HOUSE OF ASSEMBLY

Thursday 9 December 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 10.30 a.m. and read prayers.

ANZAC DAY COMMEMORATION

Mr HAMILTON-SMITH (Waite): I move:

That this house call on the government to provide financial support to the plan by the 'Spirit of Gallipoli' organising committee, the Adelaide Turkish community and the RSL (SA Branch) to bring five Turkish war veterans to Adelaide for the 90th commemoration of Anzac Day on Wednesday 25 April 2005, and that the Premier personally take leadership of the task of seeking further sponsorship and federal government financial support with a view to making available $40 000 of combined state, federal and sponsorship funding available for the initiative.

I move this motion in a spirit of bipartisanship, because I know that the opposition, I am sure, would join me in welcoming—

Members interjecting:

Mr HAMILTON-SMITH: I beg your pardon—the former opposition, the current government (I am glad that members opposite remember that they are the government), would join me in supporting the spirit of the motion because it is a very worthwhile undertaking. I wrote to the Premier on this matter on 3 December, and I have spoken to him very briefly about it. I know that he has met with the organisers, and I sincerely hope that he would be happy to do whatever he can to help.

I have also written to the Minister for Veterans' Affairs (Hon. De-Anne Kelly) asking her what she can do to support and commend this very fine and worthwhile initiative. The initiative is borne from the RSL state division. I commend not only the President of that division (Jock Statton OAM) for his energy and drive but also the project coordinator Warren Featherby, as well as Mick Mummery and the co-chairman from the Turkish community, TASA President Dr Kemal Türker, all of whom are involved in this fine initiative, which enjoys quite a bit of sponsorship support from Singapore Airlines, Ramsay Health Care, Channel 7, Johnson and Johnson and certain other companies, including Sea Link. It is also enjoying support from General Cosgrove (AC,MC), Mr Mutlu Kadife (Honorary Consul of the Turkish Republic of Australia), the RSL (as I have mentioned), the Turkish War Veterans Association (Ankara Türkiye), the South Australian Migration Museum, the History Trust, War Veterans Homes, the RAA Association and a number of other entities.

Essentially, the idea is to bring five Turkish war veterans from Turkey to Adelaide for this commemoration. Included within the plan is the suggestion that the five Turkish veterans would be conveyed to Canberra for ceremonies at the Atatürk Memorial Garden and the Australian War Memorial. The project aims to express Australia's gratitude for the care and affection that the Turkish people afforded our young men who gave their lives and who now lie within the bosom of the Gallipoli Peninsula. It is to reaffirm not only the bonds of comradeship and friendship that exist between the Returned Services League of Australia (and particularly the South Australian division) and the Turkish War Veterans Association but also to acknowledge and promulgate the role that Turkish migration has played in the development of Australia and our nation.

Members will need little reminding of the Gallipoli campaign. The young men of both nations threw themselves—chest against machine gun; bayonet against chest—into a most vigorous, bloody and ruthlessly fought campaign. Australia was, to the minds of the Turks, the invader. Of course, we saw it differently; it was a different time. They defended their nation with great courage and determination, as did the young Australians, New Zealanders, French, British and others who fought for their nation on those bloody shores.

Since those years both combatants have come to see and to respect the courage, perseverance and human qualities that both showed not only in the way in which they fought but also in the way in which they treated each other. Indeed, these were different times, and they were times after which there was considerable reflection.

I recall, when commanding our peace-keepers in Egypt in 1993, a visit I made to the El Alamein battlefields. A commemoration is held there each year, which is hosted on different occasions by the commonwealth, the Italians and the Germans. On this occasion in 1993, the host country was Italy. After the commemoration, a few of my soldiers and I visited the German graves. The Germans, unlike the commonwealth, buried all their dead in one massive grave. I noted, on the mausoleum that has been built on top of this massive grave, the visitors' book. There was a comment there from a visitor, a former British soldier, who said:

I visit this place [this German cemetery] with great pride. Once a respected enemy, and now an endeared friend, and I part in peace.

It was quite a touching comment from a soldier in that context, and it said two things: that he respected his former enemy, and now regarded it as a friend. I think it is with that same spirit that this initiative is born: it is with that same spirit of recognition that, in those different times, we were enemies—but respected enemies—but now we realise that we are friends.

This sense of spirit is not unique between Australians and Turks. In fact, I think there is the same spirit of forgiveness and acceptance with respect to other adversaries who we fought in both World War I and World War II. I do not need to remind the house how many people we fought with side by side: we fought with the Egyptians, the French, the English and the Americans; we fought in the hills of Greece and we fought on the island of Crete with our Greek allies. We fought with so many brave soldiers from so many countries, side by side, as our allies. But we also fought against brave soldiers, who died for what they believed at the time was right.

Now, after those conflicts, we can reflect back on that; we can reflect back on the human qualities that both sides demonstrated. This initiative seeks to recognise that particular bond between the soldiers of Turkey and the soldiers of Australia. However, I think it really captures a greater spirit: it captures that spirit of mutual respect between Australian soldiers and their former enemies, but also Australian soldiers and their former allies in all conflicts. I think it is a symbol, which I hope we can support in this parliament, which our federal government can support and that sponsors will seek to support.

The plan is that the group from Turkey will arrive in Australia on or about 20 April and will be welcomed by the organising group, which will include the RSL and representa-

tives of the Turkish community here in Australia. There will be wreath laying ceremonies at the Light Horse Memorial; visits to RSL headquarters at the Torrens Parade Ground; and meetings with the Turkish community and ex-servicemen groups. During the period of 21 to 24 April a range of events will be conducted here in South Australia, and elsewhere, where the former servicemen of both countries will travel and mix and meet and discuss and reflect on the events of 1915 and, indeed, throughout World War I.

On Anzac Day, of course, there will be the dawn service ceremony and other events during the day at the Cross of Sacrifice, the vice-regal reception, visits to Torrens Parade Ground, the Anzac Day march and other events. On 28 April, or thereabouts, the plan is to fly the group to Canberra, where there will be a further itinerary at a national level from 28 April to 30 April. That will continue until 2 May, when it is expected that the Turkish group will return to Turkey.

All this costs money. The RSL and the organising committee have, indeed, raised quite a significant sum. I think they have done a fantastic job—and I noted the raffle books being handed around by my friend the member for Mawson at our party room meeting on Monday morning. In fact, I have one myself and I have not given him the cheque yet; I had better make sure I do. The member for Heysen has bought one. I feel very confident that when the raffle books are handed around to members opposite they will buy the tickets with equal aplomb, because I know that we all share the same sense of obligation, duty and care towards these ex-servicemen and towards the spirit to which I have referred.

This group has done a great job raising money, but it will need a little government support from both state and federal governments. As I said, I have written to my federal colleagues and asked them to support it. But I think the cause needs a champion, if you like, and I think the appropriate champion would be the Premier. That is why I ask, in the spirit of bipartisanship, that he consider this motion carefully and see what can be done. I know that money does not grow on trees, but a number of funds are available from which support might be provided for this initiative. I am sure that any amount would be welcomed. But, of course, there are other things that can be done. The state government could involve itself in a reception of some kind and provide protocol and other support with respect to the visit. But, most importantly, the state government could help with sponsors, by encouraging private sector individuals to perhaps contribute small amounts or large amounts towards this goal of $50 000. In fact, I think the organising committee already has raised about $10 000, and about $40 000 is still to be raised.

I think that, if the federal and state governments and sponsors get together, we might be able to cobble together a pretty terrific event, which I think in these current times is particularly relevant and cogent. Here we have a former enemy, and now a respected friend, and a predominantly Muslim nation and a predominantly Christian Australia, coming together each year to celebrate the sacrifice of their young men. I think it demonstrates that we have a common history, that that history remains relevant today and that that spirit of goodwill and forgiveness, and that spirit of Gallipoli, remains relevant today.

With that same goodwill and that same understanding, we may well be able to see our way through some of the challenges that both nations, frankly, presently face in world affairs, but which all nations face, given the war on terror and the dramatic events of recent years around the world in which Australians have been involved. Members will not need reminding of Kemal Atatürk's fabulous tribute in 1934 to the fallen. Of course, members would know the Turkish commander went on to lead his nation. He said:

> Those heroes that shed their blood
> and lost their lives. . .
> You are now lying in the soil of a friendly country.
> Therefore rest in peace.
> There is no difference between the Johnnies
> and the Mehmets to us where they lie side by side
> here in this country of ours. . .
> You, the Mothers,
> Who sent their sons from far away countries
> Wipe away your tears;
> Your sons on are now lying in our bosom
> and are in peace.
> After having lost their lives on this land they have
> Become our sons as well.

It is with that spirit that I look forward to the Premier and the government, in a spirit of bipartisan and with our full support, seeing what we can do to help this project to a successful conclusion in 2005. I commend the organising committee and the RSL state division for taking this splendid initiative.

Mr RAU (Enfield): I would like to say a few words about the sentiment underlying this matter and the very important role that the commemoration of Anzac Day has for both Australia and Turkey. As a younger person I did not know a great deal about the First World War. The idea that a bond was built by the contest that took place in Asia Minor in 1915 never actually occurred to me. However, it was first drawn to my attention when I was a fairly young legal practitioner and I was asked to represent a Turkish man in the Adelaide Magistrates Court, who was charged with having had a few too many drinks and being in charge of a motor vehicle. When I was taking a statement from this fellow, I said, 'I thought you might have been a Muslim and imbibing might not have been part of your normal daily behaviour.' He said, 'You are absolutely right, I normally don't, but it was a special day.' I said, 'Was day was that?' He said, 'It was Anzac Day and I had been down to the RSL.' I thought to myself that was the least likely explanation I had ever heard for a chap having had too much to drink but, nonetheless, that was the case

Mr Venning: You did very well.

Mr RAU: We did very well, but I did not want to blow my own trumpet. In any event, that set me thinking. Some years later I was lucky enough to find myself in Turkey. In Turkey the warmth that is offered to Australians by the Turkish citizens is quite remarkable, particularly when one bears in mind that their experience of us was coming to them as invaders. We need to bear in mind that, from the Turkish perspective, it is difficult to find anyone more offensive, one would think, than members of the Australian, British and French forces who turned up on the Gallipoli Peninsula in 1915.

Nonetheless, there is a great deal of respect. I think it is largely to do with the tremendous statesmanship of Kemal Atatürk, and the way in which he was able to lead that country into the modern times and embrace his former enemies, that this sentiment still prevails today. There is an odd comparison between Australia and Turkey, which really is quite remarkable; that is, the First World War was a crucible from which both these countries emerged in their modern form. The Turkish nation, as we know it now, did not exist before the First World War and, in a sense, was created by the First World War and the activities of, in particular, Kemal Atatürk.

The same thing could be said of the Australian nation. To this day a lot of Australians, particularly young Australians, visit Turkey and they are drawn almost magnetically to the area around the battlefields. As a person who has visited that area, although not on Anzac Day I am sorry to say, it is a very moving experience. It is a strange thing to find yourself as an Australian moved on a Turkish beach more than you have ever been in your own country. It is a very strange experience, indeed. That is the experience that awaits anyone who takes the trouble to visit the battlefields in Turkey. I would implore all members of this place, who have not already at some stage had the opportunity to visit Turkey, in particular the battlefields of 1915, to take that opportunity. It does occur to me that the 90th anniversary in April next year is probably as good a time as any for anyone to go there and to experience a dawn service at Gallipoli. That is for every individual to make up their own mind.

The sentiment behind the motion moved by the honourable member is very important. It does well for Australians to remember these important links forged, as they were, in peculiar circumstances, one would have thought. I think the idea that we can improve and disseminate information about our relationship with Turkey and the importance of these conflicts to both nations is to be commended.

Ms BEDFORD (Florey): It would be probably impossible to add very much to the eloquence of my colleagues' statements this morning. I commend the motion to the house and also the organising committee. I am very grateful that South Australia is the home of the people who thought of this idea, that this will be the place where it all comes from. I know that the Premier, whom I had the pleasure of representing at the launching ceremony on Remembrance Day this year, is committed to this idea and, indeed, this morning he has said so to the gentlemen in the gallery who are part of the organising committee. I know the state will get behind this event, and I know it will be a huge success.

On Remembrance Day, I was able to purchase two books put out by the Turkish community: one talking about the Turkish side of the Gallipoli campaign and another talking about the history of the Turkish people since they had migrated to Australia. The importance of this event as a cultural event cannot be understated, either. As far as getting to Gallipoli and being there for a Remembrance Day ceremony, I may not be able to do that for some time. However, members might recall that the weather on Remembrance Day was terrible; the rain was pelting down—not that that should deter us from laying our wreaths at the appropriate time. However, I was caught in the house here and unable to get a pair. I did lay a wreath on behalf of the Premier at Centennial Park. If anyone has not been there before, that is a place to go to look as well, because the pine trees growing at the end of Memorial Drive were grown from seeds from the tree at Lone Pine. I must admit, standing at the sunset (because I went later in the afternoon on the following day) it was hard not to be moved by the sight of the trees and the graves around them. I commend the motion and congratulate the member for putting it, and I look forward to taking part in the celebrations next year.

Mrs HALL (Morialta): I support the initiative moved by my friend and colleague the member for Waite. I think it is a significant motion to have on the *Notice Paper*, and it does give us an opportunity to say a few words about the content and the direction of the motion. I first learnt about the Spirit of Gallipoli when I attended the Lions Club multicultural fair in November this year. It was held in Victoria Square. I was very struck by the presence and promotional activities involved with the South Australian RSL and the Turkish Association. They were, predictably at a fair in Victoria Square, involved in a very active and tasty barbecue, selling raffle tickets (as is the wont), and very proudly talking about this initiative and what it hoped to achieve. I think it is appropriate to read out the objectives of the project. In the material that I have it says:

> The objectives of that particular project are:
> · To express Australia's gratitude for the care and affection that the Turkish people have afforded our young men who gave their lives and now lie within the bosom of the Gallipoli Peninsula.
> · To reaffirm the bonds of friendship that exists between the Returned Services League of Australia and the Turkish War Veterans Association.
> · To acknowledge, promote and promulgate the role that Turkish migration has played in the development of Australia as a nation.

They then go on to outline the program that is yet to be finalised when these Turkish veterans arrive in Australia and their participation in the Anzac Day ceremonies.

It seems to me that it is an initiative that should be supported in a bipartisan way, because I do not know that many Australians or many South Australians know of the activities of the Turkish community in our state. Small they may be in number, but very active they are in work and involvement with our various communities.

The Hon. M.J. Atkinson: And their Turkman and Turkistani friends, migrating to Australia now.

Mrs HALL: Absolutely. Like the member for Enfield, I am one of the many thousands of Australians who have done the pilgrimage to Anzac Cove. I did that in the early 1990s. It is very difficult even now adequately to describe the feelings that are involved and experienced when you walk on those beaches to which the member for Enfield referred, but more horrifying is when you walk through some of the trenches and up some of those hills. It is quite extraordinary to imagine or try to relive some of the activities that took place in 1915. I happened to be there on a beautiful sunny day which seemed to have a deafening silence. It was very difficult to imagine what took place all those years ago.

I think the emotional impact of that visit has many ingredients, but they do include shock, horror and aspects of reliving some of the courage and pride that has taken place since. In particular, for me it revived the essential drama of the whole event and the effect that that set of activities has had on the identity of Australia as a nation. Each year on Anzac Day celebrations—and I guess we all go through it as we look at the television and read the various reports of those who were involved or those whose family were involved. After that particular visit to Turkey, I took a particular interest in the history of all that took place. Whilst I will not repeat what the member for Waite has said in such an articulate manner, the other moving ceremony in which I was fortunate enough to be involved several years ago was when as tourism minister I had the opportunity to lay the wreath at the London Cenotaph, followed by a visit to Westminster Abbey for the memorial service.

The three things which struck me in a real sense was the crowd that gathered around the wreath-laying ceremony. Whilst they were overwhelmingly Australians and expats, a whole stack of rather bewildered and curious looking tourists could not work out what all the flying kangaroos and Australian flags were about, although they did understand and recognise that it was some sort of ceremonial occasion. The

aspect that left me with a lasting memory is my attendance at the service at Westminster Abbey. The service was conducted by not only an Anglican priest but one of the representatives from the Turkish church. There was not a dry eye in the place when Ataturk's famous words were read at the conclusion, as well as some of the words that have been used so ably over many years in Australia about what all this means.

I just wanted to say a few words to support the member for Waite's motion and also to relive some of the activities and emotions that I experienced on my visit. As the shadow minister for multicultural affairs, I think initiatives such as this are extremely important in continuing the relations between our countries. Today we talk of trade, aid, culture, health and the wealth of nations, but I recall over a number of years the importance of having discussions and briefings with nations on the many aspects that affect our future. I believe these exchanges are always useful and rewarding, because they demonstrate in a very real sense how many of our nations have grown and developed, and they particularly strengthen our relationship with other members.

The rapidly expanding economy of not only Australia but Turkey shows the opportunities that goodwill visits such as this one proposed by the Spirit of Gallipoli organising committee will create. Because Australia is a very proudly multicultural community, it is important for all of us to support this motion. It will be extremely fitting that the commemoration of Anzac Day should include the presence in Australia of representatives of the Turkish War Veterans Association, because they will represent the pride of the Turkish nation when we so often talk about the pride of the Australian nation.

We all have many challenges to face other than this issue, but I believe this motion is worth supporting. So, I hope that, in a very real sense, each and every one of us (apart from buying raffle tickets) will be able to assist in whatever way we can to help with sponsorship. I congratulate the organising committee, and I think that, in a small sense, this initiative will help us to celebrate the peace and harmony enjoyed by our two countries now in the 21st century.

Ms CHAPMAN (Bragg): This week I attended the last supper to commemorate the passing of the Burnside RSL. This event was a celebration of the 76 years for which that organisation has served South Australian returned servicemen and women. On this occasion, Oliver Fuller, a long-serving member of that branch, recognised the longstanding service of some 15 years of the President, David Herepath. He mentioned that this branch was established immediately after World War I, and he reported on the distinctive service that it has given to the community. After World War II they hosted Anzac breakfasts following the establishment of the memorial service at the corner of Prescott Terrace and Alexander Avenue.

This passing of a branch of significance in the RSL which has served for such a long time is a reminder that, because of the age of our returned servicemen from World War I and World War II who have formed historically the basis for the RSL, it is even more important that we commemorate events in our history that recognise the superb contribution of and sacrifice made by our returned servicemen and women. I am proud to say as a member of the Liberal Party of South Australia that it is a requirement of our Constitution that due recognition be given to the provision for and support of our returned servicemen and women.

I am also pleased to say that the RSL has now established a peacekeeping branch. If one looks at the last 100 years, one will recognise that, now, it is civilians in war and post-war periods who very much need our assistance in avoiding both fatalities and injuries.

When we look back at World War I we envisage the slaughter of our young men that occurred, and now, when we look at today's conflicts, we see the slaughter of men and women in the civilian population at an even greater rate—it has certainly increased since the last century. So, I commend the RSL for establishing this peacekeeping branch, which will recognise both the past service and the ongoing service of our servicemen and women in places such as the Middle East, Cyprus, Timor, Cambodia and presently in Iraq, to name but a few.

The other reason why I support this motion, other than because of the urgent need to ensure that our young people understand the contribution that has been made by our servicemen and women in the past, is that, historically, South Australia (and the South Australian government in particular) has been a leader in recognising these efforts. I will name some of the ways this has been done, because hopefully that will ensure that the Premier takes heed of this motion, which appears to have the support of all members of the house, and makes a contribution.

South Australia, under the premiership of the Hon. Dean Brown (together with Victoria), led the nation as a principal donor, making a substantial contribution to the Australian War Memorial redevelopment, which was completed six or seven years ago. This was an important initiative, and I am proud to say that, as a member of the Australian War Memorial Advisory Board for South Australia, it was very pleasing to me that that contribution was made. Subsequently, under former premier Olsen, and with the support of the then leader of the opposition (Hon. Mike Rann), efforts were made to ensure that the Torrens Parade Ground, when it was relinquished as an asset of the commonwealth and given back to the state of South Australia, would become the home for those organisations, in particular, the state RSL. I recall that Legacy, War Widows and other organisations worked with the Torrens Parade Ground Committee (of which I am proud to say I am a member) and the immediate Past President of the RSL, John Bailey, to ensure that those organisations would be given a home in South Australia for the future provision of services. Not only have we been a leader but also there has been an historic contribution by the state government.

What will possibly interfere with the current state government moving towards a contribution to bring five Turkish veterans to South Australia? Possibly it would be the fact that since 1974, since the invasion of Turkey into Cyprus, unrelenting attempts have been made by governments in Australia, including the commonwealth government and the current state government (I recognise that the Hon. Mike Rann has been active in pursuing compensatory payment both through litigation and in the enforcement of judgments that have been made) to bring the Turkish government to account in relation to that issue.

That is not something which should be interfered with or which should impede the Premier from recognising that this is a distinct commemorative act. This is not inconsistent with the position that the government has taken, both state and federal, in relation to the continuing Cyprus issue. I would ask the Premier to look beyond that, if in any way that is to be an impediment in his view to the government's making a

contribution, both personally and financially, to assist the veterans to come to Australia in 2005 to recognise the 90th commemoration of Anzac Day. This would help to ensure that future generations will remember what sacrifice has been made and what service has been given.

Dr McFETRIDGE (Morphett): I rise to support this motion with a short contribution, because I would like this motion to be put this morning, if that is the will of the house. The RSL is an iconic organisation in everyone's mind in Australia.

I am very disappointed to say that the Glenelg RSL folded. However, I am delighted to say that they have amalgamated with the Plympton RSL. My wife and I had the pleasure of attending a function there recently. It is an absolutely fantastic group of people down there. The members of the RSL at Plympton have served in many areas of the military and on many battlefronts.

The privilege of a member of parliament coming here to represent all sections of the community is something that I take with a great deal of responsibility. However, the RSL organisation is particularly dear to my heart, because I know that Australia would not be the place it is today if it were not for those brave men, women and very young people. My father was 16 when he joined the Royal Marines in England. I have heard stories of some teenagers who joined the Australian military forces. If they had not been as brave to put their lives on the line for their country, we would not be standing here today and enjoying the lifestyle we have in what is indisputably the best country in the world. I do wear my heart on my sleeve in these sorts of issues. I am not ashamed to say that at all.

The Anzac dawn service at Glenelg is attended by thousands of people, and the number attending is becoming greater and greater each year. Indeed, I am very pleased to say that the number of young children attending is increasing dramatically. The new venue for the dawn service at Glenelg is the new memorial at Holdfast Shores. I will quickly describe the new memorial for the house: it is a granite slab with a sword and wreath on it, and around that are a number of large boulders. There are speakers near these boulders, and one can stand there and listen to the recorded voices of an Australian airman, an Australian soldier and an Australian Army nurse. To listen to what they are saying about their memories and experiences is unbelievable for someone in my situation, because I have never been in the military or been to war. To try to imagine what they have been through and hear their voices first hand is a very moving experience.

I have friends who went to Gallipoli last year. When they returned they showed me photographs and described to me their experience there. Like other members in place, they have said to me that it is one of the most moving experiences one can possibly undertake. That is rather strange, because Gallipoli happened many years ago now; it is on a distant shore; and it is becoming a distant memory for many—but certainly it is not forgotten in the hearts of all Australians or, more importantly, of the Turkish people as well.

It is vital that we recognise the fact that war is a bit like what happens in this place sometimes. There is a lot of argy bargy, but then when you step outside the chamber it is quite cordial. In war, it is not just a matter of argy bargy, it is a matter of life and death. But then, once the war is over, peace reigns and countries do get on. It is a shame that in the process many people's lives are lost and other people's lives destroyed emotionally and psychologically.

The Turkish people went through a lot trying to defend their country. It is amazing that we are on such fantastic terms with the Turks. They are a wonderful group of people and it is a wonderful nation. I do hope to get the opportunity to travel to Gallipoli to experience the atmosphere there, just to recognise the fact that the battle of the Anzacs on the Turkish beaches is something that is sacred to Australia. To bring the Turkish veterans over here is something that everybody in this house will support, I have no doubt whatsoever, and I urge the state government, the federal government, and any philanthropic businesses out there, to get behind the RSL and make sure that this visit goes ahead and is the success that it should be.

Ms RANKINE (Wright): I rise to support the motion put forward by the member for Waite. The 90th commemoration of Anzac Day next year will be a significant event, and I think that it is not unreasonable to say that the unique character of the Australian people was very much highlighted in those battles 90 years ago on the beaches of Gallipoli.

Mr Koutsantonis: They were led by donkeys.

Ms RANKINE: That is another issue. The fact is that those young men that went to war and were prepared to put their lives on the line showed what sterling characters they were. The support that they gave one another and the high spirits which they maintained throughout a very devastating campaign is something that each and every Australian should be very proud of.

Each Anzac Day, as the member for Morphett said, becomes more and more relevant, and I know that the diggers, both in the Anzac march, and at the services that I have attended—you see a great deal of delight on their faces as they see so many more young people turning out to pay their respects for those that are still with us, and those past. My own father served in World War II in the Pacific campaign and was a fairly reluctant attendee at the Anzac march, but I remember as a young girl him going to one march, and then not so long ago he agreed to go in a march to allow his grandchildren to see him in the parade. It was quite an emotional event seeing this old man in his wheel-chair with his grandchildren standing on the side so proudly.

War veterans are our living history and I am very proudly a member of the Salisbury RSL. They are great treasures, and they are incredibly generous with their time in so many ways. They give their time in schools and I know that out at the Salisbury RSL they have a magnificent program where these old diggers go out in the weeks before Anzac Day and talk to the students about their life experiences as young men in wartime. They have a history of great community service to the community generally, but very specifically of looking after veterans and their families. The war widows and the children of veterans are looked after incredibly, and when you see a veteran fall on hard times, whether it is through illness or some other circumstance, the programs that are in place and the support that swings in behind them is quite awe inspiring, and a real example to all of our community.

I was very sad that recently the president of the RSL, Mr John Bailey, resigned. He was a very active member of our volunteer ministerial advisory group and through ill health John could not continue any longer. However, I am sure that all of those in the RSL and all of those that know him in this place know what a magnificent contribution John made over such a long period of time. I would also like to pay tribute to the President of the Salisbury RSL, Mick Lennon, who has been Salisbury Citizen of the Year on occasion, he is

President of the Northern Volunteering Association, heavily involved in Lions and has been the driving force behind a lot of the school programs out in the Salisbury area. As I said, I think that the celebrations of Anzac Day become more and more meaningful as the third generation of young people have the opportunity to meet with, and talk to these people about their history. I think that there would be great excitement in our community to have the honour of hosting some of the Turkish veterans here, and I commend the member for Waite for his motion.

Mr SCALZI (Hartley): Thank you, Mr Speaker. I, too, wish to make a brief contribution on this very important motion. I commend the member for Waite, and I commend the Turkish community and the RSL for initiating this very important program to commemorate Anzac Day, and to bring the Turkish war veterans to Adelaide. As I said a few weeks ago, I am honoured to be an affiliate member of the Payneham RSL and I commend Clarrie Pollard from the Payneham RSL; the Glynde RSL organiser last year, Allan Hudd; and Ken Richards from the Magill RSL. With the President of the South Australian branch, Jock Statton, the RSL is well served, and I am aware of all the programs that take place, especially in my area, in conjunction with the civic education that takes place in the schools.

It is these types of initiatives that eventually will reduce conflict in the world. Those Anzacs and the Turkish soldiers, although they marched on different sides, they marched and fought with the same ideals. They all became one as they lay side by side. Now that the battles and the war are over, they are all brothers, sons, under the one sun. I am really touched by the poem *Atatürk's Tribute*. It says it all. I think that any involvement in such a program should be commended and, in a multicultural society such as ours, we have succeeded ahead of many other countries. As I said, my father fought against the Australians in the Second World War, but the fact that I stand here as a member of parliament and that I am proud to be an affiliate member tells us much about our democracy. I would like to conclude my remarks by reading the poem, *Atatürk's Tribute*:

> Those heroes that shed their blood
> and lost their lives. . .
> You are now lying in the soil of a friendly country.
> Therefore rest in peace.
> There is no difference between the Johnnies
> and the Mehmets to us where they lie side by side
> here in this country of ours. . .
> You the mothers,
> Who sent their sons from far away countries
> Wipe away your tears;
> Your sons are now lying in our bosom
> and are in peace.
> After having lost their lives on this land they have
> Become our sons as well.

One has only to attend those commemorations to know how the Australian/Turkish community feels about those Anzacs. I commend the motion.

Mrs GERAGHTY (Torrens): I have listened to the contributions to this motion this morning, and I agree with the sentiments that have been expressed. I will not canvass those matters again. The Torrens Parade Ground is an indication of our government's commitment to our returned services men and women, and the bond now formed with those who were once (and I will use the term) adversaries shows respect and understanding that in war all suffer.

My grandfather was in the Light Horse Brigade and, as a youngster, he would sit and talk to me. I still have a number of those books at home that I showed to my children when they were little, and occasionally I ponder through them myself. I understand the emotion of the member for Wright. I am very pleased to say that, on behalf of the Premier, the government supports this motion.

This morning, the Premier asked me to advise the house that he is delighted to support the motion by giving $15 000 to assist in bringing these five Turkish veterans to Adelaide for the 90th commemoration of Anzac Day in April 2005. I am very honoured to advise the house of that.

Mr GOLDSWORTHY (Kavel): I, too, have pleasure in joining with my colleagues in supporting the motion moved by the member for Waite. It is very pleasing to note the comments from the member for Torrens that the government joins with us in a bipartisan manner to support the contribution of funds to enable these Turkish war veterans to come to this state to commemorate the 90th anniversary of that first Anzac Day. I would also like to speak briefly about the RSL (Returned Services League) in South Australia. Since becoming a member of this place (2½ years ago), I have had the real pleasure of forging a quite strong relationship with the RSL and members of the sub-branches in my electorate in the Adelaide Hills. We have quite a number of sub-branches in the Hills: Gumeracha, Lobethal, Mount Barker and Hahndorf, just to name a few.

Mrs Redmond: And that is just in Kavel.

Mr GOLDSWORTHY: That is just in Kavel; that is right. Every year my wife and I have real pleasure in attending the functions held by the RSL, particularly their annual dinners. At times I am invited to say a few words at those dinners, and I will repeat in the house today some of my remarks I made there, because I believe them to be the truth. The RSL forms part of a solid foundation, part of the fabric upon which our society and community in Australia is built. It is a very big part of our culture in this country.

What also impresses me greatly is the support that individual sub-branches give to others. I suppose that is a philosophy that was formed when all those people served together. You did support your brother and sister in a time of need, particularly when things were tough in the theatre of war. I think it is a tremendous tribute to the RSL that that philosophy continues. We see that philosophy being carried out today when members meet, not necessarily to recount some of their experiences but to pay tribute to their brothers and sisters who made the ultimate sacrifice, and also to have some good fellowship with one another.

I commend the member for Waite for bringing this matter to the attention of the house. As I said, it is very pleasing that the government has shown bipartisanship in this matter and agreed to contribute $15 000.

Mr KOUTSANTONIS (West Torrens): I rise to support this motion. I have listened intently to the talk of the Turkish government's facilitating the bringing of these five Turkish war veterans to Australia and the financial support that we are asked to give them, and I support that. I listened intently to the member for Bragg's comments about this not being in any way a token of support for or recognition of the barbaric nature by which the Atatürk regime and the current Turkish regime have treated minorities within their own country and, of course, their illegal invasion of other countries and their illegal occupation of Constantinople.

The great tragedy of World War I was that the flower of Australia was killed on those battlefields, and Australian nationalism died forever that day. I have read many books about Gallipoli. I remember reading a book at an ACTU congress about a group of researchers from Griffith University in Queensland who were doing research on the battles of World War I, and it was reported that AWU tickets had been found on the battlefields. These diggers took their union tickets with them; that is how passionate they were about their union membership.

Mr Brindal: Rubbish!

Mr KOUTSANTONIS: I am not saying that they all did; I am saying that some did. If the member for Unley thinks that, somehow, a unionist's sacrifice on the battlefield is less meaningful than someone else's, he should be ashamed of himself. My point is that, before World War I, Australians were passionate about their country—as they are now—but it seems to me that the great tragedy of World War I was the huge loss to Australia. Australia changed forever after that war. The loss of young men altered many communities, changed the way we viewed ourselves and, of course, ended Australian nationalism. I completely support this motion. I think it is an excellent idea to commemorate what occurred in Turkey on that day. I think Australian veterans should be celebrated.

One tragedy we have had in our history is the way in which our Vietnam veterans were treated after they returned home having served their country, especially how some people treated them when they returned in ships at ports or at airports. The last thing I want ever to see happen again is our veterans returning home from combat being treated in that way. I think that the more we do by not honouring war, but honouring people's service and sacrifice, the more we can educate young people that, whether or not they agree with war, they are not to take it out on the soldiers and those who serve. Rather, they should take it out on the elected members of parliament and the leaders who send them to those conflicts.

I think that anything we can do to commemorate people's service in an honourable way, including that of our past enemies, will help us to lift the debate about these issues. Hopefully, when our troops return home from Iraq, no-one will be standing at the ports or the airports criticising them for their service or doing anything outrageous, as they did during the Vietnam war.

Mr BRINDAL (Unley): I am prompted to make this contribution because I have listened to the debate, and I would like to add my voice by saying that I find the issue somewhat perplexing. I acknowledge what the member for West Torrens and other members have said, and I think it has an element of truth to it. Being older than the member for West Torrens (around your age, sir, and you would remember this), I remember, after the war, when we were quite young, the attitude of our returned servicemen, I think justifiably, to the Japanese, whom they had fought through the South Pacific and with whom they had been engaged and had seen some of what had happened in the name of war, which was quite horrendous. You would remember, sir. There were people who just could not bring themselves to talk about the Japanese and who were very much against Japanese people coming here. They would not buy Japanese goods. There was a real feeling. That has dissipated with time, because a new generation has grown up, and that feeling of my father's and my grandfather's generation they at least did not transmit to their children.

There is a saying: let the dead bury their dead. I think the member for West Torrens made a valid point. What is behind us is, in fact, behind us. But I am not quite so sure what I think about this measure, and I think it will be difficult for a lot of Australian people. I do not know whether I heard the member for West Torrens properly, but this was when, in many ways, Australia, in a very awful way, matured as a nation. It was when, for the first time, we went away, not as a series of states but as a nation, into an awful situation, generally, due to the stupidity of English generals and admirals, and all the rest of it, who thought nothing of—

Mr Koutsantonis: Donkeys!

Mr BRINDAL: Yes. The member for West Torrens said 'donkeys'. It is quite wrong to acknowledge interjections but, in that case, I think he is being rather kind to some of the English generals and admirals that we have had over the years: to say that they were donkeys is a little bit of an insult to donkeys. Their attitude was in many ways that the sacrifice of colonials was all right (this happened a number of times in the war and was, in fact, fought by some of our leading politicians): that in some way it was all right to send Australians and Canadians into the front lines of the most awful battles and to suffer the most horrendous losses, because those losses were not reported in *The Times* and in the papers in England, where there might have been an electoral backlash against the English establishment or the English government.

Members here would know that Rupert Murdoch's father was one of the people who advised the prime minister exactly what was going on, and the prime minister insisted on some changes—

An honourable member interjecting:

Mr BRINDAL: —yes—in that Australian soldiers should not be used as cannon fodder for an empire that saw them as some sort of lesser beings and, therefore, expendable. I am not standing here arguing that right was on any one side at all. I am not standing here arguing that we should not do this thing, but I am saying that in the final resolution of what the war meant to various nations this still remains a slightly perplexing issue.

In answer to the member for West Torrens, I could not concur with him more about the national shame that represents the Australian people's reaction to Vietnam veterans. Those veterans went away lawfully, at the behest of their government, to fight what their government said was a just and right cause. The Australian people in the end came to disagree with their government and expressed that opinion strongly, but the Australian people, I think to our shame as a nation, had absolutely no right to take out on those returning servicemen the mistake of the elected government of the day.

I point out to this house—again, being of an age—that the Australian nation went there because Sir Robert Menzies announced the domino theory. It all sounded fine. It all looked like a romp in the park, as did the First World War and the Second World War, and it became for many a heinous mistake. But, it was a mistake, firstly, of the government and, secondly, of the Australian people, not of those veterans who served there, some of whom still suffer. It is one war that really caused psychological damage in disproportion to what I believe I have ever seen written. Every war is horrendous, but that war seemed to leave psychological scars on people that is almost without precedent.

I think the member for West Torrens should have tempered his remarks, at least by this: while I think in hindsight we may have made some mistakes—and I say 'we' as a government or as a nation with a national government—in some of our causes, nevertheless, I think that as people who come after them, we should be a little less slow to be judgmental. It is all right to say after the event that Vietnam was a disaster and a mistake, but at the time did those people genuinely believe the cause for which they sent Australia to fight?

Members interjecting:

Mr BRINDAL: To fight?

Mr O'Brien: It was in violation of the Geneva Convention. The separation of Vietnam was an illegal act.

Mr BRINDAL: That is interesting. I look forward to the honourable member's contribution because I have never heard that espoused before. All I am saying is that for many reasons the Australian parliament acts, and history might not record that act with great charity or consider that we had great wisdom. However, in my 15 years here (and I hope it will continue for the rest of time my time here), I have never seen the parliament deliberately act in a way which was other than what we genuinely thought was for the good of the South Australian people.

All I am saying is that maybe our governments have not always got it right, but one would hope that we give them the charity to believe that they tried to get it right and that at the time they believed they were doing the right thing. I say that to the member for West Torrens because I hope that when history comes to judge us, when we leave here, it will acknowledge that even the things we get wrong we got wrong while trying to get them right.

I find this a perplexing situation. I am not unhappy at what is happening, but I am truly not sure what I think. As a result of talking to some of my electors, I think it equally puzzles them. Sir, I know you laugh, but it is quite valid to stand here and say, 'I'm not sure what I think.' Too often we get up here and we are so positive about what we think that we make asses of ourselves.

Mr CAICA (Colton): There have been significant contributions. I, too, was perplexed, but mostly perplexed by the member for Unley's contribution to the debate. I think I have mentioned previously that my father was Romanian. In fact, the area from which he and his family came was Bessarabia, which was a disputed territory between Russia and Romania and today is the Republic of Moldava.

At the end of the Second World War, when the Russians were coming in, my grandfather disappeared and my grandmother said to my father and his brother, 'Time to get going,' so my father finished up here in Australia on a very convoluted course, and my uncle moved to, and has lived ever since, in Turkey. He changed his name to Ali Kaygi, rather than the Caica name we had. In fact, my two cousins are Turkish citizens, although one now lives in Australia.

The point that Uncle Ali has made to me on numerous occasions is that a spiritual relationship was forged between the Australians and the Turks during the First World War. He reinforced that. There is a genuine emotional relationship between the two countries.

I support the motion and commend the member for Waite. I look forward to in some way assisting and participating in the commemoration when those Turkish soldiers arrive in Australia.

The SPEAKER: If it pleases the member for Waite, given that no member wishes to oppose the proposition, I will be pleased to make my contribution before putting the motion; and I trust that I will be permitted to do so, as the member for Hammond, from where I sit. I thank the member for Waite and the house for allowing me to say so.

It is never possible for people who have been involved to set aside feelings they may have when they revisit such memories as they may have, especially in circumstances where they have been involved in violence or combat—call it what you will. I have to say this morning, though, that I thank very much those members of a delegation who have been visiting the parliament in consequence of their knowledge that this motion was to be debated, and they are people whose feelings I know would be very mixed at the moment. Nonetheless, they are pleased for themselves, and particularly for their colleagues and those whom they may have known and who gave their lives in combat, that this house has acknowledged that contribution in the multi-party way in which it has.

There are members of Australia's armed forces, as well as ordinary Australians, who have served their country by volunteering to do so in situations where they knew their presence would be officially denied; and, for a very long time, those places in which Australians served during the 1950s and 1960s were places which the government of the day would officially deny should they have ever been, as it were, caught by anything, their having been killed or not.

Their clothing was not regular army issue: it was battle fatigues which perhaps might have been used by anyone—a mercenary or otherwise from anywhere—albeit serviceable, useful and more effective. Nonetheless, they were kitted up in a way which made it impossible for them to be formally identified as Australians. I acknowledge with empathy the difficulties which one or more of that group may have in trying to recall what they were asked to do and committed to do in the belief that they were serving the best interests of their country in consequence of the request that was made to them by representatives of government. And we as members of parliament hold those representatives to account, both in history and, albeit reluctantly, in the future. We as members of parliament are part of the group of people who make such decisions that do have an impact on the lives of others.

Conflict anywhere is something which does have a silver lining to it, as dark and as evil as it may be in its motivation; that is, it can often bring together groups of people, tribes or other ethnic entities, when they are confronted by a common foe. I hold the view that Australia's national identity was indeed advanced and forged more particularly through our participation as a coincidental benefit in those conflicts more than it divided us, or, in any sense, denied our national identity. I am strongly of the view that it also assisted Turkey to become, for instance, the very strong nation that it is now, where it is democratic, having before been part of an empire, a dictatorially dominated society in which citizens had no status other than that given to them by the emperor and his minions.

Peace, or the pursuit of it by pacifists, whilst laudable in explaining what they see as the benefits, is never likely to achieve a state of peace and civility between free peoples seeking democracy. On the contrary, it will happen in spite of their efforts as much as because of them. Peace is only ever won by a rational, methodical approach to the confrontation of those forces which would otherwise take control, dominate and subjugate the people over whom they would

simply march in doing so—and Europe learnt that twice early last century to its peril.

Indeed, history of the whole human race shows that those societies which do not provide for themselves the means by which they can defend themselves against attack and domination from outside soon become dominated by the forces outside. It is therefore necessary for us to remember that the price of freedom and peace is eternal vigilance—and that embodies and implies being prepared.

I was astonished earlier this year to have been awarded the Peace Prize for my contribution to that methodical approach over almost 40 years of my life in encouraging other people (whom I saw as being relevant and rational in the societies in which they live elsewhere on the globe) to retain their rational contemplation of a better way of living than the undemocratic denial of the rights and civil liberties of citizens by the regime that ruled their country at that time—whatever time that may have been and wherever it may have been—and, in consequence, the network of folk who ensured that those of us who shared that view maintained their sanity, grew in number and in influence. It still remains a quiet fifth column today, not answerable to any government anywhere but just to the people who seek to subscribe and contribute their thoughts, prayers and encouragement to each other in the process of pursuing peace through rational administrative decisions, and moving away from those forms of government which deny the rights of citizens in their wish to have what we all enjoy as civil liberties in Australia.

I conclude by saying thanks to the Premier, the government and the Governor, of course, who is head of state and who will automatically allow the allocation of the funds which have been promised on behalf of all South Australians to the visit that is to be made to Australia next year by such veterans, as there may be from Turkey, of the conflict in which Australia, with New Zealand, was involved and which is known as the Anzac conflict. However, all of us need to remember that it was not the majority of the force which went ashore on 25 April and thereafter in 1915.

The vast majority of those troops came from the United Kingdom. Indeed, they outnumbered the troops which came from everywhere else. Whilst the decision to go about that expedition in the fashion in which it was done is questionable, as is the sanity of the people who pushed it, nonetheless the decision was made: Australians were there; that is recognised by the world; Turkey acknowledges it; and we are now friends and allies. We are two united countries committed to a course in the future which is democratic, peaceful and respectful of the rights of civil liberties. I thank all members for their remarks.

Mr HAMILTON-SMITH (Waite): In closing the debate, I thank all members and my friends for their heartfelt and genuine contributions. I think they sent a signal to the RSL that this motion has genuine bipartisan support and is embraced by all present. I particularly commend the Premier and the government for their announcement today that they will contribute $15 000—

The Hon. K.O. Foley interjecting:

Mr HAMILTON-SMITH: You have just given up $15 000, Treasurer. I particularly commend the Premier for being able to take $15 000 off the Treasurer without his even knowing about it. I think there was a little bit of assistance from the government backbench, and I thank them also. It is a great gesture, and I think it puts the focus back on the federal government. As I said, I have written to De-Anne Kelly. I think the federal government should at least match or better that contribution. I will call today for them to contribute $20 000, which would leave the RSL with only $5 000 to fundraise. I call on the federal government to contribute $20 000, and I assure the government that I will take that up with my federal colleagues, as I already have.

A number of members raised some contemporary issues about current international and political affairs, particularly to do with Turkey, Greece and other countries. This motion is not about contemporary international affairs. We are dear to our friends in Greece, the South Australian citizens of Greece and the many other nations with whom we fought (on one side or the other), but this motion is not about those current issues; they are separate. This issue is about the young men from a variety of nations who fought on the shores of Gallipoli all those years ago. It is about the spirit that existed between them. At the time of their fighting, no quarter was given and none was expected.

In response to those members who referred in their contributions to why some servicemen choose not to commemorate their service or not to participate in Anzac Day services, we often talk about acts of heroism. However, often people come back with memories of what they were not able to do, that act of bravery that they were not able to commit for one reason or another through no fault of their own. They bring back a lot of good memories and a lot of unpleasant memories. That is the mystery of this commemoration, the spirit that we seek to celebrate by supporting this gesture.

I refer particularly to the wives and families of servicemen who returned from World War I and Gallipoli at a time when there are was no study of psychology and no understanding of post-traumatic stress disorder, as we understand it today. I say to those wives and families who have memories still today of those experiences that they served as well, after the war in helping their husbands, fathers and grandfathers to deal with their experiences.

We are still going through the grieving process. This commemoration initiative which is now being supported by the government with its contribution of $15 000 and which I hope will be supported by the federal government signals that, as a state, South Australia is prepared to measure its stature by the way it remembers the fallen. It is prepared to do this in concert with its former enemy, now its trusted friend, together on Anzac Day 2005 by supporting this Spirit of Gallipoli initiative. I commend the government for its contribution, and I commend all members for supporting the motion.

Motion carried.

CROWN SOLICITOR'S TRUST ACCOUNT

Mr HAMILTON-SMITH (Waite): I move:

That this house censures the members for Chaffey, Fisher and Mount Gambier for—

(a) supporting the government's efforts to cover up and conceal the full facts surrounding the misuse of the Crown Solicitor's Trust Account and unlawful transactions linked to that account, and

(b) acting to ensure that abuses of ministerial power and parliamentary privilege remain concealed and not investigated.

I am sure this will be a far more feisty debate. This motion is to censure the member for Chaffey, the member for Mount Gambier and the member for Fisher for supporting the efforts to cover up the full facts surrounding the misuse of the Crown Solicitor's Trust Account and also issues to do with the abuses of ministerial power and parliamentary privilege that still remain concealed and not investigated. We have had

several weeks of debate on this in the house. I do not want to reflect on votes that have already been taken, but we have debated a matter of privilege to do with whether or not the Treasurer and others sought to influence a witness or events of the Economic and Finance Committee. A vote was taken on that motion, and the motion was defeated with the support of the three so-called Independents.

Earlier this week we had the matter of whether or not there should be a judicial inquiry into certain allegations that have been made, and again that was defeated with the support of the so-called Independents. The real issue is: why is it that the member for Mount Gambier, the member for Chaffey and the member for Fisher are supporting the government in all these initiatives? Why is it that they sit over there? Why is it they have accepted well-paid posts as ministers in a Labor government or the deputy speakership post? I look forward to their contributions so that they can explain. It gets to the issue of values and of principles.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The honourable member for West Torrens will have an opportunity, should he wish to make a contribution. He ought not to attempt to do it during the course of someone else's.

Mr HAMILTON-SMITH: It gets to the issue of what it is that members stand for.

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: The two major parties have been opponents (and I think respected opponents) for over 100 years. The political forces of the left and the right, the more conservative forces, have been engaged in feisty debate in both state parliaments and federal parliament for many, many a year. There is a respect that has grown between the major parties, and we know what we stand for generally. Although from time to time we go through a bit of a personality crisis (I think that is true of both major parties; it is certainly true of the Labor Party at present), generally speaking, our political principles are established on a values system that we understand and acknowledge.

Then we have the so-called Independents who thrive on playing the middle man. That could be to the advantage of the Labor Party, depending on the parliament; and, of course, it could be to the advantage of the Liberal Party or the conservative parties, depending on the parliament. But essentially what they seek to do is obtain favour or advantage by being in the middle because, their vote being necessary, they play whoever happens to be the opposition off against whoever happens to be the government.

Ms THOMPSON: Sir, I rise on a point of order in relation to standing order 119. The member for Waite said he did not wish to reflect on the vote of the house but, in listening to him, it seems to me that he constantly has done so. I ask that you rule this contribution out of order.

The SPEAKER: Order! For it to be out of order the whole motion would be out of order, and the whole motion is a substantive proposition. The member for Waite has not mentioned any explicit vote. It is not therefore disorderly for him to debate the proposition on the *Notice Paper*, whatever feelings it may evoke in other members.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The member for Mount Gambier—a former Liberal Party member, who lost preselection for the Liberal Party as I understand it (please correct me if I am wrong)—then ran as an ex-Liberal candidate.

The Hon. M.J. Atkinson: No, he ran as an Independent.

Mr HAMILTON-SMITH: He can speak for himself, but my understanding was—

Mr O'BRIEN: I rise on a point of order, Mr Speaker, under standing order 128, relating to lack of relevance. This motion is quite specific in identifying three individuals and actions that they have either taken or not taken.

The SPEAKER: Order! The honourable member's point is understood. The three members mentioned in the motion and the thrust of the motion going to the nature of their relationship with either the government or the opposition is part of the proposition. It is not disorderly, however one may feel about it. Each of us has to remember that it is not disorderly just because we feel strongly opposed to it.

Mr HAMILTON-SMITH: Thank you, Mr Speaker, for your protection, and I ask that the clock be held if there are any spurious points of order. The member for Mount Gambier won the election with Labor Party preferences. The member for Chaffey ran as an Independent on the issue of Teletrak and also won on Labor Party preferences.

The Hon. M.J. Atkinson: No, as a National Party member.

Mr HAMILTON-SMITH: Well, a National Party member, as the Attorney would have it. I will come back to that point. The member for Chaffey won the seat with Labor Party preferences. I ask no question about that. That is a decision of the constituents of Mount Gambier and the constituents of Chaffey. They voted and they elected those two members.

That is a very interesting point that the Attorney makes: that the member for Chaffey ran as a National Party member, the National Party which is in coalition with the Liberal Party at the federal level and which is going through the same sort of personality crisis that the Labor Party is going through.

The member for Fisher, a former minister in a Liberal government and a longstanding Liberal member, now finds himself sitting over there with the Labor Party. I genuinely seek to understand why these members are sitting over there forming a Labor government. I am particularly interested to understand whether or not the values and principles that they stood by in the last parliament apply in this parliament.

If we look at the *Hansard*, on 21 July 1998 on the Ingerson privileges issue, we see statements from the member for Mount Gambier talking about the need to improve the standards of parliament, about its being a watershed and about the need for the parliament to uphold the highest standards. On 22 July 1998, we see the member for Chaffey talking about how important it is that ministers not mislead a house and that the highest standards be upheld, making points about how deception is unacceptable from ministers and making points about how those entrusted with senior ministerial positions have responsibility on behalf of South Australia.

Then as I go on through the *Hansard*, on 1 March 2001 on the issue of the Cramond inquiry, the member for Chaffey was again in a high moral dudgeon that the parliament must avoid crises, that questions need to be answered, that the public and the parliament and the processes behind it needed to be supported, that flaws needed to be removed and that the highest standards needed to be maintained. On 23 October the member for Mount Gambier talked about how he was so concerned that matters of evidence needed to be revealed openly and freely, and that matters needed to be investigated. Again, the member for Chaffey on the same day said that the democratic process needed to be upheld and brought to

proper conclusions. The member for Fisher thought we should all consider outside this place that:

> . . . we need to be honest in our actions and accountable and transparent in our behaviour. If we do not set the example and if we do not maintain the standard, how can we expect the courts, the police, the Public Service or anyone else to be honest and accountable?

I am intrigued about that high moral dudgeon from the three members, which I support; I think that they were right. I go on to quote the member for Fisher on 26 July 2001, where he said:

> . . . but we need to rebuild in the community confidence in members of parliament.

Later he went on:

> . . . but I become annoyed when I see letter writers suggesting that it would be great if we had some honesty amongst MPs.

I agree with all of those statements. I agree with them dearly, and I wonder why it is—

Mr O'BRIEN: On a point of order: Mr Speaker, I again return to Standing Order 128—relevance. We have a specific motion in front of us and I do not hear anything that the honourable member is saying that bears on the motion before the house.

The SPEAKER: The honourable member for Napier does not have a point of order. The points being made and the matter to which the member for Waite refers are debates in the parliament prior to the last election, and it is entirely proper for any member to do so. A member may quote verbatim from debates prior to the last election, not from debates from the record of this parliament, and even cast aspersions upon the deliberations of previous committees of previous parliaments, including select committees, but not of committees of this parliament. There is no standing order which is transgressed by the contribution being made by the member for Waite, to this point.

Mr HAMILTON-SMITH: Thank you, Mr Speaker, for your protection from spurious points of order. In putting this motion I ask whether the three members are applying, and will apply, the same high moral dudgeon to this parliament that they applied to the last parliament, because I agree with their sentiments in the last parliament in principle. I would rather see the three members sitting over this side of the house, because I think their—

The Hon. K.O. FOLEY: On a point of order, sir: there is an extremely important motion being moved to censure other members. The person moving the motion just said, after quoting comments from the said members in the previous parliament, that he supported those sentiments and those comments and those views in the last parliament, but, as you would recall, he voted in favour of the government on those issues, which is clearly inaccurate. Can he, in debate, make misleading statements?

The SPEAKER: Order! The first point that needs to be made is that the Deputy Premier raises a debate as a point of order. The second point that must be made is that the words used by the member for Waite, however they may ring in the ears of any of us, to which the Deputy Premier referred, were preceded by the words 'in principle' or, at least, mentioned in exactly the same phrase as 'in principle'. Whether or not that can be—

Members interjecting:

The SPEAKER: Order! The chair is providing an explanation of a ruling in response to a point of order raised by the Deputy Premier. The words 'in principle' may well have reflected his state of mind, and it may well be a valid debating point for any honourable member, when they get the call, to draw attention to the way in which the member for Waite voted, if they so desire. That would not be disorderly. However, and finally, the question as to any member's sincerity is not part of this substantive motion, other than those members to which it relates. So the Deputy Premier has debating points to make but certainly draws attention to no breach of standing orders in the course of making them.

Mr HAMILTON-SMITH: I ask that my time be extended by five minutes because the clock has continued to run during spurious points of order.

The SPEAKER: There is no provision or precedent for that.

Mr HAMILTON-SMITH: In regard to the National Party, if the National Party President, Helen Dickie, accepts the South Australian branch of the National Party back into its body with a leader being in the Labor government they need to have a think about their future.

Mr RAU (Enfield): I am happy to rise on this important motion. Unfortunately I cannot be as glowing in my endorsements of the member for Waite in this one as his last one. I suppose having one out of two is not bad, but he has really slipped a long way down the slippery slope with this one. This particular motion, as is obvious to all of us in the chamber, is a stunt directed towards the advancement of the member for Waite up the leadership scales in the opposition. Those of us who were lucky enough to read *The Independent*—I know not everyone reads it—but a few weeks ago they identified the member for Waite as the man to watch. He is what Molly Meldrum would have said is a person with a bullet. He is a rising star, he is a person who is on the way up, and since he was identified in that august journal as being a man on the move he has taken this to heart. What might actually have just been a bit of leg pulling on the part of somebody has turned into this manifestation we see in the parliament. A few weeks ago we had the spectacle where the—

The SPEAKER: Order! I now have to remind the member for Enfield of the points of order taken by some members earlier during the course of the contribution of the member for Waite. The member for Waite is not the subject of this motion nor are the actions, aspirations, ambitions or the character of the member for Waite. That would need to be the subject of a separate substantive motion if any member seeks to go there: it cannot be a part of debate in this motion.

Mr Koutsantonis: On what point of order are you basing this?

The SPEAKER: This motion—as the honourable member for West Torrens interjects to inquire, albeit politely, and the chair will answer—explicitly refers to the members for Chaffey, Fisher and Mount Gambier and what the member for Waite, through his motion, alleges they may or may not have done in things they should or should not have done, in the opinion of members as they may choose to address it. The member for Enfield has the call.

Mr RAU: I was not reflecting on the character of the member for Waite. I believe him not to be a bad chap, actually. I was more reflecting on the context in which the remarks to which we are now addressing ourselves appear in the *Notice Paper*. It is important to understand what this proposition seeks to advance. The member for Waite is saying that it is appropriate for him to sit in judgment upon other members of this chamber as to the way in which they direct their minds to matters before the parliament; and that

it is appropriate for him, having directed his mind to that question, to then form an adverse opinion about the conscience and the reflection of another member of this parliament and then to bring forward that adverse opinion in the form of a resolution on the floor of the parliament to be seriously debated in this parliament.

I ask this question: how many people in this parliament is it appropriate for us to censure for making remarks or voting in a certain way that does not suit the member for Waite? The answer to that question is that, every time we have a division, generally, at least 24 members of this parliament disagree with the member for Waite—at least 24. On many occasions there are a lot more. If this motion is a valid exercise of our private members' time, will it really be the case that, in the future, every time the member for Waite decides that he does not like what another member thinks he will bring forward another motion? And will it genuinely be the case that I, who may not agree with him, will clutter up the *Notice Paper* with my opinion and seek to shove my opinion down his throat? I might take that up if my colleagues are happy enough for me to do it.

The Hon. K.O. Foley interjecting:

Mr RAU: It would give them a break. We could have acres of my complaints here. We are elected to discharge a duty. I remind the member for Waite that a select committee recently reported in this place on a code of conduct. The important aspect of the code of conduct was that we were to treat each other with great respect (and I have already done that by saying that he is not a bad chap); that we were not to reflect adversely on one another unnecessarily; that we were not to abuse the parliament for venal purposes; and that we were not to be involved in all of this sort of scuttlebutt.

We were to bear in mind that we are all elected by constituencies, and they are the people who will sanction us, not the member for Waite. If our constituencies believe that we have done the wrong thing, in about 14 months they will have the opportunity to say whether or not they think we are any good. The member, if he wishes to pursue this matter, should not be occupying the time of this parliament. If he has enough time to be worrying about this, why does he not go down to the electorate of the member for Chaffey or the member for Mount Gambier, call a public meeting, draw everyone's attention to what dreadful individuals these people are and then allow them to make the judgment.

I am sure that the members for Chaffey, Fisher and Mount Gambier would be very pleased to have him campaigning in their electorates. I am sure that their constituents will be very impressed by the calibre of the critique that is being offered. They will probably put him in their 'how to vote' material. He will probably appear on the front page of their 'how to vote' material—'If the member for Waite does not like me I must have something going for me.' I can just see it now; I think it has great potential. That is the right way to do it, member for Waite. This motion is the wrong way to do it. If you are validly doing this today, I invite you to consider that every time you step out of line from the perspective of the rest of us—

The SPEAKER: Order! The chair—

Mr RAU: Sorry, Mr Speaker, not you: the Speaker never steps out of line. The member for Waite I was referring to there; I apologise. Every time the member for Waite steps out of line in the minds of every other member of the parliament are we going to have a resolution here? Happily, I do not think so, because the rest of us have worked out that this is not the way to go. The rest of us are prepared to tolerate the eccentricities of the member for Waite, even when he apes a jack-in-a-box during the course of a standing committee meeting with the Auditor-General. Even then we are prepared to tolerate his eccentricities.

The bottom line is that this resolution seeks to reflect on the integrity of three members of this house. I do not care whether they are members of the Labor Party, the National Party, the Liberal Party or Independents. I do not care who they are. The fact is that, basically, this motion is saying to other members of the house, 'I, the member for Waite, sit in judgment upon you three selected members. I determine that your principles and your integrity are wanting, and I accuse you of having failed.' Who amongst us will cast the first stone? The answer is: the member for Waite, and that is a bad way to start. I would like to finish by saying that the member for Waite will attract far more publicity by focusing on cross-dressing, as he did yesterday, than he will by pursuing these sorts of matters.

The SPEAKER: Order! The member for Enfield is out of order in addressing what the member for Waite should or should not do. He has gone far enough in sketching the background to his argument. He might now come to the subject of the motion before the house. Has the member for Enfield finished his contribution?

Mr RAU: I am just finishing off, because I think I have probably made the main points that I wished to make on this subject—although I can indicate that I am contemplating censuring the member for Waite, and I do not know whether it is in order for me to indicate that—

The SPEAKER: It is not in order.

Mr RAU: Very well. We will wait for another day. I might grieve on it.

The SPEAKER: The time for the motion will be later this day, when the house resumes at 2 p.m., if the honourable member wishes to give notice of a motion. That is the time to do it.

Mr KOUTSANTONIS (West Torrens): What amazes me about the member for Waite's motion is the hypocrisy of its intention. I have heard what the member has said. Basically, it seems to me that what he is upset about is that there are members of parliament who come from conservative constituencies, like yourself, Mr Speaker, and the members for Fisher, Chaffey and Mount Gambier, who are no longer supporting the member for Waite's style of conservatism. He is happy for them to be Independents supporting his views, but he is not happy for them to be Independents supporting anyone else's views. It reminds me, sir, of when you were ejected from the Liberal Party in that kangaroo court in the last parliament. They were quite happy for you to stay as a member of the Liberal Party, but not on their parliamentary team, and they would break any rule, any precedent, any established criteria for a meeting, to throw you out—to get rid of you—simply because their leader did not agree with you or you did not agree with them.

The SPEAKER: Order! The member for West Torrens has heard the chair in relation to the remarks made by the member for Enfield. The subject matter has not altered one iota. The subject matter (however pleasant or unpleasant it may be to any other honourable member) that is now being addressed by the member for West Torrens is not the subject matter of the motion.

Mr KOUTSANTONIS: Yes, sir.

The SPEAKER: The subject matter of the motion is as written in Notices of Motion No. 2, and that is that the house

censures the members for Chaffey, Fisher and Mount Gambier for two groups of things, and that is what we must address.

Mr KOUTSANTONIS: Yes, sir. I will address that matter now. What the member for Waite is implying in paragraph (a) of his motion is that the members for Chaffey, Fisher and Mount Gambier were involved in a cover-up to conceal the truth about the use of the Crown Solicitor's Trust Account. I also did not vote with the member for Waite; I also did not support the member for Waite. But I am in no way being accused of this because I am a member of the Labor Party. The member for Waite seems to think that members of the Labor Party will always do the opposite to him, but he is upset because they did not support him in establishing a Privileges Committee or a judicial inquiry or, in fact, in wreaking havoc on the parliament and supporting his views.

What concerns me the most is that a member of parliament is using parliamentary privilege to get up and accuse these three members of parliament, with no evidence, no facts and no witnesses, of acting corruptly. The motion states 'supporting the government's efforts to cover up and conceal the full facts'. The member for Waite is saying, with no evidence, that those three members of parliament have engaged in deceit. He provided not one scintilla of evidence in his opening remarks.

Then he stated, in paragraph (b), 'acting to ensure that abuses of ministerial power and parliamentary privilege remain concealed and not investigated'. I remind members opposite that we are a minority government: we do not have a majority in the House of Assembly. We rely on the good grace of members of parliament to see that we act honestly and openly. We cannot use the tyranny of a majority to conceal anything. The only parliament that I know of where the power of the majority was used to conceal things was the parliament between 1993 and 1997, when the government had a majority ranging from 36 or 37 seats to 10 or 11.

This motion is the greatest abuse of parliamentary privilege in this parliament that I have seen in my short time here. They are accusing the member of Chaffey, of all people—and in saying that I am not in any way lessening the attack on the members for Fisher or Mount Gambier, but I do not know them as well. However, I know the member for Chaffey quite well, and I have never met a person of greater principle and standing. I do not often agree with the member for Chaffey on matters of policy; we disagree a lot. I am probably a little bit too left wing for the member for Chaffey—and that is saying a lot!

The Hon. K.A. Maywald: Right wing.

Mr KOUTSANTONIS: The member said that I am too right wing for her. However, to accuse the member for Chaffey of being somehow involved in a cover-up to conceal facts or deceive the people of South Australia and this parliament, without any evidence, is the greatest insult that any member of parliament has suffered in this place.

I think the member for Enfield summed it up. What the member for Waite wants us to do is see the world through his prism. Therefore, anyone who is elected from a constituency that should elect a Liberal should vote with him every single time. I remind the member for Waite that we on this side also have had dissenters. We have had people who have not agreed with us on our own side of parliament, but we go about it in a different way. We go out and beat them at the ballot box. We make the argument for the Labor Party in those seats.

It is not our fault, or this parliament's fault, that the member for Waite does not have the power to go out to Chaffey, Fisher and Mount Gambier and win back those seats for the Liberal Party. It is not our fault. If they cannot do their jobs in their own electorates, that is not our problem.

If members opposite want to talk about principle, they should look at the election of the member for MacKillop after knocking off a former leader of your party, Mr Speaker, and a leader of the Liberal Party, Dale Baker. Of course, there were no accusations or censure motions after their election when they voted with the Labor Party on those few rare occasions; and I remind the member for Mackillop of the occasion when he voted with the Labor Party. Where was the member for Waite then moving a censure motion? Where was he in the last parliament? Maybe he was too wet and green behind the ears; maybe it was because there were not any articles about his being a future leader.

If it was not about principle and being fiercely independent, then look to the member for MacKillop when he put out material saying that he would never rejoin the Liberal Party—that he was fiercely independent. What did he do mid term? He rejoined the Liberal Party. Where was censure motion then? Of course, Mr Speaker, there was none. Why? Because it suits the purpose of the member for Waite to have the member for Mackillop rejoin the fold. But, because they cannot get others to rejoin their fold, they set out to destroy them.

I point out the way in which they treated the Speaker when he chose to join a compact with the Labor government: the personal attacks, rumours, innuendo, the feeding of stories to the press about him, and trying to tear him down when they could not get his vote. That is how the Liberal Party operates. If they cannot win the argument, they go for the man.

Mr BRINDAL (Unley): I had no real intention of joining this debate until I heard—

Mr Koutsantonis: They are coming after you next.

The SPEAKER: The member for Unley has the call.

Mr BRINDAL:—some of the contributions which I think err in the sense of probity in this place. The fact is that Mr Speaker has often taken this house, including the Deputy Premier and me, to task, very vocally, on more than one occasion, for criticising members of this house, other than through a substantive motion. A number of speakers have pointed out that, if we want to have a go at other members, there is a form in which to do it; and the form to do it is through substantive motion.

The member for Waite brings to this house a substantive motion. It is a substantive motion that would not be pleasant for the three members whom the member for Waite seeks to censure. Quite frankly, if I was sitting in any of their seats—

The Hon. K.O. Foley: You never know!

Mr BRINDAL: I probably could be. I know that they would not enjoy it. In fact, I remember an occasion on which I pointed out to the house what I considered genuinely to be an irregularity with the minister at the table—who is a friend of mine—and the minister was quite upset and hurt about it and could not see why I was doing it; and the house did not like it much. So, in an effort to resolve the matter we settled it, as reasonably well as it could be settled, within a day of the matter being raised. The point is that the motion stands before the house because it is orderly. If it was not orderly, Mr Speaker, either you or the Clerk would have said that it was not orderly.

The SPEAKER: Leave the Clerk out of this. It has nothing to do with the Clerk.

Mr BRINDAL: I take your advice, but I often ask the Clerk what he thinks and then act on the his advice.

The SPEAKER: And it is entirely proper to do so, but you must not ascribe responsibility for any of the decisions to any of the people who serve this chamber. We as elected members accept responsibility for the idiocy, or otherwise, of those decisions.

Mr BRINDAL: I apologise, sir.

The Hon. K.O. Foley: He's the only bloke who knows what's going on in this lunatic asylum!

Mr BRINDAL: It is interesting that the Deputy Premier describes this place as a lunatic asylum. He has been an inmate for nearly as long as I. I wonder when he will be seeking his parole, and whether he will get a good behaviour bond or something else?

The SPEAKER: One does not obtain parole for lunacy: one obtains medication.

Mr BRINDAL: I do not think that these sorts of motions are pleasant, nor do I think they are conducive, sometimes, to the harmony of the house, but this is a democracy and this motion seeks to explore an issue.

Mr Koutsantonis: And it's anti-democratic!

Mr BRINDAL: The member for West Torrens keeps saying that it is anti-democratic. It is a motion on the books for him to express that view; the member for Waite to express a view; for me to express a view; for the member for Mackillop and, indeed, for the member for Chaffey and those about whom it is spoken to express a view. It is a way of airing an issue on which the house can then make a considered decision. I would venture to say that I can predict, almost to the nth degree, exactly what the house's decision will be. I think I could get the numbers right, almost now.

It is the member for Waite's right to come in here and explore this thing. Unlike what is done most times in here, it is being done in an orderly fashion in the way in which it should be done, rather than by snide remark and interjection across the chamber or by point scoring during question time. I put to members in this chamber on both sides that we cannot have it both ways.

The Hon. K.O. Foley interjecting:

Mr BRINDAL: No; I am debating the motion because what I am debating is the right, which is what the member for West Torrens took up vigorously in his debate. He denigrated—

Mr RAU: I rise on a point of order sir. Mr Speaker, earlier in this debate you ruled that this motion was in order. A point of order was taken by the member for Reynell, and you, sir, ruled that it was in order. The member for Unley is addressing, in effect, a submission to the Speaker that this motion is in order. We already know that. You have already ruled that way. Mr Speaker, I ask you to invite the member for Unley perhaps not to waste the rest of his time on addressing a matter which you have already cleared up for us. He could actually address the substance of the matter, which, after all, is what the standing orders require.

The SPEAKER: The member for Enfield makes a valid point. However, the member for Unley answers in rebuttal the question which was raised by both the member for Enfield himself and the member for West Torrens, as to the veracity and motivation behind bringing the motion. While that then is the obiter dicta of the argument—

The Hon. K.O. Foley: I beg your pardon?

The SPEAKER: A lawyer will explain for the Deputy Premier what I am referring to. It is the side issue; it is tangential; it has arisen. It is not extraneous; it is regrettable and it may need yet another motion to resolve it as a court would order. They would not give a judgment upon it and leave the matter in abeyance. Can I suggest to the member for Unley, though, that is minor in relation to the proposition before the chair and not entirely irrelevant in the context of remarks that have already been advanced by counsel for the opposition.

Mr BRINDAL: I thank you for what you said, Mr Speaker, and I do thank you for at least acknowledging that there is no standing order. Whether or not the Speaker rules, the Speaker rules on behalf of the house, and this particular member strongly supports the Speaker in his ruling. Mr Speaker, you would know that all members of this house, when they choose to disagree with your ruling, whether they do it publicly or privately, are quick enough to run around to tell you that you are wrong. So, occasionally when you are right, I do not mind standing and saying 'I think you are right,' because I have said, sir, as you would know, on a few occasions, that I thought you were wrong and we have had disagreements over it—so fair is fair. I will not take any more time.

I really wanted to make the point that, whether or not we like this motion, it is orderly, and, in my opinion, it is exactly what you have been telling this house we should be doing for three years; that is, not carping and criticising and doing things in a disorderly way but using the appropriate forms in this house so that matters can be properly debated.

The Hon. K.O. FOLEY (Deputy Premier): I thought I would make a contribution, given that the whole issue was centred around me. What is lost in the argument put forward by the member for Waite was that the substance of what he had alleged, of course, was unfounded, not sustained and not supported. The essence of the whole issue was that I somehow had abused ministerial power and, indeed, had been guilty of exerting undue influence and interfering with the office of the Auditor-General of this state. As a Treasurer of this state, I took that allegation extremely seriously. If I in any way was seen to interfere and to assert undue pressure on the office of the Auditor-General, I would be in very serious trouble.

The member for Waite politically and very successfully threw that issue out there and it circulated for some time. The member for Waite then, of course, gave no opportunity for that to be rebutted, because, if we recall, the Auditor-General came before the Economic and Finance Committee when he wanted to give his version of events, which I can only assume was to give his advice to the committee as to whether or not he was influenced or interfered with in his duties by the Treasurer of the state—me. I should have thought natural justice and fair decency would have allowed the Auditor-General to give his contribution to that committee and clear up this matter very quickly. However, that did not fit the politics of the member for Waite and the political agenda of the opposition.

What happened was that, for the first time in living memory, a witness of the standing of the Auditor-General was not able to make any contribution to that committee because the member for Davenport and the member for Waite conducted themselves in a disorderly fashion in a way that was designed to stop the Auditor-General having any ability to—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order.

The SPEAKER: The Deputy Premier is now quite wide of the mark of the motion. The motion does not allege anything improper or unlawful in the conduct of either the Deputy Premier and Treasurer or the Auditor-General in anything they did. Indeed, it acknowledges in paragraph (a) that it is surrounding the misuse and unlawful transactions linked to the Crown Solicitor's Trust Account, which is in affirmation of the argument which the Deputy Premier thinks is the main subject of the proposition. It is nothing to do with either the Auditor-General or the Deputy Premier, or anything they may or may not have done. It is about the three members for Chaffey, Fisher and Mount Gambier, and what the member for Waite alleges they have done, first, to cover-up and conceal the full facts; and, secondly, ensure that abuse of ministerial power and parliamentary privilege remain concealed.

He does not state what power or what act, just that that power and act which arose from it has been concealed. Therefore, it is not appropriate for the Deputy Premier to take umbrage; nor in any other way is it necessary for him to defend what he may or may not have done. The Deputy Premier has the call.

The Hon. K.A. MAYWALD: By way of clarification, if you would not mind, sir, you have just ruled that, quite rightly, this is about the members for Chaffey, Fisher and Mount Gambier. However, the content of the censure motion talks about our having supported the government's efforts to cover up matters. It has not been determined, as yet, that there has been a cover-up; and certainly I would have thought the government was quite within its rights to refer to the matter of whether or not there has been a cover-up in debating this particular motion.

The SPEAKER: Whatever action was taken, as alleged by the member for Waite, which constituted, in his definition, a cover-up of the full facts or a concealment of the full facts.

The Hon. K.O. FOLEY: I do not have the energy or the strength to disagree publicly or privately with you, but I think what you said then was most unfortunate, but then my having an inability on this issue to defend myself would be consistent with the way in which this whole matter has been conducted, including your decisions on this matter over time. If you take that as a reflection, sir, you may well do so.

Mr HAMILTON-SMITH: Mr Speaker, I have a point of order. The Treasurer is clearly reflecting on the chair. I know you can defend yourself, sir, but, on behalf of the house, he should withdraw that reflection.

The SPEAKER: The member for Waite makes an interesting and probably valid point, but it is Christmas time. The Deputy Premier.

The Hon. K.O. FOLEY: If I have in any way embarrassed you, sir, I apologise and withdraw, but I am just making the point that on this whole issue I do not think I have been treated particularly fairly by a number of people including yourself, and I do not think that is an unfair comment to make. The point of the matter is that we are talking about censuring three members of this house for supporting the government when the government did nothing more than respond correctly to a set of accusations that were not sustained, were not correct, were quite political, quite devious, quite deceptive and quite intent on taking cheap political shots against the government.

The point I made was simply that the one person who could have resolved this very quickly was the Auditor-General but, because that would spoil a good story for the opposition, the opposition did not allow that to happen. Clearly, I am not going to be in a position to revisit whether or not I was guilty.

The point I make in conclusion is that the member for Waite has had a cheap political shot. Good luck to him; that's politics—I can accept that—but to try to embroil three members of this house, two of whom are members of the government, I think is simply trying to breathe oxygen into an issue that is long dead, long gone. As we heard earlier today, the member for Waite will say or do anything to advance his own personal interest. This is about the member for Waite's agenda to ensure that he has sufficient recognition within his party that he has got what it takes to be leader.

Unfortunately, what we saw earlier today in his contribution was a slip that will come back to haunt him. A few of us over here who have a bit of political experience will make sure that this comes back to haunt him. He said that he agreed with the views of the member for Chaffey and others in the last parliament when they were used as arguments against various members of his own government. That, of course, is how the Liberals operate. That is how the member for Bright operates. Only a couple of weeks ago, the member for Bright interjected across the house that he would be a hero in his own party. When we referred to the downfall—

Ms Thompson interjecting:

The Hon. K.O. FOLEY: When accusations were made that the member for Bright had a role in bringing down John Olsen's leadership, the member for Bright said words to the effect, 'I would be a hero in my own party had I brought down John Olsen.' That is what the member for Bright interjected across the chamber. He did so a number of times, and a number of members opposite heard him, because there were certain physical reactions from the member for Morialta and the member for Davenport when he made those comments. This is consistent when it comes to the self-interest of individuals in the Liberal Party: they will cut their own colleagues adrift.

The member for Waite has today staked his leadership by clearly distancing himself from the actions of former premier Olsen in the comments he made. That may be part of his leadership ambitions. We will get those comments out of *Hansard*, revisit them, and see where they take us. But let us remember this. This is all about base politics. I am disappointed that the member for Waite would choose to attack three Independent members of this house—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —who have done nothing more than exercise their judgment on the merits of the case put forward by the member for Waite.

Mr WILLIAMS (MacKillop): I was contemplating whether or not to join this debate, but I have to stand up and defend myself to correct an absolutely incorrect statement made by the member for West Torrens. The member referred to my past relationship with the Liberal Party. He said that I distributed material in my electorate which said 'that I would never rejoin the Liberal Party'. I call on the member for West Torrens to table that material that I allegedly distributed, because that never occurred, it does not exist, it never existed, and it is a complete fabrication.

The SPEAKER: Order! The member for MacKillop may not go there any further. He should have dealt with that—and he is still able to—by way of a personal explanation at an

appropriate moment and not used it as the substance of debate on this motion. He has now rebutted the point, but to go further is to be completely irrelevant.

Mr WILLIAMS: Thank you for your guidance, sir.

The SPEAKER: It is Christmas, I know, but—

Mr WILLIAMS: Thank you, sir. This motion is really about the relationship between a member of the parliament and the constituency that they represent. I think that is why the member for Waite moved this motion, because I think he believes there has been a breakdown in that relationship between the members which this motion is about. I came into this place as an Independent Liberal. That is the way I described myself when I stood for the election in 1997. I had distributed to every household in my electorate prior to that election a document which stated explicitly that I would support the Liberal Party. That is what I distributed. I think that has cleared up that matter.

The Hon. W.A. Matthew interjecting:

Mr WILLIAMS: They were indeed. The Deputy Premier made a curious statement a moment ago when he said that he did not have the ability to defend himself. He did have the ability to defend himself if he had supported the original motion which has brought this about. If he had supported the privileges committee he would have had ample opportunity to defend himself and his position. The reality is that the Deputy Premier thought it would be much more expedient for him not to have to defend himself. That is the point. It is a bit curious that he will stand up here now and say that he has lost his ability to defend himself. It was he and his colleagues, including the three members the subject of the motion, who decided that they would be better off not having to defend themselves. That is what the motion is about.

The member for Waite said that the Independents are able to play the middle ground. That is exactly what has happened. The Independents do play the middle ground. We saw it in the last parliament where they stood on the high altar of openness and accountability saying, 'We will have the inquiry,' whenever it was suggested there be an inquiry. They said, 'We will do it in the open. If there is nothing to hide, the people involved will be able to defend themselves or they will be found guilty of the offence that has been alleged.' So the inquiries went on.

The motion is about the change in attitude of a couple of members. Again, the Deputy Premier summed it up very well when he said, 'Two of which are members of the government.' That is what the motion is about.

An honourable member interjecting:

Mr WILLIAMS: I have not seen any comment from the member for Chaffey of concern about being referred to on Adelaide television only this week as an Independent MP.

The Hon. K.A. Maywald interjecting:

Mr WILLIAMS: I am pleased she has done that. I note that the member for Mount Gambier still claims in his electorate that he is fiercely independent.

The Hon. K.A. MAYWALD: I rise on a point of order: I am looking for relevance to the actual motion before the house.

The SPEAKER: It is not the core business of the proposition but it is somewhat similar to the contributions that have been made by other members from the other side—

The Hon. K.O. Foley interjecting:

The SPEAKER: —including the Deputy Premier's remarks. If it strays away from any reference to the factors which might have caused the member for Waite to propose the censure motion against the honourable member and the member for Fisher and the member for Mount Gambier, the chair would be pleased to uphold the standing orders and ensure that the member for MacKillop returns to the subject matter of the motion.

Mr WILLIAMS: Thank you once again for your guidance, sir. The subject matter of the motion is to censure members whose electorates expected them (when they supported them at the last election) to act in a particular way. The motion is alleging that the house should censure them for not acting in that way.

The Hon. K.O. Foley: In your opinion.

Mr WILLIAMS: Yes, it is my opinion. And decisions of the house are the collections of various opinions of the members. It would be pointless my coming in here and expressing the opinion of the Treasurer. In fact, I think it is pointless for the Treasurer to come in here and express his opinion—but, anyway.

The point I was making was relevant to the debate. It is about that relationship between a member and their constituency, the expectation of that constituency and the support that they give to a particular member.

The SPEAKER: The honourable member is mistaken in that respect. It does not address the relationship between the three members the subject of the motion and their relationship with their constituencies. It addresses the alleged actions they engaged in.

Mr WILLIAMS: Absolutely correct inasmuch as I think the member for Waite is suggesting that those actions were not the actions which would have been expected of those three members at an earlier time. In fact, at least two of those members expressed different actions in the previous parliament.

This motion is about dissolving the farce that some members are here as Independents or members of minor parties when, as the Treasurer said, they are actually a part of the government. They are members of the government. I was not surprised at the votes that the members took, and I do not reflect on their taking their votes on their conscience. I just think it is time that the farce about whether people are Independent or not or part of the Labor government was dissolved, and we got on with life.

The Hon. R.B. SUCH (Fisher): I will be extremely brief. I totally reject this motion. It is an attempt to come in through the side door, if not the back door, on an issue which has been canvassed elsewhere. I totally reject any suggestion that I have sought to cover up anything unlawful or any abuse of parliamentary privilege or ministerial power.

Anyone who knows me would know that I have no deals, no arrangements. I am not part of the government. Anyone who suggests anything to the contrary is absolutely wrong. My electors will judge me at the next election, as I am sure electors will judge their MPs in other electorates. They will judge me on whether or not I have delivered the goods for them.

Mrs GERAGHTY secured the adjournment of the debate.

[Sitting suspended from 1 to 2 p.m.]

HOSPITALS, CENTRAL EYRE PENINSULA

A petition signed by 34 residents of South Australia, requesting the house to urge the Minister for Health to advise the Mid West Health Service not to accept the resignation of

Dr Piet du Toit and to have an independent body investigate and report to parliament on alleged problems with the Central Eyre Peninsula Hospital, associated boards and agencies and investigate further allegations of harassment and intimidation in the delivery of regional health care by the Department of Health, was presented by Mrs Penfold.

Petition received.

FREIGHT TRAIN NOISE

A petition signed by 29 residents of South Australia, requesting the house urge the government to reduce the freight train noise impacting adversely on health, lifestyle and property values to residents living in the vicinity of the Adelaide hills railway line by re-routing the freight track through the Adelaide plains; passing legislation for a maximum level of noise from trains and fining the owner-operators of offending trains, was presented by Mrs Redmond.

Petition received.

MATTER OF PRIVILEGE

Mr HAMILTON-SMITH (Waite): I rise on a matter of privilege. I express concern that the Presiding Member of the Economic and Finance Committee, the member for Reynell, may have breached the privilege of the parliament by committing a constructive contempt through a deliberate misleading of the house. On 7 December 2004, I asked the chair of the Economic and Finance Committee the following question:

> Has the Economic and Finance Committee received a letter from a future witness to that committee containing confidential information or personal information, and did the chair of the committee publicly and wilfully air that information on ABC Radio this morning?

She replied as follows:

> The letter received did not indicate in any way that the information was confidential.

I then asked a supplementary question, as follows:

> Is the chair of the Economic and Finance Committee aware of the letter to the committee from Ms Kate Lennon dated 12 November?

To which she replied:

> Yes.

The subject letter, a copy of which I have provided to you, sir, as the presiding officer of the appointing house, was a letter from Ms Kate Lennon to the Secretary of the Economic and Finance Committee, Dr Paul Lobban, which provided personal in-confidence information about the reasons why Ms Lennon was unable to appear before the committee at the time requested, with an express request to keep the information 'confidential'. I raise concern about the truthfulness of the member for Reynell's answers to my questions, which directly seem to contradict the facts of the 12 November letter at the first available time during a grievance debate on the same day, 7 December. The following day, 8 December, at 9.50 a.m., I raised the matter again with the member for Reynell in a censure motion during the scheduled meeting of the Economic and Finance Committee.

Although she has been asked to reflect on the accuracy and truthfulness of her answers to my questions both in the house and in the committee, the member for Reynell has not come into the house and corrected her statement. The 22nd edition of *Erskine May, Parliamentary Practice* (page 111) covers this issue, stating:

> The comments may treat the making of a deliberately misleading statement as a contempt. In 1963 the house resolved that in making a personal statement which contained words which he later admitted not to be true a former member had been guilty of a grave contempt.

As there is a clear contradiction between the member for Reynell's statements to the house and the content of the letter, I ask, sir, that you consider whether she has told the truth or whether she has misled the house and to rule prima facie whether or not a case exists for a contempt requiring a privileges committee to be established.

The SPEAKER: At the present—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Infrastructure will come to order. The member for Waite has raised an important issue, as all matters of privilege are and, I am sure, any member would not only be castigated by the Chair but also derided by their colleagues should they not treat such matters seriously before raising them in determining whether or not to do so. The chair will further consider the inquiry and make a determination today. However, it occurs to the chair from the record that, following receipt of the copies of the letter provided to the chair by the member for Waite, in the first instance the former CEO of the Department of Family and Community Services did herself on Thursday 2 December (an examination of the record reveals) say that she was on sick leave and that, as I recall, no other remark about her condition was made by anyone about that matter until this week, which is the following week, admittedly (it is only seven days ago since she made that remark).

I hear what the honourable member says to me about the response of the Presiding Member of the Economic and Finance Committee to his inquiries, and I heard those responses. Whether or not those responses represent anything serious to the extent that the house, in its knowledge of the matter, was in some measure misled and unable to conduct its affairs in sufficient knowledge of the fact is what now exercises my mind. My inclination in discussing the matter and putting these views on the record is to say: probably not. However, I will make that point more clearly in a statement later today, that is, after I have had the opportunity to review carefully my thoughts about it.

QUESTION ON NOTICE

The SPEAKER: I direct that the written answer to the question on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No. 108.

GAMING MACHINES, REDUCTION

108. **Dr McFETRIDGE:** Will the proposed reduction of 3 000 poker machines adversely affect sporting and recreation clubs reliant upon income generated from poker machines and if not, why not?

The Hon. M.J. WRIGHT: The recommendations of the Independent Gambling Authority (IGA) to reduce poker machine numbers in South Australia, including club venues is currently the subject of debate in the parliament. Issues raised in the member's questions have been thoroughly canvassed in the course of debate.

TATIARA DISTRICT COUNCIL ANNUAL REPORT

The SPEAKER: Pursuant to section 131 of the Local Government Act 1999, I lay on the table the annual report of the District Council of Tatiara.

BUSHFIRE ARSONISTS

The Hon. M.D. RANN (Minister for Volunteers): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Cabinet this morning has agreed to more than double the current $20 000 reward for information leading to the successful arrest and conviction of bushfire arsonists to a new reward level of $50 000. We are asking South Australians to be vigilant this year—to be the eyes and ears of our emergency services and to keep a watch for anyone acting suspiciously near the scene of a fire.

Last year, a total of 129 fires in the Adelaide Hills area and 353 fires around the state were believed to have been deliberately lit—353 fires deliberately lit around our state! In 2002, the government massively increased the maximum gaol term for arsonists to 20 years' gaol for anyone who intentionally or recklessly starts a fire that spreads to vegetation on property not owned by that person. The 20-year maximum term is, I am told, the toughest on mainland Australia. We increased the penalties because when we catch those people who light these fires—people whom I regard as the equivalent of urban terrorists—we want to make sure that they are locked up for a very long time.

I am hoping that, by more than doubling the reward for information leading to the arrest and conviction of arsonists, it will give greater incentive to people to keep a close watchout for people who may start a fire. It may also draw out some people, who have information, to come forward with it to the police. The police this year already have more than 50 suspected arsonists under surveillance and, again, our 16 500 CFS volunteers and police will be out in force, keeping on high alert for bushfires and suspicious behaviour.

The Mount Lofty Ranges remains the area of highest risk of bushfires this season, principally because of the thousands of residents who live in the area. It continues to worry me—and, indeed, most of us—that so many Hills residents are still complacent about the risk of a bushfire because they do not believe it will happen to them. Unfortunately, we cannot legislate for commonsense or against complacency. We not only want people living in high risk bushfire areas to be prepared themselves, but we also want them to keep an eye out for others. Most of all, we want everyone to have a safe and happy Christmas this summer.

It is really important that the people of this state work with the CFS and police to report anything suspicious. There is a $50 000 reward for anyone who can come forward with information that will lead to the arrest or conviction of a bushfire arsonist, and the penalty now is 20 years' gaol for deliberately lighting a bushfire.

Mr Koutsantonis: Hear, hear! Long overdue.

The SPEAKER: Order, the member for West Torrens!

EMPLOYMENT FIGURES

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I rise to inform the house of the ABS employment figures which were released this morning and which show that last month there were fewer South Australians unemployed than at any time since April 1978. South Australia's unemployment rate dropped below the national rate in November to a low 5.1 per cent, the lowest rate since the monthly series of job figures began in February 1978—the lowest unemployment since 1978 in this state. South Australia is now point one of a percentage point below the national seasonally adjusted figure of 5.2 per cent. Since last month, our unemployment has dropped point seven of a percentage point.

Members interjecting:

The Hon. M.D. RANN: It seems that only the Liberals are not happy about lower unemployment.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Over the last year, South Australia has been closing the gap on the national average unemployment figures. Our unemployment rate between November 2003 and November 2004 has fallen by one percentage point, in trend terms, compared with a fall in the national average of half a percentage point. The continuing trend of falling unemployment is a sign that the state is making progress towards South Australia's strategic plan goal of matching or bettering the national unemployment rate within five years. Since this government took office, 32 500 jobs have been created in South Australia. There are now 725 000 South Australians in work—an all-time record. It is the lowest unemployment rate since 1978: the highest number of people in jobs ever in South Australia in our history. This is the 11th consecutive monthly rise in the trend total employment figures.

I am particularly pleased that there is a continuing move from part-time to full-time jobs, in both seasonally adjusted and trend terms. In the last year alone, of the 9 300 jobs created, 8 000 have been full-time jobs, and the future looks promising. In trend terms, the ANZ job advertisement series has been increasing for 18 consecutive months. Job advertisements are at the highest levels in almost 15 years. Both Drake International quarterly employment forecasts and the Hudson report also indicate a generally positive outlook for employment in South Australia. We have to keep the momentum and the confidence going, despite attempts by members opposite to try to talk everything down.

Mr MEIER: I rise on a point of order, sir. Ministerial statements are not supposed to have—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Infrastructure! It is the season to be jolly, we know, and let us not regale ourselves with ill-will to those who may have opinions different from our own on the last day of sitting, to the extent that we bring ourselves into disrepute. The member for Goyder has a point of order.

Mr MEIER: My point of order is that it is my understanding that ministerial statements are not to include debate. Clearly, the Premier was seeking to debate at the end of his statement when he indicated that some opposition members were not fully supportive. In fact, I would like to know which opposition members have not been fully supportive.

The SPEAKER: The chair cannot answer the last part of the member for Goyder's question, if only because I do not think there are members of the opposition who are not fully supportive—least of all at Christmas time. I take the point of order. The Premier ought not to engage in debate, nor any other minister or member to whom the house has given leave to make a statement.

The Hon. M.D. RANN: In the spirit of Christmas, I apologise for any derogatory remark. I also wish all members a very happy Christmas and to say one final thing for 2005: go Panthers!

The SPEAKER: The Minister for Health.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Not the Minister for Infrastructure.

The Hon. W.A. Matthew interjecting:

The SPEAKER: Nor the member for Bright.

The Hon. K.O. Foley interjecting:

The SPEAKER: Nor the Deputy Premier.

Mr Brokenshire interjecting:

The SPEAKER: Nor the member for Mawson. The Minister for Health has the call.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Health (Hon. L. Stevens)—

Adelaide Central Community Health Service—Report 2003-04
Eastern Eyre Health & Aged Care Inc—Report 2003-04
Gawler Health Service—Report 2003-04
Loxton Hospital Complex Incorporated—Report 2003-04
Mid North Regional Health Service Inc—Report 2003-04
Murray Bridge Soldiers' Memorial Hospital—Report 2003-04
Northern Adelaide Hills Health Service Inc—Report 2003-04
Public and Environmental Health Act—Report 2003-04
Renmark Paringa District Hospital Inc—Report 2003-04
Riverland Regional Health Service Inc—Report 2003-04
St. Margaret's Rehabilitation Hospital Incorporated—Report 2003-04

By the Minister for Science and Information Economy (Hon. P.L. White)—

Bio Innovation SA—Financial Statements 2003-04

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

South Australian Soil Conservation Boards—Report 2003-04

By the Minister for Youth (Hon. S.W. Key)—

South Australian Youth Action Plan, Part 1—2005-10.

QUESTION TIME

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Given that the Attorney has said on several occasions that he met with his former CEO, Kate Lennon, twice a week, how is it that he cannot recall any meetings for the last four weeks that she was the CEO of his department? On 28 October 2004, the Attorney-General told the house that, while Ms Lennon was head of his department, he met with her or her deputy twice a week on Mondays and Thursdays. Yesterday, he told the house that the last record he had of any meeting he had with Ms Lennon before her departure was on 5 February 2004, and there was no mention of the Crown Solicitor's Trust Account on the agenda for that meeting. However, Ms Lennon did not leave the Attorney-General's Department until 3 March—almost four weeks later.

The Hon. W.A. Matthew interjecting:

The SPEAKER: The member for Bright will come to order!

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I have further and better particulars for the house. The answer to that is that Kate Lennon's last day in my department was 9 February; and from 9 February to 11 March the acting chief executive was Terry Evans. I repeat that: Kate Lennon's last day, I have been advised, was 9 February.

Members interjecting:

The Hon. M.J. ATKINSON: That's right; yes, I have further and better particulars, and her last day in the department was 9 February. It is quite true that the chief executive and I met twice a week, but Monday was merely a cabinet debrief; the substantive discussions were on a Thursday afternoon. So far as substantive discussions were concerned—once a week.

OBESITY

Mr SNELLING (Playford): My question is to the Minister for Health. What factors are contributing to the increase in the number of South Australians now technically either overweight or obese? What are the consequences and what is being done to reverse this trend?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this question because the causes of people being overweight are complex, and I think it is particularly important that members listen closely to this at this time of the year. There are many contributing factors, most notably sedentary lifestyles combined with the availability of quick, tasty and energy dense foods, including takeaways, cake, confectionery, soft drinks and wine in excess. It is also about the availability of affordable fresh and healthy produce where we live, and it is about exercise and recreation. All these factors can play a role in determining healthy weight.

In South Australia between 1991 and 2003, obesity increased from 10.3 per cent to 18.3 per cent, while the number of overweight people increased from 27.6 per cent to 32.2 per cent. While this increase was in line with international and national trends, it must be reduced because the major health consequences of the obesity epidemic include type two diabetes, cardiovascular disease, hypertension, gall bladder disease, psychosocial problems and certain types of cancer. The financial cost of the epidemic is estimated to be $680 million directly across the country and $1.2 billion indirectly.

The government has set a healthy weight target in South Australia's Strategic Plan, and there will need to be a weigh-in to reduce by 10 per cent within 10 years the number of South Australian people who are overweight or obese. The healthy weight—

Mr Koutsantonis: Have a weigh-off!

The Hon. L. STEVENS: Yes, a weigh-off would be a good idea. The Healthy Weight Task Force, which I established last year, has developed a draft South Australian action plan to promote healthy weight. This draft plan focuses on increasing the number of South Australians who enjoy healthy eating and regular physical activity and improving environments to support this. The draft is out for comment from agencies, peak nutrition and physical activity bodies, school networks, the food industry, private industry and the general public. Public fora have been held in Adelaide, Berri, Mount Gambier, Port Lincoln, Whyalla and Port Augusta, and I am confident that the action plan will lay the foundation for a healthier state. I encourage all members to take this matter on board personally and to encourage their constituents to do the same.

The SPEAKER: Does Father Christmas know about this? The honourable Leader of the Opposition.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Will the Attorney-General confirm that he met with outgoing CEO Kate Lennon subsequent to 5 February, just prior to her departure, and that during that meeting she, first, thanked the Attorney-General for the opportunity to have worked with him; secondly, said her goodbyes to him; thirdly, gave an overview of current and outstanding issues in the department; and, fourthly, outlined the department's operations of the Crown Solicitor's Trust Account?

The SPEAKER: The honourable Attorney.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Attorney-General): I cannot confirm that at all, because the last scheduled meeting was on Thursday 5 February, and Kate Lennon's notes on that agenda have been tabled for the information of the house. It was a very long agenda and they were very detailed notes. I have asked my staff to confirm whether there was another meeting. They are unable to find a record of that meeting. What I can say for the information of the opposition is that the 7th and the 8th were a Saturday and Sunday. What is not getting out in this story is that the opposition has been happy to leave out there the possibility that, for three months from October 2002 until Kate Lennon left as my chief executive, somehow I was complicit in the misuse of the Crown Solicitor's Trust Account.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The question is specific. Under standing order 98 the minister is required at least to attempt to answer the question, which is to confirm whether there was a meeting with the outgoing CEO. I ask that you ensure that the minister sticks to standing orders and answers the question.

The SPEAKER: Order! The minister will address the question.

The Hon. M.J. ATKINSON: I am happy to address the question, sir. The advice from my staff and from the chief executive's office was that the last meeting was the usual Thursday meeting on 5 February and, as always, my Chief of Staff, Mr Andrew Lamb, was there. The opposition has been happy to leave out there this implication that somehow I was complicit from October 2002 until Kate Lennon departed my department in February this year. Yesterday, they got caught out! Yesterday, the opposition got caught out giving an entirely false impression, because the best they can do is to say that the chief executive, after 18 months of breaching the Treasurer's Instructions and breaching the Public Finance and Audit Act, having committed the deed, on her way out said, 'Oh, by the way Mr Attorney, let me tell you about the Crown Solicitor's Trust Account and what I have been doing for the last 18 months.' That is the best they can do! What did the Auditor-General, the man who conducted an inquiry into this, say?

The SPEAKER: Order! The Auditor-General had some very interesting things to say and they would be appropriate to a debate on the topic but not to an answer in response to the inquiry made by the leader about the last meeting.

The Hon. M.J. ATKINSON: Mr Speaker, Mr MacPherson addresses this point quite directly. He says of his meeting with Kate Lennon about this matter—

The Hon. DEAN BROWN: I rise on a point of order. The question asked does not relate to the Auditor-General or his statements at all. It simply asks the minister for a very direct yes or no answer in terms of whether a meeting took place.

The SPEAKER: It may, if the Auditor-General was present at the meeting. For that reason, if for no other, the Auditor-General may have had knowledge were he present or have otherwise been given sworn statements of some kind or other about the said final meeting, a kind of 'sayonara' or 'bonjour tu triest'. I hope the honourable Attorney-General can quote the Auditor-General as having been relevant, or—

The Hon. M.J. ATKINSON: I can. He said:

> We weren't pressing her on the issue.

He is referring to Kate Lennon. He goes on:

> She volunteered the fact that she knew the Attorney didn't understand what she was saying or the significance of it. For the life of me, to say that the Attorney understood what was going on in that situation is just nonsense. That is her own statement. You have to sit here, look at the whites of her eyes and just see what she says. That's the only way you are going to know. I cannot tell you what happened. You can get the Attorney, if he wants to come, and he'll tell you what he said. The Attorney's given evidence on oath that he didn't know.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Sir, the Auditor-General's quote actually said, 'I can't tell you.' So he himself acknowledged that he had nothing to contribute to the answer to the question. I therefore persist with my point of order.

Members interjecting:

The SPEAKER: Order! We have been up and down the chimney enough on this one. I do not think there are any more gifts for anyone to be derived from going up and down again.

WASTE, RECYCLING

Ms CICCARELLO (Norwood): My question is to the Minister for Environment and Conservation. Given that South Australia's strategic plan includes a commitment to reducing the amount of waste going to landfill, what steps are being taken to improve kerbside recycling in South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Norwood for this question. I note that when she was the mayor of Norwood, Norwood was the first metropolitan council in South Australia to introduce kerbside recycling, and I congratulate her and the council on doing that.

The South Australian strategic plan sets very ambitious targets in the environment area, including major reform in waste management. For example, by 2010 the government's draft waste strategy wants 75 per cent of waste put out for kerbside collection to be recycled. This is a major advance from where we are at the moment. I can announce today that, to help achieve this target, the government has allocated $4.5 million to improve kerbside collection of recyclable waste. This major commitment will help South Australia's 68 councils to lift kerbside recycling services to achieve a common standard. I know that is what many people have been calling for for some time.

The amount of funding councils receive in the two year program will be based on how much recycling material they collect per household through kerbside collections. In fact, councils will be paid on the basis of their performance in this area. This program sets a clear direction for where the state government wants kerbside recycling to go—better recycling and less waste.

Figures last year reveal that about 30 per cent of all household waste was recycled and that 70 per cent was sent to landfill. So the task we have set is challenging—up from 30 per cent to 75 per cent over the next six years. That is why we have already started work on this 2010 target. Funding guidelines and applications will be made available on the zero waste web site, which is www.zerowaste.sa.gov.au.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): My question is to the Attorney-General. Given that the Auditor-General confirmed Kate Lennon had told him that she had advised the Attorney about the Crown Solicitor's Trust Account, how does the Attorney explain why a July 2004 Department of Justice briefing authored by the Director of Strategic and Financial Services Unit states:

> Consideration was given to the use of the Crown Solicitor's Trust Account to place unspent funds for committed projects and internal approved carryovers by the Chief Executive. The previous Chief Executive had also informed the Attorney-General of the use of the Crown Solicitor's Trust Account for such matters.

On 28 October, the Attorney was asked to explain the Director of Strategic and Financial Service's claim that the CEO had informed the Attorney of the use of the Crown Solicitor's Trust Account. The Attorney responded by saying that the Auditor-General 'went to the source and asked the horse' and that the Auditor-General had told the Economic and Finance Committee that 'Kate Lennon said to us that the minister did not know'. At yesterday's Economic and Finance Committee meeting, the Auditor-General stated:

> Kate Lennon said to us she told the Attorney-General about the use of the Crown Solicitor's Trust Account.

The Hon. P.F. CONLON: I rise on a point of order: not wishing to protect the Attorney but merely ourselves from boredom, I ask you to consider, sir, that this is a question that has been asked and answered on a previous occasion.

Members interjecting:

The Hon. P.F. CONLON: It is almost identical. The only difference is a bit of rhetoric in the explanation.

The SPEAKER: The explicit question has not been asked before. It could not have been asked before yesterday, and to my clear recollection it was not asked yesterday. It can only have been asked in knowledge of what appears to be a contradiction of facts provided by the Auditor-General to the committee, if what the member for Davenport has provided as an explanation for his asking the question is to be taken as accurate. I take it as accurate, as I take statements made by all honourable members as accurate.

The Hon. M.J. ATKINSON (Attorney-General): The Auditor-General deals with this very point. He says:

> Well, why would you do it this way other than to not have to bring it to the Attorney's notice? You've got to be fair in this. You've got to say to yourself: here is a course of conduct where people did something that was designed to bring it within their delegated arrangements.

The Hon. I.F. Evans: That does not explain the briefing, though.

The Hon. M.J. ATKINSON: Hang on. It goes on:

> If they had not done it that way they would have had to have gone to the Attorney. The Attorney may well have said, 'What's all this about?' Then he would have been in a position where they would have had to have advised him of what they were up to. They were up to circumventing the Treasury system. It is just not tenable. My experience—I have been in government now for 45 years. No minister of the Crown is going to commit harakiri for some stupid chief executive who has tried to dud the Treasury system and has acted unlawfully. You—

and he is referring to the member for Waite—

> have been a minister; you wouldn't do it. You have been a minister; you wouldn't do it. The thing you'd do is you'd sack the chief executive.
>
> If she had told him exactly what was going on, his position was such that he would have immediately had to do something about her. There is no other way of looking at it. What you're saying to him is: 'Look, Attorney, we've got all this arrangement this place. I don't know whether it is illegal or not, but it is at least very sharp practice and it is certainly unethical practice.' That ought to put the amber light on that it is getting pretty close to being unlawful practice, which it definitely was. There is no argument about that. Regardless of the comment about 'allegedly unlawful', it was unlawful practice. In telling that to an Attorney-General, what would a reasonable Attorney do—'Oh, jeez, let's cover all this up.'? That's just nonsense. You know it and I know it.

The last record we have of Kate Lennon coming to see me as Attorney-General was on Thursday 5 February with a very long final agenda. My chief of staff, Andrew Lamb, attended all my meetings with the chief executive. We have a very long agenda, and we do not have just my copy of the agenda, we have Kate Lennon's copy of the agenda, and we have tabled it in the house. What more could we do? Here is a course of unlawful conduct over a period of 18 months. For 18 months this chief executive behaves unlawfully and every one of them supports this unlawful conduct. Every one of them comes in here and says it is okay to breach Treasurers Instructions. What credibility is there in the claim that Kate Lennon indulged in breaches of Treasurers Instructions, in breaches of the Public Finance and Audit Act for 18 months and, then, on her very last day in the office, came to me and said, 'I confess.'? I don't think so.

The Hon. I.F. EVANS: Can the Attorney guarantee that the meeting held on 5 February was the last meeting, scheduled or unscheduled, with Ms Lennon?

The Hon. M.J. ATKINSON: Mr Speaker, one can only go on the records held by the department, that is, the agenda papers prepared for the last meeting, the diary of the chief executive, and my diary. What else can you go on?

Members interjecting:

The SPEAKER: Order!

BETTING EXCHANGES

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Recreation Sport and Racing. What recent occurrences have there been that are relevant to the government's policy on betting exchanges, and what are the risks involved in betting exchanges?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I would like to thank the member for West Torrens for his question. Betting Exchanges are a relatively new form of internet based wagering activity where punters with opposing views on the outcome of a particular race, or a sporting event, or some other contest, bet against each other. I am advised that Betfair, the British based betting exchange, operated on the final of the *Australian Idol* competition. I understand that punters in daylight saving states using this betting exchange could not believe their luck when gamblers in Queensland continued to back the loser after Anthony Callea had in fact lost.

The betting exchange operator failed to close-off betting on the event after the result. I note that it has been reported

that they will pay refunds, but nonetheless it is a concerning issue. An article in *The Courier Mail* stated:

> Gamblers in Victoria cleaned up on the popular talent quest after interstate punters continued to back the eventual loser Anthony Callea for an hour after the result was announced.

The article continues:

> Basil, a Melbourne punter, who did not wished to be named, said he couldn't believe it when money continued to be placed on Callea after Donovan was announced the winner at 10.20 p.m. on Sunday.

This is not an example of the level of professionalism that is required to achieve confidence in this form of wagering. For the racing industry, and for state and territory governments, there is a major concern about threats to the integrity of racing events. This is because with betting exchanges, punters can profit directly from backing a horse to lose.

The racing industry can only prosper if it maintains public confidence at the highest possible level. Any threat to this integrity, whether real or perceived, will have serious negative impacts on the commercial viability of the racing industry. Ever since the introduction of licensed betting exchanges in the United Kingdom (the only country in the world to have embraced betting exchanges), there have been regular reports of corruption and foul play associated with UK racing. There are also reports that tennis players have deliberately lost matches after backing themselves on betting exchanges to lose.

Many other sports are also alleged to have been tainted by betting exchange operations. The ability to back a competitor to lose a contest clearly can create at least a perception that the contest may not be entirely genuine in order to satisfy the ulterior motive of gain. To illustrate the concerns about betting exchanges, a locally based example may assist. I have the recent market from Hollywood Sid on the Liberal Party leadership stakes for 2005. The Leader of the Opposition is top weight and even money favourite; the member for Davenport, an interesting runner but may not be given a clear run by his colleagues, (3/1)—

The SPEAKER: Order! The deputy leader has a point of order.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The minister is simply wasting time. He is not even attempting to answer the question. We have had only three questions from this side of the chamber so far.

Members interjecting:

The SPEAKER: Order! In referring to my notes I have to agree with the deputy leader. The question was about betting exchanges, not about who is odds-on favourite to be the next Leader of the Opposition, regardless who may be in opposition.

The Hon. M.J. WRIGHT: I do agree, sir. The question was about betting exchanges. I will conclude. There are only four in the market: the member for Bragg, well bred but erratic, needs a rails run to have any hope from here, (4/1)—

The SPEAKER: Order!

The Hon. M.J. WRIGHT: And the member for Waite, easy on the eye but unknown over the distance, (10/1).

The SPEAKER: Order! The member for Davenport.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): My question is directed to the Attorney. As reported in *The Australian* on 2 December 2004, when the Attorney-General was asked whether he was informed about the use and operation of the Crown Solicitor's Trust Account, why did the Attorney reply, 'The general use and operation, not the misuse as revealed by the Auditor-General'?

An honourable member: Changed the story.

The Hon. I.F. EVANS: Changed the story, Michael.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, I—

The SPEAKER: Order! The member for Davenport might choose to approach the chair just to satisfy the chair that the question being asked has not already been asked. The member for Torrens.

VON EINEM, Mr B.S.

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Environment and Conservation. Has the minister any further information in relation to the allegations made yesterday in relation to Bevan Spencer von Einem?

Ms CHAPMAN: I rise on a point of order, Mr Speaker. Sir, you ruled previously that if a question has already been asked in the house of one of the ministers they ought not use subsequent question time to provide the answer, that that question needs to be answered in a ministerial statement and not take up question time. This question was raised yesterday and the minister could, of course, make a ministerial statement.

The Hon. J.D. HILL (Minister for Environment and Conservation): Mr Speaker, the question was whether there is further information, not the information that was requested yesterday.

The SPEAKER: One assumes that all further information will be in response to the initial inquiry of yesterday, which the minister presumably now has and should have given to the house as a statement.

REVENUE SA

Mr BROKENSHIRE (Mawson): When will the Treasurer update Revenue SA's database? On 25 November I asked the minister what the government had done to correct errors in property tax bills sent by Revenue SA after a distressed couple informed the opposition that an investigation summons served on them had adversely affected their good character, reputation and credit rating. I have now been contacted by a member of the community, a Mrs Foley, who was served a summons by police on 10 November over an unpaid emergency services levy. Mrs Foley has advised me that she and her husband have not lived at the property in question for 27 years. Mrs Foley also said that, when they did live there, they rented it from the Housing Trust. Concern was expressed over a message on the summons stating that, if they did not appear in court within 15 minutes of the case being called, they may be arrested. Mrs Foley has since received an apology from Revenue SA, but wonders how many other elderly people have been subjected to this treatment.

The Hon. K.O. FOLEY (Treasurer): You've got to watch those Foleys! I told mum and dad I was going to get them for all those times they would not give me the pocket money I deserved—that is said in jest. I am not aware of the case. As I have said in this place previously, the member for Mawson should ring me or contact me directly with these matters of concern, and I would be—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: You bring them into this place and—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: The allegation is that I sent two police out to knock on the door and serve a summons. I am not sure that that is the job of the police or that it would have been the role of the police. I do not send police anywhere. I wish I could occasionally: I know where I would start sending a few police had I the opportunity to do so! But I cannot do that. That power does not rest with the police minister, and quite correctly so. I will take up that matter with the tax commissioner. I simply say again to the member for Mawson that errors will be made from time to time by Revenue SA, as will happen in any system where there are hundreds of thousands of transactions per year. I only wish that the member for Mawson, if he had great concern and worry about the Foley family, had come to me, and I would have addressed it as quickly as I possibly could have. But he has raised it in this place and will allow it to run its political course.

Members interjecting:

The SPEAKER: Order!

LITERACY SKILLS

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. How are South Australian students performing in terms of their literacy skills?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her question. I know that she is keenly interested in the outcomes for young people both in her own constituency and across the state. South Australian students have ranked highly in the results of an international student assessment just announced this week. The OECD (Organisation of Economic Cooperation and Development) just released the results of its program for international student assessments in 2003. Some 41 countries were involved, with Australia participating in a study of 12 000 15-year old students across 300 schools. These students were assessed in four categories of knowledge: scientific and mathematical literacy, reading and problem solving. Australian students overall performed above the OECD average. In a national breakdown, South Australian students performed strongly, coming in third, by average score, in all four categories.

The results show that South Australian 15-year olds, on average, have greater literacy and problem solving skills than those in the rest of the country. These results provide a further indicator of the improvements being made in the literacy skills of South Australian students. These results complement the record high results in state literacy and numeracy tests for year 3, 5 and 7 students. However, the state government is still looking for further improvement because, whilst we had more students in the higher proficiency levels and fewer students in the lower proficiency levels than the Australian average, there are still too many children in our schools who struggle.

That is why we are investing $35 million over four years in a literacy initiative that particularly focuses on the early years of education. I think South Australian parents can be confident in these achievements and recognise that our investment in literacy is beginning to show results in that their children are achieving higher levels than ever before.

The SPEAKER: The member for Davenport may put the question.

CROWN SOLICITOR'S TRUST ACCOUNT

The Hon. I.F. EVANS (Davenport): Thank you, Mr Speaker. I repeat my earlier question to the Attorney-General. As reported in *The Australian* on 2 December, when the Attorney-General was asked whether he was informed about the use and operation of the Crown Solicitor's Trust Account, why did he reply 'The general use and operation, not the misuse as revealed by the Auditor-General'?

Mr O'BRIEN: I rise on a point of order, sir. You have consistently ruled that a question cannot be based on an extract from a newspaper. I refer to Erskine May.

The SPEAKER: The member for Napier, quite conscientiously, raises the point that the information relied upon for the inquiry comes from a newspaper, but the newspaper is quoting the minister. It is a determination of the chair that it is appropriate for the minister to establish the veracity of the remarks that were made or to refute them, if it is the wish of any member to make such an inquiry. Frankly, I see its going to the credibility of the minister, and he has a right, as has any minister or other member, to defend himself in those circumstances.

The Hon. M.J. ATKINSON (Attorney-General): Hope springs eternal for the opposition. The press conference outside my Pirie Street office was attended by many media outlets. Michelle Wiese Bockmann of *The Australian* was the only one to make this interpretation. It is a wrong interpretation. I will tell members why.

Ms Chapman: A misquote?

The Hon. M.J. ATKINSON: Yes; it is a misquote. Mike Smithson of Channel 7 paraphrased Kate Lennon and said, 'It says in her letter that you were informed about the use of the trust account, but the operations of the trust account were never a secret.' That was the question. What I did, as a former journalist, was to help in the dialogue. I paraphrased what he said and I said, 'The general use and operation, not the misuse of the fund as revealed by the Auditor.'

Members interjecting:

The SPEAKER: Order! The minister, like any other member, is entitled to be believed until the production of evidence.

An honourable member interjecting:

The SPEAKER: Order!—until and unless there is production of evidence to the contrary. Members should not be derisive of any of their colleagues when they are relating to the house their sincere and frank views and recollections of such matter until and unless any such inquiry would reveal otherwise. Let the chair say that the more members respect each other, the more the public will respect the institution to which they belong.

The Hon. M.J. ATKINSON: Mr Smithson having paraphrased Kate Lennon's letter that was revealed that day, I then stated the proposition, so that I could go onto explain my position. How is it, if the member for Davenport's interpretation is to be adopted, that *The Australian* got the scoop, but every other media outlet missed it. That is because they were listening more carefully than *The Australian's* reporter and they knew what was going on. Indeed, I have a letter in preparation to *The Australian* about that very matter.

Let us be clear about this, Mr Speaker. I was never informed about the Crown Solicitor's Trust Account, its misuse, its existence or its normal operation by Kate Lennon. I was not informed at the second last meeting; I was not informed at the scheduled meeting; I was not informed at an unscheduled meeting; I was not informed by a chat in the

hall. It was not whispered in my ear when I was asleep, so far as I am aware. I was not sent an email. I was not sent a smoke signal. I did not receive a minute. It did not happen. You see—

The Hon. I.F. Evans: You did receive a minute.

The Hon. M.J. ATKINSON: No, I did not receive a minute from Kate Lennon about the Crown Solicitor's Trust Account. Mr Speaker, over a course of 18 months, the Public Finance and Audit Act was violated by my former chief executive; and Treasurer's Instructions were violated by my former chief executive. The Liberal Party obviously approves of this misconduct and has never sought to criticise it—so much for its standard of probity—and it seems to think it is entirely appropriate that, after 18 months of continual misconduct, it somehow clinches its case by a claim that I was informed at a goodbye meeting. That clinches the case. This is an enormous breach of public trust by my former chief executive and by those who collaborated with her.

I would have thought in such a major enterprise, shifting around millions of dollars to avoid ministerial control, it was worth a minute; it was worth writing down. Obviously the opposition does not think so.

VIETNAMESE COMMUNITY

Mr RAU (Enfield): My question is to the Minister for Multicultural Affairs. As it is almost 30 years since the first wave of Vietnamese migrants arrived in Australia, can the minister inform the house what is being done to commemorate this important occasion?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): I am glad that the member for Enfield, whose electorate is home to so many Vietnamese Australians, has raised this matter. The year 2005 is an important year not only for the Vietnamese—

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: I'm sorry. I am not sure what the Leader of the Opposition is implying, but I hope it is not the kind of reference to the Vietnamese Australian community that I think it is. It is an important year not only for the Vietnamese community but also for all Australians. The arrival of large numbers of Vietnamese settlers marked a major shift in Australia's migration history. For the first time since Federation, Australia was welcoming new arrivals from an Asian country. Following the fall of Saigon (the capital of the Republic of Vietnam) on 30 April 1975, hundreds of thousands of Vietnamese escaped from Vietnam seeking refuge in other countries. Many of these refugees arrived in Australia either by boats or by air.

I want to pay tribute to the former Liberal prime minister Malcolm Fraser for doing the right thing after 1975, the right thing in welcoming to Australia thousands of Vietnamese boat people who had traversed the South China Sea seeking to escape—

Mrs Hall interjecting:

The Hon. M.J. ATKINSON: As the member for Morialta says 'and the pirates on the South China Sea' to get to freedom in Australia. I must say that there were some members of my party at that time whose attitude to those Vietnamese refugees was shameful. I will not mention any names, but the then prime minister Malcolm Fraser took a principled stand at a time when there was a residue of anti-Asian feeling in Australia. That residue was later played on by Liberal opposition leader John Howard, who has since regretted his remarks.

As to the earlier interjection by the Leader of the Opposition, I can tell him that the only Vietnamese Australian local government councillor in Australia is The Tung Ngo. He is a friend of mine and he is on the Port Adelaide Enfield council, and I am not the least bit ashamed of my friendship with him, if that is what the leader was implying earlier.

The Hon. R.G. KERIN: On a point of order,Mr Speaker, the Attorney has just imputed improper motives to me. I have no idea what he is talking about, so I ask him to withdraw.

The SPEAKER: That is not a point of order.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Aaah. Thank you.

The SPEAKER: The Attorney ought not give credence to interjections and have, therefore, the likelihood of interjections being placed on the record by making any reference to them whatsoever. It leads in too many instances to the kind of simple hurt to which attention has already been drawn in this instance. Let's put it behind us. No offence was meant. Move on.

The Hon. M.J. ATKINSON: Mr Speaker, the member for Mawson gave the game away. He just said that the Leader of the Opposition was referring to council stacking, that is to say, encouraging Vietnamese Australians to participate in the public life of South Australia. Today, there are more than 200 000 Vietnamese born residents in Australia—

Mr Brokenshire interjecting:

The SPEAKER: Order! I call the member for Mawson for the last time!

The Hon. M.J. ATKINSON: —and about 15 000 Vietnamese Australians in South Australia. Most of them have become Australian citizens and, for the information of the member for Mawson, they are quite entitled to participate in local government in this state. In a relatively short period of time, Vietnamese settlement has had a large impact on many aspects of modern Australian society, including local government. Members of the Vietnamese community are looking forward to celebrating an important milestone of their existence in Australian society.

To mark this important event, Mr Hieu Van Le, whom I was pleased to appoint Deputy Chairman of the South Australian Multicultural and Ethnic Affairs Commission, and a Vietnamese community stalwart, brought to my attention a proposal that Australia Post issue a special commemorative stamp. To advance this proposal, I asked the South Australia delegation led by South Australian Multicultural and Ethnic Affairs Commission Chairman, John Kiosoglous, to raise this matter at the recent Standing Committee on Immigration and Multicultural Affairs, which comprises the most senior officials in multicultural affairs from all jurisdictions in Australia.

I am pleased to report that this South Australian initiative has received the endorsement of all jurisdictions. Australia Post will now be approached by the Chairman of the standing committee to give further support to the proposal. Vietnamese settlement has changed the fabric of our country, and indeed changed it for the better. It has been a catalyst for a sea change for multicultural Australia. The South Australian government looks forward to the celebration of the 30th anniversary of the settlement of Vietnamese communities and acknowledges the major contribution that they make to our state.

It has been one of the joys of my public life to worship with the Vietnamese community (with Christians) at the Mater Dei Church at Woodville Park in my electorate and Our Lady of the Boat People at Pooraka, to join them at the

Phap Hoa Buddhist temple at Pennington, and to join with the Hoa Hoa people in their worship and celebration at Virginia.

I give credit to a former Liberal government, to Malcolm Fraser, for standing by our wartime allies from the Army of the Republic of Vietnam, their families and the people who protected them. Yes, it is a tragedy that Saigon fell almost 30 years ago; it is a tragedy that the Republic of Vietnam was overrun by a Communist Army; and it is a continuing tragedy the way that the Socialist Republic of Vietnam is ruled today, but out of that tragedy has come great benefit for Australia.

WATER AND SEWERAGE RATES

Mr WILLIAMS (MacKillop): My question is to the Minister for Administrative Services. Can the minister explain why he has claimed that the latest water and sewerage rate increases will be 3 per cent, and that this is in line with local CPI movements, when the price of water will rise by 2¢, from 44¢ a kilolitre to 46¢ a kilolitre—an increase of 4.5 per cent—and the Treasurer's most recent budget forecasts a CPI increase of 2 per cent for the current financial year in South Australia?

The Hon. M.J. WRIGHT (Minister for Administrative Services): As I have already said, the water prices for 2005-06 will rise by 3 per cent in line with CPI movements.

ELECTRICITY PRICES

Mr CAICA (Colton): My question is to the Minister for Energy. Can the minister please advise if it is still possible for an interested party to make a submission on the draft report by ESCOSA on future electricity prices?

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON (Minister for Energy): I got an interjection there from the member for Bright, and he got that wrong too. It is possible to make submissions. There were actually a number of reports. He was referring to one for which it is possible to make submissions until February of next year, but you would think he would be interested in the one on AGL's prices because that is the one he said was wrong, that had been set much too high.

We have not had a submission from the Liberal Party to date, but it is possible to make a submission on the AGL draft until 15 December—that is, next Wednesday. As the member for Bright has made a lot of noise in other places about what the price of electricity should be, I urge him to meet that deadline and make a submission, and explain to the Regulator where the Regulator got it wrong and why it should come down 10 per cent which, I think, was his most recent figure. I urge him—as a former minister for energy who, I assume, would have some understanding of the issues—to point out where the Regulator is wrong and explain why it should come down 10 per cent by next Wednesday. He may have some difficulty with that because in one of his own cabinet submissions, when he was bringing a proposal for tendering the small sites at retail competition to cabinet, he acknowledged that the default tariffs from January 2003 were likely to be a financial burden—which is why they had to go early to protect the government. Of course, there was no consideration for protecting punters, but it was important to protect the government. So I urge that submission.

It is commission policy to make all submissions publicly available, so we also look forward to reading the detailed explanation of the member for Bright, that he has not found so far, as to why prices should go down. In that submission, which I am sure we will now see, we should be very careful about what the Liberal Party tells us on electricity, because I know—

Members interjecting:

The SPEAKER: Order!

The Hon. W.A. MATTHEW: I rise on a point of order, and it is one of relevance. The minister was asked a very specific question; whether it was still possible to make submissions in relation to the AGL pricing. The minister is now going way beyond the scope of that question into not only defending the high electricity prices he is imposing but also speculating on what the opposition may or may not do.

The SPEAKER: Order! The member for Bright now engages in debate. The minister has answered the question.

SUNDAY TRADING BREACH

Mrs HALL (Morialta): My question is to the Minister for Industrial Relations. Will the minister intervene to ensure Workplace Services drops its prosecution against Mr Bruce Cutler of Pooraka Good Guys Discount Warehouse for trading on 20 July, 27 July and 3 August? Mr Cutler has been charged with breaching the Shop Trading Hours Act. On those days that I listed, Mr Cutler opened his business, the Pooraka Good Guys Discount Warehouse, in accordance with amendments to the Shop Trading Hours Act which had passed through the parliament on 7 July 2003, which was two weeks before the first alleged offence allegedly took place.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Generally speaking, I would prefer not to comment on individual cases, but I can say that generally when Workplace undertakes this activity it is as a result of complaint that has been made, which would be the case with this particular example. Members would be well aware (and I am doing this from memory so, if it is not correct, I will come back with precise dates) that in about July 2003 we came forward with legislation to change shop trading hours.

Unlike the former Liberal government which had sponsored some six Sundays a year, this government came forward with about 51 Sundays a year. It just so happened that, when we passed the legislation in July for the changes that were made by the government, and supported by the parliament, the Sunday trading was going to start in October, and in fact I think that coincided with daylight saving. If anybody went out in full knowledge of knowing what that legislation was and traded before the changes that were made in the legislation came into effect—I cannot remember the exact date but it was in October—presumably they are breaking the law. As I say, it is not the role of the minister to comment specifically—

Mr Brindal interjecting:

The Hon. M.J. WRIGHT: Just listen to the answer. It is not the role for me to comment specifically, and I would prefer not to comment specifically in regard to Mr Cutler, but I can say that generally speaking that is what Workplace Services is doing, whether it be in this particular case or any other. Generally speaking, they investigate cases as a result of a complaint that has been made. That is what they would have done on this occasion. If the member for Morialta is asking me to intervene in that situation, the answer is no.

Mr Brindal interjecting:

The Hon. M.J. WRIGHT: The member for Unley says that I should. He is asking me to intervene in a case where apparently a situation is occurring (whether it be Mr Cutler or anyone else) where they are jumping the legislation which

came into effect in October by going out and trading—I think the member referred to three dates in August or whenever it may have been. If that is what is being proposed by the opposition, that does surprise me.

WELFARE GROUPS, ELECTRICITY PRICES

Ms RANKINE (Wright): My question is to the Minister for Energy. Has the minister met with welfare groups on electricity prices? Is he aware of other relevant meetings with welfare groups?

The Hon. P.F. CONLON (Minister for Energy): Yes, sir, I have met with welfare groups, because the Labor Party has been concerned and has demonstrated its concern about the effect of the Liberals' high electricity prices on those most vulnerable.

Members interjecting:

The Hon. P.F. CONLON: That is why we increased the electricity concession by 70 per cent and that is why we offered a $50 rebate that was taken up by 80 000 South Australians. It is good that we sought a meeting with at least some of the welfare groups. At least they said something positive about the new direction for electricity prices. We would have liked it to have been more, but at least they had something positive to say.

I am also advised by the welfare groups that they were invited to a meeting with the opposition last week to discuss the same sorts of things, and I am told it was attended by the Leader of the Opposition, the member for Heysen and the member for Bright. What they indicated to the welfare groups is that they were so concerned about electricity prices they would concentrate their entire last week in question time asking questions about electricity. We know what the welfare groups can rely on from the opposition.

Members interjecting:

The Hon. P.F. CONLON: 'Absolute rubbish,' they say. But they know, because they told me I was in big trouble; the welfare groups told me: 'Big trouble because the opposition is going to attack you all the last week.' They have a minute left. I urge them to get started!

The Hon. DEAN BROWN: On a point of order, Mr Speaker: the minister is not responsible for a meeting that he was not invited to nor attended and so, under standing order 98, I ask that you rule that he is simply debating the issue.

The SPEAKER: I have to say that I cannot hear what the minister is saying, and I even had difficulty hearing just then what the Deputy Leader was saying. Maybe the minister could simply wind up his answer.

The Hon. P.F. CONLON: Can I indicate something entirely relevant and important on the very important issue of electricity prices: a price path was set for three years and we have not had a single question in the last week of parliament from the opposition, merely them slinking off into private members with a motion—something that I am going to enjoy debating at the time. Not a single question—that is what they care about electricity prices. They did not care in government and they do not care now.

Members interjecting:

The SPEAKER: Order!

NURIOOTPA DUMP

Mr VENNING (Schubert): My question is to the Minister for Environment and Conservation. Is the minister aware of a proposal to relocate waste from the Wingfield dump to the Nuriootpa dump in the Barossa Valley? The opposition has been made aware of plans to extend the life of the Nuriootpa dump by 20 years, and to increase the capacity of the dump by 800 000 tonnes. The plan includes relocating 28 000 tonnes of waste from Wingfield to Nuriootpa. The opposition has also been told that some of Adelaide's future waste will be dumped at the Nuriootpa dump site after the Wingfield dump—

The SPEAKER: Order! That is debate. The honourable the minister.

The Hon. J.D. HILL (Minister for Environment and Conservation): The Wingfield dump will close at the end of this year. I am not sure whether the member is suggesting that waste that is already contained in that dump will be dug up and taken up to Nuriootpa. So, he is not saying that waste from Wingfield will go to Nuriootpa; he is saying that waste that might otherwise have gone to Wingfield will go to Nuriootpa. Clearly, if you close the Wingfield dump, waste that would have gone there has to go somewhere else. I am not aware of any particular proposals in relation to the Nuriootpa dump. I am, of course, aware of proposals for waste that otherwise would have gone to Wingfield to go to Dublin, Inkermann and other sites in the northern part of the state, because it obviously and clearly has to go somewhere. That is why we put in place a proposition through Zero Waste SA that we move to get rid of waste going to landfill, but that will take time.

The other thing to be borne in mind is that the government's policy through zero waste is that we do not want to have any more metropolitan landfill sites. We think that we have sufficient now to deal with the waste that is available. In relation to the Nuriootpa proposition, I am not aware of any proposals to extend the life or size. I would be very pleased to have a look at that and get back to you on it. My colleague, the member for Adelaide, informs me that the Wingfield Waste Management Centre and the Wingfield dump are different businesses. I assume that you are referring to the Adelaide City Council's dump, colloquially known as the Wingfield dump. I will get a report for the member.

MOUNT GAMBIER BUS SERVICE

Mr BROKENSHIRE (Mawson): Will the Minister for Transport advise the house whether the government will increase its funding for the Mount Gambier bus service as a result of the Mount Gambier City Council's decision not to contribute to the cost? The Mount Gambier City Council is refusing to contribute funding to this service, arguing that no councils in the metropolitan area are required to fund public transport. I am advised that if the government does not increase its funding to cover the gap, bus services in the area will be scaled down to the detriment of the community.

The Hon. P.L. WHITE (Minister for Transport): The matter to which the honourable member refers is a threat by the Mount Gambier council to withdraw its current funding for bus services in its region. I am disappointed with that threat because, ultimately, when a council withdraws funding, the people who suffer are its ratepayers. I am due to meet with the Mayor of Mount Gambier (I am not exactly sure when that is) in coming weeks to talk about this issue. However, I would say to councils all around South Australia that, rather than making threats to withdraw funding, or diminish their funding for bus services to their ratepayers,

surely they should be working with government to look at more effective ways to provide those services.

Those councils that are interested in doing that will have my ear. I am meeting shortly with the Mayor of Mount Gambier. I am a little disappointed at the threat and its lobbying in this way because, ultimately, if councils withdraw their funding the people they harm are their ratepayers.

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. During my genuine question about bus services in Mount Gambier, the member for Mount Gambier used unparliamentary language and called me a dickhead. I ask that he retract.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Chair will be vacated if one further call for order is ignored. If the minister and member for Mount Gambier did say that, it is unparliamentary and he will withdraw it. I heard the Deputy Premier say, albeit in jest, 'Truth is a defence,' which is more offensive and he will withdraw that and apologise. The Minister for Agriculture, Food and Fisheries.

The Hon. R.J. McEWEN: He who protests protests too much. I did not direct the comment at the individual—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: If members will allow, I will finish. I did make the comment more generally directed at other members opposite. I do withdraw and apologise.

The SPEAKER: The Deputy Premier.

The Hon. K.O. FOLEY: Sir, I thought that what I said was funny, but if it has upset someone I withdraw humbly.

SITTINGS AND BUSINESS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I move:

That question time be extended by five minutes.

In so moving, sir, I explain that we have not yet had our 10 questions for the day.

The Hon. K.O. FOLEY (Deputy Premier): Our understanding is that 10 questions have been asked. Could we have that clarified by the Clerk or whomever is keeping a tally?

The SPEAKER: The chair keeps a tally and the chair has tallied nine. The Deputy Premier may be thinking of the member for Davenport when called up to the chair to determine whether or not the question was relevant was indeed a question. It was not, on my score sheet, if that is what you are referring to. I do not mind. The decision is in the hands of the house.

The Hon. K.O. FOLEY: No; we are with you, sir.

Motion carried.

LAND TAX

Mr WILLIAMS (MacKillop): Is the Treasurer aware of the extreme financial hardship being caused to businesses in small country communities through the failure of the government to adjust land tax scales against valuations for the past three budgets during a period of record escalation in property values? The post office at Robe, which is privately owned and operated, has an income of about $52 000 a year but its land tax bill has increased from $875 last year to $7 475 this year. In a letter to the Premier, the owners state:

We implore the state government to bring their method of land tax calculation into the 21st century and stop ripping the guts out of small business.

Mr Brokenshire: Hear, hear!

The SPEAKER: Well—

Mr Williams: That's what they said, sir.

The SPEAKER: The member for Mawson wallows in the luxury of having asked his question, or he might not otherwise have done so. Barracking is entirely inappropriate.

The Hon. K.O. FOLEY (Treasurer): Perhaps I was right before.

Members interjecting:

The Hon. K.O. FOLEY: Come on, have a sense of humour, for crying out loud! I have been crook for 10 days; I have got a headache. I will take the question—

Members interjecting:

The Hon. K.O. FOLEY: I am overwhelmed by the compassion and sympathy shown by members opposite. My God, the member for Bright even looks somewhat concerned about the state of my health.

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sorry, sir.

The SPEAKER: The member for Bright may choose to do that at another time.

The Hon. K.O. FOLEY: Even Dorothy is concerned!

The SPEAKER: Order! The Deputy Premier should not refer to questions—

The Hon. K.O. FOLEY: My apologies, sir.

The Hon. D.C. Kotz: If you stay off the phone when you're in your sick bed—

An honourable member: No, she's not sympathetic.

The Hon. K.O. FOLEY: That would be too much. Sorry, with respect to land tax, I am not aware of that specific issue. Someone may well have written to me. I will seek a detailed response for the member for MacKillop to that very important question.

COMMUNITY ROAD SAFETY GROUPS

Ms BEDFORD (Florey): Can the Minister for Transport inform the house about how the government supports community road safety groups?

The Hon. P.L. WHITE (Minister for Transport): The state government is working with councils, local road safety groups and communities to do what we can to improve road safety. We currently have 28 active community road safety groups in the state, which are made up of about 350 volunteers and residents, mainly in country areas. We have in place a community road safety grants scheme, which provides the opportunity for real grassroots road safety groups to apply for funds for road safety initiatives in their own specific communities.

Some of the grants that have been provided have been in the Gawler area, for example, over the previous two years. Grants have been provided towards the Project P Plate and also the Speed Trailer Project in the Mount Gambier and Districts Community Road Safety Group. There has been successful funding for their youth Drive to Survive course. We have also funded projects, such as one in the Riverland, where money was given for the development of a strategic plan for road safety. For Roxby Downs there has been a

project involving internet information for regional road safety. Applications for the next round of this scheme are due in January next year, and I urge all community road safety groups to take advantage of that grants program and to put forward positive road safety contributions for their community.

HOME ENERGY AUDIT PROGRAM

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. Following the minister's last update to the house six months ago, can he now advise the house through a further update how many of the low energy light bulbs, showerheads and door snakes, purchased at a cost of more than $150 000 of taxpayers' funds, the government has given away as part of its Home Energy Audit Program? What proportion of people who have received these audit gifts have had their electricity disconnected? On 13 October 2003, Energy SA called via government tender No. 9422 for the 'supply and delivery of 20 000 compact fluorescent globes, up to 10 000 AAA-rated shower heads with arms and 10 000 door snakes'.

The Hon. P.F. CONLON (Minister for Energy): I have got to say that they hand down a price path for electricity for three years for all South Australians. That is what they did last week—no submission from the Liberal Party—

The Hon. W.A. MATTHEW: I rise on a point of order, sir. My point of order is relevance. My question was very specific, requiring a very specific answer, and I ask the minister to provide the updated information I requested.

The SPEAKER: The member for Bright could expect the bits and pieces to which he referred to form part of an answer which would slay us—and it will.

The Hon. P.F. CONLON: I actually keep a door snake on my desk. I keep it there to remind me of the opposition. If he wants to call in, he can see it. It is in Port Power colours—and it is more attractive than him. It is up there now.

I am happy to spend some time on the member for Bright's preoccupations with things snake shaped. He has a certain interest. We know from the past that he has a certain interest, and I am happy to humour his preoccupation.

The Hon. W.A. MATTHEW: I rise on point of order, sir, which is again on relevance. I asked a very specific question, including details of the proportion of people who have had their electricity disconnected—and that is no laughing matter. I ask the minister to provide the detail requested.

The SPEAKER: I do not think the minister knows.

The Hon. P.F. CONLON: He asked a long question with many parts. I want to deal first with the longest part. The door snakes, in which the member for Bright has such an unhealthy preoccupation, go out with an energy audit. In fact, we went out recently close to his electorate. The Marion council recently held a community cabinet meeting, which many people attended. Sir, there is the offending reptile in person, straight from my desk.

I met with a representative of one of the welfare groups that has delivered many hundreds of the government's audits, and she could not have been more glowing and effusive in praise of the program; she was glowing and effusive. In fact, she was asking the government to extend the program and allow more time in the actual audit and a greater number.

It is a very important program that spends time in people's homes, looking at what they do with their energy, and it does include a draft excluder, which the member for Bright has rightly identified as being shaped like a snake—which is apparently the most important part of the entire program, the thing snake shaped. I am advised that the draft excluder, as the welfare agencies refer to it, is considered one of the most important parts of explaining energy efficiencies at home. They are glowing about the program. They like the snake, but not with the same sort of unhealthy preoccupation as the member for Bright.

In terms of people disconnected, I congratulate Don Ferguson, the Mayor of Wattle Range Council, who left the board in an attempt to assist that small handful of people who are disconnected out of pure need. We are very concerned for them, but it is a small handful for which we have programs. I asked the welfare agencies to send information about those in danger. I am dealing with the seven names that have been returned to us at this time. I am certain that we have prevented all those people from being cut off at present and we will bring to bear—

The Hon. W.A. Matthew: There were 14 000.

The Hon. P.F. CONLON: They say '14 000'. They cannot tell the truth—14 000 is simply not true. It is like his 10 per cent. It is like his increase in Victoria—or was it a decrease in Victoria and an increase in South Australia? It is the old Wayne's world—geographically altered maps. It is like all that—it is just not true. The program is welcomed by the agencies. It has been very popular. I keep my own little doorsnake, Wayne, to remind me of it. I am more than pleased to talk about it any time the member for Bright is so foolish to get to his feet—and a merry Christmas to all, sir.

VON EINEM, Mr B.S.

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Yesterday, the opposition in both houses read out excerpts of a letter allegedly written by an anonymous prisoner which made a number of claims concerning Bevan Spencer von Einem, a prisoner at Yatala Labour Prison. This 'letter' was released to the media as an unsigned, rewritten 'manuscript' of the purported original before it was even raised with minister Roberts. I am advised that the claims in this letter are not only absurd: they are simply not true. As minister Roberts told parliament yesterday afternoon, the Department for Correctional Services dealt with the matter of an unauthorised item of clothing—that is, an apron—brought into a prison in October 2003. A prison officer was disciplined over this matter.

Accusations of any special privileges being afforded to this prisoner are simply wrong. Let me expand on that point. This government is totally opposed to any special privileges being afforded to Bevan Spencer von Einem, and I am sure all members of this house and most members of the community would agree. The opposition claimed yesterday that the prisoner simply can do as he pleases. That, too, is just wrong. Prisoner von Einem has been held in high security ever since he began his sentence at Yatala some 20 years ago. He has been subject to a very restricted regime for a very long time. The baseless, unchecked claims raised by the opposition yesterday and in the media today were not just embarrassing

for the Liberal Party: they showed a reckless and callous disregard for the victims' relatives.

I would ask members opposite to consider the trauma these sorts of issues cause to the victims' relatives. Minister Roberts is more than willing to investigate any such claims brought to him privately, if in fact the primary aim of the claims is to check their truth.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! The Leader of the Opposition has a point of order.

The Hon. DEAN BROWN: The minister knew I was on my feet calling 'point of order' and took no notice. I point out that a minister cannot use the opportunity of a ministerial statement to debate an issue and slag the opposition, and that is exactly what the minister is now doing.

The SPEAKER: The minister must not debate the matter. The minister may continue to provide the house with factual information about a matter of policy, not his opinion or what the opposition may or may not have done, or might have done.

The Hon. J.D. HILL: Thank you, Mr Speaker. I lay on the table the statement made by my colleague in another place.

LOWER MURRAY RECLAIMED IRRIGATION AREAS

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: On 23 November 2004, the Leader of the Opposition asked me a question regarding the commencement of the Lower Murray rehabilitation project, and whether a reference would be made to the Public Works Committee. In addition to the answer already given, I provide the following information. When this program was first mooted, it was envisaged that the government would undertake much of the work, particularly in the government districts (covering two-thirds of the region). In the period since then, we have discussed the program with irrigators, and the program of works and the funding procedures that emerged from those negotiations are now, I believe, better aligned with the priorities and needs identified by the irrigators. What we now have is a series of works that will be undertaken by individual irrigators, with assistance provided by government in the form of a grant. A number of separate construction activities will be carried out as part of a program to reform irrigation practices on individual properties.

No single work on an irrigated property is expected to exceed $4 million. Overall, the total program of works will exceed $4 million and the funds will be provided from one source, the National Action Plan for Salinity and Water Quality. The large majority of the works will occur on private land or land that will be private following conversion of government districts. Only a small part of the works will occur on government land.

Earlier this year, the Public Works Committee conducted an inspection of a farm at Wood's Point. At that time there was still an expectation that a large proportion of the works would be carried out by the government or as single construction projects by the privately owned districts. The grant-based irrigator-managed program that has emerged from our discussions with irrigators is the most effective way of delivering the necessary program of works to upgrade the existing infrastructure and achieve the program's objectives.

The revised funding arrangements were confirmed in a letter that I forwarded to all irrigators in the region on 27 October 2004. Those changes have been well-received, and I am confident that there is now a very good funding arrangement that will allow the program to proceed. The comments I have received from irrigators confirm that the changes have been well-received.

On the question of referral of the program to the Public Works Committee, I am advised that because of the changed nature of the funding arrangements there is no longer a requirement to put each individual project before the Public Works Committee. In order to close this matter off, however, with the Public Works Committee, I intend to provide the committee with a briefing on the current status of the project. The objective is to advise and fully inform the committee of progress on a significant program of works and of the changes to the program since the committee inspected a farm earlier this year.

I should add that the closing date for irrigators to lodge applications for financial assistance was 26 November 2004, and I am very pleased to advise the house that all continuing irrigators have applied. In addition, all irrigators in the government districts have applied for conversion to private irrigation districts. These responses confirm that the funding offer as amended on 27 October is structured in a manner that meets the needs of the irrigators.

The Hon. DEAN BROWN: On a point of order, Mr Speaker, the minister has made a ministerial statement about those projects that need or need not go to the Public Works Committee. I ask you to look at that, because we are dealing with a committee of the house to which the ministerial statement relates. As I understand it, the minister said that as the work was on private land, or largely on private land, it did not have to go to the Public Works Committee.

The Hon. K.A. Maywald: No. Read the statement.

The Hon. DEAN BROWN: We haven't got the statement; that's the problem.

The Hon. R.J. McEwen interjecting:

The Hon. DEAN BROWN: The normal procedure is that it is handed out at the time the statement is made.

The SPEAKER: Order! Can I tell the house and the minister straight out that works which cost in total more than $4 million, regardless of the source of funds, must go to the Public Works Committee, if they are built on Crown land. If, however, the land does not belong to the Crown and the total sum of money being spent by the Crown exceeds $4 million for any such scheme of rehabilitation, then that, too, requires the matter to be referred to the Public Works Committee under section 16A of the Parliamentary Committees Act.

I do not know whether either or both of those conditions apply in these circumstances, because I was distracted. I have not had the table provided to me as the member for Hammond. That is why I am in my seat and not on my feet, because I have that conflict and I do not want to be accused of not properly observing. To my certain knowledge, though, as chair, if either of those two conditions to which I have referred apply, the statute, not the chair, requires the works to go before the Public Works Committee.

Mr BRINDAL: Following on the deputy leader's point of order, could I reinforce his request and ask you to look at the matter, sir? I believe that the minister said clearly in her statement that the total value of the works exceeded $4 million, albeit that they had compartmentalised the work.

Mr Speaker, you made a statement about this in your capacity when you were chair that the aggregation of the works exceeds $4 million. The minister said that it was not, therefore, necessary to put it before the Public Works Committee because those works were compartmentalised on individual properties. I ask, in support of the Deputy Leader, that you examine that matter because I believe you have already, in a different capacity, expressed the view that if the aggregation exceeds $4 million the legal requirement is for the matter to be referred, not as a courtesy but as an obligation.

The SPEAKER: Certainly.

The Hon. DEAN BROWN: I return to my original point of order. My ears were correct, and my understanding of what the minister said was correct. Now that I have an actual copy of the ministerial statement, I draw your attention to the following:

> No single work on an irrigated property is expected to exceed $4 million. Overall the total program of works will exceed $4 million and funds will be provided from one source, the National Action Plan for Salinity and Water Quality. The large majority of the works will occur on private land, or land that will be private following conversion of government districts. Only a small part of the works will occur on government land.

That is not the point: the point is that if the total project costs $4 million—whether it is on private land or government land—it is my understanding that it should be referred to the Public Works Committee. I therefore ask you to look at the ministerial statement to see if what the minister has indicated to the house is a fair and accurate reflection of the act that sets up the Public Works Committee.

The SPEAKER: I undertake to do that.

MINISTER'S REMARKS

Mr HAMILTON-SMITH (Waite): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: A moment ago the Minister for Environment and Heritage made a ministerial statement dealing with the matter of Bevan Spencer von Einem. He made two statements: that accusations of any special privileges being afforded to prisoners are wrong, and that he would ask honourable members opposite to consider the trauma these sorts of issues cause to the victims' relatives and, 'Clearly these claims were made. . . Members opposite should write to the victims' relatives and apologise for causing such unnecessary hurt.' I need to explain that I personally contacted a lead victim's family, or arranged for them to be contacted, yesterday before question time. They have since returned my calls and thanked me for that, and have expressed the view that they welcome the inquiry and that the inquiries were factual, and expressed disappointment in the government's response. I should say that has been done, and was done. Secondly, I should explain that prison guards rang the 5DN radio Ray Fewings program this morning and confirmed the opposition's claims.

GRIEVANCE DEBATE

SPEED LIMITS

The Hon. G.M. GUNN (Stuart): I want to raise a matter close to my heart concerning the ability to drive at 130 km/h on certain specified roads. I was very pleased to receive a letter addressed to me from the District Council of Coober Pedy dated 29 November and headed 'Highway Speed Limit'. It read:

> I read with interest your speech to parliament. . . to amend the Road Traffic Act. After speaking with my councillors and many residents of Coober Pedy, I have been granted permission on behalf of the District Council of Coober Pedy and the residents we represent, to offer support for the bill.
>
> We fully support the introduction of a 130 km/h maximum speed limit on the road between Port Augusta and the NT border, and firmly believe this is a sensible and common sense approach. The Stuart Highway north of Port Augusta to the Northern Territory border is a magnificently wide, long and well maintained stretch of road that can easily and safely accommodate speeds of up to 130 km/h. The majority of vehicles that travel this road are also built to safely accommodate these speeds.
>
> As residents of the outback that have to continually travel this road to source services not provided in regional South Australia, we find it extremely frustrating to be restricted to having to maintain 110 k/h on this highway. Not only does it make the trip to Adelaide an extremely long and arduous journey but also increases the possibility of accidents caused due to boredom and exhaustion.
>
> I constantly hear comments made by travellers from the Northern Territory who reach our border and have to reduce their speed to 110 km/h after having travelled often very long distances at unrestricted speeds, and often on roads that are not to the standard of the road between the border and Port Augusta. These people would see the introduction of a 130 km/h speed limit on this section of road as a buffer that would allow them to become accustomed to the reduced speed limits before reaching populated areas.
>
> In the year 2004 the roads and the vehicles that travel these roads are far superior to those of 1961. The expectation of our residents who travel this stretch of road more frequently requires a more realistic approach to speed limits on this stretch of road. It is very obvious to our residents, and anyone who travels this road, that the 110 km/h speed limit on this stretch of road is purely a means to raise revenue at the expense of those already financially and geographically disadvantaged.
>
> I urge the Honourable Members when next visiting or travelling through our area—

The SPEAKER: Order! The honourable member for Stuart, it seems, is anticipating debate on the Road Traffic (Highway Speed Limit) Amendment Bill (No. 50) standing in his name on the *Notice Paper* in the course of making these remarks. If there are matters to which he wishes to draw attention that are not related to that measure, then of course he may proceed. But he cannot proceed to anticipate debate on that bill.

The Hon. G.M. GUNN: Thank you, Mr Speaker. I think I have made the point. I will now turn to another matter of interest to me.

Ms Breuer interjecting:

The Hon. G.M. GUNN: And obviously of interest to the member for Giles, and it concerns the freeholding of 'Rangelands'. I recently received a letter from the chair of the North Flinders Soil Conservation Board. It refers to a survey carried out by the department for environment which was less than professional. These are some of the dot points:

- The area surveyed is not representative of the 'Rangelands' as a whole.
- The survey was conducted by two members of the Pastoral Land Management Group. Whilst these members have the expertise to do such a survey they have a conflict of interest in that if they had found the Perpetual Leases to be in better condition than the Pastoral Leases there would have to be serious questions asked as to the role of the Pastoral Land Management Group. The survey should have been independent of both land tenures.
- An extract on page 4 of the survey report states, 'Much of the degradation in both areas was considered historic; in other words, not due to current management practices', so why penalise today's lessees for mistakes of the past?

These points are valid. There is no reason why these 'Rangelands' perpetual leases should not be freeholded. I ask the

minister to get on and do it. It is my understanding that was a recommendation made by the select committee following the information given it.

In conclusion, I had intended this week to ask the Minister for Education and Children's Services a question in relation to the reduction in funding to the Peterborough Primary School. I will have to do that by way of correspondence.

Time expired.

PNEUMOCOCCAL VACCINE

Ms RANKINE (Wright): We know that, whenever a good news story comes out of the federal government in Canberra, there is a sting in the tail, and the sting is usually in what they do not say, not what they do say. We never quite hear the whole story. Earlier this week the federal Minister for Health reannounced the federal government's intention to fund the pneumococcal vaccine to make it free for all Australian babies. This is a welcome announcement that was made after a concerted campaign here in South Australia. Parents in South Australia can take a great deal of credit for forcing the federal government into changing its mind and providing this free vaccine, as was recommended by the federal government's own experts. Instead of providing this vaccine, the federal government initially sat on its hands.

I travelled the state and spoke to parents and childcare workers and kindergarten teachers, and they rallied around this campaign. While the federal government sat on its hands, this year we have had some 178 cases of pneumococcal in South Australia, affecting 68 children under five years of age. According to the Minister's own numbers in his press release in 2002, there were 761 cases of pneumococcal with nine deaths resulting from a preventable disease. By comparison, and to quote from the Australian Immunisation Handbook, there are something like 240 000 cases of chickenpox in Australia each year, 1 500 hospitalisations and seven deaths. Seven deaths from chicken pox. To quote the handbook, it says:

> The highest rates of hospitalisations occur in children under four years of age.

Yet despite the chickenpox vaccine and the inactivated polio vaccine being recommended at the same time as the federal government's own health experts recommended the pneumococcal vaccine, they have consistently refused to act. They are hoping no one notices. Just like they got away with pneumococcal, they hope to get away with not funding the chickenpox vaccine. This is a scandalous neglect of our children and a scandalous waste of valuable health dollars allowing this situation to continue. According to the Australian Immunisation Handbook, 75 per cent of children will have the chickenpox by the age of 12. However in the USA, which introduced the varicella zoster vaccination in 1995, and I quote:

> Since the introduction of the varicella-zoster vaccination in the USA in 1995, active surveillance of varicella in three communities has shown a decline of more than 70 per cent in reported cases. This has been the most marked in children aged one to four but has also been noted in all age groups including infants and adults.

There is much anger and frustration within the medical fraternity and the community generally about the federal government's lack of action. Indeed, the AMA National President, Bill Glasson, said in May:

> By not funding the full schedule the government is saying to parents that immunisation is not important.

Nothing could be further from the truth. There is nothing more important to any parent than the health and well-being of their children. Parents trust governments to ensure that their children are protected from preventable diseases—diseases that can cause real harm and death. They are being let down by Mr Howard and Mr Abbott. I have hundreds of messages to send to the federal government. Mr Abbott will be getting a Christmas message from hundreds of South Australian families. They want the vaccines recommended for their children to be provided for their children. There will be messages from families from right across the state; from Golden Grove, Balaklava, Ceduna, Koonibba, Berri, Blackwood, Para Hills West, Stirling, Newton, Happy Valley, Loxton, Elizabeth and the list goes on.

My message to Mr Howard and Mr Abbott is: do not make us go through the same process of months of embarrassing you. You know that your experts have recommended the vaccines. Honour your responsibility, the responsibility that you have been given to respect your children. Last year I pleaded for pneumococcal vaccine for Christmas. This year, 12 months later, I am pleading that they provide the full range of vaccinations for children as has been recommended so that children here in South Australia do not continue to suffer this dreadful disease. There is no need for another study.

Time expired.

BUSHFIRE SEASON

Mr GOLDSWORTHY (Kavel): I would like to raise an issue in this house this afternoon, and I guess it is quite relevant being the last day of sitting before the summer break. It is an issue that I have raised before, and it is an extremely serious, important issue that not only faces my electorate but also faces the whole state in general. I speak of the very high bushfire risk season that is upon us already. We saw a number of bushfires break out only a couple of weekends ago in the Anstey Hill Conservation Park. It started and spread through to the south, through to the old quarry sites just above Highbury on a Saturday morning, and the CFS, to their credit, got it under control fairly quickly. We have also seen fire breaks in the Nairne district a number of weeks ago.

So, bushfire season is definitely upon us, and like most summers this is no exception and it will be an extremely high bushfire season. We have had a long, cold, wet winter where we have seen vegetation growth quite high, not unlike other winters, but this particular winter has been long and wet, and so the vegetation out there is extremely high. Even though, particularly in the electorate of Kavel, the Adelaide Hills Council has gone through the district and slashed high grass and the like from roadsides—in spite of that, we have had heavy rains over the last several days where we have recorded approximately over 50 millimetres in rainfall in the hills, which, in the old measurements, is over two inches, and driving around my electorate I can see where the grass is starting to re-shoot. So when that dries off that will pose a threat.

I make reference to the Premier's comments earlier this afternoon, when he spoke about fines and penalties for fire bugs and I can only support him in that. I believe that it is an act of terrorism—people going around consciously setting fire to parks, reserves and roadsides and the like, to gain whatever pleasure they gain from it. An individual must be shockingly perverted to gain some sort of pleasure from setting fire to an area and seeing it burn and then the CFS and emergency services have to come out and try and deal with

it. It is an absolute perversion; there is no other description for it. I commend the CFS and pay them the highest tribute.

They do outstanding work for the community. I have canvassed this matter previously, and individual property owners must take responsibility for their own assets. The CFS can do only so much. It has indicated that if properties are not properly cared for in terms of reducing fire hazards that, unfortunately, brigades may not be able to attend those properties if a fire does break out and look to consume the area within that property. I implore everyone to act, not only in the Adelaide Hills but also in other bushfire prone areas, such as the Fleurieu Peninsula (the deputy leader's electorate) and the electorates of the members for Heysen, Mawson and Schubert.

In all areas of the state that do receive higher levels of rainfall, every property owner must look to implement a fire fuel hazard reduction program, as well as an evacuation program—whether they are prepared to stay or go and, obviously, to make that decision very early in the piece if a fire does look like engulfing their property. Local government has been given stronger powers.

Time expired.

WORKPLACE INEQUALITY

Mr CAICA (Colton): I was reading an interesting newspaper report on the Victorian government's initiative to provide $2 million to fund world-first research into workplace deaths. When reading the report I was surprised by the claims that up to 4 000 Australian workers may be needlessly dying each year at work in accidental deaths, and that the 8 000 workplace fatalities in states and territories every year could be cut through this research. What I find amazing is that such a research body is a world first, and that the number of workplace deaths has not raised public concern equivalent to that rightfully engendered through road fatalities.

The silence on the latter is deafening and also makes me ask the obvious question why it has taken until now for something to be done. Why, outside of the union movement and this initiative, has so little been done to bring this to the public awareness to the extent where broad agreement and subsequent action can follow? Clearly it follows to a sufficient degree that we live in a social and commercial ethos that places the creation of wealth and the growth of the economy as paramount and the question of the safety of many of those who work in dangerous occupations as secondary.

I make this point and no other as an analogy to illustrate the preoccupation with (and I wish that it were not the case) wealth creation over the notion of fairness and other related social concerns. In regard to the balance between economic growth and fair play, as we move towards greater globalisation of state, national and world economies, I often wonder whether we will achieve the proper balance. The consequences of globalisation, for example, are broad ranging as we know, whether it is Free Trade, National Competition Policy or (as *The Advertiser* pointed out in its discussion on the role of government in the Adelaide retail trade) shopping hours.

But it will not by itself lead to social justice. The James Hardie situation is a case in point, where a company can move its legal and moral responsibility offshore while resisting its responsibilities to dying Australian workers. Hardie, of course, is at the far edge of corporate irresponsibility, but the growing imbalance between the haves and the have nots reflect the growing social divide at the national and local level.

At one end of the employment scale we see the level of part-time employment in Australia rising to about 25 per cent of the total work force (one family in four of total unemployment without a member in the work force), while at the other end we see 50 CEOs from various corporations earning between $2.5 million and $35 million annually.

We see further inequities such as the practice of banks and the regulation of ATM withdrawal fees, where customers using the services of another bank are, in the opinion of an officer from the Australian Consumer Association, being ripped off to the tune of $500 million a year. Or at the local level we see a consequence where a number of schools in South Australia must embrace the charity provided by Red Cross and Sanitarium to feed students under the spreading 'Good Start Breakfast Club' program, which recognises that children from poor families are six times more likely to miss breakfast than those from the better off families.

And even more reflecting a caricature of Dickens's world, the program acknowledges the lessening of break-ins at school canteens and local delicatessens. In an article in the *Guardian Weekly* it is asked whether social justice will be possible in a world that will be increasingly dominated by governments under the spell of globalisation and economic rationalism. The article further asks the question whether society will serve the economy or whether the economy will serve society.

In the end, an economic choice is a social choice, but we must be clear that, if basic rights such as fair access to education, health and industrial justice are to be preserved, we must clearly resist any attempts by the proponents of globalisation and economic rationalism to sell market necessity as the only political reality.

If we do follow this path, like Argentina where the ratio between the lowest and highest decile of average income over 10 years has grown from 25 to 64, we will see market necessity (as the article concludes) tearing the social fabric to pieces. This is a choice that is squarely facing Australia and the Howard government as the latter basks in and contemplates its political triumph.

Just to finish off in the short time left available to me, given the fact that this grievance is on inequality, it has been drawn to my attention that a company operating in the waters off South Australia called Destiny Abalone, which operates the vessel *Destiny Queen*, has recently returned that ship to dry dock in China for a refit. Destiny Abalone intends for this vessel to be crewed and operated by a Ukrainian and Chinese crew off the coast of Port Lincoln. This ship is a grow-out facility for the abalone aquaculture industry and, until September this year, I understand employed a South Australian crew and South Australian aquaculture husbandry crew. During the refit I am advised that the crew was informed that it was now redundant and flown back to Australia. The intention of this company is to employ Ukrainian and Chinese crew, and that is an outrage.

Time expired.

PLAN AMENDMENT REPORT

The Hon. I.F. EVANS (Davenport): I wish to take this opportunity today to bring to the attention of the house community concern in the Coromandel Valley area of my electorate about the current PAR that exists in that suburb, particularly on the Onkaparinga council side of Coromandel

Valley, which is partly in Mitcham and partly in the City of Onkaparinga. It is the section in the City of Onkaparinga that is under the PAR that is causing some concern. I have written to the minister and asked her to undertake a ministerial PAR so that the minimum allotment size is increased closer to that which exists on the Mitcham side of Coromandel Valley.

Coromandel Valley is a very old section of South Australia. It has an excellent National Trust group that works within the area. It is recognised as a historic zone within the City of Onkaparinga. There are a lot of heritage values within the area of Coromandel Valley. What has happened is that the PAR undertaken by the City of Onkaparinga has adopted a minimum allotment size of about 300 square metres. Whilst that might be appropriate in some of the more urban areas of the state, in the Adelaide Hills—in particular, the beautiful Coromandel Valley area—if an allotment size of 300 square metres is adopted uniformly across that suburb it will cause a massive change to the quality of life and to the infrastructure requirements in that area.

This matter has come to the attention of the residents more recently because a number of smaller developments have been applied for and, in some cases, approved by the council—a 28 allotment subdivision and a seven allotment subdivision. But there is widespread concern throughout the Coromandel Valley community that there will now be a flood of applications to cut the allotments as close as possible to the minimum size of about 300 square metres, which is about the size of a tennis court. That raises big concerns for that district, and I note that there is a public meeting in a couple of weeks to try to address the issue.

The reason why we have written to the minister—I have written to the minister, as the local member, and I know the City of Onkaparinga has written to the minister, as the local council—is that the council believes the quickest way to rectify this issue is for the minister to do a ministerial PAR. Admittedly, the council could do a PAR, but that would take considerable time. Some of them take years. So, the council believes (and I take the council at its word) that the quickest process is for the minister to undertake a ministerial PAR.

What the community would like out of it ultimately is an allotment size that preserves the character and value of Coromandel Valley, and that is an allotment size that is probably closer to what is currently allowed in the Mitcham Council area of the suburb of Coromandel Valley, which is closer to 1 200 square metres. My understanding is that some people made representations (I think it might have been the community association, but I will stand corrected on that) during the PAR process some years ago that the allotment size should be closer to no less than about 700 or 750 square metres. Even that would be a significant improvement on a 300 square metre allotment size.

I know that the residents on the Adelaide side of Sturt Creek—the residents in that section of Coromandel Valley, Hawthorndene, Blackwood, and so on—have grave concerns that, if subdivision down to 300 square metres occurs in the district generally, the huge increase in traffic that will result will be difficult to manage on what are steep, winding and narrow roads. And, of course, following the development of Blackwood Park, where 600 houses have nearly been completed and we are about to have another 600, traffic issues are already a major concern. So, I bring to the attention of the house the concerns of the residents of the suburb of Coromandel Valley and surrounds about the PAR matter. I hope the minister can find her way clear to help correct this problem as soon as possible.

SCHOOLS, WHYALLA

Ms BREUER (Giles): I first want to correct a statement that appeared in *The Advertiser* yesterday, and also a myth that is perpetuated by my colleague the member for Stuart, who likes everyone to think that his is bigger than anyone's in this place. I have to correct him on that: my electorate is far bigger than his electorate. I think it is some 200 000 square kilometres bigger than his. He keeps insisting that his is the biggest, but mine is bigger than his, and I would like to see that corrected by *The Advertiser*.

I want to pay tribute to my schools in Whyalla. I recently attended all the school speech nights, and I was most impressed by the calibre of the young students and also the achievements of the schools. We have three state high schools in Whyalla. Every school is unique, and they showed that on the night: they are certainly excellent in their own way.

I want to raise the issue of the school review that was initiated by the Liberal government some years ago in Whyalla. I thought that, when we were elected as a government, that was dead and buried by us as a government, but the perception apparently still exists in some circles in the education department and in Whyalla that this review still has some bones to it. This is most unfortunate, particularly in relation to the contracts of the school principals in Whyalla. I believe that what has been happening in recent years (and I have only found this out in very recent weeks) is that the jobs have been rolled over on a yearly basis. The principals there have just been given yearly contracts. I believe very strongly that they need tenure in their contracts for three to five years.

For example, I know that the principal who has been working at Stuart High School, Mr Ian Kent, for whom I have great admiration, has bought a house in Whyalla and would be very happy to stay in our community. Stuart High School, unfortunately, has had something like six principals in three years. That is just not good enough. I know that the principal of Eyre High School, Nigel Gill, has family connections and would certainly look at staying for three to five years if he was offered that prospect. Dean Low at Whyalla High School has done an excellent job at the school. He has brought it from huge uncertainty a few years ago and has increased student numbers and morale. He has done a wonderful job, and I would be very happy to see Dean stay for some time longer.

I urge the minister to consider this matter and look at the tenure of these school principals. We have three excellent principals—unlike others we have seen in the past, who, the community knows, have used Whyalla as a stepping stone in their careers, have come for a very short time and have often done some damage in our school community and moved on. I urge the minister to look at that issue.

I was also very impressed with the speech night at St John's, our local Catholic high school. Again, it showed excellence in all areas; it is an excellent school. I congratulate all those who are involved in that school.

Recently, I attended a meeting in Whyalla to discuss the new technical college concept, which Whyalla has some opportunity of having. The education community, the Economic Development Board and the Catholic school met to see what we could recommend for our community because, if the system as proposed was brought in, it would destroy our TAFE and school systems. We are hoping we can come up with a proposal to inject funding into our schools and the

TAFE system to satisfy the federal government so that we have a win-win situation.

Last week I attended a session at Whyalla Special School—another wonderful school in Whyalla. I had a wonderful experience watching the young students aged between 12 and 20 participate in drama and movement classes, which they have been able to enjoy this year following cancellation of some riding classes which they enjoyed in the past but which they were not able to continue because of a lack of funding. We were able to get money provided to the school through Arts funding, and it was wonderful to see the work done by the teacher, who came into the school to work with these young people. They made incredible inroads into the way in which they operated, the things they were doing—things that we with children who do not attend a special school would see as not particularly exciting, but for those children it was a wonderful achievement. I was most impressed with what occurred and with Whyalla Special School.

Last weekend, I went to the Freemasons barbecue at Whyalla to draw the raffle. I paid tribute to them there, and I again pay tribute to them for the wonderful work they do and the money they raise in Whyalla. I also recently attended a dinner to celebrate the 60th anniversary of the 2nd Whyalla Scout Group. A large number of people, who had many and varied associations with the scout movement in Whyalla, attended. I think that has benefited many young people in Whyalla for over 60 years. I congratulate all those involved, especially Graham Matters, who has had 25 years' experience, and Rosemary Levering, who has had some 30 years' experience. I congratulate them all. They are good indicators of the wonderful work that our community groups do in Whyalla.

Time expired.

MATTER OF PRIVILEGE

The SPEAKER: Earlier in question time, the chair undertook to determine whether or not there was a matter of privilege which would require precedence of business in the house. Question time has had its distractions today, and that has made it fairly awkward for the chair to come to an explicit conclusion. However, I will try to collect my thoughts and explain that, in the first instance, the matter referred to by the member for Waite, in raising the question with the chair as to whether there was a prima facie case for privilege, is the matter of a letter, the subject of his inquiry to the chair of the Economic and Finance Committee (the member for Reynell), from a future witness to that committee, of which both he and the member for Reynell are members. It contained confidential personal information, or at least a request for such information to be maintained as confidential to the committee. The Presiding Member of the committee responded by saying that the letter received did not indicate in any way that the information was confidential. I will deal shortly with the matter raised subsequently by the member for Unley.

Clearly, the member for Reynell and the chair of the committee, one and the same person, has provided for me a copy of a letter received by the Secretary of the committee from, it has been revealed, Ms Kate Lennon, former CEO of the Justice Department, then CEO of the Department for Families and Communities before her resignation in recent times. That letter contains a request to keep her medical condition confidential, which, in the normal course of events, parliamentary committees ought to do.

However, there was another letter, which had been addressed not to the committee but, rather, to the chair, or, indeed, more particularly, to the member for Reynell in her own right. It addresses her by name. The letter states:

> Dear Ms Thompson, I am Ms Lennon's treating physician.

It goes on to point out that she is not well enough to appear before a committee for cross-examination. That comes from Kate Lennon's treating physician, Dr Susan Jenner. In answering, the member for Reynell had in her mind the letter from the doctor, whereas in asking the question the member for Waite had in his mind the letter to the Secretary from Kate Lennon herself.

The member for Waite's question was ambiguous to the extent that it referred to a future witness. The chair has privately, but deliberately, asked the member for Reynell, 'Was it intended that the treating physician would be called to give evidence before the committee?', and the member for Reynell, as always, honestly answered no. However, it is my belief, on the face of it, that it is not disingenuous and that the member for Reynell, in answering the question put to her by the member for Waite, answered honestly, and in a supplementary question, immediately put then, was reminded by that question from the member for Waite whether she as chair was aware of a letter to the committee from Kate Lennon dated 12 November. She said yes.

The reasonable and sensible thing for the member for Reynell (in the chair of the committee then) to do upon discovering that the two answers provided conflicting messages to all members of the house would have been to make a personal explanation. However, that is of minor significance. It would certainly have averted any inquiry as to whether precedence ought to be given to a matter of privilege.

The burden of responsibility on the chair in the matter is to determine whether prima facie there is a matter of privilege, which must mean then (were it to be prima facie such a matter) that it would be a matter which had the effect of misleading members in the house to a sufficient extent that they would come to an inaccurate or improper conclusion that would materially affect the manner in which they could determine the veracity or otherwise of information they were given about an issue before the house, or any subsequent issues.

I again in this context refer members to what former chief magistrate Cramond had to say in his review of the EDS contract in which former premier Olsen (whilst a minister) answered the questions put to him in the house and never bothered to correct the inaccurate—indeed opposite—statement made by him. The observation made by Mr Cramond at that time was that the effect of such denial and failure to correct the record was to deny the opposition and other members of the house from asking any further questions on the matter by having provided the information he had and not then correcting it, which was materially misleading the house into believing that what had been provided to the house was indeed factual. The rest of that saga does not require any further elucidation by the chair on this occasion in these circumstances.

I do not find that there is prima facie any necessity for the house to entertain whether a privileges committee should be established since there is no material consequence before the house, but it serves as a reminder to all members that, if they do think that other members may have been honestly and sincerely capable of coming to a different conclusion in their mind to the conclusion which the honourable member has about events and matters of consequence in their responsibilities to the chamber, they should, upon realising that, make a personal explanation to the chamber, as many ministers have. As much as anything, it is understandable that the chair of the Economic and Finance Committee, the member for Reynell, not having had ministerial experience or anyone on staff to advise and assist her in what might have happened, simply did not realise what could have been taken as a very serious problem.

In all the circumstances then, I move on from that to the inquiry made of me by the member for Unley to rule on whether the Chairman of the Economic and Finance Committee is in breach of the act and may be in contempt of parliament by publishing material without the authorisation of her committee. The answer to that question is not something that the chair can know, other than the chair is provided with information by the committee as to whether the committee had released its proceedings to the public, indeed the press, via motion, either in the general case on all matters or in a particular case, and in this instance this particular case. The chair has no knowledge of whether or not that is so, and will rely (as all other members must be able to rely) on the committee itself reporting such an event to the chamber.

My entreaty to all committees and all members of them is to see themselves as a subset of the house and agents of the house, with a duty to discover information which the house being so big could not discover for itself through its cumbersome mechanisms; and provide concise summaries of that information in the public interest about the matters the committees are contemplating, so that the house can then take up the issues that arise from that summary in debate and determination in the process of determining the way forward.

Clearly, the government has the numbers in the house to make that decision and hold that position it wants to hold on policy, but within the committees it is not appropriate for us as a parliament, or even as members of this house, to disregard our responsibilities of review and discovery in favour of our felt obligations to any party of which we may be members.

It is an observation I have made over time. Whereas that has happened, it has not been an edifying development. Indeed, it has been the contrary. It has reduced public confidence and the ability of parliamentary committees to discover useful information relevant to the public interest and public understanding of the case for and against any proposed policy, or for and against any alternative policy that anyone in the parliament might advance in the public interest. Therefore, I would hope that next year we will be able to return to what I knew to be the role of committees right into the mid-1980s, after being elected here in 1979, where they did things more objectively I think at that time and up until that time than they currently attempt to do. I mean no disrespect to the committees, but they ought not to see their primary duty to the organisation called 'a party' to which they belong. It ought to be to the public interest. Accordingly, let us move on.

ADELAIDE LIGHT RAIL INFRASTRUCTURE PROJECT

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: As Minister for Transport I wish to address some remarks made in the house yesterday with regard to the Public Works Committee's report into the Adelaide Light Rail Infrastructure project. First, I express my appreciation to the committee for recommending the proposed work. I note, however, that the committee concentrated nearly as much of its attention on the nature and selection of the trams, which did not form part of the public work, as it did to the public work under examination.

The member for Schubert was critical of the fact that the trams were purchased before the infrastructure works were referred to the committee. I respectfully point out that the whole of the tram project was not a public work, only the upgrading of the infrastructure, so there was also a practical consideration.

While the new trams have to be broadly compatible with the existing infrastructure, it is highly desirable that when the infrastructure is upgraded it meets the specific requirements and characteristics of the new trams. This is to ensure that there is sufficient power to run the trams, that maintenance costs and wear and tear will be minimised, and that the infrastructure is designed and constructed to give the most comfortable ride to tram passengers. Consequently, in the sequence of events, the characteristics of the trams to be purchased determined the detailed planning and costing of the proposed infrastructure. Hence, the tram purchase was completed before the infrastructure public work was submitted to the committee for examination.

Since the trams are of such interest, I wish to deal with tram related matters. The committee's report, the member for Schubert and the member for Morphett were critical of the width of the new trams. It is important that this criticism be seen in its proper perspective. The new trams are only 25 centimetres narrower than the existing trams. The new trams will be 2.4 metres wide, while the existing trams are 2.65 metres wide: 25 centimetres in terms of the internal space for passengers is barely perceptible, particularly when the thin side walls of the new trams are taken into consideration.

Comments were also made about the timing of the order and the delivery time specified for the new trams. Evidence was given to the committee that every endeavour was made to piggyback on an existing or future Victorian order. Officers of my department went to Melbourne and discussed this matter with the Victorian Department of Infrastructure. The advice received was that all options on existing Victorian contracts had been exhausted and it was unlikely that the Victorian government would lodge new orders until 2007-08, with delivery possible only as early as 2010. A delay in providing new trams to Adelaide until 2010 was unacceptable.

Successive governments have procrastinated on the decision to provide new trams. The public has waited long enough. The opportunity arose to piggyback on an order for trams being produced for Frankfurt which provided the prospect of taking delivery of the first trams by late 2005.

The member for Morphett said that we could have had wider trams if we had waited. The Euro tram that he seems to prefer has gone out of production. It has a history of higher

maintenance costs and costs about $1.5 million per tram more than the trams we are buying. One of his other preferences was for the Siemens tram, which also costs about $1.5 million more, but that particular tram was withdrawn from the tender process because of chronic structural failure, and it is being recalled worldwide. The Alstom tram, also mentioned by the member for Morphett, was not offered at tender.

Finally, with regard to the suggestion of the member for Schubert that we should have bought tram chassis and built the bodies locally, trams are not large buses where such techniques may be applicable. The new trams are highly sophisticated technological vehicles. Much of the electrical and electronic components are roof mounted, and wall cavities contain literally kilometres of electrical wiring. The risk of trying to build a new tram, even if the components could be purchased, with no specialist technical experience would not be acceptable to any government and would be a possible recipe for disaster.

The SPEAKER: Without wanting the minister to be offended in any way, I point out to her that ministerial statements ought not answer debate other than by contributing at the time the debate is on foot. The second point is that, whilst the minister seeks to make a plausible explanation for the government or some part of the agency having expended capital on part of the equipment, being the trams, before it went to the Public Works Committee, that is completely unlawful under section 16A(2), which provides that no amount may be applied to any part of the project until the Public Works Committee has produced its final report. Whilst there is no penalty for it—nor could there be because the Crown cannot prosecute the Crown—that is what parliament intended, and that has been a bone of contention over many years. The government, whoever the government may be comprised of from time to time, ought not ignore the law. It sets a bad example to the rest of the community.

SITTINGS AND BUSINESS

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That for the remainder of this session standing orders be so far suspended as will provide that the Clerk may deliver messages to the other place, and the Speaker may receive messages from the other place, when the house is not sitting.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

STATUTES AMENDMENT (LIQUOR, GAMBLING AND SECURITY INDUSTRIES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992, the Liquor Licensing Act 1997 and the Security and Investigation Agents Act 1995. Read a first time.

The Hon. M.J. ATKINSON: I move:

That this bill be now read a second time.

The bill incorporates many amendments to the Security and Investigation Agents Act 1995 as well as amendments to the Liquor Licensing Act 1997 and the Gaming Machines Act 1992. The amendments are intended to deal with two separate but related issues: first, the infiltration of organised crime into the security and hospitality industries; and secondly, violence and aggressive behaviour by crowd controllers working in licensed premises or at licensed events.

The bill is introduced now with the intention of allowing it to lie on the table over the parliamentary break. Representatives of the security and hospitality industries have been informed about the government's intentions to introduce much needed reforms to the crowd controller vocation and they have indicated their support. The consultation will allow them, as well as others, to consider and comment on the details of the proposal.

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

Leave granted.

Organised crime infiltration

The measures designed to deal with organised crime's infiltration of the liquor and hospitality industries were crafted in light of police information indicating a significant level of involvement by, in particular, outlaw motorcycle gangs in these industries.

South Australia Police (SAPol) have substantiated evidence and intelligence that identifies the infiltration of licensed premises (particularly those providing entertainment that tends to be patronised by young people) and the security industry by organised crime, including outlaw motorcycle gangs.

A recent security industry review by SAPol's State Intelligence Branch identified the use by licensed premises and licensed events of security companies that have links to motorcycle gangs. SAPol's intelligence suggested that security companies controlled or linked to organised crime have or have formerly provided security to a high proportion of licensed premises within the C.B.D. SAPol and the Office of the Liquor and Gambling Commissioner also indicated concern over the level of past and present motorcycle gang association across licensed premises. Most are entertainment venues with high youth patronage.

Since that review one infamous security company with alleged links to a motorcycle gang folded as a result of police charges against the director of the company and pressure applied by police, licensing authorities and the Government. The Premier and I are determined to ensure that neither motorcycle gangs nor other organised crime are able to set up another security company under another name and new directors.

This association with and control of licensed premises provides an opportunity for money laundering and, more importantly, for the control and expansion of illicit drug distribution networks, with the associated environment of intimidation, threats and violence.

Liquor, gambling and security industries are attractive to, and susceptible to infiltration by, organised crime. This is reflected in the various regulatory regimes that provide for the licensing of industry participants using various tests of fitness and propriety. However, there is little consistency and the existing licensing regimes have proved not to be robust enough to combat infiltration.

Four factors contribute to this:

1 organised crime typically legitimises involvement in the industries through members without criminal convictions or 'cleanskin' associates;

2 law enforcement agencies possess intelligence that they are reluctant to disclose because it could prejudice current or future investigations or legal proceedings or could put the welfare of persons such as informants at risk;

3 current liquor licensing legislation does not allow for intelligence to be presented without challenge for consideration by the licensing authority. Consequently, the Liquor and Gambling Commissioner is often privy to intelligence that would indicate organised crime involvement but has been unable to use this information in making a determination; and

4 the licensing scheme for security agents and companies is not directed at all towards detecting applicants' actual or potential involvement in organised crime nor to detecting or dealing with such involvement by a licensee commencing after a licence is issued. There is no associate test and information about applicants' associates or in the nature of police intelligence is not sought from SAPol, nor could such information be presented confidentially or unchallenged.

The Bill amends the *Security and Investigation Agents Act* (the SIAA), *Liquor Licensing Act* (the LLA) and *Gaming Machines Act* (the GMA) to address these problems in the following ways:

· by introducing an associate test under the SIAA so that the licensing authority (the Commissioner for Consumer Affairs) must take into account the character of the associates of security licence applicants and licensees in assessing whether the applicant or licensee is fit and proper to hold a security agent's licence;

· by making investigation of associates by the licensing authority (Liquor and Gambling Commissioner) mandatory under the LLA;

· by making it mandatory for the relevant licensing authority to refer all applications under the SIAA and LLA to the Commissioner of Police so that the Commissioner may investigate the probity of those applicants. The Commissioner of Police will then be required to provide information to the relevant licensing authority about criminal convictions and other information held by the Commissioner relevant to whether an application should be granted;

· by providing police with a right of objection against an applicant, and of appeal against the grant of a licence, under the SIAA similar to the rights of intervention afforded to police under the LLA and GMA;

· by facilitating the use of police intelligence by protecting the confidentiality of that intelligence.

It is this last aspect of the Bill that is perhaps the most significant. The Bill amends the SIAA, LLA and GMA to facilitate the use of police intelligence in licensing decisions. The Bill provides that where police intelligence is used in any proceedings under those Acts, including in determinations of applications and disciplinary proceedings that can lead to cancellation of a licence or approval, that information or intelligence must not be disclosed, including to the applicant/licensee/approved person or his or her representatives. Where the licensing authority makes a determination of an application on the basis of this police information classified as criminal intelligence, it will not be required to provide reasons for that determination other than that to grant the application would be contrary to the public interest. A court hearing an appeal against a licence refusal or a disciplinary action against a licensee or approved person must hear the information in a court closed to all, including the applicant/licensee/approved person and that person's representatives.

These confidentiality of criminal intelligence provisions are modelled on provisions enacted in the Firearms Act by the *Firearms (COAG Agreement) Amendment Act 2003*. The provisions were included in that Act to prevent organised crime from obtaining firearms.

As in the Firearms Act, 'criminal intelligence' is defined as information about actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement. The classification of information as criminal intelligence may be made only by the Commissioner of Police personally or by a Deputy or Assistant Commissioner of Police.

The amendments will not be retrospective, however, in order to tackle the current extent of infiltration of organised crime in the security and hospitality industries the Government intends that criminal intelligence be used to take disciplinary action against existing licensees or approved persons, even where that criminal intelligence existed at the time a licence or approval was granted. It will be for the disciplinary authority (the Liquor Licensing Court (LLA), the Liquor and Gambling Commissioner (GMA) and District Court (SIAA)) to determine whether the information establishes a lack of probity in the licensee or approved person at the time of disciplinary action.

As is already the case under the LLA and GMA, the SIAA is amended to provide that police officers are authorised officers for the purposes of enforcing the SIAA and to allow police to prosecute offences under the SIAA that they detect in the ordinary course of their duties, which currently extend to policing licensed premises, including in conjunction with liquor licensing and consumer affairs officers.

Violence associated with crowd controllers and licensed premises

Crowd controllers employed at licensed premises or licensed events operate in a potentially volatile environment and are faced with unique liquor-related problems, thereby requiring regulation that differs from other security agents.

Crowd controllers are exposed to alcohol-related antagonism and often patrons are initially to blame for the anti-social behaviour that leads to physical confrontation. Neither SAPol nor the Office of Consumer and Business Affairs identify any particular violence problems associated with non-licensed premises security.

National research (Australian Bureau of Statistics 1998) shows under-reporting of assaults in licensed premises to be as high as 85.4% and studies, police statistics and observations show that crowd controllers contribute to a high proportion of the violence and assaults.

SAPol has surveillance tapes showing extreme acts of violence by crowd controllers including vicious attacks on women and running street bashings. Assault data shows that high proportions of the alleged assaults involve blows and kicks to the head region often requiring surgery.

This problem became tragic front page news when well-known former South Australian cricketer, David Hookes died in January of this year after a brutal assault by a crowd controller outside a hotel in Victoria. Even more shocking was the fact that the crowd controller in question was at the time of the assault on David Hookes already on a police charge for a previous serious assault.

The Government had already announced in late 2003 a package of measures designed to address organised crime infiltration and prevent assaults occurring in licensed premises. David Hookes's tragic death highlighted other limitations of the existing security agent licensing legislation—namely the lack of powers of the licensing authority to intervene quickly to suspend crowd controllers charged with assault or other relevant offences and the lack of a formal data matching capability to ensure that the licensing authority is informed immediately by police where a licensee is charged or convicted of a relevant offence. After David Hookes's death another package of amendments was announced—intended to make absolutely sure that the Rann Labor Government's commitment to zero tolerance of crowd controller misconduct was translated into law.

The SIAA does not give special powers to a crowd controller to deal with persons on licensed premises, or anywhere else for that matter. For licensed premises, powers are to be found in section 116 (power to require minors to leave licensed premises), section 124 (power to refuse entry or remove persons) and section 127 (power to remove or prevent entry of barred persons) of the LLA. These powers are not confined to licensed crowd controllers but extend to all authorised persons, who are defined to be the licensee or an agent or employee of the licensee, a responsible person for the licensed premises or a police officer.

This LLA definition of authorised persons is considered to be too broad because it authorises any employee or agent to use force to remove persons or to prevent their entry whether or not that person has been trained or approved for that purpose. Instead the Bill will limit 'authorised person' to include a licensee, a responsible person, a police officer or such other person as approved by the Liquor and Gambling Commissioner and to make it a condition for approval that the person must have the appropriate knowledge, skills and experience for the purpose.

Under the proposal, only an authorised person would be empowered to require, as distinct from request, a person to leave premises or to refuse entry. Further, if a person is to be removed from licensed premises using reasonable force this would have to be done under the direct supervision and control, and in the presence, of the responsible person on duty at the time. This would overcome the problem of management denying knowledge of the actions of crowd controllers and would place responsibility where it should rest, that is, with management.

Physical removal or prevention of entry can occur only after the person has failed to comply with a request to leave made by an authorised person.

The Bill will provide for an offence of *"fail to quit licensed premises"*.

The Bill also amends the LLA to enable the prescription of a 'formal process of removal or prevention of entry' and require recording of such removals, applicable to authorised persons. The Bill amends the LLA to widen the grounds for disciplinary action against the licensee, the responsible person and the authorised person to include failure to exercise their responsibilities or exceeding their authority in the removal from or prevention of entry of a person to licensed premises. This should go some way towards addressing the difficulties associated with securing a conviction against a crowd controller for assault.

It is currently difficult to obtain a conviction against a crowd controller for assault. Although many complaints are made and even charges laid, these are often dropped because of inadequate or insufficient evidence. The poor lighting conditions and consumption of alcohol by bystanders makes it difficult to obtain reliable identification evidence.

Although it may not be possible to take action against a crowd controller, these procedures will not only set guidelines designed to stop assaults occurring but provide alternative grounds upon which to take disciplinary action.

Power for Commissioner to suspend security agents' licence

The present disciplinary scheme under the SIAA is founded upon the presumption of innocence. The disciplinary authority is the Administrative and Disciplinary Division of the District Court. The Court has the power to order suspension or revocation of a licence on grounds including:

- the agent has acted unlawfully, or improperly, negligently or unfairly, in the course of performing functions as an agent; or
- events (eg conviction of a disentitling offence) have occurred such that the agent would not be entitled to be granted the licence if he or she were to apply for it.

The grounds must be proved on the balance of probabilities. This has tended to mean in practice that the Office of Consumer and Business Affairs (OCBA) will take disciplinary action following a successful prosecution of a licensee. However, it is common for there to be significant delays, up to a year or longer, between the laying of a charge and a conviction. This is aside from the time involved in meeting the Court's procedural and evidential requirements in the disciplinary action.

These delays undermine the consumer protection objective of the disciplinary provisions. A crowd controller who assaults another person, particularly in the work environment presents a real risk to the public. This is particularly so given the environment in which crowd controllers work—coming into contact with intoxicated and aggressive people, which in turn can provoke an aggressive response. A crowd controller who sells drugs also presents a significant risk in light of the contact crowd controllers have with young people and the tendency for certain drugs to be taken in nightclubs and similar entertainment venues. It is questionable whether enough is done to protect the public from assaults and drug-related problems where someone suspected of having committed an assault or drug offence is allowed to continue working as a crowd controller until their charge is determined, especially where this can take up to a year.

These concerns are not necessarily confined to crowd controllers. Similar concerns might arise about security agents authorised to install alarms in consumers' houses or to guard premises where the licensee is charged with theft or, in particular, robbery.

Therefore the Bill vests in the Commissioner for Consumer Affairs the power to suspend a security agent's licence upon the agent being charged with a prescribed offence. The offences to be prescribed will depend on the functions authorised by the particular licence. It is intended to prescribe offences of violence as well as drug and firearms offences for licences authorising crowd control work, with the addition of theft and robbery offences in the case of licences authorising guarding work.

A licensee will have a right to be heard about a licence suspension, although the suspension will apply from service of the notice of suspension.

For additional certainty, the Bill also provides for mandatory suspension by the Commissioner of security agents' licences authorising crowd control work (crowd control licences) where the crowd controller is charged with certain offences, to be prescribed. It is intended to prescribe assault and drug offences for this purpose.

The Bill provides for a right of appeal against a decision of the Commissioner to suspend a licence.

Automatic licence cancellation

As is the case presently with licence suspension, only the District Court may revoke a security licence. This is on the same grounds and after discharging the same onus of proof as discussed with licence suspensions. This is different to a number of jurisdictions, such as New South Wales, Queensland, Victoria and Western Australia, where either the licensing authority has a power to revoke licences or automatic cancellation applies if the licensee is convicted of a disentitling offence.

Until relatively recently the Courts had interpreted disciplinary provisions of the SIAA such that a conviction of a disentitling offence necessitated an order for cancellation of a licence, because the licensee would not be able to obtain a licence if the licensee applied now (*CCA v Jefferies).* However, this is no longer the law and the Court will now look at what order is necessary to protect the public. In practice the Court has made orders ranging from cancellation (*CCA v Stamoulis),* placing conditions on a licence restricting a licensee from acting as a crowd controller (*CCA v Boynton*) to reprimanding the licensee and ordering the licensee to undergo anger management training (*CCA v Sollars).* Also, the Court has tended to look at the behaviour of a licensee in the period between commission of the offence and the disciplinary action, which is inevitably a significant period of time owing to the factors discussed above. If the licensee has not engaged in any further misconduct during that period, the Court has tended to take this as an indication of the level of risk the licensee poses to the public.

In order to achieve a certain outcome, and arguably the outcome that Parliament originally intended, the Bill provides for automatic cancellation of a security agent's licence where the licensee has been convicted of a relevant prescribed offence.

Fingerprinting security agents and applicants under the Liquor Licensing Act

SAPol proposed fingerprinting security licence applicants as part of the measures designed to deal with infiltration of organised crime into the security industry. There is sufficient evidence of criminal involvement by security agents and of identity fraud to justify this measure. The general concerns about criminal behaviour of members of this industry as well as recent incidents of identity fraud suggest that there is a need for this measure.

There are significant risks to the public if criminal history is not discovered and, as has been pointed out by researchers in this field, this industry has a particular *potential* for involvement in criminal activity owing to its nature, ie access to and information about security of homes and premises for which security is provided and the inherently volatile work environment of crowd controllers.

The Bill introduces a requirement for security agent licence applicants, and existing licensees on direction, to be fingerprinted by police.

As a result of the Government's concerns about the involvement of organised crime in the hospitality industry, the Bill provides also for a power to fingerprint applicants under the LLA. There are already provisions for the fingerprinting of casino employees under the *Casino Act* and applicants for licences under the *Gaming Machines Act.*

The Bill provides that the Commissioner of Police may, but is not required to, destroy fingerprints on the application of a former licensee/employee or refused applicant.

Random alcohol and breath testing of crowd controllers

Random drug testing of crowd controllers occurs in Western Australia. Discussions with officers responsible for licensing crowd controllers in Western Australia indicate that these powers have been successful in removing a significant proportion of the industry's unsavoury elements. Strike rates on random tests are now reported to be down considerably from what they were when the measures were first introduced, suggesting that those taking drugs have either left the industry or stopped using the prescribed substances.

Information published by the Drug and Alcohol Services Council (DASC) suggests that both being under the influence of, and long term use of, amphetamines can lead to aggressive behaviour. There is some evidence, although the evidence tends to be anecdotal only, of a link between steroid use and aggressive behaviour. DASC and other research indicates that the substance most closely linked with violent behaviour is alcohol.

Further, DASC research suggests that *"the risk of amphetamine related aggression is increased in crowded environments, when users are among strangers, and in situations with a high level of environmental stimulation"*. Crowd controllers work in often crowded premises, with loud music and varied lighting, coming into contact with intoxicated and aggressive people, which in turn can provoke an aggressive response. These circumstances fit with the

environmental factors referred to in the DASC research as increased risks for amphetamine-related aggression.

The decision to include random alcohol testing reflects the Government's stated policy of zero tolerance to crowd controller violence as well as the research suggesting strong links between alcohol consumption and violence.

Upon passage of the drug and alcohol testing provisions, but before those provisions are brought into operation, arrangements will be made to establish procedures for carrying out this testing. Crowd controllers will be served with notices requiring them to attend at a designated time and place to give a sample of blood or urine to be tested for the presence of prescribed drugs. Alcotests will be performed by police on crowd controllers on the premises while the crowd controllers are on duty. In both cases, any detectable trace of a prescribed drug or alcohol will result in cancellation of a crowd controller's licence, as will failure to comply with a requirement to submit to testing.

Psychological assessment of crowd controllers

There are concerns that people are attracted to the crowd control industry because of a predilection for conflict. It is increasingly common for employers to carry out psychological assessments of potential employees to determine their suitability for a particular occupation. It is standard practice for police recruits to undertake psychological assessment before their acceptance into the police force. For example, recruits into the Queensland police force are tested for characteristics including tolerance, self-control, conflict resolution skills and communication skills.

The Bill will allow the Commissioner for Consumer Affairs to require crowd controllers or applicants for a security agent's licence authorising crowd control work to undergo psychological assessment to demonstrate their fitness to hold a licence.

Refresher-training or continuing development

In keeping with the Government's stated object of increasing the training requirements for crowd controllers, in particular in conflict resolution and communication, the Bill provides a power for the Commissioner to require crowd controllers, once licensed, to undertake specified further training within a specified period of time. This will ensure that crowd controllers can be brought up-to-date on new industry practices and legislative requirements as well as reminded of skills necessary for the job, eg by undertaking further conflict resolution training to reinforce these skills.

In summary, I think members can be assured that this Bill contains a significant and wide-ranging package of amendments to security and liquor licensing legislation that will enable these industries to be comprehensively cleaned up. Organised crime will be starved of avenues to earn revenue and further their illegal activities by operating in these industries and measures put in place to ensure licensed venues are safe for members of the public.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Gaming Machines Act 1992*

4—Amendment of section 3—Interpretation

A number of new definitions are inserted by this clause. An *approved crowd controller* is a person approved under Part 4 Division 10A of the *Liquor Licensing Act 1997* (as inserted by clause 30 of this Bill) to act as a crowd controller for licensed premises. An *approved gaming machine employee* in relation to the gaming operations conducted on licensed premises is a person who is approved under Part 4 of the *Gaming Machines Act 1992* as a gaming machine employee in respect of those operations.

A new definition of *authorised person* is inserted. The new definition includes two additional classes of person, namely, responsible persons and approved crowd controllers. *Responsible persons* for licensed premises are persons who are, in accordance with section 97 of the *Liquor Licensing Act 1997*, responsible for supervising and managing the business conducted under the liquor licence in respect of the licensed premises.

criminal intelligence is information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.

5—Amendment of section 7—Conduct of proceedings

The amendment made to section 7 by this clause is consequential on the insertion by clause 6 of new section 12.

6—Insertion of Part 2 Division 4

Clause 6 inserts a new Division, dealing with criminal intelligence (as defined in section 3), into Part 4 of the Act.

Under new section 12, no information provided by the Commissioner of Police to the Authority or the Commissioner is to be disclosed to any person, other than the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure, if the information is classified by the Commissioner of Police as criminal intelligence.

If a decision by the Commissioner to refuse an application, take disciplinary action or revoke an approval is made because of criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the licensee were to continue to be licensed, or that it would be contrary to the public interest if the approval were to continue in force

Subsection (3) relates to proceedings under the Act. The Commissioner is required, on the application of the Commissioner of Police, to take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives. The Commissioner may also take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.

A copy of a notice of objection to an application lodged by the Commissioner of Police under the Act on the basis of criminal intelligence need not be served on the applicant. However, the Commissioner must, at least 7 days before the day appointed for the hearing of the application, advise the applicant in writing that the Commissioner of Police has objected to the application on the ground that to grant the application would be contrary to the public interest.

The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of the Act except to a Deputy Commissioner or Assistant Commissioner of Police.

7—Amendment of section 19—Certain criteria must be satisfied by all applicants

For the purposes of determining whether a person is fit and proper to hold a licence or to occupy a position of authority, Section 19 of the *Gaming Machines Act 1992* presently requires that consideration be given to the creditworthiness of the person and the honesty and integrity of the person's known associates. The amendments made by this clause will have the effect of requiring consideration to be given to the reputation, honesty and integrity of both the person and his or her known associates.

8—Insertion of section 20

New section 20 requires the Commissioner to provide a copy of each application for a licence under the Act to the Commissioner of Police. The Commissioner of Police must, as soon as reasonably practicable following receipt of an application, make available to the Commissioner information about criminal convictions relevant to whether the application should be granted. The Commissioner of Police may also make available other information to which he or she has access if the information is relevant to whether the application should be granted.

9—Amendment of section 24—Discretion to grant or refuse application

As a consequence of this amendment to section 24, the Commissioner will not be able to grant an application for a licence unless satisfied that to grant the application would not be contrary to the public interest.

10—Amendment of section 28—Certain gaming machine licences only are transferable

Section 28 deals with the transfer of licences. The effect of the amendment made by this clause is that the Commissioner may, for the purpose of determining whether a person is a fit and proper person to hold a licence or to occupy a position of authority in a trust or corporate entity that holds a licence, cause the person's photograph and fingerprints to be taken and must give consideration to the reputation, honesty and integrity (including the creditworthiness) of the person and his or her known associates.

11—Insertion of sections 28AA and 28AAB

Section 28AA provides that the Commissioner must give the Commissioner of Police a copy of each application for consent to the transfer of a gaming machines licence. The Commissioner of Police must, as soon as reasonably practicable following receipt of an application, make available to the Commissioner information about criminal convictions relevant to whether the application should be granted. The Commissioner of Police may also make available other information to which he or she has access if the information is relevant to whether the application should be granted.

Section 28AAB provides that the Commissioner has an unqualified discretion to grant or refuse an application for consent to the transfer of a gaming machines licence on any ground, and for any reason, that the Commissioner thinks fit. The Commissioner should not grant an application for consent under section 28 as a matter of course without a proper inquiry into its merits (whether or not the Commissioner of Police has intervened in the proceedings or there are any objections to the application). The Commissioner cannot grant an application for consent under section 28 unless satisfied that to grant the application would not be contrary to the public interest.

12—Amendment of section 30—Objections

The amendment made by this clause is consequential on the insertion of provisions relating to criminal intelligence (see clause 6).

13—Amendment of section 31—Intervention by Commissioner of Police

Section 31(1), as recast by this clause, provides that the Commissioner of Police may intervene in any proceedings before the Commissioner on an application under Part 3 of the Act for the purpose of introducing evidence or making submissions and, in particular, may intervene on the question of—

(a) whether a person is a fit and proper person; or

(b) whether, if the application were to be granted, public disorder or disturbance would be likely to result; or

(c) whether to grant the application would be contrary to the public interest.

14—Amendment of section 36—Cause for disciplinary action against licensees

This amendment to section 36 has the effect of allowing the Commissioner to take disciplinary action against a licensee if satisfied that it would be contrary to the public interest if the licensee were to continue to be licensed.

This clause also adds an additional provision that allows the Commissioner, in determining whether there is proper cause for disciplinary action against a licensee, to have regard to such evidence of the conduct (no matter when the conduct is alleged to have occurred) of the licensee or persons with whom the licensee associates (or has associated at any relevant time) as the Commissioner considers relevant, including information that existed at the time the licence was granted, regardless of whether that information was known or could have been made known to the Commissioner at that time.

15—Insertion of section 41A

New section 41A provides that the Commissioner must give the Commissioner of Police a copy of each application for approval made under Part 4 (other than under section 40 or 41). The Commissioner of Police must, as soon as reasonably practicable following receipt of an application, make available to the Commissioner information about criminal convictions relevant to whether the application should be granted. The Commissioner of Police may also make available other information to which he or she has access if the information is relevant to whether the application should be granted.

16—Amendment of section 42—Discretion to grant or refuse approval

This clause inserts a new provision that has the effect of preventing the Commissioner from granting an application for an approval unless the Commissioner is satisfied that to grant the application would not be contrary to the public interest. In making a determination as to whether a person is fit and proper to carry out particular duties or assume a particular position, the Commissioner is required to consider the reputation, honesty and integrity (including the creditworthiness) of the person as well as the person's associates.

17—Amendment of section 43—Intervention by Commissioner of Police

Section 43(1), as recast by this clause, provides that the Commissioner of Police may intervene in proceedings before the Commissioner on an application for approval under Part 4 (other than under section 40 or 41) for the purpose of introducing evidence or making submissions and, in particular, may intervene on the question of whether the person to whom the application relates is a fit and proper person or whether to grant the application would be contrary to the public interest.

18—Amendment of section 44—Revocation of approval

The amendment made by this clause is consequential on the insertion of provisions relating to criminal intelligence (see clause 6). The Commissioner's duty to provide a statement of the reasons that justify revocation of an approval is now subject to section 12.

19—Amendment of section 58—Powers in relation to minors in gaming areas

Section 58 provides that an authorised person who suspects on reasonable grounds that a person who is in a gaming area or about to enter a gaming area is a minor may require the minor to leave the gaming area. New subsection (5), inserted by this clause, requires an authorised person to comply with procedures prescribed under section 116(3a) of the *Liquor Licensing Act 1997* in relation to the removal of minors from licensed premises by authorised persons.

20—Amendment of section 60—Power to remove persons who have been barred

New section 60(3) provides that an authorised person must comply with any procedures prescribed under the *Liquor Licensing Act 1997* in relation to the removal by authorised persons (within the meaning of that Act) of persons from licensed premises.

21—Amendment of section 67—Power to remove offenders

This amendment recasts section 67(1) so that an authorised person, rather than the holder of a gaming machine licence or an approved gaming machine manager, may remove certain offenders from licensed premises. Under new subsection (4a), the regulations may prescribe procedures to be observed by authorised persons in or in connection with the prevention of persons from entering gaming areas. An authorised person must comply with any procedures prescribed under subsection (4a) or under the *Liquor Licensing Act 1997* in relation to the removal by authorised persons of persons from licensed premises.

22—Insertion of section 70A

New section 70A provides that in any proceedings under Part 6 of the Act (Appeals), the Licensing Court of South Australia or the Independent Gambling Authority must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence

of the parties to the proceedings and their representatives. The Court or Authority may take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.

23—Insertion of section 85A

New section 85A applies to fingerprints taken under the Act in connection with an application that has been refused, or an application that has been granted but the licence or approval later revoked or surrendered. A person whose fingerprints have been taken under the Act may, if the fingerprints are fingerprints to which section 85A applies, apply to the Commissioner of Police to have the fingerprints, and any copies of the fingerprints, destroyed. The Commissioner of Police may grant or refuse the application as the Commissioner of Police sees fit.

Part 3—Amendment of *Liquor Licensing Act 1997*

24—Amendment of section 4—Interpretation

This clause inserts two new definitions. An *approved crowd controller* is a person approved under new Part 4 Division 10A to act as a crowd controller for licensed premises (other than a person whose approval has been suspended or revoked). *Criminal intelligence* is information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.

25—Amendment of section 17—Division of responsibilities between the Commissioner and the Court

This is a consequential amendment. The Commissioner is not required to attempt conciliation in relation to an application to which an objection has been lodged by the Commissioner of Police on the ground that to grant the application would be contrary to the public interest.

26—Insertion of Part 2 Division 6

Clause 26 inserts a new Division, dealing with criminal intelligence (as defined in section 4), into Part 2 of the Act.

Under new section 28A, no information provided by the Commissioner of Police to the Authority or the Commissioner is to be disclosed to any person, other than the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure, if the information is classified by the Commissioner of Police as criminal intelligence.

If a decision by a licensing authority to refuse an application, take disciplinary action or revoke an approval is made because of criminal intelligence, the licensing authority is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the licensee were to continue to be licensed, or that it would be contrary to the public interest if the approval were to continue in force.

A copy of a notice of objection to an application lodged by the Commissioner of Police under Part 4 on the basis of criminal intelligence need not be served on the applicant. However, the licensing authority must, at least 7 days before the day appointed for the hearing of the application, advise the applicant in writing that the Commissioner of Police has objected to the application on the ground that to grant the application would be contrary to the public interest.

If the Commissioner or the Commissioner of Police lodges a complaint under Part 8 in respect of a person because of information that is classified by the Commissioner of Police as criminal intelligence, the complaint need only state that it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

Subsection (5) relates to proceedings under the Act. The Commissioner, the Court and the Supreme Court are required to, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives. The Commissioner or the Court may also take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.

The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of the Act except to a Deputy Commissioner or Assistant Commissioner of Police.

27—Insertion of section 51A

New section 51A applies only in relation to the applications listed under subsection (1). The Commissioner is required under subsection (2) to provide the Commissioner of Police with a copy of each application to which the section applies. The Commissioner of Police must, as soon as practicable following receipt of an application from the Commissioner, make available to the Commissioner information about criminal convictions relevant to whether the application should be granted. The Commissioner of Police may also make available other relevant information to which he or she has access.

28—Amendment of section 53—Discretionary powers of licensing authority

Section 53 provides the licensing authority with an unqualified discretion (subject to the Act) to grant or refuse an application under the Act. New subsection (1a) provides that an application can only be granted if the licensing authority is satisfied that to grant the application would not be contrary to the public interest.

29—Amendment of section 55—Factors to be taken into account in deciding whether a person is fit and proper

This clause recasts section 55(1) so that a licensing authority must, in deciding whether a person is fit and proper for a particular purpose under the Act, consider the reputation, honesty and integrity of the person and the person's associates. This clause also inserts a new subsection that provides that for the purposes of determining whether a person is a fit and proper person for a particular purpose under the Act, the Commissioner may cause the person's photograph and fingerprints to be taken.

30—Insertion of Part 4 Division 10A

New Division 10A of Part 4 provides for the approval by the Commissioner of crowd controllers. Under section 71A, the Commissioner may, on application, approve a person to act as a crowd controller for licensed premises. The Commissioner cannot approve a person to act as a crowd controller unless the person has the appropriate knowledge, experience and skills for the purpose. If an applicant for approval does not have the appropriate knowledge, experience and skills to act as a crowd controller, the Commissioner may nevertheless approve the person and impose a condition on the approval that the person undertake specified accredited training within a specified time of obtaining the approval.

An approved crowd controller must not use force to remove a person from licensed premises except under the direct supervision of the licensee or the responsible person for the premises. The Commissioner has an unqualified discretion to revoke an approval given under this Division on such ground or for such reason as he or she thinks fit. However, before exercising powers to revoke an approval, the Commissioner must give written notice of the proposed revocation to the person and allow the person a period of at least 21 days to show cause why the approval should not be revoked. The Commissioner may suspend an approval pending final resolution of the matter.

New Division 10A is in addition to, and does not derogate from, the *Security and Investigation Agents Act 1995*.

31—Insertion of section 75A

New section 75A, which adopts and expands the wording of section 76(1) (deleted by clause 32), provides that the Commissioner of Police may intervene in proceedings before a licensing authority for the purpose of introducing evidence, or making submissions, on any question before

the authority. In particular, the Commissioner of Police may, if the proceedings are in connection with an application under Part 4, intervene on the question of—

(a) whether a person is a fit and proper person; or

(b) whether, if the application were to be granted, public disorder or disturbance would be likely to result; or

(c) whether to grant the application would be contrary to the public interest.

32—Amendment of section 76—Other rights of intervention

The amendment made by this clause is consequential.

33—Amendment of section 77—General rights of objection

The amendment made by this clause is consequential.

34—Amendment of section 116—Power to require minors to leave licensed premises

Section 116 provides that an authorised person who suspects on reasonable grounds that a person on licensed premises is under the age of 18 and on the licensed premises for the purpose of consuming liquor in contravention of the Act may require the minor to leave the premises. New subsection (3a), inserted by this clause, provides that the regulations may prescribe procedures to be observed by authorised persons in or in connection with the removal of minors from licensed premises. Subsection (3b) requires an authorised person to comply with such procedures. This clause also amends the definition of *authorised person* by removing the reference to agents or employees of licensees and adding approved crowd controllers.

35—Amendment of section 118—Application of Part

Part 8 (Disciplinary Action) does not apply to persons approved as crowd controllers under Part 4 Division 10A.

36—Amendment of section 119—Cause for disciplinary action

The insertion into section 119(1)(b) of new subparagraph (via) will mean that there will be proper cause for disciplinary action against a person if there has been a contravention of a provision of the *Liquor Licensing Act 1997* or the *Gaming Machines Act 1992* relating to the prevention of a person from entering, or the removal of a person from, licensed premises. There will also be proper cause for disciplinary action against a person if the person is or has been licensed or approved under the Act but it would be contrary to the public interest if the person were to be or continue to be licensed or approved.

New section 119(2) provides that, in determining whether there is proper cause for disciplinary action against a person who is or has been licensed or approved under the Act, regard may be had to such evidence of the conduct (no matter when the conduct is alleged to have occurred) of the person or persons with whom the person associates (or has associated at any relevant time) as the Court considers relevant, including information that existed at the time the licence or approval was granted, regardless of whether that information was before or could have been brought before the licensing authority at that time.

37—Amendment of section 120—Disciplinary action before the Court

The amendments made by this clause to section 120 are consequential on the introduction of the definition of criminal intelligence and the insertion of section 26A.

38—Amendment of section 124—Power to refuse entry or remove persons guilty of offensive behaviour

Section 124 provides that an authorised person may use reasonable force to remove from, or prevent entry to, licensed premises any person who is intoxicated or behaving in an offensive or disorderly manner. New subsection (1a), inserted by this clause, provides that the regulations may prescribe procedures to be observed by authorised persons in or in connection with the preventions of persons from entering, and the removal of persons from, licensed premises. Subsection (1b) requires an authorised person to comply with such procedures. This clause also amends the definition of *authorised person* by removing the reference to agents or employees of licensees and adding approved crowd controllers.

39—Amendment of section 127—Power to remove person who is barred

Under section 127, an authorised person may require a person on premises from which the person is barred to leave the premises. A person who is barred may, if he or she seeks to enter the premises or refuses or fails to comply with a requirement to leave the premises, be prevented from entering, or removed from, the premises by an authorised person using the force reasonably necessary for the purpose. New subsection (2a), inserted by this clause, provides that the regulations may prescribe procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, and the removal of persons from, licensed premises. Subsection (2b) requires an authorised person to comply with such procedures. This clause also amends the definition of *authorised person* by removing the reference to agents or employees of licensees and adding approved crowd controllers.

40—Insertion of section 131A

This clause inserts a new offence of failing to leave licensed premises on request.

If a person who is under the age of 18 years and on licensed premises for the purpose of consuming liquor in contravention of the Act, or intoxicated or behaving in an offensive or disorderly manner, or barred from the licensed premises under Part 9 Division 3, or otherwise on the premises in contravention of the Act fails, without reasonable excuse, to leave the licensed premises immediately on being requested to do so by an authorised person, the person is guilty of an offence. The maximum penalty for this offence is a fine of $1 250.

41—Insertion of section 137A

New section 147A applies to fingerprints taken under the Act in connection with an application that has been refused, or an application that has been granted but the licence or approval later revoked or surrendered. A person whose fingerprints have been taken under the Act may, if the fingerprints are fingerprints to which section 137A applies, apply to the Commissioner of Police to have the fingerprints, and any copies of the fingerprints, destroyed. The Commissioner of Police may grant or refuse the application as the Commissioner of Police sees fit.

Part 4—Amendment of *Security and Investigation Agents Act 1995*

42—Amendment of section 3—Interpretation

This clause inserts into section 3 a number of definitions necessary for the purposes of the measure.

An *approved psychological assessment* is a form of psychological assessment approved by the Commissioner for the purpose of determining whether a person is fit and proper to hold a security agents licence. *Criminal intelligence* is information relating to actual or suspected criminal activity (whether in South Australia or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.

43—Insertion of sections 5A and 5B

Section 5A provides that police officers may exercise the powers of authorised officers under sections 77 and 78 of the *Fair Trading Act 1987*.

Under section 5B, no information provided by the Commissioner of Police to the Commissioner is to be disclosed to any person, other than the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure, if the information is classified by the Commissioner of Police as criminal intelligence.

If a decision by the Commissioner to refuse an application for, impose a condition on or suspend a licence is made because of criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other than that to grant the application would be contrary to the public interest, or that it would be contrary to the public interest if the licence were to continue in force without the condition or that it would be contrary to the public interest if the licensee were to continue to be licensed.

A copy of a notice of objection to an application lodged by the Commissioner of Police under section 8A on the basis of criminal intelligence need not be served on the applicant. However, the Commissioner must, as soon as reasonably practicable after receiving the notice of objection, advise the applicant in writing that the Commissioner of Police has objected to the application on the ground that to grant the application would be contrary to the public interest.

If the Commissioner or the Commissioner of Police lodges a complaint under Part 4 in respect of a person because of information that is classified by the Commissioner of Police as criminal intelligence, the complaint need only state that it would be contrary to the public interest if the person were to be or continue to be licensed.

Subsection (5) relates to proceedings under the Act. The Commissioner and the Court are required, on the application of the Commissioner of Police, to take steps to maintain the confidentiality of information classified by the Commissioner of Police as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives. The Commissioner or the Court may also take evidence consisting of or relating to information classified by the Commissioner of Police as criminal intelligence by way of affidavit of a police officer of or above the rank of superintendent.

The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of the Act except to a Deputy Commissioner or Assistant Commissioner of Police.

44—Insertion of sections 8A to 8C

Under section 8A, the Commissioner must either provide the Commissioner of Police with a copy of each application for a security agents licence or notify the Commissioner of Police of the identity of the applicant or, if the applicant is a body corporate, the identity of each director of the body corporate.

The Commissioner of Police must, as soon as reasonably practicable following receipt of an application or information as to the identity of an applicant, provide the Commissioner with information about criminal convictions relevant to whether the application should be granted. The Commissioner of Police may also make available other relevant information.

The Commissioner of Police may, following receipt of an application, or information in respect of an application, object to the application by notice in writing provided to the Commissioner within the prescribed period. A notice of objection must state grounds for the objection. A copy of the notice of objection must, subject to restrictions in relation to criminal intelligence, be served by the Commissioner on the applicant as soon as reasonably practicable after the notice is received by the Commissioner. The Commissioner is required to provide an applicant with a reasonable opportunity to respond to a notice of objection.

Section 8B provides that an applicant for a security agents licence may be required by the Commissioner to have his or her fingerprints taken by a police officer. Failure to attend for the taking of fingerprints may give rise to delay in consideration of the application or refusal. The Commissioner of Police is required, after fingerprints have been taken from an applicant, to make available to the Commissioner such information to which the Commissioner of Police has access about the identity, antecedents and criminal history of the person as the Commissioner of Police considers relevant.

Section 8C provides that an applicant for a security agents licence who is seeking authorisation to perform the function of controlling crowds may be required by the Commissioner, for the purpose of determining whether the applicant is fit and proper to hold such a licence, to take part, at the cost of the applicant, in an approved psychological assessment. If a person fails to take part in a psychological assessment in accordance with such a request, the Commissioner may, by notice in writing, require the person, within a time fixed by the notice (which may not be less than 28 days after service of the notice), to make good the default. If the person fails to comply with the notice, the Commissioner may, without further notice, refuse the application but keep the fee that accompanied the application. The Commissioner is not required to consider an application in relation to which a request has been made until the applicant has been assessed and the results of the assessment provided to the Commissioner.

45—Amendment of section 9—Entitlement to be licensed

The amendments made to section 9 by this clause are consequential.

46—Insertion of section 9A

Section 9A, inserted by this clause, provides that, in deciding whether a person is a fit and proper person to hold a security agents licence, or to be the director of a body corporate that is the holder of a security agents licence, the Commissioner must take into consideration—

(a) the reputation, honesty and integrity of the person; and

(b) the reputation, honesty and integrity of people with whom the person associates.

If the Commissioner of Police has objected to an application for a security agents licence, the Commissioner must take into consideration the grounds for the objection when assessing the application. An application for a security agents licence can only be granted if the Commissioner is satisfied that to grant the application would not be contrary to the public interest.

47—Amendment of section 11—Appeals

Under new section 11(1a), the Commissioner of Police may appeal to the District Court against a decision of the Commissioner granting an application for a security agents licence.

48—Insertion of sections 11AB to 11AD

Section 11AB provides that the Commissioner may require a person who holds a security agents licence, or a director of a body corporate that holds a security agents licence, to have his or her fingerprints taken by a police officer. As soon as reasonably practicable after fingerprints have been taken from a person by a police officer pursuant to a requirement under section 11AB, the Commissioner of Police must make available to the Commissioner such information to which the Commissioner of Police has access about the identity, antecedents and criminal history of the person as the Commissioner of Police considers relevant.

Under section 11AC, the Commissioner may require the holder of a security agents licence that authorises the licensee to perform the function of controlling crowds to complete an approved security industry training course within a period specified by the Commissioner. If a licensed security agent has been required by the Commissioner to complete a training course, the security agent must, when next lodging an annual return (under section 12) following the end of the period within which he or she has been required to complete the course, provide the Commissioner with evidence that the course has been completed to a satisfactory standard.

Section 11AD provides that the Commissioner may, for the purpose of determining whether the holder of a security agents licence that authorises the licensee to perform the function of controlling crowds is a fit and proper person, require the licensee to attend at a specified time and place for the purpose of taking part in an approved psychological assessment.

49—Amendment of section 12—Duration of licence and annual fee and return etc

The amendments made to section 12 by this clause provide for administrative cancellation of the licence held by a security agent who fails to comply with a requirement or direction under section 11AB, 11AC or 11AD.

50—Amendment of section 12A—Employment of security agents or investigation agents

The purpose of this amendment is to limit the operation of section 12A to the employment of security agents and investigation agents only. Under new subsection (2), a person must not engage another to perform the function

of controlling crowds unless the person personally performing the function holds a licence authorising him or her to do so.

51—Insertion of Part 3A

Part 3A contains provisions that apply in relation to security agents only.

Under section 23A, the Commissioner *may* suspend a security agents licence if the holder of the licence, or a director of a body corporate that is the holder of the licence, is charged with an offence of a class specified by regulation in relation to the functions authorised by the licence, or the Commissioner is satisfied, for any other reason, that it would be contrary to the public interest if the holder of a security agents licence were to continue to be licensed.

The licence must be suspended by notice in writing and takes effect immediately on service of a suspension notice advising that the licence has been suspended. A person on whom a suspension notice has been served may, within the period of 21 days following service of the notice, make written representations to the Commissioner as to why his or her security agents licence should not be suspended.

The Commissioner must, at the end of the period of 28 days following service of a suspension notice under this section, make a determination as to whether the suspension is to be confirmed or revoked and advise the holder of the licence of his or her decision. The Commissioner must, in determining whether to confirm or revoke suspension of a security agents licence, have regard to any representations received from the holder of the licence in accordance with the section.

The Commissioner may, at any time, on his or her own initiative, or on application by a person whose licence is suspended, revoke the suspension of a security agents licence under section 23A.

Section 23A is expressed to be subject to section 23B, which provides that the Commissioner must suspend (until further notice) a security agents licence that authorises the licensee to perform the function of controlling crowds if the licensee is charged with an offence of a class specified by regulation in relation to the functions authorised by the licence.

Suspension of a licence under section 23B takes effect immediately on service of a suspension notice advising that the licence has been suspended and may not be revoked by the Commissioner unless—

(a) the holder of the licence has been found not guilty by a court of the criminal charges relevant to the licence having been suspended, or those charges have been withdrawn or dismissed; and

(b) the Commissioner is satisfied that revocation of the suspension would not be contrary to the public interest.

Sections 23C and 23D deal with the content and service of suspensions notices. Under section 23E, a person whose security agents licence has been suspended under section 23A or 23B may appeal to the Court against the decision of the Commissioner to suspend the licence. Section 23F provides that no liability attaches to the Commissioner or the Crown for the exercise or purported exercise in good faith of the Commissioner's power to suspend a security agents licence.

Under section 23G, if the holder of a security agents licence is found guilty of an offence of a class specified by regulation in relation to the functions authorised by the licence, the licence is cancelled and the licensee must, within 7 days of that finding, surrender the licence to the Commissioner. Failure to surrender a licence in accordance with the section is an offence.

Section 23H provides that if disciplinary action is taken on the prescribed number of occasions within the prescribed period against a person, or a number of persons, employed or otherwise engaged in the business of an agent carrying on business as a security agent, the Commissioner must review the licence of the agent to determine if the licence should be suspended or a complaint lodged in respect of the agent under section 26.

Section 23I contains definitions necessary for the purposes of Part 3A Division 2. This division deals with alcohol and drug testing of persons authorised to control crowds. For the purposes of this Division, *licensee* is defined to mean the holder of a security agents licence that authorises the licensee to perform the function of controlling crowds. The *prescribed concentration of alcohol* is any concentration of alcohol in the blood.

Section 23J provides that a police officer or an authorised officer may, by notice in writing, direct a licensee to attend at a specified time and place for the purpose of undertaking a drug testing procedure to determine the level of any prescribed drug in any form in the blood or urine of the agent.

Under section 23K, a police officer may require a licensee performing the function of controlling crowds to submit to an alcotest. If the alcotest indicates that the prescribed concentration of alcohol may be present in the blood of the licensee, a police officer may require the licensee to submit to a breath analysis. Performance of the breath analysis must be commenced within two hours after the licensee has submitted to the alcotest indicating that the prescribed concentration of alcohol may be present in the blood of the licensee. The regulations may prescribe the manner in which an alcotest or breath analysis is to be conducted. Sections 23L and 23M are evidentiary provisions, similar to those relating to alcotest and breath analysis included in the *Road Traffic Act 1961*. The Commissioner of Police is required under section 23N to advise the Commissioner whether or not a licensee has complied with a requirement to submit to an alcotest or breath analysis and, if the licensee has complied with the requirement, the result of the test or analysis.

The Commissioner may, under section 23O, cancel a security agents licence if—

(a) the licensee fails, without reasonable excuse, to comply with—

(i) a notice or direction under section 23K(1) in relation to a requirement to submit to a drug test; or

(ii) a requirement or direction under section 23L in relation to an alcotest or breath analysis; or

(b) a sample of the blood or urine of the licensee taken in accordance with section 23K is found on analysis to be a non-complying sample (within the meaning of the regulations); or

(c) the results of a breath analysis undertaken in accordance with this Division demonstrate that the prescribed concentration of alcohol was present in the licensee's blood at a time when the licensee was performing the function of controlling crowds.

However, before exercising the power to cancel a licence under section 23O, the Commissioner must give written notice to the licensee of the proposed cancellation, including a statement of the reasons that the Commissioner considers justify the cancellation. The Commissioner must allow the licensee a period of 14 days (or such longer period as the Commissioner may in a particular case allow) to show cause why the licence should not be cancelled. At the end of that period, the Commissioner must determine whether or not to proceed with cancellation of the licence and advise the licensee by notice in writing of his or her determination. The notice must, if the licence is to be cancelled, specify the date from which the cancellation is take effect. That date may not be less than 14 days from the date of the notice. The notice must also set out the grounds for the Commissioner's decision.

A person whose security agents licence has been cancelled under section 23O must, under section 23P, within 7 days of the date on which the cancellation takes effect, surrender the licence to the Commissioner. Failure to surrender a licence in accordance with section 23P is an offence. The maximum penalty is a fine of $1 250.

Under section 23Q, there is a right of appeal to the District Court against a decision of the Commissioner to cancel a licence.

52—Amendment of section 25—Cause for disciplinary action

As a consequence of the amendment made by this clause, there will be proper cause for disciplinary action against

a natural person licensed or formerly licensed as a security agent if—

(i) the person is not a fit and proper person; or

(ii) the person has contravened a provision of the *Liquor Licensing Act 1997* or the *Gaming Machines Act 1992* relating to the prevention of a person from entering, or the removal of a person from, licensed premises (within the meaning of the *Liquor Licensing Act 1997*); or

(iii) it would be contrary to the public interest if the licensee were to be or continue to be licensed.

There will be proper cause for disciplinary action against a body corporate licensed or formerly licensed as a security agent if a director of the body corporate is not a fit and proper person or it would be contrary to the public interest if the body corporate were to be or continue to be licensed.

53—Amendment of section 26—Complaints

Under section 26 of the Act, as amended by this clause, a complaint alleging grounds for disciplinary action may be lodged by the Commissioner, a police officer or any other person. At present, section 26 does not specify that a police officer may lodge a complaint.

54—Insertion of section 27A

Section 27A, inserted by this clause, provides that on the hearing of a complaint against a person licensed or formerly licensed as a security agent, the District Court is not bound by the rules of evidence but may inform itself as it thinks fit and must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. In determining whether there is proper cause for disciplinary action against a security agent or former security agent, regard may be had to such evidence of the conduct (no matter when the conduct is alleged to have occurred) of the person or persons with whom the person associates (or has associated at any relevant time) as the Court considers relevant, including information that existed at the time the licence was granted, regardless of whether that information was known or could have been made known to the Commissioner at that time.

55—Insertion of section 36A

A person whose fingerprints have been taken for the purposes of the Act may, if the fingerprints are fingerprints to which section 36A applies, apply to the Commissioner of Police to have the fingerprints, and any copies of the fingerprints, destroyed. The Commissioner of Police may grant or refuse the application as the Commissioner of Police sees fit.

56—Amendment of section 39—Commissioner of Police to conduct investigations and make available relevant information

This amendment to section 39 has the effect of requiring the Commissioner to make information relevant to a matter that might constitute proper cause for disciplinary action under the Act available to the Commissioner as soon as reasonably practicable after becoming aware of the information.

57—Amendment of section 44—Prosecutions

Section 44 presently provides that a prosecution for an offence against the Act cannot be commenced except by the Commissioner, an authorised officer under the *Fair Trading Act 1987* or a person who has the consent of the Minister to commence the prosecution. This amendment adds police officers to the list of persons who may commence prosecutions.

Schedule 1—Transitional provisions

Schedule 1 contains transitional provisions.

An amendment to the *Gaming Machines Act 1992* effected by a provision of the *Statutes Amendment (Liquor, Gambling and Security Industries) Act 2004* ("the Act") applies in respect of an application under the *Gaming Machines Act 1992* if the application is determined after the commencement of the provision irrespective of whether the application was lodged before or after that commencement. An amendment to the *Gaming Machines Act 1992* effected by a provision of the Act applies in respect of a licence or approval granted under the *Gaming Machines Act 1992*, or a person licensed or approved under that Act, whether the licence or approval was granted before or after the commencement of the amending provision.

Clauses 2 and 3 of Schedule 1 include similar transitional provisions applicable in respect of amendments made to the *Liquor Licensing Act 1997* and *Security and Investigation Agents Act 1995*.

Schedule 2—Statute law revision amendment of *Gaming Machines Act 1992*

Schedule 2 contains amendments to the *Gaming Machines Act 1992* of a statute law revision nature.

Schedule 3—Statute law revision amendment of *Security and Investigation Agents Act 1995*

Schedule 3 contains amendments to the *Security and Investigation Agents Act 1995* of a statute law revision nature.

Ms CHAPMAN secured the adjournment of the debate.

RAILWAYS (OPERATIONS AND ACCESS)(REGULATOR) AMENDMENT BILL

The Hon. P.L. WHITE (Minister for Transport) obtained leave and introduced a bill for an act to amend the Railways (Operations and Access) Act 1997. Read a first time.

The Hon. P.L. WHITE: I move:

That this bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. Dean Brown: No.

The SPEAKER: Leave is not granted.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. P.L. WHITE: Do I have leave?

The SPEAKER: No. The minister has the call. Leave is not granted.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is out of order.

The Hon. P.L. WHITE: The Railways (Operations and Access)(Regulator) Amendment Bill 2004 legislatively formalises the assignment of the Essential Services Commission as rail regulator in this state. I seek leave to insert the remainder of my second reading speech in *Hansard*.

The SPEAKER: Leave is not granted. The minister needs to give an explanation to the bill.

The Hon. P.L. WHITE: I am seeking leave again.

The Hon. M.J. Atkinson: But you can seek leave again during your remarks.

The SPEAKER: Once the minister has given an explanation of the bill, then the practice of the house for the last 100-odd years has been (if the clauses are simple and easily understood) for the minister to seek leave to incorporate their explanation in *Hansard*. More recently, the house has almost always given leave to incorporate the lot. It has occurred more frequently lately that the incorporation practice has resulted in the wrong speech being incorporated, which has caused problems. In this instance, however, the house has chosen to understand the explanation of the bill itself. The minister has leave to do that, unless the house's conventions are to be yet further changed.

The Hon. M.J. ATKINSON: Point of order, sir: as someone who is virtuous enough to do a summary of the bill before seeking leave to insert the second reading speech, can I say that my understanding is that the refusal of leave by the member for Finniss was jocular and that he sought immediately to withdraw it, as I understand it.

The SPEAKER: The member for Finniss can speak for himself. The minister has the call.

The Hon. M.J. ATKINSON: Well, sir, would you accept a withdrawal from the member for Finniss?

The SPEAKER: If the member for Finniss was so inclined—of course.

The Hon. DEAN BROWN: Mr Speaker, I firstly objected because there was no speech available to insert at the time. There is now a speech available, and I am now willing to withdraw my objection.

Mrs Geraghty interjecting:

The SPEAKER: The chair notices, in spite of the interjections from the member for Torrens, that that was the case. Government ministers ought not to take the proceedings of the house for granted. Let me say I would choose stronger language other than that it might cause people to become inflamed, but the mess-ups and the problems that are created for us as a chamber and our records as a result of this practice of incorporating speeches without the second reading explanation being made to the house or an explanation being given to the house is a very good reason to depart from this practice. The Independent members are expected to work it out themselves and an explanation by the minister in the *Hansard* records is a better way of doing that. In circumstances where an incorporated explanation is found to be a wrong one, then the understanding is wrong. It is all very well for the parties to swap explanations to enable expeditious passage. But that is not what parliament is here to do. It is not here to serve the needs of parties; it is here to serve the public interest.

Leave granted.

The ESC commenced performing the functions of rail regulator on 18 March 2004, when the Governor assigned the functions of rail regulator to the ESC by proclamation, in accordance with her powers under section 9(1)(a) of the *Rail (Operations and Access) Act 1997* ("the Act"). The Bill entrenches the ESC as rail regulator under the Act.

The Act establishes the role of regulator, pricing principles, rules for negotiation of access and procedures for arbitration of rail access disputes. Previously, a senior officer of the Department of Transport and Urban Planning was appointed as regulator. The Act was introduced to ensure rail operators, other than the track owner/operator, can offer rail services to customers and compete with the owner/operator by obtaining access to the rail network on commercial terms. It establishes an access regime consistent with National Competition Principles and with Part IIIA of the *Trade Practices Act 1974* of the Commonwealth.

The role of the regulator under the Act is to monitor and oversee access matters, determine pricing principles and information requirements, and refer access disputes to arbitration.

The amendments contained in the Bill are in accordance with the Government's objective to separate technical and safety regulation from economic regulation. This separation has occurred with other industries, for example, gas and electricity industries where the ESC undertakes economic regulation and the Office of the Technical Regulator provides technical and safety regulation. The ESC has been established as an independent economic regulator with the primary objective to protect the long term interests of South Australian consumers with respect to price, quality and reliability of essential services. In line with this, the Bill entrenches access regulation for intrastate rail from Transport SA to the ESC.

The Bill—

- defines the rail regulator under the *Rail (Operations and Access) Act 1997* as the Essential Services Commission established under the *Essential Services Commission Act 2002*; and
- assigns to the regulator the function of monitoring and enforcing compliance with the Act (other than Part 2, which relates to construction and operation of railways); and
- requires the regulator to provide an annual report to the Minister, and requires the Minister to have the report laid before both Houses of Parliament.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Railways (Operations and Access) Act 1997*

4—Amendment of section 4—Interpretation

This clause inserts a definition of ***regulator*** into section 4 of the *Railways (Operations and Access) Act 1997*.

5—Substitution of Part 1 Division 6

This clause repeals the current Division 6 of the *Railways (Operations and Access) Act 1997* and substitutes a new Division 6. That Division, in proposed section 9, provides that the Essential Services Commission is the regulator under the *Railways (Operations and Access) Act 1997*. The proposed section also provides that the regulator has the function of monitoring and enforcing compliance with that Act (other than Part 2).

Proposed section 9A provides that the ESC, as regulator, must provide the Minister with an annual report of the work carried out under the *Railways (Operations and Access) Act 1997* for the preceding financial year. The Minister must have the report laid before both Houses of Parliament within 12 sitting days of receiving the report.

The Hon. DEAN BROWN secured the adjournment of the debate.

SELECT COMMITTEE ON THE JUVENILE JUSTICE SYSTEM

The Hon. R.B. SUCH (Fisher): I move:

That the time for bringing up the report of the select committee be extended until Monday 7 March 2005.

Motion carried.

SELECT COMMITTEE ON THE STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

The Hon. M.J. ATKINSON (Attorney-General): I move:

That the time for bringing up the report of the select committee be extended until Monday 7 February 2005.

Motion carried.

CRIMINAL LAW CONSOLIDATION (CRIMINAL NEGLECT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 December. Page 1257.)

Mrs REDMOND (Heysen): I believe I have leave to continue my remarks, which I commenced on this matter at the end of the sitting last night. I note that when I commenced my remarks last night I was quoting fairly substantially from the letter from the Law Society to the Attorney-General, written in response to the earlier edition of what is, substantially, the same bill back on 27 August 2004. I had just dealt with a number of the specific concerns and criticisms raised by the Law Society in relation to the bill itself, and I had dealt with the first three of six numbered points in the Law Society's letter, and I will now move on to the fourth of the numbered points, in which they say:

By way of general comment, the language and wording of the legislation was considered to be confused, confusing, contradictory, ambiguous, impractical, unnecessarily complex and, therefore, likely

to lead to uncertainty and injustice. An indication of the difficulties in language of the legislation was that among committee members there were many different interpretations of the legislation, its meaning and application.

That is the end of the quote from that letter and I would indicate that the committee, as I stated earlier, consisted of the Criminal Law Committee, the Family Law Committee, and the Children and the Law Committee of the Law Society, so the group of people there come from diverse backgrounds. They are obviously all lawyers. They all looked at this legislation and found that they had different interpretations as to what it meant. The fifth item in the Law Society's letter states, and I quote:

The traditional and well understood concepts of a 'duty of care' is that such a duty of care is 'owed' rather than 'had': section 14(1)(b).

If we look at the bill, the insertion of section 14(1)(b) refers to a person:

The defendant is guilty of the offence of criminal neglect if the defendant had, at the time of the act, a duty of care to the victim.

Although it might seem a little pedantic, what they are saying to us is that the use of the term 'had a duty of care' rather than 'owed a duty of care' might not to the casual observer mean very much. The difficulty is that when lawyers look at it they start to say, 'Well, why was the term 'had a duty of care' used instead of the traditional term 'owed a duty of care', and why did the parliament intend to something different?' Point six of the letter states:

The wording in section 14(1)(d) does not appear to state the appropriate formula. If we take criminal neglect to be essentially concerned with the concepts of negligence or recklessness which are traditionally known to the law and to the community, then these concepts should be approached in the usual way; that is, the:—

- existence of a duty of care;
- identification of the requisite standard of care;
- breach of care (whether by act or omission);
- consequences of the breach of the duty [that is, the harm that is caused]

Quite rightly, the Law Society again points out that this bill, by the nature of the wording rather than by the concept that it is seeking to encompass, presents some difficulties for the lawyers who will be involved in its day-to-day administration. If we do not approach things in the standard way, it will be assumed that there was a reason why we did not approach them in that standard way and they will look for some basis upon which to differentiate these circumstances from the normal approach of the traditional negligence and recklessness concepts.

The seventh concern raised by the Law Society is that of the concept of appreciable risk in section 14(1)(c). The Law Society points out that that is a novel term. Point seven states:

The usual formulation in the context of negligence or recklessness refers to 'foreseeable risk'.

Again, the same comment is basically made. I guess that all these remarks relate back to the fourth item in the letter, which states:

The language and wording of the legislation is considered to be confused, confusing, contradictory, ambiguous, impractical, unnecessarily complex and therefore likely to lead to uncertainty and injustice.

Point eight of the Law Society's letter states:

Whilst on the one hand it is suggested that the bill is not concerned with cases where the accused can be shown to have committed the unlawful act that killed or seriously harmed the victim, on the other hand the bill is to enable both a substantive offence to be charged as well as the criminal neglect charge to be laid. Therefore the legislation can apply to where the prosecution considers it can prove the substantive offence.

Although the letter numbers it a different number, point nine of the letter states:

Some of the examples quoted may not be so clear cut. For example, in example 3,—

the Law Society is referring to the report of the Attorney in relation to this matter—

the adult may well be vulnerable but that does not establish that there is a duty of care owed by the grandchildren nor that the apparently vulnerable adult had any policy or practice by which there was a care owed and delivered by the grandchildren as a matter of fact. On the one hand the grandchildren are suspects in respect of the death of the vulnerable grandparent but there is nothing to even establish that there was anything more than an accident, and yet even in a case of accident there is a substantial risk that other occupiers of the house, such as in this example, could be found criminally liable for criminal neglect. This would be productive of injustice.

I do not think that really needs any further explanation. It relates specifically to the matters that I think were dealt with in the Attorney's second reading explanation, and therefore, in order to be fully understood, one would have to refer back to the detailed comments he made. It was a significant report on this bill, and it did contain a number of specific examples that were attempting to be illustrative of what is known to be the difficulty we are trying to address and what was expected to be the outcome by the introduction of this legislation. Point 10 of the Law Society letter states:

The wording in section 14(1)(d) is confusing. A better formulation appears in the report—

that is the report of several pages that was inserted in relation to this legislation—

at page 10 as follows:—

I am quoting from the Law Society letter which, in turn, is quoting from that report—

. . . the unlawful act that caused the death or serious harm involved such a high risk that death or serious harm would follow, and that the accused's failure to protect the victim from it involved such a great failing short of the standard of care that a reasonable person in his or her position should be expected to exercise.

The Law Society's letter then refers to the provisions of new section 14(3), but I note that in the bill before the house that now appears as new section 14(2). In quoting the letter, I will in fact substitute 14(2) as the correct new section. The eleventh point in the letter from the Law Society states:

The provisions of section 14(3) [in the letter but in reality new subsection (2)] give rise to considerable conceptual difficulties including views that it may or may not involve a shifting of the onus of proof. The wording is ambiguous and needs clarification.

I will refer specifically to new section 14(3). As I said it appears as new section 14(2) in the bill. New section 14(2) provides:

If a jury considering a charge of criminal neglect against a defendant finds that—

(a) there is reasonable doubt as to the identity of the person who committed the unlawful act that caused the victim's death or serious harm; but

(b) the unlawful act can only have been the act of the defendant or some other person who, on the evidence, may have committed the unlawful act,

the jury may find the defendant guilty of the charge of criminal neglect even though of the opinion that the unlawful act may have been the act of the defendant.

I do not think that it takes much to understand that that is a fairly confusing clause. The Law Society's letter further states:

As a result, it was considered that the bill in its present form can only lead to more complex, more protracted, more costly and unnecessarily difficult court proceedings with consequential risks of injustice, unfairness, failure to achieve a stated purpose in the legislation, more appeals, more delay and more uncertainty.

The Law Society repeats at the end of its letter, and I repeat on behalf of the opposition, that it is not opposed in principle to the concept of the proposed legislation in so far as it seeks to ensure that perpetrators are properly convicted of substantive offences. The letter further states:

We do, however, express serious concerns that this second version of the bill does not achieve the stated purpose. It seeks to put forward a purpose which is incongruent to the basic principles of criminal culpability whereby only those guilty of a crime are found guilty rather than those who may or may not be guilty are nonetheless found guilty. In addition the language of the legislation is far too loose and convoluted to be easily workable. Legislation such as this should be readily understood by the entire community.

I will not quote any further from the Law Society's letter, but I think it does make a cogent and, I believe, compelling case for referring this bill to the Legislative Review Committee.

Everyone agrees that this legislation is necessary in some form. We are all agreed about that. There is a problem in the law, there is a hole, there is an anomaly that needs to be addressed. I congratulate the Attorney for bringing this bill before the house to attempt to address it, because my view is that trying to do something is better than simply sitting on one's hands and doing nothing for fear that what one does might be wrong. However, I agree with the Law Society's view that this legislation as currently drafted has some significant difficulties.

I spoke last night about the difficulties of guardianship and that concept. The Attorney indicated that he would like to hear my views. In fact, I had reached a conclusion about that before I had ever read the Law Society's letter. It just seemed to me to be problematic not to define guardianship, and so on. I think that there is much to be said for what is being put by the Law Society. I think that we need to be very careful in introducing this legislation, because it is intended to meet a specific purpose. Because it creates a new offence—and, to use the Attorney's terms, it creates this new offence of criminal neglect that does not depend on proof of identity of the main offender—there are risks involved with this legislation. Accordingly, I believe that we do need to have the legislation, but we need to make sure that it meets and addresses the problem that it has been introduced to address. On that basis, therefore, I think that it should be referred to the Legislative Review Committee.

I note that we are already in the second reading, obviously, of this bill and that we are currently considering the motion that the bill be now read a second time. Referring to standing order No. 243, I note that only limited amendments are allowed to be moved to the question that a bill be read a second time. The first of those is an amendment to leave out the words 'now read a second time' and to insert in lieu thereof the words 'deferred indefinitely', so that, instead of 'That this bill be now read a second time', the motion would become 'That this bill be now deferred indefinitely'. That would then enable this house to refer the bill to the Legislative Review Committee, which is the course that I think this bill should take.

I suggest that on the basis that, as I have already indicated at some length, this bill has some difficulties. We all support the concept of the bill, the principle of the bill and the problem that it is seeking to address. But we believe that it needs to be further considered, and that the most appropriate place for that consideration to take place would be the Legislative Review Committee. As I understand it, a bill before the house should not be the subject of referral at this stage. I therefore move:

To amend the motion 'That this bill be now read a second time' by deleting the words 'now read a second time' and inserting in lieu thereof the words 'deferred indefinitely'.

The SPEAKER: Is that motion seconded?

An honourable member: Yes, sir.

Mr SNELLING (Playford): I wish to add my support to the second reading of the bill, which I understand is a result of a recommendation of the Layton review into child protection. It seeks to overcome what I consider to be a loophole, where two guardians of a child who is murdered can evade conviction by blaming each other for the death of the child. I think it is an outrage that this has been allowed to continue for so long, and it culminated in a case a couple of years ago, from recollection, where that is exactly what happened, and the courts were unable to convict. This is quite sensible legislation to close this loophole. We cannot allow children to be killed without there being a prosecution and a conviction. This is quite a sensible reform. I anticipate that the member for Mitchell will probably oppose it, but I think that this has—

Mr Hanna interjecting:

Mr SNELLING: I am waiting for the member for Mitchell to respond to the debate. I think that this reform has wide community support. I am surprised that the member for Heysen, or the opposition, would seek to defer this legislation, as she said in her amendment 'indefinitely'. I do not know how many more children have to be killed before the member for Heysen and the opposition think it is time to fix this legislation. I am certainly not prepared to sit around and wait for that to happen. This reform is a sensible one that has come about as a result of recommendations of the Layton inquiry. I think it should be dealt with as quickly as possible.

Mr HANNA (Mitchell): This bill is a radical departure from existing principles applied in our legal system. It dissolves the principle that the identity of an accused must be ascertained beyond reasonable doubt before a conviction is possible. The bill attempts to cover the situation where two people might have committed the serious crime of harming a child and it is uncertain which of the two has actually committed the crime. The bill seeks to catch both people. Perhaps this is to spur one or other of them to implicate the other. If this bill is passed both parties can be put away in prison for years, no matter that one of them might be completely innocent in terms of the actual harm done to the victim.

It is a radical departure from a basic principle of our criminal justice system. It warrants closer consideration. It is extraordinary that just this week a bill to give equal property rights to same sex couples, who are currently the subject of widespread discrimination in our laws, has been referred to the Social Development Committee of the parliament after a small but vocal minority in the community called for that to take place. The justification was said to be that, because there was a significant change to the law proposed, it should be closely examined in a parliamentary committee. I take the view that this is such a radical departure from basic principles of our criminal justice system that it ought to be carefully considered in the appropriate parliamentary committee.

The Law Society has pointed out a number of concerns in the wording of the bill, and, as I say, because it is such a grave matter it warrants closer consideration. That consideration, based on past experience, is not going to take place adequately in this chamber before consideration by a parliamentary committee. There is also a question for the government to answer when it brings in a bill such as this.

If the government seeks to overcome a perceived gap in the law, where the precise identity of the accused cannot be ascertained, then as a matter of logic there is the question why this law is to apply only where harm is done to children, that is, people under 16 years of age. There must be many other cases of sexual assault, robbery with violence, armed robbery, housebreaking, drug dealing, and the like, where the same issue arises. Presumably, this bill was introduced because earlier this year there were headlines about one of these tragic cases where a young child was killed and it was uncertain who exactly was the perpetrator.

There was an old saying that hard cases make bad law, but perhaps the saying these days should be that good headlines make bad law. I suggest that we need to reflect seriously before imposing penalties of up to 15 years' imprisonment on people who have not actually taken steps to inflict harm on another person.

The Hon. M.J. ATKINSON (Attorney-General): I thank those members who have indicated their support for the bill, such as the members for Playford and Heysen. The bill breaks new ground in solving a difficult legal problem. It tries to remedy difficult problems of proof, risks, injustice and unfairness in the simplest and fairest way possible. It has been the subject of intense and widespread consultation around Australia, for example, with directors of public prosecutions in all states and territories, the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General and the Law Society. I would like to thank the Acting Director of Public Prosecutions in South Australia, Wendy Abraham, for her valuable help throughout.

I will return to my consultation with the Law Society later, but I would refer the member for Heysen to an opinion piece published in *The Advertiser* on 17 July in the column 'Points of law' by the President of the Law Society, David Howard, in which he supports the bill. The Law Society does not speak with one voice on some occasions, and the criticisms of the bill that were recited by the member for Heysen are exclusively the criticisms of the Criminal Law Committee of the Law Society. The attendance record and membership of that committee indicates that it really ought to be called 'the Criminal Defence Committee of the Law Society'.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: No. The bill deals with a specific situation where a child or vulnerable adult—and I draw that to the attention of the member for Mitchell: 'child or vulnerable adult'—dies or is seriously harmed as a result of an unlawful act, and where one or more people had the exclusive opportunity to commit that act, and, owing to their silence or the unreliability of their evidence (or both), it cannot be proved beyond reasonable doubt which one actually killed or harmed the victim. Under the present law neither can be convicted of any offence.

Mr Hanna: So let the innocent go free.

The Hon. M.J. ATKINSON: Neither can be convicted of murder, manslaughter, or causing serious harm, because the possibility that it was the other one who committed the act that killed or harmed the victim makes it impossible to prove beyond reasonable doubt that either did it. Neither can be convicted of murder, manslaughter, or causing serious harm as an accessary because neither can be shown to be the one who may have committed the crime itself. A person cannot be found criminally liable for encouraging or helping someone else if that other person cannot be identified beyond reasonable doubt. Neither can be convicted of murder, manslaughter, or causing serious harm under the doctrine of common purpose or preconcert. Under that principle, a person is liable for the act of another because it can be proved that both acted in concert or agreement, even if only one of them actually killed or harmed the victim.

Proof beyond reasonable doubt of common purpose cannot be established in the absence of other evidence if each suspect stays silent or says that the other one committed the crime. Neither can be convicted of murder, manslaughter, or causing serious harm under the law of omission. To do that, you would have to establish that the person's failure to act was in breach of a duty owed to the victim and that it was that failure to act that contributed or caused the death or harm. But in these cases it cannot be shown beyond reasonable doubt which person killed or harmed the victim and which stood by, if at all. To overcome this perverse result, the bill creates a new offence when a child or vulnerable adult is killed or seriously harmed by an unlawful act.

Mr Hanna: It creates another perverse result.

The Hon. M.J. ATKINSON: The member for Mitchell, who is opposing the bill, as I understand it, says that it creates another perverse result. Well, we shall see in time, but I do not think so. It overcomes in three steps what I think a perverse result is. First, it establishes a duty of care towards the victim when the accused is the victim's parent or guardian, or has assumed responsibility for the care of the victim. Secondly, it says, 'What will constitute a breach of that duty of care?' The breach can be established by proof that the defendant failed to take reasonable steps to prevent the victim being harmed when he or she was aware, or ought to have been aware, that there was an appreciable risk that serious harm would be caused to the victim by the unlawful act. Thirdly, it makes that breach an offence of criminal neglect only if the defendant's failure to prevent the victim being harmed was, in the circumstances, so serious that it warrants a criminal penalty.

In this way, people may be held criminally responsible for the death or serious harm to a child or vulnerable adult in their care, even though it cannot be proved that they personally inflicted the fatal or harmful act. What must be proved, however, is a serious dereliction of their duty to protect that child or vulnerable adult from harm.

I turn now to the remarks about the bill from the Criminal Law Committee of the Law Society. The Law Society and the Bar Association were each invited to comment on the first draft of the bill in July 2003. They did not respond. The next version of the bill came about after the wide consultation of which I have already spoken.

Three committees of the Law Society—the Criminal Law Committee, the Family Law Committee and the Children and the Law Committee—considered that version. The perspective of each committee is different. Although most other commentators welcomed the bill, and if they had criticisms, expressed them constructively, the Law Society's views expressed in its letter read out by the member for Heysen in debate could not be characterised in this way. However, I took them into account when preparing the bill that the house now has before it.

I point out that the Law Society's letter concerned a draft of the bill that has since been superseded. The Law Society's letter expressed many fears and concerns. The main objections to the bill appear to be from the Law Society's Criminal Law Committee, a group of criminal defence lawyers whose clients (some might think) would naturally oppose the closure of a legal loophole that allows them to get away with murder.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Clients.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: No. I like many members of the defence bar, and I enjoy having a drink with them at the Crown and Sceptre Hotel. A more balanced view was put by the then President of the Law Society, David Howard, in his article in *The Advertiser* of 17 July 2004 entitled 'Bill takes scot-free out of the equation'.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. M.J. ATKINSON: The article dealt carefully with all the legal principles affected by this bill and contained none of the misunderstandings of the subsequent letter. Mr Howard said:

> The intention is to prevent avoidance of responsibility and absurd results in case of (mainly) domestic violence to children and vulnerable adults. It is a challenging new concept. There will be differing views about this new development of duties of care. I think it has merit.

I shall now respond to some of the points made by the Law Society, because time does not permit me to answer all 38 of them other than to say that they were all correctly considered in finalising the revised bill. I can, of course, answer further questions in committee.

First, the bill does not, as the Law Society asserts, encourage the criminalisation of innocent people. The bill says that carers who fail to take reasonable steps available to them in the circumstances to protect a child or vulnerable adult in their care from harm in certain circumstances are not innocent and may be guilty of the offence of criminal neglect. If each of two suspects owed a duty of care to the victim and each can be shown to have failed to take steps to protect the victim when he or she should have been aware that the victim was at an appreciable risk of harm, each one is the perpetrator of the offence.

Of course, one of them must have done the unlawful act that killed or harmed the victim, but this law is not concerned with that. It allows each of these people to be convicted of a new offence that is different from the offence of committing the unlawful act itself. No injustice is done to the suspect who did not commit the unlawful act if the elements of the offence of criminal neglect are established beyond reasonable doubt against him or her. No injustice is done to the person who did commit the unlawful act. There is no criminalisation of innocent people; there is no shifting of any onus of proof; and there is no diminution of a right to silence.

Secondly, I accept the Law Society's point that the bill should contain a definition of 'serious harm'. I point out to the member for Heysen that I placed an amendment on file yesterday to insert a definition of 'serious harm' into the bill. This definition is drawn in the same terms as the definition passed by the house in the Statutes Amendment and Repeal (Aggravated Offences) Bill 2003.

Thirdly, the main opposition to the bill from the Law Society and others was to its creating an offence of criminal negligence or to the way it expresses the elements of criminal negligence, or both. I have mentioned elsewhere that criminal negligence is not a new concept and is already in our law in respect of serious offences. Indeed, this parliament has just enacted a new offence of criminal negligence in the Criminal Law Consolidation (Intoxication) Amendment Act 2004—the drunk's defence. The way this bill describes criminal negligence (in proposed section 14(1)(c) and (d)) precisely mirrors the High Court's test for criminal negligence, as did the offence in the act about intoxication. The Law Society may not be alone in being confused about that test or in thinking the test cumbersome; nonetheless, that test must be used in this bill because it comes from the highest authority.

I would like to end by citing two quotations that exemplify the interest the bill has attracted in Australia. The first is from the Director of Public Prosecutions in the ACT, Richard Refshauge SC, in a letter dated 19 July 2004. He states:

> I found the bill to be an appropriate response to a difficult problem in criminal justice, namely where injury or death is caused by one of two or more people who have a duty to protect the victim but the actual perpetrator cannot be conclusively identified. Unfortunately, the situation is not uncommon and the present difficulties in successfully prosecuting the perpetrators of such offences means that the criminal justice system presently fails to discharge a fundamental purpose of the criminal law to protect the community and especially its weaker or defenceless members.
>
> I found the Second Reading Speech, also forwarded, to be a refreshingly direct and helpful discussion of the bill which would prove extremely useful in any forensic argument about the construction of the section the Bill proposes to insert into the Criminal Law Consolidation Act 1935. . . I shall watch the progress of the Bill with interest and, if enacted, the section's operation and any prosecutions flowing from it.

Mr Hanna: Sounds like you've got a fan club.

The Hon. M.J. ATKINSON: Well, no. I'm no fan of Mr Richard Refshauge. When I was at university, he ran a student election similar to the recent Ukraine presidential election.

The second quotation is from the Director of Public Prosecutions in Western Australia, Mr Robert Cock SC. In a letter dated 2 December 2004, he states:

> These amendments take the law to a new level in relation to criminal negligence. Again, I commend the Attorney for their introduction into Parliament. I look forward to proposing to the Western Australian Attorney-General that similar legislation be enacted in this jurisdiction.

I commend the bill to the house.

Amendment negatived.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. M.J. ATKINSON: I move:

Page 3, after line 36—insert:

serious harm means—

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) hard that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

This amendment seeks to insert a definition of 'serious harm'. This is a bill about liability where a child or vulnerable adult dies or is seriously harmed. Serious harm is not defined, and I think it should be.

The definition I propose to include in the bill is the same as the one that the house approved in passing the Statutes Amendment and Repeal (Aggravated Offences) Bill 2004, to be used in the new offences of causing harm that will replace

existing non-fatal offences against the person. Consistency between these definitions is important to prevent confusion when courts try charges of criminal neglect.

Mrs REDMOND: I congratulate and thank the Attorney for moving this amendment to insert the definition. However, I have a couple of questions on it. The first and most obvious one is in relation to 'mental function' in paragraph (b).

The Attorney will remember when I spoke about the bill last night that I referred to the idea of harm potentially including psychological harm and my suggestion that that was not what he is intending to capture. I wonder if the Attorney could expand on what he is meaning to capture by the use of the term 'mental function' in the definition proposed in paragraph (b).

The Hon. M.J. ATKINSON: The bill should continue to cover harm that consists of, or results in, serious or protracted impairment of a physical or mental function. A person who allows another to inflict harm of this kind on a child or vulnerable adult in his or her care should be as liable to a charge of criminal neglect as one who allows the infliction of physical harm. We all know criminal statutes are interpreted very strictly by the courts.

Mrs REDMOND: I am still a little confused on what precisely the Attorney is intending to capture in the area of mental function. On the one hand, one could have an actual injury to the axons that hold the brain in place; on the other hand, one can claim an impairment of mental function at a very light level because someone is upset. Between those two extremes, what is the nature of the harm to mental function that you intend should be captured under this legislation?

The Hon. M.J. ATKINSON: The intention is one of serious harm. A court will know what it is looking for along the continuum that the member outlined.

Mrs REDMOND: Paragraph (a) of the proposed definition of 'serious harm' says, 'harm that endangers, or is likely to endanger, a person's life'. I take it you mean that there must be actual harm that occurs. It seems to me you could have situations where, although there could be situations likely to endanger someone's life, nothing actually happens to them. Is that situation captured here where nothing has actually happened to someone? Under this definition, are they caught with having committed an offence relating to serious harm if there is something that is likely to endanger a person's life?

The Hon. M.J. ATKINSON: The example I am given is: let us say that one person pushes another into the path of a tram; fortunately for the intended victim he escapes injury from the tram; nevertheless it may be deemed that harm was intended and, indeed, caused. That is what we mean by conduct likely to cause harm.

Mrs REDMOND: To take a famous example, although not in this country, but Michael Jackson holding his baby out over the balcony. Is it the Attorney's intention that that, even though the baby suffered no harm, would be such conduct as to bring about the provisions of this act? I am trying to get my head around what it is you are trying to get with the 'likely to endanger a person's life'.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. P.F. CONLON (Minister for Infrastructure): I move:

That the time for moving the adjournment of the house be extended beyond 6 p.m.

Motion carried.

ADJOURNMENT DEBATE

The Hon. P.F. CONLON (Minister for Infrastructure): I rise, with the indulgence of the house, to place on the record the thanks of the government, particularly representing the Premier, to all of those who make our work possible and, indeed, make our work easier. I refer, of course, to yourself, sir; the clerk; the table staff; the catering staff; the Attorney-General's favourite, the cellarmaster; the Finance Manager and staff; the building services staff; the government publishers; parliamentary counsel; police security drivers; electorate officers; ministerial staff; the people who staff our offices; all of those who work to assist us. I humbly apologise if I have left anyone out of that list. Particular thanks to the *Hansard* staff again. As I have said before, they occasionally draw order out of chaos and it is not so much what they report but what they fail to report sometimes that is a tremendous benefit to us all.

Can I place on the record our thanks, indeed, for our partners who endure a great deal. We are the ones who are elected but they endure a great deal. I place on the record my thanks to my beautiful wife who is heavily pregnant. I know that it is not of interest to the house but we are in the last seven days, and it focuses the mind better than question time, and my thoughts are there at present. I thank my own staff who work very hard, particularly Michelle Bertossa who is filling in the role for Mel Bailey of managing the business for the government. Mel Bailey is off with her child and we wish her very well. I have seen Lucinda and she is, indeed, a beautiful baby; mine is going to be better looking, but what can you say? I can put on the record that it was said to my wife, who is a friend of the Premier's, and when he discovered some months ago that she was pregnant he met her in the corridor and said, 'That is fantastic news. If the baby is a girl I hope it looks like you, and if the baby is a boy I hope it looks like you.' Very unkind.

Can I thank the Deputy Leader of the Opposition and his staff. It is a difficult business to manage a house where no-one has a clear majority, and we rely on the cooperation of very many Independents—I thank them too. Thanks to all that we have dealt with throughout the year. I am very happy to get to this point where we will be off soon. However, I would imagine in the next week that I will not be having so much of the Christmas spirit as usual because I am going to be in big trouble if I front the midwives not in the right shape. I have been told that already. But I hope, despite all of that, still to get a little bit of fishing in. Thank you very much, sir. I thank the house and I apologise, I do not know whether I thanked parliamentary counsel. I should certainly do that, and those advisers who assist us in the passage of legislation. I again place on the record that I believe that South Australia has the best drafted legislation in Australia and it is certainly vastly superior to attempting to decipher a federal act.

I will pass over now to the Deputy Leader of the Opposition who I am sure, as tradition demands, will pass on his thanks and congratulations. But let me close by saying: a very merry Christmas to all.

The SPEAKER: And it being near Passover time, historically, I call the Deputy Leader of the Opposition.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I join with the leader of the house in wishing a very happy and joyous Christmas to everyone involved in

the parliament. I join with him in thanking, first, the staff of the House of Assembly; you, Mr Speaker; the Clerks; the table staff; and the *Hansard* staff, who do a marvellous job and who put up with an enormous amount indeed. I also appreciate the catering staff and the security staff. I think that we ought to acknowledge the increasing significance of the support staff within this parliament (certainly, the security staff and others who back them up), because I have seen a significant change in the role they play.

Their workload has increased significantly. It has increased simply because there are so many builders around the place. I see them outside my window. They put up the scaffolding, they did some painting and stuck all the windows up with the new paint and they pulled down the scaffolding.

Mrs Redmond interjecting:

The Hon. DEAN BROWN: No, well, mine has not been cleaned either, but it does not matter much; you cannot see much out it. I thank the catering staff, the drivers and the library staff. I also ask the leader of the house to pass on my personal thanks to Michelle Bertossa. Michelle rings me often with bad news at difficult times of the day. I would rather have her telephone me than the leader of the house. We express our points of view and it is always done, I think, in an effective and efficient way. I would appreciate it if the minister would pass on my personal thanks to Michelle in particular.

I also thank all our own personal staff: our own Whip and the staff of the Whip (Leslee and Kirsty and the others who back them up); the staff of the Leader of the Opposition; and our own personal staff, particularly those who work in this place and who work in the electorate office.

Also, it is that time of the year when we should acknowledge the existence of another place and pass on our Christmas greetings to another place. When I refer to the other place I am not referring to Father Christmas, I am referring to members of the upper house. In some ways I think that a closer relationship is developing between the two houses, more so than used to be the case when I first came into this house, when members of the upper house tended to stick to themselves very much rather than mingle a great deal with members of the lower house. They thought that that was their role and duty in life.

Also, I thank all members of this house: government members; crossbench members; and the Independents. On behalf of Rob Kerin as the Liberal leader, and all Liberal members, I pass on our best wishes for Christmas. May it be a very happy and holy Christmas where we think of the needs of other people within the community. It is a chance to enjoy Christmas with our family and friends, and to get a great deal of joy back as a result of that. We also look forward to having a break over the Christmas-New Year January period. I can see a few heads nodding around this place to the idea of a break. I look forward to seeing all members back refreshed and rejuvenated in February next year.

The SPEAKER: I join the leader of government business (the Minister for Infrastructure) and the Deputy Leader of the Opposition in expressing their seasons greetings to all members of the staff of the parliament and other people who work in this building who give support to members of parliament in their electorate offices and to ministers in their respective ministerial offices, as well as their electorate offices and other people not working in this building but working and providing services to this building that keep it going in the twin categories of those who work across North Terrace.

For instance, those people working in the accounts division and those who may, in the near future, need to work across North Terrace because we do not have enough space here for them to work properly, and still others who come from the whole plethora of government agencies that provide services to keep the parliament functional as an institution to serve the public interest.

In my own case, may I say that I am personally very grateful to the staff who work here for me both as the member for Hammond and as Speaker, as well as my electorate office staff in Murray Bridge.

I come now in particular to say how much I have appreciated the effort again this year that has been made by *Hansard* to adapt from what it has come to accept as a constant state of change in the technologies it is using and the manner in which it is improving the efficiency with which we record the proceedings of the parliament and its committees, and enable them to keep abreast of what is efficient and possible in the wider community to the extent that this *Hansard* staff, over more than two decades now, has led the way in changing the technology it uses and doing so with a minimum of fuss and a massive improvement in efficiency in consequence in a way which would make any of us proud were we to do a detailed study of how we compare with other parliaments. I am very grateful to the Hansard staff for their commonsense, no fuss approach and the good communications within *Hansard* and between officers of *Hansard* and the Joint Parliamentary Service Committee, which is its nominal employer.

The Catering Division has, over very recent times, shifted from being in some part subsidised, though the food itself and whatever other drink might have been consumed here as tea or coffee, soft drinks or beer, wine or spirits, has always been on a cost recovery basis. But now the profit that is made is more than adequate for the purposes of maintaining the equipment upgrades, and so on. As honourable members and others in this building will have noticed, the new uniforms, in fact, have come from the net revenue available after meeting all the costs of providing the services for which members and staff around the building pay through that catering division service. And they operate here in competition with those who are providing the same service nearby on pretty much a level playing field. That has required a great deal of commitment and leadership from the managerial staff as well as the staff who provide the service.

The building attendants maintain this place more securely now, in this new era of greater risk, than was ever required previously, and they have to be capable of coping with a measure of use of technology, surveillance equipment and the like. That has been a quiet but effective change that has occurred. When I use the term 'building attendants', I mean that to cover attendants in this chamber and attendants who work outside the chambers and look after all those elements that I have referred to.

The table officers and the attendants of this chamber do an outstanding job for us. It does not happen by magic. They know what their roles are, and they integrate things for us in a way that ensures that our focus can remain pretty much on the issues we must debate rather than be fussed by the physical requirement to obtain the material to enable us to engage in that debate without distraction and with effectiveness in what we each see as the public interest.

I commend the security officers who come to us from that division of the South Australian police force that provides the

service for their diligent commitment and attention to the needs of providing security in this building for those who work here, not just the elected members, and who do so in a way that is unobtrusive and not in the least bit officious or in any way likely to offend members of the general public who come here either out of curiosity to see what goes on and what is here, or who wait on ministers and members of parliament for their various causes and purposes to be dealt with.

The creature comforts are now looked after not by a team of contract cleaners, but the JPSC has decided to take them in house and enable us to do a far more effective job of cleaning the dust away wherever it accumulates than was possible under the original cleaning contract arrangement. The job specification just could not be sufficiently detailed and, had we made it so detailed, the likely cost of it would have been enormous by comparison with what we are able to achieve with a sort of user friendly, in-house approach and being able to do a spring cleaning, perhaps twice a year throughout the building as a consequence.

The members of the Joint Parliamentary Service Committee largely go unsung. They certainly go unpaid. There is no question in my mind that that committee should be paid, and its responsibilities should be expanded so that there is someone to which any member can take their concerns and complaints about what goes on in the building and how it might be improved without fear of overloading the member of the Joint Parliamentary Service Committee to whom they make such remarks. I commend the other members—my colleague the President and the two members from the Legislative Council, equal, of course, to the member for Schubert now, and formerly the member for MacKillop from the opposition, and the Government Whip, the member for Torrens—for the roles that they have played on the Joint Parliamentary Service Committee in keeping it going in a functional fashion throughout this year.

The committee staff who work in Old Parliament House, of course, now have some new and interesting ways of rearranging their work, to which I had given commitments earlier and which I am sure the select committee will find desirable to see through in the changes that can be recommended regarding the way in which parliament appropriates the revenue it needs to run itself and to make parliament, therefore, more clearly identifiable in the budget and appropriations from the public purse. It will engage all members to take part in appropriate debate of those changes, such as they see them as being needed, without any risk to the government of the day. It is crazy for the government to be locked into a position where it cannot countenance changes to that budget appropriation without its being in some measure a reflection of the confidence of the house or the other place in the government. That is just not an appropriate way to proceed, and the examples that are provided to us from changes that have been made in other parliaments will, I am sure, enable us to come to some similar conclusion.

During the course of the next year, honourable members can look forward to changes in the manner in which the time clock operates. The existing one is pretty dysfunctional now. The digital box beneath the clock at the southern end of the chamber and immediately above the Speaker's podium at the northern end of the chamber is dysfunctional. The lights do not light up when you expect them to. It is constantly needing to be cleaned of cockroaches, in the electronic sense. The whole system has been painstakingly examined by the Clerk and other folk, who have provided some useful and helpful input to it, and changes can now be expected to that.

The benches on which members sit, the way in which we record and broadcast the proceedings from within the chamber around the buildings, and the type of bells that we use in the building—we get regular complaints about that and we know that the old analog system is overloaded and dysfunctional—are challenges which we have faced and on which we will continue to make improvements, none of which would be possible if we did not have the unsung, quiet support of so many people around the building to whom we say, 'Thank you so much for what you have done.' Merry Christmas and may next year be a year of which you all can be proud in the contribution you make to the members in the performance of their duties in the interests of all South Australians.

TEACHERS REGISTRATION AND STANDARDS BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Page 6, lines 39 and 40—Delete 'after the holding of an election in accordance with the regulations'

No. 2. Page 10, line 36—After 'Part 6' insert:
or in relation to a person of a class prescribed by regulation

Consideration in committee.

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendments be agreed to.

I thank the member for Bragg for her support for this bill. The first amendment relates to a drafting error that came about because we drafted something quite quickly the other evening. The second amendment corrects duplication of another clause from another part of the bill. They are quite minor amendments. I am pleased to accept them, but I thank all members involved in the consultation from all sectors of the education sector. I thank all members of the opposition and those members of the government who supported and worked on this bill.

This is a great step forward. It will allow us to embark upon significant retrospective police checks of those employed since before 1997 and it will set up a process that will take us into the future. This is a great step forward. I thank the member for Bragg for her support, for the work she has done in relation to the bill and for her contribution to the debate.

Ms CHAPMAN: I, too, indicate that the opposition supports the amendments. I thank members in the other place for the careful consideration they have given to this matter. I wish the minister well in the speedy implementation of the obligations that, effectively, will fall upon the Teachers Registration Board. No doubt, its work will be extended and, to some degree, it will be somewhat onerous, at least in the initial period. I wish it well.

I think it is fair to say that the introduction of police checks for all registered teachers, and the raising of the barrier in relation to obligations for mandatory reporting training for teachers, clearly will not address all the issues in relation to child protection within our schools. It is important to say that it appears, on the face of it, that teachers are targeted in relation to child protection. This one small aspect may not redress all issues, so I am pleased that the minister indicates her commitment in relation to the criminal check

procedure that will be considered by her colleague through the child protection bill. I look forward to receiving that bill in this house, so that we may ensure that all those who are brought into contact with students in our schools are under the same obligation.

I thank the minister for her introduction of this bill into the house and the Teachers Registration Board, particularly during 2003, for the considerable work it undertook with stakeholders in the industry, particularly the unions, the Independent Schools Association and the Catholic Education Office, all of whom made a very substantial contribution to the development of this bill. I commend the amendments.

Motion carried.

STATUTES AMENDMENT (LEGAL ASSISTANCE COSTS) BILL

The Legislative Council agreed to the bill without any amendment.

CRIMINAL LAW CONSOLIDATION (CRIMINAL NEGLECT) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 1309.)

The Hon. M.J. ATKINSON: The definition codifies what is grievous bodily harm. It means that the victim must suffer some harm. If that harm actually endangers the victim's life but is otherwise quite minor, it may be regarded as serious harm. The same applies if the harm quite minor in itself is likely to endanger the person's life. In the Michael Jackson example, the baby suffered no actual harm at all and would not, by law, be considered to have suffered grievous bodily harm, or, by this definition, serious harm. On the other hand, if someone stabs another person with a knife and that person sustains a minor wound, there still may have been serious harm if it can be shown that, but for immediate and expert medical attention at the scene, the victim could have died of a ruptured spleen.

Mrs REDMOND: In relation to paragraph (c) and the intended definition of 'serious harm', does 'harm that consists of, or is likely to result in, serious disfigurement' intend serious permanent disfigurement? There are circumstances where one could envisage serious disfigurement which, nevertheless, is temporary in nature. I know from an operation I had a number of years ago that I had a pretty serious disfigurement at the time, but it has gone away now. Can the Attorney confirm one way or the other what that means?

The Hon. M.J. ATKINSON: I think 'serious disfigurement' would mean 'enduring disfigurement'.

Amendment carried.

Mrs REDMOND: I have no more questions obviously on the amendment, but I wish to raise a couple of matters generally on this clause, which, essentially, is the only clause of the bill. First, could the Attorney indicate the difference between the term used in section 14(1)(b) that the defendant had a duty of care to the victim and the more usual terminology of the defendant owed a duty of care to the victim?

The Hon. M.J. ATKINSON: There is nothing in it.

Mrs REDMOND: I referred to this in my second reading contribution; that is, I see some difficulty in identifying who is the guardian, because on numerous occasions, both in practice and now as the shadow disability minister I have seen people who have a profoundly disabled child who then grows to adulthood but who lacks capacity and would, I think, come within the definition in the legislation of 'vulnerable adult'. The vulnerable adult part is okay—we can identify the person as a vulnerable adult—but frequently parents simply continue to parent and they do not take any notice of the fact that technically the person is now over the age of 18. I assume that what is intended to be captured is the person who basically has the care of that vulnerable adult, or someone who is even in a temporary situation of having the care of that vulnerable adult. However, the terminology used in the legislation is 'the parent or guardian of the victim'. What does the Attorney intend by the term 'guardian', for instance, in section 14(3)?

The Hon. M.J. ATKINSON: The bill attaches a duty to parents or guardians of the victim, or to anyone who has assumed responsibility for the victim's welfare. When the bill says 'guardian', it invests it with the same meaning in the criminal law as it has elsewhere in the Criminal Law Consolidation Act where it is not also defined. There is no point expressing it as 'legal guardian', if the person is a guardian in a sense not recognised by the criminal law. The test will be whether he or she has 'assumed' responsibility for the victim's welfare.

Clause as amended passed.

Title passed.

Bill reported with an amendment.

Bill read a third time and passed.

MOTOR VEHICLES (FEES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

ADJOURNMENT

At 6.53 p.m. the house adjourned until Monday 7 February 2005 at 2 p.m.