LEGISLATIVE COUNCIL

Thursday 23 September 2004

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

PAPERS TABLED

The following papers were laid on the table:

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

Annual Reports—
- The University of Adelaide—
  - 2003 Part One, Annual Review
  - 2003 Part Two, Annual Review

Reports—
- Australian Standard—Amusement Rides and Devices—
  - Part 1: Design and Construction
  - Part 2: Operation and Maintenance
  - Part 3: In-service Inspection
  - Part 1: Design and Construction—Supplement 1: Intrinsic Safety (Supplement to AS 3533.1—1997)
  - Part 2: Operation and Maintenance—Supplement 1: Logbook (Supplement to AS 3533.2—1997)
- Australian/New Zealand Standard—Electrical Installations—Constructions and Demolition Sites
- National Code of Practice for the Preparation of Material Safety Data Sheets 2nd Edition—April 2003
- Response to the Social Development Committee Inquiry into Obesity, August 2004.

BERINGER BLASS BOTTLING FACILITY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement on the Beringer Blass bottling facility made earlier today in another place by the Premier.

CRIMINAL LAW (UNDERCOVER OPERATIONS) ACT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on the Criminal Law (Undercover Operations) Act 1995 made earlier today in another place by my colleague the Attorney-General.

BLACK, Mr G.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on the Chief Executive, Department of Further Education, Employment, Science and Technology made earlier today in another place by my colleague the Minister for Employment, Training and Further Education.

KING GEORGE WHITING

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on the whiting fishery made earlier today in another place by my colleague the Minister For Agriculture, Food and Fisheries.

QUESTION TIME

ANANGU PITJANTJATJARA LANDS

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

Leave granted.

The Hon. R.D. LAWSON: Members will be aware that, following the recent passage in this place of amendments to the Pitjantjatjara Land Rights Act, there will shortly be an election for the AP executive—indeed, it is due to occur in early October. This issue has received much publicity in South Australia, and there is much interest throughout the South Australian community in this election. No journalist or media outlet can enter the lands without the permission of the AP executive; that is a provision in the legislation. At present that means, in effect, with the personal permission of the Chair of the current AP executive, Mr Gary Lewis. The opposition has been informed that some media organisations are encountering some difficulties in obtaining permits to enter the lands for the purpose of observing the electoral process. My questions are:

1. Is the minister aware that some media organisations are encountering difficulties obtaining permission to enter the lands?

2. Does the minister agree that public reporting of the AP elections is important?

3. Will the minister use his good offices to encourage the AP executive to grant permits to bona fide journalists and media organisations to visit the lands during the election process?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his questions and his enthusiasm for the elections on 4 October. I encourage all AP to vote in these very important elections. We are trying to put reforms in place for the way in which elections are dealt with. Over a number of years there have been questionable and contested outcomes, and people at the end of the counting of the ballots have raised questions about the standing of those who have been elected. It is one of those things that is not strictly tied to the APY elections. In fact, the home of democracy in the United States of America had a lot of trouble in relation to how their ballots were counted, particularly in Florida, in relation to the presidential election outcome.

Contested ballots and numbers gathering is not a new thing to the AP, but we are trying to get some form and structure into the way in which the ballots are held. We are trying to take focus off the election as the be-all and end-all for the way in which the government interacts with the APY. We are trying to play down the role of the elections, but respect the outcome, no doubt. It appears the primary focus of media commentators, and some governments and oppositions over the years, has been on the outcome of the election—who wins and who loses, and what will happen after the election result has been counted?

We hope to bring about a normalcy that exists within the rest of the community; that is, by changing the way in which ballots are held and changing the way in which the APY executive relates to the rest of the lands, by having a model developed for discussion for implementation with the APY that would have a system similar to local government. It is the view of many people who are looking at the APY in a

constructive way that the way in which the APY relates to their community is a part of the problem in dealing with infrastructure support, human services support and managing cultural and land protection. The government is dealing with those and I hope the honourable member would be happy with it; and I hope the standing committee can play some role in that.

I have not been personally informed that media organisations or individuals from media outlets have had trouble getting approval for their applications for permits, but, if the honourable member has names of either journalists or media outlets and organisations, I will take the names from him at a later date and talk to them about the problems they are having. I do know that there has been at least one resignation, possibly two resignations, from the permit committee that handles the permits, which would slow down the process, but I have not heard there has been any blockage of journalists from entering the lands to cover the election. I am certain that the APY does not want the election turned into a media circus, and I hope that public reporting of the outcome of the APY elections is reported broadly within the media. Is has become a public interest point.

I encourage all those who have a vested interest in outcomes within the lands to turn out to vote. I thank the honourable member for his questions. I will do some follow up on that. It is not correct that Gary Lewis himself makes the decisions in relation to who does or does not enter. He may have some influence on the APY executive and the permit committee when those permits are issued, but the permits are part of a process under the APY lands legislation, which was drawn up and passed by this council and which became law in 1981. It is something we will look at with the APY in future as to how the permit system and access to services can be improved to better the lives of the people who live there.

The Hon. NICK XENOPHON: By way of supplementary question, is the minister aware that applications by media outlets have, as a matter of practice, been referred to Mr Lewis for consideration?

The Hon. T.G. ROBERTS: I am aware that a process is in place whereby the chair of APY would probably be informed of all those people who make applications for entry on to the lands. I am sure—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: My view is that I am not aware that he is the sole arbiter of all those applications. He has to refer them back to the committee that looks after those applications, but, if an individual has in any way written stories or shown footage that has offended APY interests, I am sure those people would have to run the gauntlet of their application going through the executive. If it was a matter of a service provider whose presence on the lands has been accepted and seen as being a constructive presence, it would probably go through a different process. That is only a view I have and not a personal understanding of what would happen.

With the media, there are sensitivities. Some journalists have been seen to distort or exaggerate certain events that have occurred up there, and their editor would have been contacted after the articles were printed to advise them to either send another journalist or at least revise the way in which they report matters.

The Hon. A.J. REDFORD: Isn't that outrageous? Do you agree that it is wrong?

The Hon. T.G. ROBERTS: I am not agreeing that it is wrong. It is an issue that has to be dealt with by the APY executive and its permit system.

The Hon. NICK XENOPHON: By way of supplementary question arising from the answer, will the minister advise us who are the offending journalists, what knowledge he has of that and whether he has consulted with the APY lands executive with respect to the offending journalists?

The Hon. T.G. ROBERTS: I have no knowledge of any journalists who have been put through that process, but some individuals have been knocked back, and as minister I can recommend that permits be issued. I have not had a request from any journalist, editor or newspaper to do that. I would have thought that, if there was trouble at mill and the minister had a role to play in negotiating on behalf of those people, my office would be contacted.

The Hon. NICK XENOPHON: By way of further supplementary, will the minister advise what applications have been made by media organisations in the past two months to go to the lands, and what has happened to those applications for media access?

The Hon. T.G. ROBERTS: I cannot answer that. That is not the role of the minister in relation to how the permit system works. The permits are made and sent to the APY executive, and they are then referred to the officers administering the permits. As I have said, at least one permit officer (I think there are two administrative officers, but I am not quite sure whether the other one deals with permits) resigned just recently, and it is very difficult to get people up there. We are working with the APY to try to get a process that allows for a fair and equitable system for permits, but that has to be done with the agreement of the APY executive. That will be done over time, and we hope that after this election many of these issues can be talked through in relation to how people, particularly those from outside, gain entry to the lands. It may be that the permit system has to be altered in some way, but I am not advocating that without consultation. If the APY want to make some changes to their permit system then perhaps now is the time to open that up for discussion.

The Hon. R.D. LAWSON: I have a supplementary question. An item was published in *The Australian* of 22 April regarding the Premier's visit to the lands, in which Mr Gary Lewis was quoted as saying of the Premier, 'He came in, had a barbecue and took off. There was no consultation at all.' Did the minister have a conversation with Gary Lewis after that report appeared?

The Hon. T.G. ROBERTS: I am not quite sure in what context the question has been raised.

The Hon. R.D. Lawson: In terms of consultation.

The Hon. T.G. ROBERTS: Gary Lewis has not spoken to me at all about that issue, nor I to him. That is a matter between individuals on the APY executive and the Premier.

The Hon. KATE REYNOLDS: I have a supplementary question. Will the minister seek clarification from the permits officer who has resigned but who is still working in the position as to whether any applications from media representatives—that is, applications that include all the relevant documentation required by the APY executive—have been refused, and report back to this council?

The Hon. T.G. ROBERTS: That is a fair and reasonable question which I can do something about. As minister I will

write to the APY executive and seek more information in relation to those journalists who have not been able gain entry, if that is the case.

The Hon. A.J. REDFORD: I have a further supplementary question. How can the minister describe these elections as free and fair if the press are in some way excluded from reporting the processes?

The Hon. T.G. ROBERTS: The APY lands are freehold land. The APY executive has responsibilities under an act of parliament in relation to how they carry out their affairs. The Electoral Commission will be in charge of the election, and the business of the election—just as in every local, state or federal election—is the affair of those who take part in the election: that is, the voters and those who are being voted for. It is their business to work within the rules set by the Electoral Office. Traditionally, if there are any abnormalities or any accusations, they are handled by the Electoral Commission after the election.

MID NORTH REGIONAL DEVELOPMENT BOARD

The Hon. CAROLINE SCHAEFER: I seek leave to make an explanation before asking the Minister for Industry and Trade a question about the Mid North Regional Development Board.

Leave granted.

The Hon. CAROLINE SCHAEFER: As a result of a review instigated by the Mid North Regional Development Board, a number of concerns were raised with regard to the corporate governance obligations of that board. As I understand it, the report was sent to board members on about 15 September. They were given a week to digest the contents of the review, before a board meeting was to be held. On 17 September, Mr Phil Tyler of the Office of Regional Affairs wrote to the board demanding that an action plan be developed by 31 October to rectify the concerns outlined in the report. On 21 September, the board wrote to Mr Tyler indicating its willingness and intention to comply. Further, on 21 September, minister Maywald publicly announced that she was sending the matter to the Auditor-General. She has since admitted on air that she is not aware of any suggestion of fraud but, rather, some breaches of governance process. My questions are:

1. Why did the minister not allow the board time to comply with her department's demands before going public on the matter?

2. Did the minister consult with (or was she briefed by) any departmental adviser before going public?

3. Was minister Holloway briefed on concerns with regard to administrative inefficiencies within that board during his time as minister for regional development and, if so, why was no action taken at that time?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Regional Development, who is responsible for these matters, and bring back a reply.

The Hon. Caroline Schaefer: What about your responsibilities?

The Hon. P. HOLLOWAY: I do not have them any more; I am not the minister any more.

The Hon. Caroline Schaefer: Late last year.

The Hon. P. HOLLOWAY: That is why; I was not the minister late last year.

WORKCOVER

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the minister responsible for WorkCover, a question about WorkCover.

Leave granted.

The Hon. A.J. REDFORD: Yesterday, a press release was issued by WorkCover announcing in glowing terms a turnaround of some $400 million a year to the year ended 30 June 2004. It stated that the scheme would be fully funded by 2012-13, which is some 2½ elections away. It also reported that there had been a major boost in investment and levy income of $184 million, which 'was negated by the actuary's assessment of claims liability.' Indeed, it went on to state that the estimate of the claims liability was due to an increasing number of people staying in the scheme and estimated that to be some $135 million. It also said that there was an impact in relation to the change of application of the GST, which accounted for some $2.3 million.

In relation to the increasing number of people staying in the scheme, the press release reported that the average duration of claims reached 3.75 years, up from 3.57 years only a year ago. The figures accompanying the press release are interesting. They show that an extra $97 million was paid in levies by mostly small business, which led to a reduction in the unfunded liability of only $19 million. At that rate, it would take more than 30 years of high levy rates and low worker benefits—and, Mr President, I know you would support me in that assertion—to get rid of this government's debts in relation to WorkCover. In the light of this, my questions are:

1. Is it not the case that this press release now acknowledges that the minister's direction to the board to slow down lump sum payments is having an adverse affect on WorkCover's bottom line?

2. How can the minister justify collecting an extra $97 million from employers in this state while improving the bottom line by only $19 million?

3. Is it not the case that operating costs have increased by over 20 per cent in the past 12 months, and should this not be cause for concern?

4. Will the minister explain why there has been a change of application of the GST causing a further $2.3 million deterioration in WorkCover's position?

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

COMMUNITY CORRECTIONS

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the 50th anniversary celebrations of the Community Corrections Division of the Department of Correctional Services.

Leave granted.

The Hon. J. GAZZOLA: During the last week of July the Community Corrections Division celebrated its 50th anniversary, culminating in a conference, titled Community Corrections 1954 to 2004 and Beyond, on Friday 30 July. I am aware of the changing role of Community Corrections since it was established in the 1950s. Throughout the 1960s and 1970s the service moved from its establishment within the Supreme Court building along with the Sheriff's gaols

and prisons department to a service established within the broader community, with steady increases in staff and an increase in the number of offenders supervised. Will the minister explain to the chamber the changing role of the service and describe some of the issues raised at the 30 July conference?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his diligent following of the historical development of Community Corrections. I would hope that members take note of the reply, because it is very important. As I stated yesterday, the work in corrections is often not easy, and I pay tribute to those people in Community Corrections, who do very good work, which goes unrecognised, except if something goes wrong. It is a reflection of their very hard work that South Australia has the second lowest rate of recidivism in Australia. They certainly help that. There was a conference which was well attended and which included Ms Eithne Williams, Director of Change National Offender Management Services in the UK (so it attracted overseas attention), and participants from government and non-government criminal justice agencies and Department of Correctional Services staff from South Australia and interstate were present.

The original Adult Probation Service commenced on 15 March 1954, with the appointment of Albie Glastonbury—there is a famous name that you would be familiar with, Mr President—as the first full time probation officer for the supervision of adults. The service was established by the Playford government in 1952—and that is a name which a lot of members in this chamber would be familiar with, a very respected former premier. He established the Adult Probation Service, which reported directly to the Sheriff and Controller of Prisons. In 1964 the Prisons Department title was changed to the Department of Correctional Services and incorporated the Probation and Parole Division. A further title change led to the current Community Corrections Division of the Department for Correctional Services.

Issues discussed at the current conference included how Community Corrections relates to other service providers, and often Community Corrections services are an important link to support services to assist offenders in resuming or developing an offending-free lifestyle. The contribution of non-government organisations such as Offenders Aid and Rehabilitation Services and the Aboriginal Prisoner and Offender Support Services was also recognised, and they play an important role in this state. I take the opportunity to acknowledge the work of these and other non-government agencies and thank them for their contributions to the corrections system. Community Corrections has an unequivocal commitment to offender rehabilitation, but that is balanced by an understanding of its role in crime prevention and promoting community safety. We would hope that they have a further 50 years in this state—and may there be many more.

The Hon. A.J. REDFORD: As a supplementary question, what is the source of the assertion in the minister's answer that South Australia has the second lowest rate of recidivism in Australia?

The Hon. T.G. ROBERTS: The department.

The Hon. A.J. REDFORD: As a further supplementary question, what document makes that assertion?

The Hon. T.G. ROBERTS: I know that the honourable member is aware of how recidivism is measured. There are many ways in which it can be measured. It is not an exacting science, but those are the figures given to me. However, I will seek the source of the information the honourable member requires and provide him with a reply.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the monitoring of labelling for genetically modified foods.

Leave granted.

The Hon. IAN GILFILLAN: Genetically modified foods are on our supermarket shelves as I speak. Some of these foods are labelled as containing genetically modified ingredients, and some are not. The rules for labelling are set out at a federal level through the Food Standards Australia New Zealand (FSANZ), the web site of which states:

. . . genetically modified food where:
- novel DNA and/or protein is present in the final food; and
- where the food has altered characteristics.

However, the web site provides the following exemption:

. . . the following would be exempt from these requirements:
- highly refined food where the effect of the refining process is to remove novel DNA and/or protein;
- processing aids and food additives except those where novel DNA and/or protein is present in the final food;
- flavours which are present in a concentration less than or equal to 0.1 per cent of the final food; and
- food prepared at the point of sale.

That does leave a wide range of foods that potentially contain genetically modified material unlabelled. I was recently confronted with the labelling requirements (although I consider them weak) in action. If any members were to shop at Woolworths and, in the course of that shopping, picked up a packet of Woolworths brand doughnuts, being an informed consumer (as many of our members would be)—

An honourable member interjecting:

The Hon. IAN GILFILLAN: Well, we can get the after effect—they would notice that the ingredients are wheat, flour, water, sugar, sunflower oil, mineral salts, milk solids, non-fat soy flour (genetically modified), maize starch, wheat starch, egg yolk and powder. Not only does this product have a wide range of ingredients but also it is labelled to show, for the perceptive—

The PRESIDENT: Order! The Hon. Mr Gilfillan has been in this place a very long time. He knows that the standard is that members do not bring props into the chamber. Members can quote from a label, but the display of props is highly disorderly.

Members interjecting:

The Hon. IAN GILFILLAN: Mr President, if you just protect my rights—

The PRESIDENT: With respect to the question of props or bringing food into the chamber, the honourable member is gone on both counts.

The Hon. IAN GILFILLAN: I admit guilt, sir. My only aim was to prove the authenticity of the material that I was giving this council because, sometimes, some members question my integrity and the things that I say.

An honourable member: Never!

The Hon. IAN GILFILLAN: Yes; unfortunately, they do.

Members interjecting:

The PRESIDENT: Order!

The Hon. IAN GILFILLAN: However, I take your advice, sir.

The PRESIDENT: Order! The honourable member's word is good enough for me.

The Hon. IAN GILFILLAN: Thank you very much and, in that case, Mr President, you can share the doughnuts! This is one of the few examples where I have been able to find foods labelled as containing genetically modified ingredients, and there are three possible reasons: first, there could simply be very little genetically modified foods on sale, and that beggars belief; secondly, it may be that those foods that do contain genetically modified ingredients escape the legal requirements for labelling through the wide exemptions; and, thirdly, it could be that foods are on our supermarket shelves which should be labelled but which are not.

Compliance with the food standards is required under the South Australian Food Act 2001. The act gives the state government wide-ranging powers to test foods to ensure that they comply with the food standards, including the labelling of GM ingredients. My questions are:

1. What has the government done to ensure that unlabelled genetically modified foods are not being sold in South Australia?

2. How many laboratories are approved under the Food Act 2001 that are capable of detecting genetically modified ingredients in food either in South Australia or in Australia and to which the minister has access?

3. How many products have been tested?

4. How many breaches of the labelling standards have been detected in respect of genetically modified ingredients?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his brief explanation. The only question that was not asked was whether the plastic in which the doughnuts were housed was recyclable. I will refer those very important questions to the minister in another place and bring back a reply.

WOMEN, RENTAL ACCOMMODATION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, questions about women's rental discrimination.

Leave granted.

The Hon. T.G. CAMERON: A recent article in *The Advertiser* highlighted the concerns of single and separated women with children being 'sexcluded' from the private rental market and struggling to find a place to live. Shelter SA's 'Sexcluded women, homes and sex discrimination' report states that there is endemic discrimination against women with children on low incomes who try to rent accommodation. The report found that one in three women were discriminated against because they were female, and one in three were refused accommodation because they had no male partner. Some 47 per cent said that they were refused rental housing because they had children, and 50 per cent were turned away because of low income. In one instance, a teenage mother with a 12-week old baby complained when an agent told her not to even bother trying to rent because she was too young and that a single mother should go home and live with her parents. Equal Opportunity Commissioner Linda Matthews was quoted as saying that the South Australian Sex Discrimination Act 1975 was lagging behind all other states and was in urgent need of reform. That is something for all the female members of parliament, I think, to have a look at. My questions to the minister are:

1. Does he agree with Equal Opportunity Commissioner Linda Matthew's statement that South Australia's Sex Discrimination Act 1975 is lagging behind all the other states and is in urgent need of reform?

2. Will the government as a matter of urgency move to strengthen the sex discrimination act to ensure that single women and women with children are not unfairly discriminated against when applying for private rental housing?

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.

OCCUPATIONAL HEALTH AND SAFETY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, a question about occupational health and safety.

Leave granted.

The Hon. T.J. STEPHENS: A situation has been reported to me regarding Pacific National railways and the working conditions aboard its locomotives. I have learnt that the crew quarters on these locomotives become filled with diesel exhaust that the airconditioning units suck in from outside. Naturally, these conditions are very damaging to the workers and are posing a serious health threat. Workers have reported these incidents to the company a number of times over the past few years and, despite some remedial action being taken, they are still a regular occurrence. Will the government investigate this issue? If loopholes exist that allow this to happen, will the government legislate to close these loopholes?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer the member's question to the Minister for Transport in another place and bring back a reply.

SALARY SACRIFICE

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 public sector workers and salary sacrifice.

Leave granted.

The Hon. R.I. LUCAS: In May this year, the federal government announced that it would provide transitional grants to assist certain state government organisations that had lost their concessional FBT status following recent court judgments and a review of eligibility by the Australian Taxation Office. Those organisations in South Australia are many, but they include Julia Farr Services, Metropolitan Domiciliary Care and Intellectual Disability Services Council. In summary, they were ruled to be too closely controlled by the state government and, therefore, ineligible to claim concessional FBT status. In recognition of the impact the decision would have on some workers' remuneration, transitional grants were announced as part of the federal budget; and have been paid to the Australian Taxation Office by the Australian government. I stand to be corrected but about $80 million over four years has been provided by the federal government.

The opposition has been contacted by concerned public sector workers about the considerable delay in the implementation of these concessional grants to state public sector related workers. They have provided information to the opposition, which shows that the annual tax cost to those public sector workers for an ASO8 classification (at the top of the salary range) is just over $7 000 a year, and for an ASO4 classification (at the top of that classification) the cost of the loss of salary sacrifice is $4 500 a year. The opposition has met with the salary sacrifice working group. The Leader of the Opposition and I met with it in recent weeks and we have been provided with documentation, too large to place on the public record. For example, a female employee from Echunga indicated that she had cancelled her health cover and resigned from the PSA. She said, 'We purchased our house last year based on my total salary. I have lost $95 per week and, even without paying union fees and health cover, I am still behind. I have found the whole situation most stressful and anxiety producing.' A female employee from Largs Bay said, 'I had to sell my house because I was not able to afford the mortgage payments after losing salary sacrifice.' A male employee from Hindmarsh said, 'I have had to place my home unit on the market.'

The testimony from these employees covers some three or four pages, all individual cases of hardship, as a result of their losing up to about $8 000 a year as a public sector employee because of the loss of salary sacrifice. The employees are arguing to the opposition, and hopefully to the parliament, what has happened to the federal government's money which has been provided to them? Why has the state government not acted quickly to ensure that the suffering of these employees does not continue at the level they have indicated they have experienced? My questions are:

1. Why has the state government not introduced the appropriate arrangements to enable the federal government grants announced in May this year in the federal budget to be processed immediately, implemented and provided to those employees who are meant to receive them?

2. Given that no action has occurred at this stage, some four months after the budget, when will the government and the Treasurer implement such arrangements?

3. Will the Treasurer give a commitment as to a starting date for the payment of these grants to the employees who have been affected?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Treasurer for a response. I am certainly aware of the situation. I know it has been discussed by the government. It was my understanding that there is some need for clarity from the Australian Taxation Office, but, because I am not the minister responsible, I will get the information back to the Leader of the Opposition as soon as possible.

THAILAND-AUSTRALIA FREE TRADE AGREEMENT

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the Thailand-Australia free trade agreement and the state's automotive industry.

Leave granted.

The Hon. CARMEL ZOLLO: In July 2004 the text of the Thailand-Australia free trade agreement was signed, and it is expected to come into force in January 2005. Currently, Thailand has a tariff of 80 per cent on passenger motor vehicles, as well as tariffs ranging from 20 to 42 per cent on other automotive products such as parts and components. However, this will change when the free trade agreement comes into force. Will the minister advise the council what the state government is doing to assist South Australian exporters in the automotive industry to capitalise on the benefits that are likely to arise out of the Thailand-Australia free trade agreement?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): Recently I visited Thailand, the main purpose of which was to open up trade opportunities for South Australian businesses arising from the Thailand-Australia free trade agreement (TAFTA). In the automotive field these opportunities include automotive vehicle component manufacture, after market products, tooling and special vehicle bodies. Thailand has agreed that when the free trade agreement comes into force it will remove its tariff for passenger motor vehicles over 3 000 CCs and reduce its tariff for medium and smaller vehicles to 30 per cent, with a phase down to zero in 2010. In addition, Thailand has agreed to reduce other automotive tariffs down to a ceiling of 20 per cent, with a phase down of most parts and accessories to zero by 2010.

Whilst in Thailand I was fortunate to meet with one of the deputy prime ministers, the Minister for Natural Resources and Environment and the Minister for Commerce, as well as members of the Board of Trade and the Federation of Thai industries. I also met with private companies such as Mitsubishi Motors Corporation Thailand and the shipping company RCL. As a result of my visit I am pleased to advise that a delegation of Thai automotive producers will now be visiting Adelaide from 4 to 5 October this year to meet with industry representatives here in South Australia.

The Thai Automotive Industry Association, with the support of the Thai government, is organising the trade mission to Australia. This visit is being coordinated by Austrade in Bangkok and will include a visit to Melbourne as well as to Adelaide. The Thai Automotive Trade Mission will comprise approximately 35 delegates from the Thai Auto Parts Manufacturers Association, Thai Automotive Industry Association members, the Thai Board of Investment and the Ministry of Industry. The Department of Trade and Economic Development is developing a program for the Thai automotive mission in cooperation with the Federation of Automotive Products Manufacturers, the Tooling Industry Council of South Australia and the Engineering Employers Association of South Australia.

It is proposed that the program include a plant visit to Mitsubishi so that briefings can be given by South Australian automotive component suppliers and toolmakers about their capabilities. It is also intended that there be visits to South Australian automotive component manufacturers and a presentation by the Thai automotive mission on the trade opportunities that will open up under the Thai-Australia free trade agreement.

The Thai automotive mission is a valuable one as it is likely to benefit the state's automotive industry by introducing South Australian automotive vehicle, component and tooling manufacturers to new business opportunities that have opened up, and by creating awareness amongst Thai automotive producers of South Australian capabilities. Because Australia is one of the first countries, if not the first, to negotiate a free trade agreement with Thailand and, since these measures come into operation from 1 January, it will give a window of opportunity for Australian manufacturers

into that market that will give them an advantage over other countries.

It is inevitable that other countries will also eventually sign free trade agreements with Thailand, but given that Australia is the first it provides that window of opportunity not only in the automotive sector but also in areas such as wine, where there is a reduction in tariffs, that will provide a real opportunity and give Australian exporters a real advantage because of the drop in tariffs that will apply for Australian produced goods from 1 January.

It is important that all Australian manufacturers are aware of the opportunities that exist in the Thai market because of that window of opportunity, because companies that can get in and get the competitive benefit of that now will be able to have a significant advantage over producers from other countries that may only get the benefits of this at a later time. There is an important complementarity between the motor vehicle industry in Thailand and that in Australia. The Thai industry is composed of light commercial vehicle manufacturing and small passenger vehicles. We in Australia produce largely medium sized passenger vehicles, so there is a complementarity in automotive output that hopefully this free trade agreement will allow to be exploited for the benefit of both industries and countries.

LAYTON REPORT

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Attorney-General, a question regarding children giving evidence in court.

Leave granted.

The Hon. KATE REYNOLDS: On 5 May this year I asked the Attorney-General what action he was taking to address the recommendations of the Layton report relating to children in the courts. Specifically, I asked when the government would introduce amendments to the Evidence Act and the Youth Court Act. Despite the government talking up its actions on protecting children, I have not received an answer to my question. In her report, Robyn Layton QC said:

> Whilst it is generally acknowledged as a matter of principle that children's bests interests are paramount. . . this paramountcy principle does not appear to be currently reflected in the processes to which children are exposed in the courts.

She said:

> This is particularly so in the criminal justice system in which children may be witnesses because they are the alleged victims of criminal offences such as sexual assault.

She went on to say:

> Many submissions referred to the 'systemic abuse' or 're-victimisation' that is experienced by child witnesses in the criminal courts.

She also said:

> This is not a new criticism and has been the subject of a number of studies.

In short, children are sometimes required to give evidence about crimes which have allegedly been committed against them in the hope that the offender will be convicted and punished, but the evidence shows that this is simply causing more trauma to them.

In early July the Western Australian Attorney-General introduced amendments to the Criminal Code and the Evidence Act to ensure that the video-taped recording of a child's initial interview with police will become the primary source of evidence from a child complainant in sexual and physical abuse matters. The recorded interview would then be made available to the courts as well as to relevant professionals and agencies. These changes were recommended by Western Australia's joint response to the child abuse task force and the Gordon inquiry and have, indeed, been frequently advocated by the Democrats in this state.

Robyn Layton's report included a recommendation that the Evidence Act be amended to include three models for the taking of children's evidence, including allowing the giving of evidence to be taped and later played to a jury. In fact, chapter 15, Children and the Courts, makes 38 recommendations in relation to changes required to better protect children who come into contact with the criminal justice system. My questions are:

1. When will the Attorney-General provide an answer to my question of 5 May?

2. Will the Attorney-General provide a report to parliament detailing the government's response to each of the 38 recommendations in chapter 15 of the Layton report?

3. When will the Attorney-General introduce amendments as recommended by Robyn Layton QC in her report?

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

DISABILITY SERVICES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Disability, a question about post school options for those with disabilities.

Leave granted.

The Hon. A.L. EVANS: Constituents in the Clare Valley region have raised their feelings of frustration at the distance they need to travel to access leisure options and the limited services and activities available under the Moving On program. Carers for those with disabilities are concerned about their own capacity to cope, as well as the needs of their other children over school holiday periods and in the event of illness, emergencies or the need to attend appointments. They have explained their desperate need to know that there is appropriate back up in terms of easy access respite services, including overnight care, day care and after school care.

One constituent from the Clare Valley region who contacted my office spoke of her inability to take a holiday because of the demands of caring for her children and also because of their difficult behaviour, as well as their severe financial constraints. Another constituent from the region spoke of similar difficulties and alluded to the fact that she did not want her other children to miss out on normal holiday experiences and quality time with their parents. My questions to the minister are:

1. What measures have been taken to provide respite, including residential respite, over holiday periods for parents in the Clare Valley region?

2. Will the Moving On program and other leisure options be available for those families whose children have disabilities in the Clare Valley region?

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.

OUTER HARBOR

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the deepening of Outer Harbor.

Leave granted.

The Hon. D.W. RIDGWAY: On reading the reply of the minister to my colleague the Hon. Caroline Schaefer's question yesterday, I was able to gain no clear picture or certainty for stakeholders involved in the export of goods from South Australia and, in particular, the deepening of Outer Harbor. To refresh members' memory, in November 2001 Flinders Ports bought the ports from the former Liberal government for $130 million cash and $60 million for infrastructure development. Yesterday, the minister informed the council that $25 million was, of course, to be used by the former Liberal government to aid the River Murray. As all members would remember, the ports were sold in late November 2001 and, of course, the Liberal government left office in February 2002.

In its first budget, the new Labor government imposed the River Murray levy, raising at least $20 million a year. My question is: in accusing the former government of spending $25 million of the proceeds from the sale of the ports on the River Murray and the fact that it replaced that $25 million with a new tax in its first year in government, when will the dredging of Outer Harbor commence and when does the minister expect it to be completed?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The only minister who can provide that information is the Minister for Infrastructure, and I will refer that question to him and, no doubt, he will provide the information in relation to that.

The Hon. D.W. Ridgway: You have no idea?

The Hon. P. HOLLOWAY: As I understand it, various levels of dredging is going on, such as dredging for the turning basin. It is one thing to allow dredging for Panamax vessels; there are also some long-term proposals, and I think they are the ones referred to yesterday by the Hon. Caroline Schaefer. As to whether we should ultimately go to a deeper depth—I think it is about 17 metres, or whatever it is, that is required for Cape vessels—a number of proposals are involved in this. I will get that information from the responsible minister, that is, the Minister for Infrastructure, and bring back a reply.

The Hon. D.W. RIDGWAY: I have a supplementary question. Given that the minister is the Minister for Industry and Trade, he must have some idea of when the dredging is expected to be completed, given that he has been in Thailand trying to export products from South Australia.

The Hon. P. HOLLOWAY: As I have said, at this stage, it is quite a long-term project to develop the port. Of course, if the honourable member wants to talk about shipping, part of the problem we have at the moment is the changes to shipping, particularly for bulk carriers. I think the new national regulations require double hold ships, which is one of the reasons why the ship building industry around the world, in such as places as Japan—and the industry has been dormant for many years—is now taking off. It also explains why shipping costs have risen so dramatically in recent years. A lot will depend on whether or not the projections for these larger vessels become a reality. From the people to whom I have spoken, I gather that there is some debate about just how large the vessels will be. It is not only the depth of our harbours; it is, of course, the depth of the harbours in countries where we might export goods.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: If you are talking about Melbourne, the Hon. Caroline Schaefer mentioned the figures in her question about that report which was given to government, I believe, at the end of last year. I think it was something like 2008, or thereabouts, as the time—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Deepening the Melbourne port, because of the problems of blasting all the rock through the rip and constructing kilometres of channels, will be a much longer term and expensive task than it will be in terms of dredging the sand for the relatively shorter distance at Outer Harbor.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Indeed, that is exactly what the government has been contemplating. I will refer the question to the Minister for Infrastructure and bring back a reply.

PUBLIC SERVICE

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, questions regarding the structure of the South Australian Public Service.

Leave granted.

The Hon. J.M.A. LENSINK: In examining the most recently available report from the Commissioner for Public Employment, a number of interesting trends emerge in relation to the complexion of the Public Service since this government has been in office. The number of youth—who are classified as 15 to 24 years olds—employed has dropped from 5 629 to 5 211, or from 6.7 per cent of the work force to 6.1 per cent, while the number of trainees and apprentices has fallen by 23 per cent; and the number of those in graduate entry programs has decreased by a massive 55.9 per cent. The number of female executives employed under the Public Sector Management Act has fallen, with the equity index showing that 'employment of women is skewed towards the lower end of the classification scale'. Also, casual employment across the Public Service has increased from 12.7 per cent to 14.2 per cent and, while the proportion of part-time employees in the South Australian work force has dropped relative to all employees, in the South Australian public sector it has actually increased. My questions are:

1. Why has the government allowed the recruitment of young people into the Public Service to fall to such alarming levels?

2. How is this consistent with the Premier's claims that he wants the government to be the employer of choice for young people in South Australia?

3. What does the government expect to be the medium term implications for change and development of the South Australian Public Service as a result of abandoning the recruitment of young people to its ranks?

4. How will this contribute to the Economic Development Board's vision of a dynamic and high performing public sector?

5. Is the government's poor record in advancing women to senior levels of the Public Service a reflection of the Labor Party's patronising attitude to women, as articulated in the second principle of its election policy, Women reaching

equality, which states (get this, girls!) 'Women have the right to work.' Thanks!

6. Why is the government always preaching at employers about the so-called ills of casual and part-time employment, when it clearly uses the same strategy for its own work force?

7. Will the government provide a full report on the analyses of gender, age and classification in the Public Service?

8. What does the future profile of the Public Service look like, agency by agency, in the projections for five and 10 years' time?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): It is always a dangerous thing to use raw statistics and draw conclusions from them without any proper analysis.

Members interjecting:

The Hon. P. HOLLOWAY: Yes, statistics; there are lies, damned lies and statistics. Several questions that were asked were clearly out of order, and I do not give any undertaking to refer those, because they claimed opinion.

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. I think the Leader of the Government is reflecting upon your presidency.

The PRESIDENT: I have been extremely generous. Now that the Hon. Mr Lucas raises the point, it is worth noting that members should stick to the facts and not make comment or cast reflections when they are asking their questions. Your point of order is very timely.

The Hon. P. HOLLOWAY: I was indicating that I do not believe that those questions that clearly contained opinion—and I think some rather false opinion—would need to be answered. However, I am sure the points in relation to the statistics are important and I will refer them to the Premier and bring back a reply.

REPLY TO QUESTION

MOBILONG PRISON

In reply to **Hon. A.J. REDFORD** (22 September).

The Hon. T.G. ROBERTS: Yesterday I was asked a question about Mobilong Prison. I said I would get more information and bring back a reply.

It was originally hoped that construction of these 50 beds would be completed by September or October this year, however due to slight delays in initial approval processes it is now expected that these new beds will be completed in December this year.

ADDRESS IN REPLY

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the Address in Reply and in doing so thank the Governor for the sterling work she has done on behalf of the people of South Australia over the past 12 months. I also thank the Lieutenant Governor for reading the speech to open the parliament. Obviously, I make no criticism of the Lieutenant-Governor in relation to this, but it would have to be one of the more boring and tedious opening speeches that we have had to endure in all my time—

The Hon. Caroline Schaefer: Totally lacking in content.

The Hon. R.I. LUCAS: Yes; it was lacking in content, any vision for the future of South Australia and any plan for the future of South Australia, and it was a sad indictment on a government that has run out of steam after only three years. However, as I said, I make no criticism of the Lieutenant-Governor who, of course, is only reading a speech that has been written for him by the Premier and the Premier's advisers in his office. The Address in Reply debate gives members the rare opportunity to address any issue; and I indicate that, as shadow treasurer, I have had many opportunities, through the Supply Bill debate and other tax measures, to address comments on economic and financial issues.

However, the Address in Reply debate is an opportunity for us to roam far and wide and to make comment on a variety of issues. At the outset, I indicate that, in all my time in the parliament, I have very rarely taken umbrage at what is written or said about me in the media. Over the years, one of the things you develop if you want to survive in this business is a thick skin, but I must admit that in recent days my attention has been drawn to something written about me some six or seven days ago which, as a member of parliament, is very embarrassing to me.

I do want to take exception, and I will be taking appropriate action to seek a correction in *The Advertiser*. My attention was drawn to a story in the Adelaide Confidential column on the weekend under the heading 'Power trip for the pollies', which states:

> Just about everyone was at AAMI Stadium last night to support the Power. Among them were pollies Premier Mike Rann, opposition leader Rob Kerin, Kevin Foley, Michael Wright and Rob Lucas.

I must say that, as a West Adelaide supporter, I am very proud to say that I have never supported any club associated with Port Adelaide, whether it be the Magpies or the Power, and I never will.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Terry Roberts says that it is worth a swimming pool. Well, I will be consulting my lawyers and, certainly, I will be seeking an appropriate retraction in *The Advertiser*.

The Hon. Caroline Schaefer: And an apology.

The Hon. R.I. LUCAS: And an apology. This is embarrassing for me. My West Adelaide colleagues, having had this article drawn to their attention, have been ribbing me unmercifully that I have somehow turned and become a Power supporter just to hop on the bandwagon. Whilst it might be politically correct—in this week in particular—to hop on the Port Power bandwagon, I assure you, Mr President, as well as all members and the Clerk—or Black Rod I should say—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, the Clerk. I am not sure about the Black Rod.

An honourable member: The teal rod.

The Hon. R.I. LUCAS: The teal rod. Certainly, even in this week, I will not be supporting Port Power.

The Hon. Carmel Zollo: But you wish them well.

The Hon. R.I. LUCAS: No, I do not even wish them well.

The Hon. Carmel Zollo: Shame on you!

The Hon. R.I. LUCAS: I will be supporting the Brisbane Lions. I am part of the ABP club, that is, Anyone But Port. This weekend I will be supporting the Brisbane Lions. Last weekend, as a 40-plus year St Kilda supporter, I was supporting the club of my choice, St Kilda, against the Power. However, for this week's game it is just any club but Port.

The Hon. Carmel Zollo: Such disloyalty to the state.

The Hon. R.I. LUCAS: The Hon. Carmel Zollo says—politically correct as she tries to be—that this is disloyal to the state. I point out to the Hon. Carmel Zollo that football is about tribal loyalties and club loyalties: it has nothing to do with state of origin. If you want to have state loyalties, it is when South Australia plays Victoria or Western Australia. But, when you are talking about a national football competition, you are talking about tribal loyalties and club loyalties, and that has nothing to do with supporting a team just because it happens to be from South Australia. As I said, I am sure that there are many for whom it is as nauseating as it is for me to drive up King William Road to see those horrendous monstrosities that have been constructed by someone (at ratepayers' expense, I presume, or someone's expense) in Victoria Square and to see the desecration of the lawns down the middle of King William Road—

An honourable member: Where's the Parklands Preservation Society?

The Hon. R.I. LUCAS: Yes, where is the Parklands Preservation Society when you need it for something important?

The Hon. Sandra Kanck: It's not parklands.

The Hon. R.I. LUCAS: They are certainly lawns. And what about Victoria Square? The Democrats have always wanted to protect Victoria Square from—

The Hon. Sandra Kanck: It's not parklands.

The Hon. R.I. LUCAS: Don't you want to protect Victoria Square?

The Hon. Sandra Kanck: Of course we want to protect it.

The Hon. R.I. LUCAS: Well, there you go. Speak up! There are these monstrosities in the square at the moment and they should be pierced, deflated, removed—whatever—as soon as possible. Anyway, I am sure that we are all looking forward to the game on Saturday, for different reasons.

I turn briefly to the important issue that I raised during question time today, that is, the matter of salary sacrifice for employees of Julia Farr, IDSC employees and a number of other health-related agencies. As I highlighted during question time, this issue has gone on for too long. It is one of those issues where the federal government, as a result of court decisions and ATO rulings, has decided that there is a group of employees who will be significantly disadvantaged. These employees, unlike other public sector employees, have the capacity to salary sacrifice not only superannuation, a laptop computer and a car—an advantage that I think every public sector employee, with the exception of members of parliament, has the capacity to do, including our own employees—but also, because of their previous status, they have the capacity to salary sacrifice things such as school fees, mortgage repayments and so on. They have a much broader capacity to salary sacrifice and, therefore, over recent years the salary sacrifice component has been a very important part of their take-home pay package. They have structured their lives and their finances around the salary sacrificing arrangements that they grew to enjoy over a period of time.

As I indicated (and I will not again go through all the detail provided to the opposition), in some cases, for an ASO8 employee, the advantage per year is about $8 000. For an ASO4 employee—the administrative level employee who might be working in the administration section of a minister's office—the cost is some $4 500 for that range of employee. So, we are talking about significant sums of money.

I must admit that, when it was first mentioned to me that people were having to sell their houses, sell their units or drop out of health insurance, or whatever, I was a touch sceptical that a decision like this could have such broad ranging ramifications for such a wide group of people. But I must say that my scepticism was wrongly placed, having sat down and met with the salary sacrifice working group and having had them provide me and the Leader of the Opposition (Hon. Rob Kerin) with the detail. It is clear that a good number of these people are having significant problems in coping with the significant reduction in their family income as a result of these decisions.

I will not go through the three or four which I have already read. As I said, there are two or three pages of testimony. These individuals feel so strongly about the matter that they are prepared to have their names publicly used. I did not use their names during question time. I do not believe that it required their personal details and themselves to be publicly revealed, but I am happy to indicate the details, without necessarily putting the names to them. From the government's view point, the PSA and/or the salary sacrifice working group would be happy to provide the names of the individuals concerned. If the Treasurer and the government do not believe the testimony of these individuals, I am sure they would be happy to provide detail and evidence to justify the claims they are making and the problems they are experiencing as a result of the inaction of the state government.

I am sure that what we will get back from the state government is that the ATO has not done this or the ATO has not done that. If this issue was important enough, if it was the sort of issue that would get the Premier on the front page of the newspaper or in front of television cameras, if it was the sort of issue that meant he was guaranteed the front page of *The Advertiser*, these sorts of issues would be part of the political debate between the state government and federal agencies and pressure would be brought to bear, not just a letter being written by the Treasurer, 'Dear Commissioner of Taxation, we have some problems. Will you please do something about it?'

If there was a genuine willingness to try to do something, there would be much more being done than just the firing off of a letter so we can shut up the PSA and the salary sacrifice working group. This issue is important to the individuals concerned. My criticisms are more broad-ranging than just this issue, but with this government and this Treasurer, unless there is a picture opportunity in it, unless there is publicity in it, then it goes down the list of priorities for this government compared with something that may get them a front page or a lead item on the television news at night time.

It does not escape the attention of some public sector employees that, for whatsoever reason, the government has been happy to write out very significant and large cheques for a range of other public sector employees (in terms of enterprise bargaining arrangements) at levels of an annual increase much greater than that which is being asked for by the PSA; and that public sector employees in this part of the public sector have been singled out by the Treasurer and the Premier for particular punishment. I do not know the reasons for that. I hope that, as a result of the problem between the government, the Premier, the Treasurer and the PSA, these workers are not being punished, because of the attitude that has been expressed by the Premier and the Treasurer to the PSA and public sector workers generally.

Mr President, I urge you and other members of the Labor caucus to consider the issues that have been raised in relation to these particular employees. If any member of caucus felt that they wanted to pursue the issue, they can take up the matter with Peter Christopher and the PSA. More particularly, if they do not want to talk to the PSA (because it might be seen to be disloyal to the Premier and the Treasurer), they should speak to the chairperson of the salary sacrifice working group, Ms Deb McGrath—and I am happy to provide a contact telephone number for Deb McGrath—and the salary sacrifice working group to see whether or not this issue can be resolved in the short term; whether we are able to get some Labor members to join Liberal members to put pressure on the Premier and the Treasurer and, if need be, the Australian Taxation Office to get a resolution in the near future in relation to this most important issue.

The next issue I want to address is the notion of government secrecy. I have addressed this issue over the past two or three years, and particularly in relation to the government's attitude to trying to close down almost completely freedom of information applications which are of a politically embarrassing nature to the government. I have been in this place for 20 years and this is the most concerted campaign I have seen by any government ever in its refusal to answer literally hundreds of questions on notice. I am the first to concede that, in the past, Liberal and Labor governments on occasions have prevaricated, delayed and not provided all the information to occasional questions, but I have never seen a government, Liberal or Labor, that has so comprehensively snubbed its nose at the parliament and at the conventions of this council in relation to questions on notice.

One could understand it if these questions were earth shattering—perhaps they are (I do not know), although they seem relatively straight forward—but they are the same questions the Hon. Carolyn Pickles and other Labor members asked with regularity when in opposition. I refer to questions about the names and salaries paid to employees within ministers' offices, the expenditure on ministers' offices and expenditure on overseas travel. A range of other questions, some as innocuous as, 'How many public sector employees are there in each department and agency at the end of each financial year?' have been asked.

For the life of me I cannot understand why this government has deliberately chosen to refuse to answer any of those questions. I stand corrected in part. The Leader of the Government was embarrassed the other day during debate when he had the answer in his bag and obviously was not meant to give it. He was embarrassed enough to read into *Hansard* two answers out of the many questions that had been asked in relation to people employed within his office.

I cannot understand why the Hon. Terry Roberts, after more than two years, is still wanting to hide information on who is employed in his office. I cannot understand why the Hon. Terry Roberts, after two years, is refusing to provide information in relation to travel costs. I cannot understand why the Hon. Terry Roberts, after two years, is refusing to indicate how much, if anything, has been spent in his ministerial office on renovations and furniture upgrades. I cannot understand why the Hon. Terry Roberts, after two years, is refusing to provide any information about the total number of employees within departments and agencies that report to him. It is a comprehensive lock down of the question on notice system within this parliament, and this government is establishing new lows. Any future government would be entitled, if they wanted to, to say, 'You lot for three years refused to answer any of these questions; we'll just refuse to answer them.' There is not even an attempt to answer those questions.

When I first came into this place in the 1980s, part of the atmosphere of question time was to see the Cornwalls, Sumners and Blevins of this world stand up and purport to answer questions without notice but in the end answer only those bits that they thought needed to be answered. For an opposition, that is frustrating, but inevitably questions without notice are part of the theatre and the performance of question time. However, we always knew as an opposition that, if they did not answer it in question time, if we put it on notice they had to answer it.

Even though it may have taken a month or two, or whatever, to their credit the answer would inevitably come back, because the Blevins, Cornwalls and Sumners of this world respected the fact that, whilst they could have their sport in question time with questions without notice, when they went on the *Notice Paper* the convention was that the questions had to be answered. The public sector employees drafted the answers on the basis that the minister had to answer the question—they might not have said that to the minister, but that is how the answers were prepared. The minister may have tailored them or amended them, and he or she had to take responsibility, but that was the way they approached questions on notice.

In the eight years that we were in government, again, I concede that in question time we adopted the same approach as the Blevins, Cornwalls and Sumners of the past in respect of questions without notice. That is, you would answer those questions or parts of those questions that you felt you wanted to answer, but you may well have stonewalled or blocked others. I can speak with authority because not only was I responsible for the answers to questions that came to me but, together with the Deputy Premier, I was part of the cabinet that had to look at the answers from other ministers that were being provided in response to questions on notice. There is a process that this and former governments go through where the proposed answers are looked at by someone.

I know that myself and others took the issue of questions on notice seriously. The convention was such that they were treated with greater respect than questions without notice in the chamber—that was the convention and that is how it went. As I said, I would be the first to concede that there may well be isolated examples—both under the former Labor government and under the previous Liberal government—where questions were delayed for inordinate periods of time. It may have been too difficult, too comprehensive, too embarrassing, or all of the above. But there was never a comprehensive shut down in respect of answering questions on notice, either under the former Labor government or the former Liberal government. However, that is what has happened under the current government.

The sad thing is that future governments, should they so choose, will be entitled to similarly treat this council with contempt and to treat oppositions and Independent members with contempt by just refusing to answer questions for two or three years. I am told that, each time the parliament is prorogued, the procedure is that you have to put the questions back on the *Notice Paper*; you cannot go to the clerks and ask them to put them all back on the *Notice Paper*. To be fair to the clerks, they say that the convention used to be that, even if they were not there, the government of the day would answer them, and I think that is true. However, this government is not even abiding by the convention of answering

questions on notice, let alone those that are no longer on the *Notice Paper*. If there was not a constant weekly reminder that there were 150 questions, or whatever the number is, that have not been answered it would all go away. With the meek, mild and contrite media we have in South Australia (and I will address some comments about that later), the government of the day will not be pursued on something as fundamental as this.

In relation to these issues, there is another example we have seen in the past few weeks, and I refer to the government closing down inquiries of the Economic and Finance Committee. My colleague, the member for Davenport, tells me that the committee had started work on a number of important inquiries. One was in relation to land and property taxes and inequities in that system, and I think the committee had advertised and had started taking evidence. It had also agreed to an inquiry into the government's $64 million payment to gas companies in relation to full retail contestability, and there was a third example where the Economic and Finance Committee had agreed to an inquiry in relation to, I think, the resources of the DPP. I am now advised that the government, using its numbers (four to three), has crunched opposition members (and its own previous decision, I might say) and is now preventing an inquiry into those issues

I will speak on this at greater length on another occasion. However, this afternoon I flag that I will be having discussions with the Hon. Sandra Kanck and others on the electricity select committee. I will move a motion and at least test the numbers in this chamber to extend the terms of reference, or to clarify that the terms of reference of the electricity select committee can be extended to have a look at the government's payment of $64 million to gas companies in relation to full retail contestability of the gas market. I will argue the reasons for that when I move my motion in the first week after we return.

I also give notice, informally on this occasion (I will give notice more formally when we return), that I will move on behalf of my party members for a select committee of the council to look at the issue of property tax increases in South Australia since the property tax boom of 2001-02. That was an inquiry the Economic and Finance Committee had agreed to and, as I have said, I think that it had advertised. The Land Tax Reform Coalition, Mr John Darley and others who had been very active were preparing to provide evidence and information to argue the inequities of the land tax situation in South Australia, in particular. However, the government has ruthlessly used its numbers on the Economic and Finance Committee to crush any possibility of the Land Tax Reform Coalition, or anyone suffering as a result of the inequities of the land tax and property tax system in South Australia, being able to provide evidence to a parliamentary committee to try to convince the government, or the alternative government, that there is a better way of managing property taxes in South Australia.

In preparing for the Address in Reply today, I had the fortune—or misfortune—of rapidly skimming through the Address in Reply contributions of the Hon. Mr Gazzola and the Hon. Ms Gago. Without addressing all the issues either member raised (frankly, there were not many) part of what the Hon. Mr Gazzola was trying to put was (as he would argue) the lack of integrity or honesty from the federal government and, by inference, I guess, that he and his colleagues, both in this chamber and in another place, believe that a Latham-led Labor government would be better in terms of honesty and integrity.

The Hon. R.K. Sneath: Hear, hear!

The Hon. R.I. LUCAS: I will take the Hon. Mr Sneath and members through a quick primer on the leader of the federal Labor Party in terms of whether or not one can accept and believe what he says in relation to important issues for South Australians and Australians. I will put on the record Mr Latham's real views and what he says—in the months leading up to a federal election, as he seeks support from the South Australian and Australian community—are his views on these particular issues. We will then be able to measure on an integrity meter, or an honesty meter, where Mr Latham sits on some of these issues.

On the issue of immigration and detention, which has been a matter of concern for many members in this chamber and in another place, I put on the record Mr Latham's view as recently as 2 January 2002, when he said:

> Thank you for your recent letter introducing me to the Labor for Refugees Campaign. I am sure this is a well-intentioned body with some good people among its membership. From reading your charter, however, it also appears to be a misguided organisation, with little understanding of the practical issues surrounding asylum seeker policy and the retention of the mandatory detention system to avoid chaos in the processing of asylum seekers in this country.

Now, as he seeks election, what does he say are his views in relation to immigration and detention? At the national conference on 19 January this year Mr Latham's views are now:

> And delegates; let's get the children out of detention. Mr Howard talks a lot about family values and Peter Costello says he believes in tolerance. But that's all it is—it's just talk. If the government truly cared about children it wouldn't have them growing up behind barbed wire. Only Labor will get them out.

Clearly that is significantly different from the real views he expressed to the Labor for Refugees campaign in only 2002. Mr Latham's views on George W. Bush are illuminating. In 2003 he said, 'Bush himself is the most incompetent and dangerous President in living memory. . . '

The Hon. R.K. SNEATH: Hear, hear!

The Hon. R.I. LUCAS: Hon. Bob Sneath says, 'Hear, hear!' We will put that on the public record. Mark Latham continued: 'Bush needs to be seen to be acting, giving the American electorate a sense of revenge and puffed up patriotism.' In *Hansard* of February 2003 he described George W. Bush as 'a flaky and dangerous American President'. What are Mr Latham's views now? In December 2003, 'He said that from now on he had a different perspective and would make a different judgment about those remarks'—so said US Ambassador Tom Shieffer quoting Mr Latham. In the *Canberra Times* Mr Latham explained that his remarks on Mr Bush were made as an individual MP, but his new post gave him a different perspective. That is the leader of the Labor Party and the potential Prime Minister.

On the issue of free trade, it is illuminating to look at Mr Latham's views now, because the *Sydney Morning Herald* quotes him as follows: 'Speaking in the heart of the motor industry in Adelaide, Mr Latham said he opposed the proposed cut in car tariffs from 15 per cent to 5 per cent without a thorough review.' In 2002, what were Mr Latham's views on tariffs? He said:

> The more companies rely on government assistance, the less likely they are to upgrade their competitive position. The role of government is to stimulate market competition, not smother it with tariffs, subsidies and central planning. This illustrates a very important point about how to best judge the success of economic policy.

Then in the article 'Mark Latham reinventing collectivism, the new social democracy' speech of July 2001—which I am sure is on the very tip of the Hon. Mr Sneath's tongue and is added reading for him late at night before he goes to bed—Mark Latham said the following about tariffs:

> Tariffs and other forms of protection are the economic equivalent of racism. They encourage Australians to think poorly of people from other countries and to believe that we would be better off isolated from the rest of the world.

If anyone can believe Mark Latham's proposed views on tariffs for the benefit of Mitsubishi and Holden workers in South Australia, good luck to them, because Mark Latham's views on tariffs are well known, not just from those two comments from 2002 and 2001 but over many years. We know what his real views are in relation to tariffs.

On the issue of euthanasia, Mark Latham's views in 1996 in *Hansard* are very clear:

> Terminally ill citizens deserve nothing less than liberty in determining the manner by which their lives might end. . . In a free society, surely citizens should have the right to decide for themselves if a life without quality is a life worth living.

When the heat comes on just prior to an election campaign, what are Mr Latham's views on an issue like that? He says:

> Now I voted in support of the Northern Territory law some six or seven years ago but I've got to say I've been rethinking it. There have been some things out in the public arena that I've been concerned about so just in terms of my own individual position as a member of parliament I'd want to have a long think about it if the matter came before the parliament again.

Mr Latham's advisers have told him that his views on euthanasia are not saleable to the public community; they are not the sort of views that he as a Labor leader should have, so he says he is changing his views in relation to euthanasia. What about the higher education deregulation and university fees?

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Mark Latham describes them as lies. So, using Mark Latham's own definition, he would have to describe them all as lies. Anyway, I thank the Hon. Bob Sneath for his assistance in getting that on the public record. What does Mark Latham say now in relation to higher education fees in South Australia? What he says now, because he wants to get elected, is:

> Labor will reverse the government's 25 per cent increase in HECS, plus abolish its full-fee system. We will abolish their 25 per cent increase in HECS in the full fees.

What is Mark Latham's real view on university fees? Well, one can go to many references. I am sure that the Hon. Bob Sneath reads, on a regular basis, the *Network University Journal of Higher Education Policy and Management*, Vol.23, No. 1 (2001).

The Hon. R.K. Sneath: All the time.

The Hon. R.I. LUCAS: All the time, I am sure. It is regular reading in the Sneath household. With respect to higher education, Mark Latham states:

> We need to move from a unified system to a mixed system. It is possible to envisage four different types of resourcing: a group of internationally focused institutions with a greater emphasis on private revenue sources than public money. Their fees would be deregulated with the equity role of government pursued through publicly funded means-tested scholarships. This group might include universities, such as—

and let us look at which universities Mark Latham said would have fully deregulated fees with the equity role of government pursued through publicly funded means-tested scholarships—

> Queensland, New South Wales, Macquarie, Melbourne, Monash Adelaide and Western Australia.

So, Mark Latham's view was that Adelaide University's fees, amongst others, ought to be fully deregulated and that the equity role of government would be pursued through publicly funded means-tested scholarships. If anyone believes what Mark Latham is currently saying about university fees (including a lot of higher education university students), let me assure them that, should Mark Latham ever be elected, they will rue the day if they have changed their vote as a result of what Mark Latham says his views are now on higher education.

He is not to be trusted in relation to his views on these issues. For too many years his views have been publicly espoused in journals, documents, speeches, books, *Hansard* and where ever anyone would listen to him. It is clear what his real views are on these issues. Mr Latham's views on private health insurance have been well known. With respect to subsidising private health funds, Mark Latham says:

> This is bad economics. This is an appalling piece of public policy. . . This is the health economics of the Keystone Cops. This is the maddest piece of public policy that one would ever see out of the commonwealth parliament. This is a first rate absurdity. . . As I said, and I will keep on saying it, it is the maddest piece of public policy you will ever see in this place and the government stands condemned. . .

The advisers, the spin doctors and the market researchers for the federal Labor Party said to Mark Latham, 'You can't have that view about private health insurance. Too many people are out there—even many of our own supporters and party members—who will not vote for us or you if you continue to espouse your view that private health insurance should be subsidised.' So, what did Mark Latham do? He immediately changed his view (or he says that he has changed his view) in relation to private health insurance. But what does he say now when he is challenged by talk-back callers and others? A talk-back caller said to Mark Latham:

> I just hope that if you get into power next time that you do keep the rebate on private health, because I have been paying private health since I was 14 and now I am a single aged pensioner on $446 a fortnight.

Mr Latham responded:

> . . . we've got no intention to do otherwise, and your circumstances, obviously, give a good reason why we should keep that rebate.

On another occasion, Mark Latham said:

> We are keeping that rebate but, obviously, we are aiming to improve its effectiveness.

Good luck if you believe Mark Latham on that issue. What about an issue closer to home—the Alice to Darwin railway? Mr Latham's views on that were pretty well known, because he said:

> At the bottom line these are shonky projects, which always require large taxpayer-funded subsidies to bail them out. The worst example is the Darwin-Alice Springs railway, which earlier this year received a government handout of $480 million. Despite numerous studies, the financial viability of the project has never been proven. The government money has been allocated on the basis of electoral margins in the Northern Territory and South Australia rather than economic margins. It is a white elephant waiting to happen.

Again, he was told, 'Look, if you are going to come over here and be seen with our state Premier in South Australia [media Mike Rann], you cannot have those views. You will have to change those views if you are going to come over to South Australia.' So, what are Mark Latham's views now on the railway? This year he said:

I've got to admit that some time ago I was a sceptic. . .

I think that 'sceptic' is probably an understatement. He did say that these are 'shonky projects. . . the viability has never been proven. . . it is a white elephant waiting to happen.' Mark Latham continued:

. . . even a critic of the rail project. . . I'm there to happily be proved wrong given the figures, I've seen now out of the state government.

The state government did not show him any figures. It just said to him, 'If you want to be elected in South Australia you can't afford to oppose the Alice Springs to Darwin railway.' No figures were shown to him.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Well, you can read this bloke like an open book. He says one thing to get elected but you know what his real views are in relation to these issues. He went on to say:

I'm keen to find out more about the economic success of the project.

Mark Latham's views on heroin injecting rooms have been known for some time, and they are as follows:

My own view on the trial is that the heroin and serious drug addiction problem in Australia has become too critical to do nothing. Perhaps the rest of the nation can learn something from a limited trial in the ACT. I mean, if we are serious about doing something about this problem then new solutions are necessary, and those solutions. . . I would think it is just commonsense to have heroin addicts in a controlled environment where there is proper supervision.

Those are Mark Latham's views on heroin injecting rooms. But, again, he was told just prior to the election, 'Hey, you can't have those particular views if you want to be elected, and if you want a few of us to be elected as well. People don't want a prime minister of the nation saying that he is supporting heroin injecting rooms.' So, even on this issue he has been prepared to say that he has changed his position. He now says:

I see Kings Cross as a one-off. . . I wouldn't support trials anywhere else. . . If Kings Cross is a failure, it should be closed down.

His views on the issue of gay marriage were well known. One of his comments was as follows:

I don't think love in relationships is defined on religious grounds. As a general proposition, the basic ingredient of a good, successful relationship is love and care. Whether it is a same sex or different sex relationship—I don't draw a distinction.

He was again told, 'You can't have those views if you want to be a Labor leader and a Labor prime minister. If you just want to be a renegade on the back bench parroting off your views we'll tolerate that. But if you want to be the leader of the Labor Party, and if you want us to get some votes, you're going to have to say that your views on this issue are a bit different again.' So, he is now saying:

We don't see any need to change the law of marriage, which has been for couples of a different nature.

So said Mark Latham in *The Australian* only this year. On a range of issues, even with respect to conscience issues such as gay marriage, heroin injecting rooms, euthanasia (I did not read out the one on corporal punishment) and a variety of others, his views, judged by the political operators in the Labor Party, are not consistent with the majority views of the Australian electorate, so he is told, 'You'd better change those views, or at least tell people that you've changed those views so that we can try to deceive the people of Australia and South Australia into having you elected. You are an unsaleable commodity with those real views that you hold on these issues, so you are going to have to say your views are different.'

Then when you get into the policy issues such as immigration and detention, the Alice Springs to Darwin railway, free trade, higher education fees, private health insurance and a range of other issues, again, the operators, the spin doctors, the manipulators in the Labor Party, the researchers, say, 'Look, you can't be elected as prime minister of Australia if you say that they are your views.' You will have to go out and say something different, at least until after the election, and after that you can sort things out.'

That is why I say that the Hon. John Gazzola and others, in this council and elsewhere, who seek to claim the high moral ground on honesty and integrity for Mark Latham and the Labor Party are sadly delusional or are deliberately setting about trying to deceive the people of Australia and, in particular, the people of South Australia. I have put just a few examples on the public record where the Labor leader has been prepared to say whatever he needs to say on the basis of what the spin doctors and the manipulators tell him to say so that he can maximise his chances for election. Look out Australia if he were to be elected, because I will say now that, like Mr Rann and Mr Foley, a Labor government will not be bound by what it said prior to the election or, indeed, what it promised prior to the election. It will do what it wants to do straight after the election should it be elected.

The Hon. R.K. Sneath: Did you promise before the last election not to sell all the assets?

The Hon. R.I. LUCAS: Did you promise to increase taxes and charges?

The Hon. R.K. Sneath: I asked you the question first. Did you tell the public—

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order, the Hon. Mr Sneath is out of order!

The Hon. R.I. LUCAS: The Hon. Mr Sneath's conscience is obviously pricked by the fact that he knows that he and others promised the people of South Australia cheaper electricity prices if they were elected. It was an enormously popular promise, which they have comprehensively broken in the three years after the election of this government. The Hon. Mr Sneath also promised no new taxes, no new charges, no increases in taxes and no increases in charges and he, together with Mr Rann and Mr Foley, have snubbed their noses at the people of South Australia and have deliberately broken those promises.

It was even worse than that. Mr Rann and Mr Foley, supported by the Hon. Mr Sneath, wrote letters to industry associations and received donations of up to $100 000 on the basis of commitments and promises that they would not increase taxes on that industry sector and, within months of receiving the money from them on the basis of a written commitment, they broke that—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Sneath laughs. That is what the Hon. Mr Sneath thinks about honesty and integrity and a written commitment from his party to an industry sector—

The Hon. R.K. Sneath: I don't remember writing letters.

The Hon. R.I. LUCAS: The Hon. Mr Sneath supported it. He sat there indolent on the back bench (for those periods when he was awake) or in the caucus and was quite happy to put the hand up when he was told to put the hand up to break that promise in relation to taxation for the gambling sector in South Australia. The Hon. Mr Sneath stands condemned by the people of South Australia. He is beneath contempt in the

view of many of the people of South Australia; many of our constituents. They all say, 'The Hon. Mr Sneath is beneath contempt, the way he laughs at broken promises, the way he no longer worries about honesty and integrity in public office and the way he supports the Premier and the Treasurer, who so flagrantly break election promises in the way that they have done.'

The Hon. Gail Gago in her contribution addressed a number of issues, some of which were of a federal nature as well. There were some issues in relation to the electricity industry that were just palpably wrong. Given that there are some other issues I want to address and the fact that I will probably get other opportunities to address electricity issues, I will address the errors in the Hon. Gail Gago's contribution on another occasion. I am pleased to see that in that part of the speech written by the Hon. Mr Conlon that the government has now backed off the claim (which I indicated was wrong) that there have been average increases of 45 per cent under the electricity market. Those claims were wrong, and at least the Hon. Mr Conlon, through his mouthpiece in this place, the Hon. Gail Gago, has now had the good grace to concede that those particular claims were wrong.

I must say in passing that, when I looked at the Hon. Gail Gago's contribution and the others, I do not think that in my time I have seen a more sycophantic contribution from any member in this chamber. When one looks at the comments in the other house—and I will address comments in the house—some members are politely questioning some of the views and attitudes of some ministers of this government. They are cautious about it, but I have never seen a more sycophantic contribution than that of the Hon. Gail Gago on this issue.

Mr Acting President, you have some experience in the electorate of Makin, and others have had experience in the electorate of Adelaide. People in the Liberal Party were slashing their wrists when the Hon. Gail Gago was not preselected for Hindmarsh (the other marginal seat in South Australia). She single-handedly had lost Adelaide and Makin for the Labor Party; and there were people in Hindmarsh desperate to see her preselected for the Labor Party in Hindmarsh but they found the only spot she could not lose in South Australia: No. 1 on the Legislative Council ticket. They were not game to put her at No. 2 or No. 3 because the people of South Australia might not have got to her at No. 2 or No. 3 on the ticket. She had to climb over more senior members of the Labor caucus to get to No. 1.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: I do not have the advantage on my CV of having single-handedly lost two marginal seats in South Australia—Adelaide and Makin—for the Labor caucus. I want to place on the record my congratulations to the 40 hardy investors who have put up their cold hard cash to bankroll the new independent newspaper in South Australia, *The Independent Weekly*. We are advised through the media that 40 South Australians have put up their own money to fund *The Independent Weekly*. I understand that they have put up enough money to fund it for inevitable losses during the first couple of years; to enable a core staff to be put together on two-year contracts; and to provide an alternative media outlet in South Australia.

In a short time we have seen *The City Messenger* tart itself up and put itself out on a different production date, I think a Friday, just a couple of days before *The Independent Weekly*. It has a new layout in response to the arrival of new non-Murdoch owned competition in South Australia. We are told *The Adelaide Review* will go from being a monthly paper to at least a fortnightly paper; and it may go to a weekly paper after that, if becoming a fortnightly paper is successful. Also, we have seen a big glossy magazine being dropped into *The Sunday Mail* last weekend; and again this weekend, I think. Clearly, there is some concern from the existing media about the arrival of new competition. I think it is healthy that we see competition in South Australia. Some of us are old enough to remember the days of *The Advertiser* and *The News*. Even when they were part of the same stable, at least there was the capacity for differing points of view to be put on not only political issues but also community, sporting and other issues.

For the past few years, as with any monopoly, we have seen, sadly, the demise of hard-nosed and investigative journalism in South Australia. The Adelaide *Advertiser* knows that there is no competition and that if it does not run a story certainly no other newspaper will run it in South Australia, so it is a matter of whether *The Australian* might be prepared to take up the issue.

The first edition of the *Independent Weekly* highlighted two matters: the issue of this government being the most secretive in South Australia's history; and what the government is doing in respect of freedom of information requests. The Adelaide *Advertiser* has been aware of the issue for at least six months. I know that articles have been written by journalists to get the story in respect of the use of parliamentary privilege. For the first time in South Australia's history the state government has used comprehensively across the board dozens of excuses of parliamentary privilege to prevent information being released. It has never been done before. No other state government has ever used that particular rort before. I know the stories were written, but for whatever reason the management of the Adelaide *Advertiser* refused to print those stories.

Until the *Independent Weekly* came along and looked at the issue and deemed that it was an important issue that needed to be published, there had been no outlet at all for highlighting this issue. A number of people said to me that they had not realised that Mike Rann and this government had been acting in this way in relation to freedom of information. Most people had been listening to Mike Rann and his ministers saying that they were open and accountable and had been processing freedom of information in the appropriate way. When you listen to that on Jeremy Cordeaux, 5AA in the mornings or Bevan and Abraham, most people accept that, if the Premier is saying it, it must be true. However, the *Independent Weekly* has now flushed out and published for the first time the fact that this state government, for the first time ever in South Australia, has comprehensively shutdown FOI in this way. The excuse of parliamentary privilege has never been used before in this comprehensive way.

Members interjecting:

The ACTING PRESIDENT: Order! Members on my right will have the opportunity to make a contribution. I do not think the Leader of the Opposition needs any help from members behind him, either.

The Hon. R.I. LUCAS: So we now have for the first time an outlet for these important issues to be canvassed. As a result, a number of business people have said to me in the past week what they generally felt about the *Independent Weekly* and, to be fair, most thought it was pretty good. Others thought they were underwhelmed by what was in it and they were not as interested in state politics as some of the rest of us. However, the general view has been supportive. Many people have highlighted the fact that they did not know

that this Premier and this government were adopting this rort in relation to freedom of information. That article alone demonstrates the importance of having an alternative media outlet that will not sit on important stories like this one. For the life of me I cannot understand the Adelaide *Advertiser*, because it has tried to use freedom of information legislation itself, and in some cases relatively successfully.

I have warned the Adelaide *Advertiser* that, if this government and Premier Rann use parliamentary privilege in the way it has been to shut down the opposition, it will not be long before it shuts down the media FOI requests by claiming parliamentary privilege. That is the issue that I would have thought the media would be sensitive to in relation to this matter.

The other article that I thought was very illuminating was in relation to wind energy. This government, and particularly Patrick Conlon, the minister for wind (there is no more appropriate title for that minister), has gone helter skelter down the wind energy path. When this question was raised by the electricity select committee of the essential services commissioner—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: That is where the Leader of the Government again demonstrates his ignorance of what I am about to raise. This government is pushing ahead with wind energy at a helter skelter rate. The question was raised as to whether anybody has looked at the impact on the overall level of price in South Australia if we get close to 5 or 10 per cent of our total capacity being produced by wind energy and what will be the impact on the grid in South Australia in terms of its stability. These are fundamental questions that I would have thought any minister or government worth anything would have addressed before adopting a policy of heading down the wind energy path to the degree that this government is. The answer to the question was, no, the state government had not done any assessment of the impact on electricity prices in South Australia of perhaps a 5 to 10 per cent wind energy component in South Australia.

The article in the *Independent Weekly* highlighted comments from interviews with David Swift of the Electricity Supply Planning Council, formerly of NEMMCO, that again nobody had done any analysis of the impact on prices. We have an elected government that was saying, 'If you want cheaper electricity prices, vote for Mike Rann. If you want increases in prices, vote for the Liberal government.' As a result of this government's ineptitude we have seen average increases of around 23 or 24 per cent. Worse than that, we now have the state government locking itself into a wind energy policy without any minister or any section of the government actually looking at the impact on prices. It may well be that it increases prices by another 5 per cent over and above what would normally happen anyway. If that is the policy the government wants, fine, but it should be honest enough to stand up and say that it wants wind energy to be 5 or 10 per cent of the total supply and that that will increase electricity prices for everybody—and not just for those who say they want green energy (because we all know that they pay more)—by 5 per cent.

If the government did that, at least the people of South Australia would know what it is about. But this government, true to its form, will not be honest with the people of South Australia and will not tell them, because it has not done the work in respect of its policies and their impact on electricity prices. So, for the first time we saw in a definitive way an article that addressed this issue at great length. The *Advertiser* was aware of this issue. Journalists from the *Advertiser* were at the electricity select committee meeting when these issues were raised with Mr Lew Owens. There have been discussions between opposition members and *Advertiser* journalists to try to run this issue with the *Advertiser* but, again, until the *Independent Weekly* came along the issue was not highlighted.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The article did not highlight the Liberal Party's view in relation to the issue. The Liberal Party was trying to highlight that this was an important issue that needed to be addressed. The article highlighted the arguments for and against in a reasonable way, but at least the issue was there and was discussed, and important people like David Swift from the Supply Planning Council and others were being interviewed.

The problem with a monopoly paper, and with *The Advertiser* in particular, is that its information comes from the government and its spin doctors. If we are lucky, there is a comment from the opposition (although that is not always the case), and there are the usual suspects such as the trade unions, the teachers union, the Conservation Council, SACOSS, or whoever it might happen to be.

What we need is a newspaper that has the capacity and the time to talk to people who are not always being interviewed. I do not think I have ever seen David Smith's name mentioned in *The Advertiser* because he is not a public figure. He may have only just recently taken over the Planning Council (previously it was Ron Morgan), but that organisation is a critical one in relation to South Australia's energy planning needs for the future. There are a number of other people like that who have something to offer if you have the time and the willingness to sit down and look at an issue, rather than just accepting what is provided in media releases or opposition comments—and I am happy to accept that criticism as well. The Leader of the Government may not want to concede it, but the opposition is prepared to concede that there are other people out there who are, sometimes, in more important positions than either a minister or shadow minister and who have something to offer in relation to important issues that ought to be discussed.

That is why competition in the media is good. The Leader of the Government can attack the editor of the newspaper (as he has done on three occasions this week) as much as he wants; his colleagues have been attacking the editor and some of the people writing for the paper, calling it a Liberal rag or whatever. They can do that all they want, because they do not want to see competition in the media in South Australia. They are comfortable with the arrangements with *The Advertiser*.

The Hon. R.K. Sneath interjecting:

The ACTING PRESIDENT: Order! I remind members on my right that they will have an opportunity shortly.

The Hon. R.I. LUCAS: I am not arguing that *The Advertiser* is pro government on all issues, because *The Advertiser* certainly takes a different stance when it wants to, nor am I arguing that individual journalists are pro government on all occasions—there may be some who are more so than others (and we will not get into that particular debate), but that is always the case whether it is a Labor or Liberal government—but this government is comfortable with the give and take it has with *The Advertiser*. It is much easier to manage one particular newspaper outlet and that is why this government has set out in a concerted campaign, through the Leader of the Government in this house, to attack the editor of *The Independent Weekly* and try to besmirch her reputation

and, through her, the reputation of *The Independent Weekly* in South Australia.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: I challenge the Hon. Bob Sneath to look at the *Hansard* record and see where the Hon. Paul Holloway—on two previous occasions and again today—has, of his own volition, raised the issue of the editor of *The Independent Weekly* and attacked both that journal and its editor. You think you are trying to promote competition, yet we have only been sitting for four days and on three of those the Leader of the Government in this council has attacked the editor of the newspaper both publicly and privately. At least the opposition will support a more competitive media market in South Australia even if this Leader of the Government will not. We will not support continued attacks on the editor or the journalists of that particular newspaper.

This government is attacking the editor of the journal, Alex Kennedy, on the basis that for approximately four years of her working life she was a consultant to the former Liberal government in relation to the electricity issue. I challenge members such as the Leader of the Government to look at the articles Alex Kennedy was writing about the Liberal government in *The City Messenger* and in *The Business Review Weekly* attacking the former Liberal government and its ministers on a regular basis. As you would know, Mr Acting President, there have been many occasions when colleagues of ours have been very upset—and some are still upset—about some of the articles Alex Kennedy wrote during that period. I think she would probably take it as a badge of honour, in some respects, that she is being attacked from the Labor side because in the past she has been attacked more often from the Liberal side.

At least some of us have the good graces to stand up and say that that is what journalism is about—having journalists with the guts to get stuck into the government of the day on occasions rather than cravenly cowering to the spin doctors and the premier and the ministers, as some of them do on occasions. A media outlet should have the capacity not only to attack the opposition but also the government of the day. There are enough issues there. For example, never before in South Australia's history has the most senior adviser to the Premier been up on corruption charges in the courts. Yet in some sections of the media, and I am not just talking about *The Advertiser*, it has not got the attention or the coverage it deserves—and there are other issues like that that merit attention.

If this new outlet is prepared to address issues when they develop, and through that put pressure on *The Advertiser* to say that they need to cover these issues like the FOI suppression rort that the Rann government has been getting away with for a couple of years then, even though their readership may be only 15 000 or 20 000 compared to 200 000 for *The Advertiser* and 600 000 or 700 000 for *The Sunday Mail*, indirectly it can only be good in terms of competition in the media marketplace in South Australia. Again, shame on the Leader of the Government for his scurrilous attacks on the editor of this new venture in South Australia.

I was looking at some of the contributions in another place (and I have heard the same thing from some backbench members in this place) and noted that, on occasions, they attacked the opposition for raising genuine issues. 'Rafflegate' is an issue that has been raised not only by the opposition in South Australia but in other states as well. In relation to 'Rafflegate', Senator Nick Bolkus was raising money for the last Steve Georganas campaign, Senator Penny Wong was a key fundraiser, and a number of functionaries within the Bolkus-Conlon Left were actively engaged in the campaign. What happened is that Mr Bolkus received a cheque for just under $10 000 from an associate, Mr Hadchiti, from Mr Dante Tan. The federal Labor Party has been attacking Dante Tan and saying a lot of unscrupulous things about him in the federal parliament, likening him to Christopher Skase and a variety of other things. Nevertheless, his money was evidently good enough for the Hindmarsh campaign, even though the federal Labor Party was attacking him.

We are being asked to believe that this money (a cheque for, I think, $9 880) was given to Nick Bolkus in a cafe in Sydney. What Mr Bolkus said when he was caught (he had not lodged appropriate returns and, in the end, he had to apologise and lodge amended returns and all that sort of thing), in his first press release, was that the money he received from Mr Hadchiti through Mr Tan (or Mr Tan through Mr Hadchiti) was not a donation but was to buy raffle tickets. Originally, he said that this $10 000 was not a donation for the Georganas campaign but was to buy raffle tickets in a major raffle being conducted under licences held by the Australian Labor Party (or the appropriate section of the Australian Labor Party).

What happened then was that the Georganas campaign, along with Senator Bolkus, went into a panic because they were told that, if it is a major raffle, there are strict requirements under the lotteries and gaming regulations in South Australia in terms of licences and a whole variety of other things and they knew they had not done any of it. Senator Bolkus said that this bloke, when he handed over the cheque, did not really provide it as a donation but was buying $9 880 worth of raffle tickets.

As I have said, he handed the cheque to Senator Bolkus in a cafe in Sydney. He said that it was a major raffle but, in the end, he was told that was not the case. Then Senator Bolkus and the Georganas campaign changed their story. What they then said was, 'Well, it was actually two minor raffles,' because the requirements under the lotteries and gaming regulations are not as onerous if you call them a minor raffle. He then said, 'Well, this bloke actually bought raffle tickets in two separate minor raffles.' So, we are being asked to believe that they were two separate minor raffles. So, here is this bloke handing over nearly 10 000 bucks in a cafe in Sydney. First, he was allegedly handing it over for a major raffle, but then they changed the story and said, 'No, it's two minor raffles.'

I suspect that this bloke bought all the tickets, because no-one has found anyone else who bought a ticket in any of these minor raffles. I am told that even the Hon. Mr Gazzola and the Hon. Mr Sneath did not buy tickets in these raffles. I think this is one of those lucky raffles where you buy all the tickets. Simple questions were asked by the media, such as, 'How many tickets were sold and who won the prize?' Guess what? No-one can tell anyone who won the prize. Poor old fellow, he has bought all the tickets in a bloody raffle in a cafe in Sydney by giving 10 000 bucks to Nick Bolkus for two raffles, and no-one can tell him whether or not he had won the prize! Maybe the Hon. Mr Gazzola bought one ticket in both raffles and won the prize in both cases! The Hon. Mr Sneath might have bought one ticket, and the poor old fellow bought the rest of the tickets! Maybe the Hon. Mr Sneath and the Hon. Mr Gazzola, because they are in the same faction, are going to take the fall for it.

The Hon. T.J. Stephens: What was the prize?

The Hon. R.I. LUCAS: That is it: what was the prize? Well, first, they could not find out what the prize was and then the story changed to, 'Well, it was some very good wine.' They did not know how many bottles or what it was, but they think it was some very good wine. They could not actually say who had won the raffle.

The Hon. R.K. Sneath: It was probably a date with you and no-one wanted it.

The Hon. R.I. LUCAS: It would certainly be better than breakfast with you.

The ACTING PRESIDENT: Order! I think the leader ought to ignore interjections.

The Hon. R.I. LUCAS: So, that is the background to this story. The member for Colton, a relative newcomer to this sort of business, stood up in what he thought was a statesman-like fashion in the lower house yesterday and made very disparaging comments about my integrity, etc. He then said that I was making statements in this place under parliamentary privilege. I am happy to go outside with Mr Caica and ask these same questions. There is nothing defamatory in what I have been putting on the record in this council and outside this council. I am prepared to ask the following questions outside the council.

Did you follow the requirements for all the minor raffle issues in relation to lotteries and gaming regulations? The issue he was complaining about yesterday—he is only a relative newcomer in relation to this—was that I indicated I had lodged freedom of information requests to get the information from Revenue SA, the people who look after this issue. I read onto the record a letter from the Commissioner of State Taxation to Mr Ian Hunter, the State Secretary of the Labor Party—another factional colleague of the Hon. Mr Sneath, Mr Georganas and co. Mr Hunter flick passed it very quickly, because the Commissioner of State Taxation said they had better give all the details of whether they had complied with the regulations. The same day as Mr Hunter flick passed it very quickly, he directed Mr Georganas—the Labor candidate for Hindmarsh—to comply with the request from the Commissioner of State Taxation. The question I asked yesterday concerned the fact that in the FOI documents I received there is no copy of a reply from Mr Georganas.

I am happy to go outside with Mr Caica this afternoon or any time and repeat that question I asked yesterday. So, it is easy for Mr Caica, the member for Colton, to make disparaging comments if he wishes in the house, pretend to be a statesman or whatever it might happen to be and indicate that these questions were being asked under parliamentary privilege. Let me assure the member for Colton that I am happy to repeat these questions and listen to the answers outside this chamber at any time. We will not be diverted by a whack over the wrist with a wet lettuce by the member for Colton referring to me as a grubby muck raker or sewer politician or whatever it might happen to be. That is for the member for Colton to answer. We will not be diverted from this issue. This is an issue and, if there are answers, let us hear them from Mr Georganas.

I contrast that with another case. If Mr Caica and others I have heard in this chamber want to talk about the use of parliamentary privilege in this place, let me refer them to a number of contributions, but I will refer to only one this afternoon—one made by the Hon. Terry Roberts, not a fellow traveller in the same faction on the left but certainly a fellow traveller in the left, prior to the 1993 federal election. Mr President, you will remember the infamous occasion when the Hon. Terry Roberts stood up in this place and read out a statement written by the member for Makin, Peter Duncan, where under the protection of parliamentary privilege he made a series of defamatory allegations about the Liberal candidate, Dr Alan Irving. Amongst a number of those, he put on the public record allegations from Mr Duncan via the Hon. Terry Roberts about supposedly mysterious fires in businesses associated with Dr Irving and allegations that he had asset stripped the companies. He made a number of allegations.

One of the straightest shooters in this place, the Hon. John Burdett, sadly departed, took a while to get upset with things, but when he did he hoed into it. That was one of the occasions when the Hon. John Burdett got up in this chamber and took the Hon. Terry Roberts to task, piece by piece. As a former minister for consumer affairs, he went through the contribution from the Hon. Terry Roberts and rebutted almost all the claims that the Hon. Terry Roberts had been making under parliamentary privilege about fires, asset stripping, failure to lodge returns and a variety of other claims. The Hon. Terry Roberts certainly needed parliamentary privilege for that. He knew he did, because he did not go outside and repeat any of those claims.

Prior to the 1993 election Peter Duncan had told him, 'Don't say this outside; just get up and read this out in parliament. This candidate in the north-east is the Liberal candidate, and you can wreak maximum damage on him.' So, if the member for Colton and others in this chamber want to start getting wussy about politics and complain about issues raised by me in relation to raffles—which I am happy to raise outside on any occasion—let me refer to past masters in this—the Hon. Terry Roberts and a variety of others in this place from his own party—who have used the protection of parliamentary privilege to defame, in that case I believe unfairly, Liberal candidates for political purposes prior to elections.

In relation to this raffle issue and others, I am happy to ask the questions inside or outside the council. I know that there will always be occasions when members want the protection of privilege in the public interest of trying to get an issue up for constituents. It might be a fight for constituents with a particular employer or something else. On occasions I think Peter Duncan used privilege on consumer affairs issues. I know he used privilege when he attacked Abe Saffron. If members of this caucus want to get holier than thou about issues raised by the opposition, they should look at their own back yard, including contributions from the Hon. Terry Roberts. Other members in this and the other chamber ought to have a hard look at themselves as well.

If we are now talking about complaints about issues that have been raised, I want to address issues and comments raised by the member for West Torrens. For members of the Liberal Party, it is a bit like the Hon. Gail Gago: when we know the member for West Torrens is running a campaign we walk taller in our shoes.

We know that his record is not strong in relation to managing campaigns. It is on the public record now, so I am not revealing anything, but the member for West Torrens formerly had a close personal relationship with the candidate for Adelaide, Ms Ellis. That has now been revealed publicly in *The Australian* this week; so, I am not revealing anything on the public record that we did not know anyway. We should look at the way in which he has been managing this campaign, and I refer to his abysmal effort in trying to raise the issue of where the current member for Adelaide, Trish Worth,

lives. On David Bevan's and Matthew Abraham's program on Tuesday 7 September, Matt Abraham said:

> On the program yesterday Tom Koutsantonis had something to say, David.
> Bevan: Well, Tom Koutsantonis is the South Australian Labor President and we had him in the studio yesterday talking to Nick Minchin. And just as they were about to leave he threw out a little one liner, and you caught him and you said, 'Hang on, what are you referring to?'
> Abraham: Yes, he said, 'Well, there will be some news on an MP or candidate who does not live in their electorate and doesn't spend much time here', or words to that effect. I don't think he said 'doesn't spend much time here', he said, 'doesn't live in the electorate'. And this program has heard rumours coming from the ALP that it was Trish Worth. So I said, 'You're talking about Trish Worth?' He said, 'Yes' and he was then interviewed later in the day about it.

Matthew Abraham and David Bevan then go on to interview Trish Worth. Any member in this place knows that Tom Koutsantonis, the member for West Torrens, has been running that line against Trish Worth for a long period of time. He has referred to it obliquely in the parliament before. He has tried to get the story up before. As silly as that honourable member is, supposedly as a campaign manager and strategist, he decides as part of the campaign (I assume in agreement with the candidate, because I understand that Mr Koutsantonis and Ms Ellis work very closely in relation to this campaign) to raise this issue on public radio with Matt Abraham and David Bevan—one assumes with the agreement of Ms Ellis, because nothing gets done without the candidate knowing.

That turned into a unmitigated disaster for the Labor candidate, Ms Ellis, and for the campaign manager, chief strategist and chief Poo-Bah, the member for West Torrens. I know people who ran into people in the Labor Party office after that effort from the member for West Torrens, as well as members of the caucus, and they were shaking their heads in dismay at the thinking of the member for West Torrens as to why on earth he would raise the issue and, certainly, why on earth he would raise the issue in the way in which he did.

The results were inevitable, as anyone with half a modicum of campaign sense would have realised would happen as a result of the sleazy way in which he attempted to do it. Anyway, not resting on his laurels, on 16 September the member for West Torrens stood up in the House of Assembly and said:

> I cannot believe how low some members will go—

so says the member for West Torrens—

> Thankfully, I will lift the tone of this debate. At lunchtime, I went home to collect my mail. Because we are in the middle of a federal election campaign, I like to see what is being distributed in the electorate of Adelaide.

I was not aware that the member for West Torrens lived in the electorate of Adelaide but, anyway—

> I received Trish Worth's newsletter, and I was horrified to see on the front page Trish Worth sitting at her desk in Canberra with the Prime Minister (this photograph was obviously taken recently), and on her desk was photograph of herself, the former governor-general Peter Hollingworth and the former archbishop of Adelaide Ian George. Trish Worth, whether or not we like it, represents the people of Adelaide, and there are people within the electorate of Adelaide who have been the victims of child abuse, and people who have been victims of child abuse within the Anglican Church. Mrs Worth has on her desk a framed photograph of herself with the former governor-general who was forced to resign his position and a former archbishop of South Australia who was forced to resign his position. Not only did the Treasurer call on her to resign but also the opposition supported that call. What does this say to the victims who suffered as a result of the cover-ups of Ian George? I think that Trish Worth has shown a level of insensitivity that I cannot believe of any politician. . . it is insensitive and I am outraged. Obviously, she is very close friends with Ian George and Peter Hollingworth, but I am not sure what kind of message she is sending to the people of Adelaide. I wonder how the Prime Minister will react when he realises who is depicted in the framed photograph on her desk. What message does this send to the victims who have suffered? I think that Trish Worth has let down the people of Adelaide and she has let them down for the last time.

That was the contribution from the member for West Torrens. Put aside the fact of whether or not he does live in the electorate of Adelaide and would have received a brochure. If one looks at that brochure, I am told (I do not have it with me) that the photograph is the size of about a 5¢ piece. There is a photograph of the member for Adelaide with the Prime Minister and, evidently, on the desk there is a photograph. The member for West Torrens has got it completely wrong, because the member for Adelaide has advised that the photograph does not include Bishop Hollingworth: it actually includes Len Faulkner, the former Catholic archbishop of Adelaide prior to the appointment of Archbishop Wilson.

We have the chief campaign strategist for Ms Ellis using parliamentary privilege in this way to infer that Trish Worth is a friend of child abusers, or is insensitive to child abuse victims, by deliberately putting a photograph of Bishop Hollingworth and the former archbishop George on her desk in a way deliberately designed to cause grief to child abuse victims within the federal electorate of Adelaide. As I said, not only did the honourable member get it wrong but also, according to the member for Adelaide, the photograph was not a recent photograph: it was a photograph taken almost 10 years ago when former archbishop Faulkner and former archbishop George, evidently, were supporting the member for Adelaide and others when they were going off on a trip—the Hon. Terry Roberts probably knows what it was called—opposing nuclear testing in the Pacific.

I cannot remember who organised it, but a group of members of parliament and community leaders went off to protest against the French nuclear tests—in Mururoa Atoll, I suspect. But that was the occasion, in 1995, almost 10 years ago, and evidently former archbishop Faulkner and former archbishop George were there and a photograph was taken at that time and it was a photograph of the three of them.

If the member for Colton wants to talk about grubby politics, or sewer politics, or whatever other phrases he used in the lower house, I would advise him to have a conversation with the member for West Torrens and with other members. As I said, the Hon. Terry Roberts would be a good one to have a chat with as well (although he is not of the same faction), to hear about the demolition job he did on Dr Alan Irving prior to the 1993 election campaign.

The final issue that I want to raise in relation to the Adelaide campaign is that of push polling. It was just one of those unlucky things that sometimes happens. A Melbourne firm was market researching in the electorate of Adelaide and evidently it just happened to ring up Simon Royal, the political journalist from ABC News, along with other people. The Liberal Party director was contacted by two or three people who had been push polled that night. One of the questions was:

> Given revelations Trish Worth has sold her Adelaide home and bought a property in New South Wales where her husband lives, will you be more or less likely to vote for her?

It was, clearly, for those of us who are engaged on these occasions, an example of push polling by the particular organisation.

The Labor Party would be very quick to decry all knowledge. It is interesting that the campaign manager for the federal seat of Adelaide, the member for West Torrens, Mr Koutsantonis, raised this issue with Bevan and Abraham. He has been raising this issue publicly and privately for a period of time, trying to get this story up about Trish Worth. Soon after that, an organisation named Field Works, I think, from interstate, which has said that it has no connection at all with the Australian Labor Party (it has not said it has no connection with the member for West Torrens, but it has said it has no connection with the Australian Labor Party), started a program that involves push poll questions designed to create an unfavourable impression about the sitting member through the purported use of market research.

That issue is being pursued, and it has been pursued with the company. The Managing Director of Field Works, Ms Tamara de Silva, has received a letter from the State Director of the Liberal Party and, certainly, the possibility of raising these issues with the Australian Market and Social Research Society is still being considered. Members of the Australian Market and Social Research Society must follow the ethics and guidelines laid down by that society if they want to remain a member, and that certainly does not support the use of push polling by any of its members, particularly during an election campaign—or, indeed, at any other stage. That issue has legs and will still be pursued by the party organisation and with others as well.

With respect to this issue of the use of parliamentary privilege by members of parliament, I repeat the challenge to the member for Colton. If he wants to go outside with me today, tonight or at any other time and have me repeat the questions that I asked yesterday in relation to the freedom of information request regarding raffles and ask the questions about who won this raffle that Senator Bolkus and the Georganas campaign organised, whether or not the guidelines under the Lotteries and Gaming Act were followed, whether or not all the documents under the FOI request have been supplied and whether or not Mr Georganas replied to the directive from his own party secretary to respond to the Commissioner for Taxation on this issue of raffles, I am happy to repeat all those questions outside.

I would say to the member for Colton: have a discussion with the member for West Torrens and the Hon. Terry Roberts and see whether or not they are prepared to repeat outside the allegations they made in relation to the member for Adelaide and Dr Alan Irving. I suggest that he will not see much of Mr Koutsantonis or the Hon. Terry Roberts in terms of repeating their allegations outside this chamber. I am happy to do so, but the challenge rests with the member for Colton.

The Hon. KATE REYNOLDS: I rise to speak on the Address in Reply and thank the Lieutenant-Governor for delivering the opening speech for the current session of parliament. I appreciate that the Address in Reply provides an opportunity for members to highlight issues which sometimes fail to capture the attention of government, the parliament or even the general public. Appropriately, it also provides an opportunity to address those issues from the too-hard basket that sometimes slip off the government's agenda, particularly when it appears to be transfixed by the view of the credit rating agencies. Today I will speak about poverty and indigenous issues.

While the Rann government is still seemingly obsessed with obtaining this AAA credit rating, there are people in our society whose lives are falling apart because they cannot access appropriate support from the state. The reason that they cannot access these services is that the government is opting to plough large amounts of taxpayers' funds into reducing debt, instead of investing in the future of South Australia. Some Australians have a secure place in the work force and are able to live lives rich in social and economic opportunities, while others have lives burdened by poverty, insecurity and lack of choice.

Australia has become a divided country, and under the Howard government the gap between the poor and the rich has grown. The Democrats are appalled that both the Liberal government and the Labor opposition recently voted together to pass tax cuts for wealthy Australians (announced on budget night), which did nothing to address the real issue of poverty and hardship in Australia. We can expect that, if they are successful on 9 October, the Greens (now in the back pocket of Labor) will do the same. Unlike the major parties, the Australian Democrats have left it to voters to decide which major party will win government, not preferencing to either party in the House of Representatives, unlike the Green Party that has delivered a preference bonanza to Labor, without even waiting for their major policy announcements. In the Senate we have issued split tickets, with the single exception of Tasmania where we are very concerned about the coalition gaining control of the Senate. We have had discussions with a wide range of minor parties and, while the Green Labor grab has made it harder for the Democrats, there is still a chance to keep the Senate strong and independent. In our view it is absolutely essential that the Senate be kept free from becoming a rubber stamp for either major party.

Here in South Australia, I need to put on the record it is my view that it was the height of hypocrisy for the only South Australian Green MP—who, I remind members, was elected as a member of the Labor Party—to claim that Family First is against gay marriage when, on the very same day, his new party rewarded Labor for colluding with the coalition to ram through the anti-gay marriage bill.

As many disadvantaged South Australians have said to me in just the last few days, Labor wants a compliant Green Party on their left flank in the Senate to replace the Democrats' independent approach when Labor and Liberal disagree. In the Senate, the Greens side with Labor over Liberals so it is no wonder that Labor and the Greens have done a deal to try to get rid of the Democrats. Our role is to work to improve legislation, whoever the Australian people elect to govern—even if the current Prime Minister is elected again. The Greens have said they will not work with the Liberals in the Senate if they are elected. I and many other Democrats, and many people to whom I have spoken in the last few days, say that the Prime Minister should not be re-elected. We have fought his stance on the Iraq war, on refugees and on dividing the community but, most importantly, bread and butter issues such as superannuation legislation should be decided on merit, not ideological divides. We think that voters should fight these backroom deals, whether at state or federal elections, and make their own decisions about where their preferences go.

On the same day that the Greens and Labor did a deal to try to remove the only indigenous member of federal parliament in New South Wales, in South Australia they attacked us for preferencing an indigenous woman from a party that has done far more than the South Australian Green MP on issues such as child abuse. As someone said to me just yesterday the hypocrisy is breathtaking. Despite the Greens'

policies opposing the ALP on many issues, the Greens are rewarding Labor's frequent policy sellouts with a preference sellout of their own, in order to try to remove the Democrats from the Senate. The Greens will reward Labor with a preference bonanza despite Labor's sellouts on the free trade agreement, the pharmaceutical benefits scheme and same sex relationships. This power grab highlights that the Democrats are the only choice in the Senate that is independent of the major parties, and we suspect that in the forthcoming state election we will probably face a similar situation here. We seek to amend and improve legislation, particularly for poorer and vulnerable Australians, while the Greens do not. The statistics clearly show that in the Senate the Democrats have successfully amended 38 laws in that parliament and the Greens have amended only three. The record here in our parliament would be, I suspect, even more impressive.

I return to a matter that has received far too little attention during this election campaign, namely, poverty. Here in South Australia the Rann government almost leads a double life when it comes to the issue of poverty. On the one hand, it has thanked the Social Development Committee for its poverty inquiry report, recognising that there are complex causes and symptoms that can lead to individuals, families and communities being socially excluded and not able to participate fully in the life of the state. The Premier himself has said, in acknowledging the report, that the government was strongly committed to ensuring the issues of poverty in the state were addressed and that the social inclusion initiative was a fundamental plank in the government's action strategy for sustaining South Australia's future success. I will return to the government's response to that report later.

At the same time, however, the Premier and his families and communities minister are stalling on releasing the state housing plan that, we hope, will include a comprehensive set of policies to address homelessness, which is one of the direct and most visible results of poverty. This plan was due for release last September, a full year ago, yet the government has not acted. So, the Democrats remain disappointed and amazed, to not understate the situation, that issues as socially and economically devastating as poverty and homelessness continue to be at the bottom of the government's agenda.

Academic arguments continue about defining and measuring poverty in the South Australian community, but there is no doubt that for many people financial hardship is an everyday reality. Welfare agencies agree that poverty in South Australia is fundamentally about a lack of access to the opportunities that most people take for granted, that is, food, shelter, income, jobs, education, health services, child care, transport and safe places for both living and recreation.

Poverty can be broadly defined in absolute or relative terms. Absolute poverty, as I have talked about in this place before, refers to people who lack the most basic of life's needs. Many South Australians feel secure that poverty here is quite different from the absolute deprivation or subsistence that exists in many developing countries and which, sadly, we see on our television screens on a nightly basis (for those people who get time to watch television). We know that some remote indigenous communities are living in absolute poverty in Australia, specifically in South Australia, measured by poor infrastructure with associated diseases that are largely eradicated in other parts of the state and country and further evidenced by world-high rates of infant mortality and malnutrition.

We know the life expectancy of indigenous men in South Australia is 44 per cent less than for non-indigenous men, and there is a 42 per cent difference for women. In fact, the median age of death for indigenous men is 52 years compared with 74 years for non-indigenous men. One in five people in Australian gaols are indigenous, but only about 2.4 per cent of the Australian population is indigenous. More than 12 indigenous babies die for every 1 000 live births compared with a non-indigenous infant mortality rate of five deaths per 1 000 births. The disparity between indigenous and non-indigenous infant mortality is greater for Australia than for New Zealand and the United States, yet, sadly, the Rann government continues to take a demeaning, condescending and paternalistic view to indigenous issues and communities, instead of consulting with, walking and working alongside the very people about whom funding program and infrastructure decisions are being made.

The Australian Democrats remain absolutely committed to what we believe is one of the most important social justice concerns facing Australia today: the future of the first people of this nation. We continue to stand strong against the government's attempts to abolish ATSIC. At a federal level we have called for a Senate select committee on the bill and have spent the past eight years advocating for a fairer society against the Liberal government's self interested, ill-informed and discriminatory policies on indigenous affairs. Our Democrats New South Wales Senator Aden Ridgeway is the only indigenous federal parliamentarian. He has spent the past five years in the Senate leading the Democrats in the fight for indigenous land rights, self determination, a formal treaty, an apology to the stolen generations, adequate health care, housing, unemployment assistance and equal access to justice.

The Hon. Sandra Kanck: And the Greens want to get rid of him.

The Hon. KATE REYNOLDS: Sadly, as the Hon. Sandra Kanck points out, the preference deal done between Labor and the Greens threatens his future in the parliament. The Howard Liberal Government has done a disservice to all Australians by refusing to offer federal leadership on the most central issue to our national identity and culture. We still grapple with serious race relations problems in this country, and this will not change until the government genuinely commits to righting the wrongs of the past and dealing with the unfinished business. Sadly, Premier Rann, like Prime Minister Howard, has, through his own race based political manoeuvring, attacked the very idea that indigenous people should be making decisions about their own futures. We have seen the Rann government—I am sure the council will pardon the pun—race in to take control of the Anangu Pitjantjatjara Yankunytjatjara lands, instead of respectfully consulting and working with people living on the lands to properly assist them to plan for their future.

As I mentioned earlier, indigenous people are increasingly over-represented in our prisons. On average, indigenous people are 15 times more likely to be imprisoned than are other Australians; and indigenous juveniles represent 43 per cent of juvenile prisoners—and these proportions are actually worsening. It is important to remember that ad hoc funding allotments without policy direction and education will not improve the chances of Aboriginal children escaping the fate of prison. The Democrats opposed the Howard government's mainstreaming of indigenous legal services and we support increased long-term funding for those services to strengthen culturally appropriate legal representation for indigenous people.

The Aboriginal and Torres Strait Islander Legal Services has developed its expertise and cultural awareness over many years. Indeed, it was required in the first place to meet the needs of indigenous people who clearly were not being properly represented in the mainstream legal system. It is obvious to us at any rate, even if not to the Howard government, that cultural appropriateness is an element of efficiency. It is also obvious that there is no quick fix for the problems facing South Australia in terms of race relations, particularly in terms of indigenous poverty.

In many ways our public discussions on reconciliation and social inequality illustrate that we are still to confront the significant contrasts that exist in South Australia today and that are all too real for many urban and remote indigenous people. Of course the most significant contrast we have yet to confront, work through and reconcile is that of the unequal access to land, knowledge, citizenship and life sustaining initiatives that exist between black and white Australia. The key factors that contribute to poverty among indigenous people are poor schooling, intergenerational unemployment, housing difficulties and homelessness and systematic discrimination against indigenous Australians.

In South Australia non-indigenous students are lucky enough to be twice as likely to continue to year 12 as indigenous students. Home ownership rates amongst indigenous people are nearly 40 per cent lower than among non-indigenous people and, as ATSIC said in its submission to the South Australian parliament's poverty inquiry, in 2002 the data showed that 174 of the applicants to the Aboriginal Housing Authority were regarded as officially homeless. Just last week my office spoke with the Aboriginal Housing Authority, which advised that category one applicants—that is, people in the most urgent need of assistance—should expect to wait between three and six months for accommodation. Category one includes being homeless, so you can imagine how the Rann government's talk about the need for a AAA credit rating does not go down at all well with a homeless Aboriginal person needing somewhere to sleep that night.

We know that indigenous children are seven times more likely to be the subject of a substantiated child protection notification, and we know that this is not because their parents do not want to be good parents but because the layers and dimensions of disadvantage experienced by so many indigenous people mean that every day these families face the kind of hurdles that many members of this place will never experience in their lifetime. It is no wonder that the suicide rate for indigenous people is more than twice the rate for non-indigenous Australians, and that homicide rates in South Australia are higher in the indigenous population than in the non-indigenous population. Nor is it surprising that the life expectancy of indigenous people is around 20 years lower than the total population.

On almost every social indicator, indigenous people are disadvantaged—not because indigenous people are intrinsically bad but because they have a very different history. The plight of indigenous people has to be considered in the context of that history—their stolen generations, their stolen culture and their stolen land. Addressing the depth and breadth of indigenous poverty is essential to the process of reconciliation to which some of us are still committed. We must remember that both indigenous and non-indigenous poverty is about not just material deprivation: it is also about the death of spiritual and emotional well-being and community cohesiveness. It includes exclusion from social networks and isolation from community life, and it can incorporate those who lack the resources required to participate in the lifestyle and consumption patterns available to others in society.

The Australian Democrats believe that the current levels of poverty in South Australia are unacceptable and unsustainable. The strong economic gains of the last two decades have not been shared fairly. As the strength of the Australian economy has grown, so has the level of inequality, poverty, homelessness and housing stress, long-term unemployment, suicide and child abuse. The conclusion that South Australia is losing the fight for the fair go, that inequality is accelerating, and that there is an increasing loss of opportunity in our community which is denying an increasing number of South Australians a legitimate chance at a decent life and at personal success is one that the Democrats find intolerable.

If you have a disability, it is even harder. People who are born with, or who acquire, a disability experience financial and social disadvantage and experience unavoidable extra costs. The Democrats believe that people with a disability have the right to appropriate housing, education and work opportunities, to support services, to respite and to physical access; and that they have the right to participate equally in all aspects of society. That is why we have called for a proper disability allowance scheme that recognises the cost of disability, and that is why we have called for purpose-built accommodation alternatives to nursing home accommodation for young people with severe disabilities who cannot remain in their homes.

Almost in conclusion, I would like to return to the beginning of my remarks. The Premier, in his response to the report of the Social Development Committee's poverty inquiry, said that the government was strongly committed to ensuring that issues of poverty in this state were addressed. What he did not say was that his government would act on the very first recommendation of that report, which is that the government consider developing and implementing a long-term state anti-poverty strategy. We are left to assume—and all those people experiencing disadvantage are left to assume—that the Rann Labor government considered the idea but is not sufficiently concerned about the welfare of its vulnerable citizens to commit to developing and acting on a comprehensive plan to make their lives a little easier. Instead, we have another government agency. Yes, the Social Inclusion Unit does some good work, but the Social Inclusion Unit is not a properly planned, time-framed and adequately resourced strategy to address the range of factors which contribute to poverty.

Once again, the Australian Democrats, on behalf of poorer and vulnerable South Australians, challenge the Rann Labor government to stop talking about it and get on with making a lasting difference for the better. That is what government is supposed to be about. Talk at the right time with the right people is good, but talk alone is not enough. We hope that the citizens of South Australia do not have to wait until the next election for Mr Rann and his cabinet colleagues, or their spin doctors, to have a blinding flash of insight about the numbers of disillusioned, disadvantaged voters just prior to the next state election.

The Hon. A.L. EVANS: I support the Address In Reply, and I wish to thank the Lieutenant-Governor, His Excellency Mr Bruno Krumins AM, for his speech. I would also like to thank Her Excellency the Governor, Marjorie Jackson-Nelson. We are blessed to have such dignified and gracious

persons carrying out the vice regal duties in our state. I offer my condolences to the families and friends of the Hon. Des Corcoran AO, the Hon. Tom Casey MLC and MP, the Hon. A.F. Kneebone, the Hon. R.K. Abbott, Mr John Mathwin MP, and our Legislative Council attendant, Sean Johnson.

I wish to reply to several aspects of the Lieutenant-Governor's address in which various agendas for the Rann government were outlined. Before I commence remarks, I would like to place on record my regrets and concerns over certain defamatory statements that have been circulated today and also, I understand, within the house and, specifically, in some members' correspondence boxes.

The author of these statements, Henry Shepherd, was previously employed by the Assemblies of God around 10 years ago, while I was chairman of the national executive. After his employment with the Assemblies of God finished, he published a defamatory statement about a number of members of the executive, including me. He was requested to stop circulating these statements, but he refused and we were left with no alternative but to take legal action. Those who had been defamed then sued Mr Shepherd and sought an injunction preventing the distribution of the defamatory statements, and the injunction was granted. I wish to express my disappointment at the hurtful and defamatory tactics of those involved in this matter. It is a low point for democracy and civilised political discourse. I seek leave to conclude my remarks at a later time.

Leave granted; debate adjourned.

MEDICAL PRACTICE BILL

In committee.

(Continued from 20 September. Page 119.)

Clause 39.

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

Page 23, line 26—Subclause (1)(e)—delete 'business' and substitute 'nominated contact'

This amendment requires the medical service providers to notify the board of the nominated contact addresses of registered persons through whom they provide medical treatment. The rationale for it is that a registered person is required to provide a nominated contact address to be disclosed on the register and used for service of notices. This amendment carries the idea through to medical service providers, so that the names and nominated contact addresses of medical practitioners is issued through the instrumentality for whom the provider is providing medical treatment and must be provided to the board. It is an extension of those that we were getting some good cooperation on last night.

Amendment carried; clause as amended passed.

Clauses 40 to 46 passed.

Clause 47.

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

Page 27, line 35—
Subclause (1)(b)—delete 'of a particular kind'

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

Amendment carried.

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

Page 28—page 14—
Subclause (2)(d)—after 'inspection' insert:
, including written records that reproduce in a readily understandable form information kept by computer, microfilm or other process

This is a technical drafting amendment. The effect of the amendment is that it clarifies the inspector's powers in relation to the production of written records. This amendment makes clear that the requirement to produce documents or records for inspection extends to the production of computer records in readily understandable form.

Amendment carried; clause as amended passed.

Clause 48 passed.

Clause 49.

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

Page 29, line 12—
Subclause (1)(b)—delete '(including a hospital)'

This is a technical drafting improvement. The words are necessary, as a reference to a person will include a reference to all bodies corporate.

The Hon. A.J. REDFORD: On what basis is the assertion made that a reference to a person includes all bodies corporate, including a hospital? My understanding is that the intent is that, if a hospital is of the view that someone is unfit to practise, then the obligation is on the hospital to report that to the medical board. I want to make sure that that is still the case, notwithstanding this amendment.

The Hon. T.G. ROBERTS: The Acts Interpretation Act provides that any reference to a person or a body corporate is a reference to a hospital.

The Hon. A.J. Redford: I suspect that all hospitals will be obliged to report the unfitness.

The Hon. T.G. ROBERTS: Yes.

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

Amendment carried.

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

Page 29, lines 17 and 18—
Subclause (1)(d)—delete paragraph (d) and substitute:
(d) the person in charge of an educational institution at which a medical student is enrolled in a course of study providing qualifications for registration on the general register under this Act,

The effect of the amendment is consequential on amendment No.13, ensuring that interstate and international medical students are registered on the Medical Student Register of undertaking placements in South Australia. It is important that all medical schools in South Australia which have a student undertaking placement in South Australia have an obligation to report to the board if they are of the opinion that a medical student is medically unfit to provide medical treatment. This ensures that educational institutions in this state are clear about their public health and safety obligations in relation to their medical students.

The Hon. A.J. REDFORD: The opposition supports this. Indeed, one hopes that over the next years we might even see more medical students in Mount Gambier as part of the university and other measures that I have been advancing. I am pleased the government has picked up on an initiative I have been working very hard on over the past few months—and has picked it up in an optimistic and positive way so that I might even be successful.

Amendment carried.

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

Page 29, after line 22—
After subclause (1) insert:
(1a) If a medical services provider or exempt provider is of the opinion that a medical practitioner or medical student through whom the provider provides medical treatment has engaged in unprofessional conduct, the provider must submit a written report to the Board setting out the

provider's reasons for that opinion and any other information required by the regulations.
Maximum penalty: $10 000

This is consequential.

Amendment carried; clause as amended passed.

Clause 50.

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

Page 30—
Line 6— Paragraph (d)—after 'conditions' insert:
on the person's registration
Line 8— Paragraph (e)—after 'conditions' insert:
on the person's registration

This is a technical drafting amendment. It clarifies that the conditions that may be imposed are conditions of registration.

The Hon. A.J. REDFORD: The amendments are agreed to.

Amendment carried; clause as amended passed.

Clause 51.

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

Page 31, line 7—
Subclause 6(c)(i)—after 'conditions' insert:
on the person's registration

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

Amendment carried; clause as amended passed.

Clauses 52 to 54 passed.

Clause 55.

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

Page 32, line 34—
Subclause (2)(b)(ii)—after 'conditions' insert:
on the person's registration

Amendment carried; clause as amended passed.

Clause 56 passed.

Clause 57.

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

Page 34, line 18—
Subclause (2)(c)(i)—after 'conditions' insert:
on the respondent's registration

This is a technical drafting amendment and achieves the same end as amendment No. 28.

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

Amendment carried; clause as amended passed.

Clauses 58 to 62 passed.

Clause 63.

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

Page 37, line 37—
Subclause (1)—delete 'Part' and substitute:
Division

This is a technical drafting amendment. It is technically relevant only for the division rather than the part.

Amendment carried; clause as amended passed.

Clause 64.

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

Page 38, line 20—
Paragraph (b)—delete 'Part' and substitute:
Division

This is a technical drafting amendment. The amendment achieves the same end as amendment No. 33.

Amendment carried; clause as amended passed.

Clauses 65 to 67 passed.

Clause 68.

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

Page 40, line 4—
Definition of health service, (c)—after 'podiatric,' insert:
optometry, occupational therapy,

This amendment extends the meaning of 'health service' so that all areas of health services where there are registration systems for health and professionals are caught by the expression. The bill requires a medical practitioner or a prescribed relative of a medical practitioner to disclose interests in a business consisting of or involving the provision of a health service.

The Hon. A.J. REDFORD: This is a relatively new amendment. The opposition has not had time to consult. However, one issue that has been raised with us in the limited time that we have consulted is that medical practitioners do buy shares in companies that might get caught up in this. I do not know of any publicly-listed shares in the business of physiotherapy, psychology, podiatry, chiropractic, osteopathy or occupational therapy. However, there are some major listed companies in relation to optometry, and OPSM is one that springs to mind.

I note that the government has the opportunity to prescribe by regulation an expanded category of occupations. From our perspective, we do not have any problem with the insertion of the term 'occupational therapy', but we do have a concern with the insertion of the term 'optometry', because we simply have not had a chance to consult with the stakeholders. I would prefer that we move the amendment with just the addition of 'occupational therapy.' The government will have to draw up regulations anyway, but if it adds in the regulations that a prescribed office for the purpose of this part includes optometry I suspect that we will probably agree to it. Out of an abundance of caution, that is what I would prefer, but I will not go to the wire on it or anything of that nature.

The Hon. T.G. ROBERTS: Perhaps I can put the honourable member's mind at rest. The drafters of this amendment have consulted with the Optometry Board and the Occupational Therapy Board, and they are at ease with what is being done.

The Hon. A.J. REDFORD: I do not think, with the greatest respect, that is the problem. This is about the requirement of a doctor to notify or declare an interest. If the AMA is happy with it, or any other representative group representing the doctors who have to declare it, I do not have a problem. If the minister can give me that assurance, that is fine. It is not so much the optometrists; I do not think that they would give a fig about this.

The Hon. T.G. ROBERTS: How does the honourable member want to handle it?

The Hon. A.J. REDFORD: You can move it in an amended form. You can insist. I have made the point. Has the minister consulted with the AMA? If the minister says that the doctors are happy, let it slide.

The Hon. T.G. ROBERTS: The doctors have not raised any issues with it.

Amendment carried.

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

Page 40—
Lines 7 and 8—Definition of prescribed relative—delete 'medical practitioner' wherever occurring and substitute in each case:
registered person
Lines 9 to 15—Definition of putative spouse—delete 'medical practitioner' wherever occurring and substitute in each case:
registered person

Amendments carried; clause as amended passed.

Clauses 69 and 70 passed.

Clause 71.

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

Page 40, line 31—Delete 'medical practitioner' wherever occurring and substitute in each case:
registered person
Page 41—
Lines 1 to 19—Delete 'medical practitioner' wherever occurring and substitute in each case:
registered person
Line 12—Subclause (3)—delete 'practitioner' wherever occurring and substitute in each case:
registered person
Line 20—Subclause (5)(a)—delete 'practitioner' and substitute:
registered person

Amendments carried; clause as amended passed.

Clause 72.

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

Page 41, lines 34 to 36—Subclause (1)—delete 'medical practitioner' wherever occurring and substitute in each case:
registered person
Page 42, lines 1 to 3—Subclause (2)—delete 'medical practitioner' wherever occurring and substitute in each case:
registered person

Amendments carried; clause as amended passed.

Clauses 73 to 77 passed.

Clause 78.

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

Page 43, lines 7 to 12—
Clause 78—delete the clause and substitute:
78—Report to Board of cessation of status as student
(1) The person in charge of an educational institution must, if a medical student completes, or ceases to be enrolled in, a course of study at that institution providing qualifications for registration on the general register under this act, cause written notice of that fact to be given to the board.
Maximum penalty: $5 000.
(2) A person registered on the medical student register who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration must cause written notice of that fact to be given to the board.
Maximum penalty: $1 250.

This amendment is consequential on No. 13 and requires a medical student who completes or ceases to be enrolled in a course of study that formed the basis for registration to give notice of the fact to the board. It is important that the medical student register is up to date in regard to the medical students providing treatment in South Australia. This clause therefore places an obligation on South Australian institutions and the students themselves to inform the board that they are no longer eligible for registration as a medical student.

Amendment carried; clause as amended passed.

Clause 79.

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

Page 43, line 17—
Clause 79(1)—after 'civil liabilities' insert:
(other than public liability)

By way of explanation, we seek to insert after the words 'civil liabilities' the words '(other than public liability)'. This clause as presented to us proposes to impose an obligation on a registered person or medical services provider to have insurance against civil liabilities that might be incurred in connection with the provision of treatment. The opposition's concern about the way in which the clause is drafted is that there may well be an obligation for compulsory insurance to an extent that is broader than just the provision of medical treatment. I am sure that the minister would appreciate that our philosophy is to keep these things to a minimum. That is our starting point in terms of supporting what we are suggesting.

Secondly, we do not believe that the imposition of a compulsory insurance requirement on doctors for public risk, such as someone falling over the mat on the way into the surgery, should be imposed on doctors. In fact, the management of such a scheme is outside the control of doctors. It is a community risk that we face whether we go into David Jones or a doctor's surgery. It is our viewpoint that the obligation on the medical profession should not extend beyond the provision of medical services; that they should not be required to have insurance for anything beyond the provision of that service.

Indeed, if you look at compulsory insurance schemes (and there are not a lot of them) in other fields of endeavour—the legal profession, land agents, travel agents, I think, and there are a few others—we do not expect them to have compulsory insurance for anything broader than the service that they are providing to the public, because it is our view that the quality of that service and the standard of service generally that is provided to the community is controlled by them as a group, whereas there are other risks, such as public risk, that are not controlled by them as a group. That is the reason why we have sought to amend it.

I appreciate that there is an argument that our amendment is unnecessary because the words 'in connection with the provision of any such treatment' confines the requirement for insurance to the provision of medical services, and those words would exclude a requirement to have public liability insurance, and I would understand the government putting that argument. But the opposition's viewpoint is that we want to make this fairly clear and beyond debate.

The Hon. T.G. ROBERTS: The government opposes the amendment. Following debate in another 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 has 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.

Amendment negatived.

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

Page 43, line 19—
Subclause (1)—after 'treatment' insert:
or proceedings under Part 5 against the registered person or medical services provider

This amendment was explained at amendment No. 11, and it enables the board to extend their requirements for insurance to insurance relating to disciplinary proceedings.

Amendment carried; clause as amended passed.

Clause 80.

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

Page 43, line 28—
Subclause (1)—delete 'registered person' and substitute:
person against whom the claim is made

This is a technical drafting correction. It requires a person against whom a negligence claim is made to notify the board of details of a claim, settlement or court order.

Amendment carried; clause as amended passed.

Clause 81 passed.

Clause 82.

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

Page 44, lines 33 to 41—
Clause 82—delete the clause and substitute:
82—Self-incrimination and legal professional privilege

(1) It is not an excuse for a person to refuse or fail to answer a question or to produce a document or record as required under this act on the ground that to do so might tend to incriminate the person, or make the person liable to a penalty, or on the ground of legal professional privilege.

(2) If a person objects to answering a question or to producing a document or record on the ground that the answer, or the document or record, might tend to incriminate the person or make the person liable to a penalty, then—

(a) in the case of a person who is required to produce a document or record—the fact of production of the document or record (as distinct from the contents of the document or record); or

(b) in any other case—the information furnished in compliance with the requirement,

is not admissible in evidence against the person in proceedings (other than proceedings in respect of the making of a false or misleading statement or perjury) in which the person might be found guilty of an offence or liable to a penalty.

(3) If a person objects to answering a question or to producing a document or record on the ground of legal professional privilege, the answer, or the document or record, will not be admissible in civil or criminal proceedings against the person who would, but for this section, have the benefit of the legal professional privilege.

In support of my amendment, I speak from experience. The government's intention is that a person, if they are required to provide information or documents, or whatever, under the legislation, and the provision of that information or evidence would tend to incriminate the person, the person must nevertheless provide the information but that information will not be admissible in evidence against the person in proceedings for an offence. The opposition does not have any problem with that principle, but the way in which this is drafted it is quite different, particularly when one looks at commonwealth legislation, because it does not prescribe exactly the procedure to what might happen in relation to the provision of documents.

I have had personal experiences of this where you have a person who is required to produce evidence and they produce it. Under the government amendment, if they then subsequently find out that the evidence that they have provided might incriminate them, they can retrospectively claim a privilege. What our amendment seeks to do is to say, 'If we are going to require you to provide that information'—and that is part of a professional responsibility—'and if you are going to answer in accordance with that requirement and subsequently claim some form of privilege, whether it be the privilege of self-incrimination or legal professional privilege, then claim it at the time that you release the documents.' The advantage of that is that everyone knows where they stand. In the way in which this is drafted—and I say this from experience—you will get the information, and if it leads to some form of prosecution, you will not know until you get to trial whether some claim of privilege against self-incrimination is made.

All our amendment seeks to do is require the person to make the claim at the time that the documents are given to the authorities. First, it clarifies the process of making the claim; and, secondly, it makes it easier for those who are charged with the investigation of offences or the prosecution of offences to know precisely where those who have provided the documents that might be the subject of a prosecution will go in terms of the status of that information and the status of those documents. I will put it in these terms.

We do not have a problem with what the government proposal seeks to do, but it creates uncertainty in the mind of the investigator because the investigator will never know whether a claim is being made. Our amendment seeks to say, 'Look, if you are going to make the claim, make it at the time that you are answering the questions'—if it is the answering of questions—'or, alternatively, make it at the time that you are delivering the documents, so the investigator knows when they have that information that we will not be able to use this if the claim is made for the purposes of proving whatever we might need to prove.'

That is the position, and I would be very surprised if the government is opposed to it. From our perspective, it is a fairly important and significant amendment and certainly clarifies the rights of the medical practitioners or others who might be investigating.

The Hon. T.G. ROBERTS: The government opposes this amendment to clause 82. This clause is of interest to the Attorney-General and it is his advice and that of the department that is being followed by me and the Minister for Health. We have an ancient common law right not to be compelled to incriminate ourselves. This was particularly important in the days when a conviction for many crimes resulted in capital punishment or transportation and forfeiture of lands, but it is still important. It is a right that is to be protected under article 14 of the International Convention on Civil and Political Rights, a convention to which Australia is a party. On the other hand, there is a public interest in protecting the community from acts and omissions of medical practitioners who pose a public health risk, who are incompetent or who behave in a seriously improper manner.

Clause 82 of the bill balances these two public interests. The bill allows inspectors, the board and the tribunal to require any person to provide information, for example, by answering questions or producing documents, records or equipment. Clause 82 would require the person to provide that information even though it would tend to incriminate the person or make the person liable to penalty.

Under this clause the information would be admissible in disciplinary proceedings under this bill. It would not be admissible in evidence in the trial of the compelled person for an alleged offence, other than an offence against the Medical Practitioners Act or another act relating to the provision of false or misleading information, for example, for perjury. The effect of the amendment would be that self-incriminating information would not be admissible either in disciplinary or criminal proceedings against the compelled person.

This amendment would also abrogate legal professional privilege, that is, the very old privilege that every client has to insist that communications between the client and his or her lawyer are kept confidential. Legal professional privilege is regarded as essential for the proper protection of accused persons and the due administration of justice, and it is protected by the courts with exception to prevent its being used as an instrument for the commission of crimes. Medical practitioners are as much in need of confidential legal advice as is anyone else. There is no good reason to take away their right to it.

Clause 82 of the bill has been the subject of advice from parliamentary counsel, the Crown Solicitor's office and the Attorney-General's Department. The South Australian statute book is inconsistent as to both the policy and drafting of these type of provisions. The Attorney-General's Department has done a survey of the South Australian statutes and found 147 provisions in 108 acts. Parliamentary counsel has advised that there should be an attempt to rationalise them.

The Attorney-General has given instructions for his department to work on this, and the work is being done. However, it is a long and difficult task. Also it was expected that the reasons for the decision of the High Court in Rich

and Silbermann v. Australian Securities and Investment Commission would end the debate about the correct interpretation of a provision abrogating the privilege against self-incrimination that is commonly used in acts that regulate people carrying on certain occupations. The decision was delivered on 9 September 2004, and it will have to be studied carefully and taken into account.

South Australia is not alone in this problem. Recently the Australian Law Reform Commission and the New Zealand Law Reform Commission issued papers about it. Queensland is in the process of examining its statute book with a view to rationalising its statutory inroads into these rights. The opposition amendment would take away the right to keep lawful communications between client and lawyer confidential. This would apply not only to registered persons but also to a person with documents or records or any person who can provide relevant information. The debate about the policy of this clause is not particular to the Medical Practice Bill. It raises important issues of legal policy. The Attorney-General has given his instructions for the rationalisation of these types of clauses in South Australian statutes. For these reasons the government opposes the opposition amendment.

The Hon. A.J. REDFORD: I am grateful for that answer. Is the minister able to give some indication as to when the Attorney-General is likely to finish this exercise?

The Hon. T.G. Roberts: I can't give you the time frame.

The Hon. A.J. REDFORD: There are two ways of dealing with this. I have not read Rich's case and I am sure the shadow attorney-general would be interested in reading it. I am not sure whether in his diligent efforts he has read that case. He is certainly not nodding. We may let it go through as there are other issues that will go to the other place as one contentious amendment got up.

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: Whether it is deadlocked or we do it by way of negotiation, if we can keep this issue alive I would like to look at Rich's case and, following that, speak to our shadow minister. It may ultimately go to our party room as it is an important issue of principle, but I understand what the Attorney-General is putting. He may well be correct. I have not read Rich's case. That would be my preferred position at this stage, but that is not saying that the strength of the Attorneys-General's arguments might not prevail, so far as the opposition is concerned, between houses or if it goes to a deadlock conference.

The Hon. SANDRA KANCK: The only correspondence I have regarding this clause has come from the Law Society, which made comments welcoming this bill as compared to the 2001 bill, saying that this clause has been improved. Throughout most of what we are doing I have not been happy with opposition amendments, so I also tend to be suspicious of this one. However, as I anticipate that we are probably going to end up in a deadlock conference, I anticipate that the amendments that we make in this chamber will be in turn amended when this bill reaches the House of Assembly, so I will support the amendments so that they are open for discussion should we get to a deadlock conference, in which case I might oppose them at that point. I am going to support this simply to keep it alive at this point.

Amendment carried; clause as amended passed.

Clauses 83 to 85 passed.

Clause 86.

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

Page 45, after line 23—
After subclause (1) insert:

(1a) Without limiting the generality of subsection (1), if the Board has reason to believe that a medical practitioner or medical student has exposed himself or herself to a risk of contracting a blood-borne infection, the Board may require the practitioner or student to submit to a blood test.

This clause was debated fairly extensively in another place and I do not propose to repeat the debate. What the opposition is seeking with the insertion of this clause is to ensure that the board has as broad powers as possible to require medical practitioners or medical students to provide a blood test or present themselves for a full medical examination for the protection of the public. Members may recall that not long ago *Today Tonight* ran an extensive program critical of the fact that a doctor had practised in different parts of this state while he had a blood-borne disease and it was not detected. My recollection of that television program was that there was some suggestion that, even though it was suspected, given his lifestyle, that the doctor might have been breaking the rules, the Medical Board felt that it did not have the power to require a blood test.

As a consequence, people became afflicted with the condition and my understanding now is that the state is the subject of a legal case wherein people are seeking damages as a consequence of that doctor's actions. I do note that this clause, as the government has moved, suggests that the board may for any purpose associated with the administration of this act require a medical student who is applying for registration to submit to an examination. We want it to be broader than just the requirement to submit to such examinations and to be broader than just to people who are applying for registration or reinstatement.

The Hon. T.G. ROBERTS: The government opposes the opposition's amendment, and I indicate that the Hon. Nick Xenophon supports our position. The Minister for Health agreed to seek the advice of the Crown Solicitor's office on this amendment, and this advice states:

> Clause 86 empowers the Board, for any purposes associated with the administration or operation of the act, to require a medical practitioner or student or a person seeking registration to submit to an examination by a health professional specified by the Board or to provide a medical report from a health professional specified by the Board. The provision expressly goes on to cover examinations or reports that will require the person to undergo some form of medically invasive procedure. I consider that there is no doubt that clause 86 would empower the Board to require a practitioner or a student to undergo a blood test or to provide a medical report relating to the results of a blood test.

This should make it very clear to all members that the Medical Board will have sufficient power to require the testing of practitioners and students under any imaginable scenario. The amendment essentially duplicates the powers already provided in clause 86 while at the same time singling out a class of persons—those who may have been exposed to blood-borne infections.

The range of activities which may expose either a medical practitioner or a student to a blood-borne infection is wide, and may include the following:

- Participating in surgical procedures or undergoing surgery;
- Sharing needles for injecting drug use;
- Having a blood transfusion in a country with less stringent controls in the quality of its blood supply;
- Having unprotected sex; and
- Needlestick injuries.

Therefore, apart from being unnecessary, the amendment is essentially unworkable because the range of risk factors is

so wide. It is difficult to believe that it is an effective use of the Medical Board's time to take reports that a medical student has allegedly had unprotected sex, which is a possible scenario if this amendment is passed.

I remind members that the model of infection control contained in this bill was developed by a group of experts in the infection control field. Included in this group were representatives from the following organisations: the AIDS Council of South Australia; the South Australian Advisory Committee on Hepatitis, HIV and Related Diseases; Flinders Institute of Health; the Health in Human Diversity Unit of the University of Adelaide; the Hepatitis C Council of South Australia; the Royal Australian College of Physicians; the Royal Australian and New Zealand College of Obstetricians and Gynaecologists; the Royal Australian College of Surgeons; the Australian Medical Association; the Medical Board of South Australia; and the South Australian Salaried Medical Officers Association. Members will agree that this is a group of people who are eminently qualified in regard to matters of infection control, and they are in agreement that the bill appropriately deals with these issues.

I shall remind members of the various provisions in the bill which provide a set of checks and balances to ensure that medical practitioners do not endanger public health and safety. Clause 4 provides guidance in regard to determining whether a person is medically fit, including the regard that must be given to whether the person is able to personally provide medical treatment to a patient without endangering their health and safety. Clause 33(1) places the onus on a person seeking registration to satisfy the board that they are medically fit to provide medical treatment authorised by the registration. Clause 49 places an obligation on a range of people, including a health professional who is treating a medical practitioner or medical student, to provide a report to the board if they are of the opinion that the practitioner or student is medically unfit to provide medical treatment.

Clause 50 enables the board to suspend the person's registration or impose conditions on it if they are considered medically unfit. Clause 77 places an obligation on a medical practitioner or student to report to the board if they become aware that they are, or may be, medically unfit to provide medical treatment. And, as members would by now be aware, clause 86 provides the Medical Board with the power to require a medical examination, including an invasive procedure such as a blood test, for any purpose associated with the administration or operation of the act.

In addition, the board will have responsibility for educating medical practitioners about infection control measures in addition to developing a code of practice on this issue. This will include information about the processes that should be adhered to when either a medical practitioner is concerned about their own fitness to practise or a treating doctor has similar concerns. Not abiding by a code of practice or a professional standard approved by the board is, by definition, unprofessional conduct and the practitioner or student could therefore be subject to disciplinary proceedings. This clause does not require amending.

The Hon. SANDRA KANCK: The 2001 bill basically foundered on this issue. What we have before us is not as draconian as what was there in 2001, but it is still an unnecessary provision. What was there in 2001 caused some people to wonder whether the then Liberal government was having an attack of homophobia. I have received correspondence from the AMA and from the Director of Health in Human Diversity Unit in the Department of General Practice at the University of Adelaide, asking me to vote against this bill. I want to put on the record some of what has been said by the Director of Health in Human Diversity. He points out that the wording of this amendment focuses on situations where 'the Board has reason to believe that a medical practitioner or medical student has exposed himself or herself to a risk of contracting a blood-borne infection'.

He goes on to point out that, since HIV and hepatitis B can be acquired through heterosexual intercourse, this would include the majority of practitioners and students. This, in fact, shows the stupidity of this amendment, and I indicate that, because of its stupidity and its irrelevance, the Democrats will be voting against it.

The committee divided on the amendment:

AYES (7)

Dawkins, J. S. L.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J. (teller)	Ridgway, D. W.
Stephens, T. J.	

NOES (8)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Roberts, T. G. (teller)	Sneath, R. K.

PAIR(S)

Xenophon, N.	Cameron, T. G.
Schaefer, C. V.	Zollo, C.
Stefani, J. F.	Reynolds, K.

Majority of 1 for the noes.

Amendment thus negatived; clause passed.

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

That standing orders be so far suspended as to enable the sitting of the council to be extended beyond 6.30 p.m.

Motion carried.

Clauses 87 and 88 passed.

Clause 89.

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

Page 46, line 33—
Subclause (1)(c)—after 'known' insert:
nominated contact,

This amendment corrects an oversight.

Amendment carried; clause as amended passed.

Clause 90.

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

Page 47, line 17—
Subclause (1)(d)—after 'provider' insert:
or exempt provider

This is a technical drafting amendment.

Amendment carried; clause as amended passed.

Clause 91 passed.

Schedule 1 passed.

New schedule 2.

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

Page 49, after line 42—After Schedule 1 insert:
Schedule 2—Further provisions relating to Board
1—Duty of members of Board with respect to conflict of interest
(1) A member of the Board who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the Board—
(a) must, as soon as reasonably practicable, disclose in writing to the Board full and accurate details of the interest; and

(b) must not take part in any discussion by the Board relating to that matter; and
(c) must not vote in relation to that matter; and
(d) must be absent from the meeting room when any such discussion or voting is taking place.

Maximum penalty: $20 000.

(2) If a member of the Board makes a disclosure of interest and complies with the other requirements of subclause (1) in respect of a proposed contract—
(a) the contract is not liable to be avoided by the Board; and
(b) the member is not liable to account to the Board for profits derived from the contract.

(3) If a member of the Board fails to make a disclosure of interest or fails to comply with any other requirement of subclause (1) in respect of a proposed contract, the contract is liable to be avoided by the Board or the Minister.

(4) A contract may not be avoided under subclause (3) if a person has acquired an interest in property the subject of the contract in good faith for valuable consideration and without notice of the contravention.

(5) Where a member of the Board has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that it is reasonably foreseeable that a conflict might arise with his or her duties as a member of the Board, the member must, as soon as reasonably practicable, disclose in writing to the Board full and accurate details of the interest or office.

Maximum penalty: $20 000.

(6) A disclosure under this clause must be recorded in the minutes of the Board and reported to the Minister.

(7) If, in the opinion of the Minister, a particular interest or office of a member of the Board is of such significance that the holding of the interest or office is not consistent with the proper discharge of the duties of the member, the Minister may require the member either to divest himself or herself of the interest or office or to resign from the Board (and non-compliance with the requirement constitutes misconduct and hence a ground for removal of the member from the Board).

(8) Without limiting the effect of this clause, a member of the Board will be taken to have an interest in a matter for the purposes of this clause if an associate of the member has an interest in the matter.

(9) This clause does not apply in relation to a matter in which a member of the Board has an interest while the member remains unaware that he or she has an interest in the matter, but in any proceedings against the member the burden will lie on the member to prove that he or she was not, at the material time, aware of his or her interest.

(10) In this clause—

associate has the same meaning as in the *Public Corporations Act 1993*.

2—Protection from personal liability

(1) No personal liability is incurred for an act or omission by—
(a) a member of the Board; or
(b) a member of a committee of the Board; or
(c) the Registrar of the Board; or
(d) any other person engaged in the administration of this Act,

in good faith in the performance or purported performance of functions or duties under this Act.

(2) A civil liability that would, but for subclause (1), lie against a person, lies instead against the Crown.

3—Expiry of Schedule

This Schedule will expire on the commencement of section 6H of the *Public Sector Management Act 1995* (as inserted by the *Statutes Amendment (Honesty and Accountability in Government) Act 2003*).

The inclusion of this schedule is because the Statutes Amendment (Honesty and Accountability in Government) Bill has not been finalised. The schedule contains provisions to prevent conflict of interest and protects board members from personal liability.

The Hon. A.J. REDFORD: I support this amendment.

New schedule inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

PORT POWER

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: There have been rumours flowing around that I have been actively asking Crows supporters to support Port Power this Saturday. This is not true. We got to the grand final without their support, and any belated support from Crows supporters is a matter of complete indifference to me and, I suspect, quite a number of fellow Port Power supporters.

The PRESIDENT: I am sure that the avid *Hansard* readers will take that on board.

ADJOURNMENT

At 6.41 p.m. the council adjourned until Monday 11 October 2004 at 2.15 p.m.