LEGISLATIVE COUNCIL

Wednesday 10 July 2002

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

CROTHERS, HON. T.C., DEATH

The PRESIDENT: Before we start proceedings, at the behest of the family of the now late Hon. Trevor Crothers, it is my melancholy duty to advise all members that the Hon. Trevor Crothers died at 10 o'clock last night after a short illness following an accident. A private funeral will be conducted very shortly. Members who wish to send condolences or expressions of condolence can do so by contacting Mr Joe Mitchell who resides at 39 Cardnell Crescent Elizabeth East 5112. A condolence motion will not be moved today but at an appropriate time, and members who wish to make a contribution will be given every opportunity to do so.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Emergency Services Funding Act 1998—Notice by the Governor—Declaration of the Amount of the Levy under Division 1 of Part 3.

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

Corporation By-laws—
Onkaparinga—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 6—Foreshore.

LEGISLATIVE REVIEW COMMITTEE

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

MINISTERS, REGIONAL OFFICES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a ministerial statement about regional ministerial offices in Port Augusta and Murray Bridge, which was also made earlier today by the Premier in the House of Assembly.

Leave granted.

The Hon. T.G. ROBERTS: This government has a strong commitment to rural and regional South Australia and this has been clear through measures like our successful community cabinet programs. Community cabinets have given country people the opportunity to meet and talk directly with cabinet ministers and their chief executives.

But the government wants to go further in building links with country communities. That is why today I am announcing that the government will establish two ministerial offices in country South Australia: a northern office in Port Augusta and a Murraylands and Mallee office in Murray Bridge.

These offices will be the responsibility of the Minister for Regional Affairs, providing a direct point of contact for members of the public with the state government at the highest level.

I am advised that it is the first time that a cabinet minister has set up a ministerial office in regional South Australia. It demonstrates this government's commitment to listening and responding to the needs of country people.

These offices will help encourage even stronger relationships between the government and local community leaders and business organisations. Information about government policies and programs will also be available in these offices.

It is anticipated that they will be staffed by local people and today an advertisement has been placed in the local newspaper to fill the first position in the northern regional office. More positions will be filled soon.

While there will be a strong emphasis on regional development issues these offices will also focus on the provision of state government services and provide feedback directly to government agencies, ministers and myself as Premier. I believe that these offices will be a welcome initiative of the new state government and I look forward to officially opening both these offices in coming months.

CORNWALL, Dr J.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement made by the Attorney-General, Minister for Justice, Minister for Consumer Affairs and Minister for Multicultural Affairs in another place today on Rowan vs Cornwall and others.

QUESTION TIME

PRISONERS, DNA TESTING

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about the DNA testing of prisoners.

Leave granted.

The Hon. R.D. LAWSON: Yesterday, the Premier made a ministerial statement in which he announced that comprehensive legislation dealing with DNA testing of criminals will be introduced into parliament during this session and he also announced the allocation of additional funding to boost DNA profiling in this state. The Premier said:

> The Justice portfolio has been allocated $1.9 million over four years of which an estimated $72 000 will be spent each year over the next four years to DNA test about 3 000 convicted criminals in our state's prisons.

The mention of 3 000 convicted criminals is presumably a reference to the number of persons who will, over the period of four years, be additionally sentenced to our prisons, because we have only some 1 400 prisoners in the system at any one time.

The opposition welcomes the announcement regarding DNA testing—imitation being the sincerest form of flattery, it being remembered that the Liberal Party announced during the election campaign, before the Labor Party had decided on its policy, that we would be DNA testing all persons sentenced to terms of imprisonment in our system. However, the fact that the government has allocated only $72 000 each year over the next four years to DNA test persons who are to be required to submit to such tests suggests that the government is not sufficiently diligent in pursuing this issue.

When in government I was supplied with a preliminary estimate from correctional services and the police that the cost for each DNA test of a prisoner might be as high as $318. That was to take a buccal swab, index it and take all the necessary steps to ensure accuracy, correct identification of prisoners and the avoidance of bogus tests and provide secure data entry. The sum of $72 000 per annum for four years suggests that the salary of only one person has been additionally devoted to this important task. In other jurisdictions where measures of this kind have been introduced the government has adopted a blitz approach by taking the samples quickly and ensuring that the database was updated immediately. My questions to the Minister for Correctional Services are:

1. On whose advice did the government allocate $72 000 per annum over the next four years to DNA test prisoners?

2. Can the minister assure the council that the allocation of $72 000 per annum will be sufficient to ensure that all eligible prisoners are DNA tested?

3. Will he assure the council that, if that funding is insufficient, additional funds will be applied to this important task?

The Hon. T.G. ROBERTS (Minister for Correctional Services): As the ministerial statement was made by the Premier and as it is a justice matter, I will refer that question to the Attorney-General in another place and bring back a reply.

PRIVATISATION

The Hon. R.I. LUCAS (Leader of the Opposition): I direct my question to the leader of the government. Does the minister believe that, where the government retains ownership of a public asset and the private sector manages the asset, that is not an example of privatisation?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I think all of us know what privatisation is, because we saw an awful lot of that under the previous government. We saw the privatisation of the Electricity Trust; we saw the privatisation of whole resources. In fact, I think we saw about $8 billion worth of privatisation under the previous government. This government has made clear that with the new government there will be an end to privatisation. Privatisation has a wide definition; I think I have referred to the fact that 'privatisation' in American terms is often used interchangeably with the word 'outsourcing'. If I used the word 'privatisation' I would generally define what it means in that context. I have pointed out in a number of speeches in this parliament that outsourcing in the US, as we would know it here, is often referred to as privatisation in that context. It really depends on which common form of the English language you were referring to at the time.

The Hon. R.I. LUCAS: As a supplementary question: if the government owns an asset and that asset is managed by the private sector, under the definition of 'privatisation' just given by the leader of the government, that is, that it does include outsourcing from his viewpoint, is he accepting that that is privatisation?

The Hon. P. HOLLOWAY: I am sure the Leader of the Opposition would love to put words in my mouth, as he so often tries to do. I refer to the fact that 'privatisation' in the American context includes 'outsourcing'. If the Leader of the Opposition wishes to provide particular examples then I guess we can take this debate further—if there is any purpose in taking this debate further; I suspect that there is not.

The Hon. R.I. LUCAS: As a supplementary question, will the leader of the government, with regard to his explanation of his view of privatisation, explain the difference between the arrangements in relation to the Modbury Hospital and the arrangements in relation to the National Wine Centre? In both cases the government retains ownership of the asset but the management has been either outsourced (to use his words) or is managed by a private sector company or group of individuals?

The Hon. P. HOLLOWAY: I am sure that we are all aware of one difference in relation to the National Wine Centre, and that is, of course, the way the former government completely mismanaged that operation. I think we all know the situation in which the National Wine Centre was placed. What the government has done in recent times—and I compliment the Treasurer on the action he has taken—is to try to preserve an important centre for this state. The National Wine Centre is important to this state—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What the opposition does not want to be reminded of is the awful botch-up that it made.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: An amount of $38 million of taxpayers' money was spent in relation to the wine centre. A whole lot of contracts were signed which committed this government to all sorts of expenditure in relation to the operation of that centre. The Treasurer has now placed it on a footing where it has some opportunity to properly represent the interests of this state.

In relation to the wine centre, I think that we can be grateful that the Treasurer has been able to reach the arrangement that he has. I believe that the community has widely accepted the arrangements that he has made. If the Leader of the Opposition wishes to play with semantics in relation to that, I am sure that he will get no joy from the public of this state. If you read the Letters to the Editor, the public—

Members interjecting:

The PRESIDENT: Order! There is too much hubris on this side of the council today.

The Hon. P. HOLLOWAY: —is grateful that this government has been able to put an end to the haemorrhaging of taxpayers' funds that was occurring in relation to the National Wine Centre.

Members interjecting:

The PRESIDENT: Order! The Hon. Legh Davis will come to order!

The Hon. P. HOLLOWAY: The National Wine Centre will surely go into folk law as one of the symbols of the mismanagement of the previous government. I think that all of us would hope that the new management of the wine centre will be able to prosper. I think that all of us would wish it well.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I believe that under the new management there is the opportunity that the wine centre will be able to establish itself as something of which this state can be proud.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Does the Leader of the Opposition seriously suggest that running a wine centre is a core business of government?

Members interjecting:

The Hon. P. HOLLOWAY: I think that is the question we should be asking the Leader of the Opposition: is running a national wine centre a core business for government? I think that most of us would agree that clearly it is not.

The Hon. A.J. REDFORD: As a supplementary question, does the definition change between, over or throughout election processes? Is it any different pre and post election?

The Hon. P. HOLLOWAY: I think the honourable member should be well aware of the financial situation of the wine centre. I forget how many bail-outs were necessary under the former government. I would have thought that members of the opposition would have the decency to keep quiet. If you want to draw attention to your gross incompetence in relation to that matter, please go ahead and do so.

Members interjecting:

The PRESIDENT: Order!

ANIMAL LIBERATION RAIDS

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

Leave granted.

The Hon. CAROLINE SCHAEFER: I was disturbed to read in the press recently of a late-night raid by the animal liberation movement on a piggery at Mount Compass. It made allegations of cage sizes being too small, etc. Most of us who have even a working knowledge of animal husbandry know that disturbing animals in that way late at night would cause considerable trauma.

A statement was issued by the chair of the pork section of the South Australian Farmers' Federation asking why this particular raid took place—there are legal systems in place whereby the animal liberation movement could have complained via the RSPCA, which does, in fact, work very closely with the intensive animal husbandry industries—and also stating—and I cannot agree more—that, if there was one way to quickly spread animal diseases, it would be for unauthorised people to come onto properties without using protective clothing, etc.

The minister knows that there is a considerable amount of money in this budget to work towards the prevention of the spread of animal diseases. We have seen a great deal of anxiety and huge economic loss in both the British Isles and greater Europe due to the spread of BSE, foot and mouth disease and so on. My questions to the minister are:

1. What action has his department taken to prevent such raids happening in the future?
2. Does he support such acts of environmental vandalism?
3. Is it still his responsibility, or has animal husbandry, like so much else of his department, been moved to Minister Hill?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for her question. First, I would like to make a few comments on the situation as it affects codes of practice in relation to the pig industry. In South Australia, the nationally agreed 'Model code of practice for the welfare of animals: the pig' is regulated as the mandatory minimum standards by regulations under the Prevention of Cruelty to Animals Act 1985. These standards include recommendations on the space allowance for stalled sows and on the design and maintenance of accommodation, including flooring, that minimise the risk of injury but also provide for effective cleaning and disinfection. However, as these are written as recommendations, it is my advice that they are not binding.

In relation to the events that occurred at the Mount Compass piggery, one can speculate as to how that particular raid came about. One comment I make is that Animal Liberation should be well aware from previous cases that such action as illegal entry, first, renders any film that it may take of such entry inadmissible as prosecution evidence. So, one can reasonably speculate, I believe, that the motivation was publicity rather than any legal and immediate action to promote pig welfare.

In relation to this case, as obliged under the Prevention of Cruelty to Animals Act, the RSPCA is undertaking an investigation into the case, it is my understanding. The investigation—certainly from the advice I have, and it may be a little dated now—has not yet concluded. I have to check that, but at this stage it appears that there are no grounds for prosecution.

The piggery, apparently, is managed in accordance with specifications in the code of practice. It is my understanding that the single suffering sow was filmed in a culling pen to which she had been moved in readiness for dispatch for slaughter on account of her injuries. I am also aware that the piggery was designed in the 1960s and is at the end of its economic life. Prior to this incident, the owners of the piggery had already submitted an application for a new piggery development.

The national pork industry is implementing its own quality assurance program, which includes animal welfare management standards with financial incentives for compliance, but this has not yet achieved wide take-up. The illegal entry of animal liberation, significantly and unacceptably in my view, compromises the biosecurity of the piggery. With the amount of effort the government is putting into animal health issues (and the Premier has already announced increased funding in this area in tomorrow's budget, and appropriately so), it is important that we take greater heed of these biosecurity issues in relation to animal health, and having people illegally entering into such piggeries does compromise the biosecurity.

I understand that the South Australian pork industry is currently negotiating with the RSPCA to introduce routine RSPCA inspections on piggeries without compromising disease quarantine measures, which clearly is the appropriate course. In relation to the other questions the honourable member asked, clearly any prosecutions as far as animal welfare issues are concerned are up to the RSPCA and would come under the province of the minister who has responsibility for animal welfare, which is the Minister for Environment, as I believe was the case with the previous government. So, I think that answers the matters raised by the honourable member. Certainly from my viewpoint I do not believe it is appropriate that people should use illegal methods to enter piggeries as it poses a risk to biosecurity. If people have concerns in relation to animal welfare, the way to raise them is the proper way through the RSPCA.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Perhaps the minister misunderstood my question. Does he intend taking any illegal action against the group which illegally entered the property and risked the health of the animals there?

The Hon. P. HOLLOWAY: I think the issue there is one of identification. I will have to see whether—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Questions of illegal entry are matters—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I would have thought that even someone as patronising and condescending as the Hon. Angus Redford, who is a lawyer, would understand that if it was illegal entry it is a matter for the police. I will refer the question to the Minister for Police and see what action, if any, has been taken.

PHYTOPHTHORA CINNAMOMI

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the minister for Environment and Conservation, a question about Phytophthora cinnamomi (Pc). A recent report indicated that damage was being caused in South Australia by the fungus Pc. I understand that it rots the roots of native and introduced flora, killing grasslands, commercial forests, plantations, food crops and garden plants. Clearly this has significant implications for our agricultural and forestry industries. Could the minister inform the council about the government's action to combat Pc and associated costs?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question. I am sure many members opposite are hanging out for this reply. Phytophthora cinnamomi is a soil-borne plant that kills many woody native plants. It was first detected in South Australia in the 1970s. Pc has been declared a key threatening process under the commonwealth Environment Protection and Biodiversity Conservation Act and a national threat abatement plan is currently being finalised. This plan prescribes action in control programs in high priority areas and education programs and coordinates national, regional and local control activities.

In 1998 National Parks and Wildlife South Australia created a three year plan for threat abatement. In the past year (which finishes in September due to the NHT funding program), $100 000 was allocated to the program. This includes the employment of a project officer who coordinates education extension activities. The main goal of the program is to prevent the spread of the fungus by ensuring that it is not actually transferred from affected areas.

Achievements to date include the establishment of signage, hygiene and wash-down stations in the Mount Lofty Ranges and on Kangaroo Island to minimise the spread. Training programs for National Parks staff and other agencies, for example, CFS, Department of Transport and local councils, have been established. Standard operating procedure for reducing the spread of Pc is currently being finalised, which will facilitate long-term adoption of hygiene principles and guidelines.

The Adelaide Hills and Alexandrina councils are currently engaged as partner organisations and are developing ways of minimising the risk of spreading the disease. Hygiene standards are being incorporated in a planning strategy for the greater Mount Lofty parklands. A three-year study is currently being assessed and plans for the future will be announced later this year. These plans will be dependent, in part, on the availability of NHT funds.

People in the Adelaide Hills have been concerned by this disease for some time and some individuals have devoted a lot of time to bringing to the department's attention the problems associated with the infestation and spread of the fungus. The government is applying its mind to how to deal with this very difficult task of making sure that the disease does not spread and is contained in the areas where it already exists and is a problem.

GENETICALLY MODIFIED FOOD

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

Leave granted.

The Hon. IAN GILFILLAN: We have heard quite a lot recently of problems in North America on the consequences of growing GM crops and, in particular, the hazard of non-GM crops and organic crops being grown near to or adjacent to genetically modified crops and the physical damage or the damage to reputation of those crops and the impact that can have. Because we are on the brink of deciding on the application by Monsanto to promote genetically modified canola for release in Australia, this matter is obviously of some urgency for primary producers in South Australia.

So, because of the concern that we have been alerted to, I wrote to the Insurance Council of Australia to see what the situation was in relation to insuring farmers who choose to plant GM crops and the opportunities for compensation and damages for those who may be affected. I will read some extracts from the response I received to that letter before asking my question of the minister. Addressed to me, the letter is headed 'Insurance relating to genetically modified crops' and states:

> Thank you for your letter of 21 June to Mr Alan Mason, Executive Director of the Insurance Council of Australia (ICA) and your inquiry regarding the ICA and the insurance industry's position concerning the perceived problems involved with genetically modified crops. . . The ICA has followed closely the information published on the subject of genetically modified crops and made a submission to the Senate Community Affairs Reference Committee on the subject of the Gene Technology Bill (2001). That submission stated, in part, that the views of its members on the topic of genetically modified crops varied and that far more research was needed before a clear risk profile would emerge.
>
> Due to the lack of any firm statistical or scientific data on the topic, general insurers are reluctant to offer contracts that contemplate an incalculable risk. Any problems associated with genetically modified crops may not manifest themselves for some time, as can be the case, for example, with some pharmaceuticals. Therefore these risks will inevitably be approached with extreme caution.
>
> Any risks associated with genetic engineering are considered extremely diversified and virtually impossible to quantify and thus to insure.

The letter was signed by the Project Manager, Michael Phillips. My question is: does the minister agree that the introduction of GM crops into rural South Australia opens up the possibility of legal claims for damages for economic and other losses suffered by organic and non-GM farmers from GM contamination, either physically or by reputation, and, under these circumstances, and in light of the position of the Insurance Council of Australia that it will not be possible to insure against the risk, will the government cover the liability of damages and compensation for any farmers planting GM crops in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I do not think the government is in the business of indemnifying people who plant crops. I thought

that in answer to the question yesterday I made it fairly clear that at present Monsanto has an application before the Office of the Gene Technology Regulator to plant its Roundup Ready canola as a commercial crop. It is my advice that that will take some considerable time to process. I am not sure whether that process will result in a decision before the growing season next year. It may well not but, even if it did, the advice that I have received is that any early commercial growing of that crop would be restricted to areas within the eastern states and, therefore, it is unlikely that any application of Roundup Ready canola would be an issue for South Australia prior to 2004. Nevertheless, it is important that we resolve this issue before then.

The honourable member talked about legal claims in relation to the growing of GM crops. I guess we are already in the situation where claims can be issued in relation to crops where chemicals and so on have been used that can create problems. We have before us at this moment the Agricultural and Veterinary Products (Control of Use) Bill which specifically seeks to deal with the problem of spray drift. I think the honourable member himself in his second reading speech indicated a couple of past cases involving contamination using chemicals leading to legal claims because of agricultural activities on one property impacting on the agricultural activities of a neighbouring property. And that can happen—it does not have to be just GM crops that can be an issue. It is an issue now particularly in relation to spray drift. Of course, in that area we know how difficult it is to get sufficient evidence to prosecute such cases. So I suppose that is an issue that we will need to consider in detail in relation to GM crops if, in fact, they are ever grown in this country.

Of course, I should point out that it has already been the case for some years now that BT cotton, which I think is a GM crop, and a couple of varieties of carnations have been permitted to be grown, although I am not sure. There is certainly no cotton in this state—I am not sure about carnations. But certainly some GM crops have been grown in this country for some time and I am not sure whether there have been any legal cases in relation to BT cotton.

I indicated yesterday that the government, when in opposition, committed to having an inquiry in relation to this issue. I confirmed that yesterday and that is what we will be doing, and I will be meeting with the Minister for Environment and the Minister for Health to finalise details of that shortly. I think that should adequately answer the matters raised by the honourable member.

The Hon. J.F. STEFANI: I have a supplementary question. Is the minister aware of the impact that the Perre case is likely to have on GM farming and the consequences that that case will have in terms of damages and other responsibilities?

The Hon. P. HOLLOWAY: I am not particularly familiar with the case that the honourable member refers to, but I understand it involved a variety of potato that had been bred using not GM but other technology. Apparently, if my facts are correct, it was a toxic potato. I think that illustrates two things: first, that contamination can come not only through genetic modification but also under conventionally bred crops; and, secondly, that particular case would illustrate the point I made earlier that there is scope for legal claims to be made in relation to any crop that is perceived to go wrong. We now live in a society which is becoming increasingly litigious, and therefore the level of legal action in relation to crops is more likely to have something to do with the litigious nature of our society than with the technologies involved.

The Hon. IAN GILFILLAN: I have a supplementary question. Is the minister aware that there is a difference between the insurance cover available with respect to contamination from chemicals as compared with the quite clear indication that there is no insurance cover for GM contamination?

The Hon. P. HOLLOWAY: At the moment, we are all aware that insurance cover is not available for a whole range of activities, and again that is probably a consequence of a number of factors, including an increasingly litigious society, problems with insurance companies and so on. Obviously, the availability or otherwise of insurance is a factor that needs to be carefully considered by any farmers who take up this option regardless of whether they live in New South Wales, Victoria, or wherever. If those states happen to permit GM production, then any farmer in that state would have to weigh that up in the context of the availability or otherwise of insurance. It is a matter for them.

As I said, in the case of South Australia that will not be an issue in the immediate future, but the government will be conducting an inquiry which will look at these and other matters; and I am sure those sorts of factors will be taken into consideration when the government makes its final position on this matter.

DRIVER'S LICENCES, PROVISIONAL

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about driver's licences.

Leave granted.

The Hon. A.L. EVANS: The government has recently announced that it intends to make changes to the Motor Vehicles Act concerning, amongst other things, the issuing of provisional licences. I understand that the changes will ensure that young drivers stay on provisional licences for at least two years or until they are 20 years of age. We applaud the government's proposal but have some concerns about whether it goes far enough. In an article in the *Advertiser* of 4 June figures from the Motor Vehicle Accident Commission showed that, for every 1 000 accidents, 10.2 crashes result in injury. The figures are significantly higher for P-plate drivers: for every 1 000 P-plate drivers, the number increases to 30.2 crashes which result in injury.

The current position is that the person must be 16 years and six months of age before he or she can obtain a provisional licence. It is a well-known fact that teenage drivers, particularly young males, have a very high risk of being involved in accidents. My questions to the minister are:

1. Will government consider increasing the legal age of obtaining a provisional licence from 16 years and six months to 17 years? If not, why not?

2. What are the government's initiatives in relation to driver education in schools, in particular, does the government have any plans for high school students to receive driver education through their schools?

3. Will the government consider a requirement that students receive a minimum number of lessons with a professional authorised instructor prior to receiving instructions from a relative or friend?

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

PARLIAMENT, ACCOUNTS

The Hon. A.J. REDFORD: Perhaps you could get Patrick Conlon to give me an answer to my question in the first week.

The PRESIDENT: Order!

The Hon. A.J. REDFORD: Mr President, I seek leave to make a brief explanation before asking you a question on the topic of parliamentary accounts.

Leave granted.

The Hon. A.J. REDFORD: In an article in the *Advertiser* of 19 June last, it was reported that legal bills of more than $21 000 incurred by Speaker Peter Lewis will be paid by taxpayers. It was reported that $11 710 and $9 642 was to be paid in respect of legal fees incurred by the member for Hammond relating to legal proceedings concerning the Public Works Committee's role in the refurbishment of the old Treasury building when he was chair of the Public Works Committee. It was further reported that Dr Such, who authorised payment, had had no discussion with the Speaker on the matter. On 27 June it was also referred to. On Monday, in another place, the Hon. Patrick Conlon, Minister for Police, reported that, following a resolution of the Public Works Committee, the bills were paid. In that respect he said:

> I do not have a budget to do that so I took advice from the head of the Department of Premier and Cabinet who suggested there was an appropriate budget within parliament.

I emphasise the word 'parliament'. He also advised the house that he had had discussions with the current presiding officer of the Public Works Committee.

Mr President, the taxpayer, through parliament, has paid and, under normal rules, the file held by the solicitor belongs to that person or that body which pays the account. On that basis, the file belongs to the parliament. Secondly, the bill itself also belongs to the parliament. Mr President, I am sure that as a long-standing advocate of open government and accountability, you would endorse the release of these documents for us to scrutinise. In the light of that, Mr President, my questions to you are:

1. Has the Legislative Council budget been affected and, if so, why were you not consulted in relation to this decision?

2. Given the use of the word 'parliament', is it fair to say that the payment was not properly authorised in the absence of your involvement?

3. If the Legislative Council budget has not been affected, can you assure us that the Legislative Council budget will not be affected in any way by this payment, either this financial year or in the future?

4. Can a copy of the bill and the file be tabled in this place given that parliament has paid the bill and is now subrogated as the client in this case?

5. Will you, Sir, make a submission to the Auditor-General on behalf of the Legislative Council in relation to payments purportedly made on behalf of the parliament?

6. Would you characterise the payment of private legal expenses in the same way as the New South Wales Independent Commission Against Corruption characterised the appointment of Dr Terry Metherill to the public service by the then Premier, Nick Greiner?

The PRESIDENT: The matters that you raise are being dealt with in the committee system and the House of Assembly—matters which I understand have been dealt with. Some of the implications of the legal statistics and the precedents you mentioned I am not sure of, so, in those respects, I will seek some advice and bring back a more detailed reply.

FISHING LICENCES

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on fishing licences.

Leave granted.

The Hon. D.W. RIDGWAY: In my explanation I should just inform the council of some of the statistics of the South Australian fishing industry. The industry is a major contributor to the economy of the state of South Australia and it provides products across the full range of demands from local to premium export fish, crustaceans and molluscs.

The wild catch fisheries include marine based fisheries for species such as abalone, garfish, King George whiting, mullet, pilchards, prawns, rock lobster, snapper, tuna, tommy ruff and sharks as well as estuarine and freshwater fishers targeting callop, carp, cockles, flounder, mullet, mulloway, Murray cod and yabbies. The wild catch industry provides direct employment for in excess of 2 200 people and generates a further 2 100 jobs indirectly in fish processing and marketing. The industry also provides at least $240 million in value adding, $110 million directly within the industry and a further $130 million indirectly.

Licence holders in the river fishery have previously had the ability to transfer their licences from one person to another seeking entry into that fishery. The ability to transfer a licence is also provided for a number of the other fisheries, including abalone, prawn, rock lobster, the marine scale fishery, the Lakes and the Coorong. It is common practice for licence holders to use their fishing licences as collateral to assist with funding entry into the fishery or as equity for borrowing for business development. If the government is able to determine whether a fishery can be closed and a licence cancelled with little protection for the fishers, this could lead to great uncertainty in the fishing industry. Will the minister give the South Australian fishing industry and this parliament a guarantee that the government will not close any other fisheries and cancel the fishers' licences?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. I would first make one comment. The honourable member talked about the transferability of licences in relation to the river fishery. Let me point out that that transferability was reintroduced by the previous Liberal government I believe in 1997. It had actually been removed by the former Labor government in 1989 when it sought to phase out the fishery. The transferability—which is now the argument—was reintroduced as recently as five years ago, so in the current context of the debate that should be borne in mind when comments are made in relation to the river fishery. Transferability in that fishery—which I am sure is what has given rise to the honourable member's question—was reintroduced by the Liberal government against the advice of many people, including a parliamentary committee at that time.

As I have made clear on previous occasions, the new government has no plans to remove any other fishing

licences. I must say that from time to time there are cases where particular fisheries have to be closed for reasons of sustainability. I have been following the practice of the previous government in relation to the snapper fishery, which has periodic closures to try to protect the fishery. The grounds on which that is done are usually advice from the scientists in SARDI who provide the government with advice on those matters. Those are the only plans the government has in relation to taking any action that might in any way inhibit commercial fishing.

CHICKEN MEAT INDUSTRY

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question in relation to the national competition policy legislation review of the chicken meat industry.

Leave granted.

The Hon. R.K. SNEATH: Back in 1996 the Labor Party and the minor parties in the Legislative Council combined to oppose the repeal of the Poultry Meat Industry Act 1969 on the grounds that it would unfairly shift the balance of market power from chicken growers to processors. I understand that the National Competition Council continues to pressure South Australia to replace the existing act with a new scheme and that failure to do so would put at risk substantial amounts of national competition payments to this state. Will the minister please advice the council of the status of this review?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his important question—and I am sure you would be interested in the answer to this, Mr President, given your previous involvement in the matter. I recently released a draft chicken meat industry bill and a further consultation paper for public comment. The draft act aims to facilitate a fair and reasonable process to reach contractual agreement, including price formation, by a collective negotiation between chicken meat processors and their contract growers.

In relation to the National Competition Policy aspects, I can report that South Australian government officials have discussed the proposed scheme with the National Competition Council with a positive response. In contrast, it is my understanding that the NCC has cast doubt upon the proposed New South Wales and Western Australian arrangements, both of which include some form of centralised price setting.

Mr President, I am sure that you are well aware of the background to this issue. There are a number of factors that are particular to the chicken meat industry and the unusual structure of that industry. They include the vertical integration of processor activities, including the ownership of breeding stock; the fact that growers have significant sunk infrastructure costs; the fact that the industry has long-term 'tied' contracts that place growers in a position similar to employees as compared to independent contractors; and, finally, the economies of scale at the processing and wholesale level that would preclude the development of any significant access by growers to the chicken meat wholesale or retail markets. That industry structure has led to an imbalance of market power between processors and growers and the potential for inequitable dealing between them, and that is a feature of the industry right across the world.

The former government did intend to fully deregulate the industry in South Australia. At the same time, it was recognised that the existing act has significant Trade Practices Act risks. Mr President, I am sure you would remember that, after attention was given to grower concerns, that repealing bill was blocked in the upper house. In the aftermath, authorisations from the Australian Competition and Consumer Commission were provided to the two principal processors to collectively negotiate supply contracts with their growers for a five-year period expiring this month.

Recently, one of those processors—Inghams—has sought from the ACCC a new authorisation and has been granted interim approval. While the South Australian government made no formal submission to the ACCC, based on the merits of collective negotiation, in principle support was indicated. While processors have been satisfied with their experience of the authorisation in South Australia, growers have not been so enthusiastic, reporting disregard for their concern on production costs and the cost of adopting new technology.

I can report that PIRSA and the Attorney-General's Department have now examined interstate legislative strategies for achieving both fair negotiation and compliance with National Competition Policy. Western Australia is making several amendments to its act, but the centrepiece feature of centralised pricing still carries Trade Practices Act risk and is likely to attract adverse assessment from the National Competition Council. South Australia is still not convinced that the other jurisdictions have adequately addressed either the National Competition Policy or Trade Practices Act issues to a satisfactory level.

The draft act that I have released is an innovative approach to addressing this world-wide chicken meat industry problem of power imbalance. I understand that there is much interstate interest in the new draft bill. The draft Chicken Meat Industry Bill mandates a code of practice, strengthens collective negotiation and creates a chicken meat industry committee that oversights the industry, but without any price fixing power or any ability to impose barriers to entry into the market.

The draft Chicken Meat Industry Bill and the consultation paper are intended to be compliant with the Trade Practices Act and the National Competition Policy; it is intended to be fair to both processors and growers and to enhance the environment for industry growth. Copies of the bill and the consultation paper have been forwarded to processors and growers to begin the consultation process. The draft bill and consultation paper are available on the PIRSA livestock industries web site, and PIRSA and the Attorney-General's Department will manage a six-week process from 5 July to 16 August 2002. At the end of this period, feedback will be collated leading to further consideration by cabinet.

DRUGS AND CRIME

The Hon. M.J. ELLIOTT: I seek leave to ask the leader of the government, representing the Attorney-General, a question about the link between drugs and crime.

Leave granted

The Hon. M.J. ELLIOTT: At the recent South Australian Drugs Summit, one of the speakers was Dr Adam Graycar from the Australian Institute of Criminology. Like many of the speakers there, Dr Graycar tabled a lot of information of which perhaps members of the public are not aware. Particularly interesting in his presentation was the link between criminality and the taking of drugs. The common belief in the community is that people take drugs and then they commit crime. Dr Graycar did not say that that does not happen, but he did say that, in fact, the reverse is usually the case.

He said that in a study of over 4 000 prisoners the common social belief about the link between drugs and crime was turned on its head. The study found that most problem drug users were involved in crime before drug use, rather than the drug addiction leading to crime. That is quite a different thing from people becoming drug users and committing more crime to pay for the habit itself. On ABC Radio's Bevan and Abraham program of 27 June, Dr Graycar said:

> The overwhelming majority of people in their criminal careers do crime first and do drugs later. Most people who do crime also do drugs. It is the same around the world in similar countries.

Taking that into account, I ask the minister whether or not the government is aware of that research from the Institute of Criminology, and, further, whether or not the government is now contemplating intervention programs which are directed in the first instance at people who are likely to be involved in criminality, as a way of, ultimately, tackling not just crime but the drug problem itself.

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

GAMBLING, LOYALTY PROGRAMS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Gambling, a question in relation to poker machine loyalty schemes.

Leave granted.

The Hon. NICK XENOPHON: My office was recently contacted by a constituent who said that he had had a gambling problem. He was successful in dealing with that problem in terms of avoiding gambling on poker machines, and yet he recently received promotional material through the J card scheme, the Jackpot Club, providing him with free drink vouchers and a voucher to play on machines. He decided, because of the promotion, to play poker machines and his problem, unfortunately, recurred.

The constituent tells my office that he has repeatedly telephoned the Jackpot Club and requested it to take him off its list, as he was afraid of exactly what happened, yet he was still receiving free offers. The information from the constituent is that, after he had had some significant losses on the machines, he then tried to ring the Jackpot Club, had difficulty in contacting it through the Yellow or White Pages and, when he finally did ask to be taken off the list, he was treated in a very curt manner. The constituent was upset that the loyalty scheme in question had a disregard for his wishes.

Further to that, I have been contacted in the past by other constituents. In one particular case it was the parents of an adult woman who has a very serious mental illness, who, despite representations to the loyalty scheme in question, continued to receive promotional material. This young woman has a very serious psychiatric illness, which was causing great difficulty in her family in terms of the additional promotional material and the treatment she was getting for the gambling addiction.

On 13 May, the Minister for Gambling (Hon. John Hill) in a statement in the other place said that he had asked the Independent Gambling Authority to look at loyalty schemes in the context of promotions linking the buying of staples at a delicatessen and the gaining of points, and that he would ask the IGA to look at this concern. My questions to the Minister for Gambling are:

1. Does he concede that current gambling codes of practice do not require poker machine loyalty schemes to take into account the wishes of patrons who wish to be taken off their mailing lists?

2. Does the minister consider that the unsolicited provision of material, after someone has requested that they be taken off the mailing list of a loyalty scheme, is in breach of any privacy laws?

3. Does the minister consider it unsatisfactory that there is difficulty in having a central place to make a complaint to loyalty schemes in terms of getting a quick and satisfactory response?

4. Will the minister request that the Independent Gambling Authority also consider the issue of individuals who wish to be taken off mailing lists to be part of the terms of reference for the Independent Gambling Authority?

5. When will the Independent Gambling Authority be considering and handing down its findings on loyalty schemes?

6. Will the minister directly answer the question that he appears not to have answered in the other place, namely: does he consider that poker machine loyalty programs could exacerbate problem gambling?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions back to the Minister for Gambling in another place and bring back a reply. I was made aware of a scheme running in Victoria where, if you used your swipe card at a particular time, the computer took note of how long it was between the times you had used your card and, if you had not used it within a fortnight, a letter of condolence would be sent to your house expressing a concern that you may be sick, ill or incapacitated and 'here is $5 for you to come in to play to cheer yourself up'. It does not get much worse than that.

DRUGS SUMMIT

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question.

Leave granted.

The Hon. T.J. STEPHENS: I was privileged to represent my Liberal colleagues at the Drugs Summit. One of the things that was highlighted to me by a number of indigenous community members was that few culturally sustainable services are available to treat drug use within the indigenous community. They advocated that successful strategies must be developed by indigenous communities themselves. I was interested to note the recommendation put forward by Mr Scott Wilson, the State Director of the Aboriginal Drug and Alcohol Council SA Incorporated. Specifically he called for funding to allow for the establishment of an indigenous rehabilitation centre, a one-stop shop for all services specifically designed for Aboriginal people; the establishment of a peer education program within Aboriginal communities; the implementation of the state substance misuse strategic plan; the establishment of culturally appropriate intervention programs; and development of a skilled work force to tackle drugs issues in Aboriginal communities.

I heard a number of people call for a corrections institution on or adjacent to the Pitjantjatjara lands. Does the minister support and have a strategy for building an indigenous specific rehabilitation centre, and the correctional centre I just

mentioned, and, if so, what support is he receiving from his ministerial colleagues to implement these worthwhile recommendations?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for those important questions. The problems associated with drug and alcohol abuse within the indigenous communities in metropolitan, regional and remote areas is serious and getting worse. There were a number of parts to that question, the important ones relating to the establishment of a rehabilitation centre and a drug and alcohol treatment program in or close to the metropolitan area. I understand that Scott Wilson, who represents a number of agencies' viewpoints, as well as his own, says that, in conjunction with the dry areas proposal in the inner metropolitan area and for other reasons, an indigenous treatment program should be set up in either the inner or outer metropolitan area or even as far out as Mount Barker, the outer hills area or as far south as Goolwa or Victor Harbor—somewhere in the immediate vicinity. That idea is being considered by a wide range of service providers for drug and alcohol treatment programs.

The commonwealth has a number of programs running that I have to pay some tribute to in relation to the direct use of funds by community organisations, such as the one that Scott Wilson belongs to, and others. At the moment, I am discussing some options with OARS, the body that deals with offenders on entry and release programs, and I am also talking to the Chief Executive of Correctional Services, John Paget, about similar sorts of programs being supported by government funding regimes.

However, as the honourable member says, and as those who attended the Drugs Summit would know, we have to try a wide range of programs targeting various people within the communities who have health problems associated with drug taking, and we have to have a variation in those programs because of the different substances that people are abusing and, in some cases, are addicted to; and the various levels of addiction need to be addressed by various agencies. Governments can play a role in that and provide infrastructure support through health services programming and through community health programs, but voluntary agencies and private agencies can also play a role in assisting in those programs.

We would be looking at what could be called a suite of programs that may be used to, first, prevent; secondly, treat; and, thirdly, if drug addiction is so bad that substitute drugs have to be used, use prescription programming as part of those treatment programs, and that includes the methadone-heroin programs. They do not solve any problems in relation to abuse but they transfer the problem of heroin addiction to methadone, where it is controlled and prescribed by governments. So, governments, in conjunction with private agencies and voluntary agencies, need all the support they can get, and their funding programs and regimes need to be continued if it can be argued, or measured, that the results that they are getting are worthwhile so we can continue funding those programs with public money.

REPLIES TO QUESTIONS

SCHOOLS MINISTRY GROUP

In reply to **Hon. A.L. EVANS** (30 May).

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

The rapid increase in the number of chaplains and the interest shown by primary schools in joining the initiative is evidence of the value schools place on the work of chaplains, and I congratulate the Schools Ministry Group for their success in expanding this program.

In terms of further state government support, I am particularly interested in exploring areas where the work of school chaplains can further support the government's priorities for young people in South Australia. The recent South Australian Government Drug Summit endorsed a series of recommendations supporting school-based drug education and intervention. The key underlying the recommendations is as follows:

> School Drug Education is valuable and most effective in the form of a whole school approach, which is responsive to the local context and supported by the wider local community. The whole school approach should incorporate prevention and intervention, and will be inclusive and respectful of the needs of all key stakeholders.

The government recognises that school chaplains are valuable members of many school communities, and in some schools achieving a whole of school approach requires the invaluable support of the school chaplain. In particular, the government would like to encourage the contribution of school chaplains to whole-of-school early intervention strategies to support young people at risk. The Department of Education and Children's Services Drug Strategy (2000-02) aims to support all schools to implement effective practices in relation to drugs. The strategy assists schools to develop their own whole school drug strategy as part of a whole-of-government approach to drugs.

In response to the Schools Ministry Group's request for funding, I have approved funding of $25 000 p.a. for two years to the end of June 2004, to support and expand the role of school chaplains in early intervention strategies for young people at risk of harm from drug use, in partnership with schools through the DECS Drug Strategy.

To support their important role, school chaplains will be invited to participate, at no cost, in training initiatives that will be made available to school staff by the drug strategy team over the next 18 months. I have also extended the core funding of $58 000 for a further 12-month period, to the end of June 2004, to provide some certainty of funding.

FOSTER CARE

In reply to **Hon. A.L. EVANS** (6 June).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised the following:

Does the government plan to look at insurance cover for carers?

The issue of insurance cover for carers will receive consideration by a steering group during planning for the implementation of the recommendations of the Review of Alternative Care in South Australia, released in March 2002.

The steering group, comprising of government and non-government organisations, including alternative care peak bodies, has been appointed by the Minister for Social Justice. The steering group will convene for three months and will make recommendations to the Minister for Social Justice in September 2002.

The review's recommendations provide a range of strategies that relate to the implications for carers in providing family based care, including insurance cover.

Currently the government, through the Department of Human Services, may provide compensation to foster carers whose possessions or homes are damaged by children or young people in their care, depending on individual circumstances.

Will the government address delays that are occurring in obtaining medical services for children placed in foster care?

Children and young people in alternative care have access to the full range of public medical services available in South Australia. The review recommends that the Department of Human Services, together with a number of stakeholders, establish a project to examine the special needs of children in care. The steering group will consider this recommendation in its deliberations,

The review further recommends that specific strategies be developed to ensure that these children receive priority access to the range of relevant services provided by, or funded by, the human services portfolio, including health services. The steering group will also consider this recommendation.

Will the government provide more counselling for children who are placed in foster care?

Children and young people in alternative care who are assessed as requiring counselling are referred to government services such as Child and Adolescent Mental Health Services at the Women's and Children's Hospital or the Flinders Medical Centre. Should extensive waiting lists at these centres occur, access to alternative counselling services is provided wherever possible.

The Department of Human Services has allocated recurrent funding for the purpose of purchasing the services of suitably qualified counsellors for children and young people in alternative care with high and complex needs.

What training and support will the government provide for foster carers, specifically training to manage children with behavioural problems?

Foster care agencies are funded by the government to provide training and support for foster carers.

The review recommends that training should be subject to improved coordination and collaboration across the care sector, and that it be based on priority needs of the alternative care system. This issue will receive consideration by the steering group in planning the implementation of review's recommendations.

What program will the government put in place to recruit foster parents?

Foster carer recruitment, assessment and orientation training is the responsibility of funded foster care agencies, many of which have reported difficulty in recruiting new foster carers.

The review recommends that collaborative strategies be developed for a statewide foster care recruitment project. The Alternative Care Unit of the Department of Human Services is currently managing this recruitment project. An Alternative Care Advisory Committee will be convened later this year to oversee the project, which will be guided by the steering group's consideration of the matter.

REGIONAL IMPACT STATEMENTS

In reply to **Hon. DIANA LAIDLAW** (3 June).

The Hon. T.G. ROBERTS: The Minister for the Arts and the Minister for the Status of Women have advised the following:

Will the Minister confirm or deny advice I have been given that this government has abandoned both the preparation and publication of the Women's Statement and the annual Arts Statement for cost cutting reasons, notwithstanding the government's alleged commitment to open, accessible and accountable government?

The Minister for the Status of Women will table the Women's Statement in parliament at a later date and copies will be posted on the Office for the Status of Women, the Women's Information Service and the SA Central websites.

I have been advised that Arts SA has been preparing the 2001-02 Arts Statement over the last few months. The format and style of publication is yet to be considered.

MATTERS OF INTEREST

DAIRY INDUSTRY

The Hon. CARMEL ZOLLO: I was pleased recently to represent the Hon. Paul Holloway, Minister for Agriculture, Food and Fisheries, at the final session and dinner of the Australian dairy industry's strategic leadership training program in Mount Gambier. The function was attended by farmers and leaders of the dairy industry, as well as dairy processors and other representatives from allied industries. Ms Cheryl Phillips of Changing Industries was the project manager of the program, and I thank her for providing me with some further background information.

The Australian dairy industry has gone through a time of unprecedented change, which naturally has also had a multiplier effect on associated industries. Operating in a deregulated environment has exposed farmers to market forces, many of which were previously managed artificially through price and quota regulations. With the industry at all levels now operating in a totally new environment, the traditional processing cooperative is now forming new alliances, with multinational companies becoming major players. It is in this context that the Leading Industries Program was chosen to commence the process of building the leadership capacity of the industry to ensure a professional, sustainable and progressive future.

The leadership training program commenced in March 2002 in Melbourne with participants representing a range of sectors from around Australia. The first session agreed on an industry vision: 'To be a professional, innovative and sustainable industry providing opportunities for all stakeholders to grow and support Australia's economy as a world leader in dairy production.'

The leadership program is described as 'equipping individuals to represent industry from a local to a national level, with the program resourcing participants to become skilled communicators, effective team players and aware of the importance of operating within the context of the "big picture".' Each participant worked on an industry project with the assistance of a mentor to put the skills learnt into practice and contribute to the industry's future.

As well as attending the dinner, I was pleased to attend the presentation of the course outcomes. This inaugural Australian Dairy Industry's National Strategic Leadership Program saw 10 young leader participants from the dairy industry complete the program, including three South Australians—Mr Julian Manowski of National Foods; Mr James Mann of Donovan Dairies, Mount Gambier; and Ms Kirstie Murphy, (Dairy) Livestock Consultant with PIRSA Rural Solutions.

Members would be aware that last week the Premier, together with Minister Holloway, launched a 10 year dairy industry strategy designed to lift the industry's value to the state. The plan investigates the option to double production in South Australia to one and a half billion litres which will result in increased export driven processing and a $1 billion industry by 2010, more than half of which would be in exports. The industry predicts the 10 year strategy would generate direct and indirect employment opportunities for an extra 3 500 people, mainly in regional South Australia.

I acknowledge the commitment of Mr Phil Kernick, President of the Dairy Industry Development Board, and his board members who have been working for more than a year to devise the strategy, including high level consultation with the production, manufacturing and marketing sectors of the state and national dairy industries. Obviously, achieving such growth will require a joint approach and commitment between stakeholders, government and regional communities. At the session in Mount Gambier the participants were required to consult with the community to establish their perception of the dairy industry prior to developing strategies to address any areas of concern. The key issue identified was the need to make the community aware of the diversity of career options within the industry and also create a professional image of the industry. The importance of the promotion of the dairy industry as a career option so as to attract new employees is something that is recognised by everyone.

In South Australia, with the industry poised to expand, such leadership programs are well timed and important to the future success of the industry. I congratulate all involved in the strategic leadership development program for the Australian dairy industry.

SALVATION ARMY

The Hon. J.S.L. DAWKINS: I rise today to make a few comments about the Salvation Army and in particular the Red Shield Appeal. I suppose until a few years ago my awareness of the work of the Salvation Army was at a fairly basic level. However, that has grown considerably in recent times.

I suppose I should say that the first contact I had with a senior leader of the Salvation Army was in, I think, 1999 when I was helping to organise the annual prayer service on behalf of the Parliamentary Christian Fellowship, and that service was hosted by the Salvation Army and by Lieutenant Colonel Vic Poke, who is the leader of South Australian Division of the Salvation Army. Following that, I took up an invitation by the former member for Bragg, the Hon. Graham Ingerson, to collect for the Salvation Army in the Adelaide city precincts, and that led to my being involved in my home town of Gawler under the encouragement of the then officer responsible for Gawler, Captain David Bartlett, who is the officer in charge of the Salvation Army Corps at Elizabeth.

In the period following that, Captain Bartlett was keen to get someone to organise a Red Shield Appeal Committee in Gawler, and so I agreed not to do that but to find someone to do it. It is the old story: because I did not find anyone it is pretty easy to guess who finished up being the chairman. I have enjoyed the work as the city chairman for Gawler over the last three years, in which time, from a basic start, the Red Shield Appeal has gone from raising $2 600 in the first year to almost $7 000 in the appeal just concluded. I was also delighted that during that period Lieutenant Colonel Poke saw fit to appoint Captains Sam and Ev Hancock as officers responsible for Gawler. These are the first officers to be based in Gawler after a break of some 18 years.

The presence of the Salvation Army has added to the religious life within the town and surrounding areas, and it has also added to the social fabric of the area. The Salvation Army provides community support in many ways, as most members of this place would realise. It has taken a key role now in the Gawler and Barossa Youth Services, which was a very worthwhile body that had stalled for a period and, since the establishment of church services, it is now based at The Abbey in Gawler.

I return to Lieutenant Colonel Vic Poke, because I think he has been a wonderful leader for both the Salvation Army in South Australia and the Heads of Churches Committee. I understand that Lieutenant Colonel Poke will leave South Australia shortly to take up the position of Chief Secretary of the United Kingdom Territory of the Salvation Army. I understand also that this position is the equivalent of the second in charge for the whole United Kingdom, which is great testimony to the work he has done in South Australia.

In conclusion, I commend again the work of the Salvation Army, particularly through the Red Shield Appeal but in many other ways in which it helps the community. Governments on their own could never do the work that the Salvation Army and others do in a community. The rewards of working with such people are enormous.

WINE INDUSTRY

The Hon. T.J. STEPHENS: I was very pleased to read a media release issued last Friday by the federal Minister for Trade (Hon. Mark Vaile) regarding the wine industry. Australian wine exports have broken through the $2 billion sales barrier, according to the official Australian Bureau of Statistics figures. Nationally, exports of wine reached $2.041 billion for the 12 months to May this year. Australia is now the single largest exporter of wine outside the European Union and the fourth largest wine exporter in its own right behind France, Italy and Spain. Wine exports to the United Kingdom (which remains our single largest wine export destination) grew some 22 per cent by value in the 12 months to June and accounted for $843 million worth of sales.

Australian wines are so popular in the United Kingdom that Brown Brothers 1997 Noble Riesling was the only non-European wine to be served to 750 guests at Her Majesty the Queen's jubilee luncheon held last month in London. Our markets in North America are also performing strongly and accounted for more than half Australia's wine export growth. Sales to the United States grew by 40 per cent to $583 million in the 2001-2002 year; and our market in Canada improved by more than one-third on last year to record $123.5 million in sales. The figures are a clear indication that Australian wine, and, more importantly for this state, South Australian wine is popular the world over.

I am very pleased to note that the Australian exporter of the year award for 2001 was presented to a South Australian wine producer, BRL Hardy. The previous state Liberal government was committed to supporting the wine industry to continue to achieve targets set out in the wine 2025 strategy. This support, coupled with incredible leadership and confidence shown by the South Australian wine industry, has been a major driving force for the industry's success so far, with a number of bold export targets being surpassed in recent years. In South Australia alone, last year the local wine industry broke the $1 billion export mark in the financial year 2000-2001, and it is expected to easily break the $1.3 billion sales in this financial year.

A 42 per cent increase in planting since 1999 provides enormous challenges for our wine industry, with the latest target set at $3.25 billion in exports by 2010, if our current 70 per cent share of national export market is maintained. Wine exports out of South Australia are now 10 times what they were a decade ago, with 800 000 bottles of wine leaving this state each day—a figure which does not include sales to other states or local consumption. The growth in wine exports from this state and, indeed, the performance of our primary industries generally, through programs such as Food for the Future, have been largely responsible for the economic turnaround of this state.

I would strongly urge the new Labor government to maintain the previous government's focus on growth in rural and regional areas and ensure that primary industries and regional affairs, which appear to have been neglected somewhat of late, are supported as priorities in the forthcoming budget.

CARRICK HILL

The Hon. R.K. SNEATH: I would like to take this opportunity to speak on an issue concerning Carrick Hill and the residents of Springfield. Some weeks ago, I heard a rather one-sided view of this issue from the Hon. Diane Laidlaw. I think it would be appropriate at this time to share the views of the people on the other side of the fence, so to speak, who, according to the Hon. Diane Laidlaw, vote Liberal—

The Hon. Diana Laidlaw: Diana—

The Hon. R.K. SNEATH: Diana Laidlaw. They vote Liberal—

The Hon. Diana Laidlaw: If you're going to cite me, please get the name right.

The Hon. R.K. SNEATH: Another point that she is confused about. Obviously, the honourable member thinks that the size of their houses means they vote Liberal, but I can assure her that no longer does the size of their houses mean they vote Liberal: they actually read policy now and they are voting Labor, which is rather good. I must say that residents and their associations, no matter where they live—whether they live in Elizabeth, country South Australia, Burnside or Springfield—have the right to defend themselves and their views on issues that affect them within the law.

The residents and their association at Springfield have expressed a point of view and have been attacked for it. In fact, the honourable member is reported in *Hansard* as calling them 'selfish' and suggesting that a levy be placed on them for the upkeep of Carrick Hill, which just so happens to be situated in their area. There may be other levies on residents in the state who enjoy similar parks or properties in the vicinity of their area, but I am certainly not aware of them.

It was suggested that Springfield residents were taking Carrick Hill to court over its liquor licence. I understand that this is incorrect. The residents are taking the contract caterer to court over his liquor licence on the basis that he is not meeting the requirements of the licence regarding, among other things, the playing of amplified music. I understand that the caterer has admitted to having live bands with amplified music at functions. I have been informed that, at a recent hearing in the Office of the Liquor and Gaming Commissioner, a staff member responsible for monitoring the noise levels at Carrick Hill confirmed that the EPA levels had been regularly exceeded. This comes after the honourable member stated in her address to this chamber that all sound testing undertaken at Carrick Hill had shown results within the legal limits. I have been advised that this is not the case.

I understand that the residents association was seeking a joint working party with Carrick Hill management to address some of the long-standing concerns of the residents, and to come up with ways to protect both local residents and Carrick Hill. It is the right of the residents to seek their day in court if these issues cannot be sorted out through negotiation. This is what the residents association has done. No doubt the court will decide, based on evidence presented, whether the liquor licence held by the caterer has been abused.

It is pretty unreasonable for members of parliament to attack residents and their organisations for taking caterers or establishments to court to seek decisions which might make their lives more peaceful. This parliament has passed laws over the years to allow residents the avenue to protect their rights on all sorts of issues—

The Hon. Diana Laidlaw interjecting:

The Hon. R.K. SNEATH: The parliament has passed legislation to allow residents in every part of South Australia, except Springfield estate, to protect their rights or argue cases in courts. We have made legislation on behalf of all—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: The member will cease this vicious attack.

The Hon. R.K. SNEATH: —South Australians. The Hayward family's bequest of Carrick Hill and the surrounding land to the state was nothing short of a magnificent gift to the people of South Australia. I am sure that the Hon. Diana Laidlaw's concerns about Carrick Hill are genuine. However, I think that too many politicians use this place to attack people who do not agree with their point of view and sometimes forget about the laws that we have passed to protect the public. To attack individuals who represent others in a lawful manner is unfair and unjust. I think Carrick Hill should become the next government house and the current Government House should be made available to the homeless in the city.

WORLD POPULATION DAY

The Hon. SANDRA KANCK: Tomorrow is World Population Day and on Saturday the national conference of the organisation Sustainable Population Australia will be held in Adelaide. The keynote speaker will be Professor David Pimentel of Cornell University, New York, author of the book *Food, Energy and Society*. He is regarded as the world's leading scientist on energy input/output ratios in food production.

SPA concerns itself with the issue of the ecological limits of population and, as a member of SPA, I will be chairing a session at the conference on the constraints imposed on Australia's carrying capacity by soil fertility and the availability of fresh water.

As an MP I seem to be one of a very small number of politicians who are prepared to state that we need to limit our population if we are to survive, which is the exact opposite of the old 'Populate or perish' cant, which appears to be having a revival at the present time. Fortunately, there are a few brave souls such as the New South Wales Premier, Bob Carr, who recognise that there are limits to how many people the land can sustain. Mr Carr is telling people that he does not want extra people moving in on the east coast of New South Wales.

But people like him tend to be an exception. I think it is because there is a fear that you will seem to be aligned with right-wing elements in the community if you take the view that we must limit human population in this country; that you will be branded a racist. I think, in my case, that my record in championing the causes of indigenous people and refugees speaks for itself but, if the cost of speaking out in support of the environment and calling for limits on the population is that some will take cheap shots at me, it is a cost that I am prepared to pay. The issue of ecological sustainability in this country is much too important to the country that I love.

I recently attended a conference in Brisbane, sponsored by the Property Council of Australia, during which a panel discussion occurred entitled 'The Great Conversation: Population Growth versus Sustainability'. It was moderated by George Negus. It was hardly a debate and it was certainly not great. It might have been a conversation but if it was it was extremely one-sided.

One of the usual suspects, Bob Katter, argued—I would have to say very erroneously because you would not find a single demographer in the country who would back him up—that, if we had zero net immigration implemented at the moment in Australia, by the year 2100 we would be down to five or six million people.

He seems to suffer from that disease called 'never let a fact or research get in the way of a good one-liner'. He claimed that we would eliminate ourselves (and I do not know who 'ourselves' are) from the gene pool if we did not do something about it. He informed that conference that Indonesians would be hungry every night and that we could feed them. I thought to myself, 'All 210 million of them? And do it with the fossil soils that we have here in Australia? You've got to be kidding!' The whole thing was so extremely

one-sided that the former Lord Mayor of Brisbane, Jim Soorley, who supports increased population, felt that he had to argue the case against population, because no-one else on the panel was doing it. His arguments were very persuasive. He pointed to Australia's very poor record on energy efficiency, our appalling greenhouse gas emission record, the destruction of biodiversity and the fact that only 6 per cent of Australia's land is arable, and reducing as a consequence of salinity. Despite advancing those arguments he advised us that his personal view is not informed by such information and that we need another 50 million people in Australia by the year 2050.

South Australia's minister for Urban Development and Planning was there and, although he was co-opted onto the panel, he observed, as did the previous Liberal government and as Business SA frequently does, that South Australia does not get its fair share of the people who migrate to Australia. As we look forward to the rest of the 21st century the people on Eyre Peninsula will be facing huge problems in securing adequate supplies of fresh water. This government regards the issue of fresh water supply as being so important that it established a minister for the Murray River, yet this government fails to challenge the argument that we need more people here.

WINDMILL COMPANY

The Hon. DIANA LAIDLAW: My contribution to the matters of interest debate today will focus on the brilliantly successful inaugural performances staged last Saturday afternoon and night by the new Adelaide based company, Windmill, otherwise formerly known as the Australian Performing Arts Company for Children and Families. Last weekend also reconfirmed to me in a very special way that dreams do come true: not only did we see South Australian Lleyton Hewitt win the men's singles title at Wimbledon but I was also able to see the realisation of a long held dream with the first performances of Windmill's production, the adaptation of Mem Fox's work the favoured book *Wilfred Gordon McDonald Partridge* plus the co-production with Bell Shakespeare Company of *My Girragundji*.

I have also been thrilled to see the very favourable reviews of the establishment of this company and the two performances I have just mentioned. Ewart Shaw in the *Advertiser* commenced his review last Monday by stating:

> Two very different approaches to storytelling mark the welcome first sight of this Windmill on the Australian scene.

He goes on to state:

> Both productions pull off the near impossible task of mesmerising large audiences of small children, and their keepers—

including me, I must add—

with their blend of theatrical sophistication and joyful play.

It is certainly true that with *Wilfred Gordon McDonald Partridge*, the play being a mime, there was very little that would have caused people to be other than mesmerised by the production. If people were restless we would have known and, if they were bored, we would have known. There was none of that; there was great humour and affection between the audience and the giant puppet characters and Wilfred Gordon McDonald Partridge himself, played by Ninan Donald.

I particularly applaud Mem Fox and Julie Vivas who produced all the wonderful diagrams in Mem Fox's book. Both were in attendance for this opening performance. What was terrific too was that there were so many grandparents with their grandchildren, and mothers and fathers. All this is important for building interest in the arts in the longer term among children from the very youngest age, and it is important for the arts in South Australia in developing bases for the future.

It was my honour to launch this company and the 2002 season in late February last year as part of the Australian Performing Arts Market. Members should be aware that this is the first time for decades anywhere in Australia that a new performing arts company has been established by government initiative. I note that the Hon. Mr John Hill, as Minister Assisting the Premier in the Arts, opened the company's performances last Saturday afternoon, and he spoke in strong support of the company and its work and the high production qualities that the company is seeking.

I was very pleased to hear those comments, because there is great agitation across the arts generally about the funding cuts of $2.8 million to $3.4 million that will be announced by the Minister for the Arts and Premier in tomorrow's budget. I hope they will not be cutting into this company at this very early stage of its existence. I also note that the kids responded brilliantly, one child's response being that she ranked the company's performances as 100 out of 10. I commend the board, the Director/Creative Producer, Cate Fowler, the General Manager, David Malacari and all the team.

BALTIC COUNCIL COMMEMORATION

The Hon. J.F. STEFANI: Today I wish to speak about the 50th commemoration service organised by the Baltic Council of South Australia and held on Sunday 16 June 2002. As a long time friend and supporter of the people from Baltic States I was particularly privileged to say a few words on this very special occasion, when the Baltic people commemorated and recalled with great sadness the mass deportations of thousands of countrymen from Latvia, Estonia and Lithuania. This was the 50th commemoration service, which many people attended. I have greatly appreciated the opportunity of sharing this annual event since 1981.

The service commemorated and paid tribute to the people of the Baltic States: the many innocent people who suffered and lost their lives in the struggle for freedom. During the commemoration service the congregation especially remembered those people who were taken captive by the Russian invader and lost all that was dear to them including, for many, their own lives. Their suffering is a reminder to us all of the horrors of captivity and the high price of freedom.

More than 50 years ago, one in every 10 people from the Baltic States paid this price with their lives. More than 60 000 Estonian men, women and children, 35 000 Latvian men, women and children and 34 000 Lithuanian men, women and children were arrested in their homes, taken at gunpoint to railway yards, locked into cattle trucks and transported to the wasteland of Siberia. Another 600 000 were also transported from 1944 to 1954. Very few of the deported people survived, and only a small number have ever been able to return to their homeland.

It is little wonder that since that time people recall and commemorate those who suffered and lost their lives. People in Adelaide and in many other parts of Australia and around the world who support, love and understand members of the Latvian, Estonian and Lithuanian communities have gathered with them to remember and pray for those who have lost their lives and to renew our annual commitment that we will never

forget them in our thoughts and prayers. The non-aggression pact between Stalin and Hitler signed in 1939 was a great tragedy for the whole world, because it led society into World War II. The first of these three protocols to this infamous pact was executed by Ribbentrop and Molotov on 23 August 1939.

These notorious protocols were against peace, humanity and freedom of the nations and constituted a deliberate criminal act. The occupation of the Baltic States has been an indisputable international crime, and a crime against the people of Estonia, Latvia and Lithuania. These three European nations were independent before they lost their freedom as a result of the acts of aggression by Stalin and Hitler. Certainly, the Soviet Union has committed genocide against Baltic nations. The communist regime has been guilty of murder, deportation, illegal conscription, forcible evacuation and acts of war against those countries.

The thousands of intellectuals, professionals and Christian families who were banished to Siberia were deliberately chosen for exile and death because of their leadership and commitment to the vision of the independence of Estonia, Latvia and Lithuania. The 50th commemoration service sadly remembered the many thousands of victims of a brutal tyranny that destroyed and disrupted the lives of innocent people. It was also time to pay tribute and pray for those who suffered and lost their lives in the struggle for freedom. The Estonian, Lithuanian and Latvian communities joined in one voice and in one spirit of solidarity to pay their respects and to commemorate the heroic contributions by those who have died for the independence of Latvia, Estonia and Lithuania.

In conclusion, I take this opportunity to acknowledge the special contributions made by the people from the Baltic States to enrich and develop South Australia. In expressing my sincere appreciation for the honour of speaking at the 50th commemoration service, I wish my many friends from the Baltic States continued success for the future and for the long-term freedom of Latvia, Lithuania and Estonia. Briviba for Latvia; Laisve for Lithuania; and Vavadus for Estonia.

EVIDENCE ACT, SECTION 69A

The Hon. NICK XENOPHON: I move:

That this council requests that the Legislative Review Committee inquire into and report on the operation of section 69A of the Evidence Act 1929, and, in particular, the effect of the publication of names of accused persons on them and their families who are subsequently not convicted or not found guilty of any criminal or other offence.

I draw honourable members' attention to a contribution that I made on 14 March 2001 in relation to this very issue. I do not propose to unnecessarily re-state all that I said on the previous occasion in relation to my contribution. However, this matter has been brought to my attention by a very concerned constituent Mr Peter McKeon, who I believe deserves considerable credit for his ongoing campaign in relation to his concern about section 69A of the Evidence Act and, in particular, the effect of the publication of names of accused persons on them and their families when those individuals who have been charged are subsequently not convicted. Mr McKeon has been quite assiduous and, in fact, relentless in terms of his campaign. In terms of active and concerned citizens, I think there ought to be more Mr McKeons around in regard to raising issues of public interest and concern.

So this motion, in effect, resurrects the motion that was before the last parliament. It relates to the Legislative Review Committee having a role to look at the provisions of section 69A(1) of the Evidence Act, which deals with suppression orders and which provides:

Where a court is satisfied that a suppression order should be made—

(a) to prevent prejudice to the proper administration of justice; or

(b) to prevent undue hardship—

(i) to an alleged victim of crime; or

(ii) to a witness or potential witness in civil or criminal proceedings who is not a party to those proceedings; or

(iii) to a child,

the court may, subject to this section, make such an order.

Subsection (2) provides:

Where the question of making a suppression order (other than an interim suppression order) is under consideration by a court—

(a) the public interest in publication of information related to court proceedings, and the consequential right of the news media to publish such information, must be recognised as considerations of substantial weight; and

(b) the court may only make the order if satisfied that the prejudice to the proper administration of justice, or the undue hardship, that would occur if the order were not made should be accorded greater weight than the considerations referred to above.

This is an issue that ought to be the subject of review by the Legislative Review Committee. It is a matter of public concern. Mr McKeon has documented a number of cases where families have had their lives, in effect, ruined by virtue of publication of names, and the person who was accused was, in fact, totally exonerated before a judicial system.

I think that there is a real issue here. There are important considerations in terms of public interest that need to be weighed up and balanced in all this. This is an issue that the Legislative Review Committee is in a position to look at if it has the imprimatur of this council in terms of supporting this resolution. It is a matter that must be looked at, and it is something that I believe ought to be looked at sooner rather than later. I note that, in a previous parliament, the former Attorney-General (Hon.Trevor Griffin) spoke in support of the Legislative Review Committee examining this issue. He did have a cautious approach in terms of the proposition as set out in the letter provided to me by Mr McKeon, which I will not read out again. It sets out a number of concerns of Mr Peter McKeon.

The Hon. Angus Redford, the former chair of the Legislative Review Committee, was quite supportive of that. I note that the Hon. Carmel Zollo, the current chair of the Legislative Review Committee, was also supportive of the motion. It is a matter of getting on with it. I understand that you, Mr President, were supportive of this inquiry proceeding. I think that it is an issue that is overdue, and it is an issue of some controversy. It is about time that we dealt with this matter, and I believe that the Legislative Review Committee is in a very good position to do that. I urge honourable members to support this motion so that the Legislative Review Committee can begin its important deliberations on this issue. I commend the motion.

The Hon. R.D. LAWSON: On behalf of the Liberal opposition, I indicate that we will support the passage of this motion. As the mover noted, in the last parliament a similar motion was passed, and this important issue was referred to the Legislative Review Committee for inquiry and report. I am advised that, owing to the pressure of other business, the Legislative Review Committee had not embarked upon a

consideration of the matter, and it is entirely appropriate that that committee now examine this question.

In indicating support for the motion that the matter be referred to the Legislative Review Committee, I should indicate that the Liberal opposition in its support is not indicating support for the proposal inherent in the motion, namely, that almost as of right no name will be published prior to conviction being recorded.

The Hon. Nick Xenophon: I have not said that in the motion, Robert.

The Hon. R.D. LAWSON: As the Hon. Nick Xenophon indicates, he is not necessarily endorsing support for that proposition, either. We agree with him that the matter should be reviewed. I, too, add to the comments of the mover that Mr McKeon is to be congratulated for his zeal in this matter. It is a matter of regret that there are too few citizens in the community who are prepared to take up an issue which they feel passionate about and upon which they have had some experience. I think it is commendable that he has done so. I commend the Hon. Nick Xenophon for taking up his cause. We support the motion.

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

MANOCK, Dr C.

The Hon. NICK XENOPHON: I move:

1. That this council expresses its deep concern over the material presented and allegations contained in the ABC's *Four Corners* report entitled 'Expert Witness' broadcast on 22 October 2001, involving Dr Colin Manock, forensic pathologist, and the evidence he gave from 1968-1995 in numerous criminal law cases.
2. Further, this council calls on the Attorney-General to request an inquiry by independent senior counsel, or a retired Supreme Court judge, to report whether there are matters of substance raised by the *Four Corners* report that warrant further formal investigation.
3. That the Attorney-General subsequently report, in an appropriate manner, to this council on the allegations made in the *Four Corners* report and their impact on the administration of justice in this state.

This motion was first brought to the attention of the council on 31 October 2001. It was triggered by a quite extraordinary *Four Corners* program that was broadcast on ABC TV on 22 October 2001 in respect of matters involving Dr Colin Manock, a forensic pathologist in this state for many years. The question posed by the *Four Corners* program was that one forensic pathologist's mistakes—that is, Dr Manock—had prompted lawyers, medical experts and investigators to question the administration of justice over nearly three decades in this state in relation to a number of Dr Manock's findings.

The program was disturbing in terms of the matters that it raised. Previously, I have set out some of those issues of concern. I have spoken to members of the legal profession, who are concerned about some of the findings of Dr Manock. One of the most striking aspects of the program was that reference was made to a case in 1992 when a man's body was found in a flat in suburban Adelaide. Dr Manock had said the man had fallen, hit his head and had haemorrhaged. Dr Manock attended the scene. A former detective Patterson said that eventually a bullet hole was found, along with a bullet lodged in the brain of the victim. Dr Manock had attended the scene and had missed it. This was one of the many instances documented by the *Four Corners* program.

Senior lawyers have expressed concern about Dr Manock's findings. It is an issue of some considerable controversy, but I believe that the *Four Corners* program investigation on the face of it raises a number of serious issues that ought to be dealt with, and that is why I have moved this motion. I have moved it again because it is very important and fundamental to the administration of justice in this state.

This motion calls on the Attorney-General to request an inquiry by independent senior counsel, or a retired Supreme Court judge, to report whether there are matters of substance raised by the *Four Corners* program that warrant further formal investigation, and that the Attorney-General report, subsequently, in an appropriate manner to the parliament on the allegations made in the *Four Corners* report and their impact on the administration of justice in this state.

I do not propose to unnecessarily restate what was contained in the *Four Corners* program. It is available on the net. If honourable members wish me to provide a copy of the entire transcript or tape of that program, I would be pleased to do so.

There were simply too many mistakes documented by Dr Manock and too many instances where serious questions were raised about his findings. There was an instance involving some very young children, where there was a finding that they died as a result of an accident, yet police officers and others, including a senior medical practitioner, believed that the evidence clearly pointed to foul play. If that was the case, to me that is an absolute tragedy—that there are people out there in the community who have, in effect, assaulted children, which has led to their death, and who have not been brought to justice because a forensic examination was not carried out in an appropriate and competent manner.

I know this is a matter that my colleague the Hon. Sandra Kanck has raised on previous occasions. It is a matter that I think other members of this chamber are concerned about. This issue will not go away. If we are concerned about the integrity of our system of justice and of the administration of justice in the state, I believe it is absolutely essential that the Attorney-General look into this matter and instruct independent senior counsel, or a retired Supreme Court judge, to investigate this matter further. If this does not occur, questions will remain over the safety of a number of convictions and indeed whether a number of cases ought to have gone before the courts and where charges ought to have been laid had there been a competent forensic examination. This is an important issue in relation to the administration of justice in this state and I urge members to support this motion.

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

RETAIL AND COMMERCIAL LEASES (TRADING HOURS) AMENDMENT BILL

The Hon. DIANA LAIDLAW obtained leave and introduced a bill for an act to amend the Retail and Commercial Leases Act 1995. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this bill be now read a second time.

At the outset, I emphasise that the bill I have introduced today will not amend current shop trading hours, floor issues and employment issues, notwithstanding a temptation to do so because I consider that the current regime is a shemozzle. Equally, I emphasise that the matters addressed in the bill do

not necessarily reflect the views of all members of the Liberal Parliamentary Party. Indeed, I am acutely aware that across the Liberal Party, as is the case among Labor members, there are widely divergent views about all matters relating to shop trading hours. The bill applies only to shops that operate subject to the terms of a lease with managements of shopping centre complexes. All other small retailers, depending on floor area and the number of employees they engage, are already able to open 24 hours, seven days a week, if they so wish.

The bill aims to amend section 61(1)(c) of the Retail and Commercial Leases Act in relation to core trading hours, that is, the hours for which the shop is required to open for business. Currently, this section of the act provides that a retail shop lease may only regulate trading hours if the core trading hours:

· do not exceed 65 hours a week; and,

· have been approved in a secret ballot conducted in accordance with the regulations by a majority of at least 75 per cent of the votes cast. Specifically the measures advanced in this private members' bill seek:

· to reduce the number of core trading hours from 65 hours a week to 52 hours a week; and,

· to require 'the number of hours each day' to be the question put to the lessees as part of the secret ballot process.

I alert members to the fact that I have nominated 52 hours as the maximum number of hours per week that a shop should be required to be open, as this number reflects current standard practice in metropolitan shopping centres, that is, 9 a.m. to 5 p.m. Monday, Tuesday, Wednesday, Friday and Saturday, plus 9 a.m. to 9 p.m. on Thursday.

Of course, the proposal does commit lessees to trade for longer than 52 core hours per week if they deem it is profitable for them to do so, but it only requires that they open for a maximum of 52 hours. Within this 52 hour period, the proposal also provides lessees with the choice and flexibility to trade off some of the standard hours they currently open, for instance, Thursday night opening, for some hours on Sundays and/or to open later than 9 a.m. on weekdays and/or on Saturdays and to make up these hours at some other time during the week. Overall, in exercising this choice and flexibility, lessees would not be required to open their doors for any more hours than they open at the present time.

My intention in moving this bill at this time is simply to seek to eliminate the grounds for the persistent fear among small family based enterprises and retail employees generally that any future change to shopping hours and shopping centre complexes will require that they all work additional hours over and above current practices, whether or not they wish to do so and whether or not it is profitable for them to do so. Certainly, the ambit provision in section 61(1)(c) of the act, which currently provides for core trading hours not to exceed 65 hours a week, that is, 13 hours above and beyond current standard trading hours, does leave lessees highly vulnerable to managers of shopping centre complexes pressuring retailers (and some unkindly may even suggest 'forcing' retailers) to open when they do not wish and when it may not be profitable for them to do so.

Hence this bill aims to reduce core trading hours in shopping complexes and in turn reduce the vulnerability of small retailers in particular in the ongoing debate about shopping hours. Overall, from my observation of the shop trading hours saga in this state over the past 20 years, it is the fear of being forced to work longer hours that continues to be the basis of most of the opposition amongst small retailers, plus shop assistants and their union representatives, to the introduction of more flexible shop trading hours in South Australia. Meanwhile, the efforts over time by politicians of all political persuasions to accommodate both this fear and the consistent consumer demands for more flexible trading hours has led to a host of inconsistent, unsatisfactory compromises and, most recently, a call for a campaign of civil disobedience among traders, which I abhor.

In introducing this bill I note that, on 4 October last year in the other place, the House of Assembly, the member for Fisher (Hon. Bob Such) moved a private member's bill, which also sought to amend section 61(1)(c) of the Retail and Commercial Leases Act to reduce core trading hours, in this instance from a maximum of 65 to 55 hours. I do not favour this option, because it would still expose retailers in shopping centres to opening for an additional three hours maximum over and above the current 52 hours that they trade and therefore it would not address the concern amongst so many small retailers that more flexible shopping hours will require longer opening hours irrespective of profitability. In addition, the Hon. Bob Such's bill was a much more far-reaching measure than the one I have introduced today, because it included the repeal of the Shop Trading Hours Act 1977, and I do not support total deregulation of shop trading hours in South Australia.

Finally, in terms of further debate on this bill, I appreciate that the government is currently reviewing shop trading hour issues. I am keen for the matters addressed in my bill to be considered as part of this exercise and therefore I plan to circulate the bill seeking feedback from interested parties to add to all the shop trading hour issues currently under review. Therefore, I alert honourable members to the fact that, in terms of their current workloads, I do not intend at this time to pressure them to advance the second reading debate of this bill immediately, but I will do so if the government drags out its review of shop trading hours beyond the stated time frame of mid August.

I commend all measures in this bill (there are only two, perhaps three, with the commencement date) to honourable members and I seek leave to insert in *Hansard* without my reading it the explanation of the clauses.

Leave granted.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

This clause provides for the Act to come into operation four months after assent.

Clause 3: Amendment to S61—Trading Hours

This clause amends two of the four conditions currently outlined in Section 61(1) that must apply in all instances where a retail shop lease seeks to regulate trading hours.

(a) Reduces core trading hours from 65 a week to 52, to reflect the current maximum number of hours that small retailers and other lessees operating in shopping centres must open; and

(b) Specifically requires that 'the number of hours each day' be the question put to lessees as part of a secret ballot process to determine opening hours each day within the Centre.

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

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: I move:

That the regulations under the Fisheries Act 1982 concerning fishing activities, made on 20 June and laid on the table of this council on 9 July, be disallowed.

I rise to speak to this motion with a sense of desperation. I have moved it because I am at a loss to know what else to do to bring to the attention of this council, the parliament and the government the duress and emotional stress that has been caused by what is not a decision of this government, and I know the minister will say, quite rightly, that the Liberal Party's policy was identical to the government's, and that is in fact the case. In addition, as I have stated on a number of occasions, an independent scientific inquiry was to be conducted with a view to a restructure or a phase-out of the fishery. The minister is quite right to say also that some money had been applied for in bilaterals for that to happen, but it was not exclusively for the river fishery, and certainly there was no sense of urgency, which has only come about since the compact with the Hon. Peter Lewis.

As I say, I am at a loss to know quite what else to do to bring to people's attention the plight that these fishers now find themselves in. I think they anticipated a possible phase-out that might have taken 12 months or five years, but they did not expect to have their livelihoods chopped off in the way that has occurred. Most of them now are grieving at the loss of a way of life, at the loss of a livelihood, but most of all they are anxious to know what their future holds.

I do not think that any of them expect that they will put gill nets back in the River Murray, and I might add that they have explained to me, and to anyone who will listen to them, that gill nets and drum nets cannot be used at the same time. Drum nets work very well during high flows of the river but the Murray cod, particularly, which are the fish that we are trying to protect, become semi-dormant in low flow. They lie on the bottom of the river and can only be caught with gill nets. One of the things that people also do not understand is that the gill nets do not reach across the river: they are used for approximately one-third of the width in the middle of the river, so there are ample opportunities for fish to swim past in every case.

The thing that precipitated my taking this action and moving disallowance was a phone call that I received from a very distressed person last Thursday, and the letter that followed it. I know that we have all been inundated with letters from these people, but perhaps they can illustrate better than I just what a strain the fishers are under. For obvious reasons, I will not disclose who has written the letters, but I do have permission to read them into *Hansard*. I will begin with this one:

> Dear Mrs Schaefer,
>
> The last few months since the Peter Lewis compact with the Labor government have been a living nightmare for our family and those of our fellow commercial fishers. It all came to a head yesterday when I received a call on my mobile phone from my 15-year old son's high school principal. He was extremely worried and had also contacted my husband. He had every right to be concerned.
>
> Our son had secretly left school at approximately 11 a.m. with two friends and they had gained access to two bottles of Scotch whisky. I believe they drank these between them, but our son drank at least one of the bottles himself. He then returned to school where, thank goodness, a teacher became concerned about his coordination and felt something was wrong.
>
> This has come as a huge wake-up call to both my husband and myself as we had thought that he was the one person in our family who was coping with this hell that we are living. Boy were we wrong! He was distraught beyond belief and the reason he had gone on this binge was quite clear to his principal, the doctor who treated him and the rest of our family.
>
> I will not go into what he was saying, but it left no doubt in our minds that this situation we find ourselves in and the way we have been treated is entirely responsible for his behaviour yesterday. This behaviour was extremely out of character. He has never had a detention in his 2½ years at high school and is not seen by staff as a behavioural problem. He was breath-tested at our local hospital; the reading was .19. You don't need to be a medical genius to know that this reading in a 15-year old is extremely worrying.
>
> About three weeks ago I sent a letter from each of our three children to Mr Holloway. A copy also went to all members of both houses and various sections of the media. My kids are now asking me why Mr Holloway has not answered their letters. What do I tell them? We have tried to be good parents and have taught them right from wrong, and that being honest at all times with yourself and others is most important. They cannot understand why we are being treated in this way and we have no answers for them. I feel that their faith in human nature has been destroyed.
>
> I wonder if Mr Holloway's excuse will be that he did not receive my children's letters. I am not naive enough to believe that someone in his office or another Labor member has not made him aware of these letters. My son says in his letter to Mr Holloway, 'In all seriousness, I really don't expect you to write back to this letter. I would not expect you would have the guts to do so.'
>
> Please feel free to use these letters, our fishing history and the children's letters if you wish.

I add that this family has now been offered counselling, but on a voluntary basis, not by the department. As I say, my action today is undertaken with a sense of desperation. These people are extremely bitter, cynical and emotionally and financially stressed. I cannot in good faith allow them to continue in this way without doing everything I know to at least gain decent compensation for them.

Mr Holloway has said in this place that many of them are not full-time fishers, but everyone of us in this room would agree that we all borrow and invest according to our incomes at the time, and all of us would be financially stressed if we found our income taken totally from us or even halved. If fishing is only half their income, it is still a time of great stress for them. Many people would say that if our income in this place were halved we would still have what most people would consider an adequate living, and that would be so if we did not have debts and investments which estimated and assumed what our living was to be. Because of the compact, these people have had their right to a living summarily taken away from them, and I want to give a couple more examples. This letter was written on 17 June and, as all members would know, we received a series of letters and I will use just one of them. It states:

> I am writing to you as a Murray River fisherman, bringing to you the awareness that I only have 13 days to go before my livelihood is taken away from me. I ask you to put yourself in my shoes and imagine how you would feel if the Minister for Fisheries told you on 7 June that you would be unemployed on 1 July. Six weeks' notice was given on this major decision that will devastate 30 families. No, you don't have six weeks until you go on holidays, but six weeks until everything you have worked towards and dreamt of doing is taken from you.
>
> The minister gave myself and 29 other fishermen and their partners two hours of his time to let us know gill nets, which are the main source of income, will be banned at the end of the month. A murderer gets more time for negotiation and a fair trial. We have no consultation, only to be told by the minister what is going to happen. The Murray River fishery families ask for your support in this matter to let us keep working and help us stop this legislation being approved.

I am endeavouring to do that by moving this motion. Part of another letter says:

> Some of our families have already been called into their respective banks that have concerns as to how they are going to pay their mortgages as these families have used the transferable licences as security on their loans. There has been no opportunity to put individual cases forward, the fishing business is my husband's retirement-superannuation plan. We have invested his rollover money from the defence force (RAAF 21 years), super that he had accrued as a prison officer and other combined life savings to build

up this fishing licence so that we could have an income in our retirement years.

At this stage we are under the impression that we will not be compensated for gear and plant that we have invested in. We have been told to provide tax returns for the last three years with no explanation as to how they will be used. What we earnt four years ago is not relevant to fish prices today. Fish prices have gone up dramatically. With our superannuation investments, (licence, plant and gear, that is) we had an income, our fishing business, for a life expectancy of 10 to 15 years and a licence to sell after that period.

Is the Labor government saying that we are only going to get three years of the super income and that's the end of the matter? After our tax has been assessed, somehow it is then sent to a structural adjustment committee which will consider the financial assessments and package of assistance that could be offered to the individual licence holders. This structural adjustment committee is not independent in the fishermen's eyes, as most of the key players are employed by the government.

The letter goes on at some length about that, and then states:

My husband has been a Labor voter all his life and is extremely disappointed and can't believe this is how the government treats an ex-serviceman 58 years of age. The government has taken away his retirement lifestyle and his superannuation. The 30 fishermen come from different situations and we have been urging them all to put pen to paper to get support from whoever will listen to their stories. As families, we feel like we are being shunted like cattle to the slaughterhouse at a fast pace.

I have a copy of a letter sent to another member but, again, I know we all got them. It states:

Dear member,

Have you been in a job that you absolutely love going to? There is 30 commercial fishermen on the Murray River that get up early every morning and absolutely love going to work. They work hard, believe me, 7 days a week, 365 days a year. In 10 days' time—

and this was written on 20 June—

we will no longer have a job to go to. The profession they have invested all their money in will come to an end. Who will pay the mortgages, rent, food, phone bill, electricity bill, school fees, school uniforms and school shoes, etc.? I don't know. You see, I only have 10 days to go before I am stripped of everything I possess in my business. What will my family do? I don't know. You see, the stress that all fishermen and their families are under is enormous. The investments are great and the bills keep coming in. Where is the money going to come from? Let us do what we do best and that's keep fishing.

I think we understand that that is now past, but my appeal is that we treat these people with some dignity. The minister has suggested that they cannot be under financial duress because they can afford to hire a lawyer. Many of the members opposite come from a union background. I listened with some interest to the BHP workers holding whole industries to ransom to secure their financial future and some financial viability for themselves.

I am staggered that workers in the fishing industry have been made redundant with no redundancy payment and no indication of what payment they will receive, and I understand that the Legislative Review Committee is too busy to take evidence from these people so that they can at least put their point of view on the record in what is a time-honoured method of hearing from such people. I have been told that the Legislative Review Committee is too busy to hear them until late August. So, I am left with really no choice but to stand here and appeal to some sense of conscience on the other side.

I am alarmed to read in the press that no budget provision has been made for compensation for these people. I have the latest letter that I received and the last one that I will read on this occasion. It states:

I write to you today exactly one week since my business was closed down. Not being able to go to work on Monday 1 July was very hard. Emotionally, it has been a hard week for my family and me. Our bank loan needs to be paid tomorrow. Our business vehicle loan needs to be paid next week. At the moment we have a registration, power, telephone, ice bill and the freight bill will be in the mailbox this week. I have not earnt any money this week. I have tried drum nets and cross lines all week and not even caught a carp. Mr Lewis and Paul Holloway are kidding themselves if they think we can make a living from carp.

I have to pay $880.50 for my first quarter fishing licence as well this week and cannot put it to good use. The bank manager will be ringing me very soon and I don't have any answers. My rent needs to be paid every week and I don't know where the money is going to come from. What do I tell the real estate agent? I don't think she will be as understanding if this continues to drag on for weeks and weeks. I was going to apply for unemployment benefits but they tell me I have to wait 12 weeks before I can get any money.

My family is distressed. I am distressed. A few months ago we were looking forward to and preparing for our future. Now we don't seem to have one. I cannot even put food on the table. There are no smiles in my house any more, only anger and resentment. Before this I was fishing full-time and had no financial worries. Now I do not have a job and can't even feed my family properly. When the bank manager rings, whom do I refer him to? What guarantee do I have that fair compensation will be paid? By the time I do get compensated, how much time and how much interest will I have paid on loans and to creditors that I have never failed to meet with my commitments before? Will I now be on a bad creditors' list because I cannot meet my commitments? Should I be blamed for not being able to make repayments?

I ask you to consider all the above and if you have the opportunity to bring these points forward to the minister, letting him know that we may be off the river but we still exist. We are real people put in desperate situations beyond our control.

That is why I have moved this motion. I understand that the Structural Readjustment Committee is meeting tomorrow, and part of my appeal is that this government will show some conscience. For whatever reason it signed a compact and it is in over its head now, but surely it will show some compassion. A fisherman from completely the other end of the state said to me, 'I am really worried that, if they can do this to one set of renewable licences, they can do it to any set of renewable licence, and it doesn't matter to me whether it is 3 000, 300, 30 or 3 people; their lives are important.' I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

HOSPITALS, AFTER HOURS GP SERVICES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of a ministerial statement relating to funding for after hours GP care made earlier today in another place by the Hon. Lea Stevens.

LAWN BOWLS

Adjourned debate on motion of Hon. R.K. Sneath:

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.

(Continued from 29 May. Page 241.)

The Hon. D.W. RIDGWAY: I support the motion. In this sport it is not uncommon to see someone as young as 14 competing against someone well into their 70s or 80s. In fact, nearly 18 000 South Australians at 236 clubs enjoy the sport of bowling. I am not surprised that lawn bowls is an immensely popular sport, and indeed sportspeople of all ages can compete. I have played lawn bowls on a social basis only a couple of times—once in Serviceton, a small Victorian railway town just over the Victorian and South Australian

border. Unfortunately, I had the wrong bias and was the subject of much criticism and friendly abuse. I also played once in Bordertown—

The Hon. Caroline Schaefer: You've still got the same bias.

The Hon. D.W. RIDGWAY: I am sure it's still friendly abuse. Bowling clubs have long been one of the many important social and sporting organisations in regional and rural South Australia. The Bordertown Bowling Club has recently undergone a massive redevelopment with a combination of government grants from the previous Liberal government totalling $40 000 and a unique and entrepreneurial approach. The club leased 400 hectares of prime farming land. While paying for consumables such as chemicals, fertiliser, fuel, wear and tear, and some wages, it managed to raise in excess of $205 000 over three years. This is a fine example of what a club of responsible people who are prepared to help themselves and who are not totally reliant on government help can achieve.

While I do not know any of the people personally, it is evident from the information that the Hon. R. Sneath provided in moving this motion that all three have had a very distinguished playing career. Their selection in the Commonwealth Games team was just reward for the years of commitment to their chosen support. On behalf of my colleagues, I support the motion that the council congratulate Andrew, Neville and Arienne, who are outstanding athletes in their field, and in particular wish them all the best when they represent Australia in Manchester later this year.

The Hon. R.K. SNEATH: I thank members for their contribution and good wishes to the three bowlers. I am sure the whole council wishes them well in the Commonwealth Games.

Motion carried.

CAHILL, Mr J.

Adjourned debate on motion of Hon. R.K. Sneath:

That this council congratulates former Port Adelaide Football Club player and coach, John Cahill, who recently became the 23rd South Australian inducted into the Australian Football Hall of Fame.

(Continued from 5 June. Page 336.)

The Hon. R.K. SNEATH: I thank members for their contributions on the wonderful career of John Cahill. I know that the Hon. Terry Cameron was hoping to speak today but, unfortunately, he is absent from the chamber. I know that he was very happy to support the motion. I am sure the council wishes John all the best in future endeavours.

Motion carried.

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 349.)

The Hon. R.D. LAWSON: I oppose the second reading of this bill. The bill presently before the parliament is in much the same terms as one previously considered and introduced by the Hon. Sandra Kanck. I do not believe it is appropriately titled as the 'Dignity in Dying Bill', and I must say that I deprecate the emotional language which is so often used in communications on this matter. As have all members of the council, I have received many communications from supporters of the bill as well as from opponents. I suspect, if one were to measure it solely by the volume of correspondence, that those opposing the bill have outnumbered those supporting it, but it is not the numbers but the quality of the representations that has influenced me.

I will not refer to all the items of correspondence or the arguments advanced for and against, but I should mention a couple of items of correspondence forwarded to me which I think highlight some of the issues. Members might have received a letter from Dr Helga Kuhse, Senior Honorary Research Fellow at the Centre of Human Bioethics at Monash University and also a Senior Visiting Fellow at the Faculty of Law at the University of Melbourne. Dr Kuhse speaks of the need to alleviate the plight of dying patients and to give comfort to tens of thousands of others. Expressions such as 'the plight of dying patients' and 'giving comfort to tens of thousands of others' is the sort of emotional language which is so often used by those who seek to justify measures of this kind.

Dr Kuhse, like so many others, relies heavily upon the experience in the Netherlands in relation to euthanasia. I had the good fortune to meet the ambassador for the Netherlands who recently visited Adelaide and, during a half-hour discussion with him on various matters of mutual interest, the topic of euthanasia was raised. He kindly supplied to me a booklet published by the International Information and Communications Department of the Ministry of Foreign Affairs in the Netherlands.

The Netherlands government has found it necessary to publish information in many languages to address the continuing inquiries that it has received about its legislation called the Termination of Life on Request and Assisted Suicide Review Procedures Act. This rather curious legislation has the effect of keeping as a criminal offence termination of life on request and assisted suicide.

But, whilst the offence remains, the criminal code has been amended to exempt doctors from criminal liability if they report their action and show that they have satisfied the due care criteria formulated in the act. The actions of doctors in such cases are assessed by review committees appointed by the Minister of Justice and the Minister of Health, Welfare and Sport which focus, in particular, on the medical and decision-making procedures followed by the doctor.

The leaflet issued by the Netherlands government indicates that in that country, following, as we are told, about 30 years of intense debate, the government has chosen to create a series of hurdles, hoops and requirements that must be satisfied before a doctor is entitled to the protection which the law offers from what is otherwise a criminal offence. It is my belief that legislation of this kind invariably sets up, as I say, hoops and hurdles—hoops to jump through and hurdles to be cleared—and it very soon becomes just a matter of form.

There will be euthanasia doctors, and I think the very prominent self-publicist Dr Philip Nietschke sees himself as becoming one of Australia's first euthanasia doctors: a specialist who, not knowing the circumstances of individual patients, will flit from place to place signing the necessary forms to assist in the suicide of individual patients. It will not be his interest to preserve life, not his interest to offer palliative care and not his interest to help an individual, other than to die.

On the other side of the argument it was interesting to receive a communication from Dr Robert Goldney from the Department of Psychiatry at the University of Adelaide. Dr Goldney wrote to me—and I imagine to other members—in

relation to last year's bill, and I think many of his concerns are reflected in the current bill and remain valid. He describes, as many people do and as other speeches in this place have done, the difficulties with the definition of 'hopelessly ill'. He says it is of concern because he, as a clinical psychiatrist, considers there are many people who have serious mental conditions with long-term impairment who theoretically would fit the criteria described. However, as he notes, based on his clinical experience, with adequate such care people are able to cope quite well with their families in the longer term. He states:

> The issue of depression assessment is also dealt with quite inadequately. The diagnosis of depression is fraught with danger and for there to simply be two medical practitioners, neither with any specified psychiatric experience, is contrary to an extensive literature which indicates that it can be particularly challenging to delineate depression and to offer appropriate treatments.

He continues:

> Furthermore, clinical psychiatrists are well aware of those with severe depressive conditions who may express the wish to die, but who, with adequate treatment, improve.

I happen to know Dr Robert Goldney by reputation and have met him briefly on a couple of occasions, and I do respect the view which he expresses. He states:

> Even without entering the debate about the rights and wrongs of euthanasia, I trust that you will appreciate that the proposed bill is impractical and unworkable and, bearing in mind that the commonwealth overturned the Northern Territory legislation, a similar fate would probably follow with regard to this legislation.

I must say I depart from him on that issue. The commonwealth parliament will not be able to come to the rescue of the citizens of South Australia if this misnamed Dignity in Dying Bill is placed. We do have legislative competence to pass a bill of this kind. The question is whether it is wise to do so; is this good public policy? In my view it is not. I do not believe that I could see this bill being improved by any form of amendment during the committee stage of the debate. I do not ordinarily vote down measures at the second reading stage, but this one, which has been debated almost continuously since I have been in this place, seems to be fatally flawed not only for the very brief reasons I have given today but also for the views I have expressed on previous occasions and those which a number of other opponents of euthanasia have already expressed. I will not support the second reading of this measure.

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

CRIMINAL LAW CONSOLIDATION (ABOLITION OF TIME LIMIT FOR PROSECUTION OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

The Hon. A.L. EVANS obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. A.L. EVANS: I move:

That this bill be now read a second time.

My journey in seeking to bring healing to the sexually abused commenced some years ago during routine marriage guidance counselling. In those sessions, conducted by our church counsellors, a pattern began to emerge that many of the problems and difficulties in marriages were sometimes due to one of the partners being sexually abused. We then commenced special counselling sessions for those who had been abused. My wife and daughter-in-law ran seminars on the topic. My daughter-in-law has also written a helpful manual to assist in the healing process.

Some time ago I was involved in counselling two people who had been sexually abused. I suggested that they go to the police and report the abuse. They came back devastated, because they were told it happened more than 20 years ago and they could not do anything about it: the offender could not be prosecuted. Here was an opportunity to face the issue and deal with the past, only to be slapped in the face. I was astounded by the law. This man may still be abusing and if there were no time limit he could have been prosecuted back then and now be in gaol. Who knows how many offenders are still free because of this 1982 cut-off date and still offending against young children?

I believe that this is an issue that impacts the wider community and in particular families. According to a report produced in the *Advertiser* on 13 April, at least one in four girls and one in seven boys are abused sexually during their childhood. It surprised me to discover that the law as it currently stands provided not just an immunity from prosecution for child sexual abuse but also for certain other sexual offences committed prior to 1982. In simple terms, this bill abolishes that immunity. The effect would be that, if prior to December 1982 a person committed any one of the sexual offences, then they could be prosecuted.

The legislative history centres around former section 76a of the Criminal Law Consolidation Act which, from this point on, I will refer to as 'the act'. Section 76a provided that no-one could be prosecuted for any offences listed in that section more than three years after the commission of the offence. The offences to which the three year time limit applied were sexual offences. In essence then, prior to 1 December 1985, there was a three year time limit on certain sexual offences under the act.

In 1985 it was recognised by parliament that the three year time limit was an absurdity, given the serious nature of the sexual offences listed within this section. The Hon. G.J. Crafter, who was a minister in the then Labor government, introduced the Criminal Law Consolidation Act Amendment Bill (No.2). The bill included an amendment for the repeal of section 76a. The repeal of section 76a received bipartisan support and provoked no debate. The effect of repealing section 76a was that there was no longer a three year time limit for the prosecution of any of the sexual offences referred to in section 76a.

The repeal of section 76a became effective on 1 December 1985. The 1985 amending act contained no provision as to whether the repeal was to operate retrospectively. There is no record of any discussion in either house as to the impact it would have on offences committed within the three years prior to 1985.

In 1989, the Court of Criminal Appeal, in the decision of Queen v. Pinder, stated that anyone who had committed an offence within the three-year period prior to the repeal could not escape prosecution. So the cut-off date for prosecution was 1 December 1982, and offences committed before that time could not be prosecuted. Put another way, those offenders who had acquired immunity through the effluxion of the statutory three years were allowed to keep it. My bill will abolish the immunity from prosecution prior to 1 December 1982 in relation to all the sexual offences listed in the former section 76a, except for section 63, which was repealed in the year 2000.

Other sexual offences listed in the former section 76a remain in the act, and it is to those that my bill will apply. They are section 48—the offence of rape (I was quite amazed to discover that, I might add); section 49—unlawful sexual intercourse, namely having sexual intercourse with a person under the age of 12; section 56—indecent assault; section 58—acts of gross indecency; section 59—the offence of abduction; section 64—procuring sexual intercourse by threat, intimidation or false pretences; section 65—the offence of a person who owns or occupies premises, inducing any person under the age of 17 to be in those premises for the purpose of having sexual intercourse; and section 69—offences with animals.

My bill will bring all these sexual offences into the same category as other crimes. There is no time limit for any of the other serious crimes, such as murder, manslaughter and robbery. There is no justification whatsoever for having a time limit in relation to these offences. No other state has this type of time limit, and it is outrageous that we do in this state, and it is time that it was removed.

A great deal has been said about the problem of retrospectivity in relation to the bill. Generally speaking, retrospective legislation is frowned upon by parliament. The main argument used by those opposed to this bill is that offenders would lose the right of immunity from prosecution which they had already acquired and that this would be unfairly prejudicial to them. They argue that parliament should not legislate to take away people's rights retrospectively. With all due respect, that is an absurdity. No-one has the right to be free from prosecution for a criminal offence whether it happened two or 22 years ago. Quite simply, if a person has committed an offence they ought to be brought to justice, and I do not care when it happened.

I will not accept the argument that my bill has a retrospective effect and, therefore, should not be passed. That argument ignores the outcry from both the victims and the general community. Are we so blinded by legal and democratic tradition that we ignore the rights and needs of the victims within our society? Are we so blinded that we would rather see tradition adhered to than see offenders brought to justice? While there is so much emphasis on the rights of the offender, what about the rights of the victims? They have a right to see justice done; they have a right to experience closure; and they have a right to be vindicated. They are the ones who need protection. It seems absurd that a person who has committed any of the sexual offences to which I have referred can escape prosecution simply based on the date that they committed the offence. I understand that this is the case with civil matters, but we are talking about very serious criminal offences. We are talking about offences that are often repeated. Child sex offenders, for instance, typically have long careers of offending. Dr Freda Briggs, in her book *From Victim to Offender*, states:

> Child sex offending is a learned 'paraphilia' which typically becomes compulsive.

I understand that offenders become experts at methods of gaining access to children. They use family relationships, personal relationships, work, volunteer activities and recreational activities. Their 'expertise', so to speak, is gained over a period of time.

Another argument against this bill is the problem of a victim's poor memory. It has been said that, even if the 1982 cut-off date were removed, prosecutions would be unlikely because of the passage of so many years. It has been said that the accused would not receive a fair trial. In my view, that cannot be used as a valid argument in this debate. We have a judicial process which provides for a fair trial for the accused. It is no more or less fair than a murder prosecution for a 20-year-old homicide.

There are cases of successful prosecutions occurring many years after the offences were committed. A prominent example is the conviction of Peter Liddy, many of whose offences were committed shortly after 1982. What about rape? Many victims may have been adults when they were raped, even though it happened more than 20 years ago. Their evidence may well be sufficient to sustain a prosecution. I am aware of people who were sexually abused more than 20 years ago who have a very clear recollection of the events. One person told me that he was abused three times when he was 11-years of age. He said he can remember the room he was in each time, even the colour of the carpet.

Many victims remember when and where it happened and how they felt when it happened. They remember the lies they were told, and they remember the threats of physical abuse if they told anyone. They remember the fear and the feelings of guilt and shame, and they remember blaming themselves. Many are still blaming themselves.

Undoubtedly, there will be instances where the evidence cannot sustain a conviction. Whatever the case regarding the nature of the evidence, we as legislators are not required to perform and, indeed, should refrain from performing, the role of the judiciary. Whether or not prosecutions can be sustained as a result of this bill should not be a reason for us as legislators to oppose the bill. This is precisely the reason why the function of the judiciary and the legislature are separate.

I suggest that we, as members of parliament, cannot oppose this bill on the grounds that convictions are unlikely. To do so would mean that we are performing the dual function of law-maker and judge, and that is simply unacceptable. The current law dishonours victims and how they suffered. It says to victims, 'We care more about legislative tradition and the rights of the perpetrator than for your rights as a victim.' That may be the message if my party's bill is opposed or if it goes off to a committee for a prolonged period.

If this bill is passed there are victims who will try to prosecute; some may be successful. The result may be that a child sex offender, a rapist, or a person who has committed indecent assault will be convicted and sent to prison. If one genuine offender is convicted and put away as a result of the passing of this bill, it will be worth it. Other benefits flow from prosecution. Child sex offenders may gain access to therapy that is available only when the offender is prosecuted. Another benefit is that currently police records are the principal screening tool to identify offenders who seek to work with children.

The criminal justice system may not be relevant to many victims decades after the event. However, we need to recognise that victims may choose to lay a complaint with the police, even if no prosecution or conviction eventuates. Prosecution means that victims can confront the offender with the hurt they have caused. It can enable healing and closure. Some victims may be motivated to prosecute so that the offender can be stopped, because they are still abusing today. Others may want to see the offender made accountable for their actions. Whatever the reason and whatever the outcome for the victims—whether it be healing, closure or vindication—an offender will be brought to justice. That is what our criminal justice system is supposed to provide.

I recently heard the story of a girl whose adult cousin abused her prior to 1982. I understand that when she attends family functions and he is there he smirks at her with a look that says, 'You can't ever do anything about it.' She is reminded of the abuse every time she sees him, and she is reminded that nothing can be done about it. To this day she tries to avoid him and makes every effort not to attend functions when she knows that he will be there.

There is another girl whose uncle used to say to her that he loved her, that she was beautiful, and he promised that he would not do anything to hurt her. He threatened this girl that, if she told anyone, no-one would love her any more. She believed the lies. She was robbed of the life she could have had and the person she could have been. This man has abused not only this girl but also her two sisters and his own two sons. He has never had to face any consequences of his actions. This girl will pursue the offender and seek justice if my bill is passed.

This bill will bring our state into line with all the other states in Australia. It will also bring sexual offences into the same category as other criminal offences. Such offenders will be brought to justice; some, who may even still be offending, will have to face the courts. Finally, we will honour the victims. I commend this bill strongly to the council.

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

CHAMBERS, Ms K.

Adjourned debate on motion of Hon. Diana Laidlaw:

That this council congratulates Kasey Chambers on winning the Australasian Performing Right Association 2002 Music Award as Songwriter of the Year.

(Continued from 6 June. Page 379)

The Hon. CARMEL ZOLLO: I am pleased on behalf of the government to add my congratulations to Kasey Chambers on winning the Australasian Performing Right Association 2002 Music Award as Songwriter of the Year. Kasey Chambers is truly an exciting talent, and this year has been one of recognition and personal milestones.

The singer, who is 26 years old, received the award for her number one hit *Not Pretty Enough* from the album *Barricades and Brickwalls*. She shared top honours at the Songwriters Annual Gala Event in early June in Sydney with the Sydney-based writer and performer Alex Lloyd, whose song *Amazing* was named Song of the Year. The media reported that for Kasey her award was yet another landmark in a remarkable year.

Aside from her number one success, she also gave birth in May to a son, Talon. Her attendance at the awards night was her first public appearance since the birth. She commented that it was such an important award for her because it was about the songs rather than just about being a performer, and she was reported to say, too, that it did not compare at all with being a mother. Her joy was obvious for everyone to see and celebrate when she said of her award:

This award is honestly one of the biggest honours I have ever had in music.

Her album has achieved double platinum status in Australia, and *Not Pretty Enough* is a platinum-selling single. *Not Pretty Enough* has struck a chord with Australians from every walk of life. It is described as 'a perfectly written tune'. *Barricades and Brickwalls* is Kasey Chambers' second album and, almost six months after its release, hit the number one position on the Australian charts on the momentum of *Not Pretty Enough*. Kasey has been described as being 'on her way' after her debut album *The Captain* in 1999. We have good reason to celebrate her as one of Australian music's brightest lights.

My daughter Dianna was thrilled to meet Kasey a few years ago when she took part in Carols by Candlelight. Kasey was generous and gracious with all the young people and totally unaffected by her fabulous talent and fame. Kasey Chambers has crisscrossed Australia, Europe and America, covering hundreds of thousands of kilometres. I read that *The Captain* was heard on the mob TV series *The Sopranos*. I have never seen it, but apparently it is quite entertaining. Apparently, whilst most debutantes do not stand a chance of appearing on David Letterman's huge rating New York based *Tonight* show, Ms Chambers made it last year. As well, she headlined the revered *Austin City Limits* program, the first time a non-American act has done so in the show's 26 year history.

I agree with the Hon. Angus Redford's comment that it is absolutely vital for Australian music culture to separate and distinguish itself from American music culture. It is important that we support our Australian artists who are at the forefront of representing Australia and that we use every opportunity to express our support. I congratulate the Hon. Diana Laidlaw for her initiative in moving this motion.

Kasey Chambers also collected Golden Guitars for Album of the Year and Female Artist of the Year at the 2000 ARIAs. In a piece of writing on her, I read the full list of songs so far written and her commentary. It is obvious that she writes and performs with great honesty, being a true artist, and her reviews and awards reflect her talents. Our Nullarbor and South End raised, central coast based singer-songwriter is a talent that well deserves all her recognition, and I wish her and her family—as I understand her parents and especially talented brother are also involved in the music industry—continued success for the future.

The Hon. DIANA LAIDLAW: I thank all honourable members who have contributed to this motion of congratulations for Ms Kasey Chambers. It has been well reported in the debate our delight as a parliament and a state at Kasey's outstanding success over recent years, crowned by her latest success in winning the Australasian Performing Right Association music award as songwriter of the year last month. I will not prolong the debate at this time but simply thank members for their support for Kasey and live music in general, and I wish Kasey well for the future.

Motion carried.

McLEOD'S DAUGHTERS

Adjourned debate on motion of Hon. Diana Laidlaw:

That this council acknowledges the announcement by NWS Channel 9 on 4 June 2002 to invest in a third series of *McLeod's Daughters* and recognises that this prime time television drama being filmed north of Gawler provides important continuity of employment for South Australia's highly skilled crews, additional work for our artists, plus economic and tourism benefits for the state.

(Continued from 6 June. Page 380.)

The Hon. CARMEL ZOLLO: I add the Government's support for the Hon. Diana Laidlaw's motion. On behalf of the government, I welcome the announcement that the production of a third series of *McLeod's Daughters* will

continue to be filmed in South Australia. The production contributes to more than 300 jobs and $24.5 million dollars generated in economic benefit to our state in recent film and television productions. The Channel 9 web site describes *McLeod's Daughters* as follows:

> *McLeod's Daughters* is the story of two McLeod sisters who are thrown together after 20 years apart when they inherit a vast cattle property in the Australia bush. With an all female work force and an abundance of heart and humour, they commit to an extraordinary life at Drovers Run.
>
> The women of Drovers Run share the same dreams that all women share. They could be our friends or our sisters. They just happen to live in an extraordinary place, a place that would allow them to be who they are. . . heroines.

The impact that this drama has made is significant, with Lisa Chappell, who heads the cast, being the Most Popular New Female Talent Logie winner for 2002.

The Hon. Diana Laidlaw mentioned a list of people and businesses that have benefited and will continue to benefit from this production being filmed in South Australia at the historic homestead of Kingsford, north of Adelaide. I agree with her that the benefits are enormous and that we are indebted to the vision of NWS 9 for its commitment and investment. The Rann government is strongly committed to the arts and this motion provides the opportunity also to highlight some of the important contributions to the film industry that the government has made since taking office in March.

The government is giving significant backing to the state's film and television industry. Two upcoming feature films—*Travelling Light* and *Alexandra's Project*—will be shot entirely in South Australia, creating the equivalent of nearly 70 full-time jobs and $5.5 million of economic benefit to the state. The South Australian Film Corporation will be investing nearly $600 000 in the production of the films, which will be mixed at the South Australian Film Corporation's Hendon studios.

Furthermore, I point out that planning for the first of our international film festivals to be held in February 2003 is now in full swing. I noted that the honourable member, in moving this motion, had a quick word about the Premier's commitment to the film festival. However, I do not think it appropriate to dwell on that too much, other than to say that spending an amount of money on the promotion of this state as a centre for the appreciation of excellence can hopefully only further attract other commitments for using this state as a base. This in turn will, no doubt, add further stimulus to our economy.

The government has scored a major coup in securing the services of Katrina Sedgwick as Festival Director. Members may be aware of her outstanding work during the most recent Adelaide Fringe. Katrina and her management team, Arts Projects Australia, are currently developing an exciting program, as well as ensuring responsible budgets and time limits. Members may also be aware that international film celebrities such as Glenda Jackson, Sir Richard Attenborough and Lord David Putnam have pledged their support for the event.

The International Film Festival is an exciting event, which will help to reaffirm South Australia's image as a centre for artistic excellence. I totally agree with the honourable member that it is important for us as a state to attract not just the feature film market but also the more lucrative drama series, lucrative because, as the honourable member pointed out, it means some continuity of work. It is important to keep our talented people involved in the industry here permanently rather than their having continually to move to the eastern states to follow their work.

The South Australian Film Corporation was established by Don Dunstan 30 years ago now and has been the guiding force behind landmark Australian films, starting with *Sunday Too Far Away*, *Picnic at Hanging Rock*, *Breaker Morant* and, more recently, *Shine*. At the time South Australia's dramatic landscapes have been seen by audiences all over the world in Australian and international productions, including *Mad Max Beyond Thunderdome*, *Red Planet* and *Holy Smoke*. The South Australian Film Corporation is, of course, no longer a production company but is the state government's film development agency, supporting the industry through financial programs and promoting South Australia as a production base.

I add my congratulations to the Executive Producer of *McLeod's Daughters*, Posie Graeme-Evans, and her company, Millennium Productions, who I understand started work on the project in 1995. Sourcing investment for films can be a precarious undertaking and takes a long time in this country. I congratulate Channel 9 for its commitment, considerable investment and, more importantly, faith in the film industry. I believe that faith has been rewarded not only through the popularity of the series in Australia but also through sales of the first series through an American cable network and to TV New Zealand. I know I am joined by everyone in saying that we look forward to continuing to see *McLeod's Daughters* on our television screens for many months to come.

The Hon. DIANA LAIDLAW: I thank honourable members for their contributions to this debate and their support for the decision by Channel 9 to invest further in *McLeod's Daughters*, the third series. When this announcement was made on 4 June this year, I note that the station also confirmed that there would be a break of some six weeks for major sporting events. We have now finished the World Cup of soccer and tonight *McLeod's Daughters* resumes at 7.30 on Channel 9 so, if members have been following the series, I suspect they cannot wait to see the adventures of the two sisters at Drovers Run. If they have not seen the series, I recommend that, if we do not sit tonight (and it looks as though we might rise early), they should watch it.

The Hon. T.G. Roberts: Around at your place?

The Hon. DIANA LAIDLAW: That would be fine.

Members interjecting:

The Hon. DIANA LAIDLAW: Beer, wine—the lot. Anything to get you to watch a South Australian product, minister. For anyone who has not seen it, I strongly urge them to do so because I know that they will thereafter be an advocate of not only the skills of our film crew but the quality of the production. It is film quality for television, and I commend Channel 9 for making that investment to date. I understand that the Executive Director, Posie Graeme-Evans, and her team, including Susan Bowers, have insisted that that quality be maintained for overseas sale purposes. It means they have to make some adjustments to the scheduling for series 3, but they are so committed to the product, the story, the quality and the overseas sales that this is a compromise that the cast, crew and production team are prepared to make.

Finally, I highlight that the third series, which is to begin filming soon, has again been picked up by the international Hallmark network. This network has already screened the first two series to critical acclaim in the United Kingdom, Europe and throughout Asia, including India, Malaysia and

Singapore. The series has also been a smash hit in New Zealand on TV2, and that is tremendous news for *McLeod's Daughters*, Channel 9's investment, South Australia and all who are working on this great project.

Motion carried.

GAMMON RANGES NATIONAL PARK, PROCLAMATION

Adjourned debate on motion of Hon. A.J. Redford:

That this council requests Her Excellency the Governor to make a proclamation under section 43(3) of the National Parks and Wildlife Act 1972 to vary the proclamation made on 15 April 1982 constituting the Gammon Ranges National Park to remove all rights of entry, prospecting, exploration, or mining pursuant to a mining act within the meaning of the National Parks and Wildlife Act 1972) in respect of the land constituting the national park.

(Continued from 8 July. Page 405.)

The Hon. DIANA LAIDLAW: I support the motion moved by my colleague the Hon. Angus Redford. It reflects the initiative taken last year by the former minister, the Hon. Iain Evans, but that could not proceed when parliament was prorogued. It is my understanding that the government has followed the initiative taken by the former minister and also by the Hon. Angus Redford in placing this matter on the *Notice Paper* for debate. I also highlight that the Gammon Ranges National Park was first proclaimed in 1970, and I remember that it was during the Tonkin government years that it was extended. It is this matter of the terms of the extension that is before us now.

The park was extended with provision for mining leases on the land. BHP owned those mining leases and, in each instance as I indicated, those leases as existing uses were preserved in the 1982 arrangement. Twenty years on, it is appropriate that this issue be reassessed. I know that the issue of the mining leases was brought to focus when BHP sold them last year to Manna Hill Resources. The minister in turn chose not to support the transfer of the mining leases and, under planning law, if it is similar to mining law, I would totally agree with him, not only on environmental grounds but on existing use grounds. There was a change of focus with the change of ownership and I would strongly support the former minister's decision, which was subsequently upheld by the court, not to allow mining to proceed on these leases.

Therefore, it is appropriate that the further step is taken to confirm, by this recommendation for a proclamation to Her Excellency the Governor, that all rights of entry, prospecting, exploration or mining pursuant to a mining act in respect of the lands constituting the Gammon Ranges National Park should be removed. This is a wonderful wilderness area of the state. There are many endemic species, both flora and fauna. There are priceless geological features, including fossils, and fantastic walking trails with spectacular landscape. It is good that all of those special features will be further protected for everybody's long-term enjoyment. I strongly support the motion.

The Hon. A.J. REDFORD: I thank the Hon. Diana Laidlaw for her contribution and support. Because there is a similar motion on the *Notice Paper*, I note the warm endorsement of this proposition made, first, by the Hon. Michael Elliott and, secondly, the Hon. Terry Roberts, and in the future I look forward to receiving on other initiatives such as this the full support of the Democrats.

Motion carried.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 428.)

The Hon. DIANA LAIDLAW: I sought leave to conclude last night, having remembered that I addressed the matter of retention and school age in 1982 in my maiden speech. I have since had an opportunity to read that speech and I think there are other issues related to relevant and appropriate general education retention rates in schools—higher education, employment and unemployment—that I would like to reflect on again with the benefit of the 20 years since first speaking on this matter. I did say at that time that, in addition to the retention rates at school, many more objectives must be advanced to address the issue of the economic and social development of individuals and our state.

I support my colleagues' focus in their contributions to this debate that the government must not think that this year 10 initiative in terms of retention rates at school is a panacea for problems, and I would certainly not hope—

The Hon. Sandra Kanck: It's not even a solution.

The Hon. DIANA LAIDLAW: That may well be a fair comment. On its own, that is so. There is a range of things that must be pursued and I certainly hope that the government is genuine in its initiative and is not just seeking to artificially address or assess the unemployment rate as a result of this initiative and claim success on that front. But I would not wish to be so cynical about that just at this time without tomorrow seeing what budget initiatives the government is prepared to put into this exercise, because more students staying at school will require more support for teachers and schools. It will necessarily require more resources because many of the students staying on will be those who by choice would have sought other occupations—early jobs in the labour force—and they will have to be well supported in staying longer at school to enable them to apply themselves and not be disruptive. I highlight that concern and I know that the Hon. Gail Gago mentioned in her contribution the increase in the number of suspensions that have been reported in the past year.

I feel very strongly for the principals involved, because I am absolutely confident in each instance that only as a last resort would they seek to suspend a student, yet it is possible that many of those same students whom we would now seek to keep at school are a disruptive element at present, and we will have to do a lot of work with parents, support groups, the schools and the teachers to ensure that they stay at school with a positive purpose, and that the purpose is not disruption. It is necessary for their fellow students and it is necessary for them. I make that remark also in the context of many of the contributions at the Drugs Summit, where speakers said that it is readily possible today through the school system to recognise the kids at risk of participating in the drug culture. Many of those kids at risk are those who are also being identified through the suspension program and will be those whom we will be likely to keep at school through this initiative before us.

Therefore, I wait with interest, and I also strongly urge the government in progressing this measure not just to talk about it in general terms but to make the strongest commitment in terms of vocational education, extra resources to support teachers in the classroom in each instance and specialist

colleges, including the old technical colleges, as well as putting more effort into praising and making apprenticeship and trade courses generally more challenging so that they attract and retain participants. There is much to be done in this area. I am pleased that it has been tackled, but it has to be tackled with resources, not just with rhetoric and legislative reform. I support the second reading.

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

NUCLEAR WASTE STORAGE FACILITY (PROHIBITION) (REFERENDUM) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

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

Leave granted.

The current *Nuclear Storage Facility (Prohibition) Act 2000* prevents the construction or operation of a facility to store or dispose of certain types of nuclear waste generated outside of the state, and prevents the transportation of such material into the state.

These prohibited wastes include Category S radioactive wastes, as defined in the National Health and Medical Research Council's *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia 1992*, which are long-lived intermediate radioactive wastes.

The current Act also prohibits the storage or transportation into South Australia of what are known as high level radioactive wastes. While the commonwealth has stated that Australia does not have any high level radioactive waste at present, the Act prohibits the importation of such waste into South Australia from any international source. South Australia must not become the dumping ground for the world's high level radioactive waste.

Repository

The Act does, however, allow the storage or disposal of Category A, B or C waste such as contaminated laboratory equipment, glass ware, paper, plastics and soil. A commonwealth government proposal to build a radioactive waste repository for the disposal of such waste in South Australia is currently being investigated.

In 1994, the commonwealth government identified eight regions of Australia that could possibly contain a suitable site for a National Radioactive Waste Repository. In February 1998, the commonwealth government identified the central-north of South Australia as the preferred region for further investigation and selection of a site.

Three potential sites within the central-north region of South Australia were investigated by the commonwealth for their suitability—all sites are on pastoral land, with one site being within the Woomera Prohibited Area.

On 24 January 2001, the commonwealth announced site 52a at Evetts Field West in the Woomera Prohibited Area as the preferred site. The commonwealth is at present conducting an environmental impact assessment of the three sites under the *Environment Protection and Biodiversity Conservation Act 1999*. A draft EIS is to be released in mid June 2002 for public consultation.

As has been stated on a number of occasions, this government sees the repository as being the first step in using South Australia as a dumping ground for all of the nation's nuclear waste, and while the commonwealth has suggested that a store for long-lived intermediate wastes would not be co-located with the repository, it did not rule out South Australia becoming the eventual site for such a store.

As a part of this government's commitment to ensure South Australia does not become the nation's dumping ground, this bill has been introduced into the Parliament to amend the Act to prohibit all nuclear material, including low-level to short-lived intermediate radioactive waste generated outside of South Australia, being transported into the state and placed in a repository.

Referendum

Should the commonwealth seek to establish a facility for storage of long-lived intermediate or high level nuclear waste, the proposed amendment to the Act would enable the South Australian minister to call a referendum to gauge the attitude of the community to such a proposal. The proposed amendment provides the minister with a choice of three questions to be put to the referendum. Each of the questions asks whether the voter approves of the establishment in South Australia of a facility for the storage or disposal of nuclear waste generated outside of this state. However, while the first question refers to the establishment of a facility for the storage or disposal of long-lived intermediate *and* high level nuclear waste, the second question refers only to long-lived intermediate nuclear waste and the last question refers only to high level nuclear waste. In the event of a referendum being called, the minister's choice of question will be determined on the basis of whether the commonwealth seeks to establish a facility for the storage of both long-lived intermediate and high level nuclear waste, long-lived intermediate nuclear waste only, or high level nuclear waste only.

I commend this bill to the honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause amends section 4 of the Act by substituting an amended definition of "nuclear waste". The amended definition is similar to the current definition but is widened to include all Category A, Category B and Category C radioactive waste as those categories are defined in the *Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia (1992)*. The definition of "nuclear waste" is by this means widened to include all low level radioactive waste. A definition of "Code of Practice" is also inserted.

This amendment has the effect of prohibiting the construction or operation of a facility in this state for the storage of low level nuclear waste (other than nuclear waste to which the Act does not apply by virtue of section 6). The amendment also has the effect of widening the prohibition in section 9, so that the importation or transportation of low level nuclear waste (other than waste to which the Act does not apply) for delivery to a nuclear waste storage facility in South Australia is prohibited.

Clause 4: Insertion of ss. 15, 16 and 17

Clause 4 inserts three additional sections. Section 15 provides that the minister may direct that a referendum take place if he or she forms the opinion that an application is likely to be made under a commonwealth law for a licence, exemption or other authority to construct or operate in this state a facility for the storage or disposal of long-lived intermediate nuclear waste or high level nuclear waste generated outside of South Australia.

The question to be submitted to the referendum is to be selected by the minister from a list of three. The first asks whether the voter approves of the establishment in South Australia of a facility for the storage or disposal of long-lived intermediate and high level nuclear waste generated outside of this state. The second question is similar but refers to storage or disposal of long-lived intermediate nuclear waste only. The final question is also similar to the first but refers to the storage or disposal of high level nuclear waste only.

Section 16 deals with formal matters associated with the conduct of the referendum. It is contemplated that regulations will be made for the purpose of adapting or modifying the *Electoral Act 1985*, which applies to the referendum as if it were a general election.

Section 17 empowers the Governor to make regulations necessary or expedient for the purposes of the Act.

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

ADJOURNMENT

At 5.55 p.m. the Council adjourned until Thursday 11 July at 2.15 p.m.