LEGISLATIVE COUNCIL

Tuesday 24 July 2001

The PRESIDENT (Hon. J.C. Irwin) took the chair at 2.15 p.m. and read prayers.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to question on notice No. 72 be distributed and printed in *Hansard*.

DESALINATION PLANT

72. **The Hon. P. HOLLOWAY:**

1. Who is the owner of the desalination plant which has been moved from Kangaroo Island to the shores of Lake Wallace in Victoria according to a report in *The Age* dated 21 March 2001?

2. Are there any conditions imposed on the transfer of the plant to Lake Wallace?

3. For what length of time is it anticipated that the desalination plant will be based at Lake Wallace?

4. What alternate arrangements have been made for the supply of water on Kangaroo Island?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has provided the following information:

1. The plant is owned by O'Donnell Griffin, and has nothing to do with SA Water. It was used as a temporary plant at Penneshaw for a period of time by the contractor during the summer of 1999-2000 and was subsequently removed from the island.

2. Again, this has nothing to do with SA Water, the property is owned by O'Donnell Griffin.

3. SA Water is not a party to the agreement.

4. The SA Water plant at Penneshaw is operating and no alternative arrangements are needed.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K.T. Griffin)—

- Animal and Plant Control Commission South Australia—Report, 2000
- Regulations under the following Acts—
  - Gas Pipelines Access (South Australia) Act 1997—Fees
  - Primary Industry Funding Schemes Act 1998—Riverland Wine Industry

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

- Regulations under the following Acts—
  - Building Work Contractors Act 1995—Annual Fees
  - Conveyancers Act 1994—Annual Fees
  - Land Agents Act 1994—Annual Fees
  - Plumbers, Gas Fitters and Electricians Act 1995—Annual Fees
  - Second-hand Vehicle Dealers Act 1995—Annual Fees
  - Security and Investigation Agents Act 1995—Annual Fees
  - Travel Agents Act 1986—Fees

By the Minister for Transport and Urban Planning (Hon. Diana Laidlaw)—

- Reports, 1999-2000—
  - General Reserve Trust
  - Public and Environmental Health Council
- Regulations under the following Acts—
  - Botanic Gardens and State Herbarium Act 1978—Vehicle Expiation Fees
  - Environment Protection Act 1993—Used Packaging
  - Guardianship and Administration Act 1993—Costs
  - Harbors and Navigation Act 1993—Hull Identification Number
  - Motor Vehicles Act 1959—Heavy Vehicle Speeding
  - Road Traffic Act 1961—
    - Road Train Speeds
    - Speeding Offences
- Rule under Act—
  - Racing Act 1976—Bookmakers Licensing (Telephone Bet)—Maximum Bets
- Third Party Premiums Committee—Determinations.

HIH INSURANCE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement on the subject of the government response to the collapse of the HIH group of insurance companies.

Leave granted.

The Hon. K.T. GRIFFIN: The South Australian government is pleased to announce today the implementation of a building indemnity insurance hardship relief scheme for consumers who are presently faced with financial difficulties as a result of the collapse of the HIH group of insurance companies. A provisional liquidator was appointed to the HIH group of companies by order of the New South Wales Supreme Court on 15 March 2001. The immediate effect of this was that policyholders became unsecured creditors of the insurer, able to prove in any liquidation but with uncertain prospects of any recovery under their policies. Where the policies of insurance were written for the benefit of third parties, as is the case with policies of building indemnity insurance in South Australia, those third parties also have uncertain prospects of recovery.

Since the entry of the HIH group into provisional liquidation, estimates of the likely dividends to be paid in any liquidation have varied. The highest estimate has been that policyholders may recover up to 50¢ in the dollar. The worst estimate has been as low as 10¢. The provisional liquidator of the HIH group has estimated that completion of the liquidation may take upwards of 10 years.

In the wake of the collapse of the HIH group, the commonwealth government has announced the establishment of the HIH claims support service, which I will refer to as HCS. HCS will allow certain policyholders affected by the collapse to effect some recovery in respect of the risks for which they were insured. For the purpose of making claims, eligible policyholders will deal with HCS in substantially the same way as they would have done with their own insurer. The HCS scheme imposes time limits on making claims. The effect of creating the HCS scheme is to offer some ability to recover in relation to most forms of domestic insurance. However, the HCS scheme excludes state and territory mandated compulsory insurances.

Various states, including South Australia, have created compulsory insurance schemes in the areas of building indemnity insurance, compulsory third party insurance, workers' compensation schemes and legal practitioners' professional indemnity insurance. Policyholders in these areas will not be able to claim under the commonwealth's HCS scheme.

I turn now to the impacts on South Australia. In South Australia, the Building Work Contractors Act 1995 imposes a requirement to obtain building indemnity insurance in respect of domestic building work valued at more than $5 000 which requires approval under the Development Act 1993. The purpose of this insurance is to protect consumers against the risk of loss in the event of the death, disappearance or insolvency of the builder. In particular, the risks insured are:

- the risk that building work will not be completed as a result of the death, disappearance or insolvency of the builder; and
- the risk that the person entitled to the statutory warranties provided under the act allowing rectification works to be performed will be unable to rely on those warranties by reason of the death, disappearance or insolvency of the builder.

In the context of building indemnity insurance, the effects of the HIH group collapse are likely to be that:

- Some South Australian consumers will be unlikely to recover under existing policies in the short term and therefore not be able to complete the construction of their houses or rectify defects in their completed houses.
- Some builders will be unable to obtain insurance in the short term and therefore unable to commence building because building indemnity insurance is a prerequisite to commencement under both the Building Work Contractors Act 1995 and the Development Act 1993.
- The future of the building indemnity insurance scheme in the Building Work Contractors Act 1995 will become uncertain if insurance becomes unavailable or unaffordable as the result of the contraction in the number of insurance providers in this field.

The government has identified that there are clearly cases of genuine consumer hardship in the South Australian community in relation to building indemnity insurance as a result of the HIH group collapse and the limitations of the commonwealth HCS scheme. The establishment of an HIH hotline within the Office of Consumer and Business Affairs on 6 June has proven invaluable in this regard by providing the government with detail of the extent and nature of consumer claims relating to building indemnity insurance. The hotline has received a total of 47 calls, and 23 of those related to building indemnity insurance. The rest related to other HIH matters or general inquiries.

The government has also identified that some in the building industry are facing difficulties resulting from the collapse of the HIH group. Having gained considerable insight into the precise nature of the difficulties faced by consumers and the building industry in South Australia and monitored the developments in other parts of Australia, most recently Western Australia eight days ago, the government has decided to implement a number of strategies aimed at providing relief to those suffering hardship.

I now identify the detail relating to the consumer release scheme. The government is establishing a scheme to provide financial assistance to consumers who are suffering hardship as they are no longer able to rely on the protection of an HIH group building indemnity insurance policy as a result of the collapse of the HIH group. It is crucial to note at the outset that any such scheme is not intended to be a bail-out of the HIH group, its directors or advisers. Rather, it is recognition of the cases of genuine hardship in the community which have been caused by the collapse of the HIH group.

Under the scheme, the South Australian government will meet the following classes of claim made on HIH group building indemnity insurance policies in the event that the building work contractor with whom the claimant contracted had died, disappeared or become insolvent: namely, claims lodged with HIH prior to 31 May 2001 in respect of an HIH policy of building indemnity insurance where they have not been satisfied by that date; and claims in respect of work insured by HIH which was completed prior to 31 May 2001 to the extent that the work is not insured elsewhere and, in the case of work completed after 16 March 2001, subject to adequate proof of unsuccessful attempts to obtain alternative insurance for the work.

A condition precedent to any claim being processed is the assignment to the government by the claimant of all of his or her rights of recovery under the policy in respect of the claim. This is important to ensure that the government is able to recover where possible any amounts from the liquidator in order to reduce the overall liability of the South Australian public in this matter. Claims will be capped at $80 000 per site, the limitation on insurance policies allowable under regulation 19(1)(b) of the Building Work Contractors Regulations 1996.

There will be several exclusions to the scheme which are intended simply to ensure that consumers are put into the same position in which they would have been if the HIH group had not failed. Therefore, the scheme will not apply: to builders or owner builders covered by an HIH policy; if there is another policy of building indemnity insurance in place in respect of the work which is not an HIH group policy; if a claim has already been made on the HIH group policy and payment in full has been received by the claimant; if a claim has already been determined by a court not to be a valid claim and the claimant is not entitled to bring any further proceedings on or after 31 May 2001 to appeal against that determination; or to any loss if the building work to which the HIH group policy applied commenced on the site on or after 31 May 2001.

Where there has been a settlement order by a court in respect of a claim, the amount that may be claimed under the scheme is the amount set in the settlement order or the amount of the insurance cover, whichever is the lesser. Further, where HIH has made a contribution to that settlement amount already, the amount of that contribution will not be claimable under the South Australian government scheme.

The scheme will have an operational life of five years from 31 May 2001, plus an additional short period to allow for the run-off management of claims made. This period accords with the five-year period provided by the Building Work Contractors Act 1995 within which consumers are entitled to rely on their statutory warranties under the Act.

The scheme will be funded by an allocation of $1 million from the budget, and $500 000 per annum will be collected from the building industry through a surcharge on building work contractor and tradesperson licence fees over the next three years. This industry surcharge will be kept under review and removed as soon as it becomes apparent that funding from this source is no longer required. The fund will be administered within the Office of Consumer and Business Affairs, which will also have the responsibility for management of the scheme and processing of claims.

I turn now to the builder assistance scheme. Recent discussions with the Master Builders Association and the Housing Industry Association confirm that there are two areas of concern for the building industry in terms of the requirement for builders to obtain building indemnity insurance prior to commencing work. These are as follows:

- Parts of the industry now face delays in obtaining replacement cover from the two remaining insurers—Dexta Corporation (as agent for Allianz) and Royal & Sun Alliance. Without building indemnity insurance policies in place, builders are not able to commence building work, with resultant cash flow implications for an industry which is cash flow reliant; and

- The financial resource tests being applied by the insurers are different from those which were applied by the HIH group. This means that some builders are not able to obtain the same amount of insurance cover and thus cannot perform the same amount of building work as they could previously, while others are no longer able to obtain insurance and thus work at all.

As mentioned previously, the Building Work Contractors Act 1995 imposes a requirement to obtain building indemnity insurance in respect of domestic building work valued at more than $5 000 which requires approval under the Development Act 1993.

The act therefore sets a two-limbed threshold test with respect to building indemnity insurance; the provisions apply only if the work is valued at over $5 000 and the work requires approval under the Development Act 1993. Clearly, raising the level of the threshold test criteria will result in fewer works requiring that building indemnity insurance be obtained. This will in turn reduce the pressure on builders who are currently facing difficulties in obtaining insurance by allowing them to commence work. The amount of $5 000 was fixed under previous building legislation in 1985 and has not been amended since that time to account for increases in the consumer price index and related increases in building costs. The government has decided to increase the threshold to $12 000. It compares, in 2001 terms, with the amount of building work one could get for $5 000 in 1985.

As for the financial requirements sought by insurers from builders seeking building indemnity insurance, this is an issue which builders are working through. One cannot criticise insurers for wanting a reasonable level of net asset backing if they are to take the risk on insurance. They suggest that some builders have complex business structures such as trusts which complicate the determination of solvency and identification of whether or not the minimum of standards are met.

I turn now to national approaches. Finally, there has been an important recent development on the national level with respect to building indemnity insurance which honourable members will be interested to note. On the basis of a discussion paper provided by South Australia, the Ministerial Council on Consumer Affairs considered the issue of the HIH group collapse and the likely long-term impacts of the collapse on the building indemnity insurance market at its meeting on 13 July 2001. The ministerial council has determined that it will establish a working party to further investigate these issues.

The Federal Minister for Financial Services and Regulation, the Hon. Mr Joe Hockey MP, agreed that the commonwealth government will assist in exploring the systemic issues in the building indemnity insurance market with a view to ensuring continuing consumer protection. In the first instance, the assistance provided will be the funding of a consultant to provide advice to the working party. The South Australian government is committed to this initiative of the Ministerial Council on Consumer Affairs and hopes that significant progress will be made in the coming months with regard to the future of building indemnity insurance schemes.

QUESTION TIME

ELECTRICITY, CONSULTANTS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Treasurer a question about electricity.

Leave granted.

The Hon. P. HOLLOWAY: Last Thursday the Chief Executive Officer of Western Mining, Hugh Morgan, said that the Olsen government had got it wrong on electricity. He told an SA Great lunch:

> The government, encouraged by its minders to fix the day's issues, left us with a legacy of high-cost power threatening tomorrow's employment prospects.

The next day the Treasurer confessed that Mr Morgan was right. The Treasurer said:

> . . . the advice that we had and the decisions that we took that we'd have a competitive electricity market were not correct. It's as simple as that.

The former head of Mitsubishi and Mayne Nickless, Mr Ian Webber AO, was criticising the ETSA sale process and the ETSA consultants last week when he said:

> . . . the advisers wanted to get the highest price because their commissions depended on it.

Last November the Auditor-General said that success fees should not have been paid to ETSA advisers. He said—

Members interjecting:

The PRESIDENT: Order, the Hon. Trevor Crothers!

The Hon. P. HOLLOWAY: Aren't they embarrassed, Mr President? I understand why they are ashamed of their performance in this area, Mr President.

The PRESIDENT: The Hon. Mr Holloway will continue his explanation.

The Hon. P. HOLLOWAY: I wish I could, Mr President.

The PRESIDENT: The honourable member must not comment.

The Hon. P. HOLLOWAY: Last November, the Auditor-General said that success fees should not have been paid to ETSA advisers. He said:

> I am of the opinion that the state should not have agreed to pay a success fee unless it could be demonstrated to be clearly in the interests of the state.

Perhaps the Hon. Trevor Crothers should listen to this. Last week Treasurer Lucas was asked the following question on radio:

> So we paid $100 million for advice which, you've just said, turned out to be wrong in terms of the competitive price of electricity.

The Treasurer replied, 'Yeah.' Will the Treasurer now investigate the means by which the state can claw back some of the $100 million plus paid to ETSA sale advisers, including their success fee, now that the Treasurer and the leading business people whom I have quoted have all stated that the consultants' advice was wrong?

The Hon. R.I. LUCAS (Treasurer): These issues have been canvassed innumerable times before in this chamber. I am happy to go over the same ground again.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, no. The honourable member cobbles together five or six different statements and creates his own scenario. It is certainly not one that I agree with. First, with due respect to the Auditor-General, I have said before that I believe that his view in relation to success

fees is commercially naive. There are a number of issues on which we have taken a different view to the Auditor-General. In the real world, to actually conduct a multi-billion dollar asset sale without success fees being part of the remuneration package is just not the way the vast majority of asset sales are conducted. A number of the more significant asset sales conducted by Labor governments, state and federal, have used success fee arrangements as part of the remuneration package for advisers.

The Auditor-General does say 'unless it is judged to be in the public interest' or words to that effect, as quoted by the Hon. Mr Holloway. The government took the decision that it was in the interest of the state to have a success fee as part of the remuneration arrangements. If the Auditor-General is saying that we needed to make a judgment that was in the public interest, we did that and therefore we were consistent with his advice. If he is arguing that it was not in the public interest—because I think that is the inference that has been taken from some of his statements—then we do not agree with his view. We have not agreed with it and do not agree with it, and state and federal Labor governments have not agreed with it, either.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I am addressing your comment about the Auditor-General. We believe that his views on that issue are not correct and we do not agree with them. As I said, state and federal Labor governments have taken the same view as well in relation to privatisation.

The only issue that I commented on last week in relation to the advice of consultants—and not just consultants—in the interviews is that the advice we received was from consultants and from our own Treasury officers, and ultimately the decision we took as a government. In a lot of the quotes that have been taken from the original interview that I did last week there is no reference to the clear indication that I said that the advice we received and the decisions that we took—that we would have a competitive market or a more competitive market by mid 2001—were not correct.

Subsequently, some media outlets then said that that was pointing the finger at the consultants. I have consistently said that we took our advice both from consultants and from public servants, and that ultimately as a government we accept the responsibility for the decisions that were taken. It was therefore wrong for one of the TV stations and a number of other people to run away from the ABC interview and to say that the government was now running away and pointing its finger at the consultants and blaming them for some of the issues and problems.

We took the decision as the government: we accept the responsibility. We took advice from both the public sector and externally from the private sector and we made the decision. As I said, with the wonderful benefit of hindsight—which is almost perfect vision—three years later we can look back and say that the estimates—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: Who did?

The Hon. T. Crothers: Nine shadow ministers.

The Hon. R.I. LUCAS: Nine shadow ministers urged you to vote for the lease. I know that, and one or two of those are in this chamber.

The Hon. L.H. Davis: Paul didn't hear it. Can you repeat that for Paul?

The Hon. R.I. LUCAS: The Hon. Mr Holloway heard the interjection and he knows the names of the shadow ministers who urged the Hon. Mr Crothers to support the lease of the Electricity Trust. Again, with the wonderful benefit of hindsight, the Hon. Mr Holloway and other commentators say, 'Okay, back in 1998 you should have been able to predict what was going to occur in the year 2001.' All I have therefore said has been in relation to the issue of whether, by the year 2001, we would have a competitive market in South Australia.

I have said, with the benefit of hindsight, clearly the advice that we then received and the decision we took as a government were incorrect. I think that is a frank and honest assessment of the situation. That is not to say that the advice that we received in relation to the total privatisation, which saw $5.3 billion returned to the taxpayers either through cash or the acceptance of liabilities that the state needed to take on, together with the other decisions that were taken at the time, were not the proper, appropriate and correct decisions that should have been taken in relation to the privatisation.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. R.I. LUCAS: Therefore, in relation to whether the government now intends to seek to retrieve or recoup elements of the payments that we made to the advisers and/or the public servants—and I presume the honourable member would therefore want us to dock the pay of public servants who were involved in providing advice as well in relation to these issues—

The Hon. T. Crothers interjecting:

The PRESIDENT: Order, the Hon. Trevor Crothers!

The Hon. R.I. LUCAS: We do not intend to either dock the pay of public servants or to recoup—even if there was a legal head of power to do so, which I doubt—some of the remuneration that was paid to advisers.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: We received $5.3 billion, which was more than a number of the media commentators were predicting at the time. It helped repay, as my colleague the Minister for Transport indicates, the bulk of the debt that the Labor government left to the people of South Australia.

The Hon. A.J. Redford: For which they have never apologised.

The Hon. R.I. LUCAS: They have never apologised. That repayment of debt was a huge success in relation to the privatisation of the electricity businesses. The other point I would make from the four or five questions put to me by the honourable member is that if—and when one looks at the speech from Mr Morgan he does not actually say this, but this was what was reported—the inference of what Mr Morgan was saying, that the government back in 1998, three years ago, was presented with options which said you have got the choice of ratcheting up electricity prices by 30 to 35 per cent for businesses, on average, in the year 2001, or some other course of action, then Mr Morgan is wrong. The government was not given that advice. The government was not given those options and the inference taken from Mr Morgan's speech that in some way the government chose to go down the path of average increases in prices of 30 to 35 per cent for medium and large sized business in South Australia, as a conscious policy decision, is wrong. As the Hon. Mr Holloway is aware, the Premier has indicated a number of other areas where he believes, too, Mr Morgan was wrong in some of the comments that he made.

As I indicated in the *Advertiser* article, I think there are a number of aspects of Mr Morgan's comments that I agreed with. With the benefit of looking at the issue from 2001 there are some aspects of what he said that I can agree with but,

equally, as the Premier has indicated, there are some aspects with which the government does not agree and, as I said, and I can only repeat, if the inference is that we were given a choice of a policy option which included a 30 to 35 per cent increase in prices for businesses and we chose that option then, certainly, that was not correct. It was never the set of circumstances that were put to the government.

In conclusion, the big thing which has changed, and again we have the wonderful joys of hindsight, is that three years ago, when the NEMMCO statement of opportunities was bought down, they were still predicting that we in summer peak periods would get 500 megawatts of power across the existing Victorian interconnector into South Australia to help meet our demand and to help reduce the pressure on prices in South Australia. In 2001 the NEMMCO statement of opportunities is predicting that we will get somewhere between zero and maybe a bit over 150 megawatts of power during peak periods next summer and the following summer. The reason for that has nothing to do with South Australia. It has everything to do with the huge growth in demand in Victoria and in the eastern states for electricity, and the lack of additional generation capacity in those states to keep up with that demand. In contrast, we have increased in-state generation in South Australia by some 30 per cent or so.

There is one remaining point I want to make, namely, that if the inference from Mr Morgan's comments, and others, is that the problem with prices for medium and large sized businesses in South Australia is solely related to privatisation why then are businesses in New South Wales facing 30, 40, 50 and up to 90 per cent price increases? Now, as we speak, they are being handed contracts for between 50 and 100 per cent price increases, some businesses in New South Wales, when you have a Labor government, you have publicly owned electricity businesses, and nothing has been privatised at all in the context of the New South Wales power industry.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: They do not have the distance to cover, as the Hon. Mr Crothers indicates. So, my challenge to the Hon. Mr Holloway—and I have put it to him before and he always squibs it—is for him to explain to the people of South Australia—not to me—if the problem is solely privatisation and not the problems of the market, why a government-owned electricity system in New South Wales under a Labor government is facing the same percentage increases that South Australian businesses are confronting here in South Australia?

The Hon. A.J. REDFORD: I have a supplementary question. Is the Treasurer aware of the fact that Western Mining gave evidence to the Statutory Authorities Review Committee in the inquiry on ETSA back in 1994 that at that stage it was considering developing its own generational capacity as a result of power price increases that were mooted by the publicly-owned ETSA in 1994?

The Hon. R.I. LUCAS: That issue escapes my memory banks. No, I had not recalled that that was—

The Hon. A.J. Redford: Trevor and I were talking about it over a smoke. He was very concerned.

The Hon. R.I. LUCAS: I had not recalled that that was the evidence in 1994. I thank the honourable member for raising the issue. I would need to refresh my memory about the evidence that was given, and I would be happy to do so.

ELECTRICITY, COST

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer a question on electricity power bills.

Leave granted.

The Hon. T.G. ROBERTS: The opposition has received a letter from a Mr David Salter, who operates the Shell Service Station at Salisbury East, asking us to pass onto the Premier and his well-heeled mates his 'undying thanks for the cheaper water rates we now don't have and for the rise in electricity prices'. Mr Salter has told the opposition that he has been forced to retrench staff because his power bill for this year will be 65 per cent (nearly $15 000) more than last year. The Motor Trade Association has confirmed that many other service stations are facing similar increases, with one station paying $150 a day for electricity, or $54 000 per year. My questions are:

1. Can the Treasurer rule out either more job losses or an increase in petrol prices if oil companies refuse to come to the aid of South Australian service stations slugged with a huge increase in their power bills?

2. What inflation spike—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Angus Redford is out of order.

The Hon. T.G. ROBERTS: Perhaps the Hon. Angus Redford can answer the question for me.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I might need a supplementary answer from the Hon. Angus Redford.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: The other question I have of the Treasurer is: what inflation spike is being calculated in view of the electricity price rises expected?

The Hon. R.I. LUCAS (Treasurer): It is not that I would dare to suggest a connection but, since electricity prices increased on 1 July, I think petrol prices in South Australia have dropped to the lowest level in living memory. As I came—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I came down North East Road last evening, petrol prices were being quoted in the high 70s—78¢ and 79¢. It was only two months ago—I think in May or June—that we were paying $1 a litre. So, as I said, I would not dare suggest that there is a connection but, certainly since 1 July, it is very hard to argue that, as a result of electricity price increases, petrol prices have gone up. I would have thought that whoever drafted the question for the member might have checked the most recent petrol prices and at least waited until the prices had gone up again. They do go up and down, and I would have thought they would at least give the honourable member the question when petrol prices were up rather than when they had come down from $1 to 78¢ or 79¢. Maybe people in the Leader of the Opposition's office do not worry about petrol prices and they are not in touch with what the petrol prices are in the community. It is very hard to sustain an argument that, as a result of electricity prices, petrol prices have gone up when they have headed southwards at a great rate over the last few weeks.

This story of Mr Salter was raised three weeks ago by the Leader of the Opposition, and the gentleman happens to have

a station in his electorate. From the press release, the proprietor indicates that the increase in electricity prices is about $15 000 and, as a result of that, he has had to get rid of one mechanic—and I am told by the Motor Trade Association that the average wage and on-costs of a mechanic is about $30 000—he has had to switch off his air-conditioning, he has had to get rid of late-night trading, and he has also had to turn off half his lights—all because of a $15 000 increase. From that press release, it would seem obvious that there are some other factors at play in relation to that service station. If his increased cost is $15 000, he has got rid of a mechanic at $30 000 and he has got rid of air-conditioning, lighting, trading and a variety of other things, that indicates that other issues are at play in relation to his service station.

My final point is that on the same day or 24 hours prior to the Leader of the Opposition (Mike Rann) bringing out this story, the National Australia Bank completed a survey nationwide which showed that, in South Australia's circumstance, 90 per cent of what was admittedly a small sample, but it was certainly bigger than one, were either going to maintain or increase employment in South Australia over the next three months. After electricity prices had increased, which they were aware of, they were asked whether they would increase, decrease or maintain employment, and 90 per cent of businesses said to the National Australia Bank survey that they were going to maintain or increase employment in South Australia.

It could only be a whingeing, whining Leader of the Opposition who would desperately look around for one of the 10 per cent of businesses that is going to reduce employment and who would seek to portray that as an indicator of the impact of electricity prices on business. I can only put to members: who would people believe—a whingeing, whining Leader of the Opposition or an independent survey that has been done by the National Australia Bank of businesses about their employment opportunities? I can see from the Hon. Ron Roberts' face that he would not believe the Leader of the Opposition, whatever he said, on any issue. That is what the Hon. Ron Roberts is quite happy to say anywhere to anyone at anytime about his own leader and I am sure that, on this issue he would not believe him either, let alone on many other issues.

FESTIVAL OF ARTS

The Hon. P. HOLLOWAY: I seek leave to ask the Minister for the Arts a question about the Adelaide Festival of Arts.

Leave granted.

The Hon. P. HOLLOWAY: Can the minister confirm that Telstra, the principal sponsor for the 2000 Festival, has not yet signed up for 2002, and if that is the case does she believe that is due to any lack of confidence in the Festival? What is the budgeted sponsorship income for 2002 compared with the total of $3.67 million for the 2000 Festival? What was Telstra's total contribution to the last Festival?

The Hon. DIANA LAIDLAW (Minister for the Arts): I am measuring my words because the Labor Party's actions over recent months to undermine the Festival and to undermine corporate confidence in sponsorship I find deplorable and therefore I will be careful in the words that I use in answer to the honourable member's cheap questions, through which he does not need to aggravate the issues. The Festival, the government and Telstra are having discussions about a number of sponsorship issues related to IT and other matters, and those discussions are ongoing.

ELECTRICITY INTERCONNECTION

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Treasurer a question about electricity.

Leave granted.

The Hon. L.H. DAVIS: Last week, the Independent Electricity Industry Regulator, Mr Lew Owens, stated that interconnectors were not 'the salvation that everyone thinks they are'. He said that cheap electricity prices were unlikely to result from building the 250 megawatt Riverlink interconnector. The Labor Party, led by Mr Kevin Foley, publicly attacked the establishment of the new privately owned power station at Pelican Point, which of course now provides 487 megawatts and which came on stream over the past nine months. Labor also, of course, publicly opposed the privatisation of ETSA, while privately many of its members supported it, as we heard from the Hon. Trevor Crothers in a well-timed interjection a few minutes ago.

The Labor Leader, Mike Rann, as a cabinet minister in the Bannon-Arnold government, supported the sale of the government's 86 per cent interest in SAGASCO for hundreds of millions of dollars (effectively, a privatisation) and, at that time, the Labor Treasurer, Frank Blevins, said that this sale took place to reduce state debt—which, of course, exploded with the demise of the State Bank and the failure of SGIC. It is now clear that the national electricity market, which was set in train by a federal Labor government, has had some initial hiccups. In New South Wales, where electricity assets are still publicly owned, businesses are now facing significant increases in electricity prices. My questions are:

1. Did the Treasurer see the comments of Mr Lew Owens regarding the Riverlink interconnector and its likely impact on electricity prices in South Australia, and will he comment on that?

2. Will the Treasurer outline the additional electricity generation expected to come on stream in South Australia over the next two or three years?

3. Does the Treasurer have any specific information regarding the increases in electricity prices which are now flowing through to businesses in New South Wales where a Labor government has not privatised electricity assets?

The Hon. R.I. LUCAS (Treasurer): I was most interested to see the comments of the Independent Regulator. I understand that a paper is to be released in the not too distant future on this issue of the impact of Riverlink (or SNI, as it is now known) on prices. Given that I am aware of some of the modelling that has been done by some of the interested parties on the impact of SNI and that the Independent Regulator has modelling capacity within his staffing complement, I will be most interested to see the detail of the impact on prices of SNI given the committed status of existing generation and interconnection projects.

I think that will be a most important additional element to this whole debate, because this has been the most highly politicised section of the debate. We had the paid apologists for the New South Wales Labor Party working actively in South Australia trying to stymie the privatisation for quite some time. Danny Price and one or two others made no secret of the fact that they were paid lobbyists for the New South Wales Labor government—and, I understand that they are now paid advisers for the Labor Party here in South Australia.

I am told that Mr Danny Price is on the payroll of the Labor Party providing advice. So—

The Hon. L.H. Davis: Is he still giving advice to Nick Xenophon?

The Hon. R.I. LUCAS: I'm not sure. One would have to ask the Hon. Nick Xenophon.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: No. The Hon. Mr Xenophon does not pay for that sort of advice. I am sure that he has been getting it free from Mr Price for some time.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I don't have to check with the Labor Party in relation to that. NEMMCO and a number of other national authorities were advised that the Labor Party had employed Danny Price as a paid consultant over the last few months. As I said, for some time we have been trying to warn people as to where Mr Price's loyalties lay in relation to all this, but we were not believed.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: That's New South Wales. He is now advising Mr Rann—the Labor Party. As I said, I am not sure whether he is still advising the Hon. Mr Xenophon. We were always very cautious about Mr Danny Price, and a number of his problems have been outlined in this Council by me previously.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: Danny Price has one or two problems, I can assure you. If he is advising the Hon. Mr Rann on electricity issues, he will have quite a number of problems. For the first time we now have an independent regulator in South Australia publicly commenting that he does not believe some of the claims. He did not use these words, but the quotes that the Hon. Mr Davis cited, in terms of this interconnector not being the price saviour that everyone was—

The Hon. L.H. Davis: Not the salvation that everyone thinks it is.

The Hon. R.I. LUCAS: Not the salvation that everyone thinks it is. Indeed, the Labor Party, the Hon. Mr Xenophon and others have been roundly critical of the government that, if only we had proceeded with Riverlink or SNI, we would have saved—and it depends on the time of day or the week of the year—either hundreds of millions or billions of dollars for electricity consumers in South Australia. Sadly, many business leaders have accepted the view of Mr Danny Price and others before we have had an opportunity for an independent regulator, either national or state, to do the modelling and to release the information as an independent commentator on the impact on pricing in the state.

As I said, the statements made by the independent regulator last week were very interesting, and I await with much interest the detail of the impact on prices that his office's modelling has done. By way of example, some of the proponents of MurrayLink have said that a combination of MurrayLink and the Victoria-South Australian interconnector or an alternative link using some technology called, I am advised, a phase angle regulator, will see the equivalent benefits to South Australia of SNI.

If that is put in place at the same time or certainly before SNI, then some of these benefits claimed by Mr Price and those who have supported his view will be hard to justify when they come on stream. The difficult issue will be the ongoing cost to South Australian consumers if Mr Owens' statements are correct. As I said, until we get a chance to see his detailed comment, we obviously cannot form concluded views. He gave a media interview on this issue only last week. As I said, I am aware that there is a detailed paper coming out, and I will obviously be reading that paper with much interest.

In relation to the issues of additional generation capacity, three companies have announced fast tracking proposals. Certainly, Origin, with about 100 megawatts in the metropolitan area, has development approval, and is on-site and starting construction activity. AGL is proceeding with its applications and approvals for Hallett. It eventually hopes to have 250 megawatts over the next 12 to 18 months—about 100 megawatts before this summer. The latest advice I received this morning is that it is still on track to meet that first stage which is about 100 megawatts by this summer. The planning and environmental issues there seem to have been substantially resolved. The issue for it is being able to get enough generation capacity from overseas which it is importing to South Australia in time for summer. I understand that it has at least three units on a boat on the way to South Australia already. However, it is looking for other units to try to meet this fast tracking time line that we have.

I think, to be frank, the Australian National Power peaking capacity project has a number of issues still to be resolved, and I would say that Origin and AGL are much further advanced and much more likely to meet the deadline for this summer than perhaps the Australian National Power peaking capacity. There are two smaller, yet unannounced, peaking proposals and as such I am not in a position to be able to indicate whether I believe that they will be operational by this summer or not. Straight after—

The Hon. Ian Gilfillan: Will they be using second-hand machinery?

The Hon. R.I. LUCAS: Some are and some are not.

The Hon. Ian Gilfillan: Where will they be?

The Hon. R.I. LUCAS: Which ones are you talking about? The unannounced ones? They are currently looking at sites. It is more difficult, obviously, to find metropolitan air shed sites for some of these second-hand generators as opposed to isolated rural community sites. That is one of the reasons why AGL has chosen the Hallett site for its particular peaking proposal.

The Hon. M.J. Elliott: Does it comply with standards?

The Hon. R.I. LUCAS: It will meet all the legal requirements it is required to—

The Hon. M.J. Elliott: That is because you changed them.

The Hon. R.I. LUCAS: It will meet all the legal requirements. The Hon. Mr Elliott can chuckle, laugh and guffaw over there but, ultimately, the government has been criticised for not having enough supply. We are fast tracking and trying to get additional supply and capacity, over and above Pelican Point, to South Australia. It is fine for the Democrats to chuckle about it, but I have not heard them say that they oppose it. If they do oppose it, they should come out and say so, rather than chuckling in the corner about having additional power capacity—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: So, is the Hon. Mr Elliott opposing it? No, and the *Hansard* record indicates no reply from the Democrats. They are not going to publicly oppose what the government is doing; they want the best of both worlds—to criticise but, in the end, when push comes to shove, they will not oppose it because, in the end, I would hope that they realise that the state needs additional power

capacity if we want to see a competitive market in South Australia.

So, the answer to Mr Gilfillan's interjection is that, in relation to the two unannounced proposals, they are looking at options both metropolitan and rural. We are not in a position to know whether or not they will be able to meet the requirements of either metropolitan or rural within the timeframe. So, at this stage, they are unannounced proposals. In terms of after summer, in relation to the Murraylink interconnector, the underground interconnector through the Riverland of 220 megawatts, we are advised by the company that it is on track to be operational by April next year. So that will provide an extra 220 megawatts. Australian National Power's increase of the Pelican Point power station still has not been finally taken by the international board; we await that decision from National Power. The recent indications are that, should it make a decision to go ahead, it is more likely to be at a time that coincides with extra gas being delivered to South Australia through the competitive gas pipeline from Victoria, which is around the end of 2003 and the start of 2004.

There are a number of wind farm proposals which Mr Gilfillan has asked about. The earliest of those might come on stream early next year if they can resolve some of the issues which the Hon. Mr Gilfillan raised during the previous sitting of parliament in relation to the cost of connection and also the planning issues in some cases; and in one case I understand that there is an issue in relation to birds.

Finally, National Power has, I think, signed a heads of agreement with SEA Gas, the gas consortium which in a relatively general sense, I suspect—although I have not seen it—binds it to building a gas fired power station at Port Pirie should the SAMAG proposal go ahead. The timing of that is more likely to be around 2003-2004.

Together with a number of others, they are the proposals that I am currently aware of in terms of generation in South Australia. There are a number of others that I have talked about previously in Victoria and which impact on Victoria and which will also have a significant impact on the combined Victoria-South Australia market, and time does not permit me to go through all of those today.

MIDWIVES, INDEMNITY INSURANCE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Transport, representing Minister for Human Services, questions regarding indemnity insurance for midwives.

Leave granted.

The Hon. SANDRA KANCK: The recent decision by Guild Insurance to stop providing professional indemnity cover for midwives has serious implications for the profession as well as for South Australian women and babies. A South Australian independent midwife has told us that 13 pregnant women and two postnatal women will be affected when her insurance cover expires as of 1 August.

These women and their babies will all have their services, birthing options and postnatal care withdrawn. A couple of these women, who are due to give birth by the end of this month, have been under the care of their independent midwife for nearly nine months but are faced with the prospect of losing this care at the last minute and having their birthing plans seriously changed.

The inability of midwives to access professional indemnity insurance will mean that South Australian women will have their birthing choices severely restricted and place greater pressure on mainstream hospital services. This will fly in the face of World Health Organisation recommendations, which state:

> The midwife is the most appropriate and cost-effective type of health care provider to be assigned to the care of normal pregnancy and normal birth, including risk assessment and the recognition of complications.

It will also contradict years of state and national reports such as the Senate report Rocking the Cradle, which advocates increased birthing choices for women and support for community midwifery models. The Rocking the Cradle report states:

> High intervention rates in pregnancy and child birth are influenced by the threat of litigation.

The extent of the threat is a matter of dispute, but there is no doubt that fear of litigation is having a powerful influence on obstetrical practice. It also states:

> At present far too many practices in maternal and child health are based on custom and fashion rather than evidence and evaluation.

The Human Services Minister has advocated a community midwifery model as a substitute for care at the Queen Elizabeth Hospital. There is also the highly successful Northern Suburbs Community Midwives Program, which is underwritten by the state government and which exemplifies the best practice model of continuity of care.

The increasing lack of doctors prepared to offer obstetric services in rural and regional South Australia can, for the most part, be blamed on the prohibitive costs of indemnity insurance. Significantly, the state government has provided an insurance scheme to help maintain obstetric cover for doctors in these areas. My questions are:

1. Will the minister provide immediate assistance to independent midwives in South Australia in accessing professional indemnity insurance?

2. Will the minister match the current arrangements of subsidised insurance for general practitioners providing obstetric care for midwives?

3. Will the minister consider the capping of medical malpractice payouts as a solution to the crisis in health and medical services across the state?

4. How will the minister continue to advocate community midwifery models with the absence of private indemnity insurance for midwives?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): Certainly, the fear of litigation is having an effect not only on the obstetricians and clearly the midwives but also across the whole medical field and well beyond. Therefore, the questions that the honourable member asked are probably well founded but the precedence that would be set is something that any government would have to take into account, I suspect, in addition to the issues of quality service delivery and access to service. The honourable member has raised important questions; I will refer them to the minister and bring back a reply.

BOATS, RECREATIONAL

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about security for recreational boat owners.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently become aware of concern by recreational boat owners, particularly

those who utilise the waters of the Murray River, about the security of their boats. Will the minister identify to the Council any government measures aimed at reducing the level of theft of recreational boats?

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The honourable member has raised this with me in the past. It is also an issue raised by the Insurance Council and the Boating Industry Association, and for some time the government has been looking at the feasibility of introducing a scheme that has operated in New South Wales, and more recently in Western Australia, for its application in South Australia. I am pleased to advise that from 1 September this year this government will be introducing what is called a hull identification numbering system (HINS). We believe, having assessed the feasibility of the New South Wales scheme, that this hull identification number, very similar to a vehicle identification number that is applied to all vehicles on the road, will deter would be thefts as well as make it, in the event of theft, much easier to recover the boat. Certainly, that is the experience of boat owners in New South Wales, and we would anticipate that result in South Australia.

So with New South Wales, Western Australia and South Australia involved, all using a database in New South Wales, the next effort, beyond making it compulsory that all new boats have this fitted, will be to see that this scheme is applied across the nation, and only then will it be fully effective. However, I am pleased to see that South Australia, in terms of concerns about the theft of boats, is participating in the hull identification scheme from 1 September this year, on a user pays basis, with registered boat builders and others accredited to install these hull identification numbers.

ELECTRICITY, SUPPLY

The Hon. T. CROTHERS: I seek leave to direct a precied question to the Treasurer on the subject of the increasing demand for power supply within South Australia.

Leave granted.

The Hon. T. CROTHERS: My question to the Treasurer is: is the requirement for additional power in South Australia in part being fuelled by the decreasing unemployment we have witnessed in recent times in this state?

The PRESIDENT: In asking a question, members do not need to seek leave to make an explanation if there is none.

The Hon. R.I. LUCAS (Treasurer): I thank the honourable member for his question, and I must say that the Minister for Employment and Training, Hon. Mark Brindal, was looking particularly chuffed when the employment figures came out a week or 10 days ago. I am sure that he would be too modest to say it, but I think the huge improvement in the employment figures has coincided with his incumbency in the employment portfolio over the last two years. I am sure the minister would be the last person to claim credit for it, but it certainly has coincided with his incumbency as Minister for Employment and Training. I would have to say, and I am sure the Hon. Mr Crothers would agree, that if seven years ago the people of South Australia had been told by any politician that in the year 2001 South Australia would have a lower unemployment rate than Queensland and Western Australia they would have laughed at the politician who said so in 1994, because in 1993—

The Hon. A.J. Redford: We would not have laughed; we knew this was coming.

The Hon. R.I. LUCAS: Is that right? Well, okay, the Hon. Mr Redford is obviously much more perceptive about these issues than I am. In 1993 and 1994—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order, the Hon. Angus Redford! I will not warn the honourable member again.

The Hon. R.I. LUCAS: —people were leaving the state for the growth states of Queensland and Western Australia, and our unemployment rate in South Australia was either the highest or the second highest of all the states in Australia. So, I think if someone had said, 'In seven years this state's economy will be turned around to the stage where Western Australia and Queensland will have higher unemployment rates than South Australia', people would have laughed, but that is the reality of South Australia in the year 2001. For many months now, we have had a much better employment rate than Queensland, and only in the past month—and I guess it might go up and down, but at least for the past month—Western Australia's unemployment rate has been higher than South Australia's.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Cameron pays much more attention to polls than I do, but he did note the poll in the *Australian* which indicated that Labor and Liberal were neck and neck in terms of the state election voting intention. Certainly, the arrogance of the shadow treasurer—Kevin (Bart Simpson) Foley, as they are calling him these days—is there for all to see as he tells people that, when he is Treasurer, this is what he will be doing and whether or not they will have a job. Along with the Leader of the Opposition, perhaps they are just a touch ahead of themselves—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: The election will be held in March next year, so there is plenty of time for the Labor Party to let the people of South Australia make their judgment. So, I thank the honourable member for his question. There has certainly been a significant turn-around in this state's economy in the past seven years. I repeat that I am happy to provide to the honourable member, and anyone else who is interested, a summary of the National Australia Bank survey of last week and some recent economic indicators. I will not waste time now by going through all of them, but I am happy to send a copy to the Hon. Mr Crothers and anyone else who might be interested in some facts and some good news on South Australia rather than the whingeing and whining we get from the Labor opposition here in South Australia.

FILM INDUSTRY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for the Arts a question about recent film developments.

Leave granted.

The Hon. A.J. REDFORD: I have recently seen advertised on Channel 9 a promotion for the new television drama series *McLeod's Daughters*. Indeed, this morning, when listening to FiveAA, my ears pricked up when I heard a national film critic, Ross Warneke, talking about *McLeod's Daughters*.

An honourable member interjecting:

The Hon. A.J. REDFORD: You were listening to the same program! It is a wonder you did not ring. You do every other time.

The PRESIDENT: Order!

The Hon. A.J. REDFORD: In any event, what Ross Warneke said was interesting, particularly when he said the following about the Minister for the Arts:

> I've got to tell you I met an absolutely wonderful person from your neck of the woods on Friday night—your arts minister Diana Laidlaw. Talk about enthusiastic!

Keith Conlon, one of the best commentators on radio today, said:

> Oh, yes, she's pretty keen about this because it's a lot of work for the local film industry.

Mr Warneke went on to say:

> Well that, too, but, I mean, if every minister in Australia in any Australian government was as enthusiastic as she is in her portfolio, this country would be a lot better off. She is an amazing woman—absolutely amazing! But it looks like a goer in relation to the film.

I note that the series will commence screening on 15 August, for members who might be interested in staying home that Sunday night. In the light of that, my questions are:

1. Could the minister outline the benefits to South Australia of the filming in South Australia of *McLeod's Daughters*?

2. What has the state invested in this production?

The Hon. DIANA LAIDLAW (Minister for the Arts): I know that one develops a thick skin in this job but, having heard Mr Warneke this morning, I did blush at the compliments, and I thank him on the record for his generosity and I also thank the Hon. Angus Redford for putting them on the record. I would have been too modest to suggest to the Hon. Angus Redford that they be read into the record.

McLeod's Daughters is an investment that the film and television industry in South Australia has been seeking for decades. We have had a feature film industry which has served this state's interests brilliantly, but we have sought, at government level through the corporation and the industry at large, continuous work provided by a television series for our outstanding crews. I acknowledge Millennium Productions, led by Posie Graeme-Evans; the Director of Drama at Channel 9, Kris Noble; and the Nine Network generally for their confidence in investing at least $10 million from Channel 9 alone in these 22 one hour episodes of *McLeod's Daughters*. The series follows the earlier telemovie. The state's investment is some $500 000 over two years. So, the private sector investment by Channel 9 alone is enormous.

I urge all honourable members to endeavour to watch this series, knowing how important the television and film industry is to this state. The Labor Party has traditionally supported the arts—film and television—in this state, although I see that more recently it has changed its tune. I urge Labor members to watch this series and support Channel 9 in its programming because, at stake, if the ratings go well, is another series starting in December next year, and possibly beyond. If members really want to support the film industry in this state, and our creative people—technicians and actors—you will be promoting, as I am, the benefits of investing in film and television in this state, and particularly supporting Channel 9 and *McLeod's Daughters*.

The economic benefit to South Australia is enormous. In fact, $7.5 million has been spent in South Australia, with post-production, at this stage, being undertaken interstate. In terms of the multiplier effect, I am told that, in terms of a $2.67 return per $1 invested, this equates to $20.268 million, which is huge, being pumped into the local economy from the investment in *McLeod's Daughters*. In Gawler, local businesses can hardly believe it—whether it be Retravision, the real estate market, the petrol stations, the delicatessens and beyond. This has been a huge boost for Gawler and the north, just as the film industry is to Leigh Creek and other destinations around the state. The local member, Mr Buckby, is a strong supporter of the arts at any time but particularly when he sees film investment in his area in terms of *McLeod's Daughters*. So, I remind honourable members to watch Channel 9 at 7.30 p.m. on Sunday, 5 August and thereafter on Wednesdays for 22 weeks.

WORKPLACE RELATIONS

In reply to **Hon. T.G. ROBERTS** (7 June 2001).

The Hon. R.D. LAWSON: In addition to the answer given on 7 June 2001 the following information is provided:

I am advised that it would not be practicable to confer additional statutory rights on employees (or, for that matter creditors or the shareholders) to enable them to monitor the program of a company's trading position. There are already disclosure requirements under the Corporations Law and Stock Exchange Listing Rules. Registered organisations would be able to collect such information and make it available as a service to their members.

I am further advised that the Commonwealth Department of Employment, Workplace Relations and Small Business has no proposals to allow greater access for employees to financial information of a company.

Under the Corporations Law, during administration, there is a requirement to report to creditors on the financial situation of a company with regard to its assets versus liabilities. Employees are considered creditors and, as such, are able to attend creditors meetings, receive reports and can vote on how the administration of the company is to be run.

The information disclosed during administration does depend on the records of the company involved. If accurate and manageable records were not kept, the administration may not be in a position to provide all necessary information to either employees or creditors.

Under the Corporations Law, "priority payments" section of this law, employees have the highest priority of the cost of administration. Even where the employees are a small percentage of the creditors, they can not be exploited by the majority of creditors due to their legally recognised priority over the company's assets.

NATIONAL WAGE CASE

In reply to **Hon. T.G. ROBERTS** (5 June 2001).

The Hon. R.D. LAWSON: In addition to the answer given on 5 June 2001, the following information is provided:

Business SA's submission to the State Wage Case did not indicate "despondency" about the future of the state's economy. The material presented is the SA Industrial Commissions included comparisons of employment growth and unemployment rates on a national basis and a higher dependency on awards in South Australia. Business SA referred to the significant net reduction of 2 per cent in the SA unemployment rate (unadjusted) over the period Jan 1999 to April 2001 and other positive factors.

ASBESTOS

In reply to **Hon. R.K. SNEATH** (15 May 2001).

The Hon. R.D. LAWSON: In addition to the answer given on 15 May 2001, the following information is provided:

I have been advised that Workplace Services attended to the issue as soon as it was brought to their attention. Indeed, an Inspector visited the site twice on Friday 15 December 2000 and twice on Saturday 16 December, and kept the resident informed of events as they unfolded.

When the Inspector visited the site on 15 December the roof had already been removed and the asbestos cement eaves, some 20 square metres of asbestos cement, had been broken loose and was scattered on the ground. The demolisher was not on site.

The act of demolishing the asbestos cement eaves occurred prior to the Inspector's visit on 15 December. The persons responsible for the demolition were interviewed on the site on the following day. Their identity and contact details were recorded and the inspector issued instructions to them regarding the safe handling and disposal of the asbestos cement.

The following systems ensure that Workplace Services acts responsibly and promptly in relation to asbestos issues:

- Workplace Services monitors a 24 hour per day 7 day a week service that addresses the health and safety issues and statutory requirements pertaining to the presence, handling, working with, removal and disposal of asbestos in response to inquiries, including anonymous inquiries from workers, workers representatives, management and members of the public, by providing timely, knowledgeable, factual, rational and where appropriate sympathetic information;
- As a matter of policy, all asbestos inquiries, including anonymous inquiries, are addressed as a matter of urgency.
- The inspectorate specialises in promoting awareness and maximising compliance on asbestos matters.
- A dedicated Mineral Fibres Unit is responsible for the administration of legislative requirements relating to the identification, management and removal of asbestos which provide for the health, safety and welfare of persons at work and the public;

HAMPSTEAD REHABILITATION CENTRE

In reply to **Hon. T.G. CAMERON** (10 April 2001).

The Hon. R.D. LAWSON: In addition to the answers given on 10 April 2001, the following information is furnished:

Because the Spinal Injury Unit (SIU) has been near to full capacity due to the number of people requiring admission for primary or secondary rehabilitation for spinal injury, the Unit is not able to set aside beds for respite clients.

Rehabilitation following traumatic spinal cord injury accounts for over 90 per cent of the Units' clientele, which will continue to increase as survival rates continue to improve. The Unit also assists people with other causes of spinal cord lesion such as haemorrhage, infection or cancer. People with long standing injuries may also develop complications requiring re-admission to the Unit.

The Department of Human Services has commissioned a review of rehabilitation in South Australia which will guide the development of new and existing services. The review has already provided useful advice, viz, the collocation of spinal and brain injury rehabilitation on the same site at the Hampstead Centre. This is particularly important for those clients who are recovering from traumatic injury to both levels of their neurological system.

On returning to living in the community, spinal injury clients should have already been in contact with community based services like Options Coordination or their domiciliary care service. The Adult Physical and Neurological ("APN") agency of Options Coordination has specific responsibilities for people with spinal injuries and has developed a high level of expertise in assisting people in need of services such as respite. APN provides flexible in-home respite and arrangements can be made for people with spinal injuries to receive out of home respite. APN will spend over $9.5 million this year on in-home support services, with around half of the funding to provide ongoing support to clients and give family carers a break.

The Hampstead Centre does have a short stay unit within the geriatric rehabilitation service that provides planned dementia respite. This unit also does take admissions to relieve patients or carers with a social crisis.

VOLUNTEER INSURANCE

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Treasurer, representing the minister responsible for volunteers, a question regarding volunteer protection.

Leave granted.

The Hon. IAN GILFILLAN: In the Year of the Volunteer, it is significant that many of the smaller volunteer organisations are at risk of closing down because of the inability to adequately cover their volunteers with insurance cover. Earlier this year the government put out a paper entitled 'Volunteer Protection Legislation', part of which deals briefly with this very vexed question of insurance cover for volunteers. I ask the Treasurer: has the government addressed this problem, which is particularly relevant this year? Volunteers are entitled to have their insurance cover dealt with adequately and the government's responsibility is clearly outlined. Does the government intend to introduce legislation to provide recommendations and cover for insurance for volunteers and, if so, when?

The Hon. R.I. LUCAS (Treasurer): I will take the issue up with the minister and bring back a reply.

MARINE PARKS

In reply to **Hon. T.G. ROBERTS** (31 May).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

Information seminars are only one mechanism to communicate accurate information to stakeholders and the community. A suite of strategies are being proposed to ensure that different audiences are presented with accurate and up-to-date information, and even more importantly, that all people are given the opportunity to impart their knowledge of the values and benefits of the marine environment.

WATER SUPPLY, INDULKANA

In reply to **Hon. T.G. ROBERTS** (4 July).

The Hon. DIANA LAIDLAW: The Minister for Aboriginal Affairs has provided the following information:

1. The contract for the replacement of the water reticulation pipe work at the Indulkana Aboriginal community was arranged using the selected tender method. In this instance, a number of tenderers familiar with the difficulties in working in remote locations and with suitable experience, were invited to submit a bid.
2. The cost of the initial installation was $536 650. The cost to remove the pipe work in question was $238 312.36.
3. The lead stabilised PVC pipe work went undetected for a period of approximately six months. The Department of State Aboriginal Affairs was the first party to detect the problem whilst testing the water supply to determine the need or otherwise for an unrelated water treatment plant.
4. In the best interest of the Indulkana Aboriginal community, the particular pipe work was replaced. Various parties were consulted to ensure all sections of the industry were made aware and their assistance and expertise were utilised to prevent a re-occurrence.

The organisations consulted were:

- SA Water
- PVC Pipelines Industry Association of Australasia Ltd
- The Australian Standards Associations and their representatives
- Australian Competition and Consumer Commission
- Department of Human Services

5. The Department of Human Services consulted with Dr Paul Torzillo, the Medical Director of the Nganampa Health Service. Voluntary testing of the Indulkana Aboriginal community residents was subsequently arranged at the community health clinic.

VOLATILE SUBSTANCES

In reply to **Hon. T.G ROBERTS** (7 June).

The Hon. DIANA LAIDLAW: The Minister for Aboriginal Affairs has provided the following information:

A media release from the Prime Minister dated 20 February 2001 announced funding of a million dollars for the Northern Territory to be used for a petrol sniffing diversion project.

The funding is part of the 'Tough on Drugs Diversion Program', which was a result of the 1999 agreement between the commonwealth and states and territories.

The Minister for Aboriginal Affairs has been informed that the money was always earmarked for the Northern Territory and was not up for tender by states or government agencies.

As a result of the Minister for Aboriginal Affairs request of 23 January 2001, the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) will discuss the issue of petrol sniffing at its next meeting. It is the Minister for Aboriginal Affairs intention that a commitment be given to the coordination of moneys placed into petrol sniffing diversionary programs combined with a cross-jurisdictional approach to maximise results.

BAROSSA VALLEY HOSPITAL

In reply to **Hon. SANDRA KANCK** (7 June).

The Hon. DIANA LAIDLAW: The Minister for Human Services has provided the following information:

1. $50 000 has been put aside in this year's budget for concept development and evaluation for the Barossa Valley Hospital.

2. Title to the Reusch Park site is in the name of the South Australian Housing Trust, which is part of the Human Services portfolio. The site, therefore, is effectively under the control of the Minister for Human Services.

3. The government has committed to providing capital funding for a new Barossa Hospital, such that construction work can commence in 2004-05 with completion in 2005-06.

4. Planning for major developments, and the subsequent commitment of funds, requires a significant lead time.

5. The Tomlinson report identified the level of capital expenditure required to maintain and redevelop Angaston and Tanunda Hospitals as acute hospitals for the long term. Since this is not to be the case, an amount of $300 000 was allocated to address urgent maintenance issues only at both sites.

6. The works to be undertaken were agreed between the Barossa Health Service and the Wakefield Regional Health Service and funded by the Department of Human Services, and were those identified as requiring immediate action. The Minister for Human Services advises that whilst the Department approved the release of $300 000 on 21 February 2001, as at 29 June 2001 only $70 000 had been spent.

NATIVE VEGETATION

In reply to **Hon M.J. ELLIOTT** (17 May).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

Investigations undertaken by the Department for Environment and Heritage following the reports of the clearance of native vegetation have confirmed that clearance was initiated before the approval of the management plan by the Native Vegetation Council, and prior to parliament resolving the motion to disallow the regulation.

The Native Vegetation Council will continue to monitor the works being undertaken to ensure full compliance in accordance with the requirements of the regulation.

The Minister for Environment and Heritage has been advised that the South Eastern Water Conservation and Drainage Board has recently employed an additional environmental officer to assist.

ENVIRONMENT PROTECTION AUTHORITY

In reply to **Hon. M.J. ELLIOTT** (4 July).

The Hon. DIANA LAIDLAW: The Minister for Environment and Heritage has provided the following information:

1. Prior to the installation of the waste gas cleaning plant on the Pellet Plant exit gas stack in November 1998, the concentration of dioxin in waste gas was 1.2-1.4ng/m3. This equated to a total emission of ~4g/year of dioxins.

2. After the installation of the waste gas cleaning plant on the Pellet Plant exit gas stack, the concentration of dioxin has been measured as averaging 0.08ng/m3 in the exit gas (average of 4 samples). This equates to a total mass emission of less than 0.5g/year of dioxins. There is no World Health Organisation (WHO) standard for the emission of dioxins.

3. The results of the EPA monitoring of fallout at 43 Whitehead Street, Whyalla, are due for release later this year.

4. Monitoring at 43 Whitehead Street was not conducted for dioxins.

5. Onesteel had a health risk assessment conducted, based on the California Air Pollution Control Officers Association (CAPCOA) model, prior to the installation of the waste gas cleaning plant.

6. Onesteel currently complies with the requirements of the marine policy at its indenture boundary. It is undertaking several projects aimed at reducing the environmental impact of its emissions on the marine environment. These projects are being managed through 'conditions of licence'.

ANAGU PITJANTJATJARA LANDS

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to table a ministerial statement given today by the Minister for Aboriginal Affairs (Hon. Dorothy Kotz) on the subject of the Pitjantjatjara lands.

Leave granted.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

In committee.

(Continued from 5 July. Page 1905.)

Clause 2.

The Hon. NICK XENOPHON: I have moved amendments to page 4, line 6 and after line 8. These are essentially commencement clauses. I indicate to the committee that I have alternative amendments to move, which I will speak to shortly. In other words, I will not proceed with the balance of the amendments that I filed previously on 3 July. I draw attention to new subsection 5, which makes clear the definition of a prescribed road. It is self-explanatory and provides that a prescribed road is a road that runs into the area of another council within the meaning of this section and will continue to be taken to be a road that runs into the area of another council, and therefore to be a prescribed road, despite the fact that the name of the road may be altered or there is any other action to alter the circumstances that applied to the road at the time of its closure. It makes it absolutely clear that, if it is the same road that goes through two council areas, that would fulfil the definition of 'prescribed road'. That would clear up any potential ambiguity in that regard.

I am not sure whether the minister wants to use clause 2 as a test clause. As I understand it, the provisions have not been voted on. We have had this debate on a number of occasions. I am more than happy to take questions from members and be guided by the minister as to whether she wishes to use clause 2 as a test clause or to vote on each and every clause. I am in the minister's hands.

The Hon. DIANA LAIDLAW: When the amendments to clause 2 were moved some time ago, I spoke vigorously in opposition. I queried the Hon. Ian Gilfillan's swift and fancy footwork—and even his integrity, as I recall—and I have not changed my view regarding his contributions during the second reading debate and in committee, which I have just re-read.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: I suspect that it is never kind to question an honourable member's integrity. I want to acknowledge the contribution of the Hon. Legh Davis in which he investigated the history of the closure of Barton Terrace, in particular, and the personality politics that have driven this issue within the Labor Party: the viciousness and spitefulness of the member for Spence's contribution and his implication that because various Liberal members live in the area that might have influenced council or state government policy or lined their pockets in terms of land values. All those issues were strongly refuted—and wisely and correctly so—by the Hon. Legh Davis, whose contribution on this occasion has been helpful in bringing together all the issues over some period of time.

Since I last spoke on this issue, I wanted to acknowledge correspondence received from the Adelaide City Council,

because the Hon. Ian Gilfillan mentioned that he had not yet received any such advice from the Lord Mayor or council in relation to this bill. A letter (dated 20 July) to me from the Acting Chief Executive Officer, Mr Peter Dale, indicates that the council opposes the amendments to clause 2 moved by the Hon. Nick Xenophon as they represent legislative intervention that has retrospective application. The letter states:

> It will potentially set aside previous lawful decisions made by this or any other council affected and impinges on the rights of councils to maintain existing closures.

The letter goes on to state that there is no indication by Mr Nick Xenophon in pursuing this issue that he has assessed the work and study undertaken by the council in 1999 which reconsidered all the background issues. Following the study, the council resolved that support be strongly expressed for the continuation of traffic restrictions in Barton Road and Mildred Road; that the provision of access by bicycles to Barton Road and Mildred Road be explored and discussion take place with the Passenger Transport Board regarding this proposal; and that this decision be communicated to members of parliament, the Local Government Association and the City of Charles Sturt.

The council has not changed its mind since September 1999, as I have said, when it resolved as I indicated above—that the traffic restrictions should remain. In the *Advertiser* today, it is reported that earlier this week the council looked at the naming of both Barton Road and Mildred Road and resolved because of confusion about road names in that area that they would be called War Memorial Drive. So, the issue is still before the council, but it has moved on from this matter having lawfully addressed the traffic restrictions almost a decade ago. I think this Council should move on and should not aim to address this issue retrospectively with all the implications that would arise from such an action.

The Hon. IAN GILFILLAN: I think it is worthwhile reaffirming the reason why the Democrats support the amendments moved by the Hon. Nick Xenophon. Because it is also important to show some degree of consistency, I will read into *Hansard* the speech that I made in 1999 regarding a very similar amendment.

The Hon. Nick Xenophon interjecting:

The Hon. IAN GILFILLAN: Short and brilliant. I humbly and modestly quote my own speech as follows:

> The Democrats support the amendment. It is important that the amendment be looked at as a legislative measure, rather than an emotional response to what is perceived as perhaps, in an isolated sense, a matter of social injustice. The legislative structure that we currently have is that this cannot happen again. There cannot be unilateral closing of roads where it affects another area because there are conditions in the Road Traffic Act which prevent it happening. So this measure is really to patch up what may have been, in today's wisdom, an unbalanced, unfair assessment of what is acceptable as a road closure.

The retrospectivity is not so much a question of rewriting the legislation: it is accurately interpreting legislation which enabled the Adelaide City Council to unilaterally close Barton Road when it was clearly intended to have been only a temporary closure. If the government had shown anything like the same dedication to preserving other parts of the parklands as it appears to have been fanatical about retaining the closure of Barton Road, its integrity would stand higher in my estimation than it currently does.

The Hon. T.G. Roberts interjecting:

The Hon. IAN GILFILLAN: Other examples are indicated by very helpful interjections and I add what is currently being floated by way of pressure to increase the car parking on the parklands for the benighted rose garden/wine centre complex, which was promised to be returned to us as parklands.

When I made my contribution earlier in this debate, I might have been too brief: brevity might have destroyed the wit of what I was saying. I indicated that the Democrats would not support any move to open Barton Road, and neither would we, but what we are supporting is an amendment to correct a misinterpretation of legislation. It has nothing to do with Barton Road unless the people who are opposing it feel that something to do with a particular road and a particular location justifies allowing inappropriate—in fact, illegal—use of legislation to remain.

I do not accept that. I do not think anybody has questioned my support or the Democrats' support for the parklands; nor would anyone have argued that I am a cupboard supporter of reopening Barton Road. Scour though they may through public statements, privately or in *Hansard*, I do not think anyone will find any indication of that. Perhaps my language was not lucid or expansive enough for the minister to understand exactly what I was saying. Unfortunately, she did not refer back to our position in 1999. Had she done so, whatever she may have felt about my personal opinion, she would not have challenged my integrity on the matter.

The Hon. DIANA LAIDLAW: If this amendment passes this place and the House of Assembly and it leads to an increase in the encroachment on the parklands, what would the honourable member's view be to the Adelaide City Council and to the government in terms of expanding the road corridor through the parklands arising from the passage of such an amendment? I ask by way of personal interest.

The Hon. IAN GILFILLAN: I think I understand what the minister is asking me, and I am quite flattered that she is asking me a question. I would be appalled at the reopening or widening of Barton Road. I say so now and will continue to say so. There is due process. If the Adelaide City Council has a case for retaining Barton Road's current closure, there is legislative opportunity for it to discuss that with the neighbouring council, Charles Sturt council. I would hope that lobbying from those who care about the parklands and the government—the Adelaide Parklands Preservation Association and residents, both in the Charles Sturt council and in the Adelaide council, vigorously and energetically campaigning for the retaining of the closure—will be effective and Barton Road will remain at the most as it is, or preferably be closed altogether.

An honourable member interjecting:

The Hon. IAN GILFILLAN: The bicycle but not the bus.

The Hon. DIANA LAIDLAW: As I understand it, the Democrats will facilitate the reopening but oppose the reopening. It seems as though they have a foot in every camp, but then I should not be at all surprised about such a policy decision.

The committee divided on the amendments:

AYES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Roberts, R. R.	Roberts, T. G.
Sneath, R. K.	Xenophon, N. (teller)
Zollo, C.	

NOES (8)

Davis, L. H.	Dawkins, J. S. L.
Laidlaw, D. V. (teller)	Lawson, R. D.

NOES (cont.)

Lucas, R. I.	Redford, A. J.
Schaefer, C. V.	Stefani, J. F.

PAIR

Pickles, C. A.	Griffin, K. T.

Majority of 3 for the ayes.

Amendments thus carried; clause as amended passed.

Clauses 3 to 7 passed.

New clause 7A.

The Hon. NICK XENOPHON: I move:

Page 5, after line 16—Insert:

Repeal of s. 359

7A. Section 359 of the principle act is repealed.

The amendment provides for the repeal of section 359. In a sense it is part and parcel of the series of amendments that have been moved with the same substance and effect that has been intended.

The Hon. DIANA LAIDLAW: The government opposes the amendment as we vigorously opposed the earlier amendments to reopen Barton Road (now named War Memorial Drive) and other roads across the metropolitan area and in what are potentially country areas of the state.

New clause inserted.

Clauses 8 to 12 passed.

Clause 13.

The Hon. DIANA LAIDLAW: I move:

Page 6, lines 12 to 15—Leave out all words in these lines after 'amended' in line 12 and insert:

(a) by inserting in subsection (2) 'a road or' after 'land forming';

(b) by inserting in subsection (2) (b) 'a road or' after 'land that formed';

(c) by inserting after paragraph (c) of subsection (2) the following paragraph:

(d) the council may grant an easement or a right of way over community land or a road or part of a road.

This amendment picks up the existing clause 13 of the bill and includes additional amendments to section 201 of the act. The original clause and the new amendment inserts a new paragraph into subsection (2), which in turn followed on from the amendment to section 193 earlier in the bill. The new provision amends section 201 of the Local Government Act 1999 so that a council can grant an easement or right of way over community land without revoking its classification as such, and over private roads that it owns. The provision in relation to roads was necessary in order to remove uncertainty over which councils can run easements and rights of way over private roads that they own. It was never intended that the act restrict the capacity of councils to issue easements or rights of way over roads.

The original clause was included as a result of concerns raised by councils, and the LGA supported the amendment in principle. However, there was further concern raised by the LGA and the expression 'part of a road' was used in the bill. This may not have been sufficient and should have been expressed as 'road or part of a road'. As a result of further research and consultation, a government amendment corrects all references to 'part of a road' in section 201 so that it now reads 'a road or part of a road'.

Amendment carried; clause as amended passed.

Clauses 14 to 24 passed.

New clause 24A.

The Hon. NICK XENOPHON: I move:

Page 9, after line 21—Insert:

Certain road closures to cease to have effect

(1) The closure of a prescribed road to vehicles generally or vehicles of a particular class in force under section 359 of the Local Government Act 1934 immediately before the repeal of that section ceases to have effect (unless already brought to an end) six months after the repeal of that section (and the relevant council must, on the closure of a prescribed road ceasing to have effect pursuant to this subsection, immediately remove any traffic control device previously installed by the council to give effect to the closure).

(2) However, subsection (1) does not apply—

(a) if continuation of the closure of the prescribed road is, before the expiration of the six month period referred to in that subsection, agreed to by resolution passed by the affected council under this subsection; or

(b) if, before 1 May 2001, exclusive occupation of the prescribed road had been granted to a person for a period that is due to expire after the expiration of the six month period referred to in that subsection.

(3) In this section—

'affected council', in relation to a prescribed road, means the council into whose area the road runs;

'prescribed road' means a road that runs into the area of another council.

(4) For the purposes of this section, a road that runs from the area of a council into an intersection and then changes to a different road in the area of another council on the other side of the intersection will be taken to run into the area of another council.

(5) For the purposes of this section, a road that was, on the making of a resolution under section 359 of the Local Government Act 1934 with respect to the road, a road that ran into the area of another council within the meaning of this section will continue to be taken to be a road that runs into the area of another council (and therefore to be a prescribed road) despite the fact that the council, either before or after the commencement of this section—

(a) alters the road; or

(b) changes the name of the road, or of any part of the road; or

(c) takes any other action to alter the circumstances that applied to the road at the time of its closure.

This is the alternative amendment filed today. I have already spoken to it briefly. It is the same save for the clarification of the definition of 'prescribed road', which I debated previously. I am more than happy to take questions from honourable members. The clause ought to be self-explanatory.

The Hon. DIANA LAIDLAW: I oppose this as I have earlier amendments moved by the Hon. Mr Xenophon relating to road closures.

New clause inserted.

Clause 25.

The Hon. NICK XENOPHON: I move:

Page 9, lines 34 and 35—Leave out subclause (4).

This amendment is consequential to the amendments previously moved.

The Hon. DIANA LAIDLAW: I again object.

Amendment carried; clause as amended passed.

New clause 26.

The Hon. NICK XENOPHON: I move:

Page 9, after line 35—Insert:

Application of Acts Interpretation Act 1915

26. The Acts Interpretation Act 1915 will, except to the extent of any inconsistency with the provisions of this part, apply to any repeal or amendment effected by this act.

This is a consequential amendment.

The Hon. DIANA LAIDLAW: This new clause is part of the bad bunch of amendments, and again I oppose it.

New clause inserted.

Title passed.

Bill read a third time and passed.

WORKERS REHABILITATION AND COMPENSATION (DIRECTIONS OFFICERS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 5 June. Page 1700.)

The Hon. R.R. ROBERTS: I rise to make a short contribution to the bill. I am conscious that my colleague, the Hon. Terry Roberts, has spoken on behalf of the opposition and has indicated our resistance to the measure. I was interested to note—and I ask the minister to consider this before we get to the committee stage—that, on page 3 under Division 4A—Directions Officers, subsection (4) provides:

> However, a term of appointment cannot extend beyond the time the appointee reaches 65 years.

Does that contravene any of the legislation with respect to discrimination in South Australia? I know that there can be exemptions for a particular class of person or classes of persons. As I understand it, the term of appointment not exceeding 65 years of age in this case can refer to only one person. On the surface it seems to me that there could be a problem, and I ask the minister to address that. New subsection 80B(6)(b) provides:

> [This employee] must not, while in office, be an officer of an industrial association.

I would like further clarification of what that means. Is the officer an acting lawyer, because the bill proclaims that this person must be a legal practitioner of at least five years standing? Is this a clause to exempt any lawyers in particular who may be working for an industrial association, or does 'officer' in this case really mean an officer of an industrial association, that is, the lawyer may be in the Clerks Union or the Law Society, because if he is an officer of that association this clause, it would seem to me (again on the surface), would bar him from this position?

I have had some consultations with members of the trade union movement who I report are opposed to the proposition being put by the government. It is unnecessary, and in other jurisdictions this line of administration has proved to be inefficient and unsatisfactory within some spheres of the law. For all those reasons, I also indicate my opposition to this legislation and ask the minister, when summing up, to address the two matters that I have raised.

The Hon. J.F. STEFANI secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on second reading.
(Continued from 7 June. Page 1770.)

The Hon. J.S.L. DAWKINS: I rise to make a contribution to the Supply Bill which, as members would realise and as was indicated to the Council by the Treasurer, is necessary for the first few months of the 2001-02 financial year until the budget has passed through the parliamentary stages and received assent. The government has brought down its budget for 2001-02 and, as part of its budget papers, has prepared its regional statement.

This statement is very important as it clearly sets out the range of actions the state government will take in response to the needs of rural and regional people. The report of the Regional Development Task Force in 1999 drew attention to the needs of regional communities and recommended improved processes for regional development. It was clearly the expectation of regional communities that the government would prepare a vision for regional development in this state and develop a framework for improved processes to support the regions.

As Chairman of the Regional Development Issues Group and convener of the Regional Development Council I am pleased to report that the government has given the task force recommendations a priority. The government has given a real and ongoing commitment to the level of development as demonstrated by the level of funding allocated in this statement to address the strategic issues and priority needs of regional South Australia.

The government has responded to the Regional Development Task Force and we now see significant rewards with a rural recovery sweeping through country SA. Indeed, regional South Australia is outperforming other states in rural based exports, value of production and growth in regional tourism. In particular, I might add, wine exports from South Australia have increased by 24 per cent over the last 12 months to $1.07 billion. Regional South Australia will benefit from more than $1.7 billion worth of initiatives in this year's state budget.

This is a significant commitment to regional development with in excess of $200 million of funding allocated to new initiatives, compared with 2000-01. It is a significant commitment that exceeds any previous government's level of commitment to regional development. Not only has the government shown a strong commitment through this statement but more importantly it has demonstrated how it is working together and in partnership with rural and regional people to address regional priorities.

In January this year the government released Directions for Regional South Australia. This strategy established the priorities to guide the pursuit of economic growth and social wellbeing of regional areas and recognises the importance of the regions to the prosperity of the state. It is a framework that was developed under the auspices and direction of the Regional Development Council and built on the excellent work of the Regional Development Task Force. The government's regional statement, released as a part of the budget papers, has been developed and presented in line with the strategic goal areas identified in Directions for Regional South Australia. In so doing the government demonstrated how it plans to focus resources from a whole-of-government perspective to address the strategic issues and priority needs of regional South Australia.

The state government has built and will maintain a significant role in regional issues. It has implemented a whole-of-government approach to delivering programs and services through the establishment and efforts of the Office of Regional Development, the Regional Redevelopment Council and its issues group, and the release of Directions for Regional South Australia. A strengthened system of strategically orientated regional development boards has also resulted, facilitating the creation or retention of 6 055 jobs and $140 million worth of investment in regional South Australia in the past three years. Community cabinets have become great listening and learning posts for this government and have shown great results through agency collaboration and coordination.

Recognising the diversity of regional communities the government has become more flexible in its approach to addressing regional issues. It is moving towards developing

partnerships that engage all the spheres of government, communities and business to meet the challenges that face people living outside of metropolitan Adelaide. The 2001-02 regional statement portrays how the government works as one in addressing regional priorities. In terms of regional development government must be viewed as a supermarket, that is, a one-stop-shop that offers a full range of products and services to regional people. Regional issues cannot be addressed in silos and require an across-portfolio approach.

As Chairman of the Regional Development Issues Group I have been heartened by the improved level of across-government cooperation in dealing with a range of issues impacting on regional South Australia. Recently cabinet met in Port Augusta and witnessed the way government has responded and worked in partnership with the City of Port Augusta to address the issues raised in that local community's Social Vision and Action Plan. This is an excellent example of what collaboration through state government and local government partnership can achieve. Regional development is more than economic policy or strategies to stimulate the growth of industry and business. Regional development is about regional communities improving their economic, social, cultural and environmental wellbeing by fully developing the potential of a region and its people.

The government's regional statement delivers a broad mix of funding to support the economic, social, cultural and environmental wellbeing of the regions. For example, in terms of economic development the government has budgeted almost $38 million to support new growth industries to accelerate regional development, and more than $25 million to improve regional tourism infrastructure, product and marketing to encourage greater levels of visitation, and a range of initiatives to ensure local businesses and communities maximise opportunities from the Adelaide-Darwin rail link project. There is additional funding to help strengthen the 14 regional development boards, and there is $56.8 million for the provision of vocational education and training.

The 2001-02 Regional Budget Statement also shows how the government is building economic strength through building stronger regional communities. For example, the government has allocated an additional $500 000 in 2001-02 to develop the capacity of regional communities through a new program called Building a Stronger Regional SA. This program will build on the success of the Community Builders Program, which was initiated last year and will extend the range of initiatives to encourage rural revitalisation through local community action. Building a Stronger Regional South Australia will comprise a number of initiatives which have been developed and prioritised by the Regional Development Council. These initiatives will be focused on assisting communities to utilise their capacities and assets to maintain or enhance local development opportunities. I think it is important to note that assisting the development of community leaders is a particular priority within these initiatives.

In terms of the environment, the government is tackling a number of land and water quality issues that will require ongoing attention. The government's State Water Plan, with an emphasis on sustainable use, will play a strong role in protecting our water resources for future generations. The state is providing $13.6 million in 2001-02 on various programs under the National Action Plan for Salinity and Water Quality, which is proceeding, with matching funding from the commonwealth government. In addition, the government continues to support the conservation of our natural landscapes and heritage.

New transport initiatives funded in the budget will help to improve safety on strategic roads, and they include additional funding of $3 million per annum for overtaking lanes and strategic state regional arterial roads. This is in addition to an existing commitment of $3 million per annum. This additional funding will construct a further 16 lanes over the next four years in areas such as the Riverland, the South-East, the Mid North, on Yorke Peninsula and on Fleurieu Peninsula. There will be $15 million over the next four years to develop safer roads by providing a sealed shoulder on strategic state arterial roads, and that includes $3.4 million in 2001-02. There will also be $2 million to upgrade specific junctions and road sections east of the Adelaide Hills, to provide an alternative route for B-double vehicles around the city of Adelaide.

I also note funding for health and community facilities, including: $18.6 million for substantial upgrading of country hospitals and six aged care facilities over the next two years; $3.6 million for the completion of a program of aged care capital works in the South-East of the state; $7 million for a range of community, sporting and recreation infrastructure investment projects around the state, to focus on healthy living and to build on effective prevention and health promotion programs; and $318 000 to replace computer systems in large country hospitals.

I do not wish to make a comment about every initiative outlined in the government's regional statement. However, I wish to make the point that the government is responding to the needs of regional communities and we as a state are reaping the rewards. I acknowledge the efforts of Mr Wayne Morgan and his small team in the Office of Regional Development for their work on regional issues generally and on the regional statement in particular.

I commend the Treasurer and the government on the regional budget statement. The government is particularly keen to communicate the impact of the budget on the regions. There is no doubt that many government agencies expend considerable effort and resources that contribute to regional development outcomes. The 2001-02 regional statement signals that the government will continue its strong commitment to regional development and will, in an ongoing capacity, work in partnership with rural and regional people and businesses to build stronger economies and communities. This will, in turn, make our regions a better place to live and work.

The Hon. T.G. ROBERTS: I indicate my support for the Supply Bill. Now is not the time to challenge the orthodoxy of the Westminster system and oppose supply in the Legislative Council. I would like to raise some issues in relation to supply: I will not be making an international-national report, as I have made in other speeches on supply, but I will concentrate on local issues. Although this state operates on an international stage and integrates into a national economic model, South Australia has been very lucky in the last four years compared with the rest of the country in regard to climatic conditions, particularly in regional areas, and the increased prices that have been gathered by many people in agriculture and horticulture for their products. We have had one of those rare periods when weather conditions and prices have facilitated raising the standard of living for a lot of people in rural areas, where poverty has been a problem, in part in the drafting of previous budgets.

Governments have tried, in the main, to come to grips with some of the population drift problems in rural and regional Australia and have tried to put in place interventionist

government programs to halt the slide when the impact that economic rationalism was having on regional and rural South Australia was realised and recognised far too late. And, using South Australia as a regional economy, South Australia's economy as a whole was going to suffer with a population drift and certainly a brain drain to the eastern states, which I think is still continuing but perhaps not at the rate that it was. The market forces have basically corrected the imbalances but, as I indicated earlier, the market forces are more to do with good luck than any interventionist plan that governments are able to put in place.

Sheep (meat and wool) and beef prices are recovering. Certainly, the size of and prices received for wheat and barley crops have been recovering. All those important primary industry sectors have been improving over the last few years. However, just as they can improve over a few years, those gains can certainly be wiped out in a very short period with a few droughts and some changes to overseas marketing strategies and market access for our exports.

So, the long-term future of South Australia, I think, revolves around our ability to tap into sections of the new economy, as described, and also to maintain a presence in what are regarded as the older smoke stack industries that provide employment opportunities for South Australians, particularly in the metropolitan area and in some of our regional centres. A lot of funds have been directed at the new industries—the new IT sector—and a lot of that money has been misplaced and misdirected. A lot of the so-called older smoke stack industries have been, in my view, neglected, and have had to, without interventionist government assistance, struggle in a very competitive international market on their own. But, again, with the value of the dollar, many of those operating in the manufacturing sector have been able to be competitive internationally and get into the export markets: they have been saved by the competitive value of the dollar in relation to international currencies. And that can change. As with market forces in relation to our ability to access markets for our primary products, if the value of the dollar increases relative to our trading partners, then the relative advantages that we are able to celebrate at the moment can turn around. I know that state governments cannot do a lot about those sorts of questions, but we certainly have to work closely with our commonwealth and federal colleagues when dealing with those sorts of forces.

The difficulties that the regions were suffering in relation to a lot of our expanding economies in the rural areas—such as the wine industry and the timber industry—seem to have been managed in most areas where planning and development issues were problems, and where the problem of access to water in regard to quality and quantity has been the order of the day for industries supplying domestic and overseas markets. We have a reputation in this state for having some of the best wines in the world compared to other countries and many of our bulk wine areas have been able to access our local and international markets and bring reasonable returns for those companies that have been in the domestic and export markets.

The point that I make in my contribution in relation to the wine industry concerns the fact that company directors get a fair share of the returns to the wine industry and I know that shareholders are quite happy with the returns that they are getting, but certainly workers in those industries are not particularly well rewarded in relation to hourly rates, security of employment and the conditions of employment, in some cases. Workers in the field are put into very competitive situations to compete against each other for time trials, if you like—almost like horse races—where groups of workers are pitted against each other. John Steinbeck's *Grapes of Wrath* illustrates some of the competitive management methods used in rural areas, particularly, when it is known that people do not have a lot of opportunities to involve themselves in other growth industries. Their labours are hard and, in some cases, long when the vines require pruning. I also understand that, inside the wineries, the returns to workers in terms of their hourly rates are certainly not extravagant, and that is a section of the industry that should be looked at so there are fair and equitable returns for some of the benefits that are being gleaned widely throughout the industry.

Looking at the finished product in the restaurant and hotel industry, I make the comment that South Australia and Australia generally will face the same problems as in previous years when the price of premium wines was forced so high that it was difficult for the average person to access those wines and, when the bottom fell out of the export market, there was a glut of wines on the domestic market. So I fire a shot across the bows of those people in the restaurant industry who are charging $10 for a small glass of wine and point out that there will be consumer resistance to the premium wines being tabled locally and that people will start to look at some of the imported wines as a counter to the prices that are being charged in sections of the restaurant industry. I do not lay that charge against the whole restaurant industry, but the prices that are being laid in front of consumers at the moment will make consumers look for alternatives.

Some consideration should be given to the long-term impact of forcing people to look for alternative, cheaper, imported wines and brands. Sometimes when people move from Australian-made wines into drinking Chilean, South African, European and other imported wines, their taste buds get acclimatised to those wines and they do not return. In the main, the returns to this state from the wine industry at all levels—from growing the vines, harvesting the grapes, making the wines and putting them on the table—have been such that all sections of the community have benefited from the remarkable growth that has taken place in nearly all our large wineries since international ownership has occurred. I am not saying that the national owners did anything wrong; rather that the international market opened up very quickly once the French, American, Japanese and European investors were attracted to our industry. A lot of the growth in the timber industry, particularly in blue gums, appears to have been halted since the taxation changes.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: I am sure that there will be an inflationary push in the blue gum industry when the Hon. Ron Roberts starts to plant out in his 2¾ hectares outside Port Pirie. The plantings and buying of hectareage in the South-East for blue gums is reflecting the slowdown in the industry as a result of changes to the taxation laws. Given the volumes of plantings and the lack of indicated orders for the finished product, whether it be timber for chipping for overseas, for pulp, for paper or for furniture, there is a certain amount of nervousness in relation to oversupply. The prices that were being paid for land particularly in the South-East have slowed down and I understand that plantings have almost come to a halt.

The point that I am trying to get across is that a lot of regional areas that have had good, beneficial years should be watched closely by government in the framing of next year's budget, as the ways in which long-term industries become

established and remain competitive rely on what governments do in the infrastructure areas of education, transport, housing and health.

Education in regional areas is a critical issue because there are shortages of skilled labour and of skilled, tertiary-trained people in the service industries and in the health and education sectors. Governments can do a lot more in integrating secondary and tertiary education programs and skilling programs for particular industries such as wine, timber, aquaculture and tourism. When I look around the state to try to get a snapshot on which industries will survive into the next decade and I try to match the requirements for broad educational purposes plus specific training programs for employment opportunities, I think the report card shows that not only this state but also other states have failed miserably to match the training requirements for those outcomes. I suspect that the training or educational programs that are framed in TAFE and tertiary institutions should be looked at by this government and more funding should be appropriated. At the least some sort of debate should be initiated to air some of the problems that exist in communities in relation to education and training.

Most regional development bodies and governments are chasing big ticket items in relation to employment opportunities. Call centres are probably the best-worst example where a lot of effort is put into chasing call centres which may remain for only 12 months, 18 months or two years and a whole range of other employment opportunity based developments are neglected. It is much harder to pick the trends in a wide range of tourism-driven and health-driven industries that might be beneficiaries of a more targeted education policy. I am sure that areas such as the West Coast, the South-East, the Riverland and the Mid North could do with an injection of energetic funds to complement the growth that is going to be expected, particularly in regional, food and wine tourism, and other growth factors associated with overseas tourists and national and local tourism.

The opposite end of the market to those who have benefited from the good times are those people who are still locked out of the economic system. It appears that we will always have a built-in factor of unemployed and, in the metropolitan area, that is as high as 14 per cent to 16 per cent. I know that that is not reflected in the stats, but they are my figures. It is much lower in regional areas but, because of population drift from regional areas to metropolitan areas, the figures do not get as high in regional areas as they do in metropolitan areas.

I am sure that, given the opportunity and the choice, a lot of unemployed and potentially unemployed people would like to remain and live in regional areas. However, unfortunately—or fortunately for them—they make their way into the metropolitan area looking for work, and in some cases they end up as the structured poor and unemployed. The blaming process that is going on at present at federal level almost sickens me, when federal ministers like Tony Abbott are able to just write-off a whole section of the community with a very blase statement. It does not do anybody any good, whether it be the government, the opposition or members of parliament. Tony Abbott probably did not mean it in a vindictive way; it was a built-in attitude of the minister to communities overall that he attempts to blame the poor for their poverty.

Those of us who are prepared to look closely enough would know that it is very difficult to break the poverty cycle, particularly when you are born into particular defined areas in cities. Sydney and Melbourne both have areas where pockets of unemployed people live on welfare and have no hope of breaking that poverty cycle because of a lack of opportunities. Educational opportunities are not taken up because the poverty cycle, for a whole range of reasons, makes it more difficult for young people to involve themselves in an active education cycle. So the opportunities for work become narrowed. Consequently, for a whole range of reasons, you have a whole range of people who just cannot break that cycle.

The government figures on employment tend to hide the fact that work itself maintains the poverty debate. Those people who can find only part-time or casual work at very low rates of pay and who cannot break out of that cycle are caught in a working poverty trap, and there are also those people who find themselves unemployed and caught in that trap. A lot more work has to be done at state level to try to overcome the difficulties in which whole communities find themselves when dealing with poverty; and for leaders at national level to make those blase statements without any apology does not assist.

One of the issues that was thrown up by that program was highlighted by Tony Abbott who attacked the unemployed for supposedly being job snobs and lazy, and it was picked up by the Brotherhood of St Laurence. It referred to a lot of problems in relation to poverty and the raising of children in families who live in poverty. Its research showed that unemployment and low paid work, housing cost and availability, and inadequate income support payments and services, are key factors driving poverty. Families and children are particularly affected, according to its research. One in five children live in families with inadequate incomes after housing costs are taken into account. Compared with many other industrial countries, Australia's child poverty rates are high. Over one third of children with no parents in paid work were in poverty in 1996. The Brotherhood of St Laurence states:

> The Brotherhood of St Laurence believes inequality and poverty in Australia must be urgently addressed, so that the growing divide between rich and poor can be halted. But to breach the widening chasm between the haves and have-nots requires vision and leadership.

That is where the statements by people like Tony Abbott do not do anyone any good. It is more a matter of people trying to work out new methods of applying their minds to how to change the nature and structure of entrenched employment in some metropolitan and regional areas.

As well as covering regional development and regional communities I also cover Aboriginal affairs. A lot of the funding for Aboriginal affairs comes from the commonwealth. However, in summing up I would like to make a couple of comments about being able to offer choices for indigenous people in remote, regional and metropolitan areas to join in a thriving economy. In this state there are opportunities for tourism and development of industries or agricultural pursuits that could be targeted and tailored for remote and regional communities.

The rise of the inquisitorial tourist who would like to have a look at and be a part of experiences that are educational and being able to understand how the Aboriginal or indigenous culture of Australia works is now becoming a real window of opportunity for tourism development in this state. I understand there was some sort of agreement between the current Minister for Tourism and the Northern Territory Tourism Commission. We were supposed to, by agreement, play some sort of subservient role to the policy development

of the territory. However, it is time we broke those shackles—if, indeed, there was a formal agreement—and developed some policies of our own which include cultural tourism, heritage tourism and environmental tourism.

There are huge opportunities for development in regional areas to bring back a respect for and understanding of Aboriginal culture in this state. Probably one of the best ways we could protect and enhance the culture is to explain what Aboriginal culture means to local South Australians and Australians who live here. We could do this by bringing it to the attention of the education system by way of art, theatre and literature. It is certainly being discovered internationally, and there is a thirst for knowledge both locally and overseas for that, and all aspects of it. We tended to neglect it, and in the worse cases we ignored the problems associated with remote and regional communities.

Alcohol and drugs have decimated many communities where there is no hope and no drive for any other ends but to seek refuge in alcohol, drugs and petrol sniffing because the current employment opportunities offer no hope or benefit for the people in those communities. It is time we turned that on its head. It is time that government services collectively—education, health, housing, the arts and tourism—looked at the Aboriginal and indigenous cultures that exist throughout the state and Australia and did something about the perilous condition of the preservation of a culture that is in danger of being lost and swallowed up by a more aggressive culture—the European culture of our settlement.

There are many opportunities—and the Hon. Caroline Schaefer will recognise the opportunities on the West Coast—where we can preserve the culture of our settlers, which I think has been neglected. There are a lot of early settler cottages around South Australia that are neglected to the point where they are in disrepair and at the stage of being cannibalised for other purposes. We need to preserve our cultural heritage through our early settlers and our Aboriginal culture.

We need to explain to the children in our schools the roles that Aboriginal people and the settlers played in settling the state in a way that accurately reflects history. At the moment we are not integrating Aboriginal culture with the settlers' history and culture. We are not preserving what I think would be the best aspects of Aboriginal culture for explanation and education for the benefit of anyone, either international tourists or Australians. There needs to be a cross cultural look, using Aboriginal people as the gatherers of historical information, to put down on record their views and feelings on settlement.

We need to preserve, where possible, those buildings and heritage areas of both Aboriginal culture and early settlers so that we can piece together our history, just as the Europeans and others do in shamelessly selling heritage and culture to overseas travellers for educational purposes. I think there are a lot of opportunities to be made from that.

The Hon. R.R. ROBERTS: This bill seeks to appropriate a sum of $1 400 million for the state's public services. It was my intention today during question time to raise this matter, which I believe is of great importance to the health and well-being of country people, and to those living in Port Pirie particularly. I have to say that I thought today's question time was long, arduous and inappropriate: it was one of the worst question times I have seen in the last 10 or 11 years. The answers to Dorothy Dix questions were outrageous when we have situations facing constituents in Port Pirie who are suffering serious and life-threatening symptoms and who cannot get appropriate care. What happened today is very disturbing when you are trying to get these questions on the public record and get some action.

Some 12 months ago I was approached by a constituent in Port Pirie who advised me that he had been to see his doctor and the initial diagnosis was that he may have stomach cancer. This diagnosis involved some invasive techniques to back it up. The constituent told me that the procedure had been cancelled on three or four occasions because of equipment breakdowns, and on one occasion I believe he did tell me that the surgeon was away at the time.

I approached the Port Pirie Regional Hospital about the matter. I have to say that I believe the CEO and the staff at the Port Pirie hospital are doing an incredibly good job under very tight financial constraints and under a great deal of stress. I thought that perhaps this was an isolated incident because I was able to get an appointment reasonably quickly for my constituent to have the appropriate procedures done.

However, I received correspondence dated 17 July this year from Mr Samsher Ali, the general surgeon in Port Pirie, who, out of absolute frustration, having been faced with these problems for some nine or 10 years, was forced to write to the CEO of the Port Pirie Regional Health Services. His letter states:

> The situation regarding the colonoscope is getting ridiculous. We have had to cancel all our patients yet again.

We are talking about the diagnosis of cancers—of life-threatening cancers. He continues:

> Some of these patients have been cancelled many times in the past. There is a patient who has been cancelled four times. At today's fourth cancellation the patient was sedated.

These people have been told that they probably have a life threatening situation, and in many cases if cancer of the bowel is not diagnosed and treated very quickly the result is fatal. He continues:

> This as you know carries many risks. I have been repeatedly asking for a back-up colonoscope for many years and I think it is time we acted.

I have been advised that one patient was cancelled on numerous occasions, and when the colonoscope was working he was diagnosed with cancer of the bowel and at that stage it looked as though it was too late for any procedures which could have overcome the problem if he had been diagnosed at an earlier time.

Mr Ali—who on my understanding is a very dedicated surgeon—sent this letter out of his extreme frustration and felt that he had to take this very strong action. I note that he sent copies to Mr Tom Neilsen, the Regional General Manager; the chairman of the hospital board; the Hon. Rob Kerin, Deputy Premier and member for Frome; Barry Wakelin; and me.

On reading the letter I thought that this person, who works at the Port Pirie hospital, had obviously reached the end of his tether. I contacted the CEO, Mr Roger Kirchner, who was extremely helpful, and who, I am advised, has taken immediate steps once again—and I emphasise once again—to try to overcome the problem. I believe that in the last few days there have been meetings of health professionals in Port Pirie to try to find a way of getting this back-up colonoscope.

Indeed, I am told the procedure has been that on numerous occasions—and I repeat numerous occasions—the committee has met to assess the equipment needs of the regional services and that there have been numerous approaches to the

commission for funding for these pieces of equipment, and it has fallen on deaf ears.

We are not talking about paintings, satin sheets and so on. We are talking about the basic diagnostic equipment to enable surgeons to diagnose, in the first place, and, hopefully, overcome these life threatening diseases which are facing country residents. I am told that this is not the only place that this is happening. There is a shortage of funding, and what the regional board has to do is to prioritise. This is not the only funding crisis we face at Port Pirie. For the past two years over the Christmas break, the obstetrics and gynaecology wards have been closed at the Port Pirie Hospital, causing young mothers expecting babies in that period to be put into surgical wards or into other wards in which patients are suffering a variety of illnesses and, in some cases, infectious diseases. However, I am also confident that the staff at the Port Pirie Hospital have taken extreme and proper care and, fortunately, we have not had any problems of a lasting nature from that practice.

Although we are deemed to be the lucky country, it seems that living in the country now is not lucky at all. You are lucky to receive any attention and you are even less likely to obtain any proper funding to provide the necessary equipment for the specialists and doctors working in country South Australia. That letter dealt with the colonoscope. Yesterday, unfortunately, I received more correspondence from Mr Ali. Again, a copy of a letter to Mr Roger Kirchner at the Regional Health Services states:

> Dear Mr Kirchner
> The Gastroscope has broken down yet again today.
> When are we going to get our backup Colonoscopes and Gastroscopes?

We are in a desperate situation in country South Australia when these diagnostic tools are denied on the basis of lack of funding.

The government is keen to talk about all the wonderful things it is doing; all the money it received from the sale of ETSA; all the interest it was going to save; and all the money it was going to put back into South Australia to improve the lives of all South Australians. When you are appropriating money you cannot do it in a much better way than by providing decent health standards for people living right across South Australia, not just in the metropolitan area. Members might be excused for thinking that this is only a country problem, but another problem which I have been following with some vigour over a long period is the question of the provision of decent health services for people with psychiatric problems.

Last year, I received an answer from the Minister for Human Services (through the Minister for Transport) to questions that I had asked when I raised a matter about mentally ill patients and adolescent patients, sometimes presenting for the first time with psychological disabilities, being placed in Brentwood ward with hardened criminals with mental problems of their own. I raised a number of issues and, at first, there was a state of denial by the Hon. Dean Brown. He said that adolescents never mixed with hardened patients from the overflow from the prison system and other places. However, in his response to me he said that young people aged 15 to 17 years were closely 'specialled' or monitored on a one to one basis upon admission to Brentwood. He further said:

> Whenever practical dedicated areas are set aside for a young person or persons, supervision and special nursing arrangements are always put in place when a young person is admitted to the ward.

He provided me with a whole range of answers. In response to the media he also said that adolescents never mixed with other detainees inside Brentwood, because they were in south ward and the others were in north Brentwood. I am advised that North Brentwood and South Brentwood wards are divided only by a corridor.

He did assure me that something was going to be done. I advised him of a letter (which I have in my hand) from Mr Chris Sidoti, Human Rights Commissioner, Human Rights and Equal Opportunities Commission, in which he points out the bad practice and the international conventions which Australia has signed in respect of these matters; and his strong recommendation is that adolescents with these sorts of problems should not be mixing with adult people who have psychological problems. Only two or three days ago, having taken some comfort from the minister's answer that this was never going to happen again, I read in the *Advertiser* of 17 July 2001 an article headed 'Mentally ill patients forced to mix with criminals'. The article by political reporter Susie O'Brien states:

> Mentally ill patients, including teenagers, are housed in a public hospital ward at Glenside alongside violent criminal offenders, a psychiatric expert has revealed.
>
> For several months, up to five of the state's $800-a-day 20 acute care beds at Glenside's Brentwood ward have been occupied by 'extended detainees', Adelaide University psychiatry Professor Rob Barrett said [today].

And it goes on. Here we have a desperate situation with people suffering from mental illness in South Australia.

Members of the Social Development Committee, and indeed me and some of my colleagues who have been travelling around country South Australia talking to health professionals, know that this is an acute problem in South Australia. Here we are today, 12 months after warnings from the Human Rights Commissioner, Mr Sidoti, after inquiries and report after report in respect of those matters—there are more reports on the psychiatric health system at Glenside than you can shake a stick at. This government stands condemned that it still has not adequately addressed the problem, appropriated enough money or enough resources, or put in enough planning to overcome these basic problems facing the most unfortunate of our young people in South Australia.

We also see situations of homelessness around the place. Due to the lack of proper facilities and proper care, many of these mentally ill patients become some of the casualties of our society, and, unfortunately, are the people whom we see living on the streets. Many of these people are the unfortunates we see in the tent city. What is this government doing about it? It is doing very little. There is a crying need for resources in health and the provision of health services in South Australia, particularly for people who have psychiatric disabilities. They are screaming out for housing.

I make the observation that it was only about 12 or 18 months ago that there was trouble in Bosnia and refugees were brought to South Australia. The Premier was able to get some very good television about how he was looking after these refugees, who were receiving international attention. The Premier could not bend over backwards fast enough or far enough to be seen as a humanitarian. It was ironic that on the same day there were stories about homeless youth in Adelaide living under canvas along the Torrens, under bridges and so on.

We have all these people living in the tent city. The council does not know what to do with them, and the

government does not seem interested. They are not internationally famous, they do not have refugee status and they do not appear on world television; they are mere South Australians who are living in hardship, some of them with mental disabilities and some of them with financial problems. They need a home. Here it is, the middle of winter and they are freezing out there, but what is happening at the Keswick barracks? Are the Keswick barracks being opened by this government to provide some shelter for those people? No, it is all about fairy floss and advertising at taxpayers' expense about what it is supposedly doing, yet South Australians are in desperate need of health services and housing.

Whilst this Appropriation Bill is necessary and welcome, it is a long way short of what is needed for the social justice of people in South Australia, particularly the sick and people living in country areas. Unfortunately, the people who are suffering from mental illness and homelessness and who are the most desperate in our society are being ignored by this South Australian government. It is a disgrace.

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their contribution to the Supply Bill. Given that we will be proceeding with the Appropriation Bill debate, I hope later on this evening, I will reserve most of my comments for that debate. At this stage I will just say quickly—and I will speak at greater length in the appropriation debate in response to the Hon. Mr Ron Roberts' comments—that, in relation to the issue of equipment problems in the Port Pirie area, I am sure that the Minister for Human Services and his officers will have a look at that. Clearly, if equipment breaks down on Monday of this week it is a bit hard to be critical of the minister if it has not been repaired on the Tuesday. Certainly, I acknowledge that the earlier criticism in the member's speech referred to equipment which evidently had had some problems over a number of months, and that will be a matter that the minister and his officers will need to respond to.

What I would say is that we can make it quite clear that in this year's budget there will be some $400 million more spent this year on health than in the 1997-98 budget year. As I think I have said before, I am sick and tired of hearing people saying that this government has cut health spending. The reality is—and you only have to look at the budget documents and the Auditor-General's reports to see this—that this year we will be spending $400 million more on health than at the start of this parliamentary term, in 1997-98. That is an enormous increase. However, I will be the first to acknowledge that we cannot keep up with the demand for public hospital services, and so there continue to be waiting lists, there continue to be pressures on our public hospital system.

The Hon. T. Crothers: It's the cost of the new technology.

The Hon. R.I. LUCAS: It is the cost of new technology, and it is the cost due to the ageing of our population and the increased longevity of humankind, both male and female. Many people who in other eras may well have passed away at a much younger age are now, thankfully, having a lengthened life. That is obviously good for the individuals and their families, but it clearly adds an additional cost to our public health system, and all states are struggling to keep up with the demand on our public hospital services. If people were honest enough in their criticism to say, 'We acknowledge that you've spent $400 million in four years on health but it is still not enough, and'—if you are an opposition party—'we're now going to spend $600 million more,' then that might be a plausible policy position to put.

The challenge I put back to the Hon. Ron Roberts—and I will expand on this in the Appropriation Bill debate—is that we have reached the stage in the electoral cycle where, as we are seeing at the federal level with Kim Beazley, it is no longer going to be acceptable to the community to have oppositions whingeing and whining about the problems within public administration, whether it is health, education, or whatever it might be.

If members of the opposition are going to whinge and whine about a $400 million increase in health spending then let them say here and now in the Supply Bill debate, or in the debate on the Appropriation Bill tonight, that on behalf of Kevin Foley and Mike Rann they are committing to spend another $100 million on health spending in South Australia. I challenge the Hon. Ron Roberts and I challenge the Hon. Paul Holloway, the shadow minister for finance, to stand up in this chamber in the Appropriation Bill debate and promise that they will be spending an extra $50 million or $100 million on health in South Australia to help meet some of the problems that have been identified.

Having put forward the challenge, let me say for the avid readers of *Hansard* that the *Hansard* record will show that there is no commitment from the Labor Party on this particular issue. The arrogance of members of the Labor Party is that they just assume they will be elected to office. They believe that they can give the impression that they can promise the world to fix all these particular issues, but the reality is that so far no policy commitment has been given in relation to extra spending on health, and, in the first instance, not even an acknowledgment that this government is spending $400 million more on health in this financial year, compared to just four years ago.

Frankly, until at a national level, in terms of our public hospital system, a federal government is prepared to tackle the national health issues that bedevil our national health system, state governments will continue to play catch-up, whether they are Labor or Liberal. We happen to have five, I think it is, other Labor governments at the moment, and I can tell all members that when treasurers meet, as they do once or twice a year, all the Labor treasurers say that they cannot keep up with the demand on their public hospital systems. All the Labor treasurers say that they have waiting lists. All the Labor treasurers say they cannot keep up with equipment failure. All the Labor treasurers say that there is not enough money within the states to meet all the demands in our public hospital systems.

The Hon. T. Crothers: It is a worldwide phenomenon in the western world.

The Hon. R.I. LUCAS: As the Hon. Mr Crothers says, it is not just Australia, it is in the western world as well. But we have the arrogance of the opposition in South Australia, with Mike Rann and Kevin Foley just thinking they are going to smooth their way into office, assuming they are going to be elected at the next election, already telling people who they are going to appoint to positions and who they will not be appointing to positions in their private offices and in their departments, nominating chief executives that they are going to sack when they take office, having assumed they will win the election.

Sooner or later the people of South Australia are going to be demanding that they have some answers from members of this Labor Party who, as I said, are just assuming that they are going to be elected, and there is the arrogance of opposition

members in that assumption that they do not believe that they have to put up policies. They do not believe that they need do any more than continue to whinge and whine about the problems within the health system, without offering, on any occasion, a solution in terms of what they would do to solve the problems within the health system.

As I said, I will spend some more time in the Appropriation Bill debate on these issues and the priorities and choices of government, having, I guess, put an alternative point of view to the Hon. Ron Roberts. I thank other members for their contribution to the Supply Bill debate. As I said, I will respond in greater detail during the Appropriation Bill second reading debate.

Bill read a second time and taken through its remaining stages.

SOUTHERN STATE SUPERANNUATION (INVALIDITY/DEATH INSURANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1860.)

The Hon. P. HOLLOWAY: I indicate at the outset that the opposition supports this bill that amends the Southern State Superannuation Act. The Southern State Superannuation Act currently provides that members of the Triple S scheme—that is the scheme that covers all public servants after 1994, I think it is—are automatically granted a basic level of death and invalidity insurance cover. Members of that scheme, however, have not taken up the provision in the scheme that allows supplementary death and invalidity insurance: we are told in the minister's second reading speech that less than 2 per cent of all members have taken up this option of additional cover. So, this bill makes changes to the supplementary insurance in order to simplify it and, therefore, make it more appealing to members of the scheme.

Instead of the current system, which is calculated by multiplying a set percentage of the member's annual salary by the possible number of years of membership to age 60, the proposed arrangement allows employees to purchase multiples of fixed amounts of insurance cover at specified ages. This cover is not limited by the member's salary. Basic cover will continue to be provided with members up to age 35 being granted a basic level of death or invalidity insurance cover of $50 000. Supplementary insurance will increase that level to $500 000 and is available to all full-time employees. Premiums will be determined and set by the South Australian Superannuation Board and invalidity insurance will be available up to age 60, which is up from the current limit of 55 years.

This bill also includes amendments which relate to the level of insurance for police officers. Currently, police officers are required to hold the highest level of insurance prescribed—which, of course, is appropriate given the nature of their occupation. This has been amended to provide that police officers should hold an additional level of insurance as prescribed by regulation. This change has been introduced so that police officers will not be forced to take out insurance which is in excess of their needs.

A further technical amendment relates to one-off lump sum contributions. Previously, this option was available only to members who contributed to the scheme from cash salary. It is proposed that this now be available to all members of the scheme, including those who only accrue the superannuation guarantee benefit. Finally, an amendment relating to the time within which employers may pay an employer contribution to the Treasury has been proposed. It is proposed that the superannuation board will decide the period within which the contribution is to be paid.

So, in summary, a number of technical amendments are associated with this bill which will make supplementary death and invalidity insurance cover for members of the scheme more attractive, and that can only be a good thing for members of the scheme. So, the opposition certainly supports it. The opposition understands that the relevant unions—the Public Service Association, the Australian Education Union and the Police Association—have been widely consulted on the bill and support its provisions. On that basis, the opposition is happy to support this bill, which will make some worthwhile improvements in one aspect of the Triple S Superannuation Scheme as it affects our public servants.

The Hon. SANDRA KANCK secured the adjournment of the debate.

STATUTES AMENDMENT (INDEXATION OF SUPERANNUATION PENSIONS) BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1860.)

The Hon. P. HOLLOWAY: The opposition supports the second reading of this bill. It seeks to amend the current process by which people in receipt of state government superannuation pensions can have their pensions adjusted to reflect movements in the consumer price index. Currently, pensions are adjusted only once a year—in October. This reflects any movement in the CPI over the 12 months to the previous end of June. The bill proposes that pensions be adjusted twice yearly, which will bring this state into line with Victoria, Tasmania and Western Australia, and I understand that the federal government also intends to introduce a similar process. In other words, there will be—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It was announced in the federal budget. So, in other words, it is now becoming uniform that, rather than have annual indexation, there will be twice yearly indexation. These twice yearly adjustments will occur in October, when the adjustment will reflect the CPI movement over six months to the previous 30 June, and in April, when the adjustment will reflect the CPI movement over the six months to the previous 31 December. It is proposed that this process will commence in October this year.

The bill, of course (being a statute amendments bill), amends a number of acts to which government superannuation pensions apply, in particular, the Governors' Pensions Act, the Judges' Pensions Act, the Parliamentary Superannuation Act, the Police Superannuation Act and the Superannuation Act itself which, of course, covers the vast majority of public servants who entered the superannuation scheme prior to the 1980s when that scheme was closed. So, this bill brings about that adjustment procedure for a number of superannuation schemes and, as I say, is in line with the practice that takes place in other states. We support the bill.

The Hon. T.G. CAMERON: Currently people in South Australia in receipt of a state government superannuation pension have their pensions indexed once a year, in October.

In May, the government announced that it was its intention to have that changed. This bill provides for the indexation of state government superannuation pensions twice yearly, in October and April, beginning in April 2002, based on the inflation figures for the previous half financial year. It will amend the Governors' Pension Act, the Judges' Pension Act, the Parliamentary Superannuation Act, the Police Superannuation Act and the Superannuation Act.

The bill will bring South Australia into line with Victoria, Tasmania and Western Australia. The commonwealth has also flagged that it will make similar changes. The purpose of the bill is to ameliorate the indexation lag rather than increase the pensions per se. SA First supports the bill.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SOUTHERN STATE SUPERANNUATION (INVALIDITY/DEATH INSURANCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2006.)

The Hon. T.G. CAMERON: Currently Triple S members with a few exceptions have basic levels of death and invalidity insurance. They can opt for a supplementary level of insurance if they wish. The purpose of the bill is to make supplementary insurance under the scheme simplified and more attractive. All members up to 35 will have basic cover of $50 000 and supplementary cover of $500 000 if they wish.

It replaces the specific provisions with general guidelines to allow the implementation of the scheme. Police officers will no longer be required to have insurance in excess of their needs and the cost of the insurance will be provided by regulation. It also makes administrative and technical changes. One-off lump sum contributions may be made over the counter now. The Superannuation Board will also determine the time period for payment of contributions from employers in line with the new electronic administration of the scheme. The PSA, AEU (SA Branch), Police Association, South Australian Government Superannuation Federation and the South Australian Superannuation Board have been consulted and have no concerns. SA First supports the bill.

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

LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 April. Page 1348.)

The Hon. T.G. CAMERON: This is the third stage of the native title bill to bring South Australia's regime into line with the commonwealth Native Title Act. There is little room to manoeuvre, simply because the commonwealth government has stated that, if the states do not fall into line, under constitutional requirements commonwealth law will override state law. The 1998 native title amendments made significant changes to the 1993 Native Title Act affecting the Land Acquisition Act. These include: the right to negotiate; time frames to negotiate; and compensation.

The bill removes the right to negotiate from prescribed private acquisitions and replaces it with a right to object. This mainly affects indigenous groups and places the onus on them to object to the acquisition by non-government entities rather than giving them automatic right to negotiate. There are some areas additional to the commonwealth act which are in this bill and to which the commonwealth has agreed. These are compensation time frames. The restrictive time frames for people to lodge for compensation, including farmers, indigenous people, miners, etc., have been removed. This applies to people who lose a road, etc. The freehold cap has been imported into the act and I have some concerns about that. However, at this stage, SA First will be supporting the second reading.

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

WATER RESOURCES (RESERVATION OF WATER) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 July. Page 1867.)

The Hon. A.J. REDFORD: I recently had the opportunity to meet with the Mayor of El Paso, who has just been appointed by President Bush to manage the allocation and the dealing of water resources between Mexico and the United States. In discussing the matter with him, he said that there is a saying in the United States, that whiskey is for drinking, water is for fighting over, and the chequered history of this piece of legislation is consistent with that statement.

One can usually tell when a piece of legislation is fundamentally and/or philosophically flawed by looking at the number of legislative amendments passed since its initial passage. In this case, since the passage of the primary bill in June 1997, we have had amendments in August 1999, November 1999, July 2000 and December 2000. Now we have another set of amendments. Various ministers have been led by the nose in ever-decreasing and erratic circles by an unaccountable Public Service, unelected and unrepresentative water boards, wealthy, self-interested and short-sighted irrigators, and finally by Independents and minor parties who seem to have hidden agendas in relation to their demands. This bill is yet another chapter in this process.

The bill as introduced by the minister and passed by the lower house empowers the minister to reserve water that has not been allocated to irrigators or land-holders. That power is given to the minister if the minister is satisfied that the reserve is necessary for the proper management of the water. It is not stated in the bill to what 'proper management' is directly referable. It could relate to the proper management of the environment, whether it be water quality or water quantity, or to some other purpose. If it is for the former, one could not quibble with the intention of the bill. Obviously the first priority would be to reserve water for the protection of the environment, consistent with the section 7 objects of the act. However, the bill envisages the reservation of water for other purposes, although such allocations will be subject in general terms to the supervision of parliament through the regulatory process. That gives me some small heart.

This has been the next step in the state taking water from land-holders who in the case of the South-East paid a premium for their land on the assumption that they would be entitled to a share of the resource as a matter of right. Indeed,

the alienation of the water resource from the hands of landholders who assumed that they had rights to water that passed beneath their land is nearly complete. I know that many of the socialists within the department will be popping the champagne corks in relation to this further step towards complete public ownership and management of our underground water resource.

The government has recognised the value of this water by immediately seizing the water in the South-East. This has been done at the urging of the member for Gordon. The purposes and the reasoning behind this move, as outlined in the second reading explanation, are enlightening. They are:

(a) to enable the government to exercise strategic control over the appropriate use of water;

(b) to enable the government to address the issue of land use change on water availability;

(c) to ensure that there are sufficient quantities of water remaining in the aquifer notwithstanding changing land use and its effect on the aquifer;

(d) to provide the government with some flexibility to allocate water to bona fide purposes where the consequence of not providing water might jeopardise the government's economic development objectives for regional South Australia; and

(e) to stimulate the market for water in the South-East by allocating everything to licensees or to the government by making licensees or the government reserve pay an appropriate market rate.

In relation to each of those objectives, I cannot and will not quibble with the objective that we must ensure that sufficient quantities of water remain in the aquifer notwithstanding changing land use and its effect on the aquifer. However, to a substantial extent I do quibble with some of the other objectives. I must say that the sort of socialist type government controlled regime that the member for Gordon, aided and abetted by this parliament, is delivering to the South-East is not even being contemplated by the Bracks Labor government over the border. Indeed, I wonder what is meant by 'strategic control over the appropriate use of water'. I well remember the debate that took place throughout the 1980s and 1990s about the concept of picking winners. One thing the Hawke Labor government endeavoured to deliver to this country was a concept that it is extraordinarily dangerous to pick winners when it comes to economic development.

Notwithstanding the failed experiments of previous Labor and other governments in this country in their endeavour to pick winners, this bill endeavours to enable the minister and the government to pick winners through what the minister describes as the exercising of 'strategic control over the appropriate use of water'. Indeed, one wonders what is meant by the term 'appropriate'. Secondly, I also quibble with the question of the government addressing the issue of land use if it is intended that the government seeks to control land use in relation to water use. I have put my views quite strongly on previous occasions in this place on that issue, particularly when we dealt with the issue of forests late last year.

The other objective was to provide the government with some flexibility to allocate water for bona fide purposes. I wonder what is meant by the term 'bona fide purposes'. If a bona fide purpose is confined solely to environmental issues, then I would not quibble in any way, shape or form. However, if 'bona fide' is code for picking by the minister of an appropriate or proper economic development, then I do quibble with it, because it is a repeat of the attempt by a government and a department—whether it be this department or some other—to pick economic winners. Indeed, the hearts of many socialists throughout this country would be warmed by the term 'jeopardising the government's economic development objectives for regional South Australia'. It enables and justifies the annexation of what some might regard as their private property for the purpose of government.

Finally, the object of stimulating the market for water in the South-East by allocating everything to licensees or to the government is unanswerable. However, the next statement made by the minister is that 'licensees should pay an appropriate market rate', and I take no objection to that in this context. Finally, the minister says, 'Water the government shifts from its reserve to the private sector also pay an appropriate market rate'. With regard to the bill as it is presented to this place, clause 44C(c) provides that the minister may—and I underline 'may'—require an applicant to pay to the minister for the allocation of reserve water an amount negotiated with the applicant. Indeed, there is no suggestion that the amount payable pursuant to that clause is in any way, shape or form required to be related to a market value. Again, one wonders what the philosophical basis for such a clause might be, other than to suggest that there is an opportunity for the Minister for Water Resources to pick economic winners or to favour certain people in the allocation of such water from the government reserve.

Other matters are addressed in this bill. The minister has suggested that there is a requirement for legal certainty for charges declared for the 1997-98, 1999-2000 and 2000-01 financial years by way of penalty. Indeed, the minister asserts that there is some question mark over the validity of past charges. In the explanation given to me the minister has not set out the basis upon which the validity has been questioned, and I am not in any position to make any judgment or any comment about that. It then goes on and sets out a regime where, if there is hardship in relation to the payment of these water levies, a process in which the landholder can seek some relief.

The clause sets out the process by way of the serving of a notice by the minister on the person who is required to pay the penalty, the lodgement of a complaint by the person liable to pay, and a requirement that the levy be unpaid at the time that the Ombudsman becomes involved. The legislation sets out a two-stage process where the Ombudsman is required, first, to conciliate and, if that conciliation fails, to make a determination of the appropriate penalty. I must say that this is an unusual clause in a number of ways. First, the bill and the original act envisage different penalties. I am not sure why or how there is justification for differential penalties in relation to the taking of water in circumstances where they are in breach of the licence. I would imagine that the most common example of this would be where someone who had an allocation of a specific quantity of water took more than their required allocation.

As I understand it, the catchment boards are proposing that a different penalty be imposed depending upon what area you are in and what quantities you take. I suggest that it is a little like imposing a different penalty for the stealing of a Mercedes Benz from Burnside as opposed to stealing a Volkswagen from Mile End. I know that is a debate that has been advanced over many years by members opposite, and I must say that it is a strange clause coming from this side of the chamber.

The second issue that is strange is that, if a person has not paid their penalty, they are entitled to relief in relation to the Ombudsman. Those people who have paid, notwithstanding severe financial hardship, are left without redress. That to me seems unusual. What we are endeavouring to do with the bill is reward the recalcitrant and ensure that those who have endeavoured to do their best to comply remain unrewarded.

Finally, it is unique in the sense that the Ombudsman has a determinative role in relation to this legislation, and that is quite unusual for the Ombudsman. Generally speaking, the Ombudsman merely has a power to recommend to the executive arm of government. This is a first. It almost puts him in a quasi-judicial role, and I question whether or not it is appropriate to give the Ombudsman a quasi-judicial function in relation to the payment of a penalty, levy or tax.

[Sitting suspended from 6.01 to 7.48 p.m.]

The Hon. A.J. REDFORD: Yesterday the minister filed some amendments to the bill, and his office has very kindly provided me with a copy of the explanation. The amendments are said to be as a consequence of the Economic and Finance Committee endorsing a decision by the minister to make all licence holders—in other words, taking licence or holding licence holders—liable to pay a levy.

The explanation of the effect of these amendments is as follows: that the water holding levy be assessed at half that of the water taking levy; that water holding licensees be given a series of options—including, first, converting the water holding licence to a taking licence and paying the full levy; or, alternatively, paying the holding licence levy (that is 50 per cent of the taking licence levy); or attempting to sell or lease the holding licence (which I assume means that it will have to convert to a taking licence for that to occur); and if after a genuine attempt they fail to sell they pay either $25 or the holding levy, whichever is cheaper, or, if the licence is sold or leased, the purchaser pays the relevant levy. I have not had a chance to examine the clauses, but my cursory examination of the amendments draws me to new section 122A(2)(c), which provides:

> Where this section applies in relation to a water (holding) allocation the following provisions apply: . . .
>
> (c) the levy for a financial year is not payable if the licensee, on application to the minister, satisfies the minister that he or she made a genuine, but unsuccessful, attempt throughout, or through the greater part of, the financial year to find a person who is willing to buy the water (holding) allocation subject to the condition of the allocation—
>
> (i) be converted to a water (taking) allocation; or
>
> (ii) be endorsed on the transferee's licence as a water (taking) allocation.

This provision is probably the penultimate step in the Executive—aided and abetted, in some respects, by the parliament (if this goes through)—completely subverting and undermining the principles that we endeavour to establish by introducing the concept of a holding licence.

Over the past six to eight months, we have seen an extraordinary attempt to ensure that those people who were lucky enough to make their way through the process (which the minister initiated on the advice of his department) to obtain one of these licences—and I suspect that it was probably easier to win a lottery—to then encourage them not to keep this holding licence but, in some way, to convert it to a taking licence. It seems to me quite extraordinary that we as a parliament—having read the previous contributions made by other members—will allow a provision which will encourage the undermining of the holding of a holding licence to be determined on the basis of satisfaction on the part of the minister that he or she has made a genuine but unsuccessful attempt to sell.

Indeed, I would be grateful—perhaps not today but certainly before this bill is finally dealt with—for an answer to this question: what is meant by a genuine but unsuccessful attempt and, indeed, what provisions or what recourse will the holder of a holding licence have if the minister makes a decision that they believe is incorrect? In other words, is this a matter entirely within the precinct of the minister, or is there some right of appeal for a person who has a holding licence to appeal that minister's decision? Indeed, some issues call for further explanation. The briefing notes indicate that the minister is relying upon the recommendation of the Economic and Finance Committee in June 2001 that the licence fee for a holding licence, as opposed to a taking licence, ought to be 50 per cent.

I am not sure of the rationale for making it half. Why is it not 25 per cent, 10 per cent, 5 per cent, 70 per cent or 80 per cent? What is the rationale? Indeed I have not seen—and nor has anyone sought to explain to me—why it is 50 per cent as opposed to some other percentage. It may well be that it is an arbitrary decision made on behalf of the member for Gordon and the government has felt obliged to follow his viewpoint. If that is the answer, then, fine, I can explain to the electors in Gordon and those who have holding licences in MacKillop that this is what the member for Gordon imposed upon the government as part of his grand plan for the management of water in the South-East—

The Hon. T.G. Roberts: Perhaps two holding licences equal one taking licence.

The Hon. A.J. REDFORD: Well, I would be delighted to hear what the rationale of that might be. In the rating of any other form of property that we have there is some rationale behind it, and it is more than the whim of an individual member of parliament. Indeed, that is what concerns me about the whole approach to what we are considering this evening based on this amendment that was filed as late as yesterday, although I acknowledge that the minister did publicly announce this position some three weeks ago.

In closing, I acknowledge that during the estimates committee on 27 June the Minister for Water Resources and the shadow minister for water resources spent some considerable time talking about the issue of South-East water. Indeed, the Minister for Water Resources went to an extraordinary length to explain that the resource of water was valuable, and he went to some lengths to explain just how valuable that resource is. I am sure that there would not be any in this chamber, or indeed the other place, who would be critical of the minister in relation to that. I wonder how the minister will marry those statements about the extraordinary value of water with his judgment in determining whether or not a person has made a genuine and unsuccessful attempt to sell the water.

If a person says that my water is worth, in terms of irrigation equivalents, X thousands of dollars, which is way above anything that might have been paid to that point in time and the minister says, 'Well, I believe that you have overpriced and you have not made a genuine attempt', is that person entitled to rely upon the statements made by the minister in the estimates hearing on 27 June about the extraordinary value of this water, whatever criteria he applies in satisfying himself, considering the particular new subsection I have mentioned?

Is that person entitled to say, 'Well, the minister says it is very valuable and I have put a very high price on it, and therefore I am entitled to pay only $25'? This is an extraordinarily uncertain piece of law, and typifies when you have a fundamentally flawed approach to the application of water principles and market principles to this area what can happen when you seek to redress that fundamental flaw by further regulation.

The Hon. Sandra Kanck—and I do not often do this—made some cryptic comment to me as I walked into the chamber this evening that I might be one out on my own and I might be alone in my criticism of this whole approach to water in the South-East. That may well be the case, but the fact of the matter is that I have not heard many logical arguments dealing with the sorts of things that I raised in my speech to this place in 1997, nor have I heard any rational explanation in response to the issues I raised here, other than that the Hon. Michael Elliott wants to control land use in the South-East and tell farmers what crop they may or may not grow, and I must say that I would trust the market and individual farmers in the South-East to make that determination rather than the Hon. Michael Elliott. I see the Hon. Ron Roberts nodding in agreement, and he has hardly claimed to be a right wing economic rationalist but he understands sensible economics when it comes to this issue.

I just wonder how far down the track we are going to go with this experiment, this frolic, before we understand that we are genuinely inhibiting economic growth. We are doing nothing to preserve the environment other than expanding our knowledge, and at the same time we are disenfranchising an enormous number of people who I grew up with and who I have a very high regard for. This is yet another nail in this very tragic march down some controlled and misguided implementation of some very discredited Hilmer principles. Indeed, some people who might go down as great economic rationalists, and I refer to the former member for Barker, have expressed grave reservations about what this government is doing at the altar of Hilmer reforms. In fact, maybe we ought to take a deep breath and say Hilmer does not apply in this case and apply some basic commonsense, which has been absent in this debate for some considerable period of time.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

FOOD BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1872.)

The Hon. P. HOLLOWAY: I indicate that the opposition supports the second reading of this important bill. I also indicate at this stage that there will be a couple of amendments similar to those that we moved in the lower house, although we have made a slight adjustment to one of them. I will have more to say about those in committee and, hopefully, we will have those on file shortly. The opposition's position in relation to the Food Bill has been extensively covered by my colleague the shadow minister for health and member for Elizabeth in another place. I do not intend to revisit all the issues raised by her, as this bill stretched over many hours of debate in the House of Assembly, where the shadow minister and the minister reside, and it was a fairly detailed and exhaustive debate there. However, I will just briefly deal with the history of this matter.

This bill establishes a framework by which food safety can be regulated. Its purpose is to ensure that food meets legislative standards, is correctly labelled and is safe. The background to this bill goes back a number of years and was originally triggered by the tragic death in 1995 of Nikki Robinson, who contracted haemolytic uraemic syndrome (HUS) caused by the consumption of contaminated metwurst produced by the Garibaldi company. This terrible incident, which also caused many lasting disabilities amongst other victims, led to a coronial inquiry, which made a series of recommendations regarding the production of food. Some of those recommendations related to the Food Act and prompted the government in October 1995 to announce that it intended to look into amending the Food Act to take legislative notice of the Coroner's recommendations. So now more than six years later we are debating this Food Bill.

The length of time it has taken the government to actually address the issue of food quality and hygiene was recognised by the Auditor-General, who made note of the fact in two reports, in 1998 and 1999. My colleague in another place the member for Elizabeth referred to the Auditor's findings on this issue, and I believe his words bear repeating. The Auditor stated in his 1998 report:

> In respect of the Food Act the South Australian Health Commission undertook a comprehensive review of the act in 1995-96. The review was considered a matter of priority following the HUS outbreak. The review findings demonstrated the need for updated legislation which would provide an updated framework by protecting and enforcing food safety and minimising potential risks to public health, by providing appropriate powers to enforce the regulations, more effective administration of the act, defining the interaction between the functions of local and state government, providing the powers for local and state government to perform their functions under the act, and accommodating the impact of the other legislation, for example the Meat Hygiene Act of 1994.

However, no legislation was proposed at that time. Further warnings were given by the Auditor in his 1999 report, where he stated:

> The failure to ensure adequate arrangements for inspection and remediation of risk matters associated with food hygiene can result in adverse financial consequences for the government.

Progress, however, did occur at a national level, with the Council of Australian Government (COAG) Food Regulatory Review, which is also known as the Blair review, and the adoption of a model food bill and food safety standards. But the fact of the matter is that it has taken six years since the HUS outbreak in 1995 to come to the point where effective food safety standards are being enacted in the parliament.

The Blair review considered the lack of uniformity across Australia as well as inconsistent application of regulations and a lack of clarity and consistency in agency roles and responsibilities. A model food bill was drafted which enabled the adoption of a national food safety standard and the uniform interpretation of a Food Standards Code. The Food Standards Code has been adopted by the states and territories and prescribes compositional, chemical, microbiological and labelling standards for food sold in Australia. In November 2000 the Prime Minister, premiers, chief ministers and the Local Government Association signed the Food Regulation Agreement, which committed the jurisdictions to use best endeavours to introduce legislation based on the model food bill.

Annex A of the model food bill is to be introduced as legislation in the same terms as the model. It contains definitions, offences, penalties and emergency powers. Legislation needs to be consistent with the provisions in

annex B of the model. Annex B deals with the administrative arrangements, with a two-tiered administrative system similar to the current act, the relevant authority being the minister and the enforcement agency being the relevant authority or as prescribed by regulation. Whereas annex A is essentially model legislation and cannot be substantially amended under this bill, annex B does allow the states some leeway in terms of their approach to administering the system.

A further feature of this bill is the legislative requirement for a food safety program. This involves the analysis of food handling operations within a business, as well as the identification of potential hazards which could be reasonably anticipated. Records must be maintained and regular auditing carried out. This proposed legislation is intended to apply across the board, with large companies to charitable groups being covered. It is estimated that this legislation will affect over 10 000 businesses in the state, with more than 80 per cent of those businesses being medium or small enterprises with less than 20 employees. Industry sectors affected include food processing, transport, storage and distribution, food services, food retail, and community, health and education services.

There has been some concern expressed regarding the application of this legislation to community and charitable groups. The government has responded that there is the opportunity for an exemption to apply so that fund raising events for community or charitable groups will not be required to have a food safety program. Penalties for breaching clauses of the new act are considerably higher than those which now apply but defence is available where a person has taken reasonable precautions. Where there is a serious danger to public health, emergency powers are proposed which would allow publication of warnings, recalls and destruction of food. The opposition has received submissions on this bill from a variety of groups and organisations, including the Local Government Association, Food Training SA, the Australian Hotels Association, Restaurant and Catering SA, the state Retailers Association of SA, the Australian Institute of Environmental Health and various local government authorities.

The opposition will certainly be supporting the second reading of the bill. We believe that some form of legislation to address questions of food safety is highly desirable, indeed overdue. We welcome the fact that this bill has been brought forward. As I said, there are a couple of issues in relation to annex B of the bill regarding implementation, where states have some leeway to vary practice in this area. We will be moving a couple of amendments in those areas and I will describe them in more detail at the time.

In conclusion, essentially this bill provides the framework for improved food safety in the community but, clearly, even once this bill is passed and becomes an act, much detail will have to come forward in terms of regulations and so on as to how it is implemented. There has been extensive debate on this matter by my colleagues in another place so I will not go into all the details now but we look forward to the committee stage of the bill.

The Hon. T. CROTHERS: I will be supporting the second reading of the bill. I am much persuaded by the cogent logicality of the contribution just made by the Deputy Leader of the Opposition. There are a couple of things I want to say in respect to the matter. With Australia promoting desperately its clean, green image relevant to the produce that it grows on its farm land, or its beef, or whatever, if something were to go awry, we know from previous history both with beef exports in particular and with lamb and mutton exports as well just what damage can be done if contaminated foodstuffs get through the inspectorate. From personal experience, being of an Irish Catholic persuasion and quite fond of potatoes, I have noticed—and I voted for the—

The Hon. R.R. Roberts interjecting:

The Hon. T. CROTHERS: Well, failed Catholic but still a potato eater: I have not failed at eating spuds. I voted for the abolition of the Potato Board because rationalisation was imminent. I have noticed that the quality of the potatoes on sale is absolutely abominable. So, what I am saying, I guess, is that I can well see the position as outlined by the opposition: if you have to have a regulatory body—

The Hon. T.G. Roberts interjecting:

The Hon. T. CROTHERS: Yes, Kennebec potatoes are grown in the South-East—around Colac where the Irish are. I am appalled by the quality of potatoes. I know from first-hand experience that the quality has dropped away since the abolition of the Potato Board. I am pretty well persuaded to support the opposition line. However, I shall listen very carefully to what the government has to say on the matter but I think that I can pretty well say now that I will be supporting the position so effectively laid out by the Hon. Mr Holloway.

The Hon. M.J. Elliott: He did a good job, didn't he?

The Hon. T. CROTHERS: He did, didn't he, but not before time.

The Hon. CARMEL ZOLLO: I want to make a few short comments. I am pleased to see this legislation before us. Whilst I was still a candidate, several constituents expressed concern to me that South Australia's legislation was not always easily understood as to responsibility for ensuring consumer protection in the production, handling, cooking and serving of food. The other concerns expressed to me arose from the question of whose responsibility it was to ensure enforcement of the inspection of food legislation and with which level of government that responsibility lay.

I asked a couple of questions without notice in relation to the food legislation arising from these concerns. In this state, in particular, we are all aware, as the Hon. Paul Holloway has outlined, of the tragedy and illnesses that have occurred from some well-known breaches in the production of foods for public consumption. I am also aware that my colleague in the other place, the member for Elizabeth and shadow minister, went very thoroughly into the history of this food legislation and the length of time that it has taken to arrive at this stage. The legislation certainly is welcome and it is incredible that it has taken this length of time to be presented. I also note that one state decided not to wait for national legislation but to put in place its own legislation because the food regulation agreement signed on 3 November last year has been a long time in coming.

Nonetheless, I understand the desirability of a national approach to food regulation. I note that this legislation is presented in the two annexes, A and B, with annex A provisions to be inserted unchanged. Constituents who contacted me are small business people and those engaged in charity work. I note that annex A provisions contain exemptions for businesses with turnover of less than $25 000 and charities and community groups for fund raising activities in relation to the development of food safety programs. I note that there are no exemptions when it comes to the provision of safe food. The LGA has communicated some concern. Exclusion should be based on relative food safety and risks

posed by the activities undertaken rather than any financial parameters.

In other feedback received from the LGA, concern was expressed that this bill was not brought before parliament with the endorsement of the LGA. The shadow minister brought those concerns to the attention of the minister in the other place, namely third party auditing and the privatisation of food safety and the role of local government's entire involvement in regulation. However, I noted the minister's comments that local government will be better off under this bill than it is at present, and significantly better off. Clearly, a great deal of communication and public relations is to occur that has not occurred so far between the Department of Human Services and local government.

I am pleased that the shadow minister in the other place was able to successfully move an amendment in division 4 which will have the effect of ensuring future consultation and engagement. Issues have also been raised by Food Training SA in relation to the significant delivery of vocational competencies in order for food businesses to comply. The opposition also agrees with the Australian Institute of Environmental Health (SA Division) on the establishment of a peak committee to oversee the administration of this proposed act and to perform an advisory role to the Department of Human Services on food related matters.

The community is entitled to have the very best protection in relation to food production, storage, handling and preparation. I am told that 11 500 Australians suffer food poisoning every day, so I welcome the stronger penalties in the bill. Under the proposed laws, companies that sell unsafe food could be fined up to $500 000 instead of the present maximum penalty of just $2 500. I indicate my support as a member of the opposition for the second reading of this bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

WATER RESOURCES (RESERVATION OF WATER) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2010.)

The Hon. R.I. LUCAS (Treasurer): I thank honourable members for their contribution to this debate. I remain eternally grateful that, through all the tasks that I have been asked to do, I have never been asked to handle the water resources portfolio—in particular, having come from the South-East, I am doubly grateful I have never been asked to handle the water resources portfolio. This would appear to be—subject to what we are about to go through in the committee stage—one of the rare bits of legislation where I am advised by the minister and his advisers that there is, if not unanimous agreement, very strong majority agreement in this chamber in relation to at least this particular bill. But time will tell, of course. In the great democratic institution that parliament is, all will be revealed in the coming minutes. I thank honourable members for their indication of general support for the second reading.

Bill read a second time.

In committee.

Clause 1.

The Hon. T.G. ROBERTS: I rise to indicate that, although there is general agreement on how to proceed, there are still varying views and opinions on what is regarded as a broad consensus. Parliament has a broad consensus and there is not going to be any surprise in relation to further amendments or any moving away from the position indicated by the government. But, there are still varying views in, particularly, the South-East in relation to the fairness of the allocation and the mechanisms for pricing in the South-East, given some of the arguments that I have already stated on behalf of the opposition and the nature of the resource.

However, I guess there has to be a starting point for variations of applications of particular theorist positions in relation to trying to get a formula that suits the majority because, whichever way you go, there will always be people who will be disadvantaged by whatever mechanism you set in place. So, I think the key thing for any government to consider is to make adjustments in areas that might be considered to be unjust or unfair. I think the government has shown, in the 12 months or 18 months that we have been dealing with the bill, that it is prepared to bring it back and adjust the legislation from time to time to try to accommodate some of those differences of opinion on how to proceed. I suspect that it is not the last we will hear of this legislation: I suspect that it will be brought back and adjusted from time to time as the resource, the land use and the water use change. But, governments have a responsibility to try to get a broad principle established, and I guess we are the first cab off the rank, if you like, in setting that process in place.

So, we will be supporting the bill. The number of amendments that have been filed since the second reading explanation was given are of some concern in relation to how we proceed with a bill that does not have broad agreement across the board. In some cases, a select committee of this Council perhaps would be a way to proceed to get a better prescriptive legislative outcome, but, in the absence of any such committee, it is up to us now to pick up and support the amendments that have been filed in a consensus way and proceed from there and make adjustments at a later date if they are necessary.

The Hon. M.J. ELLIOTT: The Hon. Terry Roberts said that we would be revisiting this legislation. There is no question that we will be revisiting this legislation, because I think we have yet to tackle the most substantial issue. This bill does not tackle the question of the impact of land use on recharge. It is fundamental to any process that seeks to allocate water that you take that into account. It is interesting that with the Murray River as a resource you can see the water—you can see how much water you have, how much water is being used, and the quality of the water. It is all very visible. However, we are struggling to get it right. At times, it is one step forward and two steps back. Nevertheless, because you can see the water and you can see water being drawn out, it is something that is relatively easy to get a handle on, even though we struggle to resolve some of the issues around it.

The problem with water in the South-East is that it is not visible. It comes down as rain, percolates into the soil and a certain percentage of that, which varies from place to place, finds its way to the confined and unconfined aquifers. The fact that you cannot see it makes it far more difficult to accurately assess what you have and far easier for disinformation, and for people to go on simple prejudice rather than tackle the facts.

One thing that has been useful in recent times is that the government commissioned the CSIRO Centre for Ground Water Studies to carry out an investigation into the ground water resources in the South-East of South Australia. It paints

a picture that underlines the very concerns which I raised when this legislation was before us last year on a couple of occasions and which I raised also during my second reading speech, but at that stage I did not have a copy of this report. The executive summary leaves us in no doubt that forestry affects recharge. We should not have any doubt about that, but some people are in a significant state of denial about it.

What is even more interesting in the executive summary is that not only is recharge affected, which it confirms, but that the blue gums may reduce recharge by three times the amount that the existing pinus and eucalypt plantations do. That happens for a couple of reasons: one is the nature of the species itself; and the second is that the areas in which they are being planted have relatively shallow watertables and the roots are down in the watertable. It is not just a question of how much rainfall is being captured by the eucalypts but that they are actively pumping from the watertable itself in a significant way. The executive summary states that there are already development approvals for 34 000 hectares, of which at the time of writing it was expected that about 22 000 hectares of eucalypt would be planted. That would be a 21 per cent increase in the total plantations. The executive summary continues:

> This will increase annual net groundwater discharge beneath the plantations by between 20 000 and 77 000 ML, that is by 3 to 13 per cent of the current Permissible Annual Volume of groundwater use for the whole South-East Region to between 9 and 35 per cent of PAV.

That is still a fair range, and the CSIRO executive summary is not confident about the absolute prediction but, if one takes the mid level of each of those, it is really saying that the increase in eucalypts will go from drawing about 8 per cent of PAV to somewhere between 22 or 23 per cent of permissible annual volume. That is not a minor matter, and I suspect that the discovery that eucalypts were using three times as much water as the pines probably went beyond the original estimates that were done by the Department of Water Resources when it first tried to calculate what the PAV should be.

My suspicion is that not only have we got the PAV wrong but that the potential drawdown by the eucalypts that have already been approved is much greater. That would be enough concern in itself but the bill as it is now before us and as amended in the lower house means that nothing has been done about land use. If there are continual applications and approvals for further plantings, it is quite possible, some people might even say likely, that there will be some areas in the South-East where the drawdown will be greater than the recharge, and that is before we take into account other variables.

There seems to be increasing evidence that some climate change is occurring and, on CSIRO predictions, the most likely consequence for the South-East is that it will mean less rainfall in the South-East and increased evaporation. If that is combined with this situation, we are heading towards significant problems. Virtually 12 months ago to the day we were promised that, by the end of last year, the issue of land use would be addressed. There might be more than one way of addressing it but doing nothing, which is essentially what this bill does, is not one of them.

The minister has said that he will not allocate further water, but allocation of water is not the only way in which water will be used, and that is the very point that I sought to make. In some hundreds that will not matter because very little of the PAV has been allocated, and plantings in some areas might be a godsend. Some areas, particularly in the west and north-west of the Lower South-East, have highly saline ground waters and drawdown in that area would not be a problem. If the whole lot was covered in forest, it would not be a problem. However, in areas where there is significant drawdown of water, if there are increases in forestry above that currently approved, we will have some significant problems. People who have been historic users of water will suddenly find that the available water simply will not be there. That causes me great concern.

Because of the internal difficulties in the Liberal Party, regardless of what ultimate solution is adopted, we will end up with no solution at all, and in another decade the people of the South-East will not thank this parliament for reneging on its responsibilities. In my view, the evidence that is now emerging from the CSIRO report reinforces the concerns that were raised over 12 months ago and the fact that parliament is still failing to address them does not do any of us any credit.

The Hon. T.G. ROBERTS: One other concern we have is that commonwealth governments use tax breaks to encourage activities for which the best scientific evidence should be used to make assessments. I understand that the tax write-off that has been encouraged for blue gums, in particular, has been changed and it has certainly slowed down the process. However, if we are to have best land use agreements with best water use agreements for the protection of the environment and so that we get the best possible outcomes in relation to agricultural and horticultural use, I do not think that such tax incentives should be used.

The Hon. M.J. Elliott: What about protecting existing industry?

The Hon. T.G. ROBERTS: If existing industry is not encouraged to continue, a lot of jobs will be lost in the South-East, in particular, if allocations are not available for the expansion of existing industries and for new industries to take up what would be regarded as their rights. Just as the River Murray is being looked at now as a national resource, regional water bodies, particularly underground ones, have to be looked at in multistate management agreements. South Australia has to act in concert with Victoria in relation to water as the Grampians supply a lot of the underground feeding of water that comes across from the east to the west, and we cannot any longer look at a resource, particularly water, as a state right to manage.

It must be managed with the environment as the key element for protection, and that has to be number one. There must be general agreement that the environment is the key concern and the resource must be protected so that it can be renewed and so the existing activities can be maintained, and to try to manage it for future generations.

We have to have a different attitude. Commonwealth legislation has to be complementary to state legislation to encourage protective and exploitive use. A lot of problems are emerging. The quality of water in the Blue Lake and the volume of the ground water that is used for human consumption has to be a major concern. If we do not get it right we could see a whole range of health problems emerging and if the land use/water use equation and environmental protection are not seen in some sort of integrated balance.

The Hon. T. CROTHERS: I support the government in this matter. I congratulate the minister in another place for endeavouring to get a handle on the water resources of this state.

The Hon. M.J. Elliott: This bill isn't what he wants.

The Hon. T. CROTHERS: Well, we haven't heard you come up with an alternative that I think would be better. You have had plenty of chances as a private member to do so and you have not done so. So, hopefully you will learn from this and from what I am about to say—you and your little environmental nut mates. I am being kind to you tonight. Anyhow, I have some pride in supporting it—

The Hon. M.J. Elliott: You're really enjoying it, are you?

The Hon. T. CROTHERS: Absolutely—and I will lay it on the table as to why. I have seen to my absolute horror the environmentalists of this world taking up issues that appeal to the emotional heart strings of people. Who will ever forget the campaigns they ran against the clubbing of the baby harp seals, those little white seals looking up at you?

The Hon. M.J. Elliott: The seals actually love it!

The Hon. T. CROTHERS: Perhaps you could put on a white pelt and I could come after you. I have to tell you that where those seals are, where they domicile themselves in the community in the Arctic and the sub Arctic waters, they have just about eaten themselves out of house and home, and thousands of adult harp seals are now dying. It is the kangaroo and koala thing all over again. It is Marineland all over again, with the six dolphins that we were told we had to keep; we could not send them from Marineland up to Queensland because they would die. There were about 14 nights at the select committee, I think with the Leader of the Government at the time, and that was about 12 years ago.

The Hon. M.J. Elliott: Relevance?

The Hon. T. CROTHERS: If you think you're irrelevant, leave the chamber: I think you are. But I said when we were told all about these seals and dolphins, I have to tell you that the fourth one died about nine months ago, when we were told they were all going to perish—that they would fret to death and all that jazz.

If the environmentalists really want to do something meaningful, they will concern themselves with an evaluation of the potable water of this earth. As I understand the computation, with population increases by the year 2028 we will not have enough potable water to give every member of the human race a sustainable drink of water each and every day in what will prove to be for many of them a very short life. You will not have lebensraum in respect to the push from the east: you will have water sour.

I think that the minister is to be congratulated, even if, in order to reach accommodation with some of the more recalcitrant of the people he had to deal with, he may not have got the sort of bill he would have wished for in the first instance. The attempts were made. It looks as if, despite at great odds and some sniping opposition here, the matter will go through. There has to be more of this sort of environmentalism, not the people who are telling you that you cannot mine up at Yumbarra because we are down to the last 10 000 pair of fork-tailed honey eating eagles. These are the sort of people who will manufacture excuses.

Since I took issue with the then President of the Wilderness Society—another fellow Irish Catholic Labour named Declan Andrew—I have not heard or sighted him since. I am an environmentalist: I have 15 grandchildren and I want this world to continue. How important is fresh water both with respect to the food we eat and the life sustaining quality of the ingestion of water each and every day of our lives? Can you imagine the odour that would emanate out of this Council if in fact we had run out of fresh water? Sometimes already the odour is fairly rancorous, but I talk about verbal odour. This would go well beyond that unless we get a handle on the supply of water.

I agree with Terry Roberts when he said that it is not just statewide, because this is beyond the vested interests of a special group of states. We talk about globalising the environment so that we can properly deal with it, yet when we come to water and things that are much more important than many things that are spoken of in the environment we do it piecemeal. We say that this arm of the population might be affected, or that arm, yet the same people who are saying that are outspoken environmentalists ad nauseam.

I agree with the Hon. Terry Roberts when he says that it has to be done on a national basis—but I would go further. The allocation of water has to be dealt with on an international basis. We know what happens. We saw the Huns, the Goths, the Vandals and the Mongols coming out of the east when they were running out of water and land to grow their food on. We saw what happened. If we do not learn the lessons of history then we do nothing about this. But if we do learn the lessons of history then we will internationalise the matter and we will deal with it in a meaningful way. I congratulate minister Brindal in another place. I am supportive of the bill in its totality. It is not what I want to see but it is as good as you are going to get, given the people you have to deal with.

The Hon. M.J. ELLIOTT: For the record, while the honourable member is congratulating the minister he needs to recognise that this is not the bill I think the minister wanted. The minister wanted something very similar to what I was talking about, and the problems he had were not with me: the problems he had were within his own party.

I do not recall mentioning the 'e' word at all, although the honourable member seemed to go a bit ballistic on it. I simply mentioned that this current legislation does not fix the situation in terms of the mathematics of water availability. My concern, and I would have thought from the previous member's speech his concern, was whether or not there was going to be adequate available water. This bill does not address that issue; it does not fix the deficiencies in the previous act, and that is the point I was making.

Clause passed.

Clause 2 passed.

New clause 2A.

The Hon. R.I. LUCAS: I move:

Page 3, after line 8—Insert new clause as follows:

Amendment of s.35A—Water (holding) allocations

2A. Section 35A of the principal Act is amended—

(a) by striking out 'At' from subsection (7) and substituting 'Subject to subsection (7a), at';

(b) by inserting the following subsection after subsection (7):

(7a) Where a water (holding) allocation in relation to which section 122A applies is to be transferred subject to a condition (referred to in section 122A(2)(c)) that the allocation—

(a) be converted to a water (taking) allocation; or

(b) be endorsed on the transferee's licence as a water (taking) allocation,

the application to the minister to approve the transfer of the licence or to vary the transferring and receiving licences will be taken to include a request under subsection (7) to convert the water (holding) allocation to a water (taking) allocation.

I thank all members for their contributions to clause 1. On behalf of the minister, I will plagiarise the words of the immortal Jimmy Cagney: 'The minister's father thanks ya, the minister's mother (if she were alive) would have thanked ya, and the minister thanks ya for your kind words.' In terms of forging this consensus which looks like riding through the

parliament unmolested by all and sundry, we can only congratulate the minister for what he is about to achieve.

I am advised that, with the exception of two technical amendments at the end of my 2½ pages of amendments, the committee could treat this as a package of amendments. Whilst the substantive provisions are in the middle of the 2½ pages, I suggest that I explain the package of amendments while speaking to this first amendment, which I shall proceed to do, and that we take the first vote as an indication of support or otherwise for the rest of the package.

I will read the advice that has been given to me in terms of the explanation of the package of amendments. The amendments have been drafted following the endorsement by the Economic and Finance Committee in June 2001 of the minister's decision to make all water licence holders in the South-East contribute to the South-East Catchment Water Management Board's budget. Whilst recognising the difference between licensees who have water holding allocations and those who have water taking allocations, in short, the Economic and Finance Committee accepted a proposal which will see water holding licensees pay a levy at half the rate to be paid by water taking licensees, or, in certain cases, a minimum fee of $25 in lieu of the holding levy.

This proposal is a commonsense resolution of difficulties in the South-East over the payment of levies for water. The endorsed plan now allows licence holders the option of using their holding allocation by converting it to a taking allocation, therefore paying the full water taking levy; retaining their holding allocation without using it or offering it for sale or lease for use by another person and, in consequence, paying the holding allocation levy; or attempting to sell or lease their holding allocations and, if after genuinely trying to do so, they are unable to sell or lease the water due to a lack of demand, they can choose to pay $25 instead of paying the levy on holding allocations. In certain cases of small allocations it may be cheaper for the licensee to pay the holding levy instead of the $25 listing fee.

If they sell or lease the holding allocation, no levy or fee needs to be paid by the initial licensee, but the holding allocation levy will need to be paid by the purchasing licensee. To minimise administrative costs, the minister intends to allow the payment of either the levy on holding allocations or the $25 listing fee towards the end of the financial year in which the levy is due. The fact that the holding levy is set at 50 per cent of the taking levy in the South-East acknowledges subtle differences in licensees, and the aim of the amendment is to encourage a fully tradeable market in water within the South-East, and that cannot be achieved with licensees retaining holding licences indefinitely but not contributing to the cost of maintaining that resource.

New clause inserted.

Clause 3 passed.

New clauses 3A, 3B and 3C.

The Hon. R.I. LUCAS: I move:

Page 5, after line 13—Insert new clauses as follows:

Amendment of s.120—Interpretation

3A. Section 120 of the principal act is amended by striking out the definition of 'levy' in subsection (1) and substituting the following definition:

'levy' includes—

(a) an instalment of a levy; and

(b) a fee payable to the minister under section 122A(5).

Insertion of s.122A

3B. The following section is inserted after section 122 of the principal act;

Provisions applying to water holding allocation in declared water resources

122A. (1) This section applies in relation to water (holding) allocation if the water resource to which the allocation applies has been declared by the minister by notice published in the *Gazette* to be a water resource in relation to which this section applies and the declaration has not been revoked.

(2) Where this section applies in relation to a water (holding) allocation the following provisions apply:

(a) subject to paragraph (b), a levy in respect of the allocation is not payable until the end of the financial year for which the levy is declared;

(b) if the allocation, or a part of it, is transferred to another person during the financial year, the levy or, where part only of the allocation is transferred, a proportionate part of it, is payable by the transferee at the time of transfer;

(c) the levy for a financial year is not payable if the licensee, on application to the minister, satisfies the minister that he or she made a genuine, but unsuccessful, attempt throughout, or through the greater part of, the financial year to find a person who was willing to buy the water (holding) allocation subject to the condition that the allocation—

(i) be converted to a water (taking) allocation; or

(ii) be endorsed on the transferee's licence as a water (taking) allocation.

(3) Paragraph (c) of subsection (2) applies in relation to the whole or a part of a water (holding) allocation and where it applies to part only of a water (holding) allocation a proportionate part of the levy is not payable in pursuance of that paragraph.

(4) Where the transfer of a water (holding) allocation is subject to a condition referred to in subsection (2)(c), the minister must not—

(a) approve the transfer of the licence on which the allocation is endorsed; or

(b) vary the transferring and receiving licences,

to effect the transfer unless he or she—

(c) converts the water (holding) allocation to a water (taking) allocation; or

(d) endorses the allocation on the receiving licence as a water (taking) allocation,

(as the case requires) in accordance with the terms of the condition.

(5) Where a levy is not payable by virtue of subsection (2)(c) the licensee is liable to pay to the minister a fee instead of the levy.

(6) The amount of the fee referred to in subsection (5) is either—

(a) $25; or

(b) such other amount as is declared by the minister by notice published in the *Gazette* on or before 31 December in the financial year in relation to which the fee applies.

(7) An application to the minister under subsection (2)(c) must—

(a) be in a form approved by the minister; and

(b) be accompanied by such information as the minister requires; and

(c) be made before the end of the relevant financial year.

(8) The minister may, by subsequent notice published in the *Gazette*, vary or revoke a notice under subsection (1).

The new clauses are consequential.

New clauses inserted.

Clause 4.

The Hon. R.I. LUCAS: I move:

Page 6—

Line 15—Leave out 'and'

Line 19—Leave out 'and'

I am advised that these amendments are consequential and technical, as a result of previous amendments in relation to the Ombudsman.

Amendments carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

SOUTHERN STATE SUPERANNUATION (INVALIDITY/DEATH INSURANCE) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1999.)

The Hon. M.J. ELLIOTT: I indicate the Democrats' support for the second reading of this bill. When anyone sees something such as superannuation legislation being amended, one's first reaction is to ask, 'What is being taken away from someone?', but a closer examination of this legislation and another bill—which perhaps I might speak to at the same time; that is, No. 13 on the *Notice Paper*, Statues Amendment (Indexation of Superannuation Pensions) Bill—in both cases indicates that the level of benefits and so on are improving. As I understand it, when invalidity and death insurance was first offered, insurance payments for a certain level of cover were fairly high, but I understand that actuarial experience has indicated that it was higher than it needed to be and that there will now be a significant decrease.

Other than noting, as I said, that there is no decrease of benefits indicated in this piece of legislation and that all indications are an improvement, I can find no fault with the legislation.

The Hon. R.I. LUCAS (Treasurer): I thank members for their indications of support for the bill.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (INDEXATION OF SUPERANNUATION PENSIONS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2007.)

The Hon. M.J. ELLIOTT: I indicate the Democrats' support for the second reading of this bill. As with the previous legislation there is no diminution of benefits but in fact some improvement in the scheme. The Democrats support the second reading.

Bill read a second time and taken through its remaining stages.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1955.)

The Hon. CARMEL ZOLLO: This budget is certainly not one that does anything to address the power crisis or to deal with the key issues of health and education.

The Hon. R.R. Roberts: Especially health.

The Hon. CARMEL ZOLLO: Especially health. If we stick to the captain image promoted by the *Advertiser*, the Treasurer could at best be described as captain of the *Titanic*.

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

The Hon. CARMEL ZOLLO: Well, this is a different interpretation. It is a budget totally without any vision for the state. As many members in the other place have already pointed out, the issue of power supply in this state was ignored in the budget. I spoke about the power issue during my Supply Bill contribution so I will not go over the same ground, other than to say there clearly appears to be no quick solution because of the lack of preparedness in South Australia by this government in being part of NEMMCO. We saw the task force making some obvious and pertinent comments in relation to our power supply and pricing. I do not think anybody can accuse the opposition of being anything but proactive in bringing to the attention of the government and the constituency the problems that were going to be faced by the state.

The further regulation of a privatised profit driven electricity industry along with sufficient supply to stop abuse in pricing is all important to a state like South Australia, and it certainly will be facilitated and welcomed by the opposition, including, of course, the Riverlink interconnection from New South Wales. I was pleased to see that, following the visit to Premier Carr by the Leader of the Opposition, New South Wales formally declared the Riverlink interconnector a strategic project in New South Wales. This will ensure the facilitation of its construction, with red tape being cut so the project can be fast-tracked. I understand the Director-General of the New South Wales Premier's Department will personally drive the process.

One of the biggest disappointments in this budget has been this government's continuing lack of commitment to education. There has been a cut in real terms, with education receiving exactly what it got last year. Education was one of the areas that the Treasurer kept telling us would benefit from the savings in interest payments on our debt and the reason that ETSA had to be sold, and that it would lead to real competition and reduction in prices for business. Instead, look at the mess we have.

Without any doubt, education is the passport to a better future, empowerment for choice for the individual and an investment in the economy for our state. Under a Labor government the school leaving age will be raised to 16, to assist in stopping the disastrous school drop-out rate. South Australia with a Labor government had 93 per cent of its students completing year 12, the best in the nation. It has now fallen dramatically to just over 60 per cent. We are the worst in the nation. Often staying an extra year at school will mean greater maturity and the confidence to continue with further education or see one's future in a different light.

Our TAFE colleges have always had the reputation of the best in the country, but they are now facing a 10 per cent cut in funding, which can only lead to a massive drop in student hours and participation. Given South Australia's high youth unemployment, a cut of this size will have serious consequences. Whilst the unemployment rate has remained unchanged at 7½ per cent, youth unemployment is still unacceptably high, at 30 per cent above the national average rate of 23.9 per cent.

Several months ago in a matter of public interest debate I talked about unemployment and the low participation rate in South Australia. The opposition believes that if our participation rate were the same as other states our unemployment rate would exceed 12 per cent. Instead of fighting for and investing in existing jobs in South Australia too much time and money is spent chasing often unsustainable jobs. Second and often third reannouncements are very popular in this state, but very few people would disagree that there is one group of people who have done extremely well—consultants selling the assets of South Australians.

Governments should be about investing in the future of the state and then perhaps we would not need to be spending half a million dollars—which I notice has been allocated in this year's budget—for the Bring Them Home program. A future Labor government would scrap this government's plans for a virtual electorate. We have had 2 000 more people moving interstate, the highest loss of people interstate in four years. Excellence and success for our education institutions brings further success at all levels of the community.

The opposition has also made the commitment that it will not privatise our public hospitals. A great deal of press is always dedicated to the Queen Elizabeth Hospital, for

obvious reasons. The community is concerned that this important public teaching hospital is not receiving the funding it deserves. As a member of the select committee inquiring into the Queen Elizabeth Hospital I do not think it appropriate to go into great detail in relation to the many promises made since 1993, other than to say that too many of those promises are yet to come to fruition. I understand that we will be tabling a report this week and we will be dealing with that later on.

The Queen Elizabeth Hospital as a teaching hospital prides itself on its research and its ability to attract bright students and doctors prepared to continue with that research. Even without any reference to the select committee, there certainly has been plenty of public comment expressing concern that the low morale and indecision is seriously impacting on that reputation. There is disappointment in the lack of commitment by this government regarding medical research in this state as a whole. Dr Michael Rice, President of the South Australian AMA, has pronounced the state of medical research in South Australia as a cause for national shame. I think it is very well summed up in an article in the June 2001 SA Medical Review:

> 'South Australians can be rightfully proud of this state's many wonderful achievements in medical research but very soon we will find that they are all past glories. As a state, we should hang our heads in shame at the very real demise of this crucial and commercially viable activity.' Dr Rice said that an article exploring SA medical research, the April edition of the AMA(SA)'s official journal, The *South Australian Medical Review*, gave an alarming prognosis. 'Unfortunately, when we went to some of this state's senior research leaders we found exactly what we expected. That the lack of funding for research in our major teaching hospitals is having a profound impact on research activities in this state, and is contributing to the all too real brain drain. The tragedy is that we are talking about the imminent demise of an activity that not only has the potential to cure diseases, save lives and improve quality of life for people all over the world, but to generate substantial income and boost the state's economy,' said Dr Rice.

The article continues:

> Dr Rice called for the state government to think hard about the impact of funding cuts to medical research in the lead up to the next election. 'It doesn't take a rocket scientist to figure out that medical research is important to this state. It's one area where taxpayers can see a real return on their money, and can be very proud of their investment.

New and important advances in medical treatment are occurring every day and they will not happen if governments are shortsighted in relation to providing the facilities for medical research and creating the right environment and support for such work to be carried out. We have 8 000 people waiting for elective surgery in this state. This budget did not create one new hospital bed. Again, after all the promises that selling ETSA would provide the extra money for hospitals, what we will see are massive cuts to outpatients in metropolitan hospitals. The opposition has articulated a number of measures that will form part of our strategy to fix our public hospital system and the measures have been carefully costed.

In relation to the electoral office, I noted during the estimates committees in the other place that the Attorney-General and the Electoral Commissioner, Mr Steve Tully, took some questions concerning the recommendations of the federal Joint Standing Committee on Electoral Matters and the implications of identification at polling booths. Given the Labor Party's concern about the effect on disadvantaged groups, I was pleased to note that the commissioner talked about equitable and accessible enrolment. This brings me to a recent article in the *Australian*—I think it might have been a month ago now. Whilst ostensibly it concerned itself with the Liberal chair of that committee, some of the other comments in the article are worth remarking on.

First, I was pleased to read the response of the Australian Electoral Commission in relation to the committee's key recommendation that Australians produce identification. The commission maintains that abuse in enrolment is minimal and has not affected electoral outcomes. However, both the Liberals and the Democrats apparently know something that the Electoral Commission does not know. Of course, it was nothing more than political expediency on the part of the Liberal chair of that committee. That expediency was very wide ranging, whether it was trying to embroil Labor Party members and refusing to treat the Liberals the same or, even more amusing, the Liberal chairman of the committee's posturing on enshrining the principle of 'one vote, one value' for internal Labor Party ballots.

This is from a South Australian Liberal politician with party rules that allow interstate people to have a say in who will represent South Australians in parliament, or even who may continue to be a minister of the Crown. Such hypocrisy knows no bounds. And, of course, we will not mention the Liberal Party electoral gerrymander that kept it in power in this state for many decades.

Political hatchet jobs are pretty common in politics, but the hypocrisy of pursuing the ALP, which has a pretty fair system compared to the Liberal Party, whereby you can stack them from anywhere in Australia, is a bit hard to take. I suppose the government's virtual electorate is an extension of its corrupt party preselection system in allowing people not residing in a South Australian electorate to determine who can stand for election.

Amongst other concerns raised during the estimates by the Leader of the Opposition in relation to the Department of the Premier and Cabinet was the issue of politicising multicultural and ethnic affairs by that department—in particular, OMIA and the Multicultural and Ethnic Affairs Commission. I was not aware that the leader was going to raise the issue. If I had been aware, I would have suggested that he add several ethnic affairs agencies and institutions that have fallen into the trap of ingratiating themselves to this government and ignoring the opposition. What is disturbing about this trend is not the savvy of the government of the day or the lack of neutrality by the people who hold positions of responsibility in such agencies and institutions but the damage that it does to the political bipartisanship in relation to this important policy. I suppose my real disappointment is that, while one expects some politics to be played by politicians, I believe that it is totally unacceptable behaviour by public servants or people who purport to be leaders in their respective communities. I do not really need to state the obvious, but what goes around comes around.

To some extent, we have seen this compact broken federally by the Howard government with its lack of commitment to denounce Hansonism and regarding preferences. It now appears that we do not have a clear commitment regarding preferences for the next state election from this government and some individual members. I remember a *Sunday Mail* article that was published after the budget talking about this budget failing to connect, even though it targeted small business and the elderly. The poll apparently showed some 75 per cent of people felt that the budget made no difference to them or even left them worse off. Without too much doubt, the budget fails to address those priorities that the opposition has committed to—health, education and

fixing our power crisis. It is committed to reordering priorities and cutting back on this government's waste; and it is prepared to commit itself to assist financially in the construction of the Riverlink electricity interconnector between New South Wales and South Australia and to provide a greater source and cheaper power to South Australia.

The opposition, of course, welcomes the $25 million payroll tax cut, and the concessions for older Australians are also welcome. However, in both instances contestability in the electricity market will, no doubt, sweep away both these concessions. That is probably a good note to end on: just where is the $2 million a day ETSA sale budget bonanza that we were promised day after day?

The Hon. R.R. ROBERTS: During the debate on supply earlier today, I took the opportunity to raise the issue of country health. In his response to the second reading debate on the Supply Bill, the Treasurer singled out my contribution for special attention and asked me to address some of the questions in the health area. He challenged me, during this debate, to discuss the plans of Mike Rann and Kevin Foley, with whom the Treasurer seems to be obsessed. Why wouldn't the Liberal government want to know the opposition's health policy? Because, very clearly, it does not have one of its own. Any decent plan that we have come up with in the past the government has tried to grab and run with. Of course, it has been criticised not only by us—her majesty's loyal opposition, probing and doing its job—but on numerous occasions it has been criticised by none other than the federal Minister for Health and the federal Minister for Aged Care, Bronwyn Bishop.

The Treasurer has said that the Labor Party has not come up with any policies. But, very quickly, during the break I grabbed a couple of press releases of the Hon. Mike Rann. On 1 September 2000 Mike Rann made the public announcement that the state Labor leader had negotiated a special deal that guarantees our state extra federal funding from a future Labor Beazley government for health over the next 10 years. So, he is looking ahead to the needs that have been recognised in South Australia—not only by the Labor Party but by Dr Rice. It was pointed out by my colleague, the Hon. Carmel Zollo, that he has pointed to the criticisms by the health professionals of this government's lack of commitment to medical research and many of the services that we held first position with that have now been decimated by this government.

The Hon. Legh Davis just a moment ago asked a question about where the extra money will come from. I am certainly happy to discuss that point, because that is the very question that was raised by the federal Minister for Health and the federal Minister for Aged Care. They want to know where the money has gone that they provided. They claim that they provided $26 million and that you took $20 million out of your contribution. So, I think the Hon. Legh Davis ought to stay a little silent for a while as we work through these pledges and announcements that the Labor opposition has already made.

On Sunday 22 June this year the Hon. Mike Rann put out a press release in respect of the QEH, stating that the QEH will be the flagship of Labor's health overhaul. On that day the press release stated:

> 'Today I will be making one solid commitment. Labor will do its absolute best to restore a first class public health system', Mr Rann said. We recognise one fact that the Olsen Liberal government does not seem to grasp, and that is that many people in South Australia's west-south-north of Adelaide cannot afford private health insurance. For hundreds of thousands of South Australians, private hospital treatment is simply not an option, and I want to make it clear that it is an absolutely fundamental Labor belief that everyone in our society has a right to a world class system.

He also said:

> . . . and I look forward to coming back during the campaign to debate John Olsen on his government's disgraceful run-down of our hospital system over the past seven years.

So, very clearly, if the Treasurer wants to find out what Mike Rann and Kevin Foley and the rest of us in the Labor Party want to do about health, he only has to have the guts to stand up and have a debate with Mike Rann. Mike is ready to go. But where is John Olsen? He has done a dive. He has done the old Acapulco job—gone for cover. If his health is going that well, he should show a bit of guts and front up with Mike Rann. Mike is ready to have a go at him any time he likes. On 23 April 2001 a press release stated the following:

> Labor pledges no hospital privatisation. State Labor leader Mike Rann has pledged that a future Labor government would not privatise any public hospitals in South Australia.

There is no commitment like that by this government. All it has done is say, 'We have not closed any more hospitals.' However, it has gone around and shut beds in every hospital across the state and under-funded them. In fact, it has actually shut down a full hospital. It has not done it in one place: it has spread it across the whole of the health system. And because it is mean-fisted and it is pilfering the money that is provided by the federal government, we have situations such as are happening in Port Pirie where people suffering suspected cancers cannot get a colonoscope done because the equipment has been in a poor state of repair for over 10 years. That is the sort of caring government that this government is. It is no wonder that the Treasurer wants to find out what the Labor Party's policy is, because the government's performance has been lamentable. Lost and lamenting, that is where it has been. That is the position of this government.

I turn to the media monitoring service and a transcript from 28 March with Leon Byner, who was talking to the aged care minister, Bronwyn Bishop. During the exchange, Leon Byner said:

> Now, what was it that Dean Brown said yesterday that made you contact us and say, 'I think I want to talk to Leon about this'?

Bronwyn Bishop responded:

> Leon, what I want to say is this: that older Australians who need hospital care are just as entitled to have it as you or me; and older Australians who need hospital care usually have more complex issues and usually need to stay in hospital longer than someone who's a younger person in need of hospital care.

I will read the pertinent parts of what Bronwyn Bishop said, as follows:

> The State Governments are under funded, under the medical agreements, to provide for rehabilitation, post-acute care and proper discharge policies. And I could tell you stories about discharges that would have your hair stand on end. They are funded for that. And, basically, it's no good Dean Brown—

the Minister for Human Services—

> taking the money from the Federal Government to provide these services, then refusing to deliver the service, keeping the money and asking someone else to take up the responsibility.

Isn't that prophetic? Not only is Dean Brown saying it but, today, the Treasurer is saying the same thing. He has taken the money and now he wants the Labor Party to cop the rap. The people of South Australia are watching and they know what is going on. Leon Byner asked, 'What's he doing with the money, then?' Bronwyn Bishop replied:

Well, I'll read it to you, from their own Budget paper. What happened is, we increased funding in our last budget—that's the current Budget we're operating—we increased funding to hospitals in South Australia by $26 million. Dean Brown then took $20 million out of their own funding that the State Government puts into health and hospitals and took it out.

One could be excused for asking where is the $20 million? Is it in that brown suitcase opposite? Where has it gone? That is a very pertinent question, especially for people living in country areas which are lacking basic diagnostic tools to stop the suffering caused by cancer and other serious diseases. Leon Byner responded:

And what does he have to say when you point it out to him?

Bronwyn Bishop replied:

Well, he says, 'It was taken away.' And I've said, 'Get it back and open some more beds.'

If he said it was taken away, he would probably be talking about the Treasurer, and he would probably be right. It would be the Treasurer who has taken the money and put it somewhere else. This is the Treasurer who was going to solve all our problems in health when he sold ETSA. He was going to have millions of dollars per day to put into hospitals. Where has it gone? Not only have we not seen the extra money from ETSA, we have not even seen the money that was provided for them by the federal Minister for Health and his colleague Bronwyn Bishop. The interview goes on, with Bronwyn Bishop saying:

Leon, let me tell you that the State Government provides. . . or the Federal Government provides to the State Government 45 per cent of all the money they spend on health. . . and with the new GST money coming in—

here is that other pot of gold that was going to be the saviour of all South Australians and Australians—

they're going to have a hell of a lot more money to put into health. And core business for State Governments is health, police, roads and education, schools. . .

You people ought to go and have some lessons from this woman because she has hit the nail right on the head. This is your core business, this is the stuff that you are selling off. You will not even run the schools. You want to make the vigilante parents and friends groups run them. She continued:

That's core business, and it's no good saying that, 'We're going to spend it on something else'—

which is exactly what the government has been doing—
and not live up to their expectations and their responsibilities.

Mr Leon Byner commented:

I think you need to talk to the Treasurer.

I think she ought to talk to the Treasurer. I think the Premier ought to talk to the Treasurer and get his priorities right. Mr Byner continued:

I am sure that in Cabinet. . . where all those people get to talk, and often what goes on in there they can't repeat, and there are reasons why, they have all these rules that prevent them from doing so. . . But the fact is, I'm sure, Minister Brown, like many other Ministers, gets rolled on these things, and if they have money taken away from them, because that's the way the Treasurer will do things, there's not much more than they can do.

Well, there it is; that is exactly what has been going on. The Treasurer has been taking the money from the feds, misappropriating it and not putting it where it ought to be. They have gone to the federal government and said, 'We want some money to put into health.' The federal government did the right thing and provided the money. What did they do? They pilfered it. Into the hollow logs it went, probably for election and campaigning purposes, that is, when they were not using taxpayers' money for public advertising.

They then had the temerity to come into this place and ask the Labor Party to show them the way. They are beyond help. There is no medical help that will help this government get its priorities right. They cannot focus; the best optometrist in the world could not get these people to focus on the fundamental problems in our health system. They have been in government for almost eight years and they still have not seen the target at all. So, there is the condemnation: not from Her Majesty's loyal opposition in Mike Rann and Kevin Foley; not the caring, sensitive and probing of her majesty's opposition; but from their own federal colleagues who have revealed them as crooks and cheats.

The problem is that those crooks and cheats are running the health system in South Australia to the detriment especially of people living in country areas and those people whom I pointed out today—the very poorest and the lost souls of our society who have no money, no homes and no health. They have been abandoned by this government.

The Treasurer said today that he wants to know what the Labor Party and Mike Rann want to do. Well, Mike put down the challenge. We have a plan and the Treasurer wants us to outline it in detail—just as they wanted to do when we talked about the health ombudsman. They criticised the health ombudsman being proposed by Lea Stevens, the shadow minister, and by Mike Rann, the Leader of the Opposition and said that it was not a very good idea. But when all the talk-back shows and public commentators said what a great idea it was, not only did they not accept Lea Stevens' bill but they brought in one of their own. Having had that success and got a little kudos—which they stole from the Labor Party—they now want us to save them by developing their policy.

The government keeps challenging the Labor Party to bring out its policies. They have been in office for seven years and we have seen nothing. Coming into the next election, we still have not seen a prospectus for the health services of South Australia. They want to see our policy but they do not want to show us their policy. Well, we are not that gullible. We have the policies and they are in the can. We have put the challenge to John Olsen, and he has merely to have the guts to either front up for a debate with Mike Rann or call an election. It is time for the election. Just call it. Show a bit of guts and give the people in South Australia, who are suffering from bad health through your bad policies, the opportunity to get a decent government that has some caring and has a policy of no privatisation and a commitment to lift the standard of health care and research in South Australia.

There are a few facts about this Appropriation Bill—and health care, in particular—on which I was invited by the Treasurer to make a few comments. I look forward to the Treasurer's contribution, because he has issued the challenge to the Labor Party to lay out its policy. Well, we have actually laid it out on a number of occasions. We have been telling him, but he is not a good listener. He wants to pinch our policies, but what he really needs to do, first, is to listen to what they are. I have no doubt he will confuse them and water them down, but I put the same challenge back to the Treasurer. What will he do to relieve the critical health situation in country hospitals in South Australia? In particular, will he provide some money for Dean Brown to provide that essential diagnostic equipment to a major regional hospital, that is, Port Pirie, and provide a gastroscope so that these people can undertake fundamental diagnostic procedures to establish whether or not they have some serious

disease, so that we do not have a situation where we have a person presenting four times for a colonoscopy to find out that it has been cancelled again and that they have to receive sedation to overcome the traumas?

These are the grassroots problems that are facing country people in the health arena. These are the problems that this government has failed to address. They have short-changed the people of South Australia and, worse than that, they are even low enough to short-change their colleagues in the federal parliament who provide them with the money; they ferret it off somewhere else to try to do things of a tricky nature that do not bring any relief to those long-suffering people who live in country South Australia in respect of the provision and access to basic health care.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

MEDICAL PRACTICE BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1902.)

The Hon. P. HOLLOWAY: The opposition's position on this bill has been canvassed by my colleague the shadow minister for health (the member for Elizabeth in another place) in considerable detail, so on this occasion I will give a basic overview of the opposition's response to the bill. The Medical Practice Bill regulates the professional activities for some 6 000 medical practitioners, most of whom are general practitioners. This bill is the third piece of legislation which impacts on professions working in the human services area as a result of competition policy. The previous two bills in this area are of course the Nurses Bill and the Dental Practice Bill.

The medical practice legislation has not been updated since 1983 so it is fair to say that health services have advanced dramatically since that time. There is an expectation of a greater level of accountability and scrutiny. The delivery of quality care is an essential demand of the community. The establishment of the Australian Council for Safety and Quality in Health Care and the five-year national program to target improvements in data collection, reporting mechanisms, consumer feedback and accountability are a necessary response to community concerns.

Primary health care is also an area of concern to the community. A preventative approach is vital to a healthy society and this must start at a grassroots level. This is also an issue in rural areas where many communities have little or no access to a medical practitioner on a consistent basis. A level of adequate health care across the board must be a priority for any government. These were matters that my colleague the Hon. Ron Roberts was addressing in an earlier debate.

A move to corporatise medical practices is another important issue with which we must grapple. The legislation before us does contain some safeguards relating to this issue and I will deal with those later. Finally, the issue of medical ethics is a very pertinent one at the moment. The recent revelations about the retention of body parts at Adelaide hospitals highlights the need to be vigilant. There must be confidence in the work of health care providers. This bill reforms the system of registration of medical practitioners, as well as introducing changes which recognise the changed environment in which practitioners work.

The bill increases membership of the Medical Board from eight to 12 members. Of those 12 members, seven are to be medical practitioners. The board must also include one legal practitioner and three members who are not of a medical, legal or nursing background, which is an increase from the current one member who must not have a medical or legal background. The bill also contains amendments relating to the composition of the Medical Professional Conduct Tribunal.

This bill recognises the recommendations of the competition review panel into the Medical Practitioners Act. According to the government, the panel recommended the following: the removal of restrictions on the ownership of companies practising medicine; the requirement that all registered practitioners employed by or in business with unregistered persons must inform the Medical Board of the names of those persons and maintain a register of those persons' names; the introduction of a provision which makes it an offence for any person to exert undue influence over a medical practitioner to provide services in an unsafe or unprofessional manner; and the continuation of the Medical Board's power to restrict the use of inappropriate company names.

As a result of this review, the bill proposes that the concept of a medical services provider be introduced in order to ensure medical standards are upheld, with the removal of ownership restrictions as recommended. A medical services provider therefore would be defined as any person who is not a medical practitioner who provides medical treatment through a medical practitioner or student. The Medical Professional Conduct Tribunal will have the power to prohibit or impose restrictions on a medial services provider from carrying on a business. Any interest in any business involved in the provision of a health service, or the manufacture, sale or supply of a health product, will be required to be declared to the Medical Board.

A further area which has been reviewed is the functions of the Medical Board. A new registration process has been proposed whereby a medical practitioner who is qualified outside Australia may be granted limited registration to practise in a part of the state the minister and the board believe is in urgent need of a medical practitioner. There are also further amendments regarding control of infection and codes of conduct. Further amendments include giving the Medical Board the power to deal with minor offences, the registration of medical students and requirements for medical practitioners to be insured and indemnified to an extent approved by the Medical Board.

It is important that the Medical Board be transparent in its decision making process and that this process be comprehensible to complainants. Public accountability should be an essential part of the board's outlook, especially with its changed membership structure. The board must administer the act fairly and with adequate attention given to the public interest when matters are investigated. It also needs to be pointed out that the government did not adopt all the recommendations of the review panel, and, unfortunately, at the time when debate was taking place in another place, the opposition had not received a copy of the review panel's recommendations. That matter, fortunately, has now been corrected.

The opposition will support the second reading of this bill, as we have supported the other bills which regulate nurses and dental practitioners. We are pleased to see that the government has made some attempts to try to reach uniformity between these bills, although, in our view, we believe that

there are still some inconsistencies, and I will have more to say about those during the committee stage when I move amendments. My colleague in another place is having amendments drafted and I hope to have them tabled fairly soon, but I will very briefly outline what they will be. The opposition has had a number of submissions in relation to the operation of the Medical Board and the various tribunals that regulate the behaviour of medical practitioners.

My colleague is drafting a schedule that sets out some principles about how the board should act, in an endeavour to address some of the concerns that have been put to the opposition by many members of the community. I will also be introducing some amendments in relation to the composition of the Medical Board. The opposition believes that, rather than have a situation where the Australian Medical Association is regarded as the sole representative of medical practitioners, there should be provision for the election of members of the medical profession as part of the composition of that board, and I will have more to say about that in detail when we come to the committee stage.

There are also a number of other areas where again the Australian Medical Association is prescribed as the body that can undertake certain functions. In relation to those clauses, we do not wish in any way to reduce the right of the AMA to be the representative of medical practitioners, but we believe that there are other organisations. One might name, for example, SASMOA, which is the association that represents salaried medical practitioners, particularly those who practise in the public health sector. We believe that the rights that are given to the AMA in some of these areas should also be available to other associations representing medical practitioners such as SASMOA and other bodies. I will describe those in greater detail when we come to the committee stage, and I hope to have those amendments on file fairly soon.

In principle we believe that reform of the Medical Practitioners Act is long overdue and that, in common with those other bills regulating professionals to which we have referred—the Nurses Act and the Dental Practitioners Act—the sooner we get some consistent and modern procedures in the operation of those professions the better. So, we look forward to the passage of this bill and the debate through the committee stage.

The Hon. SANDRA KANCK secured the adjournment of the debate.

STATUTES AMENDMENT (CONSUMER AFFAIRS) BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1809.)

The Hon. IAN GILFILLAN: The Democrats support the second reading and indeed the total passage of this bill. We live in a different world to that of a century ago; a world where the variety of choice has reached astonishing levels. Indeed, the freedom to choose is something we often take for granted. However, there are risks to choice. It is important that when making their choices people have access to the information that they require. Licensing plays an important role in ensuring that consumers have a certain guarantee that tradespeople are qualified to do the job. The introduction of photographic licence cards is a positive move that will allow consumers to quickly identify qualified tradespeople. This bill arises from a review of the occupational licensing system that occurred in 1998 and makes three changes to various acts administered by the Commissioner for Consumer Affairs.

The bill amends the Building Work Contractors Act 1995, the Conveyancers Act 1994, the Land Agents Act 1994, the Plumbers, Gas Fitters and Electricians Act 1995, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995 and the Travel Agents Act 1986. It brings in a number of uniform measures across the acts.

Photographs on occupational licence cards: the bill amends the acts to require photographs to be taken as part of the licence registration process for inclusion on licence cards. This currently occurs under some acts. The amendment seeks to make it uniform across all relevant legislation.

Refusal of applications: the bill will allow the Commissioner to suspend the determination of an application for a licence if information requested from the applicant is not forthcoming within 28 days.

Information required for determination of application: this section requires an applicant to provide any information to the Commissioner that the Commissioner requires for the determination of the application.

My office has spoken with the Consumers Association of South Australia and it has indicated to us that it does not have any concerns about the bill. The Democrats support the passage of this bill through all its stages.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

TRADE MEASUREMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 1896.)

The Hon. IAN GILFILLAN: In rising to speak to the bill, I indicate Democrat support for its passage right through all stages. This bill contains some 23 minor amendments to the act. The amendments have resulted from a review of the uniform trade measurement legislation undertaken by the Trade Measurement Advisory Committee, a subcommittee of the Standing Committee of Officials of Consumer Affairs. I note that the committee has identified 47 areas within the legislation that require amendment and it is only the amendments that were considered minor in nature that are before us today. The bill makes a number of amendments to the act, among which is the creation of a new class of measuring instrument. It also confers greater powers on inspectors of measuring instruments. It is, as I said before, our intention to support the passage of the bill through all stages.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

MEDICAL PRACTICE BILL

Adjourned debate on second reading (resumed on motion).

The Hon. SANDRA KANCK: As a complete replacement for the Medical Practitioners Act 1983, my first observation is that this bill is an improvement on the current act. My second observation is that in order for this new bill to function best it needs legislation to cap medical malpractice payouts and also the passage of decent health complaints legislation. I will be making more detailed comments about medical malpractice payouts as I proceed, but I do note at this

point that health complaints legislation was introduced into the House of Assembly in March but has made no progress since that time, and I suspect that that is because it is a flawed piece of legislation. Nevertheless, it is clear that this Medical Practice Bill is one-third of what ought to be a three pincer movement. Another one-third is the passage of some form of health complaints legislation, and the final one-third needs to be legislation to cap medical malpractice payouts.

A lot has changed in medical practice in the 18 years since the last major revision of this act. New drugs and medical technology are often driving medical practice and this, combined with the increasingly litigious nature of our society, can lead to overservicing. Overservicing has been demonstrated to occur not only for those reasons but also as a consequence of the emergence of entrepreneurial medicine. Destructive diseases such as poliomyelitis have become rarer, while new ravages, such as AIDS, have taken its place. Our understandings about infection control and treatment methodologies have altered. Over time we have seen doctor-patient relationships alter to become less paternalistic, more educative, more patient led and more preventative in nature. The changing demographic base of our society has seen an increase in the prevalence of the diseases of ageing, such as Alzheimer's. Similarly, surgical intervention, with operations such as hip replacements, are now relatively common. These are just some of the evolutions and revolutions in medical practice over the past 20 years. There is no doubt that the bar has been raised to a much higher standard, the consequence being that our medical practitioners have greater expectations placed on them, and the current act has become outdated.

With respect to this legislation, I am delighted to have been able to claim a victory before we ever began debate on the bill. In the lead-up to debate on the revamped Nurses Act last year, I expressed surprise to the Nurses Federation that it had accepted the presence of a doctor on the Nurses Board because it had always been there. I told the Nurses Federation and ministerial and departmental advisers, and I also put on the record in my second reading speech at that time, that I thought it was a bit paternalistic that a doctor should be a member of the Nurses Board but that there were no nurses on the Medical Board. Nevertheless, I said I would accept this in the knowledge that, when parliament dealt with an expected rewrite of the Medical Practitioners Act, I would move to amend the structure of the Medical Board to include a nurse.

I was surprised but pleased that I had obviously been heard, because this bill now incorporates what I saw was a necessary addition to the composition of the board. It makes sense. The people who most often work with doctors are nurses. They understand some of the pressures under which doctors sometimes work but are also able to bring a slightly different non-medical perspective to the situation. It is appropriate that nurses, as a professional group, should have a representative on the board.

The composition and the selection of the board appears to be the most controversial aspect of the bill. The current act has a board comprised of eight members, of which six are medical practitioners. The new one is proposed to have 12 members, seven of whom will be, and potentially up to 10 members could be, medical practitioners.

Of only two items of correspondence I have received on this bill, one was in regard to the structure of the Medical Board, particularly advocating the direct election of a greater number of board members rather than, as will be the case with the remaining 11 members, its being done by appointment. The article draws comparison with the British situation, where their General Medical Council (the GMC), which is the equivalent of our Medical Board, has 104 members. Of interest to us in this debate is that, every five years, all those on the register are able to participate in an election to choose 54 of the 104 members of the GMC, and their Medical Act 1983 stipulates that the elected members must always be in the majority.

As currently worded, the bill before us provides for one member of the board to be elected, which is a 100 per cent increase on what exists under the current act. It therefore represents a great improvement. Unfortunately, this information about the British system has been provided to me at the eleventh hour. Had someone broached this with me at an earlier stage, I would have consulted with others to assess the level of support for a similar provision. I will read from an article in the June 2001 edition of the *Australian Family Physician*. The article states:

> The lack of elections to medical boards so that they are representative of the doctors they register is a cause for concern. Of greater concern is the potential for ministers to influence the appointment of members. Ministers may appoint board members who enjoy the confidence of the profession. However, representation by invitation, rather than by election, can be manipulated.
>
> There is nothing in the current legislation to prevent ministers from acting out of political expediency. Even where representatives are appointed from the AMA or medical royal colleges, many doctors who are not members of these organisations remain excluded. If boards are to be truly representative, all doctors on the register should have the right to vote for medical members of the board.

That has a certain level of personal attraction for me but, with the lateness of the lobbying, I have had to confine myself to working with what we have before us rather than taking on any grand plans for reform. However, I am a little worried about the openness to interpretation in the existing clause 6(1)(a)(v), which provides that, of the 12 members of the board, one is to be chosen at an election conducted in accordance with the regulations.

That leaves the situation somewhat open, as I see it. It does not specify, for instance, who would be entitled to vote. It has been suggested to me, for instance, that it could be interpreted to mean that only AMA members would get to vote. I do not think that those who are designing the regulations associated with this clause would do such a silly thing. Nevertheless, the opening is there if someone wanted to take it. So, I indicate, so that there will be no doubt, that I will be moving an amendment to make clear that all those who are on the register will be entitled to vote.

The AMA also left their lobbying until the last minute, meeting with me just yesterday to advocate their position that the composition of the board should not be played around with any further. They have expressed a concern that the AMA as an organisation should have the right to have a representative on the board because they have a specific representation in other clauses. Clause 6 presently allows the AMA to nominate one person to the board.

I find the argument that the AMA makes in that regard, however, somewhat circular. An argument that you should be on the board because you are mentioned elsewhere in the act could be turned around the other way and could be argued as a justification that, 'We are on the board and, therefore, we should be mentioned elsewhere in the act.' So, I will listen carefully to what the opposition says on this point. I gave no undertaking to the AMA in my discussions with them

yesterday. I will reserve my judgment until the committee stage and any in-depth discussion we have at that point.

Last month, we passed the Dental Practice Bill which brought dental students under its ambit. This bill has a similar provision to include medical students. I consider this to be an important provision, because medical students are interacting with the public, particularly in our teaching hospitals.

Doctors have a great deal of power. For my parents' generation they had an almost God-like status. I can remember the reverence with which my parents referred to penicillin, with which my sister was being treated at the time, using the term that the doctor used to call it, which was 'the wonder drug'. Most people do not have the medical expertise to question, let alone argue about, their diagnosis and treatment. For the most part, we are dependent on the medical profession getting it right, and when the patient is weak—for instance, through illness or psychological instability—the power of the medical profession can be greatly increased.

I recognise that the vast majority of doctors are dedicated professional people, but there is a small number who make mistakes or, worse still, deliberately take advantage of the patient's relative powerlessness. I recall an instance in New South Wales some 25 years ago where a friend of mine was involved in a boating accident and seriously burned. She was hospitalised in a completely different part of town from where she lived. She was in a vulnerable position because she had just broken up with her boyfriend and was estranged from her family. A doctor who was doing rounds in the hospital befriended her. She came under the influence of that doctor. He was a doctor who used hypnosis for healing, and the chances are that he probably used hypnosis for his own ends. He ultimately took control of her personal life. I had a run-in with that doctor in regard to the interference in the patient's personal life. It was a quite traumatic event for all concerned, and within days—or it might have been the next day—I phoned the New South Wales Medical Board about the doctor's behaviour. I provided information to the board I had uncovered that he had previously been barred from practice for a short time in Tasmania when he was practising there.

I pursued the matter no further, but this friend of mine contacted me about two years later and told me that, as a consequence of that phone call, this doctor had his rights of practice restricted for a 12-month period. What was of interest in that case was that, until I informed the New South Wales Medical Board, it did not know anything at all about the restrictions that had previously been placed on this man's practice in Tasmania. With that example in mind, is there any provision for exchange of information between different jurisdictions so that the boards in one state are provided with information about medical practitioners who have been deregistered or had limitations placed on their practice?

I refer to another case, a South Australian case this time, where a psychiatrist had his own health crisis which resulted in a dramatic personality change. As a result of some complaints, the board placed some limitations on his practice, but he ignored them over a period of 12 months during which further allegations emerged about his behaviour towards patients. I ask the minister: when the board has made some determination of this nature, what is its value; who gets to know about it; who enforces it; and is there anything in this bill that would prevent something like that happening in the future?

I now raise a much more publicised South Australian example, that of former GP, Arnold Yang Ho Tan, who ran a practice at Semaphore. Members may recall the publicity about this case earlier this year and that he voluntarily surrendered his registration. The woman who was involved in this case came to see me in 1996 a few weeks after the police had laid charges against the doctor. In that case, this very vulnerable woman was seeing this doctor for medical treatment and was offered part-time employment by him. At his behest, her employment as a receptionist occurred at the end of the day on the 5.30 to 9 o'clock shift, although she rarely got home before 9.45. Unbeknownst to her family, the doctor began a sexual relationship with her which involved many degrading acts, and the taking of hundreds of Polaroid pictures of her with him in compromising positions. He instructed her to smile for the camera which she dutifully did. Unfortunately, this was used against her in the end because the Director of Public Prosecutions decided that this smiling for the cameras would be used against them in court to argue that she was consenting. This is despite the fact that, on at least one occasion, by that former doctor's own admission, the sexual act took place after he had drugged her, and as I understand the law that is statutory rape.

My assessment is that she was easily able to be manipulated by this doctor at a time in her life when she was very vulnerable. She was a sole parent; her 14 year old son had left home; another of her sons was in and out of foster care; and there had been problems with neighbours in Housing Trust accommodation. I raise this case because it shows how the power that doctors have can be so easily abused.

In passing, I should mention that I find the role that the Director of Public Prosecutions played in this case to be very disappointing. Whatever the photos showed, one of the things that they might have showed is that, when she began work for Dr Tan, she weighed 56 kilograms and by the time she ultimately reported the behaviour to the police, her weight had dropped to 42 kilos, which was surely an indication that something dramatic was happening in her life.

This particular case also shows the limitations of the act and how the legal system can play havoc with the rights of patients. In March this year, I asked the Attorney-General some questions about this case in terms of the role of the legal system. In May, the Attorney-General provided a chronology as a substitute for an answer to my original question and, despite the question not being answered, the chronology displays for the record the very protracted nature of this case, and it must surely hold some lessons for us both in terms of the workings of the Medical Board and the capacity of the legal system to work against the public interest.

The police acted quickly. Although the Attorney-General's chronology does not show it, they raided Tan's surgery on 14 August 1996 within 24 hours of the woman making the allegations to them, and they charged him with rape. On 10 February 1997, the Director of Public Prosecutions decided not to proceed with the charges and on 11 February 1997, the next day, the Medical Board commenced its own investigation. I was very surprised that the Medical Board had not begun its own investigation before then. Surely members of the board know the delays in criminal cases going to trial. Was the date of the beginning of the board's investigation related to the DPP dropping charges? Had not the DPP dropped the charges, would the Medical Board ever have begun an investigation?

I met with this woman's fiancee on 17 September 1996. He told me that both she and he had sent a letter to the Medical Board and, at a subsequent meeting with them both, they told me that she had been in touch with the Medical

Board, I think probably by phone on 16 August, which was two days after the doctor was charged with rape. The chronology details that Tan was interviewed by the board a week later, that is a week after the board commenced its own investigations, but it also details that it was another four months before the Registrar of the Medical Board laid a formal complaint against Tan before the board. Why did it take so long?

Tan sought and obtained a one-month adjournment on the pre-hearing conference of the Medical Board. He initiated a judicial review in January 1998, which stalled all actions until early November when the judge dismissed Tan's application. The use of the legal system then held things up for a further 15 months. On 19 November 1999 Tan filed a notice of appeal to the full court against the decision of Justice Martin. The full court appeal was heard on 13 March 2000. Tan's appeal was dismissed on 2 June and he then filed an application for special leave to appeal to the High Court against the full court decision. On 11 August 2000 there was an application by Tan to the Supreme Court to stay the listing of the tribunal hearing before the High Court application was heard. The application was refused on 24 August 2000.

The tribunal hearing was listed to commence on 19 February 2001, and the Attorney-General has noted that there were numerous applications on behalf of the Medical Board to list the tribunal between 19 November 1999 and 24 August 2000. All applications were opposed by Tan and refused by the tribunal. On 13 November 2000 there was legal argument before the tribunal preliminary to hearing and, finally, on 16 February the matter was heard in the High Court.

Tan's application for special leave to appeal was dismissed, and on 19 February the tribunal was able to commence its hearing. Incidentally, in part, Tan argued that the woman he had assaulted should not be allowed to give evidence. The legal system worked against this woman and in favour of the doctor, and it worked against the wider public interest and in favour of the doctor. For more than two years this man effectively used every legal means he could to prevent this matter coming before the tribunal. Along with what appear to be delays with the board processes, protection of the public was denied for more than four years because he was able to continue practising. No-one in the public knew.

I cannot see that this current bill will be any more effective than the present act in dealing with a future case where a doctor uses the legal system to ensure his or her own economic and professional survival against the protection of patients from harm. I would be delighted if the minister could tell me that what we propose in this bill gives any greater peace of mind for the public, but I doubt that she will be able to do this. As I said earlier, the bar has been set higher in terms of the standards required for medical practitioners. Some of them might feel that what is required of them under this legislation—especially the information required of them in terms of what they must provide with their registration—is somewhat intrusive but, given the power and influence that doctors wield, such provisions are necessary.

I know that this bill is not the place to cap medical malpractice payouts but, as I have already stated, it is one of the three parts of legislation that the Democrats believe is necessary to ensure high quality and accessible health care in this state. In the absence of such legislation, I must take the opportunity to look at the way lawyers are driving costs up in our medical system. Members will recall that the Social Development Committee's inquiry into rural health recommended the capping of medical malpractice payouts. Anaesthetists and obstetricians are two specialist groups that must pay thousands of dollars each year in premiums for their medical indemnity.

Most doctors in South Australia are covered by the scheme which the South Australian government underwrote a few years ago. However, we should be very much aware that it is a financial cost that the taxpayer at large is bearing and having the coverage is only part of the problem for doctors: it does not stop their being sued. The AMA has told me that, of students who are currently undertaking specialist training in obstetrics and gynaecology, 26 per cent have already decided that they will practise in gynaecology and not obstetrics. The costs that arise from our increasingly litigious society are not just financial: they are beginning to include GPs bailing out of country areas and specialist doctors bailing out of certain areas of medical practice.

It is a huge cost to pay and it is proof of the need for us to take action to rein in those costs. New South Wales is progressing such legislation now and we should be following this example. For a number of years I, on behalf of the Democrats, have been advocating the capping of medical malpractice payouts. Earlier today in question time I asked a question of the Minister for Human Services about this same topic, and I use my second reading contribution to again seek some sort of commitment from the government in this regard.

The AMA has expressed concerns to me that the bill could result in compulsory testing of doctors and medical students. The bill provides that the board may order testing and, obviously, we are dependent on the board's using that power judiciously and not taking a blanket approach. Whenever we have new legislation or, as we have here, a complete replacement of an act, a close eye must be kept to ensure that the new act does what the parliament wants it to do. I have been party to debate on quite a number of bills that have included a requirement for a review of the act. I consider that this bill should be subject to such a requirement and, if we are able to incorporate provision for such a review, I believe that the AMA's concerns could be addressed.

If a review was conducted and it was found that the board was overstepping the mark, parliament could then take action to amend the act. So, I will be moving an amendment to require such a review and, if the amendment is passed, two years after the act comes into force, the minister would be required to table in parliament a report into the operation of the act. I am pleased with the requirement in the bill for medical practitioners to declare an interest in a prescribed business. Earlier, I observed the capacity for over-servicing that entrepreneurial medicine has brought with it. An ownership in such a business ought, therefore, to be revealed. So also should any ownership of related businesses such as pathology or medical imaging. Such ownership could well lead to over-servicing. However, I am not sure whether clause 75(5) gives an out for medical practitioners. I will explore this with questions in the committee stage. Just as we MPs have to fill out a register of interests each year so that we can be observed to have acted fairly and not out of personal interest, so should medical practitioners. In conclusion, I observe that there is no doubt that this bill is an improvement on the current act and I indicate the Democrats' support for the bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

The Hon. DIANA LAIDLAW: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 1854.)

The Hon. T. CROTHERS: I rise to support the proposition standing in the name of the Hon. Ms Kanck and I do so for quite a number of reasons. We have another bill coming up that is a death related bill standing in the name of the Hon. Mr Xenophon, which is really about mesothelioma and asbestos related diseases. I witnessed at first hand the slow demise of a man some 45 years ago. In fact, I was sent in to check as to why he was not moving. We lived in double storey houses and he had to sleep down on the ground floor; he could not climb the stairs. He was the manager of an insulation company, a lagging company as you would call it here, in the shipyard. He had worked there all his life, both as a tradesman and later on rising to the position of manager. He shook to death and suffered horrendously in the last three or four months of his life. I know that he, for one, would have preferred the dignity of death without the further suffering of pain.

Now, we hear many people who would oppose this—and that is their right—but it is particularly strong among the millenualists or the Hebrew Judaea faith in South Australia, in particular, and in Australia in general—indeed, anywhere else, with the exception of Holland and perhaps Switzerland, where the matter has ever been raised. I think they have it wrong, frankly, and I think that some of the rumours being peddled by some of the leaders of religious persuasion who are opposed to euthanasia are nothing short of scurrilous. They are saying, for instance, to people that they will have no choice if they look as if they are in the sort of position in which a horse would be sent down to the knackery to be put down: they will be put down. Nothing could be further from the truth. It is voluntary euthanasia. If people wish to participate in the matter, then they may do so. If they choose not to participate in the matter, they do not do so.

If I can digress briefly, sir, you will recall one of your predecessors, a capable man, a colleague of mine both in here and in the trade union movement, Gordon Bruce, who within two months of his retirement found out he had motor neurone disease and, of course, within nine months Gordon was dead.

I well recall when Gordon was in opposition, and I think the Council was debating the Levy bill with respect to euthanasia. Only some of us—I think the Democrats, Anne Levy and I—supported the matter, but I am not complaining about that; it is a conscience issue and that is everyone's right. However, Gordon Bruce changed his mind when he saw the three sixes on the wall for himself. In fact, his doctor then went public and said that he had hastened Gordon's end by giving him an overdose of morphine because he was suffering unnecessarily with no cure. We as a society well know that, in the case of an incurable illness where much pain and suffering is being endured, the doctors in our community will act as judge, jury and executioner, if that is not too crude a way of putting it, in respect to euthanising a patient of theirs by overdosing them with morphine.

Everyone in this chamber would know that, and we accept that. That is typical of our society. We believe that, like the ostrich that puts its head in the sand, what you cannot see you do not have to worry about. I prefer the more honest approach, and I am not suggesting that there are not people who oppose the matter who are quite honest in their beliefs. Of course there are—and there are many of them—but I do oppose the humbugs who, for all the wrong reasons, are opposing the matter not on merit but on some belief that the Almighty, as we were taught in Sunday School—the Hebrew Judea ethic—will be coming to visit us soon. We know what a furore that caused in the year 2000, at the beginning of the third millennium, when I think the Comet Hale-Bopp caused some 60 or 70 of the true believers to take their lives. I do not know about the eastern states, but I think that happened in California.

So, there are many other beliefs, and that is how it should be. I am always reminded of the parable in the Bible of Joseph's multicoloured coat. I often think that what really was being described there was the many and varied hues of human opinion that can exist across the spectrum. To that extent, it may be one of the first parables that was pronounced on in a biblical sense. I believe that everyone has rights as well as responsibilities.

As a legislator, I think that one of my responsibilities is to ensure that there is no undue suffering amongst people who are terminally ill—beyond cure. The same people who would oppose that are the people who are opposing brain stem cell research (and Bush is struggling with that now because of promises he made) that may well revolutionise the life span of humanity.

Of course, there are ethical questions to answer, but I ask: how is it that we find the same group of people who would oppose euthanasia also oppose things such as brain cell research, or any research into that matter? I understand that research is going on behind the scenes relevant to that matter, and it is more advanced in some nations than others. But we shall see what we shall see when the matter is finally run to earth and has to have a decision made upon it such as we are endeavouring to do tonight in relation to the voluntary euthanasia bill standing in the name of the Hon. Ms Kanck.

I think it is absolutely appalling that some doctors stand up and act the part of the Almighty, the pain reliever. I know a nursing sister who has been acting matron at a fairly large palliative care hospital. She is a triple certificated nursing sister, with degrees in nursing medicine from Sturt College, whose own daughter is a qualified doctor and who agreed with her; she told me that it was a disgrace (and I agree with her) that these doctors behave in such a manner when they have a vested interest, because they have shares in palliative care hospitals and private hospitals.

They stand up and in a righteous way they pontificate to us in the community as to what is wrong with voluntary euthanasia, when in fact they are earning a very big quid, thank you very much, out of palliative care. Palliative care patients are amongst the easiest patients in the world to care for. All you have to do is look in on them from time to time and try to give them a few drugs to alleviate pain, because there is no cure in respect of many of the diseases. She often tells the story of the South African doctor who was in the terminal stages of Alzheimer's disease and who wanted relief in the form of euthanasia—a doctor, who personally knew what it was all about—and she could not get it because of the doctors in the clinic to which her family, because she was a wealthy woman, were paying God knows how much for her keep. She was in there permanently.

Those people have a vested interest. We should all remember that. I am not saying there is anything wrong with

doctors having shares in palliative care nursing homes or any form of nursing home or hospital. I am not saying that at all, but I am saying that they should declare their interest before they make any pronouncements with respect to the treatment of palliative care patients or voluntary euthanasia. They do not do that, and that really upsets me more than just a little bit. One can forget about the Hippocratic oath with respect to some of those people. Rather than taking responsibility for their own ethics by the Hippocratic oath, some of these people are absolute hypocrites. Never mind the Hippocratic oath; they are absolute hypocrites when they get up and make pronouncements. I have no problem with them as long as they tell us that they have that vested interest, but they do not do that.

By the way, I have had ministers of religion write to me—not many, but a few—including one Roman Catholic priest, one of my own faith, saying that they supported voluntary euthanasia. One was a Lutheran pastor and I think there were a couple of Congregationalists and one Anglican. They said they could not stand revealed; it would be more than their life was worth. They did not say it in those words, but that is what they meant. I can understand that.

This is an idea whose time will ultimately come. It may not be tonight, Hon. Ms Kanck, although I will be supporting it. It may not be tonight; it certainly has not happened the other two or three times it has been introduced and I have supported it. It may not happen tomorrow, but one thing is for certain. While our understanding of the physical human being gets better and our capacity to cure complaints like Alzheimer's and motor neurone disease—and other diseases that are absolutely incurable now—is improving, inexorably, as sure as night follows day, people die when they have diseases such as Crohne's disease, which is a long lasting but ultimately fatal disease.

As sure as night follows day, the time will come when it will not be seen as obscene or indecent to provide people with a way in which they can shorten their pain. Surely, if there is a hereafter, then anyone who releases themselves from suffering in this life will be even more blessed in the hereafter, to make up for the suffering they have had to endure for the last three or six months of their life. I do not believe that there is that type of hereafter. But, for those who do, I make the point that, if you believe in that, what is wrong with a person trying to relieve himself or herself from suffering by asking to be voluntarily euthanased? It is an absolute lie peddled by the churches when they say we will get back to the death camps at Auschwitz and Buchenwald and all those other death camps that occurred under the Nazis, and the gulags that occurred under Stalin; of course we will not.

The reason why those people got away with things was that they were able to keep them swept under the mat until it got to the stage where it was too late, as Pastor Dieter Bonhoffer said, to do anything about it. I put that to you because I would hope that we might win one or two more hearts and minds in respect to the logic of our position, in respect to the humanities contained within our position. I know that many of you here will not support that tonight but we may well, like in the Chinese water torture, just gain one more convert because you cannot refute, you cannot deny the logic of the proposition of someone requesting voluntary euthanasia when life has become too painful for them to continue to endure. I support the Kanck bill before the Council.

The Hon. A.J. REDFORD: There are many better qualified members who have made more detailed and articulate contributions on this issue than I. This is an issue on which my party says I can exercise a vote of conscience. Indeed, every contribution made on this difficult position has been made from a genuine perspective from each of the contributors in this debate.

I must say at this juncture that, as a matter of personal conscience and religious belief, I oppose euthanasia and I suspect that that, from my personal perspective, places that in the area of conscience. If it was simply a matter of conscience on my part, I would oppose this bill at this stage. As I said in my contribution in July 1997, however, I have led a charmed life and have never had to experience a difficult death of someone whom I have loved or known well. And for that I am grateful and, indeed, nothing has changed in the intervening four years in that respect. However, I was touched at the time, in 1997, by the experiences of the Hon. Ann Levy, and I respect her experiences and the view that she so strongly and passionately holds in relation to this issue.

Further, in 1995 we passed palliative care legislation. In short, in my understanding it allows a medical practitioner to prescribe treatment for a patient in the terminal phase of a terminal illness, notwithstanding the fact that the treatment might lead to death. One might think that that would cover all the situations that have been described by the other speakers and there would be very rare occasions where someone would require euthanasia outside that scenario. I must say, however, that I have arranged two appointments to see palliative care specialists in relation to this area over the last two months and, because of varying commitments, neither of those appointments have been kept. I would like the opportunity to speak to those people in relation to this issue.

I must say that the contribution by the Hon. Sandra Kanck on the previous bill did also cause me some concern when she expressed grave doubt about the capacity of the medical profession in individual cases to properly and adequately deal with particular matters that come before her and I wondered how one might apply the scenario of someone who is requesting termination of their own life to the situation that she was describing not 10 minutes ago. Notwithstanding that, I do concede, as I did in 1997, that I am elected to this place for many reasons and probably least for my opinions on some of the social issues which fall into the category of conscience, such as euthanasia or prostitution and the like. I have trouble understanding why my conscience, simply because I am elected to this place, is any better than anyone else's. I also believe that the collective conscience of the people of South Australia might well be better than my conscience. However, I know that the proponents of the euthanasia debate believe that a scare campaign would be put out by opponents of euthanasia, which may scare people into voting no. I must say that I have more confidence in the people of South Australia being a little more dispassionate about that.

In the circumstances, I will be supporting the second reading of this bill. The only basis upon which I might—and I emphasise the word 'might'—support a third reading is if there was a clause for a referendum on this issue—and, indeed, I will not, even in that circumstance, support it unless the proponents of this legislation (and they know who they are) also come out and endorse the prospect of a referendum. In conversations that I have had with them over previous months, I understand that they would not be in favour of such

a clause and, if that is the case, I would not vote in favour of this bill at that stage.

The Hon. L.H. DAVIS: I addressed the matter of the Voluntary Euthanasia Bill in this place almost exactly four years ago, and I indicated at that time that I could not support that legislation. I must say that my view in the intervening period has not changed. This bill is not called a voluntary euthanasia bill: it is called the Dignity in Dying Bill—it has a nicer flavour to it. I am fascinated that, really, little attention has been paid to the definitions, and I want to dwell on the definitions for a moment to show how loose and lax this legislation is.

The object of this act under clause 3 is to give competent adults the right to make informed choices about the time and manner of their death should they become hopelessly ill. 'Hopelessly ill' is the operative phrase, and it is defined in clause 4 as follows:

> —a person is hopelessly ill if the person has an injury or illness—
> (a) that will result, or has resulted, in serious mental impairment or permanent deprivation of consciousness; or
> (b) that seriously and irreversibly impairs the person's quality of life so that life has become intolerable to that person;

Any reasonable construction of that definition would have to allow someone who, for example, had become a quadriplegic but whose life was not in imminent danger to qualify as someone who was hopelessly ill—and they have to be of sound mind and they have to not be exhibiting symptoms of depression; I accept that—because they could well argue, 'My injury has seriously and irreversibly impaired the quality of my life, so that life has become intolerable to me. I have lost all use of my hands; I have lost all use of my legs; I am bound to a wheelchair; my wife has left me; life has no meaning. Therefore, I qualify under that definition.' The Hon. Sandra Kanck cannot argue against that proposition. My point is totally logical on the definition. It is a definition which is much softer, and much easier to include more people than the 1997 definition ever was. It is a very lax definition.

An honourable member: Move an amendment.

The Hon. L.H. DAVIS: It is not for me to move an amendment, because I am opposed to the general proposition. I accept that the Hon. Sandra Kanck has put a lot of time and effort into this legislation. She is sincere—as, indeed, were the Hon. Carolyn Pickles and the Hon. Anne Levy in their support of similar legislation. The fact is that one has great difficulty in legislating for death: it is not the easiest thing to do.

I put it to honourable members that it is not insignificant that, of the dozens of countries around the world—indeed, the hundreds of countries and states around the world—there is not more than a handful of states and/or countries that have legislated to legalise death. Why should this be so? Why is it that there is only the Netherlands, where palliative care is not well practised, according to the books and the articles that I have read written by eminent palliative care experts such as Dr Roger Woodruff, where palliative care is not exactly to the forefront? Why is it limited to the Netherlands and Oregon, and maybe one or two other countries or states that have actually introduced legislation for euthanasia? I think there is something in the proposition that states and countries are reluctant to legislate for something which is so difficult to define and where the moral and legal consequences are so uncertain.

When I spoke about this matter in 1997, I gave the example of an elderly lady who was apparently near death. Her regular doctor was away, and the doctor who was the locum came to speak to her but found that she was unconscious. He believed an operation would perhaps help her situation. He went to the next of kin, who was the daughter, and the daughter said, 'She has had enough pain and enough suffering: let her go.' In the morning, or a few hours later, the locum visited the woman again. She had recovered consciousness. He put the proposition to her, 'I think it is worth an operation. That could solve your problem.' She agreed, the operation took place, she recovered. Subsequently, when the regular doctor returned he was advised by the locum what had occurred and the regular doctor said, 'Well, it is interesting what has happened. I should tell you that the daughter and the mother have fallen out quite badly and the daughter is more than interested in obtaining the estate of the mother.'

The Hon. R.K. Sneath: This legislation does not allow the daughter to make that decision.

The Hon. L.H. DAVIS: Exactly. I am coming to that point. The point that I make is that, whilst the legislation of 1997 may have provided for that example, I accept that in the Dignity in Dying Bill you do have to have the permission of the person themselves, and there is a set of tests that have to be complied with—the person must not be depressed and must be of apparently sound mind. However, there could be a situation where a request could have been put in prior to the person becoming hopelessly ill. The advance request is defined in clause 6(b) as:

> a request (an 'advance request') by a person who is not hopelessly ill that is intended to take effect when the person who makes the request becomes hopelessly ill or after the person becomes hopelessly ill and the person's condition deteriorates to a point described in the request.

The example that I gave may well pick up that point—the old woman in question may have put in an advance request to say that, 'If I become hopelessly ill, I want to take advantage of the dignity in dying legislation.'

They subsequently may have said to someone in passing, 'I put that in but I've changed my mind.' Who will know that? It is a real problem in grappling with the definition and the intent of the person. It is a very difficult measure to introduce. I have highlighted what is a clear defect in the sense that the advance request, which has been made according to clause 6 and which would be in writing, may not have been rescinded in writing. The person may have changed their mind, because they perhaps felt bad at the time: they might have lost a loved one or they may have had a problem and decided to do this.

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: That is right, but if that person is unconscious, as this lady was, they would not know, would they? That request is in writing and still stands, and they have no indication. They might have told a friend who lives two states away that they changed their mind. I am just saying that you have this—

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: You don't think a change of mind in this is important?

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: I am saying that they may have changed their mind before they became unconscious. Let us run through the example. The Hon. Sandra Kanck has raised the issue, and it is her bill. Let us look at a practical example. The lady I talked about—and this is a real live example—may have put in an advanced request when she was fit and well. She put it in writing when she was of totally sound mind,

with no depression, and complied with all the criteria set down in the Dignity in Dying Bill. She might have said to her neighbour, 'Of course, I did that because I saw my husband pass away in terrible circumstances, but now I realise that I have a stronger constitution than he has; I am over it. I acted too hastily. I don't want to comply with the Dignity in Dying Bill. I had better do something about it.' However, she might never get around to it. How many of us know examples of people who have said, 'I'd better change my will. I've decided that I won't leave X, Y and Z that money, or that particular trinket, that I promised them; I'll do something about it.' I have a legal background—

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: Don't laugh about this; this is serious. It is your bill. I am trying to treat it seriously and you're not; I find that amusing. I have a legal background, and I can tell you that more problems have been created by people who have said, 'I know that my mother, father, sister or brother intended that will to be changed but never got around to it.' There are court battles about this sort thing—what the intention was—and they never change it in the will. Why should that be any different? Human nature is a wonderfully constant thing.

The Hon. R.K. Sneath: They might never have intended to change it in the will. That might be the kids saying that they were going to change it.

The Hon. L.H. DAVIS: That's right. However, I know lawyers who have had clients who have said, 'I must come and see you because I want to change my will', but they never get around to it. What is done is done; it is as it is written. Just as it is true for the will, it is true for the advance request. So, that advance request that has gone in still stands, because it has not been contravened. It is just like the will still stands even though there may have been an intention to change the will but it has not been executed. The original will still stands; similarly the advanced request stands. That is an incontrovertible point. You cannot argue against that. The fact is that people may change their mind but not register that intention to change their mind.

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: No, I have more fundamental reasons for that. I am just pointing out some of the defects in the legislation. That is one of them, quite clearly; I demonstrated that. Secondly—

The Hon. R.K. Sneath interjecting:

The Hon. L.H. DAVIS: That is for other people. If they accept the proposition I make—and they should if they are thinking logically—they may care to move an amendment. It is not for me to do that. The other point that I have made, and I restate it, is the definition—that 'hopelessly ill' can be anyone who may be well short of dying. A person is hopelessly ill if the person has an injury or illness that will result or has resulted in serious mental impairment or permanent deprivation of consciousness.

Under that definition, the Hon. Sandra Kanck must accept that that person might be able to live for 20 years. Consider people who have dived off a jetty and become quadriplegics. Consider people who have been injured badly in a car accident. They would all qualify for that definition of hopelessly ill. There is no question about that.

What we have here would be the loosest euthanasia law in the world, and anyone who came within those categories A and B under that definition of hopelessly ill and who could prove that they were of sound mind, who could prove to the satisfaction of a doctor that they were not depressed, would be able to skulk from doctor to doctor, and say, 'I have qualified under the Kanck definition of hopelessly ill; I want to be finished off.' The intention of voluntary euthanasia, according to the title the Dignity in Dying Bill, relates to a situation where death is imminent, but nowhere in the definition is there any hint of imminent death.

The Hon. Sandra Kanck would have to concede that the definition would cover anyone who has had a severe setback through an injury or an illness but who may well still have a lifespan, however limited that life may be in terms of its physician and mental enjoyment, that could last for decades, and I do not think that was her intention at all. I must highlight again the difficulty of definition in this matter. The other thing which I wanted to touch on just briefly and which I find persuasive is that there have been many inquiries into this matter. Over the last few years, we have seen—

The Hon. Caroline Schaefer: I think we have spent more time on it than any other single issue.

The Hon. L.H. DAVIS: As my colleague the Hon. Caroline Schaefer has said, we have probably spent more time on this than any other single issue in recent years, and that says something about—

The Hon. Sandra Kanck: It's not going to go away.

The Hon. L.H. DAVIS: There are a lot of things that will not go away that we have to face on a daily basis. There are a lot of moral issues that we have dealt with and dwelt on in this chamber over the years, including prostitution, homosexuality, abortion and capital punishment. I do not resile from the fact that we need to debate them, and I do not criticise people for raising these issues. However, the Hon. Caroline Schaefer is right in the sense that the matter was referred to the Social Development Committee, which brought down a report in October 1999, less than two years ago. In June 1998, there was an inquiry into the matter in the Tasmanian parliament, where there was unanimous agreement about the matter.

The Canadian senate in June 1995 conducted an inquiry into voluntary euthanasia and again was unanimous in its conclusion against legalising it. A select committee on medical ethics in the House of Lords in January 1995 unanimously agreed not to recommend legislation on the matter, and in New York State there was a task force on life and the law in May 1994, again with unanimous agreement. The interesting thing was that, in many of those inquiries, some members who supported the unanimous recommendation originally started out as supporters of euthanasia.

I do not support the bill. I have touched just briefly on some of the weaknesses of the legislation, but I do not think it is for me to propose any amendments. I conclude by making the point that, since the matter originally was raised by Frank Blevins in the form of the Natural Death Act almost two decades ago, there have been significant advances in medical science.

The Natural Death Act was rather fashionable in California in the 1960s. It was seen as a pretty piece of legislation. It was introduced in this Council with some enthusiasm. John Cornwall sponsored its passage through the Council. Many years later I made inquiries as to how many people had taken advantage of the provisions of the Natural Death Act, which some of the longer-standing members of the Council will remember enabled people to sign a form to say that they did not want any extraordinary means to keep them alive if they were facing serious and life-threatening illnesses.

Again, the legislation in the 1980s in South Australia was running about two decades late because medical science had

moved on. It was not keeping people alive on machines unnecessarily—although I do mention the situation where someone who is brain dead, clinically dead, can be kept alive on a machine—

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: —it depends which faction—to give, for instance, a relative a chance to come home from overseas or from another state to say their last goodbyes. You can, quite clearly, have a situation like that. We have also had the explosion of the hospice movement in South Australia, particularly in the last 15 years. The hospice movement was largely unknown in the 1980s. There are establishments such as the Mary Potter Hospice and the Daw Park Hospice. Of course, palliative care is a much more commonly accepted practice for people suffering terminal illness, particularly cancer. Although experts in palliative care, such as Dr Roger Woodruff, who is based in Victoria, and others in South Australia to whom I have spoken, confirm that some medical practitioners still do not understand the nature of palliative care and the extent to which pain can be relieved—

The Hon. Sandra Kanck interjecting:

The Hon. L.H. DAVIS: —in cases where real pain is being experienced.

The Hon. R.K. Sneath: And death can be hastened.

The Hon. L.H. DAVIS: The Hon. Bob Sneath said, 'And death can be hastened,' and, of course, this is the crux of the debate: there is this moral dilemma about what happens in the case of someone who is severely weakened by illness, who is sinking away, whose life is drawing to a close and who is in severe pain, and where the dosage of morphine is increased to relieve the pain and the consequences of that will be, perhaps, to hasten death. I would draw a distinction between that—

The Hon. R.K. Sneath: Without their permission.

The Hon. L.H. DAVIS: —and what we have in this bill with its very liberal definition of 'hopelessly ill'. I oppose the bill.

The Hon. R.R. ROBERTS: I will make a brief contribution on this matter and there are a number of reasons why I need to do that. One reason is because the overwhelming majority of letters that I have received—as has been the situation on every other occasion that we have discussed this matter—are not in support of voluntary euthanasia but against it. That—

The Hon. T.G. Roberts: That is not evidence; that is opinion.

The Hon. R.R. ROBERTS: —is not the only reason I want to make a contribution but it does indicate to me that I should make a contribution. I listened to the contribution of the Hon. Legh Davis. I listened to the second reading contribution of the Hon. Sandra Kanck which, as a piece of oratory, I thought was brilliant. The honourable member's contribution was certainly heartfelt, and I am certain that the mover of the bill believed passionately in what she was saying. The problem is that the honourable member and I disagree that this bill is necessary.

I actually took part in the debate that changed the Natural Death Act to the legislation now in place in South Australia. At that time, there were a number of passionate contributors to that piece of legislation. It was pointed out to us, almost ad nauseam, that it was not a euthanasia bill but that, in fact, it did provide many of the conditions being requested by the people who supported euthanasia per se. In fact, it does provide that a forward declaration can be made as to what you want to happen in those circumstances where treatment can continue but you decide against those sorts of treatment.

On each occasion this has been discussed. In the first instance we did provide for the application of painkilling techniques that at the end of the day may hasten death but diminish the pain. I have been concerned about this for some time and have made this statement before—it is not a continuation of the debate I have had today. I am not confident in any of the governments that are facing the financial constraints on the health system that they all face. It will be no different in the next parliament. The cost of the provision of medical services is getting higher and higher, and the higher the cost becomes the more propensity governments have to shortcut the circuit and reduce the cost.

Some slight improvements have been made in the provision of palliative care. There are some very good people working in this area, but palliative care is not generally available at what I would call acceptable levels, especially in country and rural areas. There has been some improvement in city areas, and a great deal of work has been done by very dedicated people. I have said before that, when we have the best palliative care system, we can provide to those living, perhaps in pain but not death in dying (because there needs to be some dignity in living as well), the best palliative care available. Every time we have discussed this matter, the people who lose—

The Hon. R.K. Sneath: Where do you get good palliative care in the country or in the bush?

The Hon. R.R. ROBERTS: You do not; that is the very point that I am making. If we were legislating to provide decent palliative care at the optimum level, the short-cut answer to the question posed by the Hon. Bob Sneath is that, if you go down the path being proposed, you do not have to provide palliative care because you just pull the trigger. Some people have suggested to me that there is dignity in that, but I do not agree. I think there is a responsibility here. The Hon. Trevor Crothers gave the game away when he said, 'It's like the water treatment; if we keep dripping away we might get another convert this time.' The Hon. Sandra Kanck, by way of interjection, said, 'It won't go away. They will be back again.'

South Australia has provided some of the best and most progressive legislation of any state in Australia and I think it is comparable to the best practice in the world, depending on your point of view. If you are pro euthanasia, you would probably say that the Netherlands system is better. But in the area of providing dignity to the dying and an incentive to give proper care with pain relief, and protection for legal practitioners providing pain relief at the request of the dying or sick person—because many of them are not asking but are screaming for pain relief—when the doctor provides the necessary amount of pain relief sometimes that results in an earlier death.

So those who promote euthanasia actually get what they are asking for, but the incentive must always be to provide comfort for the ill and dignity for those people who are still alive to give them the best prospect of living and the best possible treatment that we can provide. To take the short cut and say, 'Let's euthanase these people,' only gives an incentive to governments not to provide proper alternative palliative care but to say that there is no proper alternative palliative care, so let the person who is suffering say, 'I can end all this; I want euthanasia.' Then it is not the state's fault or the legislators' fault: it is the victim's fault. The victim is being put into a situation where there is intolerable pain and

intolerable loss of dignity of life and they say they want to stop. What we say is let us provide them with the best possible palliative care, the best amount of pain relief we possibly can, and then the decision is not one of absolute duress.

The Hon. Sandra Kanck interjecting:

The Hon. R.R. ROBERTS: It would be interesting to find out how many people have actually got a forward declaration. How many people have actually made one? A lot of members in this Council when we discussed this legislation said that they would be making a forward declaration. I would like to know how many members in this Council have done that. Has the Hon. Sandra Kanck got a forward declaration?

The Hon. Sandra Kanck: Yes.

The Hon. R.R. ROBERTS: There is one. Where are all the others?

The Hon. R.K. Sneath interjecting:

The Hon. R.R. ROBERTS: They can all 'fess up. No-one other than the Hon. Sandra Kanck has one, I would suggest.

The Hon. R.K. Sneath interjecting:

The Hon. R.R. ROBERTS: In they come again. They want to ask the terminally ill, those suffering pain who cannot access proper palliative care, whether they want the pain to stop. If that means death, of course they will say yes at that stage. Collectively, this Council, in particular, has provided the best legislation in Australia. Nothing has changed significantly since the time that we passed that legislation. What has changed is the methodology. Science and technology has provided improved pain relief. The incentive is not there, in my mind, to change the legislation which is not really that old.

If this legislation fails today, I would be reasonably confident that within the next 12 months there will be another bill back here again—and that may not necessarily be a bad thing. As the Hon. Legh Davis has said, we need to discuss these situations from time to time. The legislation provides for a forward declaration. As an opponent of this bill proposed by the Hon. Sandra Kanck, I who am fallible, despite the popular rumours, may well be in a position one day to decide to take advantage of the legislation.

The Hon. R.K. Sneath interjecting:

The Hon. R.R. ROBERTS: The Hon. Bob Sneath says that we have to pass the legislation. He is totally wrong: I can do it now.

The Hon. R.K. Sneath interjecting:

The Hon. R.R. ROBERTS: If you win the Hon. Caroline Schaefer in this debate, you are infallible. You will not need to put in a declaration because you will live forever. The legislation is there for sceptics like me and others who are not sure. I do not think anyone would be sure of their position if they were faced with this dilemma, if they were in a situation where they knew they were going to face intolerable suffering, whether they may say when they get to a certain point, 'While I am in a state of sound mind and I am not in excruciating pain and under all the pressure that involves, I will make the decision now. There is my forward declaration. If I get to that point I want to do it.'

What seems to be the proposition being put by the proponents of this bill is that that does not exist at the moment. Well, it is untrue, it does exist: you can have pain relief at your request knowing that, at some stage, when they are controlling that pain you may cross over the borders. The legislation provides (which was not so prior to this legislation being enacted) that the doctor having prescribed the pain relief no longer has to face the prospect of, first, a murder charge, or, secondly, a manslaughter charge, because it is accepted within the legislation that, if the primary focus is on pain relief and that results in death, there is no charge to answer. Many of the things that the Hon. Sandra Kanck wants to expand and loosen up are basically within the legislation as it is written today.

I will be opposing the second reading of this bill, because I do not think circumstances have changed dramatically since we changed the legislation a few years ago. I oppose the second reading.

The Hon. T.G. ROBERTS: I indicate that I will be supporting the bill and indicate that it is one of those bills that we have before us at the end of nearly every session. Similar contributions are made by similar people at similar times of the night, and the same result appears at the end of each vote. I suspect that there is a better way of dealing with the issue—and I have not heard any contributors make it tonight—given that some of the polling undertaken in the community indicates that—and the Hon. Sandra Kanck might assist me—something like 75, 78 per cent—

The Hon. Sandra Kanck: Yes, correct.

The Hon. T.G. ROBERTS: —of people indicate that they approve of a form of death with dignity and a form of consenting euthanasia. As with all other bills that have been before us, it is a voluntary issue. It is not one where people are able to impose their will on others. It is individuals making a conscious choice while they are conscious enough to make the choice; that is, if you are in sound and good health you make a forward declaration. If you are in a situation where your quality of life and your daily living does not lead to a dignified enough expression of life and quality of life, in your own opinion, then the bill gives you the right to make a declaration or a statement which allows you to speak to your family and your doctors and to make a decision for voluntary euthanasia.

In most cases, the letters we receive are from people who have a spiritual expression or a religious view of their own that does not allow them to agree with the principle of the sacredness of life as described by many people with a religious or philosophical opposition to voluntary euthanasia, and the sacredness of life generally is an expression that is applied to all lives, not only their own but others. It is a judgmental view with a religious expression, and it is very difficult to get those people who have those views to change their position.

Being of a religious or spiritual nature, it is a view that they hold strongly and in most cases will never change, whereas people make decisions as they move through the different stages of their life. Everybody understands they will not live forever, and towards the end of their lives people do change their position. When you are young, you have a belief that you are infallible and will live forever. Then, as you grow older you realise that your body weakens and in some cases people's mind weakens before their body weakens, which is hard to watch in friends or relatives. It is very difficult. My mother, who is 94 years of age, is very sound in mind and very sharp, but she is unable to do the things she would like to do on a daily basis to look after herself.

Being a very independent person, she has to rely on other people to look after her. Fortunately, she can do most things for herself but losing that independence was a big loss for her. As she is now in a nursing home I talk to and mix with

many people in the rooms and wards in that nursing home and I get a variety of views and see a whole range of people in various degrees of quality of life; that is probably the best way to describe it. Palliative care is included in that management of their lifestyles, and they vary from people who are totally bedridden and who cannot move or do anything for themselves to those who have active minds and some degree of movement and independence.

The question of voluntary euthanasia is not debated; it is not even given consideration, because the doctors who treat people in most nursing homes treat to the legislation, and that is palliative care. That is the only way they can work within the framework of the law. But other doctors operating in society today throughout Australia and most developed countries have a more progressive view on the treatment of people during the stages of palliative care. They make regular assessments, and in many cases, in consultation with relatives, they will either treat the individual in a way which accelerates the process of death through the treatment program or withdraw treatment to accelerate death. I guess the dilemma they have is whether they are breaking the law by doing that. I suspect that many doctors have to do a lot of soul searching in relation to how they treat individual cases like that.

If legislation gave power to doctors administering palliative treatment to be involved in voluntary euthanasia contracts I am sure that would take that responsibility away from the doctors who have to make those decisions about either continuing treatment or accelerating death by increasing doses of painkillers. I am sure they would like to be relieved of that responsibility and the grey areas that are involved. A lot of debate has centred around the intrusive nature of the treatment which takes away dignity, and I guess those issues could be discussed more broadly in other forums. The point I make is that, given the nature of the debate and the legislative process, where people are elected to make decisions on behalf of communities where a clear majority of the community want legislation to go in a certain direction, because a certain more vocal lobby group of those who are opposed to voluntary euthanasia is able to secure the numbers required by their elected representatives in parliament, there will be no change.

So, we could get a different process which may be set up at a community level, that is, perhaps, not a select committee. However, if it is a select committee, it will have to operate differently from the way in which traditional select committees operate, and such a select committee may have to go into communities to take evidence more broadly and be serviced by very considerate staff. Otherwise, I do not think we will get any change to the position that we have here. The debate will be brought into the Council, the issues will be discussed, the lobby groups will lobby, and the divisions within the religious orders will come to the fore; and, of course, nobody likes to upset those people who have strong views one way or another. So, there will be no change. It is a matter of the legislative process matching the outcomes that communities expect.

I am not going to make a decision or be patronising enough to make a declaration on that, but I think it must be tested before it comes back to the Council again. I would hope that when the next bill comes before us, either in private members' form or in a form sponsored by government, that the community is canvassed in a way in which a broader assessment can be made and that a wider range of views can be canvassed so that legislators will be able to move with a more dignified consensus so that we do not have the acrimony that goes with the debate each time it comes before the Council. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

LAND AGENTS (REGISTRATION) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

CLASSIFICATION (PUBLICATION, FILMS AND COMPUTER GAMES) (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

PROTECTION OF MARINE WATERS (PREVENTION OF POLLUTION FROM SHIPS) (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

EXPLOSIVES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

ADJOURNMENT

At 11.35 p.m. the Council adjourned until Wednesday 25 July at 2.15 p.m.