos victims made today by the Premier.

SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES ASSOCIATION

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a copy of a ministerial statement relating to the Shop Distributive and Allied Employees Association made today by the Attorney-General.

Members interjecting:

The Hon. P. HOLLOWAY: I can thoroughly recommend that members opposite read it.

STORMWATER MANAGEMENT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of a ministerial statement relating to stormwater management in metropolitan Adelaide made in another place on 21 September by the Hon. John Hill, the Minister for Environment and Conservation.

QUESTION TIME

BUDGET PAPERS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question about errors in budget papers.

Leave granted.

The Hon. R.I. LUCAS: Some members might be aware that, without much fanfare in both houses, a document entitled 'General government expenses by function corrigendum' was tabled yesterday in this place by the Leader of the Government and by the Treasurer in another place. Without going through all the detail of that document, it highlights significant errors of up to $118 million in specific budget years in the expenditure on social security and welfare. It also claims to see errors of up to $62 million a year in terms of health expenditure in South Australia; similarly, errors of up to $72 million in the housing expenditure lines; and errors of up to $73 million in the lines for other purposes.

Members will also note that no explanation was provided by the Leader of the Government in this place as to the reasons for these significant errors in the budget papers and budget documentation. I am also advised that no explanation was given by the Treasurer in another place. Further, it is important to note that, in essence, the errors that are now claimed see an increase in expenditure since 2002-03 through to the financial year 2004-05 of some $62 million, that is, there is a boosting—artificial or otherwise—of the claimed expenditure on health in South Australia as a result of this document, which states that there have been errors in the budget papers. My questions to the Treasurer are:

1. Will the government explain the reasons why these errors of such a significant nature have occurred in the budget documents?

2. Will the government confirm whether or not these reallocations will impact on the actual appropriations being made to the various agencies in 2004-05; for example, does this mean that the health portfolio will be receiving an extra $59 million over and above what was listed in the budget documents?

3. Will the government confirm whether there was any impact on budget number results prior to 2002-03; that is, if these errors are as a result of reclassification errors, were those errors also evident in budgets prior to 2002-03 or have they occurred only since 2002-03 under the Labor administration?

4. Given that the 2002-03 numbers have changed, will the government confirm why a corrigendum was not also issued in respect of the 2002-03 final budget outcome document that was released by the government on 22 December 2003 and tabled in the parliament on 17 February 2004?

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

MOTOR VEHICLE THEFT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about crime prevention in respect of motor vehicle theft?

Leave granted.

The Hon. R.D. LAWSON: The March quarterly statistics for motor vehicle theft in Australia were recently released by the National Motor Vehicle Theft Reduction Council. Information released shows alarming trends for South Australia. The council released a publication at the time these statistics were announced, which states:

> Despite reductions in some of the smaller jurisdictions, the higher quarterly theft numbers reflect a substantial increase in thefts in New South Wales and Queensland. South Australia was the only other jurisdiction with an increase.

The figures show that in the March quarter this year 2 301 vehicle thefts were reported in South Australia (an increase of 2 per cent), which at 2.1 per 1 000 vehicles represents the highest proportion of any Australian state with only the Australian Capital Territory (a very small jurisdiction) having a slightly higher figure. In the thefts per 1 000 of population, South Australia (at 1.5 per 1 000) is by far the highest in Australia and well above the national average of 1.1. Last year some 9 761 vehicles were stolen in this state.

The figures also show that thefts and registrations of passenger vehicles manufactured between 1980 and 1990 in South Australia represent the highest proportion in the nation (some 69 per cent), which is not altogether surprising because South Australia has the oldest motor vehicle fleet of any

mainland state. The theft reduction council points to the experience of Western Australia, where immobiliser schemes have been implemented. In its documentation, the council states:

> The current quarterly data supports the argument for the expansion of similar immobiliser schemes to other jurisdictions.

The figures also identify the following hot spots in South Australia: Adelaide, North Adelaide, Salisbury, Modbury and Morphett Vale. The top targets are the Holden Commodores 1984, 1985, 1986, 1987 and 1989. There are in this state over 400 000 pre-1990 registered vehicles. My questions to the minister are:

1. Does the government have any plans to introduce programs to reduce the unacceptably high level of vehicle theft in this state?

2. If the government has rejected proposals for an immobiliser scheme in this state, what were the grounds for that rejection?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Attorney-General and bring back a response.

OUTER HARBOR

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the dredging of Outer Harbor.

Leave granted.

The Hon. CAROLINE SCHAEFER: The opposition has learnt that a study commissioned by the government and undertaken by Economic Research Consultants has reported that, if Outer Harbor is not deepened by 2013 or sooner, there will be a risk of the loss of $2.8 billion per year of trade to South Australia; 150 000 containers per year will move by road or rail to Melbourne; road and rail transport accident costs are estimated to become higher by $850 000 a year; greenhouse gas emission damage will be higher by $650 000 a year; and road damage will be higher by $1.8 million per year, with the potential for a loss of 2 000 jobs to South Australia. In fact, if the dredging is not completed before dredging in Melbourne, South Australia runs the risk of being bypassed altogether by container ships.

The opposition has also learnt that the government, although publicly committing to the dredging program, is exploring options to get the private sector to pay for the entirety of the deepening and this, of course, will pass the costs on to exporters to such an extent that many could be made unviable. My questions are:

1. Is the minister familiar with the report to which I am referring?

2. Can he confirm that a study into the economic effects of delaying the deepening of Outer Harbor has found that it will cost South Australia over 2 000 jobs and put $2.8 billion worth of trade at risk?

3. Will the minister indicate when dredging will commence at Outer Harbor?

4. Will the minister confirm or deny that the government is in fact exploring methods of having total private sector funding, thereby passing costs on to exporters?

The Hon. Sandra Kanck: And breaking its election promises.

The Hon. CAROLINE SCHAEFER: We are used to that, though.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Let us deal with the last bit first. The question is a bit rich given that the Liberal Party while in government sold our ports, and sold them too cheaply. Part of the proceeds of that sale, if I recall, went to pay for the River Murray. So, the Liberal government sold the ports and then used part of the proceeds to fund something completely different. Now the Liberal Party asks whether we are going to pay for this, after it privatised this area. When it was in government, it said, 'We as a government do not want anything at all to do with our ports. Governments should not be in the business of ports. Let us sell them, and we will use the money for election promises—for something completely different.' Having done all that, it then asks, 'Is this government investigating funding options that would minimise the cost to the taxpayer?'

The Minister for Infrastructure is the one who can answer exactly what funding he is looking at but, frankly, I would be very surprised if he is not looking at a means of minimising the contribution from taxpayers given that, in fact, the ports in this state were privatised by the previous government. Was this the privatisation that the Democrats supported?

An honourable member: Yes.

The Hon. P. HOLLOWAY: They supported a few of them. So, I think it is a bit rich if they are going to contribute to this debate; if they are going to debate that as well. Let us have some semblance of honesty in this debate. If we go ahead and privatise these things, since the government no longer has any capacity for recovery in that area, of course it will be looking at who will do this work. This government is doing more to improve the infrastructure of the ports of this state than did the previous government, which is exactly why this government has got on with the job of improving the infrastructure of the road and rail bridges and the new container terminal. This government was able to renegotiate the location of the Outer Harbor terminal to save $20 million, which would have been wasted if the previous proposal had gone ahead. This government is committed to the improvement of the port at Outer Harbor. With dredging there are a whole lot of issues, and I will get a detailed response from the Minister for Infrastructure.

There are a number of issues to look at, including the disposal of the spoil. They are significant issues for the environment of the gulf fisheries. There are a number of issues that have to be considered in an orderly way by government, but certainly we have made clear that we are committed to improving the assets of our ports system as they are very important to our exports. We certainly do not need any reports to tell us how important the port of Adelaide is to our state. There are a number of issues in relation to it.

Members interjecting:

The Hon. P. HOLLOWAY: A key part of any strategy this state has for exports is infrastructure. This government, unlike the previous government which gave multi-million dollar handouts to individual companies—$25 million to one call centre was the way it began government—is on about improving the basic infrastructure essential for the export performance of this state. That is exactly where our priorities lie and what we will be doing. As any report looking at our exports would show, it is important that we have the best option for taking our exports to the world.

There are a number of issues that make the port of Adelaide work better that this government is working through with industry at the moment. One is the shortage of containers. It is one thing we have referred to the Freight Council at the moment. There are a number of issues in relation to

making sure our ports are competitive with those interstate and in Victoria. The Victorian government is now having to spend something like $450 million or more, one suspects, because we have a significant advantage.

Members interjecting:

The Hon. P. HOLLOWAY: We will see if they do. This state is fortunate in that we have a significant advantage over the port of Melbourne, which is something like 100 kilometres from the mouth of the sea. The entrance to Port Phillip Bay is only about 11.5 metres deep across the rip. There will be a massive cost to improve the port of Melbourne. This state has an advantage, and that is why this government is putting so much importance on improving the port of Adelaide. We are doing it. The previous government privatised it. It thought so much of its ports that it privatised them. What happened to the proceeds? Did the former government put them aside? No! About $25 million or so from that port sale was used to fund the River Murray. That was part of—

Members interjecting:

The Hon. P. HOLLOWAY: Of course we supported spending money on the River Murray, but it is a bit rich privatising the ports and using the proceeds for something else. Members opposite then ask, 'Why is this government not coughing up taxpayers' money to do it?' This government will carefully consider the options available in relation to the ports and we will deliver. Unlike the previous government we will deliver. We will deliver: which is more than they did.

The Hon. CAROLINE SCHAEFER: As a supplementary question, when was the Minister for Industry and Trade briefed on the economic research consultants' report on the dredging of Outer Harbor?

The Hon. P. HOLLOWAY: I am not aware of that report. As I said, I do not need that report to know how important this is. This has been talked about for years. I have been attending briefings for a long time through the major projects committees and others.

Members interjecting:

The Hon. P. HOLLOWAY: The honourable member can try to grunt like a pig if he likes. He can act like one, too, for all I care, but I do not think it really contributes much to the debate. The fact is that the record stands for itself. The Liberals in government sold the ports and used the proceeds for something else. This government is building up the assets of the port of Adelaide. We are well aware of the importance to the future of this state to be able to take larger ships. We are committed to the dredging of the port. There are a number of issues, and I will obtain a report from the Minister for Infrastructure about the issues that need to be addressed. All those things are important.

I am sure that, if the government went ahead and did not consider them properly, the mob opposite would be the first ones squealing and whingeing that we had not done it all properly. We will do it all properly. In the meantime, the infrastructure of this state and the ports will continue to improve under this government. Our solution is not just to flog things off, which theirs was.

The Hon. D.W. RIDGWAY: I have a supplementary question.

The PRESIDENT: Order! Before I take another supplementary question, there have been persistent and consistent breaches of standing orders 181 and 182 from members of Her Majesty's Loyal Opposition, and I ask them to desist so that, when a question is asked, I can hear it, the person being asked the question can hear it and those others interested in the debate may also hear it. The Hon. Mr Ridgway has a supplementary question arising out of the answer?

The Hon. D.W. RIDGWAY: Yes. What infrastructure projects has the government funded at Outer Harbor since coming to office, which the minister mentioned in his answer?

The Hon. P. HOLLOWAY: The government is funding bridges. The tenders have been let for those bridges.

The Hon. D.W. Ridgway: That's not Outer Harbor. That's Inner Harbor.

The Hon. P. HOLLOWAY: If you are going to export something, you actually have to get it there by road and rail. An essential part of that infrastructure is the new road and rail infrastructure that will reach those ports. Also, in terms of delivery, of getting your goods to the port, the new road that is being constructed, the new expressway to Port Adelaide, is a very important part of that. Work is now being done to connect that to Gawler.

COMMUNITY CORRECTIONS

The Hon. G.E. GAGO: I seek leave to make a brief statement before asking the Minister for Correctional Services a question about Community Corrections.

Leave granted.

The Hon. G.E. GAGO: Earlier this week, the minister was asked about social workers in Community Corrections and, in particular, in the southern suburbs. It was asserted by the opposition that there are no Community Corrections social workers in the southern suburbs. My questions are:

1. Will the minister inform the council whether such a claim is true, or is it the case that the opposition has got it horribly and embarrassingly wrong?

2. If it was wrong, has the opposition apologised for its unfair and inaccurate assertion?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for her interest in correctional services. Earlier this week I was asked a question by the Hon. Angus Redford, and within the question there were a number of assertions in relation to the number of social workers working in Community Corrections. Community Corrections comes in for a lot of brickbats on the basis of the work that it does, but this government supports Community Corrections and the volunteer organisations associated with it within communities, because of the important work that they do.

Amongst other things, the assertions were that, first, it is impossible for a newly released prisoner, who is usually on parole, to get an appointment with a social worker for at least five to six weeks; and, second, that there are now no social workers in the southern suburbs. Sadly, in making these ill-informed comments, the honourable member has got it embarrassingly wrong. I am informed by the department that there are 6.4 social workers and two case management consultants. There are also social workers with a smaller case load and one intervention worker, also a social worker, working out of Noarlunga Community Corrections. There are also four social workers working out of South-West Community Corrections at Edwardstown. That total will be increased to five in October when all vacant positions have been filled. It means that there are 13.4 social workers working in Community Corrections in the southern suburbs—a far cry from the honourable member's claim that there are

none. Some may view the centre at Edwardstown as not being in the south, but it certainly services the south.

The department has informed me that the claims of a waiting list of at least five to six weeks to see a social worker are just not true. The department has checked with the managers of every metro Community Corrections office, who report that there are no increases in the time it takes to see a social worker, which is almost always less than one week. Either the honourable member's informer has ill-informed him or the honourable member has put the story together. Unfortunately, whichever one it is, it has reflected badly on Community Corrections and I hope that he will correct that by talking to some of the people within corrections, perhaps visiting some of the centres down south and finding out what the situation is in reality.

The honourable member suggested that the state of affairs was due to incompetence and mismanagement. I wish to reiterate my support for those working in Community Corrections and in the prisons, who do an outstanding job, often in difficult circumstances. I would certainly like to see the honourable member talk to the—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member raises the issue of resources. The honourable member needs to find out himself what the situation is, and it would certainly pay for the honourable member to go down to the southern suburbs and talk to the people in Community Corrections and view the circumstances himself.

The Hon. A.J. REDFORD: I have a supplementary question. Is it not the case that the most recent Productivity Commission report states that South Australia has the worst rate of parole supervision in this country?

The Hon. T.G. ROBERTS: That is a position that the honourable member has put before in this council. South Australia has an issue with resources, as every other state has, in relation to how we run our prison system. The situation as to how we deal with those issues is one of confidence in management and in supervising officers within the system. This government understands that, from time to time, the system is under pressure, but the government has full confidence in the stature and the ability of the people within the system to deal with the issues that arise.

The Hon. A.J. REDFORD: I have a further supplementary question. Is it not the case that, notwithstanding the Productivity Commission's damning report on the level of supervision of parolees, the government has allocated inadequate resources to this area?

The Hon. T.G. ROBERTS: No.

The Hon. A.J. REDFORD: I have a further supplementary question.

The PRESIDENT: What is your question arising out of the minister's answer? Which part of 'no' did you not understand? Does the supplementary question arise out of the answer?

The Hon. A.J. REDFORD: Yes, sir. Is it not the case that on previous occasions the minister has stood up in this place and acknowledged that there are inadequate resources in relation to the supervision of parole officers?

The Hon. T.G. ROBERTS: I have to answer no to both questions.

SCHOOLS, FINANCIAL REPORTING

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Education and Children's Services, a question regarding financial reporting.

Leave granted.

The Hon. KATE REYNOLDS: Partnerships 21, or the P21 scheme, was first introduced into some schools in the year 2000 under the former government. Next year all public schools will be forced to take responsibility for their own finances under the Labor government's own scheme. I have previously raised concerns about the lack of detail provided by this government to schools in preparation for the compulsory transition, I have raised concerns about the lack of a response to evaluation reports compiled on the P21 scheme, and I have raised concerns about the uncertainty and confusion experienced by school communities.

For schools to develop an understanding of the operation of P21 and the changes to budget formulation, a software package known as the global budget management tool was developed for schools to use in budget preparation and management. In conjunction with this management tool, the governing council reporting tool (GCR) was developed. These tools were supposedly to provide accurate information for principals, finance committee members, staff and governing councils. The governing council reporting tool was initially very basic, and finance officers had to use the figures showing on their own balance sheets and profit and loss statements to check that the figures matched and corresponded with the GCR tool.

The GCR tool has been modified over the years and is now a function within the finance program, but school finance officers and administration officers all report that the system is still very time consuming and cumbersome and does not reflect the financial position of the site accurately. And I can tell you, Mr President, that as a member of a governing council I know from first hand experience that the reports generated by the DECS program need to be viewed with caution, because often essential information about financial transactions is missing, and this means that schools are forced to make decisions based on misleading information about their cash flow, their income and their expenditure. My questions are:

1. When will the new funding model announced as part of the reformed P21 structure be supplied to schools?

2. Will there be comprehensive training and support to assist new schools, as well as current P21 schools, to understand the requirements of the local management scheme, to understand the reports generated by these 'tools' and the reports which are collated and distributed by state office, and will there be training and support in using the relevant software programs?

3. What mechanisms are in place to verify the accuracy of the utility charges (such as electricity, gas and telephone) which are all passed on to individual schools from the department's central office?

4. What improvements is the department planning to ensure that the reports received by schools—and particularly by their governing councils—are timely, accurate and more easily understood?

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

to the Minister for Education and Children's Services and bring back a reply.

HOUSING, RENTAL

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 Housing, a question about vulnerable tenants seeking rental homes.

Leave granted.

The Hon. A.L. EVANS: The Real Estate Institute released figures on 17 September stating that the Adelaide rental market remains steady, with a vacancy rate of 2.3 per cent for August 2004. In a report by Shelter SA, 68 women were interviewed about seeking rental housing. The report stated that one in three women who were single or separated with children were discriminated against in seeking rental housing. Forty-seven per cent of women interviewed said that they were refused rental housing because they had children, and 50 per cent were turned away because of low income. Out of the 68 women interviewed, 44 were refused a lease, which meant the only other option was that they were homeless. We have reports that single fathers with children may also be having difficulties. With such a low vacancy rate in Adelaide and apparently discriminatory practices, certain vulnerable tenants with children and on low income are finding it difficult to find rental housing. My questions are:

1. What measures are in place that could assist vulnerable tenants to make successful applications for affordable rental accommodation, given that the rental market is relatively tight and given that they may be vulnerable to unlawful discrimination?

2. Will the government consider additional measures, such as the provision of an advocate, to assist tenants seeking rental accommodation?

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

The Hon. KATE REYNOLDS: I have a supplementary question. Given that it was due 12 months ago, when will the State Housing Plan be released?

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

FREEDOM OF INFORMATION

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Administrative Services, a question about freedom of information.

Leave granted.

The Hon. A.J. REDFORD: Last Sunday saw the first edition of the *Independent Weekly*—in fact, I had it delivered to my home. On the front page was an article on freedom of information, written by the well respected journalist Alex Kennedy. In it—

The Hon. P. Holloway: She's an expert in that field.

The Hon. A.J. REDFORD: The honourable member interjects and says that she is an expert in FOI—

The Hon. P. Holloway: And she has had first-hand experience.

The Hon. A.J. REDFORD: —and she has had first-hand experience. I can only agree with that interjection; the minister is absolutely correct. In any event, in the article that well respected journalist referred to the practice of rorting freedom of information applications, where the government is refusing to release documents on the basis that public disclosure would 'infringe upon the privilege of parliament'. I must say that, not happy with executive privilege, this mob want to steal our privilege. Notwithstanding that, I have noticed that there is now another regularly used claim by the government, and that is that the release of documents would constitute (or found an action for) a breach of confidence.

To my knowledge, a case of breach of confidence has not been upheld in the courts of this state for many years. Notwithstanding that, this claim is made by the government on a regular basis. Indeed, over the past month the claims made in relation to documents I have sought have been made on more than 10 occasions. A claim under the protection of commercial in confidence in the Freedom of Information Act also attracts the public interest test. In other words, if a claim is made that it would be a release of documents or information that is commercial in confidence, the decision maker then, in the context of that claim, has to apply the public interest test. In other words, is it in the public interest that these documents should or should not be released?

The claim for a breach of confidence does not attract that rider. If it can be made out, the documents are not released. In other words, the government has been extremely clever in avoiding the application of the public interest test in that respect. In the light of that, my questions are:

1. Can the minister confirm that the claim of breach of confidence is made to avoid the application of the public interest test?

2. How many claims have been made against the government in the past five years for a breach of confidence?

3. Is it not the case that a release of documents pursuant to a lawful requirement under the Freedom of Information Act could never found an action for breach of confidence?

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

FLOREY ELECTORATE OFFICE

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Treasurer, a question about the Florey electorate office.

Leave granted.

The Hon. J.S.L. DAWKINS: I have been advised by a constituent that the campaign of the federal Labor candidate for Makin, Mr Tony Zappia, is based in the same premises as the state government-funded Florey electorate office at Montague Road, Modbury North. That electorate office is occupied by the member for Florey in another place, Ms Frances Bedford. My constituent advises me that the Makin Labor campaign operates from the rear of the Florey office and has a separate telephone landline installed. My questions are:

1. Did the Treasurer approve the use of a state government-funded office for the purposes of running a federal election campaign?

2. Will the Treasurer indicate whether state government-funded staff have been answering telephone calls made to the campaign office of Mr Zappia?

3. Will the Treasurer confirm whether the telephone number 8264 0224, publicised as the number for Mr Zappia's Makin campaign, is the same number as the separate line connected to Ms Bedford's electorate office?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Treasurer in another place and bring back a reply, but it is pretty obvious that the Liberals must be getting very worried about their candidate's performance in Makin. Mind you, the current member for Makin has been pretty good at getting some publicity for herself. Unfortunately, it was not particularly helpful publicity, but she has been very good at it. The Labor Party is very fortunate to have the Mayor of Salisbury, Mr Tony Zappia, running for Makin. He is an excellent candidate but, of course, being a grass-roots candidate, I am sure that Mr Zappia does not have the hundreds of thousands of dollars that are available each year to sitting federal members of parliament.

We will get answers to those questions but, regardless of what happens, I am sure that the taxpayer-funded resources available to Trish Draper will be immensely greater than any that might be used for Tony Zappia. But, in the end, this sort of distracting nonsense will not influence the voters. I believe that the voters of Makin are well aware of how well the Mayor of Salisbury has represented them over many years. I am sure that many people in the Liberal Party would love to have a candidate of that calibre running in the election. At the end of the day, we know what these sorts of tactics are about, and we saw one yesterday. We saw yesterday some mud being thrown against the candidate for Hindmarsh; today it is the candidate for Makin; and, presumably, tomorrow it will be the candidate for Adelaide. At the end of the day, I think that what is happening—

An honourable member interjecting:

The Hon. P. HOLLOWAY: I am sure that you will make something up. But, at the of the day, the electors of Makin, Adelaide and Hindmarsh will make their judgment; and I think that the public opinion polls are increasingly showing that they believe it is time for a change. They are sick of the sort of government they have had over the past eight or nine years federally.

The Hon. A.J. REDFORD: As a supplementary question, will the Treasurer refer this matter to the Auditor-General to determine how much money should be recovered from Mr Zappia?

The Hon. P. HOLLOWAY: I would have thought that that was a rather leading question; it is assuming something. If you learn one thing in this parliament over 15 years it is never to believe the allegations that come from members opposite, because they have a pretty poor track record and, nine times out of 10, they are wrong. So, allow the Treasurer to check the facts before we make any assumptions. We saw the sort of leading questions used against my colleague the Attorney-General yesterday, but it will not work here.

Members interjecting:

The PRESIDENT: The Hon. Mr Xenophon has the call when silence rules.

The Hon. NICK XENOPHON: What guidelines are in place for the use of state taxpayer resources with respect to either state or federal campaigns and, if no guidelines are in place, what rules does the government say ought to apply?

The Hon. P. HOLLOWAY: I believe that there are guidelines for the use of electorate office equipment that apply at all times, and not just at the time of an election. They are to be used for the member's benefit. I believe that they are made available to all members of the lower house who have electoral offices. But, for the member's benefit, I will refer that question to the Treasurer.

The Hon. A.J. REDFORD: Sir, I have a further supplementary question. Can we have an answer to these questions before 9 October?

The Hon. P. HOLLOWAY: The honourable member is asking whether I can get him an answer to a question by tomorrow, because that is the last sitting day before the federal election. I think the honourable member is being very unreasonable. They are not bad. They come and make these accusations, like they did yesterday, when they dug up stuff that is at least 12 months old. If we want to get into that sort of stuff, there is plenty that we could say—if there is anything you want to know about rorting. It is rather incredible. The Liberal party is making accusations of some rort in relation to the candidate for Makin. If anyone has rorted anything in Makin, I would have thought it is the current member, Trish Draper. If you want to talk about rorting, I would have thought that that takes the cake. Why bring it up in here?

I am quite happy to come in here and answer questions about matters within my jurisdiction, but the honourable member has a gall in raising matters relating to the propriety of members. It is incredible gall. After Trish Draper's record, he is trying to raise accusations against the Labor candidate. They are not bad.

The Hon. R.I. LUCAS: Sir, I have a supplementary question arising out of the answer. The Leader of the Government just claimed that he is quite happy to answer for his areas of responsibility. How does he justify that, given his refusal for over two years to provide details of his expenditure on overseas travel?

The PRESIDENT: The question has been answered.

The Hon. P. HOLLOWAY: I am providing that information—

Members interjecting:

The Hon. P. HOLLOWAY: As a matter of fact, I am just signing off the question now. I am not hiding anything.

Members interjecting:

The PRESIDENT: Order! I think all honourable members ought to remember that, when you open Pandora's box, it provides embarrassment in many areas.

DRILLING PARTNERSHIP

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the government's drilling partnership.

Leave granted.

The Hon. R.K. SNEATH: In April, the government announced its plan for accelerating exploration. Part of that plan involved a drilling partnership with industry. Recently, the minister told this council that the successful bidders would be announced in the near future. Is the government able to announce the successful bidders in this program?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I am very pleased to be able to announce that the successful applicants for this program have been decided and that PIRSA has written to all the applicants to inform them of the results of the assessment process. As

members of the council would be aware, the plan for accelerating exploration is the most comprehensive mining policy ever developed in Australia. Already other states are considering following South Australia's lead, as the package has been enthusiastically embraced by the mining community. The strategic intent of the plan for accelerating exploration is to increase expenditure by existing tenement holders and encourage new explorers into South Australia, thereby providing long-term economic benefits to the state. Under Theme 2, the strategy of collaborative drilling of targets based on sound technical, scientific and commercial criteria will facilitate this by increasing the potential for discovery and improving the perception of prospectivity of South Australia. Overcoming the problem of sedimentary cover obscuring prospective basement is an important aspect of the strategy.

The total drilling program budget for 2004-05 (PACE Year 1) is $2 million. Some $1.7 million is allocated for collaborative drilling, $150 000 for improved core storage facilities (given that we will be getting all these extra cores as a result of the expanded program, it is important that we store them correctly for future exploration, because some of the cores that were taken up to 30 or 40 years ago are still being utilised today) and also $150 000 for program management.

Following industry consultation and development of the program guidelines, a call for proposals was made on 2 July 2004. Some 47 drilling proposals were received by the closing date of 13 August 2004. Drilling proposals were assessed and given a preliminary ranking against criteria set out in the guidelines by a working group from the PIRSA Geological Survey Branch. Prior to this assessment, proposals were reviewed by other Geological Survey Branch geoscientists with knowledge of specific regions. The proposals were then further assessed by a panel including Mr Paul Heithersay, the Executive Director of Minerals and Energy, and two external geologists with extensive industry experience but without commercial interests in South Australia.

The recommended proposals cover a variety of target mineral deposit styles and geological settings. Proposals target: the Gawler Craton and environs (16); the Curnamona Province (4); the Musgrave Province (3); and the basement to the Murray Basin (2). One also targets water for the development of the Prominent Hill deposit. Several of the proposals test innovative exploration techniques, and I look forward with interest to the results of these tests.

Approved proposals will be the subject of a deed of conditions of grant currently being formulated with the Crown Solicitor. I congratulate all successful applicants and wish them every success with their exploration. If any member would like further individual details, I will be happy to supply them.

ALDINGA SCRUB CONSERVATION PARK

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Aldinga Scrub Conservation Park.

Leave granted.

The Hon. SANDRA KANCK: Members would be well aware that the Aldinga Scrub is an important conservation area that is currently the centre of a spirited community campaign to ensure proposed housing developments do not undermine its conservation values. Recent news reports indicate that the beginnings of the housing developments are doing exactly that. *Advertiser* reporter Samela Harris has written of the deaths of echidnas moving out of the scrub and the loss of 14 species of butterfly in the past decade. Further, on 21 July four kangaroos were killed and strung up on a cable in the scrub. My questions to the minister are:

1. Will the petitions he has received, which seek a 12-month moratorium on the development of sites adjacent to the scrub, be tabled in parliament?

2. What studies support the minister's claim that the stormwater run-off from the proposed Sunday development will be of greater benefit than the current natural ground water recharge?

3. What measures have been put in place to protect fauna on land adjacent to the Aldinga Scrub Conservation Park, and what measures are planned to prevent the further degradation of the Aldinga Scrub Conservation Park as a consequence of 1 227 houses being built on its doorstep?

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

ASBESTOS

The Hon. NICK XENOPHON: Will the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations and Administrative Services, advise:

1. For the purposes of section 4.2.10 of the Occupational Health, Safety and Welfare Regulations, what is the minister's understanding of the term 'competent person'? What specific qualifications must an individual obtain to be deemed a competent person in the eyes of the minister?

2. What measures are in place to ensure that those engaged in the identification of asbestos for the purpose of section 4.2.10 of the regulations conform to that definition?

3. Does Workplace Services maintain a database of people deemed competent to undertake asbestos identification tasks? If not, what systems are in place to enable those concerned about asbestos on premises to locate a competent individual?

4. Will the minister consider introducing a requirement that asbestos related public liability insurance is obtained as a condition of granting an asbestos removal licence, as is the case in New South Wales and Queensland?

5. What steps are taken by the minister to ensure that employers with employees engaged in asbestos removal work are maintaining detailed records in relation to asbestos work carried out by his or her employees in accordance with section 4.2.82 of the Occupational Health, Safety and Welfare Regulations?

6. What practices are in place in South Australian dumps to ensure asbestos is disposed of safely? How are those practices monitored by Workplace Services?

7. What level of monitoring has there been to ensure that asbestos put in South Australian dumps is disposed of according to the regulations?

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

PROMINENT HILL

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about uranium mining at Prominent Hill.

Leave granted.

The Hon. D.W. RIDGWAY: On 20 September 2004 the Premier said in another place:

> I hope there is a lot produced, as we intend to export it.

That was in reference to uranium at Olympic Dam. In reference to the questions I asked yesterday, my questions today are:

1. Will the minister please explain the Labor Party policy on uranium mining?

2. The Premier has said that he intends to export uranium found at Olympic Dam: will the Labor Party export uranium found in other mines across the state?

3. The minister said yesterday that Prominent Hill is a copper/gold deposit. It lies within the Gawler Craton, an area rich in minerals, and deposits of uranium lie within it. If uranium is found in commercial quantities at Prominent Hill, will the operators be allowed to export it?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As the Premier said in his answer in the house two days ago, the Labor Party policy has been around for something like 20 years, and that policy—which is a national policy—was that there would be no new mines. It is as simple as that. If the honourable member does not understand that after 20 years, there is not much hope for him.

The Hon. D.W. RIDGWAY: As a supplementary question, with the accelerated exploration program, companies that find uranium will not be allowed to develop it: is that your policy?

The Hon. P. HOLLOWAY: The current policy of the Australian Labor Party, as it has been for 20 years, says that there will be no new mines. It is not hard to understand.

PREMIER'S ROUND TABLE ON SUSTAINABILITY

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the minister representing the Minister for Environment and Conservation a question about the Premier's Round Table on Sustainability.

Leave granted.

The Hon. J.M.A. LENSINK: The performance indicators of the Premier's Round Table on Sustainability were set out in the minutes of the first meeting. One of these performance indicators is that the round table can show to have 'successful engagement with strategic planning across government, particularly through interaction with the Economic Development Board and the Social Inclusion Board'. My questions to the minister are:

1. What communications has the round table had with other sections of the government?

2. Will there be any meetings between the Economic Development Board, the Social Inclusion Board and the round table?

3. What other formal interaction, if any, has occurred, other than copies of the charters of the EDB and the Social Inclusion Board being given to the round table?

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

FARM CRIME

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about farm crime in South Australia.

Leave granted.

The Hon. J.S.L. DAWKINS: The second national farm crime survey was recently undertaken by the Australian Institute of Criminology. The survey asked questions of a number of farmers who had experienced crime and found that farm crime cost the nation around $72 million in 2001-02. It also found that smaller farms were more likely to experience vandalism whilst larger farms were more likely to experience other forms of theft. An example of farm vandalism is the deliberate opening of farm gates, allowing stock to run loose or become mixed up. My questions to the minister are:

1. What is the cost to farming communities in South Australia of farm crime?

2. What measures is the government implementing to reduce the incidence of crime on farms in South Australia?

3. Will the Attorney also indicate the measures taken by the government in response to vandalism on farms?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the honourable member for his much more sensible question on this occasion. I will refer the question to the Attorney-General in another place and see what information is available on that important subject.

MOBILONG PRISON

The Hon. A.J. REDFORD: My question is to the Minister for Correctional Services. Have the 50 new beds come on stream at Mobilong as promised in this place in February this year?

The Hon. T.G. ROBERTS (Minister for Correctional Services): My information is that they have, but I will get information on the opening date and the commissioning and bring back a reply.

STATE TRANSPORT PLAN

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question on the state transport plan.

Leave granted.

The Hon. D.W. RIDGWAY: Over recent months—in fact, years—I have asked questions about the transport plan, and recently on radio the Premier commented that neither he nor his government would support a north-south freeway, and he went on to say that he would not be prepared to demolish the whole suburbs needed to make way for such a freeway. He said there was no north-south freeway on his watch. We have been waiting for some three years for a transport plan, and I hear via the grapevine that it is now to be incorporated into the State Infrastructure Plan. Given the Premier's comments, will a north-south freeway be included in the State Infrastructure Plan? When are we to see that infrastructure plan? Will anything from that infrastructure plan be started prior to the 2006 state election?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In relation to the latter question, plenty of infrastructure has been started under this government, including the—

The Hon. D.W. Ridgway: Such as?

The Hon. P. HOLLOWAY: Well, including the roads that we mentioned earlier. The honourable member asked a question earlier about the port and about some of the work going on down towards the port. Some of the roads out there would be nearly finished, including the new bridge on Hanson Road. I am not going to be distracted by this. I will refer the question to the Minister for Transport in another place—

The Hon. A.J. Redford: Building infrastructure is a distraction?

The Hon. P. HOLLOWAY: It was for you. You sold it. If the opposition wants to talk about all these things, I am happy to go through them all again. The Liberal contribution towards assets was to sell them, and we had something like $8 billion worth of assets sold during the term of the previous government. They were about selling them, not about building them up. It is interesting to notice that the Australian Democrats also supported the sale of the ports. Again, it is a bit rich of the Hon. Sandra Kanck to make some rather derogatory comments in relation to what was happening earlier with the ports.

Members interjecting:

The Hon. P. HOLLOWAY: She made some comments earlier. I would have thought that, given the fact that the Democrats supported the sale of our ports, the privatisation of our key port assets, they would be the last people criticising this government for trying to find some way of reasonably funding our port assets.

Our ports are key assets and they also need good road and rail services. To fund those assets, it is imperative that the government, any government, should look at the best way in which that can be done. That is why this government has been examining those funding options for the ports. Because we have been left in the position whereby we no longer control our ports, we no longer have the assets to recover investment in those ports through taxes or charges on the users, so it is a bit rich for those people opposite, including the Independents who supported the sale of the ports, to be telling us now that the taxpayers of this state should be somehow or other funding investment in those areas to the privatisation of which they contributed.

MINISTER'S REMARKS

The Hon. SANDRA KANCK: I seek leave to make a personal explanation.

Leave granted.

The Hon. SANDRA KANCK: My party and I were misrepresented by the comments made by the Hon. Paul Holloway.

The Hon. P. Holloway: You did support the privatisation.

The Hon. SANDRA KANCK: The point that I am making is that there was never a bill in this parliament to sell the ports, and to say that the Democrats supported the selling of the ports is a misrepresentation, without such a piece of legislation. We supported legislation that ensured that the employees of what were then government-owned enterprises would be able to make the transition into a privatised industry.

MATTERS OF INTEREST

GIFFONI FILM FESTIVAL

The Hon. CARMEL ZOLLO: Following representations I made on behalf of the Federation of Immigrant Campani Associations of South Australia (FAECSA), one of the events that I had the opportunity to be involved in during the parliamentary recess was the visit to South Australia by the artistic director of the Giffoni Film Festival, Dr Claudio Gubitosi and Professor Carlo Andria, the president of the festival. The festival was founded by Dr Gubitosi in 1971.

The Giffoni Film Festival is a special showcase of film medium for children and young people, and it is a world-renowned model for children's film festivals where children judge children's films. In 2004 there were over 1 300 young jurors between 6 and 19 years old judging 35 feature films and 26 short films competing in the four competitive sections. I understand that the jurors came from 25 countries. Alongside screenings, Giffoni runs workshops, mentoring programs and debates. It attracts film makers and actors of high international standing. Last year and this year young South Australian ambassadors joined the festival to gain some experience in the medium. Giffoni is on the Amalfi coast near Naples, and I understand this small town is transformed by the festival every year. As to be expected, given its location, it is regarded by some as a more stunning location than many other places hosting film festivals.

As has been reported, the Adelaide Film Festival is keen to establish a children's strand to its festival and to explore the potential to incorporate into its programs elements of the Giffoni Film Festival. Earlier this year, Adelaide film maker Mr Mario Andreachhio visited the 2004 Giffoni Film Festival to discuss the possibility of using elements of the Giffoni model in Adelaide in 2005. To advance discussion with a view for further developments to come, Dr Gubitosi and Professor Andria came to Adelaide to meet with and tour the Adelaide Film Festival.

As well as meeting with the Premier, a reception was held at the South Australian Multicultural and Ethnic Affairs Commission. As to be expected, the visit had the support of the Italian consul in South Australia, Dr Simone De Santi. I joined the group on several occasions, including a formal dinner, where I represented the Premier and met with representatives of FAECSA, the wider Italo-Australian community and representatives from COMITES and the artistic community. The evening served as an opportunity to farewell the two distinguished visitors and thank them for their expressions of interest in seeing the proposed collaboration between Giffoni and the AFF.In a letter received last week from Dr Gubitosi he described the proposed collaboration as 'a very high profile cultural adventure.'

Very many people worked hard to make the visit a success in South Australia, and particularly FAECSA, headed by its president Mr John Di Fede. Mr Antonio Bamonte, from the National Campani Federation in Sydney, toured with the visitors in the three states that they visited. Nonetheless, I should mention that the drive for the visit to South Australia and for our young ambassadors to visit Giffoni last year came from the coordinator of youth projects for FAECSA, Mr Mark Quaglia. I congratulate him for his commitment to the youth of Italo-Australian heritage and for the opportunity for them to actively participate in this important and exciting medium.

The promotion of the arts to our young is immensely important, and it is wonderful to see this proposed initiative. The involvement of Mario Andreacchio, noted film maker of Italian origin and children's film program consultant with AFF, is indeed welcomed. I was also pleased to see Teresa Crea, the artistic director, and Paola Niscioli, the communications and business coordinator from Parallelo, involved in the visit as well.

I am certain that there are very many synergies that can be explored at the artistic level between culture and this medium. I congratulate all those who have worked so hard to commence this proposed exciting collaboration between the Giffoni Film Festival of Salerno and the Adelaide Film Festival, and I wish it every success.

TRANSITION TO SUPPORTED EMPLOYMENT PROJECT

The Hon. J.S.L. DAWKINS: On 12 August I had the pleasure of launching the Transition to Supported Employment project report at the Golden Grove High School on behalf of Ms Trish Draper, the federal member for Makin. This project is having a positive effect on students with a disability in finding work in the business services sector. The terms 'supported workplaces' and 'business services' are used interchangeably in Australia to describe the same group of services that are funded by the commonwealth government to provide employment to people with a disability. Formerly known as sheltered workshops, the disability sector tends to use the term 'business services', whilst the education and business sectors in the wider community often refer to these services as 'supported workplaces'.

The project builds upon earlier work undertaken with the successful South Australian Business Services project entitled 'Increasing employment opportunities in support of workplaces', which saw a number of stakeholders from business services, education and commonwealth and state government agencies develop strategies in response to significant issues having an adverse effect on the business services sector. That program discovered that very often business services did not have adequate information about the young people with a disability who were leaving school and who may be potential employees. It also revealed that students with a disability, their parents, education and vocational training providers and the wider employment services sector did not have relevant and accurate information about the employment requirements of business services and the potential for employment within the sector.

The aim of the second project 'Transition to supported employment' is to encourage the two different sectors—schools and business services—to work together through better communication. The project and its subsequent report 'Transition to supported employment for students with a disability' covered a number of business service providers, such as Bedford Industries, Phoenix, Minda, Orana and numerous smaller businesses in metropolitan areas, as well as those in rural and regional areas, such as Barossa Enterprises.

I was particularly pleased that David Quodling, the Nuristart facilitator at Nuriootpa High School and a board member of Barossa Enterprises, was present. He is a great example of the people who are deeply committed to transition to employment programs for students with special needs. In South Australia alone some 2 400 people with disabilities are employed in the business services sector. The benefit to those students involved in the program is an increase in self-esteem, wellbeing and the opportunity of employment within the business services sector.

The project, undertaken by the Australian Council for the Rehabilitation of the Disabled (better known to most people as ACROD) was funded principally by the commonwealth Department of Transport and Regional Services, supported by the state Department of Education and Children's Services, with the assistance of the Adelaide Metropolitan Area Consultative Committee. Golden Grove High School is also a strong supporter of the program, and that is evident in the higher rate of participation amongst its students.

I acknowledge in this place the important support of these groups and the particular contribution of Ian Thompson, the chairperson of the Project Steering Committee, Jude Leak, the Principal of Golden Grove High School, Tristan Dunn, the Executive Officer of ACROD, Professor Denis Ralph, the chairperson of the Adelaide Metropolitan Area Consultative Committee, and Jack Wade, Project Consultant, in bringing this important project to fruition. I also acknowledge the large number of parents, carers, job seekers, teachers, advocates and service providers who participated in the project forums and consultation meetings.

I look forward to hearing more of the details of the New Ways Forward, as recommended by the project. I sincerely hope that the state government will continue to support the families of students and students with a disability and the work of ACROD and others through developing further measures to improve the opportunities for employment for students with a disability in the business services sector. It was a pleasure to lend my support to this important project for young people with special needs as they prepare to leave school and enter the workplace.

HOWARD LIBERAL GOVERNMENT

The Hon. G.E. GAGO: The Howard government's constant boasting that it has elevated Australia out of the economic doldrums has to be challenged. Howard's supposed exceptional record on economic management has, in fact, left the great majority of Australians without any material benefits during a time that the government describes as 'strong economic growth'. What is the good of strong economic growth if it does not benefit those most in need—if this prosperity is not shared? Despite massive volumes of evidence demonstrating the growing hardship faced by the majority of Australians, Howard still refuses to listen.

In response to the Senate's Inquiry into Poverty and Financial Hardship in Australia (a report which highlights that economic gains in the past two decades have not been shared fairly), Howard states:

> It is fair to say that the rich have got richer but the poor have not got poorer.

I want to challenge this statement. In fact, the poor have become poorer. This statement flies in the face of evidence provided to the Senate's report by various welfare bodies, which points to the increasing economic inequality. For example, in his submission to the Senate's inquiry, Professor Peter Saunders from the Centre for Independent Studies argues that 'almost half of the economy-wide income generated by economic growth under the Howard government was of no benefit to the bottom four-fifths of the population.'

I note that the Hon. Mr Lawson thinks that Professor Saunders is a good man, so I hope that he takes note of his concerns about the Howard government's lack of economic

growth to those at the lower end of our population. Another pertinent example of Howard's failure to distribute economic prosperity to those in need is how the growing number of Australia's under-class (our welfare dependent parents) are often trapped in poverty. A report in *The Australian* dated 10 July 2004 claimed that 357 000 families (which amounts to almost one in five families) are entirely dependent on welfare.

These jobless families are rearing more than 660 000 children under the age of 15. The effects of inter-generational poverty have a devastating impact on our younger generations, and this cycle must be broken through reform, including welfare reform. The current family payment system acts as a disincentive for parents to gain employment to supplement their family payments. This is because earnings over a particular level not only attract increased tax but also result in a reduction of the welfare payment that a family might receive.

This poverty trap has not been adequately addressed by the federal government. Parents need to be given the opportunity to live above the poverty line and achieve a decent standard of living for their families; and, of course, this is what Mark Latham is offering people. I was interested to note that the Senate's Inquiry into Poverty and Financial Hardship in Australia emphasised the important association between poverty and inequality of opportunity, and the fact that incomes have not increased at the same rate as the cost of services, as they have with respect to health and education.

One of the most significant areas in which the Howard government has failed to provide decent and fair opportunities for the most needy and disadvantaged groups is education. This current Howard government will go down in history as having the most reprehensible impact on our future generations of young people because it openly and proudly funds privilege, elitism and birthright to the tragic detriment of Australia's once proud tradition of egalitarianism and meritocracy.

Howard's erosion of the public education system has been rapid and extensive over the eight years that he has been in power. I would like to illustrate this point with some examples, namely, 30 per cent of Australia's students who attend private schools receive close to 70 per cent of Australia's federal schools' funding. Moreover, in 2004-05 federal taxpayer funding to a non-government student is $4 282 compared to $1 086 allocated to a government school student. In other words, the federal government will give 394 per cent more of Australian taxpayer—

The PRESIDENT: Order! The honourable member's time has expired.

The Hon. G.E. GAGO: What a shame, Mr President. I have so much more to say about the reprehensible policies of the federal government.

AUSTRALIAN LABOR PARTY

The Hon. J.M.A. LENSINK: I am very pleased to follow that speech delivered by the Hon. Gail Gago and her surprising attack on the Howard government. I am shocked! In fact, the title of my response could be called 'beyond belief', which is actually the title of a quarterly essay from 2002 written by John Button. In the introduction by Peter Craven, he states:

Beyond Belief is a portrait of a moribund political party [the Labor Party] that has been in serious need of structural reform for at least a generation, which has lost any sense of its function as a progressive socially democratic party. . .

It's a portrait of a party that has narrowed its own social basis and in the process lost sight of Chifley's still valid idea of the light on the hill. In his quiet way Button is nowhere more devastating than in his account of how the Labor Party has professionalised itself to such an extent that it can actually look like a nepotised clerisy. . .

I refer members opposite to the appropriation speech of my colleague the Hon. David Ridgway for a full list of the professions of members opposite. In a chapter called 'Crashing the party', which relates to the battle for the control of the Health Services Union in April 2002, John Button said:

But these disputes represent something important. They are signs of a Labor Party corrupted by petty conflicts, dominated by what unionist Martin Foley calls factional 'warlords', and distracted from its historic purpose. This is the new inward-looking, corrosive culture of the ALP.

Of course, factional disputes are hardly unknown to the Labor Party. What is new is the domination of the party by a new class of labour movement professional who rely on factions and unions affiliated to the party for their career advancement. These people come from the ranks of political advisers, trade union policy officers and electoral office staff. Individually they can be thoughtful and decent people.

The Hon. R.D. Lawson: I don't know about that.

The Hon. J.M.A. LENSINK: My colleague the Hon. Robert Lawson says, 'I don't know about that.' John Button further said:

Collectively they are destroying the diversity and appeal of the ALP and its affiliated unions. The overall effect on the ALP has been profoundly destructive. Federally the party is in retreat.

I see that the Hon. Gail Gago has left the chamber. Perhaps she could not stand it any longer—and these are the words of John Button, one of their own. He continued:

Its primary votes, its membership and the breadth of people it sends to parliament are all shrinking. These things are intimately connected, and they are made possible by a party structure that has barely changed in the past century, that is moribund and out of touch with contemporary society.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: Oh, go on! He further stated:

A second area of shrinkage is in the occupational backgrounds of members of the Parliamentary Labor Party. In 1978. . . the parliamentary party of 64 members contained 10 former union officials, six of whom had worked in the trade or calling represented by their unions, six from wholesale and retail business and two accountants. It also included three farmers, six lawyers, three academics, four medical practitioners, two policemen, five public servants, five tradesmen and five teachers. There was one engineer, one journalist, one former merchant marine officer and one shearer, the late Mick Young. Five were former members of state parliaments and two former party officials. It was a pretty good social mix. . .

The mix was still there in the first Hawke ministry, which had among its members former farmers, businessmen, academics, lawyers and union officials as well as a former engine driver, a teacher, a retailer, a waterside worker and a shearer.

Yet look at what cloistered profession the Parliamentary Labor Party has become. After Kim Beazley's vigorous campaign in the 1998 election, Labor has returned to parliament with a party of 96 members of vastly changed occupational backgrounds. Although one medical practitioner, one public servant and one engineer remained, no farmers or tradesmen did. There were two academics and two teachers, as well as nine lawyers, but the whole social complexion had changed.

76 of the 96 members had tertiary qualifications; a mere two had trade qualifications. Labor's politicians have nearly all been to factional finishing school but not many have been to the school of hard knocks. The ALP has become truly professional, and, in the process of professionalising itself, has lost much of its capacity to relate to the broader community—

Time expired.

CHELTENHAM RACECOURSE

The Hon. IAN GILFILLAN: Last night, of the members of the South Australian Jockey Club (SAJC) who attended a meeting at Morphettville, over 500 made the unfortunate decision to proceed with the sale of Cheltenham. That in itself is an unhappy decision, but the ramifications for the parklands—and, in particular, Victoria Park—are quite devastating if the proposal is followed through. I was advised by attendees that the meeting was shown a video that portrayed the development of a huge multi-purpose grandstand with stalls and pit facilities in the centre of Victoria Park and the preparation of a dedicated track for motor racing. The accompanying commentary indicated that it will be funded by significant contributions not only from the SAJC but also from Adelaide City Council and the state government.

It is a cause of considerable concern for those of us who are strongly opposed to motor racing on the parklands per se, but we are even more horrified at the thought that such a practice and activity on the parklands would be cemented for all time by virtue of an arrangement such as that supported by the majority of the members last night. It is alarming for them to be portraying in that meeting the indication that the proposal already has tacit support from Adelaide City Council and the government. The final determination of whether or not it goes ahead rests with the government, because no purchaser will be found for Cheltenham if it remains open space.

It is important to remind honourable members that, if the government is to be relied on to follow through on statements made even this year, there may be serious doubt that the government would approve it. I draw the attention of the council to a statement made by minister Wright on 8 August this year:

> We remain committed to the Cheltenham racecourse; it is an excellent racecourse and we maintain our support for it.

I also draw the attention of the council to a statement by minister Weatherill on 21 August that he 'will not support any proposal for developing Cheltenham racecourse if it includes an industrial subdivision.' That does leave the question of residential subdivision not totally excluded, and I will be looking to get some clarification from the government or minister Weatherill as to what he means.

The problem will be this: first, it will be the total desecration of an area of parklands that suffers currently from what is regarded as a temporary erection and removal of infrastructure in the centre of Victoria Park and, once this investment is made, pressure will never be taken from that area for an incessant program of motor racing, simply to justify the infrastructure and as some desperate attempt to recoup the costs. Clipsal 500, which is now being portrayed as the glamour supercar championship, is principally run by a company that is French owned. The French have absolutely no obligation to continue running an event in South Australia.

When it pulls out, that infrastructure will be there begging for some form of use. There will then be the pressure of trying to find someone who will run and recoup the cost. The program of motor racing will become more frequent, and those gullible people in the racing community who think it is to their advantage to get into bed with the Motor Racing Association will find them incredibly uncomfortable bedfellows, to the point where I foresee that horse racing will very much become second class users of that area, which is tragic because the gentle benign form of horse racing that has been carried out in Victoria Park has been perfectly acceptable to the Adelaide Parklands Preservation Association. We see it as quite a tolerable activity and worthy of having upgraded facilities, but this sell out to which it is currently giving support is a disaster for the industry and for the parklands.

FEDERAL ELECTION

The Hon. D.W. RIDGWAY: I rise to speak today on the upcoming federal election. Mark Latham has repeatedly tried to coerce the voters of Australia into thinking that he is the man for the job, with a slogan that older voters remember, 'It's time.' I only hope that electors will decide on 9 October that 'It's time' to vote for substance over rhetoric and ideology and reinstate John Howard to continue to protect, secure and build Australia. Mark Latham's hero Gough Whitlam is surely not a man whose career one would choose to emulate. He left the nation's economy in ruins, with a massive program of overspending, all to appease the party's left. When Labor came to office in late 1972, unemployment was at 2.4 per cent and inflation at 4.5 per cent. At that time, the only other country performing as well was West Germany.

Some people blame Australia's economic meltdown during the Whitlam years on the oil crisis, but during this time some 70 per cent of Australia's oil came from local wells, meaning that we were somewhat sheltered from the economic effects of the oil crisis. Mark Latham's mentor and hero was responsible for the most rapid downturn since the depression. Fred Daly was the minister for administrative services at the time, and is quoted as saying:

> Few of us bothered to count the cost in those early days. We just spent money as though it was going out of fashion.

Mark Latham is trying to sell his social agenda on the back of the so-called reforming Whitlam government, but the reality is that these policies drove Australia's economy into the dark ages the last time they were implemented, and 9 October will tell us whether Australian voters have decided whether or not 'It's time' for Australia to go under again. One of Whitlam's key election promises was that the Labor Party would be more effective in dealing with the trade unions. However, in the first year of the Whitlam prime ministership there was a 31 per cent increase in lost working days due to strikes. Latham wants to hurt Australian businesses by axing workplace agreements that have successfully enabled Australian workers to negotiate flexibility in their employment.

The Coalition has made it harder for unions to disrupt workplaces and small business productivity by protecting against secondary boycotts and industry-wide wildcat strikes. By wiping out $73 billion of Labor's $96 billion debt, the Howard government has saved $5 billion a year in interest payments. This makes the money available for people who need it most. Whitlam's big government wanted to borrow $4 billion from the Middle East to fund its socialist programs, but this money was to be paid back at compound interest with no repayments for 20 years, thus the next generation would have had to pay back $4 billion with compound interest. Can Mark Latham be trusted not to sink Australia back into debt, with his party's shocking track record of economic management in Australia?

Australia became a welfare state under Whitlam, and an estimated 10 000 people stopped working due to the availab-

ility of welfare. The Howard government, on the other hand, has an enviable employment record, having created more than one million jobs during its term despite many legitimate financial crises, such as the Asian economic downturn and the stock market crash after 11 September. Latham has followed unquestioning in the footsteps of a man who, due to the cult of personality built up by the Labor Party, is perceived to be a great performer. The Australian people will not buy this. They remember the high interest rates, high unemployment, high government debt and the closure of hundreds of businesses under Whitlam. Australia does not want another Whitlam.

Latham's only experience in leadership was as mayor of the Liverpool Council. He emulated his mentor with a reckless spending spree that resulted in massive loans over the next 15 years, something that the ratepayers will still be paying off until well into mid-2006. I hope that the people of Australia reinstate the Howard government for a fourth term so that the economy can continue to grow from strength to strength. Australians are happy for the Whitlam era to remain in the past, not to be rehashed by a man with a shady background and no plan for the future.

AN ANTHOLOGY OF GAMBLING TALES

The Hon. NICK XENOPHON: Recently I attended the launch of *An Anthology of Gambling Tales*, compiled by May Shotton, who worked for 10 years as a gambling and financial counsellor for Break Even Services at the Salvation Army at Kilkenny. The book is funded by the Gamblers Rehabilitation Fund. May Shotton has recently retired from her work at the Salvation Army. In those years she helped many hundreds of South Australians with a gambling problem, most due to poker machines. May counselled some 1 500 people over the years that she worked at the Salvation Army.

In the course of the debate in the community and the debate that we will be having in this parliament about poker machines, it is easy to lose sight of the human tales of the tragedy, of the impact, on so many individuals in this state because of poker machines and other forms of gambling, although poker machines are the most significant factor in problem gambling in this state, accounting for between 65 and 80 per cent of problem gamblers in South Australia. We have the statistics, the raw figures, of the hundreds of millions of dollars lost to poker machines. We know about the 23 000 problem gamblers caused by poker machines, according to the South Australian Centre for Economic Studies, and we know from the Productivity Commission that each problem gambler impacts on the lives of seven others.

May Shotton's anthology is so valuable because it gives a human dimension in a very direct sense, with those who have problems with gambling telling their stories. I commend this anthology, which has been given to all members of this place and the other place, and I urge members to read it, to look at some of the stories and to get some sense of the impact that gambling, particularly poker machines, has had on these people's lives.

Many of the stories are optimistic in that people who have hit rock bottom managed to get the help they required and beat their addiction and, even though they had terrible losses because of poker machines, they managed to get their lives back on track. However, not all the stories are optimistic. 'Aurora's Awakening', the story about a woman who started gambling in 1994 with the introduction of poker machines, tells of a self-funded retiree, well off, whose gambling habit got so bad that she needed to sell off a shack that she owned. It was worth $40 000 but she disposed of it at $25 000 because she was desperate to get the money in her bank account so she could keep gambling. She then sold her stocks and shares. It was not just her assets that suffered but, more importantly, her health. Unfortunately, that story indicates that, over the years, Aurora has been irreparably damaged because of her addiction to poker machines.

There are more optimistic stories. One story, 'I've hit rock bottom—which way is up?', describes a woman's story of getting drawn into poker machines, of losing a superannuation package from her employer, of having all sorts of problems with alcohol and gambling at the same time, and it raises the issue of the role of venues in the responsible service of alcohol and the link between that and gambling. A wake-up call for this woman was literally laying flat out on a pavement in the early hours of the morning, so intoxicated after losing her money at a venue that she fell on the ground and injured herself. That was a significant wake-up call for her.

We should not lose sight of the fact that the debate about poker machines should be about the impact on individuals and their families, and May Shotton's *An Anthology of Gambling Tales* is a very useful starting point for those people who do not have direct knowledge of the impact of gambling in the community to at least read this anthology and gauge the devastation and misery that gambling addiction has caused so many South Australians.

DISTRICT COURT FEES

The Hon. J. GAZZOLA: I move:

That the regulations under the District Court Act 1991 concerning fees, made on 27 May 2004 and laid on the table of this council on 1 June 2004, be disallowed.

The majority of the Legislative Review Committee voted to recommend the disallowance of these recommendations at its meeting this morning. I did not support the motion for disallowance. The regulations increase various District Court fees and, while the majority of fees were increased by CPI, the fee for filing a counterclaim or third party notice was increased from $275 to $503. The committee obtained additional information about comparable fees charged in other jurisdictions. Whereas $503 is charged in South Australia, in New South Wales the fee is $421 for an individual and $842 for a corporation. In Victoria it is $433; in Queensland it is $420 for an individual and $840 otherwise; and in Western Australia it is $158 for an individual and $210 otherwise.

The committee wrote to the Attorney-General about the increase and in his response he stated:

An administrative oversight during the 2003-04 process resulted in the fee for issuing a Counterclaim or Third Party Notice being increased by CPI only (bringing it to $275). This fee should have been increased to the same level as the Summons Fee ($475 at that time). Parity between these two fees and similar fees in the Supreme and District Courts had been in place both during 2002-03 and in earlier years. This anomaly was rectified in 2004-05, when Cabinet approved the increase of Counterclaim or Third Party Notice fees ($503). This brought the fee in line with the 2004-05 CPI increase of the Summons Fee from $475 to $503.

The committee released a report on the court fee increases that were implemented in 2003-04, and as part of that inquiry the Attorney-General explained that cost recovery by the courts of South Australia is generally lower than the national average. Again, I refer to the Attorney-General's advice, as follows:

> Based on the fee increases, the Supreme Court has increased from a 9 per cent recovery of costs to 17 per cent. This is 2 per cent below the national average. The District Court has increased from 11 per cent cost recovery to 20 per cent, compared to the national average of 36 per cent. Finally the Magistrates Court has changed from 21 per cent to 25 per cent recovery of costs which is 21 per cent lower than the national average recovery of costs which is currently 46 per cent.
>
> As is clearly illustrated, the fee increases have resulted in minor increases to cost recovery in this state. Furthermore no jurisdiction in South Australia exhibits greater than a 25 per cent cost recovery and all jurisdictions are below the national averages for recovery of costs.

Indeed, in relation to the fee increases, I refer to the committee evidence, as follows:

> THE HON. A.J. REDFORD: Why has the trial fee gone from $248 to $970 a day?
>
> THE HON. M.J. ATKINSON: For the reason I gave you, namely, cost recovery, which still leaves South Australia only recovering 20 per cent of the expense of running the District Court compared with the national average of 36 per cent recovery. As I have told you, the increases are beyond CPI because we are seeking to meet a savings target.
>
> THE HON. A.J. REDFORD: I will put a couple of figures to you as you referred to national averages. The proposed fee for filing a document commencing a counter claim of third party is $970 up from $524. In Western Australia it is $300 for individuals and $300 for corporations. In Victoria it is $610. In New South Wales is $592 for individuals and in Queensland $420 for individuals. If that is the national average, then Tasmania, which figure I have not quoted, must be in the vicinity of thousands.
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> THE HON. M.J. ATKINSON: The Hon. Angus Redford knows that he is not comparing apples with apples.
>
> THE HON. IAN GILFILLAN: What evidence do we have that you are?
>
> THE HON. M.J. ATKINSON: We are comparing the overall cost recovery. That is the relevant measure and not a particular fee. Comparisons between selected fees in other states cannot be justified due to differing jurisdictional limits.

The comparatively low level of cost recovery in South Australia could indicate that larger jurisdictions are able to take advantage of economies of scale in providing services. In addition, cost recovery in other jurisdictions may be increased by the higher fees that are charged to corporations as opposed to individuals, offsetting the cost for an individual. For example, District Court fees in New South Wales, Western Australia and Queensland are split between categories described as individuals and otherwise or corporations. That point was picked up by the Hon. Ian Gilfillan when he said, as reported in the Legislative Review Committee report on court fees tabled earlier this year:

> Judging from the evidence we just heard previously from the Attorney, there is very much a budget motivated approach to this by the government. I suspect that the difference between the corporate and private individuals is a Robin Hood approach in other jurisdictions, in an attempt to keep the cost lower for the private individual, they supposedly milk the rich on the premise that the corporation is better.

Therefore, given the responses and information provided by the Attorney-General, the Hon. M.J. Atkinson, I call on members not to support the disallowance.

The Hon. A.J. REDFORD: I can always tell when the honourable member's heart is in it, because every single quote that he presented to the chamber are quotes that I proposed to use in support of this motion. By way of background, I remind members that only last month the legal profession had an increase in their legal fees of something in the order of 30 per cent to 40 per cent. That has had some ramifications in relation to access to justice for the little people who members opposite pretend, from what I can observe, to support. Indeed, one ramification of that massive increase was the reaction from WorkCover, where it sacked all of its lawyers and then reinstated those of them who were prepared to work on the old scale.

In relation to the matter before us at the moment, we are dealing with a symptom, in my view, or one small aspect, of the cost of justice to the little people who the Hon. John Gazzola, from time to time, says he supports, and I will give a couple of examples. As he said, this is about an increase in fees in relation to the filing of a counterclaim and/or third party notice, which went up from $275 to $503. When the Attorney-General was asked why there was an increase way out of whack with the CPI, he responded by saying that we missed out on an increase last year and that this was a catch-up. We then sought further information and, in particular, sought a comparison between what is charged in South Australia and what is charged in other jurisdictions. We discovered that in New South Wales the fee is $421; in Victoria, $433; in Queensland, $420; and in Western Australia, $158. So, on the worst case scenario for an ordinary citizen to file a counterclaim or a third party notice in the court, the costs to the court—not just the legal costs; there are other costs as well—is 25 per cent greater than that which occurs in other states.

Unless the committee be accused of interfering with the legitimate role of government, I should make a number of comments. First, if this was announced in the Treasurer's budget speech as a budget measure—and therefore was transparent—the opposition practice is not to disallow those fees. An example of that was the recent increases in lotteries fees that were passed by regulation. Secondly, if it is an adjustment because there have been adjustments in terms of costs, again, we do not disallow them. An example of that is that there has been a significant increase in the cost of surveys in relation to water connections to new subdivisions. Again, when confronted with that information, and having had explained to us that there was a big increase in the actual cost of providing the service, we allowed an increase in those costs, despite the fact that it was probably an increase four times the rate of inflation.

This, I am afraid to say, does not fall into that category. Faced with a monumental increase in quite a substantial number of fees earlier this year, the committee decided it would ask the Attorney-General to come in and explain the massive increases and the basis upon which those increases were made. The Hon. John Gazzola referred to a letter of 11 February this year in which the Attorney said that he was endeavouring to get the recovery in relation to this sort of fee up to the national average. If he has in fact sought to get it up to the national average—and that, in effect, is what he has done—what we have in this state is a court system that is at least 25 per cent more inefficient than states such as New South Wales, Victoria and Queensland. If that is the case, rather than inflict the costs of that inefficiency on the litigants of South Australia, there needs to be some analysis of the cost of providing court services.

In the committee's report that was tabled in this place in May this year (more than four months ago), the committee, in its executive summary, referred to a number of issues.

First, we reported to the parliament that the Attorney-General had stated that the cost recovery for court services remains lower in percentage terms in South Australia compared with other jurisdictions. The committee also noted the consequences of fee increases (and I will come to that in a minute) and pointed out that significant fee increases in future may result in an examination by the committee of the efficiency of the courts.

We also reported that the Law Society stated that courts will become less accessible and individuals who are forced into litigation may face a severe financial burden. That is important because, in the context of the fees before us today, we are dealing with people who are already in the court system. They have been served with a process, and they are responding to that process by either filing a counterclaim (that is, a claim against the person who made the original claim) or a claim against a third party, such as an insurance company, and that is generally the most common usage of third party notices. These are not people who have voluntarily gone to the court system. They have been taken there by another person, and the Law Society, when it gave evidence earlier this year, pointed that out. The important point the committee made in its executive summary was:

> It noted that low cost recovery for court services may result from an inefficient court system and that administrative efficiencies should be examined when court fees are increased.

The committee gave the Attorney-General a clear warning that it was not going to accept increases of the nature we are currently looking at, in the absence of some explanation or some examination of the efficiency of the court system. When I was first elected to parliament, probably the biggest proportion of complaints that were referred to me were about the legal profession and costs. Over recent times that has diminished quite substantially, and I have to say that I have not had many complaints about these issues for some time.

However, if we are to enable the courts to increase the cost massively (and therefore access to courts in the manner that we are looking at today) and, at the same time, look at a massive increase in amounts payable to lawyers, we will get more complaints about access to justice. I must say that, in the absence of careful monitoring and in the absence of the Attorney-General following the recommendations made by the committee in a bipartisan fashion (because they were fully supported by the Hon. John Gazzola and his Labor colleagues on the committee), the committee has no alternative but to disallow the regulations.

So that members can understand that this does have some real, practical effect, I remind the Hon. John Gazzola and his Labor colleagues (those people who stand up and say that they are interested in looking after the little people) of some of the evidence the committee received from the Law Society in relation to the impact of this sort of fee increase. First, the society gave the example of a man who owns a block of land. He goes to his local council with his original plans but, because planning rules change, he finds that he must go back to the council again. However, before he digs the foundations, he realises that his neighbour's carport roof overhangs his boundary.

He has a survey undertaken and discovers that it is an overhang of about four inches, but it will have a significant impact on what he wants to do. He then goes about seeking to negotiate an outcome with his neighbour. The Hon. Nick Xenophon will understand that, with good commonsense and two people getting together, these issues are not all that difficult to resolve. However, every now and again (and it happened to me in practice) you get one neighbour who wants to stick their head in the sand and hope that it all goes away—and they are probably arguing about something that is of the order of $1 000 or $2 000.

In that case, if the neighbour refuses to negotiate, the person who has had their land encroached upon has only one court to go to. The act states that they must go to the Supreme Court, and that was the case to which the Law Society referred. Now, $970 for a filing fee is totally out of whack in relation to the nature of the claim. Another example given by the Law Society related to the power of attorney and orders in the Supreme Court under the Age and Infirm Persons' Property Act. Sometimes one might be dealing with an estate that is worth only a few thousand dollars, so to make people pay these sorts of sums is, I have to suggest with the greatest respect, unfair.

The same might apply to a person who is being sued in a tortious matter. They might well be insured but, because of the way in which it is dealing with the matter, if the insurance company wishes to file a third party notice to bring the insurance company into play, the person must find not only the money to pay for their lawyer but also $503 to get the insurance company into court. That is a major impediment to ordinary working people who are sometimes subjected to poor behaviour by insurance companies. I must say that I am shocked that the Labor Party would put up something along these lines, because I always thought that it believed in looking after the little person.

I have a good quote from the Hon. Ian Gilfillan, so I will do it twice. I know that the Hon. John Gazzola quoted it because it is so good, and I know that it supports my side of the argument. The Hon. Ian Gilfillan asked the following question of the Law Society:

> Judging from the evidence we just heard previously from the Attorney, there is very much a budget-motivated approach to this by the government. I suspect that the difference between the corporate and the private individuals is a Robin Hood approach in other jurisdictions in an attempt to keep the costs lower for the private individual. They supposedly milk the rich on the premise that the corporation is better.

In that instance, the Hon. Ian Gilfillan is giving the Attorney-General an escape clause. Effectively, he is saying, 'Look, if we had different rates for corporations we might cop some of this sweet'; but, no, the Attorney-General did not do that. I do not know what the Attorney-General has been doing, but he did not do that. He has this one all-in fee of $503 whether you are a pensioner or whatever.

It is a rare occasion that the Legislative Review Committee would seek to interfere in an increase such as this. However, the majority of members of the Legislative Review Committee is most interested in looking after the battlers of our society—the people who find themselves in courts through no fault of their own. I know that some colleagues of the Hon. John Gazzola might think that these people do not exist in South Australia, but I can only urge them to stop sitting on all these committees they seem to be accumulating and go out and talk to a few people, because they would find that there are some real issues to be resolved.

I urge all members to disallow this regulation. This will send a message to the Attorney-General about what the Legislative Review Committee said in its report (which was laid on the table on 5 May), namely, that a serious examination of the efficiency of court services should be undertaken before inflicting these massive increases on the community

of South Australia; and, if that is the case, the Legislative Review Committee may well reconsider its position.

The Hon. IAN GILFILLAN: I speak in support of the motion, and I appreciate the substance of the argument put forward by my colleague the Hon. Angus Redford. However, I would like to make a couple of points. First, one of the arguments for a giant leap in the fees this year was that they had forgotten to adjust them 12 months ago. I must say that, as a member of the committee, I felt uncomfortable that we should be pressured into making up for what was a deficiency in proper process, and that was one reason why I started feeling uneasy about it.

The second reason was that the argument that they were brought up to parity was clearly shown to be wrong. It was so much more than parity that I made the observation that it appeared as though they were almost preparing for another oversight next year and making up for that mistake in the year ahead. That was a facetious observation, but it reflects the fact that I do not have much confidence in the integrity of the setting of these fees.

When Ms Eszenyi gave evidence to the committee, she made observations about the impact of the filing fee as applies to the Supreme Court. She also mentioned several cases which showed that the matters which come before the Supreme Court very much involve the little people in our community. She referred to a particular case as follows:

> If I take the case of the second person—which is the important case as we know that the person, while not indigent, is of limited means—the previous filing fee was just over two weeks of her Centrelink income. It is not unreasonable to expect that careful persons, even on Centrelink incomes in our community, will have that kind of buffer against emergencies. The new filing fee in the Supreme Court is almost five weeks of income.

That is the sort of measure of the impact that these unacceptable increases in fees imposes on those in our community who are least able to cater for them.

There is an argument (and I often raised it myself) that in the Legislative Review Committee we have to be careful that we do not involve a political debate, or logical debate, outside the parameters of what are the responsibilities of the Legislative Review Committee's principles of scrutiny. They are listed, and I am going the choose the ones that I believe gave us full justification, on reflection, and on assessment of the impact and the amounts of money that were identified in these fee increases.

I bring to the council's attention Principle of Scrutiny B, which is whether the regulations unduly trespass on rights previously established by law or are inconsistent with the principles of natural justice or make rights, liberties or obligations dependent on non-reviewable decisions. I believe that the more difficult access to courts and the more painful costs that are imposed by these exorbitant fees is in conflict with Principle of Scrutiny B. Principle of Scrutiny D is whether the regulations are in accord with the intent of the legislation under which they are made and do not have unforeseen consequences. I do not know whether they were foreseen consequences for the Attorney-General: I can only give him the benefit of the doubt.

The unforeseen consequences are that some people who should be having their day in court will not be able to afford to have it, and those who do suffer quite heavy financial penalties. I do not believe that the intention of legislation in this place is that people should suffer those consequences. Principle of Scrutiny G is whether the regulator has assessed whether the regulations are likely to result in costs which outweigh the likely benefits sought to be achieved. I argue that they do; that in particular instances the costs have risen so monumentally that they outweigh the benefit of having the proper funding and administration of the court system.

My conscience rests easy when we move to disallow these regulations. I think it is a sorry chapter, both in the way in which it was dealt with and by the way in which the Attorney gave evidence to the committee: it was not convincing. I believe that we have done the people and the parliament a service by moving to disallow—and I hope eventually disallowing—these regulations.

The Hon. NICK XENOPHON: I rise to support this motion and to commend the committee for making this recommendation. I find myself substantially in agreement with the matters raised by the Hon. Angus Redford and the Hon. Ian Gilfillan. The issue of access to justice is an important one. The massive rise in court fees is hitting middle South Australia very substantially. If you are very wealthy you can cop these fees. If you are indigent you can get a remission of the fees, as I understand it, if you are on legal aid. But if you are somewhere in the middle, as is 90 per cent of the population, you have to face these fees.

I will take issue with something that the Hon. Angus Redford said. He said that he is shocked that the Labor Party would do this to working people. I am shocked that the Hon. Angus Redford is shocked. The Labor Party has not covered itself in glory when it comes to taking away the rights of ordinary working people to pursue claims for compensation over the years, particularly common law claims—although I guess you could say that, given the Labor Party's history of taking away people's common law rights, it means they do not have an opportunity to file anything in court, so I guess they save on court fees.

The Hon. A.J. Redford: Unless they can get a headline out of asbestos, and now they are all—

The PRESIDENT: Order!

The Hon. NICK XENOPHON: Yes. I think it is very interesting that, in relation to court fees, the government says it is important that victims of asbestos-related disease do not lose their rights to pursue civil action, and that is to be commended. But I do not hear that same level of concern for other victims of industrial accidents and for wrongs that are committed to people as a result of negligent acts in other matters where there can also be catastrophic consequences.

I urge the Attorney to seriously consider this motion. As I understand it, it will get up on the numbers, and that is a good thing. There must be a better way of dealing with fees. I understand the need for cost recovery, but I believe that the principle of access to justice for middle Australians is even more important, and that is what we are losing as a result of these massive increases in fees.

Motion carried.

CHILDREN'S PROTECTION (MANDATORY REPORTING) AMENDMENT BILL

The Hon. NICK XENOPHON: 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.

SUMMARY OFFENCES (TATTOOING AND PIERCING) AMENDMENT BILL

The Hon. NICK XENOPHON: 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

In committee.

(Continued from 20 September. Page 119.)

Clause 3.

The Hon. T.G. ROBERTS: When we reported progress last, we were discussing the way in which to proceed in relation to this clause, given that the voting outcome would impact on other clauses throughout the bill, and we wanted to clarify each other's position in relation to what the amendments actually did and what their consequences were. I have some detailed explanations that may help other members of the committee whose voting is crucial to the outcome of this and subsequently other clauses of the bill. So that all members clearly understand the implications of both the government's and the opposition's amendments and the opposition can clarify its position regarding exempt providers and medical service providers, I shall explain the impact of both.

I refer here to government amendments Nos. 1 and 2 and amendment No. 1 submitted by the Hon. Angus Redford. The issue at stake here is the degree to which the Medical Board of South Australia will have the power to discipline providers of medical services, including public and private hospitals, private medical services and the new regional health boards that have been created as a result of the generational health review. By way of background, members need to appreciate that under the current act the Medical Board does not have any power over public sector health services, and the board has never suggested that it should have this capacity. What it does want and what the government's amendment provides it with is information. The information the board wants is whether any of the medical practitioners working in an organisation are either medically unfit or have engaged in unprofessional conduct.

Government amendment No. 27 amends clause 49 so that a medical service provider or an exempt provider will be obliged to report to the board. Government amendment No. 46 amends clause 80 so that any person against whom a claim is made, including an exempt provider, has a responsibility to provide this information to the board. The reason why the government wants public and private hospitals and other health services covered by the South Australian Health Commission Act exempted from some of the provisions of the bill is that they already are able to be directed by the Minister for Health, either directly or through the licensing provisions of the South Australian Health Commission Act. This means that they are ultimately accountable to the Minister for Health for the services they provide. This is in contrast to private providers of medical services.

Under the current act, only medical practitioners can own a medical service. These companies must be registered with the Medical Board, which then has the power to discipline them in a similar manner to a medical practitioner. These ownership restrictions and the requirement that companies be registered with the board have been removed from the Medical Practice Bill 2004. This is because of National Competition Policy, which views these requirements as a barrier to market entry and therefore anti-competitive. Once the ownership and registration requirements are removed, private companies would only be legally required to comply with relevant corporate laws. They would no longer be legally accountable for the standard of the medical services they provide to the public.

Therefore, in clause 13(1)(e) the Medical Practice Bill gives the Medical Board the authority to prepare codes of conduct for medical service providers. The bill also gives the board the power to discipline medical service providers if they do not comply with the codes of conduct or other provisions of the bill. This includes the Medical Professional Conduct Tribunal having a power to prohibit a person from carrying on business as medical services provider, in clause 57(2(d). As I have said, these powers are in the bill so that, when ownership restrictions are removed and anyone can own a company that provides medical services, these companies are able to be held accountable.

Therefore, unlike medical services, which are currently covered by the South Australian Health Commission Act, private medical companies would not be able to be held accountable for services they provide if these provisions were not in the bill. Those services that are currently covered by the South Australian Health Commission Act can be held accountable irrespective of what is in the Medical Practice Bill. The minister can direct them or change the conditions of their licence if the need arises. I will repeat for the benefit of members that these services are not currently covered by the Medical Board of South Australia and never have been. It has never been the intention of the government or the wish of the Medical Board that they be covered.

If they are not exempt from the definition of 'medical services provider', which is the impact of the Hon. Angus Redford's amendment, then these services will have dual accountabilities and, in a worst case scenario, the Medical Professional Conduct Tribunal could prohibit any of the regional health boards from carrying on business as a medical services provider, therefore forcing all medical services under their control to shut. This is because the regional boards are the responsible body, not the individual institutions.

In commenting on the Hon. Angus Redford's amendment, staff of the Crown Solicitor's Office stated that, in regard to the powers of the tribunal in relation to government health services, the order or disqualification or suspension would therefore apply to the regional board as opposed to the particular hospital or its employees. That result points to the difficulties inherent in the proposed amendment. I remind members that this refers to the Hon. Angus Redford's amendment.

It should be clear to members that it would create a ridiculous situation if the Medical Board or the tribunal could shut down a health region. The situation does not occur in any of the Australian states and it has never been the intention that it apply in South Australia. This untenable situation would be possible if the Hon. Angus Redford's amendment were successful. In contrast, the government amendment will ensure that the Medical Board has jurisdiction over those companies that are not covered by the South Australian Health Commission Act and that all providers of medical services have a responsibility to provide the board with information if they are of the opinion that any of the medical practitioners who work for them have engaged in unprofessional conduct.

The opposition's amendment would also place an unreasonable administrative burden on public hospitals, which would have to advise the board of the names of all medical practitioners and students working there. These hospitals employ a large number of medical practitioners who often change hospitals, and all that would have to be reported. That would not be the best use of scarce health resources.

I trust that I have made it clear to all members why the government's amendment is preferable to that of the opposition. Apart from being unnecessary, the Medical Board of South Australia has never had, and never asked for, the power to discipline and ultimately shut down government health services. In no other Australian state or territory does the relevant medical board have the power that the South Australian Medical Board would have if the government amendment is not supported.

The Hon. A.J. REDFORD: I thank the minister and his staff for that detailed explanation; I am grateful. I have another question and that is this: if the minister's amendment is successful in relation to exempt provider, the second limb to that enables the minister to declare a person to be an exempt provider for the purposes of this act. I note that there is no proposed amendment in relation to the definition of medical services provider. A medical services provider means:

> A person (not being a medical practitioner) who provides medical treatment through the instrumentality of a medical practitioner or a medical student, but does not include—
> (a) a recognised hospital. . . or
> (b) any other person excluded from this definition by the regulations;

As I understand the juxtaposition of the amendments that the government is moving, we have a new category of exempt provider that can include someone declared by regulations to be an exempt provider and, in addition, we have a capacity by regulation to exclude people from the definition of medical services provider. I wonder about the juxtaposition of the two and whether we need to have both, whether only one would be necessary. Parliamentary counsel might be able to help on that.

Amendment carried.

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

> Page 5, lines 27 to 29—
> Subclause (1), definition of medical services provider—delete '—' and paragraphs (a) and (b) and substitute:
> an exempt provider

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6.

The Hon. SANDRA KANCK: I move:

> Page 8, line 18—Subclause (1)(a)—delete '7' and substitute:
> 13

This is the first of a series of amendments I have that relate to the structure of the board. To some extent it is attempting to provide some sort of compromise between what the government has and what the opposition is proposing, but it is also an attempt on my part to ensure—as I said back in 1999 when we were dealing with the Nurses Act—that doctors are not treated any differently to nurses. Part of what I am attempting to do is to allow for an increased number of medical practitioners to be elected, and to do this I feel that it is necessary to increase the size of the board from the existing 12 members, as in the government bill, to 13 members.

The Hon. A.J. REDFORD: I think we have three options before us, and I foreshadow moving my amendment to clause 6, page 8, lines 19 to 30. My understanding is that, if the Hon. Sandra Kanck is successful in relation to this clause, the rest of her amendments to clause 6 are consequential.

I propose a different model on behalf of the opposition. The opposition acknowledges that the Hon. Sandra Kanck has endeavoured to redress some issues in relation to this bill regarding representation on the Medical Board, and the opposition understands that the Democrats believe that the structure of the Medical Board of South Australia should be similar to that which exists for the Nurses Board and that if the AMA, in particular, needs representation on this board then by increasing the number of elected positions it should be able to get someone elected. If it cannot get someone elected then that is its own fault. I think I am doing the Hon. Sandra Kanck's argument some pithy justice.

I received a letter from the Australian Medical Association on 7 September 2004, and I have to say that I have found my dealings with the Australian Medical Association, and its Chief Executive Officer in particular, to be straightforward and frank. I think its CEO is one of the better lobbyists we have to deal with—he is quite succinct and to the point and he can recognise ability when he sees it, particularly when I look at the top of the letter and he addresses it to 'Dear Dr Redford'. So, I possibly have a career after I leave this place.

Members interjecting:

The Hon. A.J. REDFORD: Well, I am going to be having discussions with him about that, but I do see some career opportunities! And it did not take much more than that to get my support for the proposition he was making, but it certainly did not do the association any harm. The letter states:

> We write to raise with you the AMA(SA)'s views on amendments currently proposed to the Medical Practice Bill before the Legislative Council by various parties. We have considered the government amendments to be moved by the Minister for Aboriginal Affairs and Reconciliation and are supportive of them. In the main, these amendments are of a technical nature or correcting deficiencies that have been identified through the parliamentary process by interested parties.
>
> AMA(SA) remains, however, deeply concerned over the omission of the AMA(SA) from a role on the Medical Board and tribunal. We note that the bill, as passed by the lower house, has omitted the AMA(SA) from a representative role and either replacing it instead with elections for positions on the Medical Board. Without traversing all of the issues previously put to you in regard to the nomination of the AMA(SA) in the bill, we wish to state again that there is a powerful case for recognising AMA(SA) in a representative role on the Medical Board in its own right.
>
> The first and most fundamental issue is that at its heart AMA(SA) and its membership are to be the custodians of ethical medical practice. We have the AMA(SA)'s much referred to code of ethics. Media organisations seek commentary from AMA(SA) on ethical questions.

That is a significant point. What distinguishes someone who I would call a professional from someone who is an employee, or someone who might be engaged in important work, is that a professional's first duty is to their ethics—not to their employer and not to their colleagues. That distinguishes doctors from, say, teachers and other people who, from time to time, claim the same sort of elevated professional status medical practitioners and some other professions enjoy; that is, that their primary responsibility, over and above any other responsibility, is to their ethical duties. The letter goes on:

> Moreover, AMA(SA)'s role as custodians is acknowledged by the general public, as the range of telephone calls to AMA(SA) from members of the general community attests. We therefore strongly hold to the view that the AMA(SA) as historical custodians of ethical

medical practice should be represented on the Medical Board in their own right. There is an important issue of principle at stake here.

Again, I would endorse that proposition. If I can use this example (and I am sure the Hon. Nick Xenophon would agree with me), the legal profession, under the Legal Practitioners Act, is not set up in the same way as the Nurses Act, because its primary duty is to its ethical standards and to the court. That puts it in a different position from a nurse who is an employee of a hospital, or some other person whose principal and primary responsibility is to a particular institution, in a legal and technical sense. So, there is a difference, and I know that I will probably upset and offend some people by saying that. However, that is the fundamental difference between the two categories of people we are talking about here. The letter goes on:

> Beyond the issue of principle, however, a critical issue of governance of standards lies at stake. We have seen an acknowledgment from the Medical Board in the past month that it faces perceived pressure on it to rapidly register overseas-trained doctors in an endeavour to fix the growing medical work force shortage and, as the medical work force shortage grows more acute, such pressure will only increase. The Medical Board will face further challenges and possible political pressure to cut corners on quality and safety standards to supply the community with a medical work force.
>
> It seems to us that at a time such as this it is in everyone's interest to have the AMA(SA) on the inside, as it were, with input and a role in the maintenance of quality and safety standards through representation on the board. Conversely, if the AMA(SA) and the profession's interest in the governance of medical practice is taken from them, with the board turned into an arm of government policy through a preponderance of ministerial appointments, then the AMA(SA) will have no qualms about criticising the board for its failure to maintain standards in the event of adverse medical outcomes. Further, it would be for the media and the public to consider whether there was a correlation between the AMA(SA)'s removal and a decline in medical practice quality and safety standards.

I suspect that that might be a bit overstated, but I do think that the important issue of principle the AMA is identifying here is that, quite clearly, there will be some pressure, given the extensive shortage of doctors in all sorts of areas, to register substantial numbers of overseas doctors. Personally, I think we have been too hard on some of these overseas practitioners. However, it is far better to have the AMA (if I can use the colloquial term) on the inside of the tent, in relation to these issues, than standing there barking and shouting at the Medical Board from outside the tent. I think that is an acceptable outcome.

At the end of the day, the shortage of professionals in the medical sphere is not going to be addressed by an increase in the number of overseas doctors. There is a much more significant opportunity to expand the activities of non-medical practitioners, such as nurses, into positions such as nurse practitioners. We will get far better community health outcomes through the use of that, rather than substantially increasing the number of doctors. However, that is a personal view, and it is probably not a well educated view. That seems to me where we are going to get better outcomes.

In that sense, in terms of the extraordinary challenges we are going to have, particularly in respect of the demands of increasing the numbers of doctors, it is better to have the AMA on the inside than on the outside, because we are going to get into some debilitating public debate, where you will probably have a board and politicians on one side and the AMA on the other side. I am not sure that, in this critical issue, that will help the public debate on some of these issues that have been alluded to in the AMA's letter to me. Finally, in its letter, the AMA states:

> To this end, we strongly advocate a rethink of the passing of the Medical Practice Bill which does not preserve a role for the AMA(SA) in its own right.

In that respect, the AMA indicates that it likes my amendments. The minister is hardly surprised. I would not have read out the letter if the AMA was not supporting me, I suppose.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: Not in the same positive fashion. I particularly would not have referred to myself as 'Dr Redford'. It would be silly to say to the AMA, 'Sorry, you're not going to be incorporated,' when the Law Society is in the Legal Practitioners Act, and a whole range of other professional bodies are incorporated in their acts.'

The AMA has a long history. It has been around for more than 100 years and, by and large, has provided a magnificent service to this state, not only on behalf of doctors but also in terms of maintaining a very high standard of medical service that we enjoy in this state from our medical practitioners. I am not sure whether I can put it in these terms but, in that sense, a strong enough case has been made by the government (other than to be consistent with the nurses) that the AMA should be specifically excluded. With those comments, I urge members to support my amendments and not the amendments of the Hon. Sandra Kanck.

The Hon. G.E. GAGO: I want to take up a couple of points made by the Hon. Angus Redford in his support of some of the issues raised by the AMA in its correspondence dated 7 September. Obviously, the honourable member is supporting the AMA's suggestion that the AMA should be represented on the board because, historically, it is the current custodian of ethical medical practice; and that, somehow, a principle is underlying this and that, as a result of this principle, the AMA should be represented. Well, this does not occur with respect to representation of the Australian Nursing Federation on the Nurses Board.

Clearly, the Australian Nursing Federation would say that it is also a custodian of ethical nursing practice. If the Hon. Angus Redford is supporting this position, I would expect him to support the representation of the nursing federation on the Nurses Board. The distinction the honourable member tries to make will be extremely offensive to many nurses. He makes the distinction to try to justify what would appear to be his lack of support for representation of the nursing federation on the Nurses Board. The distinction between doctors and nurses is completely flawed and offensive to many nurses. Nurses are involved predominantly in the primary care provided to patients and, of course, ethical practice strongly underpins that practice as well.

The Hon. A.J. Redford interjecting:

The Hon. G.E. GAGO: In fact, the nursing federation does have a strong role to play in all those things.

The Hon. A.J. Redford: Not like the AMA.

The Hon. G.E. GAGO: It has a strong role to play in all those things, and it is not totally different. Nurses will find that extremely offensive. I would expect the honourable member's support of ANF representation on the Nurses Board, which is most unlikely.

The Hon. T.G. ROBERTS: In part reply to the Democrats' and the Hon. Angus Redford's position, it is critical to the efficient and effective functioning of the Medical Board—and therefore the administration of the act—that board members are selected on the basis of their skill and knowledge. The Medical Board is not a representative body. It is not meant to reflect or pursue the interests of medical practitioners: it is meant to protect the health and safety of the

public. Although the Hon. Angus Redford put a good case for defending the august body of the AMA in terms of its history and its interests, it is not because of what it is that it is excluded; it is because the board is what it is.

It is a functionary body that is skills based rather than representing the representative interests across the board within it. If the Medical Board was to represent the interests of medical practitioners, it may be appropriate to have the AMA represented. It is not designed for that purpose but to protect the health and safety of the public. It is important that it is comprised of people selected for their skills and knowledge, not because they represent a section of the medical practitioners' population. No longer is the AMA entitled to positions on the medical boards in most Australian states and territories.

In its lobbying in regard to this matter the AMA never mentions this. I recently received a letter from the AMA in regard to its inclusion on the Medical Board and, frankly, I found the content of its letter somewhat disturbing. In arguing its case for being on the board, the letter from the CEO states:

> The first and most fundamental issue is that, at its heart, the AMA(SA) and its membership are to be the custodians of ethical medical practice.

I find this a very interesting view from the AMA. In South Australia, 70 per cent of the registered medical practitioners are not members of the AMA. What is the AMA saying about 70 per cent of our doctors? It appears to be saying that they do not know about ethical medical practice because the AMA is the 'custodian' of this knowledge. What is the AMA saying about the way in which our future medical practitioners are trained by the universities? It is saying that, if a medical practitioner, including those who teach in our universities, is not a member of the AMA, they do not know about ethical medical practice.

I repeat: 70 per cent of registered medical practitioners are not members of the AMA. I agree with the honourable member's position with respect to upskilling of nurses in relation to shortages. It is, I think, a good ethical position to have in relation to that issue. As I have said, the trend in other Australian states and territories when constructing their medical boards is not to have the AMA represented on the boards. Is the AMA implying that the standard of ethical medical practice in Australia has slipped because the AMA no longer automatically has representation on most medical boards?

I think that this would be a very difficult position for the AMA to maintain. The AMA may consider itself the custodian of ethical medical practice, but the reality is that the Medical Board of South Australia is the body with the legal authority to develop professional standards for medical practitioners. I repeat, for the benefit of all members and the AMA, that the Medical Board of South Australia is not meant to be a representative body as its role is not to represent the interests of medical practitioners; its role is to protect the health and safety of the public.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I said it, and I repeat it. For this reason, the criteria that must be used in selecting members of the board are their skills, knowledge and expertise. Some of the people the minister selects for the board may, in fact, be members of the AMA. However, she will not be selecting them because of that; she will be selecting them because of the knowledge, skill and expertise that those individual members carry. The bill enables the Medical Board to be selected on the basis of its capacity to protect the health and safety of the public and, for this reason, I strongly oppose the amendment. We do not support the Democrats' amendment. I am not quite sure what the Hon. Terry Cameron's position is. He indicated it to me during a conversation in the hall, and he said that he would pass it on to the Whips. I think that is one of the issues why he—

The Hon. A.J. Redford: He is supporting us on this and you on the other one.

The Hon. T.G. ROBERTS: Yes.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: That's it. He has been fair and reasonable on those two issues, as I think he stated.

The Hon. SANDRA KANCK: I want to make it clear that, in moving in the direction that I am, I am not reflecting in any way on the AMA as an organisation. I believe that it is a valuable organisation. However, I believe that we are also moving, particularly in the health portfolio, to a different sort of model when it comes to boards. I think this is a more inclusive model and one that is more able to represent the community of a particular profession. Although the Hon. Angus Redford has pointed to the Law Society as an example in the Legal Practitioners Act, I would like to think that this more inclusive approach rather than the more status quo, old-fashioned, paternalistic approach will be what we will eventually move to, such as in the legal practitioners bill. I think that, in principle, this is simply a better model; it is a better way to go about it.

The Hon. NICK XENOPHON: I indicate that I support the opposition's amendment, after having had discussions with the AMA. I do not want it to be seen in any way as being disparaging of the important and vital role of nurses in the health system. I think that there is a distinction. Given the role of the AMA in policy matters and the fact that it represents so many practitioners in private practice, I think that it does have an important educative role, and the Hon. Sandra Kanck has made the point that professional colleges have that role. I think that there is no harm in the amendment. I think that, having some of the members of the board being derived from nominees given to the minister, and the minister still having an element of choice in terms of the way in which the amendment of the Hon. Angus Redford has been drafted, that is not an unreasonable position to take. I thought it was important, given the nature of this amendment, to put my position on the record.

The Hon. SANDRA KANCK: I should point out to the Hon. Mr Xenophon that, under the current Nurses Act, where five nurses are elected to the board, I attempted to put an argument that, in fact, there should be a specific midwifery representative on the Nurses Board, and that was rejected by this chamber some four or five years ago. But, as an example of what the system can produce, and given that the amendments that I have on file do replicate what is there for the Nurses Act in terms of an election on a proportional representation system, the midwives themselves became organised and made sure when the elections were held that one of their number was elected, so that one of the four elected people on the Nurses Board is, in fact, a midwife. The AMA would be perfectly capable of ensuring similar representation on the Medical Board using this method, or it is not worth its salt.

Amendment negatived.

The CHAIRMAN: Does the Hon. Ms Kanck wish to proceed with her second amendment to delete 7 and substitute 8? It is the same principle, I believe.

The Hon. SANDRA KANCK: It was consequential, basically, so there is not much point in moving it.

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

Page 8, lines 19 to 30—
Clause 6(1)(a)—delete subparagraphs (i) to (iii) (inclusive) and substitute:

(i) 1 is to be nominated by the minister; and
(ii) 1 is to be selected by the minister from a panel of 3 medical practitioners jointly nominated by the Councils of the University of Adelaide and the University of South Australia or, if the Councils are unable to agree as to the persons to be nominated, from panels of 3 medical practitioners nominated by each Council; and
(iii) 2 are to be selected by the minister from a panel of 5 medical practitioners nominated by the Australian Medical Association (South Australia) Incorporated; and

This amendment has been extensively debated.

The committee divided on the amendment:

AYES (10)

Dawkins, J. S. L.	Evans, A.L.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stephens, T. J.	Xenophon, N.

NOES (7)

Gago, G. E.	Gazzola, J.
Holloway, P.	Kanck, S. M.
Reynolds, K.	Roberts, T. G. (teller)
Zollo, C.	

PAIR(S)

Cameron, T. G.	Gilfillan, I.
Stefani, J.F.	Sneath, R.K.

Majority of 3 for the ayes.

Amendment thus carried.

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

Page 8, line 31—delete '2' and substitute '3'.

This amendment is consequential on the previous amendment.

Amendment carried.

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

Page 9, after line 4—after subclause (3) insert:

(3a) The Minister must, when nominating or selecting medical practitioners for appointment as members of the Board, seek to ensure that, as far as practicable, the membership of the Board includes—

(a) at least 1 medical practitioner who works in the public health system; and
(b) at least 1 medical practitioner who works in the private health system; and
(c) at least 1 medical practitioner who is registered on the general register (but not also on the specialist register); and
(d) at least 4 medical practitioners who are currently practising medicine.

This amendment is largely consequential.

Amendment carried; clause as amended passed.

Clauses 7 to 13 passed.

Clause 14.

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

Page 12, lines 13 to 15—delete subclause (5).

This is a technical amendment that is necessary because the Statutes Amendment (Honesty and Accountability in Government) Bill is not finalised. When the bill is finalised, all relevant statutes will be amended to bring them into line. When the bill is finalised, it will be covered by this provision. In the interim, it is necessary to remove this provision from the bill under consideration. In its place, provision is made to ensure that board members do not have any conflict of interest and are protected from personal liability.

The Hon. A.J. REDFORD: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17.

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

Page 13, line 27—
Delete 'the public,' and 'of the public or' respectively

This amendment is also largely technical. The rationale is that this amendment will also bring the provision into line with the approach now being taken in drafting amendments consequential to the Statutes Amendment (Honesty and Accountability in Government) Act. This reference to the public or a section of the public is unnecessary since medical practitioners form a section of the public.

The Hon. A.J. REDFORD: Whilst the opposition supports this, I should have asked this question earlier. When does the minister think that the recent amendments to the Public Sector Management Act passed in this place are likely to come into effect?

The Hon. T.G. ROBERTS: I am informed that they are still working on the consequential amendments to other acts.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I do not know.

Amendment carried; clause as amended passed.

The CHAIRMAN: It has been brought to my attention that, when we were discussing the Hon. Mr Redford's amendment No. 2, in subparagraph (ii), the amendment we divided on, it states 'the University of Adelaide and the University of South Australia.' It is supposed to read 'the Flinders University' as shows up in the bill at (iii). With the concurrence of the committee, it will be corrected as a clerical error.

Clauses 18 to 20 passed.

Clause 21.

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

Page 15—
Subclause (2)—delete 'fixed' wherever occurring and substitute in each case:
awarded

The effect of this amendment is technical.

The Hon. A.J. REDFORD: The amendment is supported.

Amendment carried.

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

Page 15, line 11—
Subclause (3)—delete 'Subject to this section, costs' and substitute:
Costs

The Hon. A.J. REDFORD: That is supported.

Amendment carried; clause as amended passed.

Clauses 22 to 24 passed.

Clause 25.

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

Page 16, lines 9 and 10—
Clause 25(1(b)—delete paragraph (b) and substitute:
(b) 8 must be medical practitioners appointed by the Governor, and of these—
(i) 6 are to be nominated by the Minister; and
(ii) 2 are to be selected by the Minister from a panel of 5 medical practitioners nominated by the Australian Medical Association (South Australia)Incorporated; and

I am happy to go into detail but I think it is largely consequential upon the previous one. In terms of looking at the conduct tribunal, the AMA will be able to put specialists in relation to the nature of the case that might come before the

tribunal, but it is pretty much the same principle as we were debating earlier.

The Hon. T.G. Roberts: That is opposed.

Amendment carried.

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

Page 16, after line 13—
After subclause (1) insert:
(1a) The body referred to in subsection (1)(b)(ii) must, in constituting a panel for the purposes of that subsection, nominate at lest one woman and one man.

This is a fairly common clause, to ensure gender equality.

Amendment carried; clause as amended passed.

Clauses 26 to 30 passed.

Heading to Part 4.

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

Page 17, line 24—
Heading to Part 4—after 'Registration' insert:
and practice

This is a technical amendment.

The Hon. A.J. REDFORD: We support the amendment.

Amendment carried.

Clause 31.

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

Page 18, line 10—
Subclause (4)—after 'his or her' insert:
name or

The Hon. A.J. REDFORD: The opposition supports the amendment.

Amendment carried.

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

Page 18, lines 19 and 20—
Subclause 5(b)(iv)—delete subparagraph (iv) and substitute:
(iv) if the removal was consequent on suspension—the duration of the suspension; and
(v) if the person has been disqualified from being registered on a register—the duration of the disqualification; and

The Hon. A.J. REDFORD: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33.

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

Page 19, line 20—
Subclause (1)(c)—delete 'the medical treatment' and substitute:
medical treatment of the kind

This is largely a technical drafting amendment to ensure consistency throughout the bill.

The Hon. A.J. REDFORD: The opposition supports the amendment.

Amendment carried.

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

Page 19, line 23—
Clause 33(1)(d)—after 'civil liabilities' insert:
(other than public liability)

Clause 33(1)(d) as passed in another place has the effect of requiring, prior to registration, insurance against civil liabilities that might be incurred by the person in connection with the provision of medical treatment. The opposition supports the sentiment contained within that clause. The Opposition's concern is that a broad reading of that clause might require medical practitioners to carry with them insurance for public liability, which has nothing to do with their professional capacity or the work that they do. It is certainly not a requirement in relation to insurance vis-a-vis lawyers that they have any more insurance than that which is required to protect them in relation to their actual professional conduct. We believe that a similar thing ought to apply. I am not sure where the government is on this clause and it might be that we are moving this out of an abundance of caution and the government's view might be that the clause would not require a person seeking registration as a doctor to have public liability insurance in any event. That is the basis upon which we have moved that amendment.

The Hon. T.G. ROBERTS: We oppose the honourable member's amendment on the basis that, following debate in the other place, advice was sought from the Crown Solicitor's Office regarding the wording of the clauses pertinent to insurance cover. This was to ensure that it is not necessary to specifically exclude public liability insurance. This advice stated that the wording of the clause does not require alteration in regard to the issue of public liability insurance. The Medical Board will not be asking registered persons or providers to have public liability insurance and it has never been the intention that they would.

We will be amending the clause for another reason following the debate in another place. The Medical Board will not be asking registered persons or providers to have public liability insurance. It has never been the intention that they would. Our amendment, however, clarifies that the board will be asking for insurance to cover the cost of disciplinary proceedings, that is, proceedings under part 5 of this bill. Currently SAICORP, the government insurer, does not provide insurance against the potential costs associated with disciplinary proceedings because of the potential for there to be a conflict in the Crown, the employer of the medical practitioner, representing the medical practitioner as the employee. However, medical practitioners are advised to obtain top-up insurance to cover these eventualities. As there is a potential for any medical practitioner to face disciplinary proceedings, it is in their interests to have this cover. We might be closer to the honourable member's position.

The Hon. SANDRA KANCK: I am happy with the response of the minister in terms of what crown law is advising.

The Hon. NICK XENOPHON: I share that happiness.

Amendment negatived.

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

Page 19, line 25—Subclause (1)(d)—after 'practitioner' insert:
or proceedings under Part 5 against the person

The Hon. A.J. REDFORD: I acknowledge the result of the last vote and I did not seek a division because it was pretty clear what the result was going to be. I must say—and this is a personal observation—I am not sure that it is smart to include a requirement for insurance in relation to disciplinary proceedings. On other occasions I have seen it abused from time to time, even in the legal profession, but, if that is what the medical profession wants, who am I to argue? I know that, if I was a member of the AMA, I would be most concerned that my premiums could be adversely affected because of the unprofessional conduct of particular people and how they want to conduct their matters before the medical tribunal. That is just my personal view, and if the AMA wants this then it can have it. I am not sure whether it is in its member's interests, but that is the way it is.

Amendment carried.

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

Page 19, lines 31 and 32—Subclause (2)(b)—delete 'the medical treatment' and substitute:
medical treatment of the kind

This amendment achieves the same ends as amendment No. 10.

Amendment carried; clause as amended passed.

Clause 34.

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

Page 20—

Lines 18 to 21—Subclause (1)—delete subclause (1) and substitute:

(1) A person is not entitled to—

(a) undertake a course of study that provides qualifications for registration on the general register under this Act; or

(b) provide medical treatment as part of a course of study related to medicine being undertaken by the person in a place outside the State,

unless the person is registered under this section as a medical student.

Lines 24 to 27—Subclause (2)(a)—delete paragraph (a) and substitute:

(a) genuinely requires registration on that register—

(i) to enable the person to undertake a course of study that provides qualifications for registration on the general register under this Act: or

(ii) to enable the person to provide medical treatment as part of a course of study related to medicine being undertaken by the person in a place outside the State; and

Line 28—Subclause (2)(b)—delete 'the medical treatment' and substitute:

medical treatment of the kind

Line 29—Subclause (2)(b)—delete 'that register' and substitute:

the medical student register

Line 30—Subclause (2)(c)—delete 'that register' and substitute:

the medical student register

Lines 32 and 33—Subclause (3)—delete 'the medical treatment' and substitute:

medical treatment of the kind

The effect of these amendments ensures that medical students studying at interstate or overseas medical schools who undertake a placement in South Australia are registered on the medical students register. The registration of medical students is designed to protect public health and provide a means for resolving complaints. It is therefore important that all medical students, whether they are enrolled in a South Australian medical school, an interstate school, or one in another country, are registered on the medical student register.

Amendments carried; clause as amended passed.

Clause 35.

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

Page 21, line 14—Subclause (4)—after 'applicant' insert:

(provisional registration)

This is a technical drafting amendment. It clarifies that a reference to provisional registration is a reference to registration under this provision.

Amendment carried; clause as amended passed.

Clause 36.

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

Page 21, lines 27 to 29—Subclause (2)(d)—delete paragraph (d) and substitute:

(d) who completes, or ceases to be enrolled in, the course of study that formed the basis for the person's registration on the medical student register; or

The effect of this amendment is consequential on amendment No. 13 and ensures that medical students studying at interstate or overseas medical schools who undertake a placement in South Australia are registered on the medical student register and can be removed from the register if they complete or cease to be enrolled in their course. This is to ensure that the medical student register can be changed when a student is no longer enrolled in or has completed their course. This will enable the register, which will be publicly available, to be updated.

Amendment carried; clause as amended passed.

Clause 37.

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

Page 22, lines 9 to 11—Subclause (1)(d)(ii)—delete subparagraph (ii) and substitute:

(ii) ceasing to be enrolled in the course of study that formed the basis for the person's registration on the medical student register,

This is another technical amendment that is similar to an amendment to the previous clause.

Amendment carried; clause as amended passed.

The Hon. A.J. REDFORD: It seems that we have reached an impasse. The opposition is ready, willing and able to deal with this bill. On a previous occasion, I remember when we were dealing with a bill not with the Hon. Terry Roberts but with the Minister for Health. When we were ready, willing and able to deal with the bill, she would regularly go out and tell the media that we were holding up its consideration. So, to make it very clear, we are happy to come back this evening to finish this bill. If the minister wants to say anything contrary to that, we may well take it further.

The Hon. Carmel Zollo interjecting:

The Hon. A.J. REDFORD: The Hon. Carmel Zollo can interject all she likes, but the opposition is fed up with some of the lies that are put out by the government about whether we are ready to deal with business. We are happy to finish off this bill.

The Hon. T.G. ROBERTS: I suggest that we report progress on the basis that we have agreed on most of the clauses. There are a couple of clauses that will take longer to debate, but it is my view that the bill can be finalised tomorrow, as well as the Address in Reply speeches.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.57 p.m. the council adjourned until Thursday 23 September at 2.15 p.m.