# LEGISLATIVE COUNCIL

**Wednesday 15 May 2002**

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

## DRUGS SUMMIT

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I table a ministerial statement given this day by the Premier in another place on the ministerial drugs summit.

## PAPERS TABLED

The following papers were laid on the table:

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

Vocational Education, Employment and Training Board—Report, 2001.

Independent Gambling Authority—Inquiry concerning Casino Codes of Practice Report.

## LEGISLATIVE REVIEW COMMITTEE

**The Hon. CARMEL ZOLLO:** I bring up the first report of the committee 2002-03 and move:

That the report be read.

Motion carried.

**The Hon. CARMEL ZOLLO:** I bring up the second report of the committee 2002-03.

# QUESTION TIME

## HANSARD POLICY

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make a brief explanation before asking you, sir, as the President and also as a member of the Joint Parliamentary Service Committee, a question about the issue of Hansard policy.

Leave granted.

**The Hon. R.I. LUCAS:** Mr President, I know from having looked at a number of past statements you have made that you share my and many other members' views in this council about the importance of *Hansard* being an absolutely fair and unimpeachable record of the parliamentary proceedings. Therefore, no member has the right on whim to have the *Hansard* amended to remove any silly or embarrassing statement he or she might have made.

I refer to the *Hansard* report of 9 May in the House of Assembly, when the Leader of the Opposition asked a question of the Premier on the issue of public liability insurance. I will not read the full question as recorded on page 102 of *Hansard*. The Leader of the Opposition concluded the question by asking: 'Why has the Premier not taken the decisive action taken in New South Wales and Queensland?' The Leader of the Opposition concluded his question and that was the end of it. Hansard's original green daily proof, which is circulated to all members, then records a statement from the Speaker as 'I don't know what you did about it.' The Deputy Premier then commences his response after the statement of the Speaker and says, 'There is no doubt that the leader is struggling in his job.' Clearly, the Deputy Premier was responding to that statement from the Speaker before he went on to address the substance of the question.

At the time there was significant critical comment in the media, and I will refer to just one section of the media. The ABC News transcript of Friday 10 May records the reporter Mr Simon Royal as opening his commentary by saying, '. . . the Speaker doesn't get involved in party political commentary. . . ' That was the introduction to his piece to air.

In the amended *Hansard*, which is now on the *Hansard* record and the parliamentary intranet, the Speaker has had removed the statement that he made to the House of Assembly, that is, the statement of the Speaker, 'I don't know what you did about it,' which, as I said, some members of the media, including Mr Simon Royal, portrayed as party political commentary from the Speaker after a question had been raised by the Leader of the Opposition.

Mr President, given that, as a presiding member, you know that presiding members do not have the capacity to interject, clearly it was a statement by the Speaker, and then there is the response from the Deputy Premier. As you know, and certainly in relation to the Legislative Council, it is our experience of the policy of Hansard (which is why I have directed my question to you) that, if someone argues that it is an interjection—for example, if the member responds to that interjection—that is then generally recorded in the *Hansard* if Hansard staff have recorded it, and it is kept there because there has been response to it.

I am not sure whether the Speaker can argue that he interjected, because the question had finished and it was actually a statement but, even if he were to argue that it was an interjection, there is a response from the Deputy Premier as follows: 'There is no doubt that the leader is struggling in his job,' which is a response to the Speaker's statement and, even under that argument of Hansard policy, the normally accepted Hansard policy would be that there was an interjection, there was a response, and both would have been recorded. As I said, the Speaker does not interject from the chair, particularly after a question has been concluded anyway, so clearly it must have been a statement from the Speaker on this issue.

Mr President, my question to you, based on some of the statements that you have made in the past, and a number of us as well, on this issue—and, as I said at the outset, you are our rep on the Joint Parliamentary Service Committee, which provides oversight for Hansard—is whether you will determine for us what is the policy of Hansard in relation to any member, but in particular, I guess, the Speaker, seeking to have removed from *Hansard* a particular statement; and, secondly, does the Speaker have the right to alter unilaterally the *Hansard* record, for whatever purpose?

**The PRESIDENT:** I thank the honourable member for his important question. Hansard does a very professional job of recording the proceedings of parliament and, if a member says something on the record which is clearly heard by Hansard staff and which especially is in response to an interjection, that is generally recorded, and, provided that it is recorded accurately, no member really has the right to have it removed, whether he be the Speaker, the President or an ordinary member of either house of parliament. I will bring back a brief report from Hansard in respect of its latest procedures so that all members will be aware of their responsibilities and the responsibilities of Hansard to report accurately the proceedings of the house and the council.

## ANANGU PITJANTJATJARA

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the Pitjantjatjara Land Rights Act.

Leave granted.

**The Hon. R.D. LAWSON:** In the *Australian* today it is reported that the minister met yesterday with the executive of Anangu Pitjantjatjara at Parliament House concerning the dispute about which I have previously asked some questions and provided explanations to the chamber. The minister is reported as having announced after that meeting that discussions between the Anangu Pitjantjatjara—who I will refer to as 'AP' for convenience—and the Pitjantjatjara council are about to take place. I remind the chamber that the dispute between AP and the Pitjantjatjara council arose when AP decided not to use the services of the Pitjantjatjara council based in Alice Springs for its legal and anthropological work. Rather, AP appointed legal and anthropological advisers who are based in Umuwa on the lands to perform those services.

The Pitjantjatjara council has friends in a number of high places, and the executive of AP believes that this government is favouring the Pitjantjatjara council in the dispute which has occurred. In the report in today's *Australian*, Mr Mark Ascione, the former legal adviser employed by the Pitjantjatjara council providing services to AP, is quoted as saying:

> We are hopeful though that [the minister] will obtain a list of recommendations from the review, including amendments to the Pitjantjatjara Land Rights Act, which hopefully will make things clearer.

I remind members very briefly of the provisions of the Pitjantjatjara Land Rights Act, which became landmark legislation from 1981, which establishes the Anangu Pitjantjatjara, which gave to it use and control of the lands and management and control of the lands, which gave to AP the power to enter into contracts, to dismiss staff and the power to obtain advice from persons who are experts in matters with which AP is concerned and which establishes an executive board.

I, too, have met the executive of AP and have been impressed with its insistence on the maintenance of those important principles in the act. My questions to the minister are:

1. Does he dispute AP's legal right and entitlement to engage such consultants as it considers appropriate for the benefit of the traditional owners of the lands, including legal and anthropological advice?

2. Will the minister assure traditional owners that he will not seek to amend the act and reduce the powers, rights and responsibilities of the AP in relation to lands?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I understand the context in which the honourable member raises this issue and asks his question. As the minister responsible, I will take whatever steps are deemed necessary in accordance with the applicable legislation to assist in supporting the elected paid and voluntary service providers in the AP lands to provide human services, infrastructure services and good governance in concert with the Anangu people.

I will also carry out my responsibilities in working with the commonwealth, the territory and other states to make sure that those services are delivered in a way for which governments are responsible, working with the cooperation of and in concert with the people on the land. We will do this in such a way that we can change the abysmal conditions in which the people of that area now live. I send out an invitation on behalf of the AP council to every member on the other side of the council to visit those lands to examine the conditions in which these people are currently living.

**The Hon. R.D. LAWSON:** I have a supplementary question. The minister mentioned 'services', but he failed to mention the legal and anthropological services which were the subject of my question, and he also failed to give any commitment in relation to the act.

**The Hon. T.G. ROBERTS:** I am not a QC. I thought—

**An honourable member:** Thank God!

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. ROBERTS:** Well, when the honourable member refers to 'legal services', I include 'legal and anthropological services' in the definition of 'services'. They are not separate from human services or infrastructure services, such as water and power. These services are all necessities of life. Legal and anthropological services are no different from any other services. Those decisions are made by the presiding council, which is the AP council, which has the responsibility for engaging those services.

As far as the other question in relation to legislation is concerned, as minister I am in charge of current legislation. I hope that the honourable member does not preclude me or any other member of the government from, from time to time, examining legislation to see whether it is applicable at any particular time within the life of the government. I have no intention of changing legislation at the moment. We are going down a track of negotiation. As the article states, an agreement is being negotiated, but it is not yet completed, because I have spoken to only one side: the people who provide services and representation in that particular area.

I now need to talk to the Pitjantjatjara council representatives—although I have spoken to them on the telephone—to relay to them the five points which were raised yesterday which need agreement. Those matters will have to be discussed in a more satisfactory way, that is, at a meeting around a table. From that meeting I hope to get an agreement to allow both executives to negotiate a way forward so that a streamlined administrative process can take place which will make the job of administering and delivering services within that area much easier for both commonwealth and state bodies and the Anangu Pitjantjatjara council itself to administer.

## MURRAY RIVER FISHERY

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the Riverland fishery.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** Yesterday I asked the minister for his definition of 'consultation'. As he did not answer I looked it up myself. According to the dictionary, 'to consult' is to ask advice or information of, refer to, take into consideration, take counsel from. The minister seems to think that casual conversation, where he simply tells an individual group that he is going to do something, is consultation. Why else would he insist on ABC radio that he had already adequately consulted with SAFIC and individual commercial river fishermen when he simply told them he was closing them down?

Yesterday the minister also promised to 'fully discuss with each individual fisherman the details of the package for the removal of their licences' as soon as cabinet had agreed to any such measure. The definition of 'to discuss' is 'to talk or write about in detail, to argue the case for or against or reasoned argument'. Will the minister confirm that he will consult with SAFIC and the South Australian River Fishery Association, that is, ask advice or information of, refer to, take into consideration, take counsel from, and also discuss with each individual fisherman what is planned for removing their licences, as he said yesterday, 'as soon as cabinet has agreed to any package of measures?' If this is the case, does this conflict with the promise of Premier Rann when he said, the day before yesterday, that 'discussion will take place with the fishing licensees after the budget is handed down', and has the minister consulted with the Premier on the matter?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for her question. There is not a lot I can add to what I said yesterday when I made the point that I will be putting a submission to cabinet very soon, and once those parameters are set I will be in a position to discuss that matter with the inland fishers. The honourable member, in her preamble, claimed that I said I had adequately consulted: I do not recall ever claiming that on ABC radio. What I was asked on ABC radio was whether or not those people were aware of the government's basic intentions, which was to remove gill nets from the river fishery and to phase out fishing, and I explained that I had made that quite clear on a number of occasions, both through the media and through various bodies. I do not believe that I have claimed that I regard that as adequate consultation over the full length of the process.

I have also made it clear that it was certainly adequate in the context of letting Riverland fishers know the basic position of the government. It was adequate for them to know the broad direction in which the government was going. I have always made it clear—I made it clear yesterday, I make it clear again today and I have made it clear on numerous occasions—that, once I am in a position to do so, when cabinet has agreed to the measure I will be contacting the relevant people involved, and that has been my position all the way along.

## MIDWIVES

**The Hon. G.E. GAGO:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about medical indemnity insurance for midwives.

Leave granted.

**The Hon. G.E. GAGO:** A lot of concern has been expressed recently about problems relating to doctors and medical indemnity insurance. Equally concerning is the lack of indemnity cover for midwives, particularly those currently enrolled in the new Bachelor of Midwifery course conducted at Flinders University. I understand that by this stage those students should be undertaking practical or clinical experience in hospitals but are unable to do so because of lack of insurance cover.

These students will not be able to graduate from their course without appropriate clinical experience. Given the current shortage of midwives, not only in South Australia but throughout Australia, this would only add to the problem. As previously pointed out in this chamber, many of these students have given up full-time work to obtain this qualification, and some of the students are from overseas and are on temporary visas.

In light of this, my question is: can the minister tell the council what action the government has taken to assist midwifery students from the Flinders University whose course is in jeopardy because of no insurance cover while training in public hospitals?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** Fortunately I can answer the question the honourable member has asked because it is a question that many people are asking in relation to midwifery. The popularity of home birthing is growing and there are a whole range of other reasons why people are now choosing to use midwives in preference to going to hospital, and in some cases are using midwives in hospitals. But the demand is resulting in a shortage of midwives in the marketplace.

I am advised that courses for midwifery students at the Flinders University were in jeopardy because students had no insurance cover while undertaking their training commitments in public hospitals. The Department of Human Services has worked in partnership with Flinders University to resolve this problem. The university has agreed to fund the extension of the department's indemnity insurance arrangements to cover these students whilst they are training in our public hospitals.

It has been a stressful time for students, who have been forced into a situation where their courses were in jeopardy because they were no longer able to carry out practical midwifery work at public hospitals. I am pleased to advise the council that, as a result of the cooperation between Flinders University and the government, this problem has been resolved.

## BEVERLEY MINE

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the Beverley uranium mine.

Leave granted.

**The Hon. SANDRA KANCK:** Community concern about the in situ leaching method of extracting uranium used at Beverley has been highlighted by the high number of spills reported at the site. There is a responsibility for any government which allows uranium mining to take place to ensure the highest standards of work practice are in place and strictly adhered to at all times. While I am pleased with the way the government has quickly revealed the recommendations of the interim report in relation to the Heathgate Resources Operation at Beverley, the public remains concerned. As well as issues of radioactive leaks and spills, I believe there have been occupational health and safety incidents and the potential for environmental damage from non-nuclear sources.

For instance, I understand that a pipe containing acid broke under pressure and acid was sprayed over employees, the plant and cars. This incident was apparently not reported to the Department of Mines. I therefore ask the minister:

1. What are the conditions of reporting imposed on Heathgate Resources in regard to worker safety incidents?

2. Have any occupational health and safety incidents been reported to the Inspector of Mines? If so, will the minister undertake to provide a detailed list to this council as soon as possible?

3. Have any recommendations been made to the government or the company for safer workplace practices? If so, what were they?

4. Would the Minister for Mineral Resources Development consider revoking the licence granted to the mine until such time as the mine operators can demonstrate their total capability to operate without incident? If not, why not?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The answer to the last part of the question is no. A report will be handed down tomorrow, I believe, by my colleague the Minister for Environment and Conservation in relation to the recent team that went to the Beverley uranium mine to investigate the most recent spills. The minister made an interim statement in the other place on either Monday or yesterday which set out the interim findings of the committee.

Basically, there were some improvements that needed to be made to the operation of the mine. My colleague has just handed me the interim conclusions. The most important one is that no ABS pipe work or fittings are to be used in new or replacement plant: this type of piping has been linked to a number of equipment failures associated with previous spills.

Another point was the finding of the hazard and operability study on the ISL plant undertaken by the company. This was as a result of the earlier investigations made in January of this year, which must be implemented by 15 September and which are subject to scrutiny by PIRSA and the EPA. The processing plant must have adequate secondary containment to back up the concrete bunding. Currently no back-up is in place. The wellfield must have adequate secondary containment. Again, there is no secondary containment in place. No new plant is to be installed or modifications to the existing plant to be made without being reviewed by a hazard and operability study. No new plant is to be installed or modification to the existing plant is to be made without being reviewed by PIRSA in consultation with the EPA.

The next finding I think is relevant to the first part of the question asked by the honourable member is as follows:

> While the evidence indicates that there has been no harm to workers or the surrounding environment from radiation, the company needs to have a clear process for stockpiling and ultimate safe storage of soil affected by spills of radioactive material.
>
> Incidents involving loss of processing fluids due to mechanical failure of equipment or control system malfunction to be considered in detail by the independent review group on spills, with consideration of such spills being reported to the EPA.
>
> Increased input of the EPA in monitoring and evaluation of environmental performance.

As I indicated, I believe that the final report will be brought down tomorrow. It is important, I think, to note also from the minister's statement that the task force indicated that its activities received the full cooperation of Heathgate Resources management, who agreed that steps must be taken to improve the mine's operational integrity and to minimise the possibility of future spills. In other words, I believe the company has shown its good faith in this matter in trying to improve its performance. It has been extremely cooperative to the department and to other departments that are involved in this manner and, therefore, I believe that the best thing we can do is ensure that this company continues to live up to those requirements and continues to operate in that manner. So, I do not believe that the evidence is such that it would warrant any further action being taken against the mine, but we should await the final report of that investigation tomorrow. The honourable member did ask a number of questions about detail in relation to work safety issues. I am not aware of those.

*The Hon. Sandra Kanck interjecting:*

**The Hon. P. HOLLOWAY:** All I can say is that if the honourable member has any evidence in relation to those matters she should forward them to the appropriate authority.

**The Hon. Sandra Kanck:** Are you not going to provide any details to us?

**The Hon. P. HOLLOWAY:** What I will do for the honourable member is I will check to see whether there has been any official reporting. If she is alleging they have not been officially reported, then I am not quite sure what one does about that. All I can say is, if the honourable member has information or if she is making allegations in relation to the mine, then she should do so to the appropriate authorities.

**The Hon. SANDRA KANCK:** As a supplementary question, Mr President, will the minister provide, as I asked, details to this chamber of all occupational health and safety incidents that have been reported to the Inspector of Mines about the Beverley operations?

**The Hon. P. HOLLOWAY:** I will have to look into that question. I will see what information is available, and I will see who the reporting is to. I am not sure whether it is my department or Workplace Services. I will look into that matter and report back to the honourable member.

## SPEED CAMERAS

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Regional Affairs, representing the Minister for Police, questions regarding speed camera expiation notices.

Leave granted.

**The Hon. T.G. CAMERON:** I have received correspondence from a constituent who is very concerned over the way expiation notices can incur fees and levies. The letter goes on to say:

> My 19 year old son had accumulated five expiation notices, totalling $915. Four of these were for speed camera offences, and one for not wearing a seatbelt. He arranged a relief agreement on 12 April to pay it off—

the fine, that is—

> of $20 per fortnight, and proceeded to pay the first $20. On April 28 he was due to pay the next instalment but didn't because he had some big expenses i.e., rego renewals, tyres, and some mechanical repairs. On May 15 he was deemed to be more than 14 days in arrears so the court's computer system cancelled the relief agreement and added all these extra costs. In the meantime I had been asking him if he was up-to-date with it and when I realised he wasn't, I got the paperwork off him and on May 19 went to the Adelaide Registry to make the necessary payments, this is when I found out about the extra charges. The clerk reinstated the agreements and I paid the extra instalment to bring it up to date.
>
> On May 25 we received the paperwork that the computer had generated on the 15th and then I realised the full impact of this. All five expiation notices had been charged a CIC levy of $28 each and four of the five had been charged an $80 court fee making a total of $460 in extra fees, more than half the original fines. They were now demanding the total cost be paid in full by 12 June or face licence disqualification or in the case of the seat-belt offence, warrant for imprisonment. . . What I think really stinks about all of this is that when he made this arrangement, he was not given any specific information explaining how the matter would be dealt with if he got behind, and the system doesn't give any warning that you are in arrears and action is about to be taken, it just does it. . . [I do understand] He can appeal the matter by attending court in front of the magistrate and giving his reasons why he got behind and it is up to the magistrate to decide if his reasons are good enough . . . [However] I believe [the system] should give persons making these

arrangements a leaflet that [clearly] explains in. . . detail what will happen if they get behind with payments.

My questions to the minister are:

1. During the financial year 2000-01, how many people were issued speeding fines that then incurred late fees or court levies, and how much revenue was raised as a result?

2. Will the government commit itself to ensuring that original fines include full information that clearly states to people that they will incur late fees and levies if they do not pay on time and how much they will be fined if they do not?

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

## FRUIT FLY

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about roadblocks for fruit fly?

Leave granted.

**The Hon. J.S.L. DAWKINS:** I am sure that most members in this place would be aware of the recent random roadblocks for fruit fly conducted by PIRSA on the Sturt Highway near Blanchetown. An article appearing in the *Murray Pioneer* of 10 May states:

> Nearly 30 per cent of motorists stopped at a random fruit fly block at Blanchetown this week were caught carrying fruit into the Riverland. The high figure has alarmed and surprised both Primary Industry and Resources officials and the Riverland citrus industry. Fruit fly inspectors confiscated 77 kilograms of fruit and vegetables on Tuesday and about 50 kilograms on Wednesday at the random roadblock. Of the 30 per cent of people caught, a significant number were Riverland people, including growers. The roadblocks were instigated to raise awareness of fruit fly to the Riverland horticulture industry amid a growing number of outbreaks in metropolitan Adelaide.

I emphasise the importance of heightening awareness of the threat posed by fruit fly to industries in the Riverland. On the day on which that article appeared in the *Murray Pioneer* I was driving to the Riverland. I was listening to ABC 1062 Riverland and Mallee and a talk-back caller (a resident from Adelaide) indicated that she and her husband had been stopped at the roadblock while on their way to embarking on a houseboat holiday.

They surrendered the fruit they had purchased in Adelaide and replaced it on arrival at their Riverland destination. However, the couple were surprised that the friends who were to accompany them on the houseboat arrived with their fruit, which had also been purchased in Adelaide. It would appear that these people had travelled from Adelaide to the Riverland via the Murray Bridge-Loxton road where, of course, there was no roadblock.

I support the use of random roadblocks on the Sturt Highway to heighten awareness about the fruit fly risk. I would also like to read an excerpt from the editorial of the *Loxton News* of Wednesday 8 May which states:

> The decision by Primary Industries SA to implement random checks on roads leading to the Riverland is to be applauded. However, those checks need to cover all the major roads and there will be glaring omissions if the Loxton-Karoonda and Loxton-Pinnaroo roads are not part of that program.

My questions to the minister are:

1. Will he indicate whether further random roadblocks will be conducted on alternative routes to the Riverland as well as the Sturt Highway?

2. Will those alternative routes include the Murray Bridge-Loxton road, which passes through Karoonda, and the Pinnaroo-Loxton road mentioned by the *Loxton News*, as well as the Angaston-Swan Reach road, the Burra-Morgan road and the Eudunda-Morgan road?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for his important question because the fruit fly problems we have faced in this state over the past couple of years have posed a significant threat to the fruit growing industry in this state. In answer to a question earlier this week, I think I pointed out that the value of the fruit industry is at least $250 million and another $50 million for the value of home-grown fruit.

We do have road blocks on the major roads leading into this state from areas where fruit fly is likely to be found, that is, from Western Australia, where Mediterranean fruit fly originates, and also on the major roads from Broken Hill, Mildura and Ouyen, where the road blocks are in place to prevent Q-fly from coming into the regions.

The random fruit fly road blocks which we trialled a few weeks ago were designed to look at the problem of people who actually bring fruit back into the Riverland area. The Riverland area is one of the most important fruit growing regions of our state. Clearly, if there were to be a fruit fly outbreak there, it would potentially have quite catastrophic consequences for the very important fruit industries, particularly the navel and grape growing industries in that region.

The idea of having random road blocks for checks on vehicles and the associated publicity campaign was to make people aware that it is an offence to take fruit into that particular region, even if they are coming from Adelaide. We had some very bad fruit fly outbreaks in the previous summer, that is, 2000-01, with some serious Med-fly outbreaks, and this year, because of the prolonged warm weather conditions, we have had some late outbreaks of fruit fly this season. That underlines the fact that it is possible that, if people were to take fruit from those infested areas within Adelaide up to the Riverland, or even to take them from an area that is not a declared fruit fly area but in which it is possible that there is fruit fly, it could pose a significant threat to those regions.

So, clearly, the purpose of having the random road blocks was, apart from making people aware of the problem, to try to gather some information as to the amount of fruit that was actually being taken into that area. It is from that information that the department will be able to assess its future policies in relation to where we go. Essentially, those random fruit fly road blocks that we had, largely on the Sturt Highway, formed part of a trial which we are assessing as to where we need to go in the future with this. I am still awaiting a report back from my department as to the results of this exercise.

I guess when the department has had the chance to assess that we will be looking at what action, if any, we need to take in the future to try to deal with this potential problem. I think it is a bit premature to be talking about particular routes at this stage; it is important that we get an assessment of these results and work out a program from there.

## WINE GRAPE INDUSTRY

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the wine grape growing industry.

Leave granted.

**The Hon. CARMEL ZOLLO:** It was widely reported in the media over the weekend that wine grape growers are facing difficult times due to a surplus of wine grapes on the market at the moment. The reports state that too many vines were planted too fast and that grapes are being dumped or left to rot on the vine. I know that in particular some growers in the Riverland are very concerned that they are unable to secure buyers. Given the importance of the wine industry to South Australia, will the minister provide a report to the council about the challenges that are currently facing wine growers in the Riverland and the likely impact on the wine industry in general?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for her question and her interest in this important industry. The wine industry has been one of the great success stories of this state, and over the past decade it has shown phenomenal growth. With any growth there can also come problems. In view of the interest that has been expressed in recent days about the conditions in the Riverland, I have asked my department to assess the situation in the grape industry at present. In relation to supply I am informed that there are mixed reports of wine grape supply from the 2002 vintage, with cool climate production down on last year. However, the warm climate growers have had an excess of wine grapes, with yields 10 to 20 per cent higher than predicted, and this is having a downward impact on grape prices. Red grape quality has been high.

Uncontracted wine grape growers are facing a buyers' market, with prices on offer in some cases less than half the comparable price for contracted growers. I have had meetings with a number of Riverland grape growers over the past month or so, and I note that growers there were requesting the removal of federal government taxation incentives for further development. They are also looking for improved payment security for growers through better developed and more consistent contracts with wineries. I have not been through all the fine print of the federal budget yet, but I have certainly not seen anything in relation to the taxation incentives.

Issues related to quality are also important to grape growers in the Riverland. Most wineries are negotiating future contracts incorporating higher quality parameters. There is considerable variability between wineries and quality standards and payments for meeting specified quality parameters. Some growers are concerned that many wineries have demanded higher quality, but they are not advising growers on how to achieve that higher quality. PIRSA is developing a project in conjunction with CRC for Viticulture to develop and promote consistent quality measuring and sampling systems across the industry.

The other factor that has come into the situation in relation to the grape industry is that the peculiarly cool spring and summer delayed ripening by two to three weeks and is reducing yields in cooler districts. The late harvest will increase the risk of weather damage in late autumn, as cool region growers delayed harvesting until April and May to achieve the required vine levels. Some cool climate growers are reporting a reduction of 30 to 50 per cent in crop volumes. Despite these seasonal influences, reports of excess supply of premium red warm climate grapes have been confirmed, and this is having a downward impact on prices.

PIRSA's estimate is for an extra 40 000 tonnes above growers' contracted allocation in the Riverland, and the situation there has not been improved by the collapse of Normans Wines last year. I am informed that most large companies are honouring contracts but that they are requesting increased quality levels at prices similar to those of last year. Other companies are requiring higher quality and lowering prices. Major wineries have had crushing and storage capacity pushed to the limit, and there have been delays in the intake of grapes. Prices for uncontracted fruit have fallen significantly, especially for cabernet sauvignon. Chardonnay grapes are in relatively short supply and their price is holding firm. Prices for other white varieties are mixed but generally firm.

If one looks at the overall context in which the wine industry now operates, we have a relatively slow growing domestic market for wine. It is about 2.5 per cent per year, which means that the Australian wine industry is dependent upon export growth to absorb most of the recent rapid expansion. Export sales growth, although it is strong at 20 per cent per annum, may be insufficient to absorb expected supply over the next few years. To conclude the answer, in relation to the future, demand projections indicate that surpluses will continue to put pressure on wine grape prices over the next two to three years, but we are hopeful that, with the slowing of new plantings, the market should return to balance after that date.

## CRIME PREVENTION

**The Hon. IAN GILFILLAN:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation in his role as correctional services minister a question about prisons and rehabilitation.

Leave granted.

**The Hon. IAN GILFILLAN:** In response to my question yesterday, the minister in part said:

> The honourable member quoted information from other regimes which have sentencing systems that increase the length of gaol sentences. I think the information from the United States supports the proposition that that does not act as a deterrent for many crimes or many criminals.

It is generally agreed that crime prevention must be addressed in other ways. For a crime to take place, generally three things need to be present: motivation, the means to commit and the opportunity to commit the crime. Crime prevention needs to address at least one or all of these factors.

The national crime prevention program works on two general approaches to crime prevention. The first—and I am quoting from their web site—states:

> . . . aims to prevent crime by making it more difficult, risky and less rewarding to commit. It focuses on the crime-prone situation rather than the offender.

Hence here they talk about reducing the opportunity for a crime to take place. Examples could be police patrols, surveillance, design improvements and physical security. The second—quoting from the same source—is:

> . . . seeks to prevent criminal behaviour by influencing the attitudes and behaviour of those most likely to offend. It aims to reduce the risk factors associated with offending such as poor parenting, school failure and restricted opportunities.

This deals more with the motivation for the criminal act and acknowledges the deeper social and economic issues that lead to crime in our society.

Nowhere does evidence suggest that the use of extended prison terms is a deterrent. Couple this with the costs of imprisonment. According to the Productivity Commission's 2001 report into government services, the cost to the public of each prisoner was in excess of $57 000 per year. There

seems to be little benefit to the community in extending prison terms longer than they are already. It is generally accepted that gambling debts and drug addiction are two of the major causes of crime in South Australia. My questions are:

1. In the government's push to be tough on the causes of crime, what does the minister perceive to be the causes of crime in our community?

2. What is the advantage to South Australians of locking up more people and for longer, given that it does not act to deter crime and increases costs to the community?

3. Will the minister undertake a review of prison policy to investigate alternative forms of punishment and rehabilitation other than just locking them up in prison?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I was agreeing with the honourable member in general terms yesterday when he posed the question about whether longer gaol terms deter crime or criminals, and I agree that, in many cases, the contemplation of sentence and being caught by many criminals is not on their mind when they commit acts of crime and it does add to the problems associated with overcrowding in gaols. Prevention is one way of lowering the criminal activity within our community which brings individuals before courts.

The intermediary act of sentencing procedures which side stream or involve alternatives to sentencing or incarceration is a way in which most developed countries are moving: that is, intervening in an individual's life before the sentence of incarceration is imposed so that there are alternatives to sentencing, in particular, young people to jail, especially those who are about to be sentenced for the first time. Once an individual is incarcerated, there is a lot of evidence to suggest that their behaviour deteriorates in relation to their social activities when they are released rather than having the effect of improving it. The recidivism rate in developed countries generally indicates that that is so, although there are cases where rehabilitation programs, if they are funded and set up at the right point in a person's life, can turn around individuals so that they become good citizens again.

One of the mitigating factors against rehabilitation in a lot of cases is the stigma attached to a sentence. This is where alternatives to sentencing are important. In discussions with my departmental head, I have asked for a range of sentencing options other than incarceration for certain crimes—in particular, for young people—to be considered and recommendations provided to me for consideration by government to be picked up as policy.

Another problem relates to bail alternatives and options for bail hostels rather than remand, because South Australia has one of the highest rates of remand in Australia and, in some cases, remand exposes lawbreakers to custodial circumstances where they are influenced into taking the next step from being a lawbreaker who could be rehabilitated to engaging in criminal activity by association.

Those sorts of suggestions, which are inherent in the honourable member's question, are weighing on this government's mind. We would like to be able to bring in progressive alternatives to incarceration. The previous government instituted some initiatives for work release programs, but I think we need to go a lot further towards in-prison work relating to training opportunities. It is not easy, as the previous government found, when you go to set up in-house or in situ work programs in prisons, because there is always someone who complains that we are competing unfairly in the marketplace against them. I have asked the department to endeavour to find useful work for people in the prison system, because boredom generally leads to antisocial activities, not to rehabilitation.

So, I thank the honourable member for his question. We are looking at suggested alternatives to prison for many reasons, and we hope to be able to discuss some of those issues more broadly within the community—perhaps after the budget has been delivered—to liaise with prisoner rehabilitation organisations and to put forward some practical ways in which we can deal with crime prevention and rehabilitation through incarceration and pre-release work and knit them together.

**The Hon. IAN GILFILLAN:** I have a supplementary question. I am very impressed with the answer and I would like an undertaking from the minister that that consultation will involve the community and be wider than just his department's contribution to the general debate and review.

**The Hon. T.G. ROBERTS:** I have been speaking to OARS, an organisation that has a long history of rehabilitation for prisoners and looking after prisoners after release. OARS has some voluntary and some paid personnel and a lot of experience in dealing with pre-release and released prisoners. I will talk to any individual organisation. In fact, I throw open an invitation to the honourable member to visit my office and have a coffee at 45 Pirie Street so that we can discuss some of the options because I know that he has a long history of interest in prisoner rehabilitation and reform.

## MEDICAL BOARD

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the Medical Board of South Australia.

Leave granted.

**The Hon. J.F. STEFANI:** I refer to various articles published in the *Advertiser*, dated 6 and 7 May 2002, regarding the operation of the Medical Board of South Australia. One of the articles quotes the Minister for Health (Hon. Lea Stevens) as saying that she would be focusing on the operations of the board as a priority and that she will be introducing legislation to ensure that the board conducts its proceedings in an open and transparent manner. The minister is further quoted as saying:

> During my term in opposition I heard many complaints from health consumers about the Medical Board and they were unhappy about the lack of transparency during the complaints process.

In a letter to the editor, published in the *Advertiser* of 7 May 2002, Dr Michael Rice, President of the Australian Medical Association, stated:

> It is disappointing to see once again an attack on the medical profession. It has been recognised for more than a decade that the Medical Board of South Australia has been unable to perform its duties in a manner that would best serve the community while providing fairness to doctors. The AMA (SA) and the board have been requesting successive governments for change to the Medical Practice Act to improve the ability of the board to deal with complaints effectively and promptly. This did not happen until the recently deposed Liberal government introduced a bill in May last year to correct these deficiencies. There were bills before parliament last year to establish a Health Complaints Commissioner but a compromise could not be reached before the parliament ceased.

My questions are:

1. Will the minister give an assurance that the proposed enabling legislation to be introduced by the government will

address all issues that were the previous cause of the delay in reaching a compromise?

2. Will the minister give an undertaking that all stakeholders will be consulted in order to properly deal with all aspects of their concerns and the current expectations of the public?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his important question. It was an issue that was being wrestled with in the previous parliament and it is certainly a question the community wants resolved. In the time that I have been here there have been a lot of cases where it has been difficult to negotiate satisfactory outcomes for individuals: the appointment programs put in place by the regime made access a very difficult issue in terms of just placing your argument before the Medical Board.

The current government is coming to terms with the issue, and hopefully we will be able to satisfy the requirements of the member as he has raised them as issues, but I will take his question to the Minister for Health in another place and bring back a reply.

### LAW HANDBOOK, ONLINE

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question on the online law handbook.

Leave granted.

**The Hon. R.K. SNEATH:** I understand that yesterday the Attorney-General launched the online law handbook, which is an electronic version of the widely used law handbook. My question is: can the minister provide details on the new online law handbook initiative and its usefulness to the South Australian public?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his important question. This government is still in the process of investigating available options to improve the public's understanding about the law, and it is looking at ways to improve access to justice in the courts and elsewhere. However, I am pleased to be able to report to the council that yesterday the Attorney-General launched a web site that should go some way to improve the quality of legal information available to South Australians and ultimately encourage greater access to justice for them.

*The Hon. A.J. Redford interjecting:*

**The Hon. T.G. ROBERTS:** The honourable member's question and answer came back to haunt me yesterday when my own son looked up the web site in London and found that the Hon. Dorothy Kotz and I were dual ministers in relation to some of our responsibilities.

*Members interjecting:*

**The Hon. T.G. ROBERTS:** He thought we had changed our whole system of government. The online law handbook is now open for business on the internet and can be found at www.lawhandbook.sa.gov.au. For those who would like to look up the law handbook, and for those with the skills for walking through the internet, that is where they will find the book.

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## MATTERS OF INTEREST

### CAN DO 4 KIDS

**The Hon. G.E. GAGO:** I would like to share with you a very interesting and worthwhile event which I attended last month and which was organised by Can Do 4 Kids, Townsend House. An afternoon tea for around 400 guests, which included the Governor, was held on the lawns of the grounds and was aimed at promoting the organisation's services amongst the broader community. We were also privileged to be entertained with singing and dancing from some of their very talented students.

Can Do 4 Kids is an apolitical, non-profit organisation which works to help people with sensory disability achieve their potential and take their rightful place in society. Few organisations in South Australia have such a rich history of servicing the community for so many years—127 in fact, an achievement which should indeed be acknowledged. The focus of Can Do 4 Kids is the provision of services for young people with sensory loss—children and young people, from birth to age 25, who are blind or have vision impairment, are deaf or have hearing impairment, or even, more unfortunately, are deaf and blind.

They aim to broaden the opportunities and lifestyles of these children by working closely with the children and their families. Can Do 4 Kids supports and assists children in their homes and community situations. They work in fun ways with children to develop their skills, abilities and talents. They are also assisted to learn to care for themselves and prepare for adulthood. Early childhood support services are provided for the visually impaired in both metropolitan and country areas. Support includes parent counselling, practical information regarding the child's disability, assessment, the provision of resources such as toys and educational aids, and advocacy. Parents are provided with opportunities to network and support each other through coffee mornings and suchlike.

I was able to see these services swing into action when a neighbour of mine, who had not been in Australia very long, fell pregnant with her first baby. Without any family support, and with English as their second language, their baby was diagnosed within the first few weeks of its life as being profoundly visually impaired. The very same day that my friend received this devastating news, she was contacted by Townsend House who extended to her and her husband what seemed to them very much like a lifeline. They continue to use the services from Can Do 4 Kids, and cannot speak highly enough about the organisation and its people.

The family support services for the hearing-impaired includes home visits, transport assistance, support getting to specialist medical and audiology appointments, support transition to play group and preschool, mentorships and links to support groups and services for the child and family.

Information technology services provide equipment, training and support to children with sensory impairment. They provide technical assistance in the use and application of technology to students moving into their local schools. Training and development for teachers in the use of digital technology also occurs. Can Do 4 Kids has expanded its age range to include up to 25 year olds. It now provides services to assist young adults in their transition from school to work or further education.

It was disappointing to read in the paper today in relation to the federal budget that disability pensions will be reduced

for recipients working more than 15 hours a week; previously the threshold was 30 hours. This will affect a large number of people with disabilities who need this income to help them to afford to actually enter the paid work force, many of whom require extensive and expensive technological assistance and aids to be able to participate in paid employment. Amongst others with disabilities, this is also likely to affect those with hearing impairments and those with significant visual impairments who may not be classified as legally blind. This will create hardship for those already significantly disadvantaged.

Of course, the maintenance of such services provided by Can Do 4 Kids cannot continue without a committed team of skilled and hard-working people, including the CEO, Paul Flynn, the board of directors, the staff, volunteers and partners. I congratulate them all for their valuable contribution to improving the quality of life for thousands of South Australians.

## ATTORNEY-GENERAL

**The Hon. R.D. LAWSON:** I wish to address some remarks to the council on the subject of the role of the Attorney-General. I, too, was present yesterday when he launched the Law Handbook online, which he did extremely well. Unfortunately, the online part came up, when the button was pushed, as 'page cannot be found', and the screen froze. Notwithstanding that, I have since viewed the service and it is excellent.

The Attorney-General, before his appointment, was active on the airwaves as a commentator on legal issues. He was busy seeking to create the impression that if he was appointed Attorney-General he would be tougher than my predecessor, the Hon. Trevor Griffin. He was ever anxious to suggest that sentences being imposed by the courts were inadequate, and he frequently commented on the facts of individual cases.

In the 1997 election he was responsible for Labor's mandatory sentencing policy. In 2002 he abandoned support for that policy in the face of pressure from his Labor caucus, but he sought to justify his policy reversal by blaming the judges. He claimed that, even if mandatory sentencing was introduced, the lawyers and judges would get around them by ensuring that offenders were not charged, or were found guilty of particular offences that would not trigger mandatory imprisonment. So, rather than admitting his own policy fault, he chose to blame the judges.

Since his appointment as Attorney-General he has been back on the airwaves once again, commenting on individual cases. In the *Advertiser* of 12 April, it was reported that a Mr Nguyen had been found guilty of causing death by dangerous driving and that his sentence had been suspended by Judge Lee. Attorney-General Atkinson was on radio tut-tutting about the apparent leniency of the sentence and muttering about an appeal against that sentence.

More recently, on 9 May, he was on the Leon Byner show saying that the DPP had decided not to appeal. He said:

> The DPP says the courts have laid down extremely high thresholds for the prosecution to give leave to appeal. He said he will only institute an appeal if it has reasonable prospects. He says the DPP—

according to the Attorney-General—

> has instituted more than a dozen appeals against apparently inadequate sentences for causing death by dangerous driving, and he says he has succeeded in only two cases. It seems to me—

according to Attorney-General Atkinson—

> that causing death by dangerous driving might be one of the first crimes we seek guideline sentencing on.

The attorney is there suggesting that the courts were unreasonably rejecting the appeals of the Director of Public Prosecutions. He is also undermining the judicial process by implying criticism of the judge for being lenient in that particular case. He is suggesting that he will introduce some remedy that will eliminate this leniency from our sentencing. He overlooks the fact that the guideline sentencing that he has proposed is not about leniency in sentencing but about consistency.

If the sentences have been, according to him, lenient, the guideline sentencing will ensure the continuation of that leniency. Under our system, the Director of Public Prosecutions has obligations, responsibilities and duties under the law (and so do the judges and the courts), passed by this parliament. The Attorney-General claimed that, when he was presenting his commission to the Supreme Court, he was on the side of the judges. The Attorney-General stated:

> I value and respect judicial independence.

He even went so far as to say (and I would be surprised if his caucus colleagues would be too pleased to hear this):

> I am of the school that holds that there are some matters on which it is right that the Attorney-General should speak and act differently from the government and from the party.

It was Chief Justice King who said that the Attorney-General has a function as political guardian of the integrity of the administration of justice. The Chief Justice, in an article in 2000, stated:

> The faithful discharge by Attorneys-General of this role is an indispensable ingredient of the political and constitutional foundations of our system of independence and impartial justice.

The Attorney-General, by criticising individual cases on public radio, is undermining public confidence in the judicial system, something that he is sworn to uphold.

## NATIONAL DRYLAND FARMING CENTRE

**The Hon. J. GAZZOLA:** Last Friday I represented the Minister for Local Government, the Minister for Urban Development and Planning, the Minister for Administrative Services and the Minister Assisting in Government Enterprises, the Hon. Jay Weatherill. I attended the opening of the National Dryland Farming Centre at Kadina. Also in attendance were the Hon. Carmel Zollo, Joan and Steele Hall (I had not seen Steele Hall for quite some time and he is looking quite well), the local member (John Meier), former premier John Olsen and the federal Speaker, Neil Andrew. The centre was designed to perform a number of functions but, before I elaborate, I would like to talk about the origins and the development of the centre.

In the early 1960s, local businessmen bought Matte House, a mine manager's residence built in 1863, using it to store and preserve local memorabilia; but even the miners had to eat and local prominent farmers grasped the opportunity to collect and exhibit farming equipment, given that the area is famous for its innovative development of dryland farming techniques and machinery. As usual in the development of most regional projects, money became the issue. Come 1988, the Kadina branch of the National Trust was aware of the lack of facilities for an extended project and approached the National Trust for funding.

After initially being rejected, the branch set about raising some of the necessary finances through the advent of field

days and other local volunteer fund-raising efforts, which became the basis for future grants. By 1995, through what is the National Trust Dryland Farming Project, a total of $170 000 was raised. The project was becoming serious. In 1999, a prominent architect realised a site concept and the previous government, through the Tourist Commission, contributed additional funding. A consultant's report was commissioned and commonwealth funds were sought and granted, resulting in the completion of a stage 1. The project's centre building was now fully funded.

The state and commonwealth governments have generously contributed $700 000 and $400 000 respectively; but, importantly, we must not forget the energy and commitment of local volunteer and community groups that have raised considerable amounts of money, as well as the efforts and resources of the District Council of the Copper Coast, for without these efforts the vision would not have been realised. I commend their efforts to the Legislative Council. The community now has a multi-purpose building, a regional tourist centre, an educational centre for TAFE and the community and a venue for government department and private business groups, as well as an imposing entrance to the agricultural machinery museum and Matte House.

The museum has the most comprehensive collection of dryland farming machinery in Australia. It is fitting that such a collection should be located at Kadina given that these farming innovations were local. In an area of 4 000 square metres, the museum contains machinery, such as the stump jump plough, stone pickers and grain harvesters among many examples of the development of dryland farm machinery since white settlement. This exhibition of machinery is a testimony to the ingenuity, resilience and tenacity of the farming community in the region. Regional and South Australian communities have a fine facility which is a gateway to the peninsula and which celebrates communities and governments working together, as well as the history and identity of the Copper Coast community.

I trust that, in the future, the National Dryland Farming Centre will further recognise the role and efforts of women on the land and document the history of indigenous people in the area to record truly the complete history. It is now up to the wider community to support this centre. Hopefully, it will also be able to assist in job creation in the area and gather public support, unlike the National Wine Centre.

## ROAD TRAFFIC, HIGH MASS

**The Hon. D.W. RIDGWAY:** I have lived on the South Australian/Victorian border all of my life and I have been exposed to a number of cross-border anomalies, such as time zones and speed limits. These are not all that difficult to adjust to. However, a number of these are an impediment to South Australian companies, such as the mass management accreditation under higher limits for vehicles fitted with road-friendly suspensions. South Australia is acknowledged as a leader in Australia in providing access to road networks for vehicles qualified to carry higher mass limits by virtue of having road-friendly suspensions.

Already all national highways and 77 per cent of the state arterial road network are now accessible to this type of heavy transport, resulting in productivity efficiencies for the industry and its customer base. However, a number of issues relate to the *Higher Mass* gazette and the *B-Double* gazette, which are two separate publications. Drivers need to refer to two separate documents and correlate two lots of information. A particular road may be gazetted for higher mass but not for B-double and vice versa. In Victoria, one publication covers both B-double and higher mass. Any road that is gazetted for one is also gazetted for the other.

It is unclear why it is so much more difficult in South Australia. For freighting a higher mass load in South Australia, the routes used in the gazette are to be highlighted and each given a number. On release of an up-dated gazette the process is repeated and multiplied by the number of vehicles in the road transport operator's fleet, plus depot copies. Operations personnel have then to state, 'higher mass load—route # (whatever)', on the driver's manifest. A driver in Victoria simply carries the appropriate gazette and knows that he can travel on any route that is covered in the gazette. As long as they do not deviate from the gazetted route they are within the law.

This more flexible system is also currently the case within South Australia for the *B-Double* gazette, so why does a particular route have a stated higher mass? It is difficult to see the reasoning for having two systems so different. At present it is actually easier for a Victorian mass management accredited transport company to freight higher mass loads in South Australia than it is for a South Australian company. South Australian companies must follow the seemingly pointless procedures just mentioned, but the Victorian operators coming into South Australia do not. In a recent letter, Mackenzie Intermodal's compliance officer, Sharlene Makin, stated:

> The whole idea of having an accreditation scheme for carrying higher mass for vehicles fitted with road-friendly suspension on approved roads appears pointless. If the roads are good enough and the suspensions are compliant, then why bother with the accreditation scheme at all?

Currently, for the operation of a B-double in South Australia companies apply for a permit from Transport SA, travel only on B-double gazetted roads and/or apply to local councils to use a road that is not covered in the gazette. If written permission is given, Transport SA then includes these roads in the permit. The higher mass process should be changed so it works in the same way as the current B-double operation. The current B-double system could also be improved. Once permission is gained from local councils to use their ungazetted routes, companies must reapply every year to have these routes included in their annual B-double permit.

In these cases, could there not be some communication between local councils and Transport SA to allow these roads to be simply used in the next *Gazette*? Attempting to become accredited in mass management which will allow companies to carry an extra 4 tonnes on higher mass gazetted roads with their trailers fitted with road-friendly suspension is a very involved and lengthy process.

It is very easy to become disillusioned with the whole process when it seems that an accreditation scheme is pointless in the first place, and South Australian rules are so much more stringent than Victoria. It is difficult enough keeping abreast of current trends of self-regulation and compliance within the industry, and the companies cannot afford to spend money on paying staff to input and maintain intricate schemes and procedures that seem to serve no purpose and are making their lives more difficult.

## MITSUBISHI MOTORS

**The Hon. M.J. ELLIOTT:** During the last election campaign, I expressed some concern about corporate welfare

and, in particular, made some comments about some proposals being made in terms of moneys that would have been paid directly to Mitsubishi. I actually qualified those remarks but, as so often happens in the media, the qualifications did not make their way through. Perhaps if I just expand on what our platform said at the time of the election, as follows:

> We will invest the hundreds of millions saved from corporate welfare back into small and medium businesses as well as new enterprises. In some cases, support for large companies may be necessary, but this support must be tied to specific long-term benefits to the state, such as guaranteed jobs, and if these targets are not met, we must be able to get our money back.

In other words, what I was supporting was something that has happened in this state on some occasions in the past.

As I recall, back in the 1980s, the government gave support to the Port Stanvac refinery but, in return for that money, certain investments had to be made in the refinery. More recently, the previous Liberal government gave money to the refinery, effectively through legislation where it changed the rating rules for the refinery, gave it a significant handout, and there was no quid pro quo whatsoever. There was no expectation; it was really just a gift to the company.

In fact, even more recently we have seen the government, as it was going out, change the rules in relation to petrol which means effectively that, in South Australia, the only petrol that can be used is that coming out of the Mobil refinery, and that works out I am told as a subsidy of about 1¢ a litre to the refinery. However, that is all the style of investment that I was critical of, money that was given where there is no quid pro quo.

I am pleased to see what has happened in relation to Mitsubishi more recently. Whilst Mike Rann guaranteed the $20 million that former premier Olsen had promised in an interest-free loan package, since then the federal government became involved in the discussion as well. In April this year, research and development and jobs were all seen as requirements in return for funding. This was something, as I understand it, that was a requirement of the federal government before it was prepared to put in any money. I am glad that it has.

Later in April we saw an $85 million deal which involved commitments from the state government, which I understand now is about $40 million, and another $10 million over the next few years, and federal government money of about $35 million. This was contingent on Mitsubishi expanding its operations here through 974 production line jobs and 300 high tech jobs in the research and development centre that it will build. The estimated investment by Mitsubishi will be around $900 million.

I do not know who finally put the deal together, but I think they should be congratulated on that because, as I said, rather than being just a straight handout, which can be very dangerous—the handout does not really give any guarantees about how much longer the company will be here; it could walk tomorrow and take the money with it—where we have investment guarantees of extra production line and high tech jobs in the research and development area, that puts this state in much better stead.

One would hope that the research and development centre, having been set up, will continue to operate and in fact expand and give us the sorts of jobs that a state that seeks to remain a part of the first world really needs. So the Democrats are pleased that the sort of thing we were promoting at the last election has happened in relation to Mitsubishi.

## STEM CELLS

**The Hon. J.F. STEFANI:** Today I wish to speak about the use of stem cells. There has been extensive debate and recent reporting in the print media about this subject. Medical scientists have expressed the view that human embryos are a resource that should be used for the cure of certain diseases, including Parkinson's disease, diabetes, and Alzheimer's, using stem cells harvested from human embryos.

At the federal level, the Prime Minister of Australia and state premiers appear to have reached a compromise on the possible use of surplus human embryos, which could be sacrificed for their stem cells. In practical terms, a stem cell could be described as having the capacity to become a whole range of specialised cells within the body. There are basically two types of stem cells: embryonic stem cells and adult stem cells. Embryonic stem cells are, by their nature, immortal and totipotent, and may continuously be replicated without losing their properties, thus making them immortal.

In describing the embryonic cells as totipotent, it is meant that these cells have the full power to transform themselves into several hundreds of cells or types of cells that are found in the adult body. Embryonic stem cells are isolated from a live embryo five to seven days after it has been fertilised by a process that involves the direct destruction of the embryo.

On the other hand, adult stem cells have been isolated from most major organs in the human body, such as the heart, blood, liver, brain, bone, bone marrow, muscles, lung, pancreas, fat and skin. These stem cells are different from the embryonic stem cells. At this stage, scientists do not know whether these cells are immortal or not. However, it has been established that they are pluripotent and therefore have the capacity to become a more limited range of cell types. An exception to these scientific findings is a recent discovery that cells isolated from bone marrow may have all the properties of an embryonic stem cell.

The debate in Australia has been driven by the proposal that embryonic stem cells have greater possibilities for therapeutic treatment than the adult stem cells. There are conflicting views about these claims amongst research scientists and doctors, because there has been no experimentation with embryonic stem cells in humans and only very little in mice. On the other hand, the experience with the use of adult stem cells has been more promising, with beneficial results having been obtained in humans, with juvenile diabetes, spinal cord injury, immune deficiency and corneal repair.

Today I want to place on record this preliminary comparison of two types of stem cells because, undoubtedly, as members of parliament, we will be required to deal with this important issue in the future. I feel confident that hardly anyone objects to the experiments with adult stem cells which could provide benefit to others in our community. However, the difficult question will be to deal with the concept of the destruction of surplus embryonic stem cells which represents the crossing of moral boundaries that forbid the destruction of life and the killing of innocent human beings.

## MOTOR ACCIDENT COMMISSION

**The Hon. NICK XENOPHON:** Today I would like to reflect on the Motor Accident Commission, given the recent announcement of significant increases in third party premiums in this state. There has been a lot of conjecture between the Treasurer and the shadow treasurer as to who is

to blame in relation to that, but I think it is important at this stage to reflect on observations made about the third party scheme in South Australia by Brendan Connell, a member of the Australian Plaintiff Lawyers Association, an association of which I am also proud to be a member. He made these observations in a paper that he presented at a seminar, organised by the Motor Accident Commission on Friday 9 November 2001, that took place at the Adelaide Convention Centre.

In that very comprehensive paper, Brendan Connell set out crash and claim trends, the finances of the compulsory third party fund, its claims management and initiatives for the future. What Mr Connell set out in that paper is quite revealing, and I think it is worth putting it on the record in the context of the current debate about third party premiums. Mr Connell pointed out that our scheme in South Australia is well run and that it is not a generous scheme for plaintiffs. For serious injuries in South Australia there is a scale of 0 to 60, adjusted for inflation since 1987, where the maximum pay-out for pain and suffering in this state is about $100 000, compared with (as I understand it) $240 000 in New South Wales, where a cap was introduced, and in other states where common law principles apply, where the amount that can be paid for pain and suffering could be upwards of $350 000. So, in that respect, the South Australian scheme is the most miserable of all the schemes in the states and territories for the most seriously injured.

In relation to the issue of the number of claims reported, I should point out that Mr Connell is one of the few people in the world who have read all the annual reports of the Motor Accident Commission from cover to cover, and that forms the basis of this study. Mr Connell says he is probably the only person in the world who has read them all. He set out in his paper that, in 1987, 14 000 claims were reported; that dipped to 9 900 claims in 1993; and in 2001 it has gone up slightly to 10 942 claims.

In terms of the finances of the CTP fund, the Motor Accident Commission has done a very good job in managing its finances. Its worst performing year in relation to investments was 1997-98, when the fund returned $67.3 million net profit from investment. There are investments in relation to premiums, and certainly one of the functions of the Motor Accident Commission is to invest wisely. The net operating profit for the Motor Accident Commission over a number of years has been consistently good. Only in 1999 there was a paper loss of $26 million to allow for the GST.

In the past seven years the Motor Accident Commission has delivered $33.4 million into general revenue. The point that Mr Connell has made in his more recent statements is that, if that money were kept within the fund, there would simply not be the pressure on the fund that there is today. With respect to claim management, it now takes about 16.6 months to settle a claim compared with 44 months in 1990-91. As a total percentage of gross payments claims, claimant benefits has stayed at about 84 per cent, compared with 77 per cent in 1990-91. The figure for combined hospital and medical expenses is actually lower, and I think that relates to some very good practices of the Motor Accident Commission which have encouraged the early resolution of claims. I have left the best to last. Combined legal costs for the scheme in 1991-92 were 20.1 per cent of total payments; they are now 11 per cent—less than half.

*The Hon. R.D. Lawson interjecting:*

**The Hon. NICK XENOPHON:** The shadow attorney-general says that lawyers are being underpaid. I do not think it is a question of that: I think it is that it is a very well run scheme. I wish to reiterate the point Mr Connell made which is that, if it ain't broke, don't fix it. Before the current Treasurer embarks on a process of altering the scheme, it is important that he should reflect on the way the scheme is run. We must bear in mind that the fund is there to protect the interests of those who are injured on our roads.

## STATUTES AMENDMENT (ROAD SAFETY INITIATIVES) BILL

**The Hon. DIANA LAIDLAW** obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

**The Hon. DIANA LAIDLAW:** I move:

That this bill be now read a second time.

The bill amends both the Motor Vehicles Act 1959 and the Road Traffic Act 1961 to provide for a range of education and enforcement measures to improve road safety practices across South Australia—and to reduce the state's road deaths, injuries and related health costs.

The bill incorporates all the six road safety measures that as Minister for Transport and Urban Planning I introduced in a bill of the same name in this place on 7 June 2001—and which, with three amendments, was passed on 1 November 2001. The bill advanced to the House of Assembly, but debate was not progressed before the parliament was prorogued, pending the then forthcoming state election.

The original road safety measures related to:

1. unlicensed drivers
2. production of a driver's licence
3. excessive speeding
4. mobile random breath testing
5. digital cameras
6. fixed housing speed cameras

The proposed reforms in relation to all these measures are explained in more detail in this report. The bill also incorporates an amendment I moved in this place on 24 October (*Hansard*, pages 2452-2455) which gained the support of every honourable member. The amendment added to section 46 of the Road Traffic Act a reference to negligent driving, introduced a range of increased penalties where negligent driving causes death or grievous bodily harm to another, and outlined factors to be taken into account by the court in considering whether an offence had been committed against the section.

Mr President, in addition to all the above matters, the bill I introduce today includes a new provision relating to learner drivers—it provides that a person who takes a practical driving test in order to qualify for a driver's licence will also be required to have held their learner's permit for a period of at least six months. Currently in such circumstances, this six month fixed period only applies to learner drivers between the ages of 16 and 16½ years. Accordingly, today any person above 16½ years can sit for and pass their written examination to gain their learner's permit and within days take a practical driving test, gain their P-plates and drive unsupervised on the road—without any prior supervised on-road experience!

This loophole or flaw in the Road Traffic Act (section 79A) does not promote a sound or sensible attitude to road safety—and at worst it can promote brazen behaviour on our roads. The amendment, incidentally, was foreshadowed in the Liberal transport policy released on 1 February 2002.

In relation to the amendment, I highlight that the proposed fixed period of at least six months for a person to hold a learner's permit will apply only where the learner opts to take a practical driving test to progress to their P-plates. Therefore, the measure will apply to the minority of all learner drivers because each year since 1993 more and more learner drivers are by choice taking the competency-based, log book pathway to gain their P-plates. This pathway already incorporates supervised, on road training and experience with a professional driving instructor, and any learner driver over 16½ years who selects this option can reasonably anticipate completing all competencies and gaining their P-plates within a minimum period of 15—20 hours over a few weeks.

Overall, all the provisions in the bill are designed to send a strong message to the community about the unacceptability of certain behaviours on the road, as well as ensuring anyone who disregards the safety of others on the road is appropriately penalised. Collectively, the provisions will help to contain, if not reduce, compulsory third party insurance costs—a matter we have just heard addressed again by the Hon. Nick Xenophon, and therefore I look forward to his support for at least this measure. Even more importantly, they collectively make a most a positive contribution to meeting the National Road Safety Strategy targets to the year 2010, which were adopted in November 2000 by the commonwealth, state and territory Ministers of Transport.

I did speak earlier to the minister representing the Minister for Transport in this place, indicating that I would now seek leave to have the remainder of my report and the explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

This strategy includes a National Target to reduce road fatalities by 40 per cent per 100 000 population—from 9.3 in 1999 to no more than 5.6 in 2010.

In the Year 2000 road fatalities in South Australia rose to 166—a 9.99 per cent increase over the previous year, the highest increase of any Australian State and Territory. The majority of these deaths occurred in rural areas of the State (99 fatalities) and the majority of the people injured or killed on rural roads were rural people.

In November 2001 all Commonwealth, State and Territory Ministers of Transport endorsed a new National Road Safety Strategy to the year 2010. The Strategy includes a National Target to reduce road fatalities by 40 per cent per 100 000 population—from 9.3 in 1999 to no more than 5.6 in 2010.

Based on the National Fatalities Target, the South Australian challenge is to reduce road fatalities to no more than 86 by 2010—65 less than in 1999, when South Australia's total fatalities were 10.1 per 100 000 population.

While I accept that a target of 86 road deaths by 2010—plus any amount of injuries—represents a tragic and far from acceptable loss of life each year on our roads, the target has been set acknowledging that the rate of decline has remained relatively flat since the early 1990's. A similar pattern is evident in the National Road Toll.

South Australian Road Fatalities:
1970, 1980, 1990-2000

| Year | Fatalities |
|---|---|
| 1970 | 349 |
| 1980 | 269 |
| 1990 | 225 |
| 1991 | 184 |
| 1992 | 164 |
| 1993 | 218 |
| 1994 | 163 |
| 1995 | 182 |
| 1997 | 149 |
| 1998 | 168 |
| 1999 | 153 |
| 2000 | 166 |
| 2001 | 153 |

The highest number of fatalities of 382 was recorded in 1974, while the majority of deaths in South Australia in the past decade have occurred in rural areas of the State, with the majority of people injured or killed on rural roads being rural people!

The road safety measures embraced in the Bill have all been in place (in various forms) in all or some other States and Territories for some years. They all complement and reinforce the drink driving and speeding measures that over time have shown to significantly influence the road toll trends in South Australia.

Overall, the package is designed to send a strong message to the community about the unacceptability of certain behaviours on the road, as well as ensuring anyone who disregards the safety of others on the road, is appropriately penalised.

*1. Unlicensed Drivers (Clause 4)*

The issue of unlicensed drivers is one that frequently arises, usually following an adverse Court case—such as that mid last year in which a young girl tragically lost her life when a car driven by an unlicensed driver was involved in a crash. In this case, it is understood the driver had never held a licence—and was already being investigated by police in relation to a number of prior traffic offences.

It is difficult to gauge accurately the extent of the problem of unlicensed driving. However, available statistics indicate that two percent of fatal crashes involve an unlicensed driver. An even greater number of unlicensed drivers are involved in non-fatal crashes.

Unlicensed driving reflects a total disregard for the basic principle of road safety that a driver must be trained, and prove their competency to an appropriate standard, before being allowed to drive on the State's roads. Without this training, the unlicensed driver is placing their own life—and the lives of other road users—at serious risk.

Generally, comprehensive and third party property damage motor vehicle insurance policies will not cover vehicles damaged in a crash if a vehicle is being driven by an unlicensed driver. Consequently, an innocent party can be left in the position of having to meet the full cost of repairs to their own vehicle notwithstanding that the other party was at fault.

The present penalty for unlicensed drivers in South Australia is a maximum fine of $1 250, with an expiation fee of $188. The choice of expiating the offence implies that this infringement is relatively minor.

The insufficiency of the current penalty in South Australia becomes very apparent when compared with the penalties applied in other jurisdictions. Only Western Australia has a lower penalty than that applying in South Australia. All other jurisdictions have a minimum penalty of at least $2 000—and all include an option of imprisonment with periods ranging from 3 months to 3 years.

The Bill therefore proposes a significant separation amongst categories of offence. The proposed section 74(1) deals with situations were a person is driving unlicensed but has previously held an appropriate licence. This would include, for example, people who might have let their licence lapse through forgetfulness or while they were overseas. While there is no wish to sanction any form of unlicensed driving, the Bill recognises this is a lesser offence and the current maximum penalty of $1 250 is maintained. It is proposed to continue to allow this offence to be expiated.

In contrast, the proposed section 74(2) deals with persons who have never held a drivers licence or who do not hold a licence for the class of vehicle they are driving—for example a heavy vehicle licence. This is the most serious offence and the penalty is appropriately severe—a fine of up to $2 500 for a first offence. A second offence within a three year period will attract a penalty of up to $5 000 or 12 months imprisonment, with an automatic disqualification from holding or obtaining a drivers licence for a minimum period of three years. This offence will not be expiable.

It should be noted that persons who drive when they have been disqualified from holding a licence or while their licence is suspended—that is, persons who are deliberately flouting a previous penalty—are already addressed under section 91 of the *Motor Vehicles Act*. This is an extremely serious offence with an appropriately severe penalty—imprisonment for up to six months, or up to two years for a second or subsequent offence.

Meanwhile, it is noted that New Zealand has recently introduced regulations for the immediate roadside impounding of vehicles driven by unlicensed or disqualified drivers. Last year, as Minister for Transport and Urban Planning, I asked the Office of Road Safety within Transport SA to monitor this initiative, to assess its effectiveness as a road safety measure.

In addition, I had asked Transport SA to investigate options that would require persons who have been disqualified from driving due

to either a road rules / safety test or irresponsible practices to undertake a training or awareness course before they are able to regain their licence. The premise for such an initiative is that a driver who loses their licence for irresponsible behaviours should not automatically regain their licence, but be required to demonstrate their driving competence and/or be made aware of the consequences of poor driving practices. The previous Government introduced the Driver Intervention Program for disqualified holders of learner's permits and provisional licences and essentially the options to be investigated would build on the success of this program.

*2. Production of a Driver's Licence (Clause 5)*

Currently, Section 96 of the *Motor Vehicles Act* requires that if a driver of a car or motor cycle does not have a licence immediately available, it must be produced within 48 hours at a police station designated by the police officer, but conveniently located for the driver. This means that the police officer later viewing the licence will invariably not be the apprehending officer. It is therefore impossible to be sure that the person producing the licence was in fact the person spoken to by the police in the first instance. The use of photographic licences has reduced the potential for a person to produce a forged licence or one issued to another person. However, it does not prevent the giving of fraudulent information to the apprehending officer.

The offence in section 96 carries a maximum penalty of $250 and is not expiable. It is proposed to amend section 96 to create an expiable offence for the driver of a car or motor cycle who fails to produce his or her licence within seven days to a specified police station. The driver will be required to provide a specimen signature to the apprehending officer. The increase in time allowed for producing the licence—from 48 hours to seven days—will allow the Police to contact the nominated police station and advise of the details of the driver. The requirement for a specimen signature will be used to confirm the identity of the person subsequently producing a licence at a police station. The Commissioner of Police must ensure that specimen signatures obtained under the provision are destroyed when they are no longer required by the police—and the Commissioner would do so by putting in place procedures for dealing with the specimen signatures which police officers will be obliged to comply with as part of the performance of their duties.

In the event that the driver does not comply with the requirement to produce a licence within seven days, an expiation notice will be issued.

The proposed amendments reflect Victorian practices which have proved to be very successful:

- persons who are not carrying their licence at the time of the police request, are provided with a written direction which they have signed—serving as a reminder that they will incur an expiation fee if they fail to produce their licence at the nominated police station within seven days;
- the driver's signature provides police with a cross-check of the driver's identity. (In Victoria, it has been found that drivers are more reluctant to provide a false identity if they are required to produce a signature in addition to their name and address—which, in turn, eliminates the need for the police to seek additional identification documents to support the claims of the person reporting to them);
- with the introduction of an expiation fee, the offence is less resource intensive for the police, as currently, offenders can only be prosecuted through the Courts.

A combination of these factors in Victoria has led to an increase in drivers carrying their licences when they are driving—which, in turn, has aided the police in Victoria in detecting and tracing stolen vehicles and in identifying and enforcing licence conditions.

The proposed amendments to Section 96 do NOT introduce the New South Wales' requirement—where, for some years, it has been compulsory for ALL drivers to carry their licence at all times while driving. Nor does it extend to all South Australian drivers the compulsory carriage of a licence that already applies for drivers of heavy vehicles, learner drivers, provisional drivers and bus drivers, when driving.

*3. Excessive Speeding (Clauses 6 and 7)*

Currently, disqualification from holding a licence is not a penalty for any of the existing speeding offences in the *Road Traffic Act* (except indirectly through the accumulation of demerit points).

Currently, the police deal with excessive speeding by charging the driver with dangerous driving under section 46 of the *Road Traffic Act*, which states that 'a person must not drive a vehicle recklessly or at a speed or in a manner which is dangerous to the public'. The disadvantage of dealing with excessive speeding in this way is that there is no clear guidance to drivers, the police or the Courts about the speed limits that will lead to licence disqualification—a deficiency magnified by the fact that prosecution of the offence necessitates calling of witnesses to give evidence that the speed was dangerous in the circumstances.

It is proposed that the general offence of reckless/dangerous driving should remain. However, to reflect the high road safety risk associated with excessive speed, it is proposed to create a new specific offence of exceeding any maximum speed limit by 45 km/h or more. This offence will apply equally to exceeding the maximum speed for a class of vehicle (eg B-doubles that attract a maximum speed limit of 100 km/h); to exceeding the maximum speed for a class of person (learner's permit and provisional licence holders) or when a lower maximum speed is set to cater for particular circumstances (road workers present, school zones or local/residential street limits).

The proposed penalty for the new speeding offence is consistent with that of the general offence of reckless/dangerous driving—that is, a minimum three months' licence disqualification. The penalty would not be expiable, and would only apply where the driver is convicted by a Court. Where a speeding offence is detected by a speed camera, an expiation notice would not be issued. Instead, the police would undertake an investigation to establish the driver of the vehicle who would then be prosecuted through a Court.

NSW, Victoria and the Northern Territory have already introduced compulsory loss of licence for excessive speeding—above 30 km/h—while Western Australia, Tasmania and the ACT are at various stages in advancing similar proposals.

*4. Mobile Random Breath Testing (Clause 8)*

Random breath testing (RBT) stations have proven to be a very effective road safety measure—addressing both education and enforcement issues. However, the operation of RBT stations, as currently allowed for under the *Road Traffic Act*, are not an effective—or an efficient—use of police resources in areas of low traffic volumes. Also, RBT sites established on multi-lane roads require a portion of the road to be closed, creating a traffic hazard and unnecessarily interfering with the free flow of vehicles not identified for testing.

Mobile RBT will overcome these difficulties—and enable testing to be undertaken in conjunction with normal police patrol duties.

Mobile RBT entails an extension of the existing RBT powers set out in section 47E(2a) of the Act, to remove the need for the police to establish reasonable grounds prior to stopping a vehicle and/or requiring a driver to submit to an alcotest or breath analysis. Such a measure does not create a situation unique in South Australian law. There are many examples of provisions in the *Road Traffic Act*, the *Harbours and Navigation Act*, the *Summary Offences Act* and the like where a person must respond to police or an authorised officer without the need for a reasonable belief that an offence has been committed.

The matter of mobile RBT was considered in 1998 by the Environment, Resources and Development Committee, as part of its consideration of rural road safety issues.

The Report notes (pg xvi) 'The Committee is supportive of further investigation into the introduction of mobile random breath testing units whilst noting the concern of the public in relation to the potential infringement of civil liberties. The Committee is aware that current detection methods are NOT working in rural South Australia, and understands that there needs to be a new approach.

Mobile RBT is already used in ALL other Australian jurisdictions. However, to accommodate these concerns, it is proposed that mobile RBT be available to police only during recognised holidays and on four other occasions within any given twelve month period (each of 48 hours' duration), to be determined by the Minister for Police, Correctional Services and Emergency Services. Holiday periods will include long weekends and school holidays—periods of maximum on-road activity. At these critical periods in road safety terms, the mobile RBTs will also act as a disincentive for the intransigent drink/driver, through an increased prospect of being detected. The prescribed periods must be advertised at least two days before they are to apply.

*5. Digital Cameras (Clause 9)*

Digital cameras are capable of operating in low light settings and, if used in darkness, require a low intensity flash to illuminate the vehicle. Thus the technology is most suitable for enforcement of speeding by heavy vehicles in isolated areas. Currently, the camera flash can be seen at long distances and drivers may therefore be warned of the presence of cameras, thereby negating their deterrent effect.

To allow for the introduction of digital cameras in South Australia, the *Road Traffic Act* must be amended to provide for the definition of 'photograph' to include a digital, electronic or computer generated image. The regulations which prescribe the procedure for operation and testing of speed cameras will also need to be amended to cover both conventional and digital cameras.

Security concerns arising from the introduction of digital cameras have been addressed. Privacy is assured as the images will not be accessible to unauthorised persons. Encryption will be required at the time the information is electronically transmitted from the camera—and images will not be able to be viewed without the encryption key. To prevent the alteration of the digital image and/or the information associated with it, the original image is burnt electronically onto a magneto-optical disc which forms part of the camera and traffic speed analyser unit. Once burnt onto the disc, these images cannot be overwritten. This eliminates the risk of tampering, as any attempt to do so will be obvious to the operator viewing the images—and the batch can be rejected immediately.

NSW, Victoria, Tasmania, Northern Territory and the ACT have all introduced digital technology for cameras used to detect speeding offences

*6. Fixed Housing Speed Cameras (Clause 11)*

Fixed housing speed cameras are already used in New South Wales, Victoria and Tasmania—in tunnels, on bridges and on freeways. In a number of overseas countries, the fixed housings represent the normal way of mounting speed cameras—rather than on vehicles or portable tripods as is generally the case in Australia.

Fixed housing speed cameras can operate on either wet film or digital photography. They enable a more resource-effective use of speed/red light cameras at road crash black spots—or on a long stretch of road when rotated through a number of fixed housings. Research has shown that vehicle speeds are reduced around the fixed speed camera locations—and that they are particularly effective in addressing speeding by heavy vehicles.

The *Road Traffic Act* currently provides for the operation of fixed housing cameras. However, section 175 which covers proving the accuracy of equipment used to detect offences states that the traffic speed analyser component of a speed camera will be taken to be accurate '...on the day of a test and the day following.' This precaution has long been required for mobile cameras which are set up on the side of the road or mounted in a motor vehicle. However, the precaution is not necessary for speed cameras in fixed housing because their calibration and accuracy remains stable for much longer, thus eliminating the need for daily testing.

Based on the practice in other jurisdictions, testing for accuracy for fixed cameras will only be necessary every seven days. The Bill provides for this new timeframe. In addition, with the passage of this measure, Transport SA would need to work with the Police to ensure that appropriate signage is installed to alert motorists of the presence of fixed housing speed cameras, options to inform the public, of the location of cameras.

Finally, the Bill provides for the Minister to report to Parliament on the operation of all the measures within 12 sitting days after the second anniversary of the Act.

Overall this road safety package focuses on extra enforcement and educative measures relating to drink driving and speeding, in an earnest effort to reduce two of the principal causes of road crashes in South Australia—and ultimately reduce road deaths, injuries and related health costs across the State.

I commend the bill to all honourable members.

Explanation of clauses

PART 1

PRELIMINARY

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Interpretation*

These clauses are formal.

*Clause 4: Minister to report on operation of Act*

The Minister is required to table a report to Parliament on the amendments contained in this measure within 12 sitting days after the second anniversary of its commencement.

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

*Clause 5: Substitution of s. 74*

This clause substitutes a new section 74 into the principal Act. Subclause (1) makes it an offence, punishable by a maximum fine of $1 250, for a person to drive a motor vehicle on a road if the person is not authorised to drive that class of motor vehicle on a road but has previously been so authorised under the principal Act or the law of another State or Territory.

Subclause (2) makes it an offence for a person to drive a motor vehicle on a road where the person is not and has never been authorised, under the principal Act or the law of another State or Territory, to drive a motor vehicle of that class on a road. The maximum penalty for a first offence is a fine of $2 500 and for a subsequent offence a fine of $5 000 or imprisonment for one year. In addition, subclause (5) provides that a person convicted of a subsequent offence against this provision will be disqualified from holding or obtaining a licence for a minimum of three years.

*Clause 6: Amendment of s. 79A—Practical driving tests*

The proposed amendment will mean that a person who is required to take a practical driving test in order to qualify for a driver's licence, will also be required to have held their learner's permit for a period of at least six months.

*Clause 7: Amendment of s. 96—Duty to produce licence*

This clause amends section 96 to provide that a person who does not produce his or her licence immediately in response to a request by a member of the police force must provide a specimen of his or her signature and must then produce the licence within seven days to a specified police station. Provision is also made for the destruction of specimen signatures.

PART 3

AMENDMENT OF ROAD TRAFFIC ACT 1961

*Clause 8: Amendment of s. 45—Negligent or careless driving*

Section 45 of the principal Act currently imposes a maximum penalty of $1 250 for the offence of driving a vehicle without due care or attention or without reasonable consideration for other persons using the road. The clause adds a reference to negligent driving and increases the penalty to—

- If the driving causes the death of another—
  - for a first offence—a maximum of $5 000 or imprisonment for one year
  - for a subsequent offence—a maximum of $7 500 or imprisonment for 18 months
- If the driving causes grievous bodily harm to another—
  - for a first offence—a maximum of $2 500 or imprisonment for six months
  - for a subsequent offence—a maximum of $5 000 or imprisonment for one year.

The clause also adds a provision requiring factors to be taken into account by the court in considering whether an offence has been committed against the section. The factors are the same as those that apply in relation to the offence against section 46 of reckless and dangerous driving.

*Clause 9: Insertion of s. 45A*

This clause inserts a new section 45A in the principal Act making it an offence, punishable by a minimum fine of $300 and a maximum fine of $600, to drive a vehicle at a speed that exceeds, by 45 kilometres per hour or more, the applicable speed limit. In addition, a person convicted of such an offence will be disqualified from holding or obtaining a licence for a minimum of three months.

*Clause 10: Amendment of s. 46—Reckless and dangerous driving*

This clause amends section 46 to ensure that its disqualification provisions are consistently worded with other disqualification provisions in the principal Act.

*Clause 11: Amendment of s. 47E—Police may require alcotest or breath analysis*

This clause amends section 47E to give the police power to require the driver of a vehicle to stop the vehicle and submit to an alcotest during a prescribed period (which is defined in proposed subclause (9)).

*Clause 12: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices*

This clause inserts a definition of "photograph" into section 79B of the principal Act, so that term will include an image produced from an electronic record made by a digital or other electronic camera and makes other consequential amendments.

*Clause 13: Substitution of s. 79C*

This clause replaces the offence of interfering with photographic detection devices and provides that a person who, without proper authority or reasonable excuse, interferes with a photographic detection device or its proper functioning is guilty of an offence punishable by a maximum penalty of $5 000 or imprisonment for one year.

*Clause 14: Amendment of s. 175—Evidence*

This clause amends section 175 of the principal Act to provide that a certificate tendered in proceedings certifying that a traffic speed

analyser had been tested on a specified day and was shown by the test to be accurate constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent not only on the day it was tested but also on the day following the day of testing or, in the case of a traffic speed analyser that was, at the time of measurement, mounted in a fixed housing, during the period of six days immediately following that day.

**The Hon. CARMEL ZOLLO** secured the adjournment of the debate.

## HOUSING TRUST

**The Hon. NICK XENOPHON:** I move:

That this council requests the Statutory Authorities Review Committee to inquire into the following:

I. The policies and practices of the Housing Trust of South Australia in relation to—
   (a) dealing with difficult and disruptive tenants; and
   (b) protecting the rights of Housing Trust tenants and residents to the peaceful and quiet enjoyment of their homes and neighbourhoods.

II. Reforms to Housing Trust policies and practices of dealing with difficult and disruptive tenants to ensure the basic needs of neighbouring tenants and residents to the peaceful and quiet enjoyment of their homes and neighbourhoods.

This motion relates to a request for the Statutory Authorities Review Committee to look into a number of matters with respect to the Housing Trust of South Australia. It relates to the committee looking into the policies and practices of the Housing Trust in relation to dealing with difficult and disruptive tenants, and protecting the rights of Housing Trust tenants and residents to the peaceful and quiet enjoyment of their homes and neighbourhoods. It also looks at the issue of reforms to current practices so that, in effect, the system can be improved. I have received dozens of calls in the past few weeks on this issue—

**The Hon. A.J. Redford:** How many from Leon Byner?

**The Hon. NICK XENOPHON:** I can say that—and to be absolutely up front about it—Mr Byner, who has a very successful talkback program on Radio 5AA, has a habit of referring people with problems to various members of parliament on both sides of the fence. Mr Byner referred—

*The Hon. A.J. Redford interjecting:*

**The Hon. NICK XENOPHON:** I am sure the Hon. Angus Redford will get his share in due course.

*The Hon. A.J. Redford interjecting:*

**The Hon. NICK XENOPHON:** I am sorry, the Hon. Angus Redford has received referrals from Mr Byner. I think all credit to him for doing his very best to find solutions to problems. In relation to the issue of the Housing Trust, I indicated that I was more than happy to assist. What amazed me is the number of calls my office received over a number of weeks in relation to difficulties individuals have had with the Housing Trust. What I intend to do in the next few minutes is to outline a little about the history of the Housing Trust in terms of why the Housing Trust was founded in 1936, its basic philosophy, the policies currently with respect to the Housing Trust in dealing with difficult and disruptive tenants and to inform members of some of the cases that my office has dealt with in the past few weeks.

They are matters of very grave concern. To put this in context, I do not intend to use parliamentary privilege to name individual Housing Trust officers or to name individuals. It is important to outline general policy issues, the need for reform and the need for an inquiry of this nature. The Housing Trust was founded in 1936. Interestingly, from some of the historical research, it seems that Sir Thomas Playford voted against the formation of the Housing Trust when it was first put before the other place by Horace Hogben who is generally credited as being the founding father of the trust. He had a very deep and abiding concern about the need for public housing to assist individuals.

There was a general philosophy at that time—and this was at the time of the Great Depression—of making a difference to peoples' lives and redressing social inequity and that the Housing Trust would play a very powerful role. That is, public housing would do much to give people a head start in life and give them a real chance to break out of a cycle of poverty. That was the philosophy of the trust well over half a century ago. I note that Sir Thomas Playford said: 'I voted against it—I was right in my reasons but wrong in my decision.' I am not quite sure what that means, but obviously Sir Thomas Playford changed his mind about the trust because when he became premier two years later he was one of its most ardent supporters and provided it with significant funding to expand its role.

The South Australian Housing Trust's web site refers to the first annual report and the reasons for the origin of the trust. This report is important in the context of this motion and in relation to the need to have an inquiry of this sort and to look at reforming various practices and procedures of the Housing Trust. The first annual report describes the reason for the origin of the trust as follows:

> The provision of accommodation necessary for decent living at low rentals for persons coming within the lower income group is vital to the maintenance and expansion of the industrial life of this state. Further, the health, morals, and general tone of the community are closely involved in the matter.

Perhaps arcane language, but the sentiments were clear.

The Housing Trust was set up to provide decent accommodation for South Australians who were in some way disadvantaged. Over the years, the Housing Trust has had a very proud record of expanding the opportunities for public housing in this state and expanding its role. In fact, it provided a role in building many areas in this state, in the northern suburbs in particular, and played an integral role in assisting industrial expansion in South Australia by providing cheaper housing. It was, in a sense, a very powerful incentive for overseas corporations, for instance, GMH, to come to South Australia because it was part of the package of incentives which provided a work force with access to low rentals. It provided for a very real difference in terms of South Australia's competitiveness.

In recent times, the Housing Trust has been slashing its homes to a 24-year low, according to an article in the *Sunday Mail* by Craig Clarke, its political writer. The article of 24 March this year reports that the number of Housing Trust homes may be cut to 39 000, the lowest level in 24 years, and that the proposed loss of nearly 12 000 homes over 10 years coincides with a growing public housing crisis in South Australia. That is one of the issues in terms of the fabric of this debate; that is, considerable pressures are being put on the trust.

Mr Clarke's article also makes reference to the fact that about 80 per cent of people are allocated a Housing Trust house within a year, while a further 17 per cent must wait between one to five years, according to the Trust in Focus 2000-01 report. Unfortunately, Mr Clarke reports that 241 people (about 1 per cent) have waited eight or more years for a house. The Housing Trust Tenants Association claims

that, in terms of its role to be an advocate for people seeking public housing, it has its own funding cut. There is significant pressure on the scheme. There are queues, and people who are disadvantaged simply cannot get access to public housing in a timely manner.

The Housing Trust has a policy in relation to dealing with difficult and disruptive tenants. The wording of that policy is clear. It is a policy that is intended to deal with issues in a fairly comprehensive fashion. The Housing Trust's difficult and disruptive tenants procedure, paragraph 1, headed 'Purpose & Scope'—and again this is important in the context of this motion—states:

> Trust tenants and their neighbours are entitled to live in a safe and peaceful environment. In accordance with the South Australian Housing Trust's Conditions of Tenancy it is expected that Trust tenants or their visitors will not disrupt the peace, comfort or privacy of other tenants or the public.
>
> Where neighbourhood disruption occurs the Trust is committed to the resolution of conflict through a range of options available to the parties in dispute. In particularly serious cases, after all other options have been exhausted, the Trust may take legal action under the Residential Tenancies Act to terminate the tenancy of a tenant who breaches Clause 7(e) under the Conditions of Tenancy, (or any other clause in the Conditions of Tenancy signed by the tenant that relate to the need to observe the rights of other tenants and the general public to peace, comfort and privacy.)

The trust's procedure manual goes on to say:

> Similarly, legal action may be initiated by another tenant or anyone else who is affected by a tenant's failure to observe their rights to the quiet enjoyment of their homes and communities.

It goes on to provide quite significant detail about the appeal process, the mechanism for dealing with complaints and a whole range of other measures such as complaint response forms and statements of complaint—it is a comprehensive document. However, I have received a lot of information from many constituents. I remind members in the other place that legislative councillors do have constituents. In fact, one of the advantages of being a legislative councillor, which I think is lost on the other place, is that we have the entire state as our constituency. So, in matters such as these, we can deal with the threads of a complaint or issues that concern people throughout the metropolitan and regional areas of South Australia—and I think that is very important. May we never lose the system that we have now where legislative councillors represent the whole state rather than an individual electorate.

**The Hon. A.J. Redford:** Why haven't you included the Aboriginal Housing Authority?

**The Hon. NICK XENOPHON:** That is a matter that I have not considered.

**The Hon. A.J. Redford:** I have had a lot of complaints about it.

**The Hon. NICK XENOPHON:** Yes. Perhaps I should exchange notes with the Hon. Angus Redford. My primary concern is with the South Australian Housing Trust. If there are issues there—

*The Hon. A.J. Redford interjecting:*

**The Hon. NICK XENOPHON:** Yes. My understanding is that there are a couple of complaints from the many constituents who have called in that may relate to that. I am open to that issue being considered, because my concern is that the peaceful and quiet enjoyment of residents—whether Housing Trust residents or not—is being affected, quite deeply in many cases, to the extent where people are being made physically ill. People are living in terror as a consequence of the behaviour of a very small minority of tenants, but that very small minority is making life miserable for many other people. There is a significant ripple effect, and it seems that the system is not working.

I propose to outline a few cases briefly without breaching any privacy principles. Although some individuals have indicated that they do not mind having their name mentioned on the record, I think it is appropriate, at this stage, to speak in broad terms about some of the complaints that have been received. For instance, in an eastern suburbs location, a Housing Trust tenant has made a number of complaints relating to youths damaging the door of his property and things being thrown off his balcony. He complained about this to the Housing Trust manager, but very little was done. It has now quietened down, but he felt there was inaction on the part of the Housing Trust.

I refer to the case of a woman in her 70s who has been a Housing Trust tenant for 25 years. She describes as hell the noise and disturbance coming from her neighbour and says that it has affected her health significantly. She feels that she has been fobbed off by the trust in terms of the complaint process. Another case involves a pensioner in his late 60s who has an 80-year-old neighbour in an adjoining maisonette in an eastern suburb. The neighbour is in the habit of putting the television on at full bore from one to five in the morning. This is not abusive behaviour, but this 68-year-old tenant is now—

**The Hon. Diana Laidlaw:** That's worse than loud music.

**The Hon. NICK XENOPHON:** And it happens on a nightly basis. This man is physically ill and receiving medical treatment. He has contacted the Housing Trust on many occasions. If the neighbour next door is elderly and suffers from a hearing impairment, I imagine that this problem could be solved with a pair of headphones. I do not know what the solution would be, but this man's complaint was that the Housing Trust took no interest in his complaint and, as I said, he is now at the stage where he is on medication because his sleep is disrupted every night. This is not a case of an abusive neighbour; it is just one of those things where the system appears to have failed this individual.

Another case involves a person living in the southern suburbs where there has been an ongoing dispute with rubbish being thrown from the Housing Trust neighbours onto their property. A member of this person's family has been the recipient of constant abusive language, and the situation has now become so bad that, in order to obtain some respite, these people go to relatives' homes for days at a time to get a break from this abusive behaviour. Again, complaints were made to the Housing Trust but it is alleged that the Housing Trust is not doing anything about it.

Another case involves a property where a number of cars were being kept in the front yard. It seemed to be a bit of a wrecking yard for vehicles. Nothing was being done about it and it reached the stage where the neighbours were prepared to declare open war on this particular neighbour because of the noise and destruction coming from the property. This constituent has had open-heart surgery and is in a pretty fragile state. He feels that he is at the end of his tether.

Many of these constituents feel that they are at the end of their tether in terms of getting assistance from the trust. Another case involves a person who was concerned about losing his job if I give too much away about what he does. He is not a tenant, but he is concerned that Housing Trust properties are trashed and being left vacant and that therefore they are causing more problems by virtue of their vacancy because it may allow squatters to move in.

In another case, rocks were being thrown at the window of a particular tenant by adjoining tenants, but the Housing Trust still has not taken action. In another case, there appeared to be IV drug users living next door to the tenant, with all sorts of antisocial behaviour going on. They did not get assistance; the Housing Trust told them to refer this matter to the police. There appeared to be some buck passing in relation to this matter. In this case, there was significant property damage to this tenant's home amounting to about $1 000.

I spoke to a number of constituents from a northern suburbs area. I met a group of them who were having problems with two or three tenants in a particular area. A petition involving 22 or 23 residents of the street was sent to the Housing Trust. I have seen the paperwork. It has a fairly long history. The individuals concerned felt that they were not getting anywhere. One of them said to me that because they are low income earners they do not expect much. I was at pains to assure this constituent that they have as much right to the peaceful and quiet enjoyment of their home as someone who lives in Springfield. I think it is important to put that in perspective: they have every right to the peaceful and quiet enjoyment of their home whatever their background or socioeconomic status.

I spent some time with these individuals. They told me that the situation in their neighbourhood is so bad that when they step outside they get a hail of expletives from this neighbour. There appear to be some drug issues involved. The situation has become so bad that their six-year-old daughter will not go out into the street or to play in the front yard because they are quite fearful as a result of the level of abuse and disruption. They wait for the neighbour to drive off before they can enjoy the amenities of their own front yard.

This sort of thing should not be happening. They told me that the trust has been reluctant to act. A common thread of some of these complaints that I have received is that the trust says, 'You need to take action under the Residential Tenancies Act; it is not for us to do that.' That appears to be quite inconsistent with the trust's policy in this regard. With respect to the Housing Trust, there appears to be a level of buck passing which I think is quite unacceptable.

There are clearly issues—and this is something which has been acknowledged by the housing minister, the Hon. Stephanie Key—about individuals residing in Housing Trust accommodation who have significant problems, who have issues that need to be dealt with and who need a lot of support. This is a matter that has to be acknowledged.

There are people with mental health problems living in the community, the result of a policy which goes back 20 years now, something that Margaret Thatcher led the way with in terms of deinstitutionalising individuals without sufficient support. We have an issue of individuals who are let out into the community, who do not have sufficient support and who have quite serious problems, some of which manifest themselves as antisocial behaviour, causing disruption to tenants. It is important to deal with those issues but there is also a primary concern that individuals who live in an area, whatever that area may be, have the right to the peaceful and quiet enjoyment of their homes. So, I acknowledge that there are people with needs that need to be dealt with, but individuals who live in an area also have a basic need to go about their business without fear and without disruption.

I have spoken to two previous managers of the Housing Trust. One manager, who worked in the 1980s, is more than willing to give evidence in a substantive session before an inquiry. Her concern is that the trust's policy may have changed a number of years ago so that allocation officers, who worked for the trust and actually made decisions about where to put people in particular areas, appear to have gone by the wayside.

Another former manager of the trust believes that the existing powers of the trust are adequate but are not being enforced, and that if they were enforced you could deal with difficult, disruptive tenants. Others have a different view of the processes involved but in the cases that have come before me the constituents have clearly had quite severe problems. They are at the end of their tether and they say the system is not working.

I believe that the matters that have been brought before me are really just the tip of the iceberg. I have many other cases here and while I do not propose to go through all of them it is worth mentioning some. In one case individuals had recently gone before the Residential Tenancies Tribunal to evict a tenant for disruptive behaviour. I do not intend to reflect on that in any detail because I believe it is still before the tribunal, but the issue that I take on this is that the Housing Trust indicated that it did not have the power to deal with this issue because this particular tenant had allegedly been disruptive outside trust property. Now my reading is that that is not right.

The Residential Tenancies Act, in the information released by the Office of Business and Consumer Affairs, says that a section 90 application, with respect to evicting a neighbour because of their behaviour, applies in a case where a tenant has caused or permitted interference with the reasonable peace, comfort and privacy of another person who resides within the immediate vicinity of the premises. I believe this is clearly something that would be within the scope of the Housing Trust to deal with, rather than getting individuals to go through an application: the trust has the power to deal with these issues.

There are other issues which I believe an inquiry of the Statutory Authorities Review Committee can deal with including the right to inspection. I have had feedback stating that there is something going on at premises, whether it is drug-dealing or where certain rooms are locked, presumably for growing hydroponic marijuana plants, where the trust does not seem to have the authority or the inclination to enter those properties. There are cases where the trust has not dealt with what is clearly a very unsatisfactory situation in terms of premises which are unsanitary.

In another case, a tenant was told to remove a dog which appeared to be dangerous and did not do so. The dog died a year or two later. It was there despite the Housing Trust having made an order. It was left in the backyard for five or six days, rotting. Clearly, the trust ought to have acted in that case, and those neighbours should not have had to have put up with that sort of issue.

*The Hon. Carmel Zollo interjecting:*

**The Hon. NICK XENOPHON:** The Hon. Carmel Zollo says the RSPCA. I understand that there were a whole range of authorities involved, and when I spoke to those people it was just an awful situation that had to be dealt with. One case that was brought to my attention involved a tenant who said that she had been complaining about another tenant for something like two years, and the trust had said that it simply could not deal with it. This person was told that if she went to the media that could cause problems with the trust. I do not propose to go into any more detail than that, but perhaps it was an unfortunate remark made by the particular trust

officer. But I think that anyone who has a legitimate complaint should be able to make that complaint without fear or favour.

Mr President, the Housing Trust has instituted an internal inquiry. I acknowledge the work that the Minister for Housing, the Hon. Stephanie Key, is doing in this regard, and I accept that her concerns about this issue are sincere, as I accept that the previous minister responsible was concerned about these sorts of issues. An internal inquiry by the Housing Trust will go some way in dealing with issues in terms of the procedures and processes, but it will not deal with matters as to the Housing Trust policing of its code; it will not deal with whether the Housing Trust has adequately dealt with these matters.

There are other issues that ought to be dealt with: the process of eviction, what you do with people who may have severe mental health issues to deal with. They cannot be abandoned by our society, but I think there are also legitimate concerns, and those issues must be dealt with. I wish to make it clear that I am not suggesting that those individuals should be abandoned by our society. But whether they should be in public housing, in those circumstances, causing so much disruption to individuals to the extent that people are becoming physically ill, fear for their safety, cannot go into their frontyards because they are so terrified of tenants who have been abusing them for year upon year, where they feel that the Housing Trust has abandoned them, then clearly there is a need for a constructive inquiry to give the Housing Trust an opportunity to explain its procedures, put forward its case, to hear from tenants and to hear from others who are interested in this very important issue.

I have spoken to the Housing Trust Tenants Association, to Mr Tony Ellmers from that association. My office has set out the terms of this particular motion. Mr Ellmers has indicated that he is quite supportive of it, as I understand it, and I have had a brief discussion with Mr Ellmers. They believe that this is an area that ought to be dealt with. So the fact that the Housing Trust Tenants Association is broadly supportive of this motion is something that reassures me.

This is a matter that simply cannot go on in terms of the number of individuals who have been affected. I have said that is just the tip of the iceberg. I have received some 50 complaints in the course of several weeks. Every time this matter is raised in the media, my office is flooded with calls. The Hon. Angus Redford has indicated that he has had dealings with this issue in another aspect of public housing. I know that there are many members in the other place who deal with constituents who have public housing issues, particularly with difficult and disruptive tenants. Something has to be done. This inquiry could play a very constructive role in that. It will not be an inquiry, as I see it, about finger-pointing. It will be about finding some constructive solutions because, for those people who have been struggling with these issues for many years, they deserve better. I think that this council, through the Statutory Authorities Review Committee, can actually help find a solution, and I think that will be a good thing for the many hundreds if not thousands of individuals who have been deeply affected by difficult and disruptive tenants, and what appears to be a systemic failure on behalf of the Housing Trust to deal with these issues satisfactorily.

**The Hon. CARMEL ZOLLO** secured the adjournment of the debate.

## TREASURER, PERFORMANCE

**The Hon. R.I. LUCAS (Leader of the Opposition):** I move:

That this council censures the Treasurer Mr Foley for misleading the parliament on Thursday 9 May 2002 when he claimed the former government had not included in the mid year budget Review an allocation for a teachers' pay rise.

This issue, which obviously will be determined over the coming weeks, is most important. We in this chamber accept, as has occurred on a number of other occasions, that we have no power over the ultimate impact of a censure motion on a minister in another place. Nevertheless, in the past, censure motions have been used to express an opinion of the majority of members of the Legislative Council to demonstrate the strength of feeling that a majority of members have about particular issues.

I trust over the coming weeks that members will listen intently to this debate. Clearly, one would expect that caucus solidarity is such that, whatever the private views of caucus members—and one or two might be inclined to support the Liberal Party's position—caucus members will be required to stand shoulder to shoulder with their Treasurer. At least in this chamber we now have six members of the Legislative Council who are not members of the two major political parties and, ultimately, it will be an issue for them as to whether or not this motion is successful.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** My colleague, the Hon. Diana Laidlaw, makes the very important point that this is really a test of the Premier as to whether his oft-stated claims of a new era of honesty, integrity and accountability of himself and his government are genuine or, as frankly many of us suspect, are just a cruel facade, a cruel hoax or window-dressing on the people of South Australia.

This is a critical test very early in the parliamentary session. If the Premier is genuine, then disciplinary action will need to be taken against the current Treasurer, because this is a most serious allegation that I am making in this chamber—that the Treasurer has been guilty of gross dishonesty and deceit in his behaviour and in his statements to the House of Assembly.

I intend, in the course of my remarks this week—and I will be seeking leave to conclude my remarks later—and when next we meet, which will probably be in a couple of weeks, to demonstrate to members the accuracy of the statements that I have made.

The only other background point I would note is that, in many of the exchanges that the now Treasurer, the former shadow treasurer, and I have had in private and in public over the years, one of the warnings I have given—not that the then shadow treasurer would always accept my warnings—was to be very careful of the member's arrogance. Arrogance in a politician and in a minister is a certain recipe for political disaster. The current Prime Minister has a much more flowery expression for that: hubris. He has constantly warned his federal ministers. He has always held up the former prime minister, Paul Keating, as a perfect example of hubris and has warned his ministers against it.

The Prime Minister has warned them against it. As I said, I had many friendly exchanges with the then shadow treasurer, the now Treasurer. I have been in this parliament for some 20 years and I have seen people come and go and, during that time, I gave just a friendly warning: 'Watch out for the member's arrogance.' I think that we have seen that

already in the member for Hart's behaviour in the House of Assembly and also publicly. Public servants are already commenting on it freely. One particular person commented that the Treasurer's arrogance knew no bounds. They very quickly have come to know what many of us in the political arena have known for quite some time.

That is the background to this motion. One of the more seasoned members in our very early days in the Legislative Council warned all new members that if they were not going to tell the truth they had better have a very good memory. I think that he used a more colloquial expression than that but I will not use it. He said that if you are not going to tell the truth in politics you had better have a very good memory.

**The Hon. T.G. Roberts:** How seasoned was he?

**The Hon. R.I. LUCAS:** He was very seasoned.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** As the Hon. Diana Laidlaw said, the message there was how much easier it is to tell the truth. Equally, if one makes a mistake it is much easier to 'fess up and say, 'I got it wrong. I made a mistake.' But those members who have an excessive level of arrogance and ego are not prepared to stand up and say, 'I got it wrong. I made a mistake in what I said to the house', and apologise to the house for the error. They attempt to construct ever more elaborate explanations for the misleading of the house that occurred in the first place.

During my remarks I want to trace the history of some of the explanations of how the now Treasurer has, in an embarrassing way, sought to put on the record, and privately in his discussions with the Speaker, a defence of what, I am sure most members will accept, is the indefensible. The background to this grievous event in the House of Assembly is that, clearly, the new government had to concoct a story of a supposed black hole in the state's finances. It had made a series of unsustainable election promises. It knew that they could not all be met and, over and above that, it also had what is colloquially referred to as the 'Lewis demands': the cost of the compact or deal that was done with the member for Hammond, and those costs, of course, were not included in the Labor Party costings prior to the election.

If the original costings were unsustainable, the additional cost of the deal that was done with the member for Hammond in exchange for government also added to the unsustainability of the Labor Party's position. A necessary corollary, therefore, of that position was for the government to concoct the supposed black hole in the state's finances. This all started publicly on 14 March when a press statement was issued by the Treasurer claiming that there was a supposed black hole in the state's finances. At that time I think he put a figure of $350 million on it.

The Treasurer gave a series of radio interviews on that day and subsequently. Given the time, I do not want to refer to all of them, but let me refer to one of the most stark, the clearest example of the line that has been run since 14 March. This, of course, was a statement made publicly rather than to the house. On 14 March at around about 5 o'clock, ABC radio journalists Kevin Naughton and David Bland interviewed Kevin Foley on the supposed black hole; and the issue of the teachers' pay rise was raised in that interview. Kevin Naughton asked the question:

> Firstly, the prospective pay rises or enterprise bargaining agreements that need to be negotiated and finalised in respect of teachers and, I think, fire service employees, what's the position there?

I will not read all of the quote, but if anyone wants to see the full record of the transcript I am happy to provide it. I do not want to be accused of misleading in terms of the selections that I take. The Treasurer starts by saying:

> Look, I can't give an exact figure for that.

The Treasurer goes on to say:

> They chose not to, they're now saying, well, I'm not quite sure what they're saying but the effect of what they're saying is that they weren't going to give teachers a pay rise, and given that they had rewarded every other public servant with a significant pay rise it was unlikely that they would have not provided a reasonable outcome for teachers. Now that has a significant effect on the bottom line but equally there is [that] the Education Department under the management of the liberals were running out of cash.

Later, the Treasurer said:

> If that is not paid, cheques start bouncing, teachers' salaries don't get paid, that is a result of now three or four years of Liberal government allowing the Education Department to overspend.

It was clear from the first day (14 March) that publicly the Treasurer was stating that the Liberal government was not going to give teachers a pay rise. The clear inference from that is that no provision had been made for a teachers' pay rise in the budget forward estimates. Later in the interview, Kevin Naughton decided to clarify all of this issue and asked a further question, and this is most damning in terms of the Treasurer's response. Kevin Naughton asks:

> Let's go back to—sorry, I think we need to make this clear. The amount of money needed to be set aside for this estimated increase in teachers' pay rises had been underestimated, you're saying by the liberals?

Let us be clear on the question: Kevin Naughton was giving the Treasurer an out in relation to this. He was actually saying, 'Okay, let me clarify this. What you are actually saying to us is that there has not been any money provided but that there has been an underestimate?' The Treasurer was not agreeing with that. The Treasurer said:

> It had been left out.

Kevin Naughton asked:

> Had it been left out? Well Rob Lucas has been reported as saying that there are hundreds of millions of dollars included in the Treasurer's contingency budget line for the forward estimates 2002-03 to 2005-06 to fund those wage increases. Now is that true or not?

The Treasurer says:

> No it's not and he—Rob—knows that.

It is absolutely explicit, it is absolutely clear, that right from 14 March the Treasurer, the Hon. Mr Foley, has been saying that the government had not provided—

**The Hon. Diana Laidlaw:** He's been lying.

**The Hon. R.I. LUCAS:** He has been dishonest and he has been deceitful.

**The Hon. T.G. Roberts:** He is on first names with you. He called you Rob.

**The Hon. R.I. LUCAS:** I beg your pardon?

**The Hon. T.G. Roberts:** He is on first name terms with you; I thought you would say some nice things about him.

**The PRESIDENT:** The honourable member should call the leader the Hon. Mr Lucas. Interjections are out of order.

**The Hon. R.I. LUCAS:** He should, Mr President. Quite explicitly, right from 14 March, the Treasurer, the Hon. Mr Foley, has been making the claim that this government had not provided any allocation in the forward estimates for the teachers' wage increase and, in response to Kevin Naughton's question, 'Well, isn't it really the case it is just underestimated?' The Treasurer did not respond to that. The Treasurer said:

It had been left out.

When challenged by Kevin Naughton: 'Had it been left out?'—The Treasurer said that the former treasurer (Hon. Rob Lucas) is saying that hundreds of millions of dollars were included in the contingency from 2002-06 to fund wage increases. The Treasurer, the Hon. Mr Foley, stated:

No it's not and he—Rob—knows that.

That statement is dishonest, it is not true; and significant amounts of documentation, both prior to the change of government and since, demonstrate absolutely that those particular statements on 14 March—which have subsequently been repeated—were untrue.

As I said, those statements were made on 14 March. I was hoping that at some stage the Treasurer would do one of two things: that is, either publicly recant on what he had said, by taking the first opportunity when the house reconvened to say that he got it wrong, or, if one wanted to take a partisan political stance, trust that he might repeat those statements in the house so that he could be challenged on having misled the house. Misleading a journalist or misleading the public is significant but, of course, a member cannot be disciplined in any way by the house—other than by his own leader, I suppose—for statements that he makes outside the chamber.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.I. LUCAS:** I am mindful that that is unless you have made a statement about the Speaker, and then you may well be disciplined.

**The PRESIDENT:** Order! Let us not get into any injurious reflections and stick to the motion before the council.

**The Hon. R.I. LUCAS:** None at all, Mr President. Any injurious reflection will be about the Treasurer, because this is a substantive motion against the Treasurer.

**The PRESIDENT:** It refers to the actions that he took on a particular day, and I think any assertions in respect of what he did on that day are fair game, but assertions about his behaviour on other occasions are subject to the rules regarding injurious reflection.

**The Hon. R.I. LUCAS:** As I said, I will not take the time of the council to repeat his public statements because they were not made in the parliament, and this motion refers to an issue before the parliament. But it is important, as I have already done, to demonstrate that this is not just an isolated case. This was serial misleading of the community first, and then ultimately an attempt to mislead the parliament.

In his statement of 9 May, the Treasurer demonstrated himself to be a serial misleader of the parliament and of the community, and that, I am sure you would concede, Mr President, is a most grievous offence in terms of the way a particular member should behave in the parliament. In the House of Assembly on 9 May, in response to a dorothy dixer question from the member for Mitchell—and I suspect that the Treasurer may well rue the fact that he asked for the dorothy dixer—the Treasurer stated:

I mentioned that one of the big amounts of money that he—

that is, I—

failed to include in the mid-year budget review was an allocation for a teachers' pay rise. . .

That is explicit. There is no equivocation at all. It is absolutely clear that he was accusing the former government, and myself as Treasurer, of the allegation that one of the big amounts of money we failed to include in the mid-year budget review was an allocation for a teachers' pay rise. Further on, the Treasurer stated:

He said, 'Don't worry, I don't think they should get a pay rise, so let's not include it.' Let's have no nonsense from members opposite about the teachers' wage increase. Let's have no crocodile tears from members opposite because, if you believe the former treasurer, they were not going to pay the teachers—not 2 per cent, not 3 per cent, not 4 per cent, not anything. They were not going to pay the teachers. Explain that one, former minister for education!

That is the statement about which this motion has been moved. It is absolutely explicit. It is an open and shut case of the Treasurer misleading a house of parliament. My subsequent comments will confirm that he has been forced to admit, by inference any way, in his subsequent statements that this particular statement was incorrect.

He has gone through a number of convolutions in terms of trying to explain this series of statements, but he has not stood up in the house and apologised, even though he was given the opportunity to stand in the House of Assembly and say, 'Look, I got it wrong. The statement was incorrect. What I should have said was this, this and this. I know I said the same thing on 14 March and various other occasions. I misunderstood my brief. I made an error. It was only a $205 million error but, forgive me, I am just a new Treasurer. I am having difficulty understanding these difficult budget figures, but I will try to get it right next budget.'

If he had stood up in the house and been honest enough to confess his sins, I am sure that members of the opposition and the Independent members would have been most magnanimous and said, 'We forgive you for your incompetence; we forgive you for your incapacity to understand budget figures—after all, it is only a $205 million mistake! Former Labor governments did make mistakes of $3 billion or $4 billion, and clearly you are getting better. Clearly with the passage of time, Labor governments and Labor treasurers are getting better.'

I am sure if he had taken the opportunity to confess his inadequacies, to stand up in the house and indicate that he had got his brief wrong, that he had made a $205 million error, and that the statement he had made to the house was wrong, we would not be having to proceed with this motion. We might have had a little bit of fun at his expense, but that is part of the grist of political exchange in this parliament. But he has not chosen to go down that path.

What then occurred was that an issue of a matter of privilege was taken up by my colleague the member for Davenport in the House of Assembly where he sought a ruling prima facie from the Speaker in relation to this particular statement, as to whether or not it was misleading. What then occurred, we think—because obviously we were not involved—and from my viewpoint it seemed unusual that, if the speaker had a private discussion with the Treasurer, and if that information was given to the Speaker and he was trying to determine this issue, as a course of natural justice any information that might have been provided or response could have been tested in a discussion with the member for Davenport who had raised the issue of a matter of privilege.

I am sure that if such an issue were raised with you, Mr President, as a matter of natural justice, you would allow both sides of the argument or debate to at least put a position to you, should they wish to, before you were to rule. I am sure you would be much too smart than to just discuss it with one side of the political fence and not the other before determining the issue. All we can go on is the statements that have been made by the Speaker, the member for Hammond, as to why he ruled, prima facie anyway, that he did not believe that

there was an issue of the Treasurer having misled the house.

What the Speaker said in part—and I will just go through some of those comments today and leave the rest for another day—referring to the *Hansard* of 13 May:

> The member for Davenport then asks me to determine whether the amount of funding referred to in that document of 15 January is inaccurate by implication in the underlying deficit that would result. That amount was contained in a document dated some time in December, a document which extends to five pages and which was provided by the Under Treasurer to the Treasurer. This document was not seen, I have determined by close questioning of the Treasurer, until after Thursday 9 May, the last day of sitting last week, in which he made those statements to the house.

The clear inference from that is that the Treasurer said to the Speaker, 'Look, page one of this document indicates that $205 million had been allocated in the forward estimates for the teachers' wage rise. But I had not seen this document until after 9 May.'

There is a bit of a discrepancy in the argument there, in that this is 13 May. The impression that the Speaker has given of the discussion with the Treasurer is that he did see the document, but after 9 May. Subsequently, in a ministerial statement or a further statement on 14 May, the Treasurer changed that story to indicate that he had not seen the document until some time this week. The clear inference from what the Speaker said in the house was that the Treasurer had told him he had not seen the document and that therefore he had been unaware of this $205 million provisioning in the budget forward estimates.

In subsequent radio interviews I made it clear that I was aware of advice having been provided to the now Treasurer after the election of the new government—that he had been advised of the $205 million figure on a number of occasions, both verbally and in written advice to the Treasurer. I am aware also that, through the budget expenditure review committees and through the cabinet discussion where there was a separate cabinet submission on the size of the teachers' wage case, Treasury advice was provided to the Treasurer which included information on the $205 million provision in the forward estimates.

I made those statements on the following morning, on 14 May. My advice is that senior Treasury officers were shaking their heads at the events of the previous day, because they knew that they could not and would not provide advice to the Treasurer that he had not been advised of the $205 million in provisioning for the teachers' wage increase. There are too many documents in the Treasurer's office, also in Treasury, also in the Department of the Premier and Cabinet, also with the Minister for Industrial Relations; there are too many documents around the place that refer to this $205 million provisioning. The Treasurer knew that the story of the previous night that he had managed to sell to the Speaker to convince him that he had not misled the house had to be changed, and changed significantly, by question time on 14 May. At that stage we then got the statement of 14 May. Given the time and the number of issues that we have to attend to today, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

## SUPPORTED ACCOMMODATION

**The Hon. SANDRA KANCK:** I move:

That the Legislative Council requests the Social Development Committee to investigate and report on the issue of the impact of supported accommodation needs on South Australian people with a disability (including mental illness, physical disability, brain injury, intellectual disability and neurological disability), their families and the community, and in particular:

1. Current levels of supported accommodation services available in metropolitan and rural regional areas.
2. The quality of supported accommodation currently available.
3. The number of people waiting for supported accommodation.
4. Waiting times for supported accommodation.
5. Alternatives available for people waiting for supported accommodation.
6. The impact of 'deinstitutionalisation' on accommodation needs for people with a disability.
7. Any other related matter.

It is now widely accepted that the institutional settings of yesteryear are no longer acceptable for people with disabilities. In South Australia at the present time 22.4 per cent of people identify themselves as having a disability, which is the highest rate in Australia. While recognising that not everyone with a disability requires the same degree of care and support, the number of South Australians in desperate need of such care and support is not reducing. None of this is new. For years, disability groups have campaigned for increased supported accommodation places as well as respite services.

For too long, policy makers have put the cart before the horse. Deinstitutionalisation is a policy which is sound in theory but which has failed in practice, because appropriate accommodation support was not put in place. I note the Hon. Nick Xenophon's earlier comments about housing needs. It has certainly been noticeable for people with mental illness. We have seen an increasing number of homeless people and those in our prisons with a mental illness. We have seen people being placed in temporary crisis accommodation within the Housing Trust without appropriate support—

*An honourable member interjecting:*

**The Hon. SANDRA KANCK:** And in hospitals, most certainly. South Australia has the dubious distinction of having the highest per capita number of people in institutions in Australia. A stand-off between the state and commonwealth government on the issue of unmet need remains unresolved, despite much media hype and public announcements by both levels of government. Unmet need was calculated at $300 million nationally when disability ministers met in April 1999, and this equates to roughly $16 million in South Australia. Despite reassuring noises from disability ministers, unmet need remains at crisis levels in this state. The words have not been followed up with action. I mention that South Australia did receive $12.5 million in funds for unmet needs, but it was tied specifically to respite needs for older carers. There is no doubt that that respite was needed, but respite is only a short term solution for these families. Their needs were incorrectly interpreted. These families need long term supported accommodation for their members who have disabilities.

Three years down the track after that meeting of disability ministers, it appears that the unmet need in South Australia is set to blow out further with the handing down of last night's federal budget. Prior to the release of that budget, Disability Action calculated that it would increase to $28 million. Three years ago the previous government put effort, time and money into the early stages of developing a new disability services planning framework. This was very much needed, given that the majority of services in South Australia have evolved erratically, with no overall thought given to duplication of services or equity in funding. This has

led to some organisations receiving a bigger piece of the smaller funding pie than others.

But how far has this process progressed? The initial report by Marguerite Dissinger titled 'Epidemiology and Service Implications Project Stage 1 Report', was very promising. That initial report gave an overview of the funding situation, accommodation needs, projected demands on services, unmet need and definitions of disabilities—in short, a wealth of information on the disability sector. Some of the recommendations of the report included an increase in supported community based accommodation in metropolitan Adelaide of 100 additional places, access to mainstream aged care packages, flexible in-home support packages to top up existing arrangements as and when required, access to appropriate respite options, additional supported community based accommodation to anticipate the reduced involvement of informal carers as clients age, promotion of home ownership to people with a disability and aligning the availability of housing with relevant supports.

In essence, it was the nuts and bolts of real change for the disability sector, but what has happened in the intervening three years? Stages 2 and 3 of the project were to deal with the development of service quality indicators and financial benchmarking and were supposed to involve consultation with the sector regarding service model costings. Sadly, those promises of improvement have begun to ring hollow. I have heard nothing about the second stage report, let alone a stage 3.

Hard data about the numbers of people who are in need of supported accommodation are difficult to come by. Exact figures and details from across the sector are almost impossible to discern. Figures have been derived by individual organisations such as the National Council on Intellectual Disability SA. In 1999, it calculated that 710 South Australians required urgent accommodation—and I stress that is only urgent accommodation—with 400 anticipated to require urgent accommodation within five years. Non-government organisations have tried to access accurate figures from the disability services office for some time to no avail. Apparently this information is politically sensitive. So, the number of people and their stories of crisis become a hidden statistic kept on an office shelf somewhere. So, while governments do little to change their situation, their lives remain unchanged and, in some cases, decline.

According to the National Council on Intellectual Disability, in South Australia in 1999 of the 6 033 known people with an intellectual disability, many of them were living in substandard private community accommodation and were at risk of abuse and exploitation. More than 3 600 lived at home with their family or guardian providing ongoing care and support and only 47 per cent of those families received any support services. Many families lived in poverty. Their caring responsibilities precluded them from seeking paid employment and they were reliant on a carer's payment. As family members get older, they can no longer physically or emotionally care for their adult children who have severe or profound disabilities.

It will come as no surprise that these families experience higher levels of health problems and often experience family breakdown as a consequence of the stresses put on them. What can they do for their children? Where can their children go when the inevitable occurs and the parents cannot care for them at their home or the parents die? Will the child face being institutionalised after a lifetime at home? I attended and addressed an unmet needs meeting in May 2000. More importantly, I listened to the individual stories of the parents and the carers. They were enough to move the outside chair of the meeting to tears. One man was in his 60s and caring for his son who was approaching 40. He put his son on a waiting list for accommodation in 1987 and had been classified as urgent since 1997. I wonder whether his son has appropriate accommodation today—I suspect not.

Another parent had to put an operation off to remove a tumour for two months as no respite services were available to take care of her seven year old daughter for a two week period. These stories are not isolated. A constituent informed me recently that when trying to access services for a relative with a profound disability such as help with showering, toileting and meals, she was told that these services could only be allocated when someone who was already accessing these services died. Of course, anyone with a profound disability who does not receive such services will die quicker. What sort of a society are we when we allow these things to happen?

Some parents who 30 or 40 years ago made a loving and responsible decision to not put their children in institutions are becoming desperate. From holding a position that institutional care was not what they wanted for their children, they are now holding out for any sort of accommodation, including institutions, just so that they know that their children will have a bed to sleep in when they have passed on. If we want a more socially inclusive society, this parliament must act on behalf of our most vulnerable constituents.

These constituents challenge our modern day values such as independence and self-reliance where the well paid job, attractive house and modern car is a measure of true integration into a successful society, yet people with disabilities rarely have these opportunities. Many are dependent on others to meet their basic human needs. Some are dependent on us to speak on their behalf to ensure these needs are met. I urge members to support this motion so that potential solutions to the problem of supported accommodation can be addressed so that South Australia can truly become a more inclusive society.

**The Hon. P. HOLLOWAY** secured the adjournment of the debate.

## FOOD FOR THE FUTURE

**The Hon. CAROLINE SCHAEFER:** I move:

That this council congratulates all those involved with the Food for the Future initiative and the State Food Plan on their recent national Jaguar/Gourmet Travel Award for Innovation.

As I have reiterated in this place many times, one of the initiatives that I have been involved with over a long period has been the Food for the Future initiative. It recently received the Jaguar Food Award for Innovation. The Jaguar Food Awards for Excellence in association with the *Australian Gourmet Traveller* magazine recognise innovators in Australian food and travel with annual awards in four broad categories. Those categories are: primary produce, innovation in produce, gastronomic travel and innovation in travel. There are 20 recipients in all for these prestigious awards, five in each category.

It is no small reflection on the Food for the Future initiative that a number of the innovative awards went to South Australians. One South Australian winner was Beech's Quality Fruit. Tony and Jenny Beech have developed a

'secret' recipe to produce their prized products—sun-glazed figs, peaches, apricots and sultanas. Another recipient was the CSIRO native food plant cultivation project—innovation in produce again—and that went to Dr Maarten Ryder whom many of us have met. He is a research scientist with the CSIRO in South Australia and initiated the native food plant cultivation project to trial the suitability of native food species, including native citrus, elegant wattle, riberry, mountain pepper, lemon myrtle, lemon aspen, bush tomato and munthari for commercial production.

Many of us recognise that, if we can begin to produce native fruits and foods in sufficient quantities that they can be supplied commercially, there is a huge market for them both nationally and internationally. We also received two awards for innovation in travel. They went to Banrock Station Wine and Wetland Centre and to Iga Warta, which is the property in the Flinders Ranges belonging to the Coulthard family. The innovation in produce category recognises value adding.

The group which I particularly want this chamber to congratulate is the Food for the Future group. Food for the Future has helped to raise the level of excellence and is bringing people together. It is innovative in its success in getting government and industry together. The history of the State Food Plan goes back to 1997 when it was launched as Food for the Future by the then premier (Hon. John Olsen), and it continued to be one of the initiatives in which he was vitally involved for his entire time as the premier. He considered it important enough that he always chaired the council meetings.

The target for the Food for the Future initiative (as it was then called) was to grow the food industry in this state, including retail, from what at that time could best be described as a best guess of about $5 billion to $15 billion by the year 2010. At the time that was considered to be a very ambitious target and a number of people said that all it was was a target and a target that would probably never be reached. If we compare apples with apples, last year the state gross receipts in this case was nearly $9 billion. So, at this stage we are actually ahead of target to reach that $15 billion by 2010.

At that time, the Premier appointed the Hon. Rob Brokenshire as convener, and I took his place some six months later. He also appointed the Premier's Food for the Future Council. The council consisted then and still does of leaders in the food industry. It is chaired, as I said, by the Premier, and the two other vital ministers who attended were the Minister for Primary Industries and the Minister for Industry and Trade. The chief executives of those two departments were part of the council, as was the convener, and the council met quarterly. When you consider that some of the people and the expertise that was used actually came from interstate and they almost always attended, again I think that is indicative of the commitment to this program that we saw.

The issues group, which essentially was the administrative group and which very much became the ideas group, I chaired as convener. They were senior public servants from various departments who were brought together, and I believe they got rid of the silo mentality of 'my department versus your department' and they willingly worked—

**The ACTING PRESIDENT (Hon. Bob Sneath):** Perhaps members would like to take their conversation outside. I am sure that it is hard for the member speaking to concentrate.

**The Hon. CAROLINE SCHAEFER:** I thank you for your protection, sir. As I said, these public servants worked together very innovatively and got rid of what I think was perhaps a silo mentality at the time of various departments competing with each other. They worked together towards the aims of the Food Plan. I would like to pay tribute to some of those public servants. I will not name them because from time to time they change, but the two main departments involved were primary industries and industry and trade together with representatives from transport; treasury; tourism; environment; planning; employment, education and training; and DAIS. And I am sure there were others. I apologise to the ones that I have omitted, because we got a great deal of cooperation from those people. They met on roughly a monthly basis both before and after council meetings to implement the resolutions of the council.

At about that time Dr Susan Nelle was appointed as the Director of Food for the Future. I would very much like to pay tribute to Dr Nelle. She is certainly the best facilitator with whom I have worked and she had the ability to be forward-looking and to think laterally, to involve the public servants with whom she worked and, in particular, to involve in a real and practical way private industry. I think in no small measure the success that we enjoy today has probably as much to do with Susan Nelle as it has with the innovation and ideas of the last government.

Dr Nelle quickly established working groups which were chaired by council members and attended by council members and departmental staff and administered by departmental staff. As I said, this was the beginning of incremental change, in my view. At about that time, the scorecard was developed. The scorecard is now used across most departments as a measure of the success or otherwise in economic terms of not only the produce and the various commodities but the weaknesses and strengths and, on a region by region basis, we are able to identify those products that are successful and our export growth.

Again, I pay tribute to the three economists who work pretty much full time now on the scorecard, which has become very much a definitive reference across the departments and within industry. That report is published annually and there are updates, as I am sure the new minister would know, on a regular basis. I commend it to anyone who chooses to click onto the SA Food online where it is readily available.

There were a number of challenges, and we recognised fairly quickly that to fulfil our aim of $15 billion we would have to make some incremental changes. In response to those challenges, we developed the State Food Plan, which was published last year and, together with industry, we worked out the priorities which would be concentrated on by the incoming Food Council. They were: innovative value adding of commodity products; branded differentiated product; integrated demand chains; and export systems to targeted markets.

Time allowing, I would like to expand on some of those initiatives. Within the innovative value adding initiative, we received seed funding for experimentation with a large amount of input, both financially and particularly physically, from regional development boards. We were looking at developing a barley drink for Japan, premium hard wheat to be sold in smaller quantities, and small packages of flour, etc. to be exported, probably to the Middle East. As I say, that was very much in conjunction with and at the direction of regional development groups.

We were also looking at the increased use of byproducts. In particular, there were a number of innovative methods of using small and unusable potatoes. Members of the council may not realise that South Australia now packages something like 80 per cent of Australia's potatoes and onions.

Under branded differentiated product, we developed premium differentiation so that within this state you can now purchase, for instance, free range poultry, which has undergone stringent testing and which is branded to what it is. We also developed the regional sector brands, particularly Food Barossa, which is marketed in the gourmet market in Sydney. That is a cooperative between a number of excellent producers within the Barossa who, again, have to reach certain standards to claim the Food Barossa brand. Food Barossa is now well recognised in Sydney, and I believe that almost all of those people have at least doubled their produce.

Integrated demand chains was probably one of the great challenges, because we had to educate producers that they are the beginning of the food chain and that their responsibility does not end when their product leaves the farmgate. We had to try to guarantee consistent delivery and reliable supply to customer specifications. In particular, our overseas customers want to know that they can access consistent quality produce. We developed export systems into targeted markets. In particular, we worked on industry collaboration.

This was a genuine partnership between industry and government. In particular, the official arm of industry was Food Adelaide, which was initially financed by government. In return, they gave us probably the equivalent of months if not years of their time and expertise in bringing smaller producers up to the required level with their knowledge of packaging to be successful exporters.

The introduction of the people from Osaka, of whom the minister spoke, was in fact part of the Food Adelaide initiative: they chose the staff that, as exporters, they knew would be able to do the job for them, and began warehousing in Osaka. We all know the success that that has been. Similarly, the same thing has been done in Taiwan and there was funding under our budget—and I assume it is still there—to do the same in the Middle East and in London. In that case again, those people were to be chosen and set up by Food Adelaide, by industry, without the interference of government.

As a government, our part was to be a supportive partner, to listen to their suggestions and to provide the expertise that governments do best, which is not always marketing internationally. We seed-funded demonstration projects; we helped with the building of regional capacity; we helped with building global competitiveness; and we helped with new export development. But after that, people were pretty much on their own. One of the remarkable things for those of us who have dealt with government departments for some time was that, for the first time ever, rather than taking sectionalised bids to the last budget process, the Department for Industry and Trade, PIRSA and TransportSA combined to take a combined bid to Treasury during the budget process. Having done that, I believe we were successful because we had cross-departmental support and industry support.

The tools that we have developed that need to be nurtured and encouraged are the Scorecard, the web page—which is www.safoodonline.com for those who are interested, which is developing not just as a link between various traders but also as a link for overseas people to increasingly access specialist product that they are looking for—the development of Food Adelaide, the development and support of Flavour SA—which is a group of mainly smaller producers who meet regularly to exchange contacts, help each other with expertise, marketing and so forth.

We also developed the account management process, which received cabinet approval, and was a method whereby we could appoint one project manager for a major project from the most appropriate department. That person would then walk that project through any of the other departments, rather than the person who was wanting to develop the initiative having to try to do it themselves.

We also developed a regional audit strategy, which was benchmarked and targeted so that we could see that the government's input was indeed being matched by industry which it always was—usually it was surpassed by industry—as well as how our money was spent and that we were meeting those targets.

The real heroes in this story are the people in free enterprise, in industry, in business, who have given thousands of dollars worth of their time to be part of this project, to be part of what is, at this stage, a true partnership. I would like to commend all of them.

In my view, the Jaguar Food Awards are only a small part of what should be a deserved fame for this project. It was, and is, acknowledged to have been one of the standout successes of the previous government. I wish those who remain in it well. I do hope that this government continues to allow industry to be a real, working, positive partner, not just a useful adviser and I extend my congratulations to all concerned.

**The Hon. P. HOLLOWAY** secured the adjournment of the debate.

## GAMBLING, INTERNET AND INTERACTIVE

Adjourned debate on motion of Hon. Nick Xenophon:

1. That a select committee of the Legislative Council be appointed to inquire into and report on the feasibility of prohibiting internet and interactive home gambling and gambling by any other means of telecommunication in the state of South Australia and the likely enforcement regime to effect such a prohibition;

2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;

3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council; and

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining the witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 8 May. Page 45.)

**The Hon. CARMEL ZOLLO:** On behalf of the opposition, I move to amend the motion as follows:

Paragraph I

1. Leave out 'the feasibility of prohibiting'.

2. Leave out all words after 'the State of South Australia' and insert 'and the desirability and feasibility of regulating or prohibiting such activities'.

Paragraph II

Leave out the words 'that the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and'.

New Paragraph V

Insert new paragraph V as follows:

V. That the evidence given to the Legislative Council Select Committee on Internet and Interactive Home Gambling and Gambling by other means of Telecommunication in South Australia be tabled and referred to the select committee.

As the Hon. Nick Xenophon has already pointed out, in 1998 he moved a motion in identical terms for a select committee to be appointed to report on internet and interactive home gambling. At that time I also subsequently moved to amend the motion to provide for a similar outcome, as I am doing now, as did the Hon. Paul Holloway. The original committee commenced meeting in March 1999.

The reason for my amendment in 1998 was that there was a view that the motion, as originally moved, might have given the impression that the issue was prejudged. It was felt that a select committee should not be so prescriptive and should be looking at the bigger picture. There was a view that the wording of the amended motion would allow the committee to address the problem in greater detail rather than strictly looking at prohibition.

I am pleased to say that the interim report of the committee brought down on 4 October 2000 was able to look at the wider picture, and obviously it is desirable to allow a new committee to have the same purview. I indicate that this matter is deemed to be a social issue in the Labor Party and, therefore, members of the government will be able to vote according to their conscience.

I joined the previous committee following the retirement of the Hon. George Weatherill, and I agree with the Hon. Nick Xenophon that some excellent work was done on the committee in relation to both prohibition and a regulatory framework; it certainly would be a shame to lose this good work. On behalf of the government I commend this motion of the Hon. Nick Xenophon that will enable a select committee to present a final report on this important social question to the parliament.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I indicate that the government will support the motion to re-establish the Select Committee into Internet and Interactive Home Gambling. This select committee was originally moved by the Hon. Nick Xenophon back in November 1998 and was passed on 10 March 1999. So, it is now more than three years since it was first established.

The committee has made considerable progress in that time. There was an interim report released and, indeed, before parliament rose last November the committee was in the final stages of completing a further report. Given the amount of work that has gone into this committee, it would be a pity if it were lost. From that point of view, the government is happy to support the continuation of the select committee to enable that report to be finalised, which I hope, expressing a personal view, could be done fairly quickly.

The matters in relation to the select committee are, of course, conscience votes for members of the government and, I would think, for the opposition as well. Indeed, the select committee had members from both parties on different sides of the fence in relation to the recommendations. Nevertheless, it is still important that parliament considers these important questions.

There has been a considerable change in the environment since this committee was first established. When the Hon. Nick Xenophon moved this back in November 1998 it was, effectively, in a de facto sense a matter for the states to regulate internet and interactive gambling, because at that stage the commonwealth government had virtually bowed out of the scene, and it was left to states to go their individual ways. There had been some effort to try to coordinate this, but several states had taken action to permit internet and interactive gambling; others had gone against it. Although there was some move to arrive at a common position, that did not happen.

Of course, having opted out of the process, the commonwealth then became interested for various reasons, which may have had a bit to do with the Telstra sale. Several years ago the commonwealth introduced a moratorium on interactive and internet gambling, and I believe subsequently there was a bill passed in federal parliament in which it was, to some extent at least, regulated and prohibited.

Some of us who were on the committee had a little difficulty in trying to understand some of the finer points of the commonwealth law. Certainly, as I recall the deliberations of the committee some six months ago, there were some rather puzzling provisions, to say the least, within that commonwealth legislation. Nevertheless, the introduction of commonwealth legislation has obviously changed the situation. I make the point that when the committee was first appointed, it was really seen to be a state's role, and now the commonwealth does have legislation, and so the role of this parliament in relation to internet and interactive gambling has changed.

We have also seen legislation passed through this council in relation to the Authorised Betting Act, which related to the sale of the TAB and Teletrack, and issues such as that, but it also referred to internet gambling. So, this is an issue where there has been considerable development over the course of the select committee. Given that we have considered so much, I think it is important that we complete the report, even though it is quite likely that this issue will continue to develop as technology changes.

It may well be that parliament will have to look again at this subject into the future, regardless of what conclusion the committee reaches. Also, some other interesting matters were looked at in the course of this inquiry, one of which was sports betting, an issue of considerable concern to some members in the community. There is a particular view that if sports betting, in an interactive sense, were to be extended it could have a huge impact upon the community. We have also seen other issues related to sports betting, such as match fixing, and so on, and the committee has looked at a number of issues in relation to that.

If, in fact, gambling is to move in this direction, clearly, there are roles for the state parliament in relation to sports betting, both in a sense of controlling it interactively but also in relation to existing state laws and how they might control the conduct of sport. That is an area in which the committee did do some useful work. The committee has not completed its report. It would be useful to try to complete that part of the report so that we can make some headway in relation to our state laws in that area. For those reasons, the government will support the continuation of this committee.

Again, I express the view that I hope that the committee can finalise the report it had gone a long way towards completing, and I hope that it can do that fairly quickly. For those reasons, the government supports the re-establishment of this committee. Obviously, we hope that all of the work that was done in the past will be taken into account by this new committee. I support the motion.

**The Hon. R.I. LUCAS (Leader of the Opposition):** On behalf of Liberal members, I support the motion, I think, as amended or about to be amended to five members. I will not delay proceedings of the council. I was hurriedly trying to find when first we established this committee—in 1998, I thought.

*The Hon. Nick Xenophon interjecting:*

**The Hon. R.I. LUCAS:** March 1999, was it?

**The Hon. P. Holloway:** Yes, March 1999 but moved in November 1998.

**The Hon. R.I. LUCAS:** I recall making a prediction at that time and I was going to quote it back to the chamber and to the Hon. Mr Xenophon. Senile dementia is setting in with me, but—

**The Hon. Nick Xenophon:** It is a good thing I don't bet.

**The Hon. R.I. LUCAS:** It is a good thing that the Hon. Mr Xenophon does not bet, because I think that the Hon. Mr Xenophon was promising me in the chamber that this would be concluded expeditiously, within a very short space of time. I cannot remember whether he said six or nine months, or something. I think that, at the time, I predicted that this thing would take years. It started in 1998 and we are in the year 2002. In another four years it may well be the first committee to extend over eight years. I will not delay the proceedings. I assume that all existing members of the committee will continue their penance.

*The Hon. Carmel Zollo interjecting:*

**The Hon. R.I. LUCAS:** No? the honourable member is not?

*The Hon. Carmel Zollo interjecting:*

**The Hon. R.I. LUCAS:** So, it is not. I think that is an outrage. If the Hon. Carmel Zollo is not going to endure penance, I think that I might change my position. If the Hon. Mr Holloway and I are to endure this for another interminable period, I feel that all members should be required to continue to serve their penance. It should not be inflicted on the Hon. Mr Sneath.

*Members interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Mr Gazzola; that is even worse—the newest and most junior member of the Legislative Council Labor Party caucus has been dragooned into serving on the committee.

**The PRESIDENT:** One of the most enthusiastic.

**The Hon. R.I. LUCAS:** And the most enthusiastic, as well; I am sure that is the case.

**The Hon. Carmel Zollo:** He is very enthusiastic.

**The Hon. R.I. LUCAS:** He is very enthusiastic. Well, as I said, I've had a quick change of heart, I think, almost. It makes sense that the committee conclude its work. It makes sense, in my view, that all previous members should be required to continue to serve on the committee. I hope there is a late change of heart from the Hon. Carmel Zollo whose work was much appreciated by other members of the committee. Her expertise and capacity in this area will be a sad loss should she choose not to continue to serve on the committee. For those reasons, the Liberal members support the amended motion.

**The Hon. NICK XENOPHON:** I take issue with the Hon. Rob Lucas. It is not a penance to be on this committee: it is more in the nature of a blessing considering the important nature of this issue. The Hon. Paul Holloway is right that the issue of sports betting is increasingly important in terms of its availability and its expansion in the market, so I think it is important that we get on with this. I would like to think that we can deal with this in a matter of months and finalise it rather than years. A lot of work has been done. I regret that the Hon. Carmel Zollo cannot be on this committee. Whether this chamber could move a specific motion for her to be on the committee, I do not know.

This is an issue of community concern. There are varying views. Let us build on the expertise of the previous committee. Let us get on with it and provide a final report so that any legislative model—whether it is for prohibition or regulation—can be considered. I urge members to support this motion.

Amendments carried; motion as amended carried.

The council appointed a select committee consisting of the Hons John Gazzola, Paul Holloway, Robert Lucas, Angus Redford and Nick Xenophon; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 20 November 2002.

**The PRESIDENT:** In accordance with the motion just agreed to, I table the evidence and the minutes of proceedings of the Select Committee on Internet and Interactive Home Gambling and gambling by other means of telecommunications in South Australia.

*[Sitting suspended from 5.57 to 7.45 p.m.]*

## DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 55.)

**The Hon. G.E. GAGO:** I rise to express my support for the bill. It is currently legal in South Australia and, what is more, considered to be sound medical practice, to withhold or withdraw life sustaining treatment that is considered to be medically futile or unduly burdensome. It is also recognised to be sound medical practice to provide symptom relief to a terminally ill patient, even though this may shorten their life, so long as it is not given for the purpose of shortening life. However, to prescribe, supply or administer medication intended to bring about death is currently illegal in this state.

The Dignity in Dying Bill presently before us provides for the administration of medical procedures to assist the death of patients who are hopelessly ill and who have expressed a desire for voluntary euthanasia, subject to appropriate safeguard requirements. As I have previously stated in this chamber, it is an issue about which I feel extremely strongly. My views, however, have developed over time, and it was my personal experience as a health care professional which led me to revise my views on this issue.

In my younger years I strongly opposed voluntary euthanasia, heavily influenced by my Catholic upbringing. However, in my role as a nurse I was soon to learn, unfortunately, that not all patient suffering associated with terminal illness can be alleviated by palliative care, and some patients go on to experience an unbearable death. At this point I wish to acknowledge, as I have done before, the incredibly valuable work conducted by palliative care workers here in South Australia, which is recognised as a leading state in palliative care; their care, knowledge and skills have brought and continue to bring enormous relief and peace to thousands of South Australians in their hour of need. However, in some situations even state of the art palliative care is not enough.

It has been recognised that over 90 per cent of people with terminal illness will endure their situation but that around

5 per cent find it intolerable and request euthanasia. Even though data show that only a relatively small number of people request voluntary euthanasia from their doctor, surveys show that, whether or not they are ill, most people would derive a sense of comfort and peace of mind from the knowledge that voluntary euthanasia is available if they need it—that is, of course, if it were to be made lawfully available to them. I do not wish to share with you the extremely gruesome and cruel events which I have witnessed during my years as a nurse as a result of voluntary euthanasia not being made available. The pleas of those desperate for release have shaped the views which I share you with today, and unfortunately they remain with me as very distressing memories—things that I will never forget.

Some members of the public object to voluntary euthanasia on the grounds that it will inevitably lead to non-voluntary euthanasia, or involuntary euthanasia, often referred to in the literature as 'the slippery slope'. They fear that legalising voluntary euthanasia will be like releasing a runaway train that will quickly gain momentum as social mores begin to blur and distort. They express concerns that families might begin to pressure their relatives to take up the option of ending their lives so as not to become burdens. They believe that next the community's respect for life will dwindle and that incompetent patients will be killed without their specific request. They fear that, as social values continue to crumble and economic pressures increase, this will then be followed by the elderly, the demented and even malformed children and the mentally handicapped being killed also. To these people, such moral degradation knows no limits.

To support this argument, some have used statistics from the Netherlands, in particular a 1990 Dutch survey, which has been incorrectly interpreted as showing that 55 per cent of patients investigated had their lives terminated without their explicit request. This would equate to 4.5 per cent of these total deaths surveyed being attributed to non-voluntary acts of euthanasia, in contrast to the accepted official finding of 0.8 per cent. Detailed scrutiny has revealed that the 55 per cent figure was obtained by including those events where the administration of pain relief and treatment withdrawal resulted in shortening life. These figures, however, were not included in the accepted official report. I understand that in the Netherlands it is considered to be sound medical practice, not euthanasia, to withhold or withdraw treatment, as it is also for increasing pain relief, even if it means the shortening of life.

Analysis of the instances of life terminating acts involved in this 55 per cent figure which were initially interpreted as not involving explicit requests for euthanasia has revealed that in 59 per cent of those cases the physician did have relevant information about the wishes of the patient through either previous discussion with the patient and/or a previous request. Also, the interpretation of this survey remains highly questionable, particularly in respect of the fact that apparently no comparable study had been conducted prior to this, so that it was impossible to know whether since the introduction of voluntary euthanasia the incidence of non-voluntary euthanasia was increasing, decreasing or staying the same.

*The Hon. Sandra Kanck interjecting:*

**The Hon. G.E. GAGO:** Exactly. These are important facts, which are often overlooked when reported by those who oppose voluntary euthanasia. In 1996, a highly regarded Dutch study used a similar methodology to the original Remmelink study of 1990, which showed that the prevalence of life-terminating acts without specific request had fallen from 0.8 to 0.7 per cent during that period—so a slope that was going up. If the slippery slope argument—that is, that the argument legalising voluntary euthanasia will increase the incidence of involuntary euthanasia—were to be true, then you would expect that the countries that do not have the legal provision for voluntary euthanasia would have non-voluntary euthanasia rates lower than those of countries that have had the legal provision for voluntary euthanasia for some time.

However, comparable studies with countries of a similar size and roughly similar culture indicated the opposite to this. Findings show that there is less non-voluntary euthanasia in the Netherlands (0.7 per cent of all deaths) than in Australia (3.5 per cent) and Flanders Belgium (3.2 per cent). Of course, in the latter two countries, voluntary euthanasia is not legal. Clearly, that evidence needs to be considered and interpreted in a balanced way. However, at this point in time, the general consensus is that evidence available does not support the concept of a 'slippery slope'. Unfortunately, the facts show that patients continue to be killed in situations of great ethical concern in both countries that have legal provision for voluntary euthanasia and those that do not.

However, this should not be used as an excuse to damn those who wish to choose the option of voluntary euthanasia to a death of pain, humiliation, anguish and despair. Rather, we need to continue to work on public policy to ensure that we prevent any opportunity for unethical practices. Involuntary euthanasia is morally indefensible. Over the years, we have heard many reports from different sections of our community which demonstrate the changing attitudes of the Australian public and hence the need for legalising voluntary euthanasia. I will not go into these in detail but, in summary, Morgan Centre surveys have shown that the general public support for euthanasia has steadily increased from 47 per cent in 1962 to 76 per cent in 1996. Similar trends are also found in other countries such as Britain, Canada and the United States.

Even though we are aware of the limitations of such polling, these results, along with other evidence, indicate beyond doubt that there is a widespread and growing support for voluntary euthanasia to be legalised. Similar trends are also found amongst people of religious persuasion in a Morgan poll conducted in 1996. From the sample surveyed, the people supporting legalised voluntary euthanasia included 81 per cent of Anglicans, 76 per cent of Methodists, 73 per cent of Presbyterians, 69 per cent of Roman Catholics, 73 per cent Uniting Church and 85 per cent of those with no religious preference. Surveys have also been conducted by medical practitioners and nurses looking at their attitudes to voluntary euthanasia and, although there are some differences amongst these findings, generally speaking most of these results are consistent with public opinion supporting a legal option.

This bill ensures that voluntary euthanasia cannot be an act that can be decided on a whim, or during a brief moment of extreme pain or depression. It cannot be administered until all options are discussed: indeed, it is compulsory that options be discussed. The process outlined involves 15 steps, which include finding a willing doctor and discussions of the options surrounding the patient's prognosis so that the patient can make a fully informed decision; two witnesses must be involved; another doctor must then be found who is willing to be involved in the process; and both doctors must agree that the patient does not have a treatable clinical depression. There is then a 48 hour 'cooling off period' to give the patient every opportunity to change their mind if they so desire.

As members can see, it is hardly a speedy process and one which provides for 15 steps, including 12 compulsory requirements or hoops before voluntary euthanasia can be administered. This is a rigorous and exhaustive process, which many may consider too arduous, but it is certainly one which minimises any potential for loopholes which could result in an act of involuntary euthanasia. There are some, too, who oppose voluntary euthanasia due to religious faith and issues around the sanctity of life. I understand that those people believe that human life is considered a gift from God, who alone may decide when that life ends. In effect, God's will or purpose overrides personal autonomy.

However, I find it interesting that God's will is not considered to be overridden if life is artificially or medically prolonged even when those steps do not involve the prolonging of quality of life but rather, in some cases—and I have witnessed some—involve pain and suffering. It is also interesting that many Christian doctrines accept some circumstances at least where it is considered justifiable to take a life, such as self-defence, just war, judicial execution in some circumstances, or in defending the life of another, for instance. The God that I was taught about was a loving and compassionate God. For me, administering voluntary euthanasia when pain, anguish and suffering becomes unendurable demonstrates a reverence for the sanctity of life.

I believe that everyone has the right to their own opinions and beliefs, whether they are held by a majority or a minority. However, I also believe that we should be free to live and die according to our own morals, values and ideals, so long as the rights of others are respected and upheld. For those who do not agree with voluntary euthanasia in principle, I do not believe that they should prevent this option being made available to those who do believe it is morally right for them. Supporting this bill does not mean that you have consented to voluntary euthanasia to be administered to yourself. Those who object to voluntary euthanasia are still at liberty to face their death in accordance with their own personal beliefs and values. It simply makes legal what is currently occurring in our society without safeguards and at great risk to patients and health care workers.

It is also important to note that this bill provides freedom of choice to patients who are hopelessly ill. Medical practitioners and other assisting health care professionals would also be free to choose to participate in the act of voluntary euthanasia according to their conscience, and of course in accordance with the legislation if it were to be passed. It is not our role in this chamber to impose our beliefs onto others but rather to ensure that there is legislation that protects social order. The bill before us provides for the administration of voluntary euthanasia in strictly prescribed circumstances, and under stringent guidelines and safeguards. I believe that the need for compassion and dignity in the face of hopeless illness is needed. In situations where a person is competent to make an end of life decision, I fervently believe that the reforms outlined in this bill, which gives hopelessly ill people more control over their own death and dying, are absolutely essential. I commend this bill to members.

**The Hon. A.J. REDFORD:** I will be extremely brief. On Wednesday 2 July 1997, I made a contribution on the voluntary euthanasia bill that was then before this place; and again on Tuesday 24 July 2001 I made a contribution on the bill that was before this place. Other than to say that the offer to see palliative care specialists in relation to this area and the attempts that we made last year were unsuccessful because of our varying commitments, I stand by the views that I expressed in those contributions.

**The Hon. DIANA LAIDLAW:** I think I have spoken on this matter even more than the Hon. Angus Redford. On the first occasion, with reference to a select committee bill, which was moved at that time by the Hon. Ann Levy, I spoke on 28 May 1997. I further spoke on 25 February 1998 to a motion moved by the Hon. Carolyn Pickles which was for the purpose of reinstating a select committee in relation to voluntary euthanasia. That motion was subsequently amended and the matter was referred to the Social Development Committee of the parliament. This was a tactic that was perhaps designed to see the bill lost. Whether or not that was the case, that was its fate. I spoke to the Hon. Sandra Kanck's Dignity in Dying Bill on Wednesday 4 April 2001, and I speak again tonight in support of this measure.

Of all the measures that have been before us in this place, the Hon. Sandra Kanck has provided exceedingly well researched reasons from around the nation and the world. She has provided an extremely well structured bill which I think addresses on every single count concerns that members may genuinely have about the way in which this measure would be put into practice. The Hon. Gail Gago referred to those concerns very well this evening in terms of the number of steps that we insist should be taken by doctors and related professionals, the coroner and the minister, and the patient and their family. Not one step should be taken in a rash way.

With legislation as new as this, no-one would wish to see people working in this field—where they may have to make a decision in terms of voluntary euthanasia—not apply the utmost scrutiny to those around them. Those people themselves would feel that they are going to be put under scrutiny and would, by instinct, be cautious in the way in which they approach their responsibility to the request of the patient who, only in the most extreme circumstances, can request support to end their life.

I have said on previous occasions that we do not make a choice to come into this world, but surely one choice that we should be able to make is how we leave it. Why should we in this parliament inflict a painful death on anyone? We would not choose such a death for ourselves, but why would we ever seek to inflict that on others when there is an opportunity for the individual concerned—and this will arise in very few circumstances—to be able to leave this earth with dignity.

We know from the professionals and families who have been through these grievous circumstances that palliative care does not work in all situations. Some may still wish to rely on palliative care to deal with their dying, but that is their choice. Others may find that palliative care does not ease their dreadful pain in the last days of their life. In those circumstances, I think we should not be fearful and we should not impose the circumstances in which they should die. Essentially, if we deny this measure we would be authorising a painful death for a select number of people. I would not want to choose who those people should be. I would not want that matter on my conscience—I would not want that for me or for any member of my family.

On previous occasions, I have gone through many aspects of this bill in more detail. I simply commend the honourable member for not being put off by a whole range of issues and distractive arguments that have been put in her way in the past and for persisting (on the part of families and the few individuals to whom this measure may well apply) with

compassion and care to bring this measure forward for us to consider in the early days of this new parliament. I support the bill.

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

## EAST TIMOR

Adjourned debate on motion of Hon. Sandra Kanck:

1. That this council congratulates the people of East Timor on achieving full independence; and
2. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 14 May. Page 123.)

**The Hon. DIANA LAIDLAW:** On behalf of my Liberal colleagues, I support the motion of the Hon. Sandra Kanck to congratulate the people of East Timor on achieving full independence and the proposal that this motion be sent to the House of Assembly to seek its concurrence. Because we live in a democracy we can become complacent about the rights and freedoms that we enjoy on a daily basis, such as our sovereignty, the right of free assembly and free speech, and the right to vote, but those freedoms are not enjoyed universally and that has not been the experience of the people of East Timor.

I have taken great interest in the plight of the East Timorese for many years, and I am often bewildered when I see how ignorant many Australians are—in our country which has no borders—of the geography, social history, political history, economic wellbeing and religious background of our near neighbours. Papua New Guinea is so few kilometres from our northern shores, as are East Timor and Indonesia. We, as South Australians and nationally, have very little understanding of the big issues that face people in those nations as they seek to advance in a very complex world.

In Papua New Guinea for instance, there are millions of people from different tribes and different languages. In Indonesia there is a whole archipelago of islands and nationalities and languages and diversities, made more complex by colonial rule and then very difficult post-colonial regimes imposed on a people who did not see themselves as part of the Indonesian nation. They have been tenacious, the East Timorese, in their fight for their own sovereignty and they have been through horror after horror, personal and political persecution, matters that we would not even contemplate in this nation would be part of our daily lives.

As the Hon. Nick Xenophon and the Hon. Minister for Regional Affairs indicated in supporting the Hon. Sandra Kanck's motion, Australia has played a key role in more recent years in working to support the East Timorese and their quest for independence. It was a very exciting day for all who followed the history of East Timor's fight for independence when it was announced in January 1999 that the East Timorese would be given a choice on the future. Certainly I was very proud that Australia supported and participated in the first UN monitoring mission, which culminated in the public verdict in favour of independence. In the wake of the violence following the 30 August 1999 ballot Australia led the international force, the coalition of the willing, which allowed the international community to respond quickly and effectively to the humanitarian crisis in East Timor, while at the same time allowing the UN time to assemble a blue beret peacekeeping force. Australia's troop strength at that time peaked at around 5 500 personnel, and the East Timorese, heart and soul, welcomed our personnel in the show of personnel strength and belief in their movement for independence.

Australia has continued to provide support for East Timor both through the United Nations and also bilaterally and will continue to be a committed friend and partner of the East Timorese at a government level, and, I hope, increasingly at a personal level, and that comment has been made by number of members in this place.

Overall, East Timor has been a highly conspicuous UN success story and the United Nations has not had many of them in recent years. It is thrilling to see independence. It is thrilling to see the signs of personal renewal amongst the people in terms of roads and schools and basic services. There is certainly a long, long way to go and what we have to ensure is that Australia is not just a friend there in times of trouble or for the immediate or short term, but for the longer term. It is in our interests and is certainly in the interests of the East Timorese that they become a strong independent nation.

In terms of internal security I have been advised that over 550 Australian police officers have served in East Timor in recent times, and currently 80 police officers are undertaking general policing duties, investigations, executive administrations and a whole range of matters, helping the East Timorese develop their own force for personal law and order and courts. Something that we assumed was around us every day was being provided in this nation in a forceful way, in the past, by Indonesians. All their structures must be built from scratch now and it is excellent that our protection officers are there to help the East Timorese in this capacity.

Another big measure that is very important in terms of our contribution to security and humanitarian efforts is a revenue base for the East Timorese, from a personal level and in terms of government administration. This was an issue that the world was ill-equipped to deal with in terms of the collapse of communism in Poland and the USSR. There were rampant black markets and a whole range of practices which those nations are now seeking to deal with, and not very successfully, in terms of black markets and corruption. What is good in terms of building the base of an independent nation in East Timor is the Australian assistance provided through the East Timor Sea Agreement in July 2001, which has provided for a generous revenue-sharing arrangement—a ratio of 90:10—from jointly controlled oil and gas resources in the Timor Sea.

It is this revenue that will be critical to East Timor's financial future, in addition to the agricultural cross-tourism and creative cultural industries. On behalf of my colleagues in this parliament, I join with all honourable members who have spoken to this motion and congratulate the people in East Timor on achieving full independence. I in turn commend the Australian government for supporting that goal in the past and, I trust, well into the future.

**The Hon. IAN GILFILLAN:** I congratulate the initiative of my colleague the Hon. Sandra Kanck in bringing this motion before this chamber. It is very gratifying to see that in the year 2002 we have what appears to be unanimous support in congratulating East Timor on achieving its independence. I wish we had had the same unanimity of support from 1975-76 through to now. I believe we could have saved the loss of perhaps up to 200 000 lives and a lot of human suffering, and left East Timor in a situation where

it now might well have been a very prosperous small nation instead of, as we have already recognised, being probably one of the 20 most impoverished nations in the world.

I have had an ongoing interest in this matter for many years and I have some rather interesting old newspaper clippings which, in a chronological order and only very briefly, reflect some of the changing patterns. The first one that I bring to the attention of the council is a clipping of 25 February 1975. Under the headline 'Whitlam to act over Timor invasion fear' it states:

The Prime Minister (Mr Whitlam) will try to persuade Indonesia to abandon any plans for a military invasion of Portuguese Timor.

That sounded pretty good. An *Advertiser* article of 8 December 1975, under the headline 'Dili falls to big Indonesian force', states:

'Slaughter' cry from Fretelin as Timor capital invaded. Indonesian paratroops and marines backed by Indonesian warships took the East Timor capital of Dili yesterday with indiscriminate slaughter in the streets

It goes on with the story of that dramatic and rather horrendous military action.

The next article, dated 1 January 1976, again from the *Advertiser,* is headed: 'Timor attack "massive"'.There is a photograph of a much younger Jose Ramos Horta, who is the spokesperson and well known to any of us who have continued to have an interest in and who have fought for the cause of independence for East Timor. This story is a New York based one from AAP which says:

Fretelin leader at United Nations. Indonesia had 20 000 to 30 000 troops on Portuguese East Timor, a Fretelin leader told the press conference at UN headquarters yesterday. Mr Jose Horta, foreign minister of the government proclaimed by the Revolutionary Front for the Independence of East Timor (Fretelin), told the conference Indonesian troops had launched massive new attacks on the territory on Christmas Day. About 30 warships were blockading the territory. He said that more than 15 000 Indonesian troops, backed by tanks, helicopters and planes, had overrun several villages.

Fretelin forces had suffered heavy casualties when the Indonesians bombed their military headquarters in Baucau, the second largest town in Portuguese Timor. Indonesian troops now occupy the capital Dili, Baucau, and about 30 per cent of Portuguese Timor. Mr Horta said up to 10 000 people, mainly women and children, had been killed since the Indonesian invasion on 7 December. He claimed that the Indonesians had lost up to 10 000 troops, as well as aircraft, tanks and arms.

Faced with this military strength, Fretelin had to retreat to the Central Highlands of the territory—

where, as honourable members will know, they continued to fight bravely for many years.

The next article is from *Jakarta Sunday*, dated 11 October 1976, the headline of which states: '"Shift" in Australia's policy on East Timor—Fraser'. The article says:

Australia will, in effect, recognise Indonesia's takeover of East Timor. This became clear tonight at a press conference given by the prime minister, Mr Fraser, at the end of his official visit to Indonesia. Mr Fraser, when questioned repeatedly on the Timor issue, at first said there had been no change in Australia's policy, but he later admitted there had been a shift in the policy, and said President Suharto had every reason to be satisfied with their talks over the past three days.

May I say shame! Shame, shame, shame. I move now to the article of 17 March 1977 headed 'East Timor witness will get Australian backing.' Many of us who were in this campaign will remember Jim Dunn, who had put his argument for independence for East Timor with very little official support, but this article of 17 March states:

Dunn will still tell you of atrocities. East Timor witness will get Australian backing. The Minister for Foreign Affairs, Mr Peacock, yesterday gave unofficial backing for a public servant to give evidence in the US on alleged atrocities by Indonesian troops in East Timor.

The story goes on to indicate that Mr Dunn had every right to comment, but it was not an official comment and in no way was it to be taken as speaking on behalf of the government.

I will now refer to someone who would be well known to many South Australians in the Labor Party, with the headline of 20 June 1977, '"Battle on," Duncan tells Fretelin.' The article goes on:

The SA Attorney-General, Mr Duncan, in a radio message yesterday urged Fretelin forces in East Timor to continue to fight the Indonesian government. A spokesman for the campaign for an independent East Timor, Mr R. Wesley-Smith, said campaign members had twice set up an illicit broadcasting station near Darwin at the weekend and transmitted and received from Fretelin for nearly two hours. Part of the broadcast had been playing of a taperecording containing greetings to Fretelin from Mr Duncan and SA unionists.

Well done, Mr Duncan and SA unionists! On 8 December 1980 an article headed 'Former consul on East Timor' states:

Australia had power to prevent invasion. Australia could have initiated moves to stop Indonesia's invasion of East Timor a top public servant and former diplomat said yesterday. Mr Jim Dunn, Australia's consul to East Timor from 1962 to 1964, said he believed it had been well within Australia's power to prevent the operation. Australia also had taken steps to discourage others preventing it. "It is the sorriest episode in the history of Australian diplomacy," Mr Dunn said.

Mr Dunn, I may remind you, was vilified by politicians of the time as being unreliable in his evidence and not presenting what was a widely held view in Australia at the time. That brings me to 19 August 1985. A newspaper article headed 'East Timor is part of Indonesia—Hawke' states:

The Prime Minister, Mr Hawke, is facing a new row within the ALP—

I am very glad to hear—

over his public acknowledgment of Indonesia's sovereignty over East Timor. Mr Hawke, in an interview recorded in Canberra on July 25 with Indonesian television (TVRI) says that Australia recognises 'the sovereign authority of Indonesia' over East Timor, and he goes on to describe the East Timorese as 'citizens of Indonesia'.

The article further states:

Although the previous Fraser government granted de jure and de facto recognition to the violent annexation of East Timor by Indonesia in 1975, no Labor minister has, until now, publicly acknowledged Indonesian sovereignty over the former Portuguese colony.

The next day (28 August) Hawke defended his Timor statement. An article states:

The Prime Minister, Mr Hawke, yesterday defended his concession of Indonesian sovereignty of East Timor in the face of Portugal's recall of its ambassador in Australia. Whatever the faults of Portugal may have been as a colonising power, it was much quicker in seeing the need for East Timor to have independence than we were. Mr Hawke said Indonesia's control over the former Portuguese colony had been demonstrated in several ways over the past few years and the 1978 de jure recognition by the Fraser government had not been overturned.

So, it is not a happy chapter of recollections of Australian governments of succeeding parties. I would say that it is reasonable for us—and we should do this in conscience—to recognise that many of our actions in those times were acts of perfidy to a small nation and a people who had every right to expect total support and friendship from us as a nation when they had sacrificed so much for us in the Second World War. And, apart from that, they were close neighbours that had never given us any cause to have hostility.

It was sad to recollect, when I went back through some of my archival material, that even the Anglican Church, of

which I am a member, in the *Church Scene* dated 22 November 1991, reflected that East Timor really properly was a part of Indonesia and the sooner it got quiet about it and accepted it the better. To my embarrassment I read that article and reflected, in some contrast, on some very strong remarks from some Catholic bishops who were taking the opposite point of view. A lot of our attitudes, I am afraid, in the attempts to appease Indonesia for what I consider to be quite disgraceful motives in our national history were very reminiscent of attempts to appease Hitler prior to the Second World War.

It has gone not only into that case but also into the Timor Gap Treaty. It was interesting tonight because I was watching the SBS news, which is probably the best way to get real international information through the media in South Australia.

**The Hon. R.D. Lawson:** What about the *Advertiser*?

**The Hon. IAN GILFILLAN:** I do not think it is even a contest. Sadly, over the course of the last two days, the foreign minister, Mr Downer, who, two days ago was saying confidently that the Timor Gap Treaty will be signed on 20 May (Independence Day), has been saying—and it was reflected in the journalist's report—that it is now in doubt and that he is using the words 'will hopefully be signed'. I hope that 'hopeful' does become reality, because I do not think that we have a lot to be particularly proud about in the way in which we have dealt with the Timor Gap Treaty.

I would like to share with the chamber another piece of my archival material, which is part of the text of an interview with Professor Roger Clark, Professor of International Law, Rutgers University of New Jersey, conducted by Mark Aarons on the ABC in April 1990. Aarons asked the Professor:

> Professor Clark the recent successful negotiation of a Timor Gap Treaty has been hailed by the Australian government as a diplomatic coup, I'd like you to respond to that, particularly in the light of the background to the way in which Indonesia seized and annexed East Timor and the background to international agency and legal principles that are involved.

Professor Clark responded:

> Of course one must start from the proposition that Indonesia had absolutely no business acquiring East Timor in the first place. They had no legal claim to it, no historical claim to it, no moral claim to it. What they did was in breach of the United Nation's Charters prohibition of the use of force and the United Nation's Charter's principles pertaining to self-determination. Now what follows from that as I understand it on international law is that they are unable to obtain title to the territory as a result. There's a very important 1970 resolution of the General Assembly of which Australia was in fact one of the co-sponsors called the Declaration Principles of International Law Concerning Friendly Relations and there's a provision in there which says—

and this is Professor Clark quoting—

> 'The territory of a state shall not be subject to acquisition of another state resulting from the threat or use of force. No territorial acquisition resulting from threat or use of force shall be recognised as legal.' I don't think anything could be much clearer than that, and most responsible international lawyers regard that as either an authoritative interpretation. . . or as a perfect proposition of international customary law. I think it follows from that not only is Indonesia not entitled to be there but Australia isn't entitled to treat Indonesia as though it did have some legal title to the territory, and by dealing with it in respect of the Timor Gap. It is treating it as though it was legally in place.

It is very hard to escape the interpretation that part of the reason Australian governments went soft on Indonesia's takeover of East Timor was self-interest—getting a very good deal, getting part of the action on the Timor Gap Treaty for oil and gas. It is important to recognise that the Democrats have made outspoken contributions in the federal parliament from the very earliest times when one of our foundation senators, Senator Colin Mason, was persistent and quite vociferous in criticising what had occurred in East Timor from the time he went into the Senate in 1977.

He was picked up by Senator Vicki Bourne and, in a release dated 20 November 1991, she was very critical of what had happened in East Timor because it was reasonably close to the Dili massacre. She quotes some of the most disturbing reflections on the Indonesian military's attitude to the East Timorese with some quotes by a General Try Sutriano, who was in charge of the armed forces. Senator Bourne's release of that date states:

> In the face of statements by Indonesia's armed forces commander, General Try Sutriano that East Timorese dissidents must be 'wiped out' Australia must rethink its relationship with Indonesia. How can we continue to cooperate with a military which says of the Dili massacre 'Finally, yes, they had to be blasted.' Australia's 1985 decision to accept the invasion and annexation of East Timor must be reversed at once. We must work ceaselessly through the international community and especially in the United Nations to compel Indonesia to allow self-determination for the East Timorese.

Further she states:

> Our international reputation is worth more than any relationship with Indonesia. We must now join the overwhelming majority of United Nations members in calling for self-determination for the East Timorese.

She spoke at some length in the Senate on 26 November 1991 and moved the following motion as a matter of urgency:

> The need for the Australian government:
> (a) to immediately send a fact finding delegation to the East Timor to investigate the Dili massacre;
> (b) to reassess Australian military aid and defence equipment exports to Indonesia;
> (c) to move that the United Nations facilitate talks between all parties on the future of East Timor;
> (d) to request, in the strongest possible terms, that Indonesia agree to and facilitate all of the above.

She went on to describe in some detail what was known of the Dili massacre and how cold-blooded the approach by the Indonesians was, and I would like to think that most members rather unfortunately but factually would be aware of that.

She takes the opportunity to give more extensive quotes from General Try Sutrisno, and it is important that these be included in the *Hansard*. He was quoted in the *Jayakarta* newspaper as saying:

> These ill-bred people have to be shot.

She quotes a little further from the article as follows:

> Our armed forces are not like armies in other countries. Our people's army is very tactful. It turns out, the four-star general continued, that the patience shown by officers was not appreciated; on the contrary, the disruptors became even more brutal. Then, some shots were fired into the air. 'But they persisted with their misdeeds,' he said. General Try Sutrisno then said that ABRI [the armed forces] would never allow itself to be ignored. 'In the end, they had to be shot', he said, reiterating his words that such disruptors had to be shot. 'And we shall shoot them,. . .

Senator Vicki Bourne further stated:

> The Australian Democrats, since the inception of the party, have been consistently and loudly opposed to the Indonesian invasion and incorporation of East Timor in 1975. My predecessor in this place and my good friend, Colin Mason, constantly raised the matter in the Senate but received little support at the time. I am very encouraged by the outrage being expressed by so many groups and individuals, not only in Australia but throughout the world, over this massacre. There is a growing surge of activity in the European parliament, the Netherlands, the USA, the UK, Portugal, Sweden, Canada and New Zealand. Australia must actively support cooperative international action.

The Dili massacre has been a turning point in that it is simply no longer possible for the international community or our own government to act as if the human rights situation in East Timor has been or is being resolved.

She made the point that we should stand up to Indonesia on the basis that we are a friend of Indonesia. She makes the very good point:

One does not let one's friends do things that are against their best interests. It is in everyone's best interests—Indonesians and East Timorese alike—for East Timor to be allowed self-determination.

I repeat, although it is an exciting occasion that is coming on us on Sunday, at what price? What a tragic price had to be paid. But it did not have to be paid. It only had to be paid because of the indifference and self-interest that was shown to a large extent by our government, for which we must all take some blame.

The push for self-determination eventually held sway, and that is so recent a history that I do not need to replay it for the chamber. It had, of course, its tragic downsides as well, as those who were inflamed to reject the result of the plebiscite caused even more bloodshed and unnecessary refugee flights into West Timor, from which, thank goodness, because of Xanana Gusmao's charisma and courage, they are slowly starting to come back with confidence to play a dynamic and positive role in their home country, East Timor.

I am sorry that my contribution has, to a large extent, been a litany of criticism and sad reflection, but to just glibly say, politely, 'Congratulations', and shake hands and say, 'Well done, new nation,' without reflecting on the history of Australia's involvement, I think would be negligent, and I certainly could not contribute to this debate without reminding both myself and members in this chamber of the details of the history involved.

But it is history, and we will be making history from now on. I believe that the friendship we have for and the contribution we will make to East Timor will not just be charity: it will be the development of a rewarding relationship with a small but dynamic nation which has proved its courage and its capacity to achieve. On that basis I end my contribution and congratulate East Timor in achieving its self-determination on 20 May, and I support the motion.

**The Hon. SANDRA KANCK:** I thank members for their willingness to progress this motion so quickly. It was only yesterday that I introduced it. I want to thank all honourable members for their expressions of support. I know that not all members have spoken, but the Hon. Andrew Evans and the Hon. Julian Stefani indicated to me that, while they would not be speaking, they did support the motion.

The Hon. Ian Gilfillan has just reminded us of what was really an appalling 24-year history in terms of Australia's involvement in this issue. But ultimately, almost like a fairy story in the end because these things do not happen often, principle won out over pragmatism. I think if ever a nation deserved its independence, it is East Timor. Next Monday will be a joyous day, and I know that many of us will be with the East Timorese people in spirit.

Motion carried.

## AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) BILL

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries)** obtained leave and introduced a bill for an act relating to agricultural chemical products, fertilisers and veterinary products; to repeal the Agricultural Chemicals Act 1955, the Stock Foods Act 1941 and the Stock Medicines Act 1939; to amend the Agricultural and Veterinary Chemicals (South Australia) Act 1994 and the Livestock Act 1997; and for other purposes. Read a first time.

**The Hon. P. HOLLOWAY:** I move:

That this bill be now read a second time.

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

Leave granted.

This Bill was introduced by the former Government and is reintroduced because it commends itself to the present Government as a desirable reform.

This Bill was developed following a review of South Australia's legislation regulating agricultural and veterinary chemicals and stock foods. As a result of the review, the proposed legislation will repeal the *Agricultural Chemicals Act 1955*, *Stock Foods Act 1941* and the *Stock Medicines Act 1939*, and provide a comprehensive legislative framework to regulate the use of agricultural and veterinary chemical products, as well as provide for the regulation of fertilisers and stock foods.

The proposed legislation will operate within the context of the Agvet Code of South Australia (the Agvet Code), which forms part of a national scheme adopted in this State under the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*. This scheme regulates the manufacture and supply of agricultural and veterinary chemical products through a product evaluation and registration system. The Bill will complement this scheme by dealing with issues relating to the use and disposal of agricultural and veterinary chemicals. To this end, it seeks to manage and reduce the risk of unintended harm to plants, animals, trade, human health and the environment by encouraging the responsible use and disposal of agricultural and veterinary chemical products and fertilisers.

*General Duty*

Part 2 of the Bill imposes a general duty of care on a person who uses or disposes of agricultural and certain veterinary chemical products and fertilisers. In using or disposing of these products, a person is required to take reasonable care to prevent or minimise harm to the health and safety of human beings and the environment. In the case of agricultural chemical products, the duty extends to preventing or minimising contamination of land, animals and plants (in terms of chemical residues), outside the area intended to be treated with the particular product. In using or disposing of agricultural and veterinary chemical products and fertilisers, a person is required to take appropriate measures such as observing label instructions, giving consideration to prevailing weather conditions and maintaining equipment used for applying the chemical products.

The object of the general duty is to manage the risk of harm by modifying behaviour and encouraging responsible use and disposal of chemical products and fertilisers. Failing to comply with the duty of care therefore does not of itself constitute an offence. Compliance with the duty is instead enforced by the issuing of a compliance order under Part 5 of the Bill, which may, for example, require a person to cease a particular activity, or to take specified action. If a compliance order is not observed, a penalty will apply.

If the use or disposal of an agricultural or veterinary chemical product results in damage to the environment, or adversely affects the safety of food or the health or welfare of members of the community, it is intended that recourse be made to other relevant legislation such as the *Environment Protection Act 1993*, the *Public and Environmental Health Act 1987*, the *Food Act 1985* (and prospectively the *Food Act 2001*) and the *Occupational Health, Safety and Welfare Act 1986*.

*Offences*

In order to support the operation of the National Registration Scheme set up under the Agvet Code and administered by the National Registration Authority, Part 3 of the Bill provides for various offences to regulate the use and possession of agricultural and veterinary chemical products. Whether or not a particular chemical product or constituent should be registered under the Agvet Code, involves a thorough evaluation by the National Registration Authority of the possible harmful effects that using or handling the product may have on human beings, plants, animals, trade and commerce and the environment. Once a product is registered, a corresponding label setting out a wide range of information including instructions for its safe use and handling must also be registered. The National Registration Scheme also involves a permit system which

will operate in conjunction with the proposed legislation. A permit issued by the Authority may provide for the availability of a particular product (which may or may not be registered), in specified circumstances or under certain conditions and it is intended that such a permit would be recognised under the Bill.

*Agricultural Chemical Products*

Within the framework of the National Registration Scheme, Division 1 of Part 3 sets out offences relating to the use of agricultural chemical products. A person is prohibited from using or possessing an agricultural chemical product that has not been registered by the National Registration Authority unless the Authority has authorised its use or possession under a permit. If a product is registered, a person must also comply with any mandatory instructions on the label for the product (as prescribed by the regulations). The Bill also imposes responsibilities on a person carrying on an agricultural business to comply with instructions regarding a withholding period that may apply in relation to the use of an agricultural chemical product. Particular emphasis is given to trade products that are supplied before a relevant withholding period has expired, following application of the chemical product. In this case, the manager must supply the recipient of the trade products with a written notice of the withholding period that applies, the particular chemical product used and when it was last used.

*Fertilisers*

The Bill seeks to ensure that fertilisers meet prescribed standards and do not contain unacceptable impurities such as heavy metals and that labelling of fertilisers enables informed choice by users.

*Veterinary Chemicals Products*

In 1999, the Agricultural and Resource Management Council of Australia and New Zealand endorsed a set of nationally agreed principles for the control of veterinary chemical use. The Bill seeks to implement the proposed principles in South Australia.

As with the controls on use of agricultural chemical products, Division 3 of Part 3 of the Bill seeks to control the use of veterinary chemical products within the framework of the National Registration Scheme. The Agvet Code through the registration system, regulates the supply and manufacture of veterinary chemical products. The Code does not, however, cover those products that are prepared by a veterinary surgeon in the course of his or her practice. The Bill provides scope for greater control on the supply and use of substances prepared by veterinary surgeons, and imposes greater responsibilities on veterinary surgeons in terms of the instructions that must be given to non-veterinarians treating trade species animals, particularly in relation to withholding periods. The Bill also places controls on the manner in which a non-veterinarian may treat a trade species animal with a veterinary chemical product. Where the product is not registered, or is used in a manner that contravenes the label (in the case of registered chemical products), the person must comply with the written instructions of the veterinary surgeon responsible for treating the animal. The Bill also imposes obligations on the person responsible for the management of a trade species animal if the animal or its products are supplied before a relevant withholding period has expired.

*Regulations*

Further scope for controlling the use of agricultural and veterinary chemical products is provided through the regulations. Under Part 6 of the Bill, the regulations may prescribe conditions to enable the use of particular chemical products to be tailored to take account of particular circumstances and local conditions. The regulations may, for example, restrict the use of a particular chemical product in a specified location—a measure which may be necessary to protect the unique characteristics of that particular area. Or, it may be necessary to restrict the time of year or season in which a particular chemical product is used. The regulations may also provide for a licensing system, to ensure that people using chemical products have the necessary training or experience.

*Minimising risk to trade*

Part 4 of the Bill provides a further mechanism, in the form of trade protection orders, by which the risk of serious harm to trade arising from the use or disposal of agricultural and veterinary chemical products, may be prevented or reduced. An example of a trade protection order may be to prohibit the harvesting or sale of a particular type of trade product, or to direct the recall or destruction of a particular trade product.

*Stock Foods*

The *Livestock Act 1997* currently contains provisions relating to the feeding of livestock. By amending the *Livestock Act 1997* to provide for regulations that may prescribe standards for stock food and regulate its manufacture, packaging, labelling and supply, the Bill will provide additional means to ensure stock food meets nationally agreed standards.

*Enforcement*

Part 5 of the Bill deals with issues of enforcement, and includes provisions relating to the appointment of authorised officers and their powers. It also provides for the issuing of compliance orders by the Minister for the purpose of securing compliance with a requirement of the Bill.

In summary, the Bill aims to encourage responsible chemical use in the community by providing a clear framework for chemical users. The new legislation will operate within the context of the National Registration Scheme for agricultural and veterinary chemical products and ensure that South Australia meets its obligations for controlling use of these chemical products. The Bill aims to maximise the economic benefits of using agricultural and veterinary chemicals and fertilisers, while managing the risks of such use in terms of threats to market access, public health, non-target organisms and the environment.

I commend this Bill to Honourable Members.

Explanation of clauses

PART 1

PRELIMINARY

*Clause 1: Short title*

*Clause 2: Commencement*

These clauses are formal.

*Clause 3: Interpretation*

This clause sets out the interpretation of certain words and phrases used throughout the measure. Some important definitions include "agricultural chemical product", "trade species animal", "trade species plant", "veterinary product" and "withholding period". Many of the definitions correspond with the definitions used in the AGVET Code.

*Clause 4: Eligible laws for purposes of Agvet Code permits*

This clause sets out the provisions of the Bill that are "eligible laws" for the purposes of the definition of "permit" in *Agricultural and Veterinary Chemicals (South Australia) Act 1994*.

PART 2

GENERAL DUTY

*Clause 5: General duty*

This clause sets out the duty of care a person has in using or disposing of agricultural chemical products, fertilisers or particular veterinary chemical products. In using these substances a person must take all reasonable and practicable measures to prevent or minimise contamination of animals, plants and land through "spray drift", harm to the health or safety of human beings and unintended harm to the environment. The reference to "contamination" is in terms of chemical residues, and the relevant residue limits for trade species plants and animals are set out in the *Maximum Residue Limits Standard* published by the National Registration Authority.

The clause also sets out the factors that may be relevant in determining whether the duty of care has been complied with. These include the nature of the product used, the weather conditions, the nature of the area surrounding the site where the product is used, whether any equipment used was in good repair, and the terms of a label or permit for a particular product. Failure to comply with the duty of care does not constitute an offence in itself, but may result in the issue of a compliance order.

PART 3

OFFENCES

DIVISION 1—AGRICULTURAL CHEMICAL PRODUCTS

*Clause 6: Use or possession of unregistered agricultural chemical product*

This clause prohibits the possession of an unregistered agricultural chemical product unless the person has a permit issued by the National Registration Authority. There is a defence if the person can show that the product was registered when it came into the person's hands and that no more than four years (or such other period specified by the Minister in the *Gazette*) has elapsed since the product was deregistered. There is a maximum penalty of $35 000.

*Clause 7: Mandatory instructions on approved label for registered agricultural chemical product*

It is an offence for a person to contravene a mandatory instruction on the label of a registered agricultural chemical product, unless authorised by a permit issued by the National Registration Authority. The maximum penalty is $35 000.

*Clause 8: Container for agricultural chemical product*

Except where the product is about to be used, an agricultural chemical product must be kept in a suitable container (not a food or

drink container) that clearly identifies the product. There is a maximum penalty of $10 000.

*Clause 9: Responsibilities in relation to withholding periods*

This clause makes it an offence for a person managing or carrying on an agricultural business to contravene instructions on the label of a registered agricultural chemical product regarding a withholding period. Where the agricultural chemical product is used in relation to trade products, and those trade products are supplied before the withholding period expires, the person who carries on or manages the business must give the recipient of the products notice in writing of the withholding period, the chemical product used and the date it was last used. There is a penalty of $35 000 for an offence against this clause.

DIVISION 2—FERTILISERS

*Clause 10: Standards for fertiliser*

This clause requires that fertiliser must not be supplied by a person unless it is labelled and packaged in accordance with the regulations and meets the standards relating to the level of impurities, composition, quality or manufacture of the fertiliser, as set out in the regulations. Contravening such a regulation can result in a maximum penalty of $35 000.

DIVISION 3—VETERINARY PRODUCTS

*Clause 11: Supply of prescribed substances prepared by veterinary surgeon*

This clause provides that a person must not supply or have in their possession for supply, a substance prescribed by the regulations that has been prepared by a veterinary surgeon in the course of the veterinary surgeon's practice, unless the person has a permit issued by the National Registration Authority. There is a maximum penalty of $35 000.

*Clause 12: Treatment of animal with, or possession of, prescribed substance*

This clause provides that a person must not treat an animal, or have in their possession a substance (other than an unregistered veterinary chemical product) prescribed by the regulations, unless that person has a permit issued by the National Registration Authority. There is a maximum penalty of $35 000.

*Clause 13: Treatment of trade species animal by injection*

Except in accordance with a National Registration Authority permit, a trade species animal must not be injected with a registered veterinary chemical that is only for oral or topical use. The maximum penalty is $35 000.

*Clause 14: Treatment of trade species animals in unauthorised manner*

This clause makes it an offence for a trade species animal to be treated with a veterinary product in an unauthorised manner (maximum penalty $35 000). This includes treating animals in the following manner except in accordance with a veterinary surgeon's written instructions or a permit:

*(a)* treating the animal in a manner that contravenes a mandatory instruction on the label,

*(b)* using an unregistered product (there is a defence if the product was deregistered less than four years ago),

*(c)* treating a major food species animal with a product not registered for that particular species,

*(d)* treating a minor trade species with a product not registered for that species or a related species.

The veterinary surgeon has an obligation to provide written instructions about the treatment and treatment period to the person apparently in charge of the animal. Failure to do so may result in a maximum penalty of $10 000.

*Clause 15: Container for prescribed veterinary product*

Unless for immediate use, a prescribed veterinary product must be kept in a suitable container (not a food or drink container) that clearly identifies the product. Maximum penalty is $10 000.

*Clause 16: Responsibilities of veterinary surgeon in relation to withholding periods*

This clause provides that a veterinary surgeon treating a trade species animal with a veterinary product must provide the person in charge of the animal with written instructions regarding any relevant withholding period including details of the treatment and treatment period and requiring the animal to be readily identifiable. There is a maximum penalty of $35 000.

*Clause 17: Responsibilities of manager in relation to withholding periods*

A person responsible for the management of a trade species animal treated with a veterinary product resulting in a withholding period for the animal or its products, must ensure that the animal and its products are readily identifiable for the duration of the treatment and the withholding period. If the animal or its products are supplied during the treatment period or the withholding period, the recipient must be given written notice of the treatment and withholding period, the veterinary product used and when it was last used. Non-compliance with this clause may result in a maximum penalty of $35 000.

PART 4

TRADE PROTECTION ORDERS

*Clause 18: Trade protection orders*

This clause provides that the Minister may make a trade protection order to prevent or reduce the possibility of serious harm to trade arising from the use or disposal of agricultural and veterinary products. The orders may do a range of things including prohibiting a trade product from being harvested or sold, recalling a trade product that has been sold, prohibiting the carrying on of a particular activity in relation to a trade product or imposing conditions relating to the taking and analysis of samples of a trade product.

*Clause 19: Special provisions relating to recall orders*

A trade protection order that requires the recall and/or disposal of a trade product may also require the disclosure of certain information to the public or other class of persons. A person bound by a recall order is liable for any costs incurred by the Minister in relation to the order.

*Clause 20: Manner of making order*

This clause states that a trade protection order may be in writing addressed and served on particular persons, or it may be addressed to several persons, a class of persons or to all persons, in which case, notice of the order and its terms must be published in an appropriate newspaper. The order is binding on the persons to whom it is addressed and has effect for 90 days unless revoked sooner.

*Clause 21: Compensation if insufficient grounds for order*

If a person believes there were insufficient grounds for making a trade protection order, the person may apply for compensation from the Minister for loss suffered. A person may appeal to the Administrative and Disciplinary Division of the District Court if dissatisfied with a decision of the Minister to pay, or refuse to pay compensation.

*Clause 22: Failure to comply with order*

A person who contravenes or fails to comply with a trade protection order may be liable for a maximum penalty of $35 000.

PART 5

ENFORCEMENT

DIVISION 1—AUTHORISED OFFICERS

*Clause 23: Appointment of authorised officers*

The Minister may appoint authorised officers for the purposes of the Act, on such conditions set out in the instrument of appointment.

*Clause 24: Identification of authorised officers*

An authorised officer must have a photo identity card, which should be produced for inspection when the officer is exercising the powers under this Act.

DIVISION 2—POWERS OF AUTHORISED OFFICERS

*Clause 25: Powers of authorised officers*

An authorised officer has certain powers in relation to the administration and enforcement of the Act, including entering and inspecting premises (either by consent or under a warrant), requiring a person to answer questions or provide information, copying documents, testing products and equipment, taking samples and collecting evidence. A magistrate may issue a warrant if satisfied it is reasonably necessary for the administration or enforcement of the Act. The warrant must set out when it expires (being not more than seven days after it has been issued), the purpose for which it has been issued and at what time of day or night it may be executed.

*Clause 26: Warrants in urgent circumstances*

A warrant may be issued by telephone, fax or other prescribed means if required urgently. A magistrate issuing such a warrant must inform the officer of its terms, when it expires, what time of day or night it may be executed and the reasons for granting the warrant. The officer must forward a completed form of the warrant in those terms to the magistrate concerned within one day of the warrant's execution or expiry.

*Clause 27: Offence to hinder, etc. authorised officers*

It is an offence for a person to hinder, obstruct, threaten, abuse or otherwise refuse to cooperate with an authorised officer exercising the powers under this Act. Doing so, may result in a maximum penalty of $5 000.

*Clause 28: Self-incrimination*

This clause provides that a person cannot refuse to answer a question or produce information required by an authorised officer on the basis that the answer or the information might tend to incriminate the person. However, the fact of the production of that information or

the answer given by the person is not admissible as evidence against the person in proceedings in which the person might be found guilty of an offence.

*Clause 29: Offences by authorised officers*

It is an offence for an authorised officer to address offensive language to another person or, without lawful authority, to hinder or obstruct or use or threaten to use force in relation to another person in the course of exercising powers under this Act.

DIVISION 3—COMPLIANCE ORDERS

*Clause 30: Compliance orders*

This clause provides for the issuing of compliance orders by the Minister as a means of enforcing the provisions of the Act. The orders are in the form of a written notice served on a person and must set out the requirement of the Act to which it relates. The order may specify that a person discontinue or not undertake a particular activity, impose conditions on a undertaking a particular activity, or require that specified action be taken.

If urgent action is required, an authorised officer may issue an emergency compliance order orally, which will cease to have effect within 72 hours, unless it is confirmed by a written order issued by the Minister. An order may be varied or revoked by the Minister.

It is an offence to fail to comply with an order, which has a maximum penalty of $35 000. If a person fails to comply with an order, an authorised officer may take the action required, and the Minister may recover any costs incurred in doing so. There is a penalty of $5 000 for hindering or obstructing a person complying with an order.

*Clause 31: Appeal*

A person has 28 days to appeal to the Administrative and Disciplinary Division of the District Court against a compliance order or a variation to an order.

PART 6
MISCELLANEOUS

*Clause 32: False or misleading information*

A person must not make false or misleading statements in relation to information provided under the Act.

*Clause 33: Statutory declarations*

The Minister may require any information supplied under this Act to be verified by statutory declaration.

*Clause 34: Offences by body corporate*

If a body corporate is guilty of an offence, each member of the governing body and the manager are guilty of an offence and are liable to the same penalty.

*Clause 35: Recovery of technical costs associated with prosecutions*

If a person is found guilty of an offence, the Court must, on the application of the Minister, order the convicted person to pay the reasonable costs incurred in the taking and analysis of samples and tests required in investigating and prosecuting the offence.

*Clause 36: General defence*

There is a general defence to an offence under the Act for the defendant to prove that the particular offence was not committed intentionally and it did not result from a failure to take reasonable care.

*Clause 37: Civil remedies not affected*

This clause provides that civil rights or remedies are not affected by the Act, and that complying with this Act does not necessarily mean that a duty at common law will be satisfied.

*Clause 38: Confidentiality*

Confidential information obtained in connection with the administration or enforcement of the Act must not be disclosed except in specified circumstances. There is a maximum penalty of $10 000.

*Clause 39: Immunity from liability*

No personal liability attaches to the Minister, authorised officer or other person in carrying out their duties under the Act in good faith. Any such liability lies instead against the Crown.

*Clause 40: Service*

This clause sets out the manner in which any documents are to be served under the Act.

*Clause 41: Evidence*

This clause sets out evidentiary provisions in relation to the proof of documents and authorised officers in proceedings under the Act.

*Clause 42: Incorporation of codes, standards or other documents*

Codes, standards and other documentation may be incorporated by the regulations or an order made under this Act, in which case copies must be available for inspection by the public without charge.

*Clause 43: Regulations*

This clause sets the various regulations that can be made under the Act. These include regulations that may provide for a licensing system for the use of agricultural and veterinary products, prohibit the use or disposal of particular agricultural and veterinary products or prescribe various conditions for the use of agricultural and veterinary products, regulate equipment, require records to be kept and information to be provided, fix fees and prescribe fines.

SCHEDULE

*Repeals and Amendments*

*Clause 1: Repeal of Agricultural Chemicals Act*

*Clause 2: Repeal of Stock Foods Act*

*Clause 3: Repeal of Stock Medicines Act*

These clauses repeal the Agricultural Chemicals Act 1955, Stock Foods Act 1941 and the Stock Medicines Act 1939.

*Clause 4: Amendment of Agricultural and Veterinary Chemicals (South Australia) Act*

This clause makes technical amendments to the Agricultural and Veterinary Chemicals (South Australia) Act 1994.

*Clause 5: Amendment of Livestock Act*

This clause amends the Livestock Act 1997 to include regulation making powers in relation to standards and composition of stock food and its manufacture, packaging, labelling, sale and supply. It also removes the provision in the Act dealing with the feeding of ruminants and other livestock with a view to this matter being dealt with in the regulations.

**The PRESIDENT:** Order! It is generally the practice that the second reading explanations of bills that are being presented for the first time be read. But the council is in control of its own destiny. It is clear that the motion is carried.

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

## ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 14 May. Page 119.)

**The Hon. CAROLINE SCHAEFER:** In speaking to the Address in Reply debate, I thank the Governor for her opening speech and wish her well in her continuing efforts to serve well this state as its 33rd governor. South Australia has always been well served by its Vice Regal representatives. I have been fortunate enough to be a member of parliament during the tenure of the two preceding governors and, now, Mrs Jackson-Nelson. They have all brought with them unique attributes as outstanding governors and outstanding South Australians. I have previously paid tribute to Dame Roma Mitchell in this place, and I now pay tribute to Sir Eric Neal and his wife, Lady Neal. Sir Eric and Lady Neal worked tirelessly in their positions and as true ambassadors to our state, particularly within the interstate and overseas business community and the Diplomatic Corps. Sir Eric is much too humble to make the claim himself, but I believe that he and Lady Neal were some of the early people to be instrumental in attracting business back into South Australia. I wish them a long and happy retirement in Adelaide, and I hope that Lady Neal continues to occasionally tip me a winner at Morphettville.

*The Hon. T.G. Roberts interjecting:*

**The Hon. CAROLINE SCHAEFER:** Only occasionally; she's not that accurate! Mrs Jackson-Nelson brings with her a different fame with her contacts in the sporting world and with those who work for charity. I wish her every success for the remainder of her term in office. I welcome the new members to this chamber. They too bring a wide variety of backgrounds, opinions and talents to this place, but all are bound by a common desire to progress South Australia. Their views on how this can be achieved are widely divergent, but their sincerity is indisputable. I am often amazed at how

fortunate we are to live in our particular democracy, where we can hold such differing views, express them and fight for them without fear and in absolute safety.

There is much talk at the moment about parliamentary reform. I have said on a number of occasions that any business the size of the state government would hold ongoing and periodic reviews of its functions, successes and failures and I see no reason why we should not do the same here but, in doing so, we should be careful not to throw the baby out with the bath water. We must be very careful that reform is also improvement and that we are not simply embracing change because it is a populist notion to do so.

I wish to pay tribute to those members who retired at the last election: the Hons Carolyn Pickles, Trevor Crothers and, in particular, my three colleagues from the Liberal Party: the Hons Jamie Irwin, Trevor Griffin and Legh Davis. Over the last eight years, I have had occasion to seek advice, mentoring and support from each of them at different times on different issues. Each of them was unstintingly generous to me. I thank them for their support and wish all of them—together with Bin, Val and Helen—fulfilling new lives.

There is no doubt that South Australia is enjoying boom times, particularly in the area for which I have the greatest passion—rural South Australia and primary industries in particular. South Australia's foundations were built on agriculture. Its early prosperity was due in no small part to agricultural ingenuity, and it is heartening to see this sector again gaining momentum. This year's record cereal crop of 9.34 million tonnes is 50 per cent above the previous record and has earned approximately $2.3 billion in export revenue.

The wine industry is another example of our success, with exports nearing $2 billion per annum. South Australia is the principal red wine growing state, with 55 per cent of the total production and 58 per cent of red grapes being used for wine making out of this state. This state accounted for half the Australian wine grape crush in the 2001 vintage. South Australia has 42 per cent of total employment in the wine manufacturing industry. The industry employs 36 000 people, and in 2000-01 it exported a record 338.3 million litres of wine, valued at $1 751.8 million.

In 2001 the apple and pear industry in South Australia grew around 8 per cent and produced about the same of the nation's apple crop. The growth in the value of seafood (particularly aquaculture) has increased substantially over the past decade—at a staggering average annual growth rate of 14 per cent. The livestock industry contributed $1.8 billion and the dairy industry $529 million in 2001, and continues to grow. South Australian food exports have grown from $1.03 billion in 1989 to just over $4.5 billion last year. I was pleased to announce during the election campaign that, last year, the value of the food industry to the state's economy grew by 15 per cent. The number of young people enrolling in university to study agriculture is up by 30 per cent, against the national trend, which is going downwards. That figure is perhaps the most impressive of all, because for a long time replacing our ageing work force in country South Australia was a real problem.

These impressive figures are not due alone to the magnificent season across the state this year, but also to the partnerships formed between industry and government as part of the State Food Plan. The seeds were sown some years ago, when the Liberal government, along with regional councils, industry groups, exporters and primary producers, mapped out a vision for the future and worked together to achieve set goals. That cooperation was aimed not only at finding new products and industries for regional and rural South Australia but also at helping exporters to find new markets and be smarter at what they do.

I believe that agriculture, food and fisheries will continue to be the most vital part of our economy for at least my lifetime. I was therefore disappointed to note that it received very short mention in the government's projects, as outlined by the Governor. Only two issues were mentioned, and both of those were old policies of the Liberal government. The first initiative was the implementation of the Aquaculture Act, which was passed in the last session of the last parliament. Certainly, the implementation of the act without amendment will receive my and the opposition's support. I simply wonder why this will take until July.

The minister has continued to assert that there is no money for the implementation of the act. I happen to know that there were sufficient resources within the aquaculture section of Primary Industries to implement the act on time. I am therefore wondering whether the minister is actually flagging a plan to enforce immediate full cost recovery on this fledgling industry, rather than a phased-in system after consultation. Certainly, the minister's early track record for consultation leaves much to be desired. I would hope that the aquaculture industry receives more respect than the river fishery. Similarly, the prevention of exotic diseases and pests as a national policy will, I am sure, continue to be supported by all, since it is policy which has been worked on for a long time and across the nation.

Even though I was not invited to the launch, as one of the ministers who worked frantically to help complete the bid for the Australian Centre for Plant Function and Genomics and to have it passed in cabinet, I was delighted to learn of the bid's success. I have it on good authority that this government toyed with the idea of axing the bid as a cost-cutting measure to fill a fictitious 'black hole'. Thank goodness it did not do so.

I was a minister for only twelve short weeks—possibly the shortest serving minister ever—and, even during that time, much of it was in caretaker mode, but one of the things I am proud of is my involvement and that of PIRSA officers with the successful bid for the plant genome centre. This was a joint submission from the Minister for Innovation and his department and myself and PIRSA. It will bring at least another 100 plant scientists into Adelaide and establish South Australia as one of the three pre-eminent plant research centres in the world. In my view, it is as important to the scientific world as a major biotechnology centre. I would like to thank those PIRSA and SARDI officers who worked so hard for this success. I will not name them, since praise from a former Liberal minister may not be good for their careers, but I do know who they are.

Since this is such a major project, I was more than a little surprised that the Premier made the announcement with no mention of the Hon. Mr Holloway or his department and that Mr Holloway's first opportunity to make comment was by way of a dorothy dix question in this council. I note that there is a distinct lack of press releases from minister Holloway (in fact, none on the web) and I hope for his sake that all the good news is not taken from him and used in another place.

At this stage I would like to make some comment about the National Wine Centre. I believe it is a great capital asset to this state and in the future will be a major tourist destination. I have been around long enough to remember those who continually knock the Festival Centre, the Convention Centre and so on. Sadly, South Australia has always had more than

its quota of knockers, and Premier Rann seems to be taking the lead role on this occasion. The press and the Premier seem to have forgotten that it is a National Wine Centre and received considerable federal funding—$12 million in fact. Certainly, leaders of the wine industry in New South Wales openly admit that they would love to have the centre in Sydney. It is a tragedy that this government seems determined to close it down. Each time the government makes that threat, more functions and more bookings are cancelled because of the uncertainty created—

*Members interjecting:*

**The PRESIDENT:** Order! Members will remain silent while the shadow minister is speaking.

**The Hon. CAROLINE SCHAEFER:** Closure is in danger of becoming a self-fulfilling prophecy and where will that leave our image as the lead wine state? Certainly, wine grape plantings are well in advance of the wine industry's 15 year plan, but I do not share the pessimistic view of many. Rather, I think it is imperative that the industry shift its focus to marketing. We need a focused, integrated approach to wine, food, tourism promotion and marketing, and the wine centre is the ideal place to focus that integration. In fact, part of the Liberal election policy was to explore opportunities for the food industry to work in conjunction with the National Wine Centre, to use its facilities to promote the sale and export of South Australian product and, further, to work with the seafood industry to investigate the potential to become involved at the National Wine Centre. I plead with this government to explore these possibilities rather than continue down the path of deliberate destruction which it is currently set on.

Another issue of concern to me is education. As many members know, I chaired a committee in 1999 made up of people with a great deal of education and academic expertise. We travelled extensively throughout South Australia, consulted over the widest possible spread of interests, and made a series of recommendations to the minister with a view to writing a new act. Unfortunately, while a number of relevant amendments were made, the complete act was not passed prior to the election. However, one of the issues discussed at length was the compulsory school leaving age.

I note that this government has made much of the fact that it is increasing the school leaving age to 16 in order to increase retention rates. I believe it will do little to increase retention rates, because most young people are still at school at this age. I also know that in 1994 we had 9 000 odd apprenticeships in this state. We now have nearly 39 000 apprenticeships, so that is where some of those people are going. What my committee proposed was a far more flexible system where young people must be in some sort of training for a minimum number of years and must be traceable by an educational institution.

This may have been three days a week at school and two at DETE or TAFE, or two days a week at home doing subjects provided from overseas via the world wide web, or a part or full-time apprenticeship. We talk much about schools without walls and flexible and lifetime learning, and this is a chance to implement something really innovative. As members know, not everyone is enthusiastic about academic study. It will be a real shame if all this government does to improve education is to increase the school leaving age by one year.

I am further concerned by early messages I am receiving from rural and regional hospitals about tampering with their budgets. We should not forget that the last Labor government was quite keen on closing country hospitals. The Liberal government—

**The Hon. G.E. Gago:** Unlike the Libs.

**The Hon. CAROLINE SCHAEFER:** That is right; unlike the Libs. The Liberal government did not close any. It is too—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. CAROLINE SCHAEFER:** It is too early for me to verify some of the disturbing messages I am hearing, sir—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. CAROLINE SCHAEFER:** —but I give warning that health, aged care, education and decent roads are the most important issues to country communities. In the country they will not take kindly to any diminution of these basic services. May I take this opportunity to thank the former minister for transport for her commitment to the sealing of rural arterial roads. She retained that commitment in the face of contra advice on many occasions, and I believe that, in doing so, she has made a great difference to the quality of life of many rural South Australians. The money is in the forward estimates to complete that 10 year plan. It will be devastating if this government, which purports to be for all South Australians, withdraws it.

Finally, I have been a member of this place for over eight years and, whatever else, I believe I have established a reputation for sincerity and integrity. I do not believe that there is anyone in this parliament who can say that I have lied to them. I am, therefore, deeply insulted and angered that in answer to my questions the Minister for Agriculture, Food and Fisheries has at least four times used the word 'hypocrisy' in the context of my questions.

*Members interjecting:*

**The PRESIDENT:** Order! Members on my right will cease interjecting.

**The Hon. CAROLINE SCHAEFER:** If there is one thing I am not, it is a hypocrite. He continues to evade my questions with regard to his lack of consultation with the river fishery by saying that it is hypocritical of me because I would have done the same thing if I were minister. I have never denied that the Liberal policy exactly coincided with Labor policy. I quoted both by way of explanation on 9 May. My argument is not with the final decision of the government—that is its right—but with the minister's arrogant refusal to consult or communicate with those who are most affected by that decision and his constant assertions that he has done so.

I absolutely deny and object to the minister's claim in one answer that the Liberal Party had signed any compact with the member for Hammond. The minister said:

> You agreed to the same thing and they—

that is, the Libs—

> are trying to rewrite history.

I want to put it on record that that is not true and I am sure the minister knows it is not true. Further, he indicated to me that his failure to reply to or even acknowledge my correspondence—and I might add I still have had no response—was due to a huge backlog of unsigned correspondence by me as minister. Mr President, I think his implication that I am lazy and slack at my job would be denied by anyone who knows me. When I vacated the office there was no unsigned material other than that which I had been advised by departmental

officers to hold over because we were in caretaker mode. He denigrates not only me but also his public servants.

My job as shadow minister is to expose the weaknesses of this government and to oppose legislation which my party and I consider to be flawed. However, I am much too passionate about the future of South Australia to be obstructionist for the sake of it. I hope that the ministers with whom I work have similar principles. I commend the motion.

**The Hon. R.D. LAWSON:** I, too, support the Address in Reply and thank Her Excellency the Governor for the speech with which she opened this the 50th South Australian parliament. Every governor brings to the role distinct personal style and Her Excellency's particular background—great sporting legend in our country as well as her community involvement over many years—is manifesting itself in a way which is widely appreciated both in this parliament and in the community. I congratulate you, Mr President, for assuming your high office and look forward to serving under your wise tutelage. I, too, congratulate new members in both houses.

I join in the condolences offered by other members to former South Australian members of parliament—Ralph Jacobi, Kay Brownbill and Les Hart—all of whom gave valuable service to our state; and also the condolences to Queen Elizabeth, the Queen Mother, whose service over a very long period to the United Kingdom and the British commonwealth was exemplary.

One of the things that occurred at the beginning of parliament on this occasion was an acknowledgment that this parliament was meeting on the traditional lands of the Kaurna people—an acknowledgment which I warmly support. I believe that we as a community are enriched if we acknowledge our common heritage and also the unique position of the Aboriginal people in our community. I am delighted that the Leader of the Opposition has given me the task of being spokesperson on Aboriginal affairs.

Associate Professor Peter Howell's work *South Australia in Federation* (published by Wakefield Press) is a scholarly work which I commend to all members. It reviews South Australia at the time of 1901 and following. However, Professor Howell, who was a reader in history for many years at Flinders University and a most distinguished contributor to academic life in this state, as well as being a member of the South Australian Constitution Advisory Council, the SA Jubilee 150 board, the Council of the Australian Bicentennial Authority and the Council of the National Trust of South Australia—he is a leading constitutional historian as well as a historian of the vice-regal life of South Australia—is certainly not one who could ever be accused of being a black armband historian or a fellow traveller.

Professor Howell describes in this work in a very enlightening way some of the policies that were earlier adopted towards the Aboriginal people of South Australia. He mentions the letters patent of 19 February 1836, which have often been referred to in this council, especially in relation to native title. It is, in fact, the charter for South Australia and it acknowledges that the Aboriginal natives, as they were described in the province, were entitled to retain the actual occupation and enjoyment in their own persons or in the persons of their descendants any of the lands now actually occupied by them.

Professor Howell goes on to describe the work of the first resident Commissioner, James Fisher, who laid out the Adelaide parklands—to his eternal credit. The Hon. Ian Gilfillan, as a great supporter of the parklands, would acknowledge his contribution. Fisher allocated as part of the Adelaide parklands less than 1 per cent, an area which he designated as the 'native location', on the site of what later became our first gaol. As Professor Howell says:

> It was merely a place where indigenous people could camp, too small to supply sustenance even for one family.

He goes on to say:

> He [that is, Fisher] presumed that if natives wanted to pursue traditional lifestyles they could live away from the areas the newcomers were occupying. The greatest impact of white settlement came at a place where Aborigines were scarce. Despite the fertility of the Adelaide plains, the Kaurna, the traditional occupants of a large area of land between Cape Jervis and Crystal Brook, about 5 000 square kilometres, had numbered no more than 700 in 1836. This led to the assumption that the Aboriginal population in all regions of the colony was similarly sparse and would not be inconvenienced by a large influx of whites.

Professor Howell goes on to describe the event of the old gumtree, which is celebrated on 28 December each year, where the so-called proclamation of the governor was read. I think it is worth reminding people, as I was reminded last year when I attended the annual ceremony there, that the first and briefest part of the governor's proclamation exhorted the colonists to order and quietness, respect of the laws, industry and sobriety, the practice of sound morality and strict observance of the ordinances of religion, etc. He went on to say—and I think it is worth reminding ourselves:

> It is also, at this time especially, my duty to apprize the Colonists of my resolution, to take every lawful means for extending the same protection to the native population as to the rest of His Majesty's Subjects, and of my firm determination to punish with exemplary severity all acts of violence or injustice which may in any manner be practised or attempted against the natives, who are to be considered as much under the Safeguard of the law as the Colonists themselves, and equally entitled to the privileges of British Subjects. I trust therefore with confidence to the exercises of moderation and forbearance by all Classes, and their intercourse with the native inhabitants, and that they will omit no opportunity of assisting me to fulfil His Majesty's most gracious and benevolent intentions towards them, by promoting their advancement in civilisation, and ultimately, under the blessing of Divine Providence, their conversion to the Christian Faith.

Of course, the language is redolent of benign benevolence, but the sentiment contained in that initial proclamation of this state is one that ought not be forgotten by those of us who today enjoy the advantages of living in this state. I certainly look forward in the future—as we did on this occasion—to acknowledging the fact that this parliament meets on the traditional lands of the Kaurna people.

I noted that during the contribution of many of the members opposite mention was made of a claim that, in the last federal election, the federal coalition led by John Howard won a victory on the basis of policies and tactics which were said to be reprehensible. Labor members were and are slavishly trying to rewrite history. Their claim is that the federal government was not honest in its policies. These Labor members and their supporters are being hypocritical in this matter. The Labor Party supported the coalition policy on border protection and illegal immigration during the federal election campaign. We did not hear these ALP members repudiating Mr Beazley's adherence to coalition policy during the election. Rather they embraced it in the fond hope that the public would be fooled into supporting Labor in the federal election.

If ever a deception was practised on the Australian public, it was by Labor claiming that it supported the coalition policy when in fact it did not, as members here have demonstrated. If the federal Labor Party had been elected, the mechanisms

of border protection, and the treatment of illegal immigrants and people smugglers would have been very different. The Labor Party went into the election pretending to the electorate that they supported measures which they knew to be popular in the community, whereas their secret intention all along was to dismantle protections which the community supported.

This is of importance in South Australia not only because of the Woomera detention centre and the new Baxter facility but also because we in South Australia are a significant part of Australia. As a state government, we ought to be supporting the federal government in these important policies.

I also noticed during a number of the contributions from those opposite that criticism was made of the staff of Australian Correctional Management in the detention centres. It was advocated that that company should be replaced and the workers replaced with the public sector Australian Protective Services employees. This seems to be simply an ideological position and one which is a very unfair reflection on ordinary men and women who are doing a difficult job which, as I have already mentioned, the overwhelming majority of the Australian people support.

I congratulate the Premier and his party on forming government. I wish him and his new ministers every good fortune in the public interest. They will certainly have my support and, I believe, that of my colleagues in all measures which they take which advance the best interests of our state. We will be positive and cooperative in supporting any such measures. We will, of course, perform our constitutional role as an opposition, a loyal opposition, committed to the advancement of our state. And, whilst I am congratulating the Labor Party on being able to form government, it is worth recording that the Labor Party did not, in any sense, win the election. It might have been able to secure the support of 24 members of the House of Assembly and therefore be able to form government but the fact is, however one measures election results, the Liberal Party had considerably more support than the Labor Party in the wider community. In our own election for members of the Legislative Council, some 60 000 more South Australians marked 1 in the box alongside the Liberal Party than did so for the Labor Party.

**The Hon. J.S.L. Dawkins:** Whose name did they mark it against?

**The Hon. R.D. LAWSON:** A significant number—the box was Liberal.

**The Hon. P. Holloway:** What about the 1998 federal election? Are you going to talk about that one, too?

**The Hon. R.D. LAWSON:** And the—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. R.D. LAWSON:** Let's not worry about other elections: what about this election? The two-party preferred vote which was secured in the last state election was 50.9 per cent to the Liberal Party and 49.1 per cent to the Australian Labor Party. That is the two-party preferred vote. It is suggested by some that that is actually dividing the state into two parties as if we are solely the province of the Labor Party and the Liberal Party, but there are other interests. I have done the figures and worked out the voting support on the basis of those who supported the government and those who supported the non-government side, rather than the two-party preferred system.

The result for the Liberal Party is even stronger. If you recast the voting across the four electorates in which there were independent members, you will find that the Liberal Party received 51.7 per cent—I should say the non-government party, which is ourselves—and the government supporters received 48.3 per cent. That is done by rethrowing the seat of Chaffey on the basis of a contest between the Labor Party and the National Party candidate; Fisher as between Labor and the Independent; Hammond as between the CLIC candidate and the Liberal Party; and Mount Gambier on the basis of a contest between the Australian Labor Party and the independent member who was successful. So, in terms of electoral support, the Leader of the Opposition, Rob Kerin, deserves congratulations for a campaign very well fought which found wide support in the South Australian community.

It is also worth reflecting at this time on some of the achievements of the Brown/Olsen/Kerin governments. I had the honour to serve in various capacities in those governments, and I will spare the house a detailed list of the many actions and initiatives in which I had some hand, but it is worth paying tribute on this occasion to many dedicated public servants whose knowledge, capacity and commitment are worthy of note. Too often in this parliament insufficient attention is paid to the contribution that public servants make. Members opposite are fond of accusing us of having an attitude towards the public sector which is antipathetic.

I want to pay particular tribute to four of the chief executives with whom I worked. Firstly, to Christine Charles, who was Chief Executive Officer of the Department of Human Services, the largest in budget terms and employee terms of any of our departments, who was a most dedicated and committed servant of the government, who was unceremoniously and unfairly, in my view, dumped by the new government in circumstances which do the minister concerned absolutely no credit whatsoever; to Graham Foreman, with whom I worked in the Department of Administrative and Information Services; and also to Anne Howe, with whom I worked in that department and who is now the chief executive of SA Water; and also to Kate Lennon, with whom I worked briefly before the election in the Department of Justice, I extend my gratitude and admiration.

It is worth saying on this occasion, and it is worth constantly reminding ourselves of the fact that the Labor Party now in government and led by a minister from the Bannon-Arnold days, left this state with a debt of $9.6 billion—$6 583 for every individual person within our state. We were able to reduce that, by good management and commitment, to just over $3 billion, or $2 176 per capita, which is a significant achievement. It took the burden of debt off the shoulders of this state. It meant that, rather than operating at an annual deficit of $300 million, we were able to produce balanced budgets.

Unemployment under the Labor government in 1992 reached a peak of 12 per cent. It is now some 7.1 per cent and very near to national averages, with almost 45 000 jobs created over the period of the Liberal government. And on many other economic indicators, the state which we handed over to the Labor Party to govern is in good shape. The number of projects that the Liberal government was able to deliver was extraordinary, when one compares it to the inaction and incapacity of the previous government. For years the Bannon government had tried to create some marina or other development at Glenelg. For years the Labor government had tried to achieve something at Glenelg, but it was never able to achieve a marina or any other form of development. The Holdfast Shores development, which I visited last weekend, is a splendid achievement. Some people on the Labor side now criticise that development. They were trying

for 15 and 20 years to do something but could never do anything. We were able to deliver it.

In 1983, bushfires wiped out the summit of Mount Lofty and the Labor Party, over 12 years, was unable to do anything. It was absolutely paralysed by inaction. Visit there now and you will see a wonderful facility established. Then there is the Southern Expressway. The Labor Party now talks about a ministry for the south and how much it loves the south. It was the Liberals that actually delivered to the south a significant transport corridor. It is a wonderful piece of engineering and a great monument to the determination of former minister for transport, my colleague the Hon. Diana Laidlaw.

The Adelaide-Darwin railway, spoken of for 90 years, was dreamt of by Labor, but delivered by the Liberals. Countless country roads and other facilities, the Berri bridge, for example, were delivered by Liberals. What was the Labor Party talking about in the north of Adelaide? Their dream was the Multifunction Polis—there's a blast from the past. But where the dream of the Multifunction Polis was, now Mawson Lakes has been established. Technology Park is in place—a wonderful new development which is a significant contribution to the life of this city. Science Park in the south languished under Labor, flourished under the Liberals.

There are countless projects and infrastructure developments which the Liberal Party delivered to the state whilst at the same time maintaining a balanced budget and delivering services to the community. In the fullness of time I have no doubt that the significant achievements of the governments led by Dean Brown, John Olsen and Rob Kerin will be applauded. When Prof. Howell's successor in 50 years time writes the next edition of the history of South Australia, the achievements will be—

**An honourable member:** Recognised for what they were.

**The Hon. R.D. LAWSON:** They will be recognised, and the challenge to those opposite is to deliver government in the interests of the whole of South Australia, deliver the infrastructure, provide the opportunities for the future—

**The Hon. P. Holloway:** We might pay teachers, for example.

**The Hon. R.D. LAWSON:** The Hon. Paul Holloway interjects about paying teachers. It is true that the preoccupation of the Labor Party seems to be salary rises for members of the Australian Education Union. Our focus constantly was better education for children. Salaries for teachers are an important element in that, but we never threw out the baby with the bath water, and their challenge is not to do the same. I commend the motion.

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

## ADJOURNMENT

At 9.33 p.m. the council adjourned until Thursday 16 May at 2.15 p.m.