LEGISLATIVE COUNCIL

Wednesday 29 May 2002

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. CARMEL ZOLLO: I lay on the table the third report of the committee and move:

That the report be read.

Motion carried.

The Hon. CARMEL ZOLLO: I lay on the table the fourth report of the committee.

SEWAGE SPILLS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a ministerial statement made by the Minister for Government Enterprises in another place on the subject of recent sewage spills by SA Water.

QUESTION TIME

MINISTERIAL STAFF

The Hon. R.I. LUCAS (Leader of the Opposition): My question is directed to the Minister for Aboriginal Affairs and Reconciliation. Has the minister given approval to some of his ministerial staff, including his media adviser, to be able to claim reimbursement for the costs of entertaining members of the media at lunches and dinners?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I have not directly given any instruction to ministerial advisers and staff, but I will have to check with individual members to find out whether instructions have come from another place.

The Hon. A.J. REDFORD: Is the minister aware of any other direction that might have come from either the Premier or the Treasurer in relation to the same subject matter?

The Hon. T.G. ROBERTS: I am unaware of any instruction, other than the instructions for their use given with the release of the ministerial cards. I am sure that staff members will familiarise themselves with that, but I will check to see—

The Hon. R.I. Lucas: Ministerial credit cards?

The Hon. T.G. ROBERTS: Yes, the AMEX cards.

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, staff do not have AMEX cards. They are operating under the instructions of the previous government, I understand. I do not think there has been any misuse that I am aware of.

Members interjecting:

The Hon. T.G. ROBERTS: If honourable members could put a direct question, then I could investigate. I have to check with the Premier, is it, in relation to the—

An honourable member: Or the Treasurer.

The Hon. T.G. ROBERTS: Or the Treasurer.

Members interjecting:

The PRESIDENT: Not you, Mr Redford. Order!

The Hon. T.G. ROBERTS: I will direct those questions to the relevant minister and bring back a reply.

Members interjecting:

The PRESIDENT: Order!

PRIMARY INDUSTRIES DEPARTMENT

The Hon. CAROLINE SCHAEFER: I seek leave to make a statement before asking the Minister for Agriculture, Food and Fisheries a question on departmental restructure.

Leave granted.

The Hon. CAROLINE SCHAEFER: By way of explanation, this is part of a briefing given to me as minister with regard to the structure of the primary industries department and, in particular, the sustainable resources group:

> The adoption of sustainable primary production and resource management practices and the capacity of regional people and communities to adapt to change are the primary focuses of the Sustainable Resources Group.
>
> To do this, the group has programs that include land care, marine habitat, animal and plant control, soil conservation, revegetation, salinity management, irrigation and water management, pastoralism, dog fence and community capacity building.
>
> The group promotes the principles of ecological sustainable development and is engaged extensively with the industry groups in PIRSA, the resource agencies of environment, heritage and water resources and other agencies, including Planning SA, Industry and Trade, Transport, Tourism and Education. These interfaces are necessary as primary industries are the most extensive users of land, water and marine resources in South Australia—

and I stress that sentence—

> and consequently the implications of programs conducted by these agencies can be significant with respect to these users and the environment. The group is involved in many inter and intra agency programs to ensure a balance between production, environment and social development is obtained.

Attached to the sustainable resources group—and my list is by no means comprehensive—the statewide network of landcare groups, the soil conservation boards, the animal and plant control boards, and Outback SA, which includes the Pastoral Board, Outback Areas Community Trust, Arid Areas Catchment Water Management Board, and so on.

The sustainable resource group is responsible for such major initiatives as the South-East dryland salinity project, the upgrade of the Lower Murray swamps, the FarmBis leadership and managerial courses, the control of animal and plant diseases such as OJD, BJD and branched broomrape. None of these initiatives can ever be successful without massive on the ground support from the communities in which they take place. Hundreds, if not thousands, of people give thousands of voluntary hours to the project, board and committee initiatives that I have mentioned. They are so successful because of that involvement and the respect in which the primary industries department has long been held. At least 160 staff are employed directly by the sustainable resources group. My questions are:

1. Were any of the boards or people involved in the projects and boards I have mentioned consulted before being summarily moved to the Department of Land, Water and Biodiversity under the auspices of the Department of Environment and minister Hill?

2. As his department was the main loser in this move, was the minister consulted and, if not, why not?

3. If he was consulted, did he object and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is true that the Department of Primary Industries has undergone something of a restructure.

It is now a department which principally will have as its role the economic development of this state. As the shadow minister has said, it is a very important agency in that regard. In relation to the recent restructure, that was brought about as a result of an election commitment that this government gave. In its election policies the Labor Party committed to setting up a new agency, which included water and land management. One of the problems that we have had in the past is that the Department of Water Resources in this state was a relatively small, isolated department and the Labor Party felt that it would be a significant improvement to its management if water and land uses were brought together under a single agency.

Essentially, that is what has been done through the new Department of Water, Land and Biodiversity Conservation and, as I understand it, elements from the environmental sector will be included in that new department as well. In other words, three agencies will be looking at natural resource management within the state. They are: PIRSA, the economic development arm; the new Department of Water, Land and Biodiversity Conservation; and then the Department of Environment and Conservation as a regulatory body principally looking at the government's land-holding. That was the structure that the Labor Party put to the election and that has been implemented. I think that really answers the second part of the member's question; that is, what we have done fulfils a policy that was implemented by the Labor Party—

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: I am saying that the policy was put forward at the last election. Of course, I was not the shadow minister for primary industries before the election, so I was not involved in the negotiations, but it was made quite clear to the public of this state that they were the policies we were putting, and that is what we have done.

In relation to the first part of the question—I have not got the exact figures with me but I can get them—I think something like 160 staff have been transferred from the former sustainable development division to the new department. I think approximately 30 staff have been retained to ensure that PIRSA does have within its organisation an appropriate focus on sustainable development issues. Quite obviously, if we are to see primary industries grow within this state it is important that they maintain their focus on sustainable development. That was the promise that the government made, and that is how it has been implemented. I will obtain the exact figures for the honourable member.

PETROL SNIFFING

The Hon. R.D. LAWSON: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question on the subject of a coronial inquest.

Leave granted.

The Hon. R.D. LAWSON: Members will be aware that this week at Umuwa on the Pitjantjatjara lands the state Coroner has commenced an inquest into the deaths of three persons who died as a result of engaging in the practice of petrol sniffing. It is also widely reported that on the lands that practice is quite widespread. My questions to the minister are:

1. Is the government or any agency of the government legally represented at the coronial inquest at Umuwa?

2. If so, which departments or agencies of the government are so represented?

3. Will the government undertake to implement any of the recommendations which come out of this coronial inquest?

4. What steps does the minister propose taking in relation to petrol sniffing on the lands?

5. Will he continue the initiatives already commenced by the previous government in this direction?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): In relation to questions 1 and 2, I have not been made aware of any representation by any departments for which I am responsible at the coronial inquiry, although I suspect DOSAA and perhaps DAIS would have an interest in the outcome. I can bring back a reply to the honourable member after investigating those two points.

Any recommendations that come out of the coronial inquiry will be looked at seriously by the government, and we will certainly take steps to put in place responses to those recommendations. In relation to the last question about the report that was finalised, I think in early May, through South Australia Police, I am aware of the results of an investigation that were put in place by the previous government in response to a program that was drawn up by cross-agencies. My understanding is that that report is still with SAPOL. The government's response to the anticipated difficulties that will come from the SAPOL report, which set up a petrol sniffing task force, is that we will certainly look at the recommendations of that report after it has been studied by the committee set up to do that.

We will put in place a mediator to go into the lands to try to get both the Pitjantjatjara Council and the Anangu Pitjantjatjara Council made part of a response to the problems on the lands and to administer some of those outcomes. We are anticipating that governance will become a question in relation to ownership of some of the recommendations that come out of the Coroner's inquest and the SAPOL report. We are in anticipatory mode in relation to governance and cross-agency programming, and we will certainly be taking cognisance of the recommendations by the petrol sniffing task force to that particular problem. We will also be looking at a wider range of problems that face the people on the lands in relation to dealing with a wide range of substance abuses, including petrol sniffing, as part of empowering communities to rebuild. That is a challenge for all of us. It will take time. There is no silver bullet.

The problems of petrol sniffing and substance abuse have been on the lands for some 30 years. The situation has certainly deteriorated at an accelerating rate in the past 10 years, but we do have to put together programs of support across agencies to work with the local Aboriginal governance that needs support in itself to deal with and take ownership of some of those problems once the agencies make their assessments and recommendations for implementation.

The Hon. NICK XENOPHON: Has the government considered the findings of a Northern Territory coronial inquiry into petrol sniffing related deaths which, as I understand, was published in 1998 in respect of the recommendations made several years ago by the Northern Territory Coroner?

The Hon. T.G. ROBERTS: In terms of the specific report—and a number of reports have been done not only at the state and territory level but also in specific regions and areas trying to deal with these problems—all of that information will be used within our province when we make a response to the questions for a full and detailed implementation program.

As far as the particular report from the Northern Territory is concerned, we have not made any response to that other than that I have spoken to John Ah Kit, the minister responsible, to try to develop a program for the Anangu Pitjantjatjara lands. At the moment I am having difficulty in convincing one of the key players in the lands in relation to a cross-agency, cross-state, cross-territory response to that problem. Some of the recommendations for implementation are being held within the state.

The people themselves tell me that, because of the movement of people from Western Australia into South Australia and the Northern Territory, there needs to be a cooperative response from at least two state governments, a territory government and the commonwealth to deal with this problem. So, we are moving in that direction to try to achieve that. The Hon. John Ah Kit is speaking to his departmental officers to try to get a cooperative response with South Australia. I have met with Peter Toyne, the member for the Alice Springs area, and raised some of the difficult issues that we have in dealing with not just petrol sniffing but also a wide range of problems within the lands, and I certainly have had a cooperative response from them in the time that we have been in government.

The Hon. R.D. LAWSON: As a further supplementary question, will the minister ensure that the Coroner is provided with details of the existing and proposed government programs relating to petrol sniffing before he finalises his findings in relation to this inquest?

The Hon. T.G. ROBERTS: With respect to the timing of the coronial inquest, I am not sure how long the investigation and/or the deliberations will take. However, the first stage (and we have set this in place) is to put an assessor or a mediator into the lands to make recommendations for changes to delivery practices and changes to governance—changes to our own governance in response to this difficult question. I am not sure about the bringing together of our own responses to meet the coronial time frames but, certainly, we will be trying to bring together our responses to the recommendations from the inquiry being set up by the Coroner. We will take immediate steps (as has been the case since we have been in government) to meet our obligations to help the communities come to terms with these exacerbating problems.

I inform members that there has been another death since the coronial inquiry has been set up. A young 15 year old who, I understand, was badly burnt has died in the Royal Adelaide Hospital from those burns. There is a real need for South Australia, the Northern Territory, Western Australia and the commonwealth to coordinate all the programs that are required to assist the communities to rebuild to a point where they can take ownership of any recommendations that come out of coronial reports and/or mediation recommendations that come from discussions within the groups themselves.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw the attention of honourable members to the presence today of students from Westminster College who are here today as part of their education and study. I hope they find their visit enjoyable and educational, and perhaps even inspirational.

An honourable member: The last one's a big call!

The PRESIDENT: Your example is not helping.

ENERGY SUPPLIES

The Hon. CARMEL ZOLLO: My question is directed to the Minister for Agriculture, Food and Fisheries and Minister for Mineral Resources Development in relation to future energy supplies. Will the minister explain what action the government has taken to secure future energy supplies in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the member for her question, because I think something that we can feel very inspired about is that this government has today been able to announce—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It was announced today that work will start on the $300 million SEA Gas pipeline for South Australia. It is, I think, a very important day for the future of this state. I would like to read for members opposite exactly what was the policy of the Australian Labor Party on this matter at the last election. We promised:

> To secure reliability of energy resources, including electricity, at a competitive price it is critical that we develop new sources of gas supply in this state. We need to increase both the availability of gas and greater competition in the market to supply gas. This will be a goal for Labor. A partnership with the energy industry will be central to achieving this objective.

Then we said:

> It is unacceptable that, after eight years of Liberal government, and with the Moomba to Adelaide gas pipeline fully constrained, work has still not commenced on a new interstate gas pipeline.

Today, less than three months after the election, fortunately, we are in a position whereby financial close on that pipeline has been announced, and the expectation is that this pipeline will be completed and supplying gas to this state by the first quarter of 2004. This gas pipeline will cost over $300 million to construct.

It will mean that South Australia can share in at least 300 jobs during the construction phase of this project. More importantly, this pipeline will bring long-term security of gas supplies to this state because, up until that gas arrives in the first quarter of 2004, there is no doubt that this state will need to keep its fingers crossed in relation to the security of energy supplies in the state. As I said in the policy put out by the Labor Party at the last election, it is a great pity that this pipeline was not planned and built some years before.

Members interjecting:

The Hon. P. HOLLOWAY: The Leader of the Opposition seems to think that we should have built it 20 years ago. We did not need it 20 years ago or eight years ago—we need it now.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Given that it takes two years to build, that is when it should have been built.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, you did not do it. That is the whole problem—you did not do it. You left it too late! Sadly, the pipeline will not be finished until the first quarter of 2004. We will not allow these whingers and knockers to try to take the gloss off the good news for South Australia that, finally, this project is being developed. This underground pipeline will traverse something like 680 kilometres and the route has been carefully chosen so that it will not run through parks and conservation reserves and will run primarily through cleared and developed agricultural land.

The Hon. R.I. Lucas: What is the diameter?

The Hon. P. HOLLOWAY: It is a 14-inch pipeline.

The Hon. R.I. Lucas: It is not big enough.

The Hon. P. HOLLOWAY: If the Leader of the Opposition wishes to go back into the history of this, I will be happy to do it, but I will not let him on this occasion. He is trying to detract from the news and deflect attention from the fact that his government was messing around with the issue for a long time before it was resolved as it now is. This pipeline was also able to avoid the branched broomrape quarantine zone. I congratulate Origin Energy for the work it has put into it because, as the minister responsible for acquisition of land issues, I know that a considerable amount of work was necessary. It has been done with some sensitivity and with some haste, as is necessary and as befits the needs of this state.

It is good news for the state that financial closure has been announced on that pipeline, and we look forward to this gas coming to the state in the first quarter of 2004 and we certainly look forward to the security of energy supplies that it will bring to South Australia.

The Hon. R.I. LUCAS (Leader of the Opposition): Given all the decisions taken by the former government in relation to the SEA Gas consortium proposal, what specific decisions has this government taken since 5 March to help bring to a financial close the SEA Gas proposal?

The Hon. P. HOLLOWAY: As I was indicating, it was part of the functions I had in relation to the acquisition of the route for the pipeline. A number of negotiations had to take place between the consortium building this pipeline and the licence holders. It was my involvement as minister responsible for the Petroleum Act that ensured that the acquisitions in relation to that pipeline were properly undertaken. My colleague the Minister for Energy has also been involved in relation to the speedy development of this project.

The Hon. T.G. Cameron: Answer the question.

The PRESIDENT: Order! The minister is quite capable of answering the question without any help from honourable members.

The Hon. A.J. REDFORD: In light of that answer—

Members interjecting:

The PRESIDENT: Order! Honourable members will act honourably within the confines of the chamber.

Members interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron will come to order and act inspirationally.

The Hon. A.J. REDFORD: Does the minister acknowledge that, in the light of that answer and his answer to my question on Monday concerning the electricity summit to meet many members of the business community and privatised electricity utilities, the government has broken its promise to hold an electricity summit in the first week of being elected to government?

The Hon. P. HOLLOWAY: The honourable member already has an answer to the question that he asked of the Minister for Energy. I do not wish to add anything further to those matters which are the responsibility of that minister.

GOVERNMENT INFORMATION

In reply to **Hon. A.J. REDFORD** (14 May).

The Hon. P. HOLLOWAY: The Premier has provided the following information:

1. A ministry listing is contained within web sites (http://www.ministers.sa.gov.au and http://www.premier.sa.gov.au) for public reference.

2. and 3. The new Justice web site (http://www.justice.sa.gov.au/) was published on 15 May and contains comprehensive information on the Justice portfolio. Detailed contact information for each agency is provided and the names of the content managers are provided on the front page of the site. The site links directly to the Premier and ministers' web site and the names and titles of ministers are included under the FAQ section.

MINISTERIAL ADVISERS

In reply to **Hon. R.I. LUCAS** (16 May).

The Hon. P. HOLLOWAY: The Deputy Premier has provided the following information:

1. Yes

2. Ms Foster was appointed to the position of Chief-of-Staff to the Hon. Kevin Foley, commencing on 12 April 2002. The appointment was made by the Premier in accordance with the standard ministerial staff employment contract pursuant to Section 69 of the Public Sector Management Act.

The appointment was terminated by Ms Foster giving written notice to the Premier, in terms of the following provisions of her employment contract:

> 'Notwithstanding any other conditions of your appointment as chief-of-staff to the honourable Kevin Owen Foley, MP, either you or the Premier may terminate this appointment after the giving of prior notice in writing to each other as follows and where 'service' includes previous continuous service as a ministerial Officer: . . .
>
> . . . During the initial probationary period of 13 weeks of service—no notice is required'.

In her letter of resignation to the Premier, Ms Foster stated:

> 'It has been a pleasure to work with the Treasurer and I wish the government well in the future'.

SPEED CAMERAS

In reply to **Hon. T.G. CAMERON** (15 May).

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

247 221 speed camera notices had been issued for speeding offences committed between 1 July 2000 and 30 June 2001. Of that number:

- 48 939 reminder notices had been issued adding a $30 reminder fee.
- 16 875 of the reminder notices had been expiated generating $506 250 reminder fee revenue.
- 31 829 of the reminder notices had not been expiated and were forwarded to Courts Administration Authority for enforcement proceedings.
- Inquiries concerning outcome of enforcement proceedings need to be directed to the Courts Administration Authority, fines payment unit.

The Attorney-General has been advised by the Courts Administration Authority of the following information:

> During the 2000-01 financial year, 136 293 people were dealt with by the Magistrates Court in relation to 187 130 speeding offences which resulted in $4 010 831 in late payment fees, reminder notice fees, expiation enforcement fees and other court costs and fees prescribed by regulation to be added to the original expiation notice.

The government will continue with the present practice of ensuring that the original notices issued to offenders clearly states that late fees and levies will be added if they do not pay on time.

LOCHIEL PARK

In reply to **Hon. A.L. EVANS** (14 May).

The Hon. P. HOLLOWAY: The Minister for Government Enterprises has provided the following information:

The Minister for Government Enterprises, the Hon. Patrick Conlon recently announced a pre-election commitment to a moratorium on the sale and development of land to the end of 2002. He also announced that a public consultation will shortly be put in place that will examine the possible uses of the site. It is emphasised the site is not a 'park', in fact members may remember its former use as the Brookway Park TAFE site, a collection of buildings for the Metropolitan Fire Services and a portion utilised by Family and Youth Services.

Details of the consultation process will be advised by the Minister for Government Enterprises shortly and this will provide members of the community the opportunity to express the diversity of views as to the future of the site.

GENETICALLY MODIFIED CROPS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about genetically modified crops.

Leave granted.

The Hon. IAN GILFILLAN: In October last year I questioned the then government on the possible liability of South Australian farmers who inadvertently grow genetically modified crops. The question related to a case in Canada, of which I am sure the minister would be aware, between Monsanto and a Canadian farmer, Mr Percy Schmeiser. At the time I received no response from the then premier. However, this is a very important question for South Australian farmers which needs to be properly addressed.

To recap the story: as a result of having Monsanto's canola seed, Roundup Ready, without a licence, Mr Schmeiser was fined $20 000 (Canadian) and had all his seed, including non-genetically modified seed, confiscated. Mr Schmeiser argued that the seed had blown onto his property. However, the presiding judge stated that it did not matter how the seed got there. Dr Brad Sharman, an Australian expert in agricultural law from the Centre for Intellectual Property in Agriculture, commented that Australian patent laws are similar to those of Canada and that this could occur in Australia. He suggested that the law needs to be changed. He said:

> I think a good example would be what in patent law is known as innocent infringement. That's basically where a person hasn't. . . done anything consciously, where the infringement has arisen through someone else's conduct and also as in the case where the farmer didn't derive any benefit.

This problem can arise easily through the drift of pollen from one property to another. Recent results of a report by the European Environment Agency classified Brassica napus ssp. Oleifera (oilseed rape/canola) as a high risk for pollen mediated gene flow in cases of both crop to crop and crop to wild flow. It has been established that that pollen flow is at least three kilometres, compared to the 400 metre buffer which is currently prescribed.

With the recent article in the *Australian* indicating that both Monsanto and Aventis Cropscience are currently making applications for the commercial release of herbicide-resistant GM canola, farmers are naturally concerned about what liability they may find themselves bearing, whether they choose to grow genetically modified crops or not. The *Australian* of 20 May 2002 reported on a Western Australian canola farmer who has warned neighbours of legal action, as follows:

> Ms Newman has warned her closest neighbours and good friends, mixed farmers Sue and Ian Woods, she will take legal action against them if they planned GM seed and contaminate her crop. The Woodses have pledged to do likewise. 'We wouldn't want to sue our neighbours but we could have to,' Ms Woods said.

It is indicated, too, that there are a thousand organic farmers in Canada currently suing Monsanto for contamination of their crops and loss of return from the sale of their crops. My questions to the minister are:

1. Does he agree that there is potential for the type of legal action that occurred in Canada to occur in Australia if we have the open planting of GM modified crops—and, if not, why not?

2. What would the defence be for the innocent farmer?

3. If he does agree, what does the minister intend to do to protect the interests of South Australian farmers?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think the first part of the honourable member's question in relation to GM crops was whether the legal action being taken in Canada is available here. I would be loath to give anything approaching a legal opinion. Quite apart from the fact that I am not a lawyer, I believe that this is a complex area and I consider that it is a matter that people with a lot more expertise in this matter than I would need to give opinions on.

In relation to the general matter about what the government might be doing in relation to GM crops, I am aware that last Friday evening there was a meeting at the GT Ministerial Council which the Minister for Health attended as the lead minister from this state on this matter, and as a result of that certain decisions were taken. The main decision—and unfortunately I do not have the text of it here to give to the honourable member, but I will paraphrase it as best I can and I will give him the exact text later—was an in-principle agreement that the states would be able to go their own way in relation to setting up zones for GM or non-GM crops.

I understand that there have been some policy discussions on that and that the matter was left open when the relevant act went through the commonwealth parliament last year, or the year before, and it was agreed that there would be discussion on that policy position. As a result of the decision the other day, I understand that the states will go away and work on that particular matter to change the memorandum of understanding which will permit the states to set up these GM or non-GM zones if they see fit. That is the decision that was taken at the ministers' conference the other evening. That effectively would give us about six months or so until the next meeting is due to contemplate what action might be taken within this state.

As I say, my colleague the Minister for Health is the lead minister in relation to that matter. It is also my understanding that, apart from a couple of types of carnations which are grown here, and BT cotton which is not grown in this state, the only crop that has been trialled in this state is the canola crop—the so-called Roundup Ready canola crop—and I believe that that particular crop is not due for approval for quite some time, and certainly not until next year. So there is some time in which the government can address these matters before the question of commercially grown GM crops becomes an issue in this state.

ACCESS CAB SERVICE

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question on the subject of Access Cab fraud.

Leave granted.

The Hon. DIANA LAIDLAW: Late last year an evaluation was undertaken by consultant Mr Ian Kowalick of the Access Cab system. Mr Kowalick's report featured many recommendations to improve service delivery, especially the major issue of waiting times, for people with disabilities, and to provide unlimited vouchers to people eligible for a 75 per cent fare subsidy, and to stem concerns regarding the fraudulent use of vouchers as part of the South Australian

Transport Subsidy Scheme. I am aware that the Minister for Transport has received an assessment from the Passenger Transport Board on the implementation issues relating to each recommendation in Mr Kowalick's report, and therefore I ask the following four questions:

1. Why, when releasing the Kowalick Report on 22 April, did the minister not take the opportunity to address the implementation of all or some of the recommendations in that report?

2. What timetable, if any, has he now set to act on the recommendations?

3. Specifically, in terms of the alleged fraud in the industry, why has he not immediately instructed the PTB that no voucher will be paid in respect of any journey unless an Access Cab booking has been made and despatched through a centralised access cab radio room?

4. Based on the briefing from Mr Kowalick, and from the PTB, what is the minister's estimate of the extent of the alleged fraud, in dollar terms, and have any instances of fraudulent misappropriation of funds been referred to the police for investigation under section 184 of the Criminal Law Consolidation Act 1935?

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

MUSIC INDUSTRY

In reply to **Hon. DIANA LAIDLAW** (13 May).

The Hon. T.G. ROBERTS: The Attorney-General has provided the following information:

The Live Music Working Group made eight separate recommendations, some containing several sub-recommendations, as to steps which should be considered so as to further protect and enhance the interests of live music in South Australia, and to reconcile the concerns of local residents about noise and disturbance from music venues with the needs of live music in licensed premises.

I summarise the recommendations:

1. The Environment Protection Authority should collate available information about licensed entertainment venues in relation to the need for noise attenuation, and produce guidelines and a technical bulletin on noise levels to assist planning authorities.

2. Planning SA should ensure the adequacy of the planning strategy to guide development plan amendments and prepare a planning bulletin on new licensed entertainment venues and development proposals surrounding licensed entertainment venues.

3. Local government should be encouraged to update development plan policies for their areas, based on the proposed planning bulletin, continue to consult widely with all affected stakeholders, consult the live music industry in the PAR process, and consult the Australian Hotels Association and other relevant industry associations to enable them to understand, monitor and participate in the PAR process.

4. The Building Code of Australia should be amended to incorporate material on noise attenuation and as an interim measure a South Australian minister's specification should be prepared.

5. (a) More voluntary liquor-licensing accords should be developed for mixed-use precincts.

(b) The objects of the Liquor Licensing Act should be amended to include reference to live music (the recommendation was more detailed and suggested two alternate approaches)

(c) Section 106 of the Liquor Licensing Act should be amended.

(d) Further integration of the Development Act and the Liquor Licensing Act should occur through the consideration of the development plan policies for a locality as part of the suggested noise complaint process, and integration of the Environment Protection Act with the Liquor Licensing Act should occur through consideration of EPA guidelines as part of that process.

6. The Land and Business (Sale and Conveyancing) Regulations 1994 and the Residential Tenancies Regulations 1995 should be amended so that purchasers of land or future tenants of houses are notified of licensed entertainment venues in the vicinity. This information was to be provided by the Department of Environment and Heritage as an extension of the existing Form 1 statement process.

7. (a) The Australian Hotels Association, police and the Liquor and Gambling Commissioner were to develop protocols and procedures to be applied to complaints about patron behaviour.

(b) The scope of s. 20 of the Summary Offences Act should be expanded to create a new offence of disturbing noise or behaviour in or adjacent to licensed premises where entertainment is held.

8. A Fund should be established, hypothecated from gaming machine revenue, to assist venues to meet noise level specifications, assist developers in mixed use precincts with noise attenuation measures, and enhance the development of the live music industry.

It can be seen that the recommendations affect four separate portfolios—the Premier, the Attorney-General, the Minister for Environment and Conservation and the Minister for Urban Planning. Each of the affected Ministers is giving consideration to the implementation of the recommendations applicable to his portfolio. Some steps have already been taken—members will be aware that a bill has been introduced in another place which would cover three of the matters referred to in item 5 above. Some steps are contingent on others and so cannot be taken at this stage. Others require the voluntary co-operation of persons outside government, such as hoteliers, (for example, the proposal for more licensing accords), or local councils, (for example, the proposal for wide consultation in the PAR process). These can only be fulfilled over a longer period. Others are capable of direct implementation and the government is giving this consideration at the moment.

WIND FARM, SELLICKS BEACH

In reply to **Hon. T.G. CAMERON** (9 May).

The Hon. T.G. ROBERTS: The Minister for Urban Development and Planning has advised that:

1. The Sellicks Hill wind farm proposal has received a great deal of media coverage, however, as of 15 May 2002 no formal application for the proposal has been lodged with either the Yankalilla Council or the Development Assessment Commission.

I am advised that the proponent has undertaken extensive investigations, including an environmental impact study, which will be assessed, if and when, a formal application for the proposal is lodged.

2. If an application for a wind farm is lodged it will be subject to the statutory requirements for assessment pursuant to the Development Act 1993.

Agencies with relevant technical expertise will be consulted to ensure that issues such as visual impact and noise are assessed.

It will also be necessary for the proposal to be publicly notified, thereby providing the public the opportunity to examine the proposal and provide formal comment. Such comment must be considered when assessing the application.

ADELAIDE RAILWAY STATION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, questions regarding the Adelaide Railway Station ticket validation machines.

Leave granted.

The Hon. T.G. CAMERON: As the previous minister would know, I have been following the progress of the installation and effectiveness of the ticket validation machines at the city railway station. Sources have informed me that many of the new machines are not yet operating, and checking of tickets, which used to be done manually, is now being done only periodically.

The Hon. Diana Laidlaw: By?

The Hon. T.G. CAMERON: Periodically. Whilst the checking of tickets manually did result in bottlenecks, particularly in rush hour, at least it meant that some form of ticket checking was occurring. Sources have also said that the checking of tickets and concession cards on the trains themselves, which was previously done regularly, has now become almost non-existent. My questions to the minister are:

1. Since the Labor Party took office has there been any direction to cut the number of checks of tickets by railway staff at the Adelaide Railway Station or on the trains themselves? If so, why has this occurred?

2. When will the ticket validation machines be fully operational, and why has it taken so long?

3. Can the minister supply figures for the number of people who have been issued infringement notices resulting from ticket inspections at the Adelaide Railway Station for each month between 1 January 2002 and 30 April 2002?

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

REGIONAL COMMUNITIES

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about restoring hope in regional communities.

Leave granted.

The Hon. R.K. SNEATH: The regional areas of our state have carried the brunt of commonwealth and state Liberal policies. We have seen the withdrawal of services and escalating costs of freight, fuel and basic infrastructure. This government has said it will tackle the issues that face regional communities. My question to the minister is: what immediate steps are being taken to restore hope in our rural areas and build more positive communities?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I thank the honourable member for his important question and note his interest in rural affairs. As I have said previously, we intend raising our concerns about these policies with the commonwealth. It is not only a matter of acting at a local and state level, because the commonwealth certainly needs to be involved to ensure that regional South Australia is not further disadvantaged and that no further commonwealth services are withdrawn. We have just had the problems associated with Telstra—

Members interjecting:

The Hon. T.G. ROBERTS: Negotiations are continuing. We will also ensure that all new initiatives of our government will thoroughly assess the effect on regional—

Members interjecting:

The Hon. A.J. REDFORD: I rise on a point of order. I rise to comment against that assertion: that mob hasn't won a seat in rural South Australia in 20 years.

The PRESIDENT: There is no point of order. Dissent is not a point of order. It is a frivolous point of order.

The Hon. T.G. ROBERTS: Thank you, Mr President. We will ensure that all new government initiatives will thoroughly assess the impact on regional communities. The Labor government recognises that we owe much of our economic success to the efforts of those who live in rural areas, and I have recognised that through other contributions in this council. Continued prosperity will depend significantly on the strengths of our regions and building on those strengths.

We have taken some immediate steps to better equip smaller communities to adjust to change and to build their own local assets. Last week I was pleased to release a significant new resource for local communities; that is, the kit entitled 'Building sustainable communities'. It is an easy to use guide for regional and rural communities, providing information on a range of successful South Australian projects, events and forums—initiatives that have been and will become the key to widespread regional renewal and revitalisation. The resource kit presents stories from real communities and real people—people who began with a simple idea and made it work. They range from regional events to art galleries to youth camps to internet groups and they represent what communities can do to revitalise their own towns and cities.

It highlights what South Australian communities have done to combat issues which they face daily such as youth retention, retail decline and lack of commercial developments. The kit completes the building positive rural futures program, which, last week, culminated in a major forum at Loxton where the topic of keeping young people in our communities was discussed. The forum was addressed by two prominent international speakers in the field of community development—Ken Whitemann of Pinacle Youthworks and Barbara Oates of the Vancouver Foundation. This week they are travelling throughout South Australian regions conducting further workshops. Many of the case studies featured in the resource kit will be visited during their tour.

Further showcasing will continue, and many South Australian regional success stories will be exchanged between those groups. The government is now addressing the new arrangements to set up the Office of Regional Affairs, and I will be announcing details of this shortly. In the meantime, we are getting on with our commitment to provide better support to regional communities, and the release of 'Building Sustainable Communities' and the program workshops now under way are a practical example of the government's commitment to build positive communities for the future.

The Hon. A.J. REDFORD: I have a supplementary question. First, could the minister advise me who commissioned the kit; and, secondly, could he give any examples of success stories that might have occurred under a Labor government?

The Hon. T.G. ROBERTS: My understanding is that the Office of Regional Affairs commissioned the kit and—

The Hon. A.J. Redford: When?

The Hon. T.G. ROBERTS: I think I paid tribute to the previous government. The initiatives that started—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: We are now progressing the kit and putting into place—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: It is one of the frustrations of being in opposition after being in government: you see the fruits of your labour being implemented in a successful way. Members should look at the regional press clippings after the country cabinet meetings, because, in a bipartisan way at a political level, a whole range of people in communities are

embracing this because they realise that you need bipartisanship—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: —to bring about a whole range of positive initiatives that come from regional communities—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: We are trying to build the leadership and resources of the community so that state governments can offer the support that is required from the good ideas coming from regional communities, which, in some cases, hit the wall and go no further. We hope to be able to open up the state government's cross agency support for these good ideas and progress them into initiatives for rebuilding those communities and further help the communities which have already had success stories to ensure that they become further successes.

PUBLIC ASSETS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier and also the Treasurer, a question about the sale of public land and assets.

Members interjecting:

The PRESIDENT: Order! I am having trouble hearing the honourable member. The Leader of the Opposition and the Leader of the government are both guilty.

Leave granted.

The Hon. M.J. ELLIOTT: The previous state government seemed to have a policy of selling anything that was not nailed down, taking the nails out and selling off everything else. In particular, we saw a large sale of school assets, both land and buildings, and quite a deal of the former SA Water land was sold off. There was concern about some of these sales: concern about the fact that, in some cases, the open space was considered important for local community recreation and, in other cases, that perhaps the sales were premature and the assets may be needed later—and that appears already to be the case in relation to one school in the city of Adelaide. Another concern was that there was no significant public record of the value of those assets sold.

In fact, in August 2000 I lodged an FOI requesting a copy of names, dates of sales, and revenues resulting from the sale of state government property, that is, land and buildings, since January 1994. I did not receive a response to that—which is the way in which many FOIs were treated by the previous government.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You know there is a process that requires a response and how you work your way through it—so don't be so smart alecky about it. I note that in today's *Advertiser* on page 44, under the instructions of the Land Management Corporation, a portion of Para Hills High School will be released to the market in June. My questions are:

1. How much public land and buildings have been sold by the South Australian government since 1994, both in terms of area and value of assets?

2. Does the new government intend to continue the Liberal policy of selling off public land, such as school ovals, or is the Para Hills sale a once-off?

3. With the government's commitment to budget honesty, will it include details of the sale of state government property in this year's budget?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will take those questions on notice to the Minister for Government Enterprises and bring back a response.

ADELAIDE CASINO

The Hon. NICK XENOPHON: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question in relation to the Sky City Adelaide Casino.

Leave granted.

The Hon. NICK XENOPHON: On 2 October 2001 I asked a question of the then treasurer (the Hon. Rob Lucas) in relation to an incident observed by a constituent involving an apparently intoxicated patron who lost a considerable amount of money at the casino, and a complaint over the lack of prompt action by the casino staff to deal with the issue. The Hon. Rob Lucas, to his credit, responded by letter to me, signed and dated, quite incredibly, 1 January 2002. It warmed my heart to know that the former treasurer signed that letter on a major public holiday.

The Hon. Rob Lucas gave details of the approved licensing agreement and the obligations of the casino with respect to intoxicated patrons, and reference was made to the casino manual in relation to dealing with intoxicated patrons. The response went on to acknowledge that, in relation to the incident complained of, if there was a failing, it was that the assistant pit boss made a poor assessment, an error of judgment, of the person's level of intoxication, which was rectified by security.

Recently, I was contacted by a constituent who was a witness to an incident at the casino on Friday 24 May at 12.55 a.m. The constituent was at blackjack table No.104 and saw a man who was clearly intoxicated on any reasonable judgment. He brought this to the croupier's attention, who then informed the pit boss of the situation, referring to it as a code red. According to the constituent, the pit boss did not inform security immediately. After assessing the situation for what the constituent considered to be an inordinate amount of time, the pit boss called security. When security arrived it is alleged that they sat back and waited for, again, what the constituent considered to be an unreasonable amount of time before intervening and asking the patron to leave the table, presumably because they found him to be intoxicated. The constituent believes this took up to 15 minutes from the time a complaint was made. In the meantime, the affected person lost several hundred dollars. My questions are:

1. Will the minister refer this matter to the Office of the Liquor and Gambling Commissioner and the Independent Gambling Authority for an investigation? Further, will he ensure that a videotape of the table is preserved until such investigations takes place?

2. Will the minister request a report from the Office of the Liquor and Gambling Commissioner and the Independent Gambling Authority as to whether there have been any breaches of the casino code of practice?

3. Were government inspectors at the casino informed of the incident, and what requirement is there for the casino to inform government inspectors of such incidents?

4. Does this government plan to implement the previous government's policy to eventually remove a permanent presence of government inspectors from the casino?

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

CANTEEN SA

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about the financial well-being of the Canteen organisation.

Leave granted.

The Hon. T.J. STEPHENS: Last Saturday evening I had the pleasure of attending the Canteen ball, called the Brass in Pockets Ball, to fundraise for that extremely worthy cause, Canteen. Cindy Turner and her staff at Canteen do a fantastic job. Canteen is a national support organisation for young people aged 12 to 24 living with cancer. This includes patients, siblings, bereaved siblings and offspring. A diagnosis of cancer at any time is traumatic, but even more so for a young person. It can mean the start of a long process of painful treatment and years of uncertainty.

Canteen's long-term goal is to support, develop and empower all young people living with cancer. The South Australian division of Canteen staged the Brass in Pockets Ball last Saturday evening at the Hyatt. It was the first ball in the last four to five years, and 180 people attended. Funds were raised through an auction of donated gifts, etc. Net proceeds from the ball, which sadly were not large, will be put to good use in providing care and support programs for nearly 300 000 young South Australians living with cancer. Canteen South Australia has to rely on the generosity of many individuals, community groups, service clubs and organisations. Canteen SA receives no support at all from the government.

The Hon. Diana Laidlaw: What, none?

The Hon. T.J. STEPHENS: None. Each year Canteen South Australia faces a real funding headache. On top of fundraising the necessary funds to run the programs for the Canteen members themselves, $190 000 is required to pay the salary of its coordinator and four staff to run the Canteen SA division. Since the new Labor government came to power, no fewer than 10 reviews of the Department of Human Services have been ordered.

The Hon. T.G. Cameron: Ten?

The Hon. T.J. STEPHENS: That is right, Mr Cameron, ten. One review alone—the review of health—will cost $750 000 for outside consultants. One of the consultants engaged, Mr John Menadue, will be paid $900 per day, which equates to an annual salary of $234 000. We have recently had a complete review of mental health, cardiac emergency and trauma—

The Hon. CARMEL ZOLLO: On a point of order, Mr President.

The Hon. T.J. STEPHENS: —and cancer services along with many others in the last year or so.

The PRESIDENT: Order! A point of order has been taken.

The Hon. CARMEL ZOLLO: I thought that this was a brief explanation. My point or order is to relevance.

The Hon. T.J. STEPHENS: I am almost finished, Mr President.

The PRESIDENT: Well, it is not a question whether you are almost finished. There is a point of order. I do not doubt your enthusiasm and commitment to what you are talking about, but you are very much debating the issue. I would ask you to conclude the explanation as quickly as possible and put the question.

The Hon. T.J. STEPHENS: Yes, Mr President.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: This is a massive cost duplication of yet another review that could be better spent on the salaries of the Canteen staff, thereby freeing up the funds raised to be directly put to the good use of the Canteen members. My questions are—

The Hon. A.J. Redford: That's why you raised the point of order. You didn't want to hear this, did you?

The PRESIDENT: Order! I have ruled on the point of order. There was a point of order.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: Will the minister show some leadership and consider using some of the review money in a way that will make a real difference for people with genuine need? Will the minister redirect some of the $750 000 in consultants' salaries to provide $190 000 for the salaries of the coordinator—

Members interjecting:

The Hon. T.G. CAMERON: On a point of order, Mr President. I cannot hear the speaker on his feet because of the interjections that are coming from the end of the chamber. I cannot hear him, and my hearing is very good.

The PRESIDENT: It sounded like a pot hitting a kettle, and then calling it black. There is a point of order. Could you please put your question.

The Hon. T.J. STEPHENS: Will the minister redirect—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! You won't be here much longer!

The Hon. T.J. STEPHENS: —some of the $750 000 in consultants' salaries to provide $190 000 for the salaries of the coordinator and four staff that run the South Australian division of Canteen?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Mr President—

Members interjecting:

The PRESIDENT: Order! Members on my right, there is too much audible conversation.

An honourable member interjecting:

The PRESIDENT: Order, the Hon. Mr Sneath! There is too much conversation.

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. The Hon. Gail Gago keeps shouting 'Shame' to the minister. That is a reflection on his character, and I ask her to withdraw it.

The PRESIDENT: Order! There is no Gail Gago here, but there is the Hon. Ms Gago. I do not think there was any real reflection there.

The Hon. T.G. ROBERTS: Thank you, Mr President. The only interjections that would come from my colleagues would be accolades; they would not be insults.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: And I am sure that the interjectors, if they stopped interjecting on the interjectors, would be able to hear the question and the reply. I will refer

the honourable member's question to the Minister for Health in another place and bring back a reply.

CAMERON, Hon. T.G, NAMING

The PRESIDENT: The time having expired for questions, there is just one other matter. Can you just wait a moment, Mr Cameron?

The Hon. T.G. Cameron: Pardon?

The PRESIDENT: Can you just wait for one moment?

The Hon. T.G. Cameron: I'm just going to go to the loo.

An honourable member interjecting:

The Hon. T.G. Cameron: Well, I might pee in my pants, but I will wait if it is important.

The PRESIDENT: I would rather that you were in your place. During question time today—

The Hon. T.G. Cameron: You want me back in my place? All right.

The PRESIDENT: I would be pleased if you would do that. I would be pleased if you showed some respect for the council, as is the responsibility of us all.

The Hon. T.G. Cameron: I have always respected the council.

The PRESIDENT: During question time today there was an altercation to my right, which was quite unbecoming and which does no credit to the council. I thought that I heard some unparliamentary language and I believe, Mr Cameron, that it came from you. Standing order 208 is very specific about objectionable words: they need to be withdrawn, and there is a requirement for an apology. I think that your conduct was most reprehensible and I would be pleased if you would offer your apology to the council.

The Hon. T.G. Cameron: I would be happy to, if you could tell me what I have said.

The PRESIDENT: I think, Mr Cameron, that you are very clear about what was said. It was quite unparliamentary.

The Hon. T.G. Cameron: I am not sure what I am supposed to have said or not said, Mr President. If you are claiming that I have said something that was reprehensible, at least you could tell me. Otherwise, I will not withdraw.

The PRESIDENT: Clearly, the Hon. Mr Cameron, I am not a shy person. You told someone to fuck off, and I want you to withdraw and apologise to the council, as is your responsibility as a member of this august place.

The Hon. T.G. Cameron: I will not withdraw telling anyone to fuck off, because I never said that.

The PRESIDENT: Order! Will the Hon. Mr Cameron apologise for his misconduct?

The Hon. T.G. Cameron: I would like to know what my misconduct is.

The PRESIDENT: You used quite unparliamentary language, which is out of order, and I have asked you to withdraw and apologise. Do you refuse to withdraw and apologise?

The Hon. T.G. Cameron: What is the unparliamentary language that I have used?

The PRESIDENT: Clearly—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: I name the Hon. Terry Cameron.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That the Hon. Terry Cameron be suspended from the service of the council.

The Hon. T.G. CAMERON: May I make a personal explanation? I have used bad language, but this bloke invites me out and wants to punch my head in.

The PRESIDENT: Order! The honourable member will have an opportunity to speak in a minute—

The Hon. T.G. Cameron: I get invited out the back by another member of this council, and I am being unparliamentary!

The PRESIDENT: Order!

The Hon. T.G. Cameron: What about John Gazzola?

The PRESIDENT: Order! It was your voice; you uttered the unparliamentary language. I asked you in a reasonable manner to withdraw and apologise and you have continued to defy the chair and the will of the council. The unfortunate question is that the Hon. Mr Cameron be suspended.

Members interjecting:

The PRESIDENT: No, it must be put without question. Standing orders are very clear. The motion is:

That the Hon. Mr Cameron be suspended from the service of the council for one day.

Is the motion seconded?

An honourable member: Yes, sir.

Motion carried.

The Hon. Mr Cameron having withdrawn from the chamber:

MATTERS OF INTEREST

DAVID HELFGOTT CONCERT

The Hon. CARMEL ZOLLO: It was my great pleasure earlier this month to represent the Minister for Social Justice (Hon. Steph Key) at the David Helfgott concert at the Adelaide Town Hall. The concert was a major event for the biennial High Beam Festival, the largest festival in the southern hemisphere that celebrates the many creative expressions of disability culture. David Helfgott was joined by Brian Gilbertson, Jennifer Kneale and the Tutti Ensemble Holdfast Choir, which has 70 choir members, including 23 with a disability. This wonderful choir performed in the opera *My Life, My Love*, which I understand was one of the highlights of the 2002 Adelaide Festival of Arts.

If the performance on the evening was anything to judge by, the bold decision to include community members in a major mainstream production by the State Theatre was indeed a right one. Both Brian Gilbertson and Jennifer Kneale, renowned opera artists, joined community members with obvious delight in sharing their talents with so many other gifted people. What can one say about David Helfgott: a talented and eccentric gentleman full of goodwill and love for all around him. He performed, with obvious sensitivity, Mendelssohn, Chopin and Debussy as well as joining the ensemble for several items. I am sure most of us have seen *Shine*. A patron next to me made the comment that the world would be a better place if a few more people behaved like David Helfgott. Being without inhibition is definitely a positive for artists.

I was interested to read that David Helfgott does not have a defined disability as such but supports disability arts with

a passion. I congratulate everyone involved, in particular Artistic Director, Pat Rix—a well-known South Australian playwright and composer. Ms Rix is the Artistic Director of the Tutti Ensemble and conductor of Tutti's Holdfast Community Choir. Her passion for bringing the strengths of mainstream and community arts together has been a great success, both in Australia and overseas. She composed and conducted an opening work for Canada's KickstART Celebration of Disability Arts and Culture in Vancouver last August, performed by the Tutti Ensemble Holdfast Choir.

The choir is also to be congratulated for becoming an international role model for community cultural development and the promotion of diversity. What began as an initiative of Minda Inc. in August 1997 with Pat Rix as leader of the choir has now become a diverse group of over 70 singers and musicians. The High Beam Festival offers a wide range of opportunities for people with disabilities to participate, including national and international artists. It offers a program of music, comedy, theatre, dance, arts, debate, workshops and community events. More than 50 acts took part in the 10 day biennial festival.

Arts in Action SA funds and coordinates the festival program as a member of the National Network (Disability in the Arts, Disadvantage in the Arts Australia), Australia's peak body working in arts and disability. The High Beam Creative Team 2002 describes the High Beam Festival as being about showing that living with disability does not exclude you from real exciting cutting edge art. High Beam is also about showing what it is like to live with a disability through the medium of art.

The David Helfgott concert was a sell-out and a wonderful example of community, professionals, amateurs and the cooperation of the State Theatre Company in bringing everybody together to showcase their talents. I should also acknowledge McLachlan Hodge Mitchell, the sponsors of the Tutti Ensemble Holdfast Choir in concert with David Helfgott. McLachlan Hodge Mitchell are business advisers, chartered accountants, and management and IT consultants, and they seek opportunities to contribute to significant South Australian business and government projects. I congratulate them on their choice of sponsorship.

The Hon. Diana Laidlaw: I would like to join in those congratulations.

The Hon. CARMEL ZOLLO: I thank the former minister for the arts who has added her congratulations. For me, the evening highlighted the fact that disability does not necessarily mean limits. The artists performing were warm, talented and friendly people. Again, my congratulations to all those who participated in the third High Beam Festival and, in particular, to everyone involved with the David Helfgott concert on the evening.

ARTS, LABOR POLICY

The Hon. DIANA LAIDLAW: My comments relate to the dishonest and destructive agenda that Mr Rann, as Premier and Minister for the Arts, is advancing for the arts in South Australia. Before the last state election, Mr Rann touted about town that he wanted to be both Premier and Minister for the Arts in order to bring'clout' to the arts in cabinet and across our community. In one of the few policies released by Labor before the last February election, Labor's arts policy promised 'to maintain the current funding level for the arts in South Australia'.

This good news, however, was short-lived; 18 days later and just three days before the election on 9 February the shadow minister Mr Foley released a statement and spoke widely on Labor's commitment to cut funding to all government agencies except education, health and emergency services. Mr Foley literally frothed at the mouth in his enthusiasm to cut arts funding while Mr Rann, self-styled Mr Clout, remained silent. Mr Foley must have been speaking with the approval of his leader, Mr Rann, or was Mr Foley already out-of-control or, as some cynics suggest, the one in control? Whatever the scenario, Mr Rann had already failed to deliver on a key election promise—and at that stage the election had not yet been held.

Since the election Mr Rann has taken every possible opportunity to cling to the coat tails of his former employer, the Hon. Don Dunstan, a true champion of the arts across Australia. However, in his first 100 days in office, Mr Rann has already proven that he is an unworthy pretender to Don Dunstan's crusading vision and achievements in the arts. If Mr Dunstan was alive today I know he would distance himself from Mr Rann's slick, sly and superficial approach to arts policy and funding.

Certainly I know that with his passion for the arts Mr Dunstan would never have appointed an assistant minister to help him manage this relatively small but immensely important portfolio and never would Mr Dunstan have failed to turn up—as Mr Rann failed to do last Thursday night—to the first meeting of the Arts Industry Council since the election. He sent in his place his deputy or assistant minister to tell this peak arts advocacy body in South Australia about pending funding cuts, contrary to policy commitments. Incidentally, the move by Mr Rann to appoint an assistant minister was never foreshadowed in Labor's arts policy. Speculation in the arts sector suggests that this post-election move confirms that Mr Rann likes the good times and the opening nights but does not have the backbone to resist Mr Foley or to deliver Labor's dirty deeds to the arts. This task he delegates to the assistant minister, the Hon. John Hill.

In order to achieve Labor's average funding cut of 2 per cent across government, Arts SA is now assessing options of cuts between 1.5 per cent and 3.25 per cent. Any cuts of such magnitude will always have a disproportionately severe impact on a small agency like Arts SA with an overall budget of some $90 million. In some major areas, such as the public library sector, Arts SA has no discretion to make cuts, due to a five year memorandum of understanding signed last year with the Local Government Association, or with major organisations like State Opera, State Theatre and the Adelaide Symphony Orchestra, due to joint funding terms that have already been agreed with the federal government.

Therefore, the cuts will have to be made on a much smaller discretionary budget base and the impact will be even more profound for artists and arts companies. In addition, the projected cuts will come on top of Mr Rann's instruction that the box office shortfall for the last Adelaide Festival of $370 000 must be absorbed by Arts SA—Mr Rann is yet to confirm how the government will pay for the promise to fund a new film festival for $500 000.

Meanwhile, Arts SA is facing further pressures related to the costs associated with the staging of both WOMAD in 2003 and the Adelaide Festival in 2004, with general ongoing funding to support the Adelaide Festival Centre Trust with capital, recurrent costs at the State Library and with insurance indemnity premium costs for all arts companies and events across the state.

The Barossa Music Festival has been the first casualty of Mr Rann's broken policy commitments to maintain arts funding. No doubt there will be more casualties and I will be most interested to see whether Mr Rann's decision to focus on a $35.59 seat subsidy for the Barossa Music Festival becomes the standard to be applied across the sector in assessing companies eligible to receive funding through Arts SA. Certainly, such a crude subsidy measure takes no account of Don Dunstan's dream. It takes no account of our smaller population base or fewer corporate offices.

MEMBERS, BEHAVIOUR

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

Leave granted.

The Hon. J. GAZZOLA: Mr President, as you are aware, you introduced Westminster High School, who were visiting us in the gallery, and shortly thereafter the Hon. Terry Cameron started using provocative language—there was something about 'inspirational'—to which I remarked, 'Just watch the language. There is a school in the gallery.' And it went from there. I apologise for being involved in the altercation, but do so on the basis that I was aware that the school was here visiting and that that language was quite inappropriate for our chamber.

INTERNATIONAL ORGANISATION FOR MIGRATION

The Hon. J. GAZZOLA: In his matters of interest address to the Legislative Council, an honourable member on the opposition benches spoke about the International Organisation for Migration and the issue of illegal immigrants, or 'irregular immigrants' (as the sanitised expression went). I quote from *Hansard* the honourable member's recollections of part of a conversation with a Mr Danziger, the head of the International Organisation For Migration's liaison office in Indonesia:

> I specifically asked whether from his perspective Australia's policies, particularly the incarceration of irregular migrants upon arrival, was the subject of universal international criticism, and criticism from his perspective. He told me that Australia is not an international pariah, as suggested by some media commentators. He said, to the contrary, because we are surrounded by sea, we were the envy of many other countries, particularly Europe, which has had to adopt alternative responses to this difficult and vexed issue.

Does the honourable member believe that what Mr Danziger says is in fact completely true about international media opinion? Are we to believe from this one opinion that one swallow does make a summer? It also seems a confusion of logical categories: in the second sentence of the quote is the member suggesting or implying in his selection of information that the matter of good fortune of Australia's geographical position reinforces or guarantees the good moral judgment of the Howard government in the eyes of the international press?

Just what is the IOM? It is an international organisation which concerns itself with the transfer, repatriation and assistance for refugees, migrants and displaced persons throughout the world. It was founded in 1951 at the behest of Belgium and the United States. It is a leading organisation, if not the leader, in working with governments and other non-government organisations. It has dealt with 14 million people since 1951. It is funded by its member states—of which Australia is a member—and under its constitution it must operate within the laws, regulations and policies of those member states. Mr Danziger, from what the honourable member has told us, is obviously a person of authority and experience, but is his view of Australia's reputation on this matter generally, let alone universally, shared by others?

So what does the international press think of Australia's handling of the refugee crisis? The CNN media report dated 23 April 2002 of Minister Ruddock's trip to the United Kingdom states, in part, the following:

> Ruddock was grilled by UK's influential *Today* program over Australia's treatment of asylum seekers, as well as by an unexpectedly hostile audience of lawyers, judges and aristocrats at an address to the Commonwealth Lawyers' Association in London on Monday.

Even judges and aristocrats. This is hardly the stuff of approval. However, let me not commit the fallacy of predicting the premature arrival of summer. The *Washington Times* of 17 April this year said the following about the consequences of the children overboard incident that occurred prior to the federal election:

> It was truth and principles, not children, which now appear to have gone overboard and it's the government that finds itself in deep water.

I turn to a report by the United States Committee for Refugees (USCR). This organisation is an investigative body funded by the Ford Foundation and has recently commissioned a major study of Australia's treatment of refugees. It is interesting in itself that such a report is being commissioned as the committee's energies are usually concentrated on events in developing countries.

In its Country Report on Australia, the committee discusses the Howard government's response to the refugee crisis, the implementation of restrictive measures and, in particular, the overseas media campaign. I refer to its report of 9 May which states:

> One such effort came in the form of an overseas media campaign designed to portray Australia as a dangerous destination for would-be immigrants and asylum seekers, particularly from Iran, Jordan, Syria, Turkey, and Pakistan. Videos showed open-mouthed crocodiles and sharks with the warning that persons attempting to illegally enter Australia by boat could be eaten alive. If that fails to happen, say the videos, the migrants could be stuck in an inhospitable desert where the snakes could get them. Ruddock's defence of these 'shock tactics' was the following—

Time expired.

ENTERPRISE AND VOCATIONAL ENTERPRISE PROGRAMS

The Hon. T.J. STEPHENS: Today I wish to speak of the Enterprise and Vocational Enterprise programs (EVE), which the previous Liberal government, under the then minister for education, Hon. Malcolm Buckby, put in place throughout many South Australian schools. As a businessman, I am acutely aware that young people who leave school early without acquiring minimum personal and educational skills are the most likely to be unemployed. The Liberal Party certainly recognises this and, whilst in office, took steps towards raising the school leaving age to 16. I know that the new Labor government is committed to continuing down this path; and I would urge the government to formalise this in legislation.

However, compulsory attendance at school is only half the battle to keep those students who would normally leave school early. What is really occurring to keep those students at school voluntarily is the provision of a relevant, practical and interesting learning experience. EVE programs aim to

improve student attendance and retention rates, and also give those students a range of pathways into further training and employment. Programs known by names such as Pathways, VET, or STAR are today giving thousands of students a practical reason to stay at school. The STAR program (an acronym for Students at Risk) has been operating very successfully in my home town of Whyalla under the very capable administration of Mr Stephen Glacken.

Stephen is a personal friend and I was pleased to hear first hand of the STAR enterprise projects that are under way in the three Whyalla high schools. I am very impressed by the exciting and career-savvy curriculum that has been put in place to suit the individual needs of the students involved. At Whyalla High School, 12 year 10 students are involved in 'The car project' group—restoring a Volkswagen car sold by a former student. Students work on school property, leaving classes on two occasions per week to learn and practise automotive skills with a paid mentor. There is 100 per cent success rate, with all students regularly attending school.

Sixteen year 10 students work with a staff member and a support officer on a horticulture business called 'Whyalla High Lawn Mowing'. They are currently 'employed' four hours a week maintaining school grounds and have window cleaning contracts with several public clients. There is again 100 per cent attendance, and participation counts towards achieving points in SACE stage 1. 'Furniture for Us' involves nine year 9 girls sanding down, staining, polishing or painting furniture brought from home. Students learn application techniques and tool usage while completing safety induction and job cards as in a real work environment. Many offer completed furniture for sale to staff. The course has a 90 per cent attendance rate so far. 'Crab Feast' involves eight year 9 boys catching blue swimmer crabs from the Whyalla foreshore, then cooking, peeling, pickling and bottling the crabmeat—

The Hon. T.G. Roberts: Can I join that one?

The Hon. T.J. STEPHENS: I will see whether I can find some of the product. A business label is attached to the final product and offered to parents and staff. Each week's catch, time and weather conditions are charted and reviewed. The course has achieved a 95 per cent attendance rate to date. Stuart High School students are involved in a range of authentic, and hopefully profitable, business enterprises. 'Oohyaya Cuisine' is the school's professional catering service involving year 9 and year 10 nutrition students. Under the guidance of teacher Gail Evans, they learn not only about cooking but the business side of catering. Another group is involved in a Japanese gift card making enterprise and have conducted market research and established a niche for their product in town.

An aquaculture business is under way, with 19 STAR/VET students intent on breeding barramundi and eel. A horticulture business is also working on growing flowers for sale. A landscaping enterprise has a contract to erect flagpoles in front of the school. The success rate for these courses is estimated again at over 90 per cent, and again I emphasise that these are students at risk. At the Edward John Eyre High School, a landscaping business project has students involved in surveying, casting, buying and building materials for paving around gardens, providing wheelchair access, pergolas and verandas for various parts of the school. The success rate with regard to attendance is estimated again at over 85 per cent.

With all these enterprise projects, besides learning the practical skills, there is a crossing over into other subjects such as maths in having to calculate the project's financial risks, profits and losses. The previous Liberal government's commitment to vocational education has seen the number of South Australian students involved in job training at school increase by more than 650 per cent in the past four years. I would urge the new Labor government to continue support for the very important programs that the previous Liberal government initiated with regards to students at risk. Finally, I congratulate the innovative teachers who work in challenging circumstances for their dedication and commitment to giving these students at risk a real opportunity for gainful, life-long and satisfying employment.

Time expired.

FARMING

The Hon. IAN GILFILLAN: I intend to use the time to speak specifically on the change of farming in our state, and Australia generally, and its effect on the rural regional communities. We have seen, over past years, the growing deregulation and corporatisation of many of our primary industries. What concerns me is that there has been no research on the social and economic impact of changing business structures in the rural regional area in Australia. However, I refer to a publication by the Regional Science Association International called 'Sustaining regions' and it is titled 'A commonwealth regional initiative'—it has the blessing of the federal government.

In Volume 1 No.2, an article, entitled 'Changing farm business structures and the sustainability of rural communities and regions: issues for research', talks about corporate involvement in farming and the effects on the local and regional communities. Corporate involvement in farming generally occurs in two ways—either with corporately owned farms or farms that are under contract with firms in the food chain. This is opposed to the traditional family farm. In Australia, family farming is still the dominant form of farming. However, corporate and contract farms are making up a greater percentage. Corporate farms make up 26 per cent of broadacre and dairy farming, while contract farming from the early 1990s accounted for about 80 per cent of hops, 85 per cent of chicken and 100 per cent of peas grown in Australia. There are considerable differences in the way in which each style of farming interacts with a community.

The following quote is the significant point I am making today:

> These themes have been given considerable attention overseas, particularly in North America. In an influential pioneering study, Goldschmit found significant differences in the economic and social wellbeing of two rural communities in the San Joaquin Valley in California. These two communities were similar in soil, climate and size of the population centre. Both produced high value crops under intensive irrigation. Dinuba, a community surrounded mainly by family farms averaging 140 hectares in size, had more businesses, a greater volume of retail sales, a higher precipitate income, and a wider range of social, recreational, educational and cultural institutions than Arvin, a community surrounded by farms that averaged more than 1 200 hectares in size and were mainly owned by corporations.

As I stated earlier, unfortunately, to date there has been no equivalent study in Australia. However, it is conceivable that similar conclusions could be reached. The article concludes by identifying a number of areas that are in need of increased research if policy makers are to be properly informed on issues of regional development. These are summarised as follows:

- The growing diversity of farm business structures;

- Impact of these changing structures on local and regional economies;
- Relationships between local and regional demographic characteristics and changing farm business structures;
- Service and infrastructure requirements;
- Implications for agricultural land use and the environment;
- Implications for local community interaction and social structure.

Some work has been done in relation to stress in family farms, in particular dairy farms. Ms Alison Wallis, who was born and grew up on Kangaroo Island, I am proud to say, has done some work on that subject, and an article was published in the *Stock Journal* of 23 May this year. The study shows that dairy farmers are at great risk from stress. I believe we are about to reconstitute the select committee to look into the effect of deregulation on the dairy industry. It is a fact that a lot of corporate money is flowing from New Zealand and targeting the South-East, where the move will be for bigger, mega dairies replacing a lot of the family dairy farms.

It is my opinion that serious damage is being done to our rural and regional communities from the corporatisation of our farming sector. The amalgamation into these mega units, and the loss of family farms, should be of considerable concern to all members. The pressure for forestry, where previously family farms—the lifeblood of communities—were located, has had an impact on Kangaroo Island, and I believe also in the South-East. I believe we have had an accurate appraisal of the long-term effect of the corporatisation and megaformation of productive units in the rural sector of South Australia.

SA YOUTH AWARDS SHOWCASE

The Hon. A.L. EVANS: Recently, I attended the presentation banquet of the SA Youth Awards Showcase during National Youth Week, where the South Australian Young Person of the Year was named. At this banquet there were 28 finalists, seven category winners and one overall winner. What impressed me was the depth of talent, leadership, quality and sheer passion for life and South Australia that was portrayed at the banquet.

The SA Youth Awards Showcase aims to display the achievements of South Australian young people and provide encouragement for young people in the state of South Australia. The goals and objectives are as follows:

- To celebrate the outstanding contribution and achievement of South Australian young people.
- To provide a significant level of prestige to youth affairs in South Australia.
- To raise the level of youth awards during National Youth Week by providing a celebration, a showcase and encouragement for all the other youth awards and young people in South Australia.
- To gain significant media attention for youth achievements in South Australia.
- To profile young South Australian leaders.

The seven category winners were as follows. The Premium Home Improvement and Stratco Youth Natural Resources and Environment Award was won by Amy Beale, an outstanding young lady who was a finalist in the 2001 Young Australian of the Year Award. She was also awarded the National Future Leaders of the Environment Award, which led to two weeks with the Earthwatch team in the Carribean.

The Glazier and Associates Youth Sports Award was won by Sally Causby. Sally won the gold medal and became the world champion at the World Rowing Championships at Lausanne, Switzerland. She is a member of the Australian women's lightweight quad scull which won in a new world best time. Her present role sees her presenting information on sporting injuries and safety in sport, and she plays an educational role in the drugs in sport program.

The Australian United Finance Youth Initiative Award was won by Tristan Baldock. Tristan has contributed consistently to the community. He has worked with local pilots to construct plane hangers; he is an active member of the CFS; he is an umpire in the South Australian National Football League; and he is actively involved in local sporting groups and at university. Tristan is a doer who shows initiative, determination and commitment.

The Coles Supermarket Youth Achievement Award was won by Patrick Lim. Patrick was a finalist in the SA Youth Awards Showcase last year. In the past 12 months he has gone on to win many prizes and scholarships, showing that he is one of the most exciting and versatile artists in this state.

The Hon. Diana Laidlaw: Are you going to see him perform at the Cabaret Festival?

The Hon. A.L. EVANS: I don't know, but he is an outstanding young man.

The Hon. Diana Laidlaw: If not, I invite you to come with me.

The Hon. A.L. EVANS: Thank you, I would love to go with you. The A & J Electrical Youth Inspirational Award was one by Aparna Rao. A keen and outstanding debater at school, Aparna has twice led her school team into the finals of the state championship, winning twice. She is now a member of the state debating team.

The Adelaide University Youth Leadership Award was one by Alison Andrew, who is an interesting young lady. She is the youngest priest in the history of the Anglican Church in Australia. She has won the 2002 Young Achiever Award in South Australia, and she constantly works with deaf students in her care group and those in lower socioeconomic areas who are disadvantaged.

The ETSA Utilities Youth and Community Services Award was one by Roxanne Adams. Roxanne is the youngest ever board member for Australia for the International Foster Care Organisation. She is also an inaugural member of the Minister for Youth's Advisory Committee Youth Plus.

The overall winner was Sally Causby. Sally has been a Channel 7 Sports Star of the Year Award winner, a finalist in the Young Australian of the Year award, and she has won many gold and silver medals in national and international arenas for rowing.

I take this opportunity to applaud the businesses in this state for believing enough in our young to sponsor such a prestigious award, and to the South Australian government for formally supporting this vital initiative that encourages esteem and role models for our young people.

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: I will speak today, probably for the last time, on the sorry saga of the Murray River fishery. The minister has at last announced by way of the media, and I assume, as he promised, by way of direct letters to the licence holders, that he will send them individual letters and offers and then meet with them in early June—at

the most 30 days before they lose their licences and, in many cases, their livelihoods.

I wish to again make my position clear: I am not setting myself up as the saviour of commercial fishing licences in the Murray River. Time and again, I have reiterated that Liberal and Labor policies prior to the election were identical. To instigate independent investigation, because protagonists from both sides had accused previous inquiries of being biased, and to explore phase-out and/or restructuring options, the ERD committee in its inquiry recommended a maximum of a 10 year phase-out. My understanding of the New South Wales licence removal was that licences were made non-transferable and phased out over 10 years.

My objection is to the indecent haste with which this removal is taking place, not because of any threat to the health of the river or the sustainability of the fishery but because of a backroom deal between the member for Hammond and the ALP. A decision was taken for no other reason than the ALP-Lewis deal, and the only announcement ever made was via the press and due to the questions asked in this place. To date, no consultation has taken place with the people whose lives are affected by this government and, as late as Monday, no official consultation had taken place with the peak body that is SAFIC, as required under the act.

I will quote from a letter sent to Mr Peter Lewis by SAFIC, but circulated widely to all members. It reads:

> For SAFIC and the entire fishing industry, the way this "decision" has been made puts the role of fisheries management in the State of SA at risk. Politics has no place in the management of a resource. This is clearly evidenced by the very demise of the River Murray, NOT from commercial fishing but from the politics of fighting for water.
>
> We ask that you place yourself in the uncertain and stressful position in which the River Murray Fishers find themselves with less than 5 weeks left of their jobs, with no indication of where the following months mortgage or school fees payments will come from. Can you even imagine the level of panic [that] has been instilled into each of them and the long-term effects this is having for the children within those families?

I am aware that both the bodies mentioned have tried on numerous occasions to make appointments with Mr Holloway, but to no avail: this, sir, from a transparent, accessible government!

The Hon. Diana Laidlaw: Or so-called!

The Hon. CAROLINE SCHAEFER: Yes, or so-called. As we know, the balance between commercial and recreational demands to access to our fish stocks and the retention of sustainability will always be difficult. There must be a large number of commercial fishers in the Coorong and Gulf St Vincent in particular who are wondering whether this is the thin end of the wedge. Is this a one-off or will they be next?

With the introduction of marine protected areas, many fishermen must now feel vulnerable. I flag that if this government does not re-write the act, making compensation for loss of effort mandatory, as it is in Western Australia and New South Wales, I will endeavour to do so by way of a private member's bill.

LAWN BOWLS

The Hon. R.K. SNEATH: I move:

That this Council congratulates South Australian lawn bowlers Andrew Smith, Arienne Wynen and Neville Read, who have been selected to represent Australia in the lawn bowls at the 2002 Commonwealth Games.

Lawn bowls is an increasingly popular sport in Australia and is one of the few sports in which people of all ages compete against one another. In this sport it is not uncommon to see somebody as young as 14 competing against somebody well into their 70s or 80s. In fact, nearly 18 000 South Australians at 236 clubs now enjoy the sport of bowling. It is no surprise, then, that three South Australian lawn bowlers have been selected to represent Australia at this year's Commonwealth Games.

I would first like to congratulate Andrew Smith on his selection in the games squad. Andrew has been selected to represent Australia in the pairs with Queenslander Kelvin Kerkow. At 41, the Grange bowling club player boasts over 20 years experience in the sport, having played at the state, national and international level. Andrew is presently ranked 9th in Australia and has played seven test matches for Australia since making his international debut in 1999. He also claimed the Australian singles title at a past Champion of Champions event and will look to secure his fourth national title when he competes with the South Australian combination in this year's Australian Champion of Champions tournament.

I would also congratulate Neville Read on his selection. Neville is a member of the Payneham bowling club and will represent Australia in the elite disabled athletes triples. Highlights of Neville's sporting career include representing Australia in South Africa, New Zealand and Korea. Neville is an outstanding competitor in his field, having won national singles and pairs titles in the past. Neville and partner, George Charlesworth, recently won the World Pairs Championship title in Adelaide.

Finally, I congratulate Arienne Wynen who has been selected to compete in the Australian women's team. Arienne has 22 years experience in her sport and has been a member of the Australian No. 1 women's squad for the past five years. She has performed well at all levels of competition, ranging from numerous masters titles whilst playing for Holdfast Bay bowling club to winning a silver medal in the pairs event in the Asia-Pacific bowls championships in 2000. Arienne also played in the Australian fours side which competed against New Zealand in this year's trans-Tasman series in Auckland.

The council should congratulate Andrew, Neville and Arienne who are outstanding athletes in their field, and the government in particular would like to wish them all the best when they represent Australia at the next Commonwealth Games in Manchester.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

YOUTH OBESITY

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

That the Legislative Council requests the Social Development Committee investigate and report upon the issue of the impact of youth obesity on South Australian individuals, families and the community, and in particular—

1. Recent trends in the occurrence of youth obesity within South Australia;
2. The accessibility of education strategies to minimise the occurrence and harm of youth obesity;
3. Appropriate minimum standards for physical activity in South Australian schools;
4. The health implications of youth obesity for individuals and the long-term cost to the South Australian economy; and
5. Any other related matter.

This issue of youth obesity and general fitness is one that I have raised on a number of occasions, but I have not previously moved a motion of this type. As I see it, this inquiry would focus on a number of things: recent trends, physical education in schools, and the impact of obesity on individuals as well as the South Australian economy. It is not that there is not enough knowledge about the harm caused by youth obesity but rather it is time to bring the many studies together to produce an integrated and effective strategy to reduce youth obesity in this state.

While it may be easy to blame television or computer games for a more sedentary lifestyle amongst our young people, it will not fix the problem or reduce the costs to the community. The purpose of this inquiry is to encourage this and future governments to consider an integrated program of educational and recreational opportunity for our young people that is grounded in rigorous research.

While much of my contribution will focus, I guess, on issues surrounding physical activity, it is important to stress that there is an all-encompassing fifth part to this motion: 'Any other related matter.' I would hope that the Social Development Committee would be prepared to take a fairly wide-ranging look at these issues as it interrelates with other issues as well. It seems that youth obesity is a reflection of lifestyle, which is a reflection of the amount of exercise one does.

It is a reflection on how well sporting bodies are functioning at present. It is a reflection on how well schools are functioning in terms of both giving physical exercise and encouraging long-term attitudes to exercise. It reflects on issues of diet, and we know that issues of diet also, unfortunately, reflect upon social status—that obesity is a bigger problem among poorer families and that there are, indeed, issues which will go well beyond schools simply giving children a little more exercise and providing more recreational opportunities. While much of my contribution will focus on physical exercise aspects, I think it is much broader, and it inevitably starts overlapping into other areas.

The state government is about to begin an inquiry into drugs in this state, and I cannot help but think that the fact that some of our young people are choosing to use drugs and are having problems with them reflects other things that are happening in society. It will relate to recreational opportunity; it will relate to how well families are functioning; it will relate to a whole lot of things that will probably, I think, in many ways, have a great deal to do with people's level of self-esteem. I think one will find that often there will be an overlap between people who perhaps are not developing the best of eating habits and people who have developed other habits that perhaps many of us would think are somewhat self-destructive.

I now turn to the South Australian situation at present and the number of inquiries that have looked at standards. In 1994 there was a Senate inquiry which proposed a minimum standard for physical activity in schools of 100 minutes per week. It also found that the following factors contributed to a decline in physical education in schools. There was a crowded curriculum (it talks about a need for inclusion with health education); there was a lack of coherent and integrated state policies; and the devolution, would you believe, of decision making to schools in fact was working against encouraging good physical activity programs across the systems.

Another factor was the reduction in the number of specialist PE teachers—there are nowhere near enough people either specifically trained for PE or, if not specialist PE teachers, perhaps with training in PE. If one goes into primary schools one finds that many teachers will be teaching right across the curriculum, but they have areas where they are not strong. It will vary from teacher to teacher, but PE is one of those areas in which very few teachers have any real training. That means that often it simply will not be offered, or offered satisfactorily, to children in primary schools. There is also a general lack of teacher support by governments.

In May 2000, over 50 per cent of South Australian primary schools and 60 per cent of secondary schools were not meeting that 100 minute standard that was recommended by the Senate inquiry. In 1999, there was a Western Australia Sporting Federation national activity review. Within that review, DETE recommended, in a document entitled *Towards Improving Physical Education and Sport in South Australian Schools 1995-1997*, that a minimum of 100 minutes of sport be provided each week. A quote from the report states as follows:

> There has been little follow up, however, to determine whether schools have adhered to this recommendation.

So, although the standard has been set, it does not appear to have been followed through. In April 2002, Active for Life information was sent to schools. This recommends that students in South Australian state schools accumulate 30 to 60 minutes of age appropriate physical activity on all or most days of the week—in other words, that recommendation is 150 to 300 minutes per week. It is not made at all clear what proportion of schools are currently meeting this target. On 26 May 2002, a *Sunday Mail* article noted that the 100 minute minimum standard was not being adhered to.

With respect to the growing awareness of the dangers of child obesity, I will again refer to a couple of reports. In 1995, a report by Pyke and Walkley found that, Australia-wide, children were becoming less fit and more overweight, consequently developing the risk of heart disease, high blood pressure and other illness. Walkley found that, between 1985 and 1994, the number of overweight nine to 15 years olds grew from 5.3 per cent to 10.4 per cent. So, over a period of 10 years the number of overweight children had doubled.

It should be noted that cardiovascular activity, flexibility and muscular strength of children were poor and had declined significantly since 1995. So, not only were more children overweight but, indeed, we were also seeing signs of declining physical fitness. In 1997, an NHMRC report entitled *Acting on Australia's Weight* stated that between 1980 and 1989 Australia's women had gained weight by an average of 1 gram per day, while men increased by half a gram. In 1985, if we look at issues of prevalence, of particular concern was the prevalence of overweight and obese children between 12 and 15 years, with 5.3 per cent overweight in that survey and 10 per cent at risk of being overweight.

In 1998, the South Australian Physical Activity Survey found that 49.7 per cent of South Australians had not been sufficiently physically active, particularly in areas of lower income and education. In 1999, Dollman, Olds, Norton and Stuart found the following:

> South Australian children in 1997 were heavier, taller and fatter than South Australian children in 1985.

While there was little difference between the fittest and the leanest quartiles in 1997 and their 1985 counterparts, the least fit and the fattest quartiles were markedly worse in 1997. What we are seeing here is that it is disproportionate within

the community; that there are sections in the community who are as fit and as lean as they have ever been; and that there are other sections of the community who are becoming far less fit and having more problems with their weight. This report looked at more computer and TV use; there was more competition in the school curriculum; there was increasing cost to families wishing to participate in sport; and there was increased consumption of take-away foods. I might note as an aside that an article in I think yesterday's paper indicated that McDonald's in France has been advertising the suggestion that people should eat McDonald's no more than once a week.

The Hon. Nick Xenophon interjecting:

The Hon. M.J. ELLIOTT: Australian McDonald's said that it was not intending to run the same advertising program. I also note that Rosemary Stanton, a well known nutritionist in Australia, responded by saying, 'Well, they should be saying once a month.'

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I don't know. To return to the Dollman, Olds, Norton and Stuart report, other research published that year found that lower socioeconomic status and lower parental education was linked to lower fitness and that intervention should be targeted at family and community levels. I am making it quite plain. I am not saying that this is a job just for the education department or the teachers. We are talking about something that will happen across the community.

I refer to a report by Olds in 1999 entitled *Changes in the Fatness of Australian Children 1900 to 2000*. This longitudinal study found that children in Australia are continuing to increase in height at the rate of about 1 centimetre per decade and in mass at the rate of about 1 kilogram per decade. So, what we are seeing here is that children are getting taller but, unfortunately, disproportionately heavier at the same time. This obviously means that the average child is fatter than they once were. The increase in weight has not been uniform. The fatter children have become much fatter, while the leaner children remain as they always have been.

In 1999 a DETYA report found that, between 1985 and 1999, Australian children gained an average 2.2 kilograms. In May 2000 a report by Power, Lake and Cole in the *British Medical Journal*, in looking at international trends, derived a world stand for obesity based on work in Brazil, the UK, Netherlands, Hong Kong, Singapore and the USA. It found the prevalence of overweight children between the ages of two and 18 at between five and 18 per cent, while obesity was between 1 and 4 per cent.

In Australia, Magarey in the *Medical Journal of Australia*, pages 561 to 564, in the year 2000, makes comparisons between 1985 and 1995 against international standards and reported that during that period the number of overweight boys grew to 15 per cent and girls to 15.8 per cent in Australia. The Melbourne Royal Children's Hospital in 2000 released a study that found that over 26 per cent of Australian children were obese or overweight. The AMA in 2001 reported that childhood obesity had tripled in the past decade, with 19.5 per cent of boys and 21.1 per cent of girls now overweight or obese. One can see, as I move to later years, that those figures are increasing at quite an alarming rate.

In October 2000 an ABS finding was that South Australians were the least active in the nation. In April 2001 an Australian diabetes, obesity and lifestyle study found that by the year 2030 half of Australians will be overweight, while the other half will be obese. In December 2001 Professor Norton from the University of South Australia found that more than half of South Australian five to 14 year olds spend more time watching television and videos than they spend at school. He also found that there was a direct relationship between television watching and obesity. I hope I am safe watching the news each night, but I do not think that was the parallel he was seeking to draw.

In relation to issues of the dangers of child obesity, I will make summary comments The NHMRC says:

> The health, economic and sociological costs of people being overweight or obese are very high, with such people experiencing greater morbidity and mortality in addition to other social problems such as discrimination. The economic and emotional costs of treating obesity are also high, and a significant proportion of those who attempt weight loss regain the lost weight and sometimes gain further weight within a few years. Therefore, while the treatment of people who are currently overweight and obese should continue, the NHMRC believes that the current trend of an increasing prevalence of people being overweight and obese will be reversed if urgent steps are taken to prevent people becoming so.

In other words, we must tackle it in the first place. This report identifies children in adolescence as the target group for this prevention. If we look at the benefits of increased activity for young people, first, it is worth noting that UNESCO holds the position that physical education in schools is an essential condition of the exercise of human rights. That is in its 1978 charter of physical education and sport. In relation to benefits to health, there is less coronary disease, lower blood pressure and cholesterol, less diabetes, less asthma, less osteoporosis and better psychological health (from a hands-on report of 1999 of the Western Australian Sports Federation).

In relation to cancer, there is growing evidence that reducing obesity reduces the risk of cancer (the Anti-Cancer Foundation, April 2001). In relation to heart disease, reducing obesity will reduce the occurrence of children as young as four years developing fatty streaks in aortas and, in some as young as 10, in coronary vessels (the *Medical Journal of Australia*). In relation to heart again, warnings that progress made in cardiovascular health over the past 30 years was at risk due to the lack of healthy physical activity amongst children (the National Heart Foundation, May 2001).

In relation to stress, activity reduces hypertension (Cole in the *British Journal of Medicine*, 2000). Even moderately overweight people experience greater problems with arthritis (Garrow, 1998). If we want to tackle issues such as hypertension, diabetes, heart problems, high cholesterol and other matters such as gall stones, osteoporosis and general life span, these issues need to be addressed. Garrow in 1998 also noticed that obese people are more prone to death by accident.

If we look at benefits to learning, an increase in time allocation to physical education will not be detrimental in other learning areas. I bring a couple of reports to member's attention, namely, Dwyer, Worsley and Leitch of 1979 and Shephard and Lavallee of 1994. With regard to life benefits, Australian data confirms that childhood obesity tracks through to adulthood (Dwyer and Grey, 1994). Childhood obesity becomes very resistant to treatment if continued through to adulthood. There is a need to educate child and family and provide support for early intervention (Court, 1994). As to the benefits of increased activity for the general population, many would argue that it is the responsibility of individuals and families to address obesity, but ignoring obesity exasperates the problems with significant costs to the community overall.

The ABC television news on 26 May this year reported that in the US over 60 per cent of the population are now overweight. In response, Congress has introduced an obesity and weight reduction bill and there are now tax deductions for weight loss products. Some schools are sending home warning letters to families of fat children. I suspect that may be slightly overboard and not handing the issue sensitively, but that is the US. They obviously have the biggest problem in the world.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: Hopefully they used high fibre paper. If we want to talk about health and welfare costs, better health obviously means reduced health costs. The NHMRC estimated in 1992 that obesity related disease costs Australia over $840 million per year. That is back in 1992. I make the point, as I made in earlier comments, that the rate of obesity in young people is increasing, which will swing through the whole population and the figure of $840 million one has to expect is increasing and will continue to increase, unfortunately, at a greater rate.

On the issue of health costs, in 1998, the former ALP Minister for Sport, Graham Richardson, said:

> For the nation, the benefit of an additional 40 per cent of the Australian population undertaking regular moderate and effective exercise has been estimated at a staggering $6.46 million per day.

I guess he is putting a figure of $1.8 billion on it.

The Hon. T.G. Roberts: Did he make that statement after a long lunch?

The Hon. M.J. ELLIOTT: Hopefully after a long walk rather than after a long lunch. In the year 2000 the Australian Council for Health, Physical Education and Research estimated that, if 10 per cent of the population undertook regular exercise, over $500 million would be cut from the health budget alone. We are talking of regular exercise and not of people going to the gym and doing intense workouts. That is not being talked about at all.

Looking at life long fitness and early intervention, children who participate in best practice physical education programs have a greater chance of choosing a healthy and active lifestyle (hands-on report of the Western Australian Sports Federation, 1999). The establishing of a foundation of skills for a life time of participation in physical activity is a natural immunising agent against many sedentary life diseases (US Surgeon General's report, 1996). Talking of heart disease again, regular physical exercise can reduce the risk of cardiovascular disease. For each additional 10 per cent of the Australian population that engages in activity at appropriate levels, it is estimated there will be a reduction in the risk of heart disease by 5 per cent (An Active Australia Framework report, 1997). As to reducing work absenteeism, the same report states:

> Regular physical activity has the potential to reduce absenteeism by an average of 1.5 days per worker per year to the net equivalent of $84.8 million for each extra 10 per cent of the Australian working population which takes up physical activity.

With 7.8 per cent of the Australian work force at this time, this would save South Australia $66 million a year.

Look at other benefits to the economy, in 1983 it was calculated that the cost of cardiovascular disease alone to the Australian economy was $1.7 billion, with projections of the cost to grow to $2.48 billion per annum by the year 2000. That was a report of the Recreation Ministers Council. This report also estimated that a 50 per cent increase in regular physical activity would save $273.6 million per annum immediately and just under $400 million per annum by 2020, with 25 per cent of these savings passing directly to government. While no studies have been completed since 2000, one could only expect that this inquiry would find that the cost to the economy has increased with the growth in obesity.

If we look at previous and current strategies to address child obesity in schools, I have already mentioned the DETE target of 100 minutes per week, and that target is also suggested by the 1994 Senate report. The Western Australian Sports Federation in 1999 in the Hands On Report said:

> Most primary school teachers are ill-equipped for teaching physical education. Many teachers are reluctant to teach it, partly because of their lack of training or lack of confidence in their own ability.

The University of South Australia has a Get Active program, which it trialled in seven schools in the northern suburbs last April to introduce out-of-school activity to five to 12-year-olds. This program was funded by the Human Services Commission at a cost of $77 000.

The Liberal Party when in government had a few initiatives to encourage youth physical activity, but without being too political about it I do not think it was anywhere near enough. It put $5 million into an Active Club program in 1996; $1.88 million funding was made available to community organisations in 2000; it invested in developing skate facilities across the state; and it introduced a $6 million Management Development Program to assist in increasing the participation of South Australia is in sport and recreation.

The former government promised to provide $16 million over four years to increase student participation in sport and physical activity in its 2001-02 budget speech. I would say that the previous government's Active for Life program was a good way of increasing healthy physical activity in schools, but the learning problem of youth obesity requires a much more sophisticated approach.

At the last election, the Democrats made a number of pledges. It guaranteed a minimum standard for physical activity in schools; that it would employ more specialist PE teachers in primary schools; that it would reduce teacher administrative loads to allow more participation in school recreation and sporting programs; and that it would provide better school and community sporting facilities. I have been at meetings where I have been told that kids have been turned away from some sports because the facilities are not available for them.

At one meeting which I attended at Mount Barker a number of different sporting groups gave evidence. I recall that, I think, the tennis association turned away juniors because there were not enough tennis courts and, where there were facilities, they were inadequate in other ways. There was a gym club operating in Mount Barker that could really only work with less experienced students because the facilities were too dangerous for the kids to do the more sophisticated activities. As I said, there were a number of different sports at just this one meeting I attended where they were simply turning kids away because of lack of, or inadequate, facilities. That is something that I think needs to be addressed.

The current Labor government, when it went to the last election, made a number of promises. It promised to: implement immediately a Statewide Sport and Recreation Facilities audit to identify the physical resources and needs of the South Australian community—it said 'immediately', so I presume that has been set up; provide a broad range of support services and assistance specifically targeted to ensure

maximum access to, and participation in, sport and recreation across the whole community; and give greater emphasis to the development of junior sport with the aim of increasing substantially participation levels by facilitating partnerships between community based clubs, local government and schools, including the better utilisation of department of education and local government sporting infrastructure. In junior sport, a review was to be undertaken to assess the costs and affordability for parents and it promised to support greater participation by multicultural groups in a wide range of sports and recreation.

While we are talking about multicultural groups, I read a report today—and I am sorry that I did not incorporate it in my speech—which talked about the international trend of people becoming taller. It notes that the trend in Australia is the same although not as rapid as in Europe. I suspect that that probably reflects that Australians had far better nutrition earlier in the century, so Australians, if you like, were taller earlier than perhaps has been the case in Europe. The one thing of concern is that it notes that the Aboriginal population has been getting taller but it is getting significantly fatter.

As I said, there are many facets to this issue. There are multicultural facets. This report, which I think was in today's newspaper, points out that the Aboriginal community has some special problems in relation to obesity, and that would probably relate to the difficulties that we see among the Aboriginal people in terms of diabetes and heart disease, both of which are far too prevalent.

I now seek to wind up my remarks. When I started I focused very much on issues around exercise, but there are issues around diet—on which I will not dwell now—and there are things that can be done. When I was a teacher at the Renmark High School and a member of its school council, the school council made a decision to look at what was being sold in the school tuckshop. It quite deliberately set about removing products that were particularly unhealthy such as, for instance, products particularly high in carbohydrates. As I recall, potato chips and those sorts of things were withdrawn and it sought to make existing products healthier. For instance, I think all of the products which used flour, whether they be rolls, pies or pasties, were all made with wholemeal flour. That is what was in the canteen and that is what the kids ate, and I can say as a teacher at that school that there were no complaints.

I raise this by way of an example. If all the school canteens (in public or private schools) adopted policies not to sell junk food—which many of them sell because that is where their profits come from unfortunately—that would have to be an aid in encouraging healthy habits later in life. I will not dwell on dietary aspects too much now, but they are important and I hope that when the committee looks at this issue it will look at what governments can do directly. Through the education department the government can specifically do something in relation to diet by encouraging schools to adopt healthy menus. We hope that private schools would also follow such an example. I know that many schools already have. I cited, for example, the Renmark High School, which was doing this 18 or 19 years ago.

Of course, what people choose to do in their own home is their own business, but again I think there can be education programs and I think we could probably put some pressure on the purveyors of mass meals in terms of what they sell and the quality of information that they provide. We are not going to tell people what they can or cannot eat but we can certainly make sure that they get good information about what they are eating.

The Hon. Caroline Schaefer: And accurate labelling.

The Hon. M.J. ELLIOTT: And accurate labelling. I think that is an important point. When you go into a supermarket and you pick up something labelled 'light', does it mean that it is light because the can is smaller or is it because it has got less salt, fat or sugar? Invariably—

The Hon. Caroline Schaefer interjecting:

The Hon. M.J. ELLIOTT: That's right—less than what? I must get reading glasses, because it is becoming an increasing struggle to read the fine print. You have to read the fat content because just because it says 'light' on the packet does not mean that it has less fat than something else that does not claim to be light.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: Yes, it starts higher up and it builds down. So, in terms of accuracy of information which is provided, there are things to look at. I do not think that I need dwell further on that other than to say that I think this issue is quite broad ranging, that it goes beyond simple physical activity. I do not want to interfere with people's lives or how they live. People know that I do not do that in this place on any issue, but that is quite different from ensuring that government departments behave responsibly in terms of providing adequate physical activity, that they make sure that they provide good menus, and that we are providing good information.

There are a lot of things that governments can do to help people make good healthy decisions. As I have also said, I think that if one takes a more holistic approach to these things the benefits will relate not just to obesity but to kids and their self-image and questions such as whether they actually decide to do drugs and a range of other things. I think some of the solutions to these problems are in fact also solutions to other problems in our community, and the more holistic and broad-ranging that we can make these things the better.

In summary, there is a need for an integrated approach. Labor's recreation and sport policy calls for recreation and sport funding to be targeted effectively to reduce obesity. However, many ideas were put forward by the Liberal Party and the Democrats at the last election and many that no party put forward but which need to be looked at. They may or may not be effective, but what is needed is a consideration of the options and an integrated plan built on the full body of research. I have given lots of 'quick grabs' based on many research papers.

We do know that there is a significant and growing obesity problem. We do know that it has a life-long impact for people, and the most important time to address those issues is when people are young. It really is the time for talk to stop, to some extent, other than perhaps if the talk within the Social Development Committee is about bringing this all together and ultimately getting a plan of action in place. This is why we need an inquiry—to encourage this and future governments to adopt integrated programs of educational and recreational opportunity; to integrate approaches in relation to food, community education programs, food labelling and a host of other things. I commend the motion to the council.

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

BUILDING INDEMNITY INSURANCE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on building indemnity insurance by the Attorney-General (Hon. Michael Atkinson) in another place.

STATUTES AMENDMENT (ROAD SAFETY INITIATIVES No. 2) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961, and to vary the Australian Road Rules and the Motor Vehicles Regulations 1996. Read a first time.

The Hon. NICK XENOPHON I move:

That this bill be now read a second time.

This bill contains a number of comprehensive road safety measures. It is intended, in many respects, to bring South Australia into line with other states, and to lead the way with measures that will, I believe, lead to a reduction in the number of South Australians being killed and injured on our roads, and to reduce the enormous cost of road trauma to the South Australian community.

At the outset, I acknowledge the work that has been done by many members in relation to this issue. Last year, the Hon. Bob Such introduced a bill with respect to 50 km/h zones. The Hon. Terry Cameron, in his watchdog role on speed cameras, has led a robust debate and that, of course, is welcome in relation to establishing what is best in terms of road safety which will lead to a reduction in the road toll.

The Hon. Diana Laidlaw, as transport minister, moved a number of initiatives in relation to road safety and, more recently, has introduced her own private member's bill in this regard. I also note that the Hon. Angus Redford has chaired a joint committee on transport safety. I understand that, due to the last election, that committee has not yet reported but I hope that, at the very least, the evidence of that committee will be tabled in due course and that the committee will be revived so that it can conclude its work, particularly in relation to 40 and 50 km/h zones.

I will outline the background with respect to issues of road safety. Research has been undertaken into the magnitude of the problem in terms of cost to the community. I propose to conclude my remarks at another time, when I will be able to table an explanation of clauses that I believe will assist honourable members.

Earlier this year, Transport SA published a discussion paper headed 'Road Safety SA 2010: A Road Safety Strategy for South Australia.' It was a draft for consultation, and it contained quite valuable information as to the cost of road trauma to the South Australian community. The report states that road crashes are estimated to have cost South Australia $1.08 billion in the year 2000 and that the majority of crashes involve property damage only at 81 per cent, with fatal and serious crashes accounting for only 3.3 per cent of all road crashes in South Australia.

However, in South Australia, fatal and serious crashes account for up to 72 per cent of the total cost of road crashes in this state. The report outlines a number of strategies and approaches to increase road safety as part of its consultation draft, and it also indicates in terms of speed limits, with respect to strategy 1.3:

> Research has identified excessive speed as a major factor in approximately 20 per cent of fatal crashes in Australia. However, the links between speed and road safety are complex, and speed could be an important factor in as many as 50 per cent or more of road crashes.

The report continues:

> On urban roads, the risk of a casualty crash doubles for each five kilometres per hour above the 60 kilometre an hour speed limit. On rural roads, the risk doubles for each 10 kilometres above the average traffic speed.

It then provides some quite startling graphs, showing an exponential increase in the risk of casualty with a relatively small increase in speed, and these are matters that ought to be considered by all members in the context of this particular bill.

Road safety, mandatory demerit points for speed camera offences and lowering the speed limit in suburban streets are issues that have been debated in our community for some time. An article by David Nankervis in the *Sunday Mail* dated 8 April 2001 stated:

> South Australian lives were being put at risk by a 'baffling' lack of political will, according to traffic safety experts.

I make it clear that I am not pointing the finger at any party or any individual. I think it is the collective responsibility of this parliament to deal with this issue, and it is one that we have not bitten the bullet on previously. This goes beyond partisanship. I previously indicated that I believe the Hon. Diana Laidlaw did her level best and was a tireless campaigner on issues of road safety, but there appears to have been, hitherto, a lack of political will on all sides of this parliament.

The Hon. Sandra Kanck: You didn't ask me.

The Hon. NICK XENOPHON: I didn't ask you. I will say that perhaps there has been a lack of collective will, given that there has not been legislation passed in the past few years. It is incumbent on all of us to do what we can. I acknowledge the Hon. Sandra Kanck's work in this regard, and I apologise for not referring to her earlier.

The report by David Nankervis makes reference to the Hon. Diana Laidlaw and her frustration in dealing with this issue and the issue of demerit points being incorporated for speed camera offences. The report also refers to Police Superintendent Roger Zeuner, who said that demerit points should apply to all speedsters, not just those caught by laser guns. Superintendent Zeuner also said:

> Speeding is recognised throughout the world as a major contributor to road traumas and fatalities. Demerit points would act as a deterrent to speeding.

An article in the *Sunday Mail* by Craig Clarke some 2½ years ago makes reference to a similar report by the Road Accident Research Unit based at the University of Adelaide, which is headed by Professor Jack McLean. South Australia is very fortunate to have a national expert on road safety who is not only respected for his work and research on road safety issues and a whole range of issues in Australia but internationally as well. He is one of the most respected experts on these matters.

The report from the Road Accident Research Unit with respect to speed was summarised by Mr Clarke when he said:

> Speeding at 70 km/h is as dangerous as driving with an illegal blood alcohol concentration of .10, a road safety report says. And at that speed in the suburban street, the risk of a serious injury crash is five times greater than driving at 60 km/h.

This was a landmark study, which was headed 'Travelling speed and the risk of crash involvement'. I propose to table various reports from the Road Accident Research Unit so that

they are on the record, in a sense, with respect to the work carried out by the Road Accident Research Unit, work that has been accepted nationally and internationally in terms of the research concerning the risk of crash involvement. Mr Clarke's article also states:

> Many of the state's 50 000 crashes and 8 000 road injuries could be slashed if drivers learnt to slow down.

Superintendent Graham Barrett said:

> Motorists would not drive drunk but continue to speed.

The RAA's Traffic and Safety Manager, Mr Chris Thompson, was also concerned with these issues, but, at that stage, the RAA questioned the report's findings and said that they were open to interpretation. I have not seen any comprehensive report from the RAA in that regard but, nevertheless, I believe that the report of the Road Accident Research Unit is invaluable.

More recently, the National Road Transport Commission in a comprehensive report on 50 km/h zones stated that it would stop 2 900 crashes—I presume that is nationally. It also refers to parliament's transport safety committee chaired by the Hon. Angus Redford. The issue of 50 km/h zones and having demerit points for those who speed has been in the public arena and on the agenda for a number of years.

Earlier this year, an excellent article was published in the Fairfax media in both the *Age* and the *Sydney Morning Herald* in the 'Good Weekend' supplement of 19 January 2002 headed 'Life & death in the fast lane' by Garry Linnell. That article gives some history about the culture of speed in Australia and about the leadfoot culture among some motorists which puts so many of us at risk. The article states that having largely won the battles over seatbelts and drink driving, and with the continuing push to warn drivers about fatigue, road safety experts and state governments have nominated speed as the next and possibly last stand in a fight to reduce the road toll.

The article also refers extensively to Professor McLean who makes the point that driving at 65 km/h in a 60 km/h zone causes the same increase in your likelihood of being involved in an injury causing crash as having a blood alcohol reading of 0.05. The article also makes the point that we are self-deluded as drivers; that is, studies around the world show that between 80 and 90 per cent of drivers regard themselves as above average performers behind the wheel—and I am sure that applies to every member in this chamber. Professor McLean makes the point in this article that we lost an opportunity when we switched to the metric system in 1974; that is, law-makers had a choice of making the speed limit in urban streets 60 km/h or 50 km/h.

The old 35 mph limit is equivalent to 56.33 km/h. The 60 km/h limit is 37.28 mph. Professor McLean said that by choosing 60 at that time he estimates that it has caused the deaths of an extra 2 000 people in Australia since 1974. The cost of road trauma is not simply those who are killed on our roads. The Bureau of Transport Economics in the same article refers to studies that estimate the cost to the community of each road fatality at $1.5 million, including police, ambulance, hospitalisation, wrecked cars, funeral costs, plus the lost productive output of the dead person. Other estimates by Victoria's Transport Accident Commission (TAC) calculate the cost of someone left a quadriplegic at $2 million and the cost of a brain injury at $1.5 million.

The cost to the community is enormous. Recently we have seen significant increases in third party premiums and, if we can reduce the road toll, surely that will reduce the pressure on the third party fund, something that would have to be welcomed by all South Australians—

The Hon. Diana Laidlaw: Also hospital costs and beds.

The Hon. NICK XENOPHON: The Hon. Diana Laidlaw makes the point about hospital costs and beds. Some very ambitious targets have been set for reducing the road toll by some 40 per cent by 2010. South Australia has slipped behind in terms of the national statistics, its statistics being somewhat higher than other states in terms of levels of road trauma per capita. That is something which we have to work particularly hard ton and it is a real challenge. In his conclusion, Garry Linnell makes a point with a deliberately ironic tone—something that I think many drivers feel applies to them—when he states:

> Besides, I was always in control. When I speed, I do it safely. It's the other idiots out there you have to worry about.

In terms of comparisons with other states, Mike Khizam and Bob Stoddard have worked assiduously through legislation in other states.

The following is a Cook's tour of what they compiled so that I can put into perspective how South Australia, to a large extent, has been left behind with road safety initiatives, particularly in relation to speed. In relation to Victoria's Road Safety Act and the road safety drivers' regulations, demerit points are consistent with the National Road Rules. With respect to being caught by a speed camera, if it is less than 15 km/h it is one point; if it is greater than 15 km/h but less than 30 km/h, three points; greater than 30 km/h but less than 45 km/h, four points; and greater than 45 km/h, six points. There is also an immediate one month suspension for greater than 30 km/h but less than 40 km/h over the speed limit; for travelling at 40 km/h but less than 50 km/h above the speed limit, a four months immediate suspension; and, for 50 km/h above the limit, a six months immediate suspension.

In Victoria, as I understand from the information we have been able to gather, currently reform proposals are before cabinet, and they are also looking at red light cameras which can gauge the speed of drivers so that there is a double penalty, given the danger involved. In Tasmania, the regulations under the Vehicle and Traffic Act provide that the demerit points scheme applies for excess speeding. There is also a loss of licence for three months if you exceed the speed limit between 38 km/h and 44 km/h and there is a four month immediate licence disqualification if the traffic infringement notice indicates that the person exceeded the prescribed speed limit by 45 km/h or more.

In New South Wales, the Road Transport Driver Licensing Act and the regulations under that act also have demerit points that apply which are consistent with the Victorian scheme and the National Road Rules. However, there is no immediate disqualification as in the other two states, as I understand it. In Queensland, again speed camera demerit points apply automatically. In that state, from the information we have obtained, there is no automatic disqualification.

In Western Australia, the demerit points system applies for speeding offences. There is no automatic loss of licence for a single speeding offence but, as I understand it, there are a number of moves in Western Australia to look at that issue under the Road Traffic Act and the Road Traffic Code. We have seen that, in a Cook's tour, we have certainly lagged behind, particularly with demerit points, for speed camera offences. If it is about road safety, not simply revenue raising, then having demerit points is fairer and I believe it will have an impact in terms of the culture of speed.

In terms of the 50 km/h zone, this is for a default speed limit. It will not affect councils that have 40 km/h limits, but I note that the Hon. Angus Redford and the member for Waite have raised the issue about the potential for confusion between 40 km/h and 50 km/h zones in council areas. That ought to be the subject of a robust debate in terms of what will work best. Regarding 50 km/h zones, on the basis of the research that has been carried out, they exist in Victoria, New South Wales (at least in the metropolitan area), south-eastern Queensland and, as I understand it, Western Australia.

The Monash University Accident Research Centre undertook a baseline research project and evaluation of 50 km/h speed limits, and the results were quite dramatic. A report dated March 2002 indicated that, after 12 months of a 50 km/h zone on Victorian roads, there was a 40 per cent to 46 per cent reduction in crashes where a pedestrian was killed or injured and an overall 13 per cent reduction in all casualty crashes involving all road users. The benefits were quite obvious to the community. There is proof in the pudding that reducing the speed limit by 10 km/h on non-arterial roads as a default limit can make a very real difference.

The Monash study includes a number of tables. Table 1 sets out the total and average monthly crash numbers by current speed zone before and after the introduction of a 50 km/h default speed limit for all crash types; table 2 sets out the estimated crash reduction in 50 km/h zones relative to both 60 km/h zones and all other speed zones following the introduction of a 50 km/h default speed limit; and table 3 sets out the total and average monthly crash numbers by current speed zone before and after the introduction of the 50 km/h default speed limit at pedestrian involved crashes. The figures are quite dramatic in terms of the extent to which there has been a reduction in the number of serious accidents that have occurred. I seek leave to have these tables inserted into *Hansard*: they are of a statistical nature.

Leave granted.

Table 1: Total and average monthly crash numbers by current speed zone before and after introduction of the 50 km/h default speed limit—all crash types

	Total crash numbers before and after introduction of the 50 km/h default limit		Average monthly crash numbers before and after introduction of the 50 km/h default limit	
Crash severity and current speed zone	61 months before (January 1996-January 2001)	5 months after (February 2001-June 2001)	61 months before (January 1996-January 2001)	5 months after (February 2001-June 2001)
Fatal crashes				
50 km/h	137	6	2.54	1.50
60 km/h	337	30	5.62	6.00
All zones > 50 km/h	853	79	13.98	15.80
Serious injury crashes				
50 km/h	3 699	277	60.64	55.40
60 km/h	7 948	674	130.30	134.80
All zones > 50 km/h	14 475	1 208	237.30	241.60
Other injury crashes				
50 km/h	9 209	645	150.97	129.00
60 km/h	21 421	1 670	351.16	334.00
All zones > 50 km/h	39 193	3 109	642.51	621.80
All casualty crashes				
50 km/h	13 045	928	213.85	185.60
60 km/h	29 706	2 374	486.98	474.80
All zones > 50 km/h	54 521	4 396	893.79	879.20

Table 2: Estimated crash reduction in 50 km/h zones relative to both 60 km/h zones and to all other speed zones following the introduction of the 50 km/h default speed limit—All crash types

	50 km/h zones relative to 60 km/h zones		50 km/h zones relative to all other speed zones	
Crash Severity	Crash Reduction Estimate %	Statistical Significance	Crash Reduction Estimate %	Statistical Significance
Fatal crashes	52.89	0.1276	58.70	0.0569
Serious injury crashes	12.64	0.1036	11.46	0.1154
Other injury crashes	12.97	0.0093	11.84	0.0113
All casualty crashes	13.27	0.0014	12.32	0.0016

Table 3: Total and average monthly crash numbers by current speed zone before and after introduction of the 50 km/h default speed limit—pedestrian involved crashes

	Total crash numbers before and after introduction of the 50 km/h default limit		Average monthly crash numbers before and after introduction of the 50 km/h default limit	
Crash severity and current speed zone	61 months before (January 1996-January 2001)	5 months after (February 2001-June 2001)	61 months before (January 1996-January 2001)	5 months after (February 2001-June 2001)
Fatal crashes				
50 km/h	52	3	0.93	0.60
60 km/h	113	11	1.95	2.20
All zones > 50 km/h	220	20	3.82	4.00
Serious injury crashes				
50 km/h	940	57	15.95	11.40
60 km/h	1 618	154	27.61	31.80
All zones > 50 km/h	2 195	189	37.75	39.40
Other injury crashes				
50 km/h	1 328	104	22.92	20.80
60 km/h	2 155	153	37.25	31.40
All zones > 50 km/h	2 705	197	47.20	40.80
All casualty crashes				
50 km/h	2 320	164	39.80	32.80
60 km/h	3 886	318	66.80	65.40
All zones > 50 km/h	5 120	406	88.77	84.20

The Hon. NICK XENOPHON: The Road Accident Research Unit has also undertaken considerable work. It has published a number of findings with respect to speed and casualty crashes. It has looked at the potential reduction in the number of crashes by even a small reduction in speed limits. This is part of a report of the Road Accident Research Unit headed 'Travelling at speed and the risk of crash involvement: the South Australian experience', a road accident research paper prepared by Craig Kloeden, Giulio Ponte and Jack McLean. These tables indicate the difference there would be in road accidents as a result of lowering the speed limit. Table 3 of the report refers to the differences between case vehicle travelling speed and average control speed and the risk of involvement in a casualty crash relative to travelling at the average control speed in rural 80 km/h-plus speed limit zones; table 4 refers to the percentage of rural casualty crashes eliminated by hypothetical reductions in free travelling speeds in South Australia; and table 5 refers to the blood alcohol concentration level and the risk of involvement in a casualty crash relative to sober drivers in metropolitan Adelaide in South Australia.

These tables show the dramatic difference that a speed reduction can have. Given that they are tables of a statistical nature, I seek leave to table them as well.

Leave granted.

The Hon. NICK XENOPHON: In due course I will table the substantive reports in relation to issues of road accident trauma and research that has been carried out, not only by the Road Accident Research Unit at Monash University and the national study to which I previously referred but also I will outline the provisions in the bill. I believe I have covered them to some extent. As I have indicated, I will seek leave to conclude my remarks and table an explanation of the clauses for the benefit of members. In a nutshell, this bill will allow for automatic demerit points for speed camera offences to bring us into line with other states. We have been dragging the chain in that regard. It is something that will make a real difference in terms of changing the culture of speed among some drivers. The bill also provides for an automatic loss of licence for speeding above 30 km/h, graded between 30 km/h and 60 km/h in terms of the level of penalty from one month to 12 months. The research indicates that, if someone is travelling at 120 km/h or above on a suburban street, that is an accident waiting to happen. It ought to be discouraged. Those drivers are putting the public at risk at an even greater level than someone who has a .15 blood alcohol level, where there is mandatory loss of licence for 12 months.

The bill provides for variation to the Australian Road Rules to a 50 km/h default limit. It also provides for a speed cameras advisory committee to advise the Commissioner of Police in relation to the use of photographic detection devices to provide evidence of speeding offences. Its primary responsibility will be that the safety of the road users must be treated by the committee as of paramount importance in the exercise of its functions. It is proposed that the committee will comprise representatives of the Motor Accident Commission, the Commissioner of Police, the Road Accident Research Unit, the Royal Automobile Association of South Australia and the Local Government Association of South Australia. At the very least, there ought to be debate about having some degree of transparency and accountability with respect to speed cameras and their location. This committee, I believe, has the potential to play a valuable role in relation to that.

The bill also provides for a double penalty with respect to red light camera offences. I acknowledge the work done by the Hon. Diana Laidlaw in the previous parliament to push through that legislation so that demerit points do apply for red light offences. Where a photographic device is capable of measuring speed with respect to a red light camera offence, then there will be an additional penalty in respect of that. Clearly, if someone is going through a red light at speed, then they ought to have the book thrown at them in terms of demerit points and penalties, given the incredible danger it poses to the public.

I propose to seek leave to conclude my remarks but, before I do that, I table the following reports: the Monash University Accident Research Centre—baseline research project—evaluation of 50 km/h speed limits in Victoria—a summary of interim analysis of all crashes and crashes involving pedestrians; a report of the Road Accident Research Unit on metropolitan speed and crash risk; a report of the Road Accident Research Unit of the Adelaide University on speed and pedestrian fatalities; a report of the Road Accident

Research Unit of rural speed and crash risk; and a report of the National Road Transport Commission dated November 2001—evaluation of a 50 km/h default urban speed limit for Australia. I draw the attention of honourable members to that report. As to the potential cost savings to the community, if there is a 50 kilometre per hour speed limit, the figures are quite staggering in terms of the hundreds of millions of dollars that can be saved on a national level by reducing the speed limit. I seek leave to table those reports.

Leave granted.

The Hon. NICK XENOPHON: I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 152.)

The Hon. CARMEL ZOLLO: As a member in this place who has spoken on several occasions to this legislation my views are well recorded, so my contribution will not be a lengthy one. I acknowledge first of all the commitment and passion of the Hon. Sandra Kanck in wanting to see this legislation in place. She has pointed out that this legislation is almost identical to the bill that she introduced last year. I also acknowledge the fact that the honourable member has tightened the interpretation of the term, 'hopelessly ill'. I was one member who raised the issue in the last debate, not because I was being mischievous but because I truly believed that, had the legislation been successful, the interpretation of the term was far too broad. To my mind, it appeared to be trying to define the quality of life rather than what I thought should be a clinical meaning.

I have always been honest in my opposition to a voluntary act of euthanasia. I am unable to agree to it for both moral and religious reasons and beliefs. I also believe that it is bad legislation. I see it as wrong to enshrine in legislation the act of one or several individuals assisting another to take their life. Like all members, at the time of the last debate, I received enormous quantities of correspondence. I would like to take the opportunity to read one in particular that I received after my contribution last year, because it does deal with so many of the issues that are discussed and brought into the debate. The letter is from Professor David Curnow, chair of palliative care at Flinders University, South Australia, and it is dated last year. He states:

> I am writing to express my concerns about the Dignity in Dying Bill which is currently before parliament. This legislation fails to define the target population. In the glossary, 'hopelessly ill' is far too broad to have any meaning clinically. It genuinely opens the way to euthanasia on demand.
>
> The scientific literature that explores requests for euthanasia suggests that most people who ask for euthanasia do not sustain this request. Nowhere could it be considered reasonable to have a cooling off period of only 48 hours. This is a frighteningly short period of time to work through the sort of issues that need to be dealt with when looking at such a request.
>
> Euthanasia has nothing to do with palliative care. Palliative services deal with people who have life-threatening illnesses, where the goal is optimising level of comfort and level of function. This debate is not about whether someone has access to palliative care. To suggest that we should divert precious resources from palliative care to assessing people's suitability for euthanasia is absurd.
>
> The patients I am here to serve need to be totally assured that nothing I am doing is going to shorten their life. There is enough fear of medication such as strong painkillers in the community already without adding to the fear that these will be used to kill patients. In Holland, according to the Netherlands Ministry of Foreign Affairs, 950 people had their life ended without their express request.
>
> As a society, we are faced with the ongoing challenge of balancing the rights of an individual with the protection of those who are less able to speak for themselves. Patients facing a life-limiting illness already feel marginalised.
>
> By enacting the legislation that is before parliament, we are saying to the vulnerable and those without voice facing a life-limiting illness that we expect them to consider euthanasia as a serious clinical choice at every decision node along the pathway of their journey. The burden that that imposes far outweighs the benefit of the very few people who choose to actually take up the option euthanasia when it is decriminalised or is supported by law.
>
> These are complex issues. The role of parliament remains balancing the desires of the individual with the needs of the wider community, including disfranchised and marginalised.
>
> If parliament decides that euthanasia should be available, it has nothing to do with palliative care. I do not pretend that there is a simple solution.

He then signs off. I think this is a very balanced letter and I thought it was important for me to include it in *Hansard*. It does concern me that we also have clinicians in the Netherlands needing to make comments like:

> Euthanasia should never be seen as an alternative to good care. It was never meant to be this in Holland. It originated at the end of such care when all else failed. But today it is growing to be seen as an alternative to the more difficult task of caring for the dying.

Perhaps we are just grasping at words to define something that cannot be defined when trying to define euthanasia.

The Hon. Sandra Kanck: Who is saying that?

The Hon. CARMEL ZOLLO: I am saying that.

The Hon. Sandra Kanck: The part before.

The Hon. CARMEL ZOLLO: Doctor Zylic. I can show you this material afterwards. As I was saying, perhaps we are just grasping at words. I understand from other information made available to me that the UN Human Rights Committee has similar concerns with the wording of the Netherlands new law. The UN committee is reported as having asked, for example, what is meant by 'unbearable and hopeless suffering'. It also questions how one knows whether someone really wants to die or whether it is a cry for attention, and it points out that, if one decides afterwards that a patient could have been helped by some other means, it would be too late. I do not think it is appropriate for me to be trading on emotion in this place, so I will not go down that path. As I have said, I will not be supporting the legislation.

The Hon. A.L. EVANS: I speak in opposition to the Dignity in Dying Bill. Right up front, I would recognise that those people with a different point of view to mine are caring people. However, we are being asked to vote on a bill that is a social experiment, rejected by most countries in the world. In more than 200 countries on our planet, countries that are run by various governments spanning the spectrum from dictatorship to democracy, only the Netherlands and, recently, Belgium have allowed euthanasia. Even in countries like communist China where such a law could easily be passed, it has not been. I understand that since the recent elections in the Netherlands—and I have this on fairly good authority—members of parliament are considering a review of the euthanasia laws and for limitations to be put in place.

Unfortunately, this issue is being fought on a highly emotional basis, with moving stories being the focus of the debate. We all have moving stories. I have a moving story that is the opposite. I will share it briefly now, just to show the point that we should not be dealing with this issue by using emotion. We should be looking at it logically, factually and so on.

My moving story is this. My mother was dying from an incurable disease called smallpox. She was smitten by smallpox as a young woman in her 20s. Smallpox was like the scourge of AIDS today. The smallpox covered her whole body, her hair fell out, it got in her eyes, it got down her throat; it went over every part of her body. The doctor said, 'There is no hope. There is no way that she can come out of this.' But she had a strong spirit, and we were praying people and we believed that God could do miracles. The night came when the doctor said to my father, 'Tonight she will not live. She will be dead in the morning.' They kept believing and they kept praying, and in the morning she was not dead. Then they said, 'Well, she will survive but she will be disabled; she will be blind for the whole of her life.' I do not know whether any members have ever been to India and visited some of those homes where the poor women sit on the floor, trying to make baskets, with empty eye sockets as a result of smallpox. They said that my mother would be blind. Well, the day came when the scabs fell off her eyes and she could see. She lived for 60 more years and made a great impact on our family, and on others as well.

I use that example to illustrate that both sides can bring up moving stories. We have to get away from that. We have to look at the logic and the factual and legal ramifications of the bill and make a decision based on fact, not emotion. In this debate emotional stories are constantly being portrayed in the media to win support for this bill.

This bill is morally wrong, but that is not the main reason why I am opposed to it. I think there are other things that are morally wrong, but I do not propose to move to make them illegal. My opposition to this bill does not rest on my moral standing alone: it rests on the firm grounds of public policy—public policy that focuses on the protection of all members of our society.

The United Nations has recognised the need for each individual to be protected. Its Universal Declaration of Human Rights states that everyone has the right to life, liberty and the security of person. The declaration states that every individual has inalienable rights—in other words, we all have rights which we cannot be deprived of and cannot deprive ourselves of. For instance, I must not be sold into slavery, and I am to be restrained from selling myself into slavery. Parliament would never legalise slavery, not only because it is morally offensive but also because, in the process, others will be drawn in who do not voluntarily choose to be slaves. To deprive myself of these inalienable rights threatens the rights of others. If we make an exception to the law against the intentional killing of the innocent, even when a competent adult asks for it, the right of life of other citizens is threatened. As a member of the United Nations, Australia and this parliament are honour bound to uphold the declaration of human rights.

What can be gleaned from the Netherlands experience? Some conflicting situations have been presented to this council. We need to be clear about the evidence in respect of euthanasia and its impact in the Netherlands. It has been stated previously in this place that the amount of non-voluntary euthanasia cases in the Netherlands is 0.7 per cent. I have previously stated in the council that the percentage is 55 per cent. So, why the discrepancy? The figure of 0.7 per cent takes into account only one category of non-voluntary euthanasia cases—that is, where there was active termination of life without request. The other categories are not included. Some of the other categories are where treatment was withheld with the express intent to kill, and pain treatment was given with the express intent to kill. The reality is that Dutch doctors who are responsible for euthanasia practice in the Netherlands have constructed different categories of non-voluntary euthanasia. The statistic of 0.7 per cent does not take into account every case where there was an intent to kill.

It has been stated in this place that our figures were obtained by including those cases where the administration of pain relief and treatment withdrawal resulted in the shortening of life. Those cases were rightly included because, in each of them, the treatment was withheld or pain relief was given with the explicit intention to kill. Surely that is what is relevant: was there an intent to kill? If so, it matters little, for the purposes of this debate, what means were used or were not used to end the life. The real issue is: was consent given when there was an intent to kill? In 1990 there were 10 558 cases in the Netherlands of doctors who had an express intent to kill. Of those, 55 per cent were non-voluntary.

By way of sample, in 4 000 out of the 10 558 cases treatment was withheld without explicit request and with the explicit purpose of shortening life. That statistic cannot be overlooked: of the 10 558 cases, treatment was withheld in 4 000 of those cases without request and with the purpose of shortening life. The inevitable conclusion that can be drawn from the Netherlands experience is that it is impossible to quarantine non-voluntary euthanasia from voluntary euthanasia.

In a submission made in 1998 to the Tasmanian committee of inquiry into euthanasia, the Australian Medical Association stated:

> We do not think it is possible to set safe limits on voluntary euthanasia. . . we took account of the present situation in the Netherlands; indeed some of us visited that country and talked to doctors, lawyers and others. We returned feeling uncomfortable, especially in the light of evidence indicating that non-voluntary euthanasia. . . was commonly performed.

I am both surprised and perplexed over a statement that has been made in this place that the risk of euthanasia being non-voluntary for some should not be used as an excuse in this debate.

In addition to South Australia, there have been four other major inquiries into euthanasia—in England, in the US, in Canada and, as I mentioned, in Tasmania. All have resulted in a rejection of euthanasia. Each inquiry looked at well resourced evidence and heard from a number of professionals. It is also interesting to note the composition of the committees. The House of Lords in England, for instance, was comprised of a majority who were pro euthanasia, and four of the five members of the Tasmanian committee were pro euthanasia. Despite their personal beliefs, the evidence was overwhelming and the conclusion was clear: euthanasia should not be legalised. Euthanasia has been rejected by the World Medical Association, the British Medical Association, the Australian Medical Association and by every other medical and nursing association outside Holland and Belgium.

The Hon. Sandra Kanck: So, the public must be wrong?

The Hon. A.L. EVANS: I'll come to that. The House of Lords carried out intensive investigations, hearing and obtaining evidence from experts. It came to the following conclusion in recommendation 237:

> We do not think it possible to set secure limits on voluntary euthanasia. . . it would be impossible to frame adequate safeguards against non-voluntary euthanasia if voluntary euthanasia were to be legalised. It would be next to impossible to ensure that all acts of euthanasia were truly voluntary, and that any liberalisation of the law is not abused. Moreover to create an exception to the general

prohibition of intentional killing would inevitably open the way to its further erosion whether by design, by inadvertence, or by the human tendency to test the limits of any regulation. These dangers are such that we believe that any decriminalisation of voluntary euthanasia would give rise to more, and more grave problems than those it sought to address.

The 1998 report prepared by the Tasmanian Community Development Committee, House of Assembly, at finding No. 6, states:

The committee does not consider the legalisation of voluntary euthanasia as an appropriate solution to abuses that may be occurring in the current system.

Finding No. 10 states:

The committee found that the legalisation of voluntary euthanasia would pose a serious threat to the more vulnerable members of society and that the obligation of the state to protect all its members equally outweighs the individual's freedom to choose voluntary euthanasia.

In 1994, the New York Task Force on Life and the Law noted that if voluntary euthanasia were to be legalised the potential for abuse would be profound. Once euthanasia is established as a therapeutic alternative, the line between patients who are competent to consent and those who are not will seem arbitrary to some doctors. To others it will seem outright discriminatory or unjust to deny a therapy because of the patient's incapacity to consent.

In Holland some patients carry cards saying, 'Please, doctor, don't kill me.' What a horrendous thought. I personally would never want to be in the hands of a doctor who is pro-euthanasia and I know many people in our community would say the same thing. The simple fact is that when someone is seriously unwell their judgment can be impaired. Often what I think I want is not the best for me. I certainly would not ever want to declare 'I wish I were dead' in the hands of a pro-euthanasia doctor. He might think I was saying, 'I want to be killed,' which is not quite the same thing. On the grounds of public policy alone this bill must be rejected.

The attitude of some of our key political leaders is clear: both John Howard and Kim Beazley voted against voluntary euthanasia when it was considered some years ago. In our state, the leadership of both major parties is opposed to it: Mike Rann voted against it last time, as did Rob Kerin. I suggest that members of the two major parties look at the wisdom of the leaders they have chosen.

What does the community really think of euthanasia? There is no doubt that Dr Phillip Nitschke is a household name. In our recent state elections he drew No.1 on the ballot for the upper house, giving him what is generally called the donkey vote. Despite this, he was able to get only 10 941 votes—a mere 1.18 per cent of the vote. The other candidate supporting voluntary euthanasia, the Hon. Sandra Kanck for the Democrats, made a very clear statement before the election that she was in favour of voluntary euthanasia and would introduce a bill during the first session of parliament. Instead of the Democrats' vote increasing, it fell by 58 000. The Family First Party, on the other hand, experienced a different election outcome, despite being hardly known in South Australia. Our campaign came out very strongly against euthanasia, both on television and during the last two weeks of the campaign, during which we campaigned strongly. Our information and research show that a large body of people in South Australia are strongly opposed to euthanasia. The election results speak for themselves. The reality is—and this is a political cliche—that the only poll that counts is the one on the day, and Mr Nitschke is not sitting with us today. The people of South Australia have clearly demonstrated that they are not in favour of voluntary euthanasia.

But is not euthanasia really the compassionate way to deal with cases of terminal or chronic illness? No doubt some of us have experienced relatives or friends whose dying days or weeks were less than peaceful or uplifting. There is no doubt that we have compassion for these people. However, we need to be aware that our personal and emotional experiences should not control public policy.

Statements have been made in this place concerning God's compassion. Compassion without values is misguided. We always need to think about the consequences of an act motivated by compassion. If a drunk man came up to me and asked for money for food I would be foolish to give him money. The better alternative would be to buy him something to eat. In a similar way our compassion for those who are suffering should not cloud every real issue of public policy.

The European Medical Association is so concerned about euthanasia in Holland that in its annual rotation of the position of presidency it purposely overlooks Dutch doctors. To allow doctors to administer a lethal injection (that is, a poisonous injection) goes against the fundamental duty of the medical profession. This is not a medical act to assist life or extend it but the deliberate taking of a life. This bill would change the historic role of doctors. The role and purpose of doctors is to save life and not take it.

There are other very good reasons why this bill should not become law. Once you establish official approval for the principle of euthanasia, history has shown that its interpretation is broadened and the rules are weakened over a period of time. The Dutch experience of euthanasia is a good illustration. The formal law authorising euthanasia in Holland was enacted only recently. However, de facto rules allowing euthanasia, following the Dutch Supreme Court ruling in 1984, were strict. Euthanasia had to be entirely voluntary and the last resort when the patient was suffering unbearable pain. The doctor had to consult at least one other doctor before proceeding. A British researcher, Dr John Keown, visited Holland in 1989 to consult leading Dutch practitioners on euthanasia. He asked them whether they would give a lethal injection to someone who was not sick but who had requested euthanasia because of family pressure. The leading Rotterdam doctor said yes, that he would not rule out euthanasia for such a man because, he said, family pressures were similar to other pressures on old people.

The strict rule in the Netherlands of 'unbearable pain' is no longer being strictly applied. In a landmark Dutch court ruling handed down on 21 April 1993, the judge found that, a doctor was medically justified in helping his perfectly physically healthy but depressed patient to commit suicide after the death of her two children and the break-up of her marriage. The rules were strict in the Netherlands: they are not so strict now. I ask members, aside from anything else, what kind of message this bill will send to young people in South Australia who are going through a bout of depression for some reason. They are already suiciding in alarming numbers. This bill would send the message that suicide is a valid option for anyone currently feeling hopeless.

There are ways we can address pain and suffering, in the form of palliative care. The Tasmanian committee found that, in nearly all cases, palliative care was able to provide optimum care for suffering patients. The committee's finding was that in a small percentage of cases palliative care was ineffective in relieving all pain. It said that, while that was regrettable, it was not sufficient cause to legalise voluntary

euthanasia. If the correct pain relief had been administered to Mrs Nancy Crick, she may not have chosen to die. Mrs Crick did not end up having bowel cancer. Dr Russell Stitz, a Queensland bowel cancer expert, has said that if Mrs Crick did not have cancer then her symptoms could have been treated with pain management and psychological support.

Palliative care is making great advances every year. Continual research on pain relief is happening every day. What is possible with pain relief today was not possible 10 years ago. Side effects are being eliminated. I understand that new discoveries in pain relief are acting on different receptors in the brain and proving to be very effective. Twenty years ago, morphine was the only legally available drug for high end pain relief but now we have a whole range of other very effective drugs. Cancer patients and other extreme cases are having symptoms relieved today that could not be relieved a few years ago. I have every expectation that these advances will continue with the present rate of research. If we were to change the law and adopt the solution of euthanasia, palliative care research would grind to a halt and that would be a tragedy.

I also oppose voluntary euthanasia on moral grounds. This is one of those issues where members of parliament must look at the morality of a bill. For those who do not believe in God, this argument of mine will have little impact, but for those who believe in a divine being let me say that this great God of love and compassion is also a God who has boundaries. Many of you in this place are parents. As loving parents you place boundaries in your child's life to avoid your children being injured. Those who use the moral argument and say that this God is a loving God have presented only one side of his nature. Out of his love for mankind he has set boundaries and these boundaries have been accepted by the world as a foundation for the laws of every country. God's boundaries are the 10 commandments. The seventh commandment states, 'Thou shalt not murder.' The exception to that commandment was presented clearly in the Bible, namely, in times of war and self defence.

In no place does the Bible state that God sanctions our killing the aged, the sick, those in pain, the deformed, the deaf and dumb, or the blind, or anyone with any other disability. This loving compassionate father has put boundaries there for the protection of mankind. If you believe in God, you must accept the boundaries that he has put in place. I say to members today that the moral law of the world is opposed to this decision. From a legal perspective, this bill is unworkable. The legislation is based on entirely subjective principles; put simply, it is not a safe bill. Under the proposed law, a person can be killed if they are regarded as hopelessly ill. They do not have to have a terminal illness.

I refer to an article in the *Advertiser* of Tuesday 28 May 2002 entitled 'Territory may have turned Nancy away'. In that article, the former minister responsible for the introduction of euthanasia laws in the Northern Territory, Marshall Perron, states:

> In a strict interpretation, Nancy would not have been eligible under the Northern Territory legislation as she did not have cancer.

That was because Mrs Crick was not terminally ill. Mr Perron says that under the now repealed legislation the need for a patient to be terminally ill was a 'safeguard in the Northern Territory legislation'. The Dignity in Dying Bill before us does not have such a safeguard. Under this bill, Mrs Crick could have been eligible to be euthanased. This bill, to say the least, is far-reaching. The expression 'hopelessly ill' is defined to include if the illness seriously and irreversibly impairs the person's quality of life so that life has become intolerable to that person and there is no realistic chance of clinical improvement. How can we objectively assess a person's quality of life? What does this mean? Who determines the exact definition of a life becoming intolerable? What does 'intolerable' mean? Does it mean physically intolerable or emotionally intolerable?

I would also like to know what is meant by someone not having a 'realistic chance of clinical improvement'. There is no possible way that these subjective concepts can be objectively determined. 'Hopelessly ill' is an opinion; its diagnosis depends very much on the attitude of the doctor. Under the bill, it is the doctor who administers the euthanasia who, with just one other doctor who could be a work colleague, determines that the patient is hopelessly ill. They do not have to have specialist knowledge of the particular illness, and they may have been treating the patient for only a short time. Even in the Netherlands there needs to be a longstanding relationship between doctor and patient.

Something as important as palliative care should not be an optional step, as the bill currently provides. Our investigations showed that GPs deal with, on average, 3 or 4 patients who die in a year. That is a very small part of their practice. They are not specialists in palliative care and, under this bill, they could administer a lethal injection without even having to speak to a palliative care specialist. The bill provides for a euthanasia report to be made for the Coroner, but who makes the report? The doctor who does the killing? Witnesses of the euthanasia request could be employees of the doctor's practice. The two doctors could work in the same practice. Where is the independent evidence? There is none; the only true witness is dead.

One of the most disconcerting aspects of the bill—and this really concerns me—is contained in clause 15 which provides that if a doctor does not want to administer euthanasia then that doctor must inform the patient of another doctor who is prepared to consider the request. This mandatory requirement would be offensive to those doctors who are opposed to euthanasia. It is entirely unreasonable to expect a doctor who does not favour voluntary euthanasia to be forced to cooperate in the procedure. Clearly, by referring the patient to another doctor, the first doctor is involved in the procedure. That is morally and ethically unacceptable.

I am surprised that such a clause comes before the council. I think of one doctor, Dr Toni Turnbull, who was included on our upper house ticket. Dr Turnbull has worked with dying patients for 26 years and has been strongly opposed to voluntary euthanasia. If this bill passes, she would be forced, against her conscience and against all she believes, to direct these patients to a group of doctors who will perform euthanasia. This is too strong an issue for some doctors just to meekly obey the law as laid down in this bill.

The other aspect of this bill that concerns me is what is meant by 'treatable depression'. A number of years ago my wife had a nervous breakdown. We were in Papua New Guinea and she contracted hepatitis for the second time and nearly died. While she was recovering, a python came into our bedroom, and she was awakened by it at 3 a.m. I heard her screams, I rushed in and there above the door was a six-foot snake with its head raised. I picked up a chair and killed it. In her weakened state, the result was that she had a complete nervous breakdown. She had to be drugged and put on a plane and an ambulance met us at the Brisbane airport.

Despite all efforts, she had a total breakdown and had to be placed in a psychiatric hospital for some time.

When she came out she was heavily drugged and suffering what appeared to be non-treatable depression. On almost every day of the next four years she wanted to die and would even pray that death would come. On many occasions, as she was standing by the sink washing the dishes, she would ask me to pray because an overwhelming sense of fear and depression would grip her. Her psychiatrist admitted that he had been unable to help her. Under this bill she could have been killed as her condition would have been considered to be non-treatable depression.

My wife overcame her depression over a period of four years and she now speaks around the world to large crowds in England, the USA, Papua New Guinea, the Solomon Islands, New Zealand and Australia, and has no sign of depression. In those dark days, if voluntary euthanasia was available, she may have asked for it and she would be dead. That was 30 years ago.

There are too many flaws and loopholes in this bill. It is impossible to put in place total safeguards to protect against depression, involuntary euthanasia, pressure from families and society, and passing moments of overwhelming despair. As the law cannot provide these safeguards, we should never give doctors the power to kill. Rather than enter into this social experiment and give doctors the power to kill, what we should do as a parliament is unite together with all the caring and compassionate people and petition the governments in Canberra and South Australia and begin to raise money for research for pain relief. It is only a matter of time before the scientists of the world will perfect what is already well advanced: namely, a safe way to give pain relief to the sick and the dying. The benefits would be enormous in that the passing of our loved ones would be pain-free. We could surround them with love and care by holding their hand, wiping their brow, giving them a hug, or saying a little prayer.

I appeal to members in this place not to vote for this social experiment. The one country that has experimented with voluntary euthanasia is now considering limiting the law because of its negative effects. Its studies show that they are killing people without their approval and there is fear in the hearts of the elderly who are carrying cards around for their protection. Rather, let us put our support behind the scientists who are developing new technologies to treat pain. Euthanasia should never be legalised because it is dangerous on every front: social, political and moral. Our duty is to protect the community by not agreeing to legislation which has the potential to create more suffering than it contemplates addressing.

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

ADJOURNMENT

At 5.50 p.m. the council adjourned until Thursday 30 May at 2.15 p.m.