HOUSE OF ASSEMBLY

Thursday 1 December 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

NATIVE TITLE (SOUTH AUSTRALIA) BILL AND LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bills.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: COURTS ADMINISTRATION

Mr CUMMINS (Norwood): I move:

That the report of the committee on the Courts Administration (Directions by the Governor) Amendment Bill be noted.

Members will recall that on 10 March 1994 the member for Giles introduced his private member's Bill. The Bill was then referred to the Legislative Review Committee for report and recommendation. The members for Giles and Gordon and yourself, Mr Speaker, gave evidence about the issue of resident magistrates and I thank all members, including you, Mr Speaker, for their contributions on that issue.

It seemed to me and to the committee that the submissions of all witnesses were directed to the need in country areas to have service at least equal to that in Adelaide and the metropolitan area. Fundamentally, the submissions were couched on the basis that the system of resident magistrates in regional areas be maintained. Members will know that resident magistrates in country areas were abolished under sections 7 and 8 of the Magistrates Act 1993 on 4 February 1994. As he is obliged to do, the Chief Magistrate consulted with the Chief Justice before making that decision. It is somewhat ironic that the member for Giles, who is not in the House, should move for the reintroduction of country magistrates when, in fact, it was he as Treasurer and his budget that ensured that the number of magistrates was reduced from 38 to 36.

Both the Chief Justice and the Senior Magistrate said that ultimately the reason for the abolition of resident magistrates was that the number of magistrates had been reduced from 38 to 36. Fundamentally, it was a cost saving measure. Now that we have circuit magistrates the savings to the Magistrates Court are about $180 000. The committee took evidence in Adelaide, Mount Gambier, Whyalla and Port Augusta, with 22 witnesses giving evidence and 21 written submissions being received. As to the report, the committee was unanimous in its decision, which was supported by both Liberal and Labor members, and I will summarise our findings.

Based on the evidence and the submissions, the withdrawal of resident magistrates has not affected the level of service in Whyalla, Port Augusta or Mount Gambier so far as we could see. In any event, even if the level of services had been affected by the withdrawal of the magistrates, the committee took the view that the Bill proposed by the member for Giles was too wide and probably offended against the principle of judicial independence and could not in any event be supported by the committee. I shall deal with those two issues separately and then deal with some other matters of concern to me and to the committee.

Mr Phillip Smith, Chairman of the South-East Law Association, gave evidence in Mount Gambier. In relation to obtaining criminal trials, he said that there was no difference in time to get trials pre and post circuit magistrates. That did not support the submissions that not having resident magistrates made a difference to the time of getting trials. In relation to delays in civil cases, he said that the court registers would need to be looked at to determine that because he could not give evidence on that. The Chief Magistrate gave evidence and, on the statistics that he had, which were tendered as part of the evidence, there is no difference between the time of obtaining trials in Adelaide, the South-East and also in the Iron Triangle.

Mr D. Williams and Mr Oates from the Legal Services Commission gave evidence in Whyalla, where they work for the commission. They were not able to comment on the effect on the administration of justice in Whyalla, as they did not have a resident magistrate but, as I have said, the Chief Magistrate said that in terms of the statistics that he has it has made no difference at all. Therefore, the thrust of the evidence of these legal practitioners was supported by the Chief Magistrate and also by Magistrates Field and Deegan. No other witness detracted from the conclusion that the withdrawal of resident magistrates has not affected the time for getting trials.

I now turn to the second issue with which I want to deal, namely, the terms of the Bill as proposed. The fundamental principle of the Westminster system is the separation of powers: the separation of the legislative, executive and judicial arms of the State. Unfortunately, the Bill as drafted and presented by the honourable member probably offends against that fundamental principle. Section 14A(2)(b) of the Bill empowers the Government to give directions to judicial officers as to where they should reside. At the least that provision is oppressive and at worst it could be used by the Executive on the advice of Government to oppress particular magistrates or judicial officers. Of course, it also goes against the tenets of the Courts Administration Amendment Bill 1994, which was promulgated by the Labor Party to give the judiciary independence.

The whole thrust of the Bill that was referred to the committee is contrary to that. Section 14A(1) states that the courts should be properly accessible to the people of the State. The wording of that section is so wide that the Government, on the advice of the Governor, could in its discretion direct judges and magistrates of all jurisdictions to do whatever it deemed necessary to ensure accessibility of people to the courts. Once again, that goes against the whole thrust of the idea of making the judiciary independent, which was, as I said, the thrust of the Courts Administration Act Amendment Bill. Of course, that independence is given by section 3 of the Courts Administration Act, which gives the courts independence from control of Executive Government. However, the Bill which is being proposed and which has been referred to the Legislative Review Committee has a thrust that is the dead opposite to section 3 in that Act. In any event, section 7 of the Magistrates Act 1983 gives responsibility for administration of the magistracy. Therefore, the proposed amendment to the Courts Administration Bill would not enable the Executive to direct the magistrates where to reside.

Having dealt with those two matters, I now turn to two matters that concerned the committee and me in particular. It was obvious from the evidence of Mr Robert Lawton, a senior solicitor in the Aboriginal Legal Rights Movement, that Aborigines had some difficulty obtaining bail. He cited the example of an Aborigine arrested on Pitjantjatjara lands, taken to Port Augusta and kept in custody for a period of six days. I might say that had that arrest occurred in Adelaide or the suburbs he presumably would have been given bail the next day. I understand that the practice in the Iron Triangle and on Aboriginal lands—and this would also apply in the suburbs in relation to the first matter I will raise—is that, when a person is arrested, they apply for police bail; if the bail is refused, the person goes before a justice of the peace and applies for bail.

It is clear from the statistics available that magistrates are more inclined to grant bail than is a justice of the peace. Generally, when an Aborigine is arrested on the Pitjantjatjara lands, the JPs refuse bail. Police officers gave evidence about this matter, as did the Chief Magistrate, and the committee has obtained an undertaking from the Chief Magistrate and the police that they will look into the proper application of bail procedures by telephone. These procedures are available, as I understand it, but are not being properly implemented. It was the view of the committee that proper procedures should be set in place so that people can obtain bail from a magistrate by telephone. One might add that this would particularly apply to people living in the Iron Triangle area and on the Aboriginal lands, because they are sometimes 1 000 kilometres from a courthouse or a gaol. That was a matter of concern to me and to the committee. I hope that the Chief Magistrate and the police will sort out that problem. That is all I wish to say in relation to the report. I commend the report to the House and ask that it be noted.

Ms HURLEY secured the adjournment of the debate.

HINDMARSH BRIDGE

Mr ASHENDEN (Wright): I move:

That the report of the Public Works Committee on the Port Road Hindmarsh Bridge replacement be noted.

It is with pleasure that I move, on behalf of the Public Works Committee, the recommendation for the construction of a new Port Road Hindmarsh Bridge, due to the deteriorating condition of the existing bridge. It has been clearly demonstrated to the committee, and I stress that, while the structural elements of the existing bridge are adequate and perfectly safe for current traffic loads, the bridge is reaching the end of its useful life and now is the appropriate time to create a new structure to cope with increased traffic flows.

Despite assurances from the department that no immediate safety problem exists, the fact that heavy loads are necessarily diverted to other routes illustrates that the current situation is unsatisfactory, and the bridge represents a weak link in the department's ring route strategy. This has the two-fold effect of increasing costs for users, and diminishing the public value of the works already completed either side of the present structure. The committee is cognisant of the heritage nature of the existing bridge and took that very much into account during its considerations, but it is also fully satisfied that the Department of Transport has explored every possibility of retaining or modifying the existing bridge, unfortunately without success.

The committee paid careful attention to the detail of the proposal and is confident the design will provide an aesthetically suitable and long-lasting bridge replacement capable of meeting traffic demands for the foreseeable future. The Department of Transport is proposing to replace the Port Road Hindmarsh Bridge and improve adjacent intersection approaches. Those works form the next stage of the progressive development of the north-west ring route: a program of road widening and traffic management designed to provide a circuit around the city and ease North Terrace/West Terrace congestion.

Despite the heritage listing of the existing bridge, the structural alterations required to provide a safe and stable crossing that can accommodate current traffic loads render retention of the existing structure impractical. The preferred solution is the construction of a replacement bridge in two stages. The existing bridge will be carefully dismantled for possible reconstruction elsewhere. The committee also raised the question of the use of grade separation, the system of separating traffic lanes using subways or elevated roadways to avoid level intersections. The committee was assured that the additional benefits of grade separation were outweighed by the costs in this location. However, and importantly, the new bridge design will be compatible with such works should they become economically viable in the future.

The construction of the replacement bridge will be tendered to the private sector in the same manner as the recently successfully completed Port Road, Thebarton railway overpass. On 9 November the Public Works Committee travelled to the site of the proposed Department of Transport Port Road Hindmarsh Bridge replacement project. At that time we were able to see at first-hand the problems being experienced by traffic utilising that bridge. Those problems are twofold: first, there are very long delays, particularly at peak hour, for traffic using that bridge; and, secondly, much of the heavy traffic is unable to use that bridge because of weight constraints that have been placed upon it by the department to ensure that the bridge remains perfectly safe for the public. So, committee members met with senior officers of the Department of Transport and during that tour were absolutely convinced that the existing facilities are just not adequate and not able to maintain the increase in traffic that is expected over the coming years.

It should be borne in mind that the present bridge was built in 1879, well over 100 years ago. It is of wrought iron plate girder design similar to five other bridges in the State, and is listed on the Register of the National Estate and by the National Trust of South Australia. It was widened in 1950, and strengthening and alteration work done in the past has compromised its heritage value, with much of the original wrought iron decorative detail removed over the years. It has not undergone any structural improvement since 1978, despite a significant increase in the level of traffic using it each day. The Department of Transport has examined a number of options for retaining and further strengthening the existing bridge in an attempt to retain its heritage value.

However, investigations reveal that these works would substantially alter the remaining heritage elements of the bridge, could not guarantee its structural soundness, could not or would not allow for the anticipated increase in traffic flow and would at best provide an extended life span of 25 to 35 years. Of course, during those 25 to 35 years the current load restrictions would need to continue and, as traffic numbers build up, the already bad problems would become worse. Another option that would allow retention of the existing

bridge is to reduce traffic flow on that section of Port Road, but this is clearly impractical and contrary to the key objectives of the ring route project. The provision of increased traffic capacity at the site of the bridge is absolutely essential.

In response to the viability of the options considered by the department, it found that it would be necessary to design a replacement bridge that will be able to accommodate the required road widening and increased traffic flow, and the ability to accept heavier individual vehicle loads. The committee finds that a Port Road Hindmarsh Bridge replacement will provide the public with a number of advantages. First, there will be a new and aesthetically pleasing structure with a capacity for increased traffic flow, greater ease of turning and the accommodation of heavy loads that are currently required to take other less direct and less economical paths. There will be increased and safer pedestrian, cyclist and public transport access, accompanied by improved landscaping.

There will be a saving to commercial users from reduced travel and waiting times, improved approaches to the bridge and improved traffic flow generally. There will be a commemorative plaque and photographic representation of the original bridge to retain as much as possible the memories of the very old and attractive bridge that will be replaced. There will be a further stage of the ring route project, easing city through traffic, and a general increase in road safety and amenity in the vicinity. Importantly, the project will be carefully staged so that all existing services are maintained during the construction period.

The Public Works Committee is satisfied that a genuine need exists for a Port Road Hindmarsh Bridge replacement to be carried out by the Department of Transport. I stress again that the safety of the existing bridge is not in question, provided that heavier loads continue to be diverted to other routes. However, to maintain even the current restricted loads, the bridge will require costly and inefficient propping in the future if traffic volumes continue to increase as projected. Such works, although extending the life of the bridge for a limited period, would not address the need to increase the loads and volume required to obtain the full public benefits of continuing investment in the ring route strategy. Those dividends should and will be provided by the replacement proposal which was presented to the committee.

The committee is further satisfied that an appropriate concept design and building solution has been developed to meet this identified need, and the Department of Transport has given due consideration to costs, design, forward planning, community consultation and expectations, environmental and visual impact, staging and the best practice processes espoused by the Construction Industry Development Agency. It is therefore with much pleasure that the committee, pursuant to section 12C of the Parliamentary Committees Act 1991, is able to report to Parliament that it recommends the proposed public works.

Mr KERIN (Frome): I would like to make a brief contribution in seconding the comments made by the Presiding Member of the committee about the justification for this project. The bridge, while presently safe, has a limited safe life due to the enormous traffic load that it takes. We carried out a site visit and it was obvious that many people were held up. What makes it worse is the high proportion of Port Adelaide barrackers, and there seems to be a lot of hooting and shunting in the morning to get over the bridge.

Improved safety and traffic flow will provide greater convenience, and that is one aspect of the replacement of the bridge. However, I should like to take up the public and economic benefits of a new bridge. Such benefits are often overlooked in road improvements. On the site visit we saw large numbers of commercial vehicles. At any time there will be 15 to 20 commercial vehicles lined up waiting to get through that intersection, and that involves a lot of wage earners and vehicles being tied up for a long time. Therefore, an improved traffic flow would certainly be of economic value to the State. It will increase efficiency and have a positive effect for those businesses which need to use that intersection quite often.

At present, heavy loads have to go the long way around, due to the load limit on the bridge. I look forward to the committee being able to look at more projects for improving our transport system. Our road infrastructure at the moment is not in a particularly good state and a challenge exists to improve roads in both metropolitan and country areas with resulting safety and economic benefits to the State.

Motion carried.

UNIVERSITY OF SOUTH AUSTRALIA

Mr ASHENDEN (Wright): I move:

That the report of the Public Works Committee on the City West Campus project, University of South Australia, be noted.

It is with pleasure that I report the committee's thorough endorsement of the proposal of the University of South Australia to construct a new campus in the north-west corner of Adelaide between Morphett Street, North Terrace, West Terrace and Hindley Street. It will contain the faculties of Business Management, Art, Architecture, Design, the School of Aboriginal and Islander Administration, the School of Building and Planning, the University Art Museum and the University corporate headquarters. The proposal is in response to overcrowding at the original North Terrace campus.

The first stage, which is the subject of this report, is to be constructed at an estimated cost of $50 900 000. After examination of the proposal, evidence from witnesses and inspection of the site, the committee finds that the proposal is soundly based and satisfies the terms of reference for investigation by the Public Works Committee pursuant to the Parliamentary Committees Act. Through its evidence, the University of South Australia has demonstrated the necessity and desirability of the proposed new campus. In addition to its contribution to the academic life of South Australians, the proposed campus will provide a much needed fillip for the development of the western end of the City of Adelaide.

The University of South Australia is proposing to construct an additional city venue to be known as the City West Campus. The proposal involves the purchase of strategic parcels of land in the north-western corner of the city, the development of an appropriate campus design sympathetic to its location and incorporating existing buildings, community consultation, a staging plan and the securing of the necessary funding arrangements. It is intended to tender the project in early 1995 for construction over a 22 month period with occupation anticipated as early as January 1997. On 9 November the Public Works Committee travelled to the site of the proposed University of South Australia City West Campus project, and committee members met with senior officers of the University of South Australia and conducted a tour of the proposed development site. The site

inspection gave the committee a greater appreciation of the physical impact of the project, its layout, its potential relationship with the heritage listed buildings which abut the development, and with other neighbouring buildings.

The committee is unanimous in its support for the development of this largely derelict and forgotten corner of the city and looks forwards to it revitalisation. In the coming the years, the City West Campus will provide a much needed visual, economic and cultural boost to this precinct which will complement developments on the southern side of Hindley Street such as the West End apartment complex and the Lions Arts Centre to the east. The City West Campus project is the initiative of the University of South Australia and forms an integral part of its capital management plan. The plan is a strategic response to the projected growth of the university and plots the course for the economic management and rationalisation of the institution's physical assets to best accommodate that growth.

The City West Campus will realise a major commitment of the university to strengthen its city presence. The site was chosen because the existing North Terrace campus has reached capacity in terms of its ability to accommodate education facilities. Happily, the decision to acquire and develop on the West End site should begin the process of the rejuvenation of this precinct in a manner envisaged by the State Governments's 2020 Vision plan and the objectives of the recently reviewed City of Adelaide plan.

With the concurrence of the relevant planning authorities, the university acquired 10 parcels of land during 1992-94 at a cost of $13.9 million. In 1993 a request for registration of interest from architects and design groups was publicly called and 18 submissions were received. An exhaustive selection process conducted by an expert and independent panel selected the team of Raffen Maron Architects, and at the same time appointed a professional external adviser to oversee the design process from an independent perspective. A final design proposal was submitted to the City of Adelaide and provisional planning consent was granted in August 1994.

The committee has been provided with evidence to its satisfaction that no known or suspected Aboriginal sacred sites are affected by the proposed development. Additionally, there are no heritage listed buildings on the development site itself, although three heritage listed buildings abut the site. Adelaide City Council has approved the university's design proposal in terms of its relationship to these abutting structures and is satisfied that these items will be unaffected.

The project has importantly been conceived with low maintenance and operating costs in mind. Savings will result from careful building orientation to minimise solar penetration and maximise sun protection. There will be the use of high quality wall glazing and the choice of durable and readily cleansed materials and finishes. External elevations will respect and enhance surrounding buildings and streetscapes by reflecting the form, mass and colours of its immediate environment.

The committee was provided with evidence of wide consultation with respect to the City West proposal and is satisfied that the university has fulfilled its obligations in this area. The design concept put to the committee incorporated disabled access throughout the proposed campus, including the use of ramps and lifts. The committee will monitor the design process to ensure that the appropriate level of disabled access is maintained in the construction of the project. Evidence provided to the committee and indeed the committee's investigations during the site inspection clearly demonstrate that an oversupply of parking spaces currently exists in this quarter of the city. Further, there is ample opportunity for additional private or council car parking developments within the precinct, should demand exceed expectations.

The purpose of the work is to provide a new city campus in Adelaide for the University of South Australia, to be known as City West campus. The current North Terrace campus is overcrowded, and extension of facilities on this site (that is, on the present site) is restricted by height limits imposed by the City of Adelaide plan. The new campus will provide a strong physical city presence, which the university currently lacks, and will operate as a central point of information for the entire organisation. The University of South Australia's capital management plan has been designed to consolidate property holdings in an efficient manner by integrating, strengthening and rationalising campus facilities to locations which will be of most benefit to the community.

The City West campus project represents a key solution to the physical and organisational initiatives of the management plan. The committee is satisfied that the needs identified in the proposal are genuine, necessary and advisable. The committee finds that the City West campus project will provide the public with a world class education venue, incorporating state of the art technology, improved community access, due to its location, disabled access and a welcome addition to the research capability of the State. Of equal importance to the public is the positive effect this development will have on small businesses in the vicinity and the increased level of security for visitors to west Hindley Street.

To undertake the project, the university will borrow $18 million, with the balance of funds coming from staged Commonwealth capital inflow. The university will invite tenders for a delayed payment scheme in which the time for payment for construction costs is extended by the constructor beyond the completion date. A penalty interest for delayed payment will be charged to the university. If this proposal is unsuccessful, the university has a second, more conventional funding option, which requires the splitting of the first stage of the project into two smaller stages, with a consequential four year delay to the completion date.

Consultant reports provided to the committee demonstrate a marginal saving on interest payments by using the preferred delayed payment method, and it also has the most attractive benefit of ensuring an early completion date. Whichever option is successful, the university capital management plan provides for adequate capacity to fund the proposal. As this project will be funded entirely from borrowings by, and capital and income of, the University of South Australia, there will be no need for any direct funding from the State, and therefore the Consolidated Account will not be affected.

In conclusion, the Public Works Committee is therefore satisfied that a genuine needs exists for a City West campus project by the University of South Australia. The committee is further satisfied that an appropriate concept design and building solution has been developed to meet this identified need and that the University of South Australia has given due consideration to costs, design, staging, security, car parking, forward planning, community consultation and expectations, and environmental and visual impact and has employed best practice processes equivalent to those espoused by the Construction Industry Development Agency.

The design proposal as presented to the committee has successfully gained the approval of the Adelaide City Council and will, when completed, represent a major step forward in the development of the city. In particular, it will provide an impetus to the western end of the city of a kind which all great cities desire—the education precinct. Few developments have the broad appeal of inner city universities, such as expanding the presence of institutions on North Terrace, providing a central educational venue, bringing an influx of students to local retailers and eating houses and providing a genuine sense of purpose in the growth of Adelaide.

The committee supports the university's plans with respect to both the public purse and the public amenity and looks forward to monitoring the progress of this well conceived initiative. Pursuant to section 12C of the Parliamentary Committees Act 1991, it is my pleasure on behalf of the Public Works Committee to report to Parliament that it thoroughly recommends the proposed work.

Motion carried.

HIGH COURT

Mr LEWIS (Ridley): I move:

That this House asserts that the people through Parliament are sovereign and concurs with the Rt Hon. Gough Whitlam's view that 'the High Court of Australia (must be) the final court of appeal for Australia in all matters'; and that a message be sent to the Legislative Council requesting its concurrence thereto; and, further, that the Speaker inform both Houses of the Parliament of the Commonwealth of Australia, the Governor of South Australia and the Governor General accordingly.

On the face of it, and indeed in substance, the proposition that I put to the House for its examination is forthright and simple, although the implications are complex and serious. When Gough Whitlam stated his view that the High Court of Australia must be the final court of appeal for Australia in all matters, he was referring really not only to a basic truth about the Australian nation/State integrity but also, I suggest, to his attitude, in particular, to appeals to the Privy Council. He went on to say:

It is entirely anomalous and archaic for Australian citizens to litigate their differences in another country before judges appointed by the Government or Governments of that other country or countries.

Notwithstanding the force with which that statement was held to be true by his own fellow travellers in the Labor Party at the time he made it, its meaning now has far greater significance for us if we are to retain our integrity as an independent nation to which people from all over the globe seek to migrate. There are good reasons why they seek to do that, and they are, quite simply, that we are democratic, self-governing and prosperous. We are effective in those roles because of our structure of government and the mechanism we have developed and/or adopted from our Anglophile roots to deal with people who do not respect the law through that system of justice and to provide all children with the opportunity for an education to make them literate and numerate so that they also understand where they are coming from, where their society has its roots and where their future directions lie. In some part, that has been neglected increasingly over the past two decades and in recent years, in that children do not understand that now because they are not taught it—they are taught other views.

We need to turn back from the direction we have begun to take of relying on external Governments and external Governors of our society by referring matters of dispute for resolution to committees or forums outside our jurisdiction and in the control of people who have entirely different agendas politically and socially, and indeed economically, to the kind of agenda which is in our national best interests and the kind of society which we have come to enjoy and accept and which the rest of the world by and large envies, if they are aware of it. Many people in what we describe as third world or developing countries do not even know that we exist since they do not have access to an education system that would enable them to come to an understanding of our existence and the relative difference between Australia and themselves.

We need then to look at what a Labor Finance Minister has had to say about these matters. Recently he published an article, 'Free men who bow to the U.N.', and he argued:

I am not and never have been a monarchist, but I find it ironic that so many contemporary Australians determined to protect us from the non-existent threat of English tyranny fall over each other in a scramble to surrender Australian sovereignty to a ratbag and bobtail of unrepresentative United Nations committees accountable to nobody.

Further, he states:

The current Leader of the Opposition [in the Federal Parliament], Alexander Downer, early in his time as Leader, identified the role that the United Nations was playing in the Australian constitutional and legal system as being, in his opinion, an important issue. We believe that the protection of Australia's national interest is most effectively upheld by Australians throughout our Parliaments, our courts and other bodies and not through the United Nations or other international committees that are ill-suited to playing any direct role in the Australian legal system and many of which are themselves widely recognised as being in need of reform.

Indeed, only recently the entire structure of the United Nations committees has been criticised by members of those committees as well as member nations of the United Nations itself. He went on in that same statement:

Labor will continue to make Australian law accountable to foreign tribunals. We will ensure that Australian law is made in Australia and by Australians.

That is the great difference between ourselves, as Liberals—those of us in Government in South Australia and in five of the six States, and one of the two Territories—and our political opponents, not just the Labor Party but the Democrats and, in the Senate on various occasions, the Greens. Under the Hawke and Keating Governments, United Nations conventions often provide the constitutional head of power for the law, and the United Nations committee or bureau that monitors the performance, and in some cases a United Nations committee or an International Labour Organisation committee, can adjudicate disputes here in Australia. That is my concern.

There are some great ironies in relation to these constitutional developments. The first that Rod Kemp has drawn attention to in the course of papers he has written in recent times, one delivered to the Samuel Griffith Society in July this year in Brisbane, points out that Paul Keating has led the way in ceding Australia's independence and sovereignty to those United Nations committees. The second is that our politicians who speak about most human rights, such as Senator Evans, have ignored a basic human right of the Australian people by omitting to check with us whether we have wanted United Nations committees to become actively involved in our Australian domestic disputes. That is hardly democratic. The decisions involving United Nations human rights committees in Australian domestic disputes did not and do not require an Act of Parliament. As with all treaties, the

decision to be involved here was simply a matter for Executive Government.

Most Australians know virtually nothing about the procedures of these committees in the United Nations. Nor do they know anything about the quality of the members and the way they are appointed and the way in which they will make their rulings on Australian disputes. Note, too, that the way in which they judge the Australian situation is not consistent with the way in which they would judge a situation in another country.

That is at odds with our own accepted approach to jurisprudence. Neither do they consider the impact of their decisions on Australian society or Australian law, and they are not accountable to Australian citizens for that impact and consequence It is a worry for me, then, that there has been no argument until recently that there has been a tendency for the United Nations to limit national sovereignty. A Joint Parliamentary Committee on Foreign Affairs, chaired by South Australian Senator Chris Schacht, pointed out:

> This evolution, therefore, increasingly demands a reconsideration of the principle of national sovereignty. United Nations conventions, now covering a wide range of activities, inevitably change the character of domestic institutions, affect domestic legislation and extend accountability beyond the usual domestic constituency.

It is ironic that Schacht moved the resolution at the Hobart conference in 1991 calling for Australia to become an independent republic, because quite clearly, in the remarks that I have just quoted, he is happy to see Australia become dependent upon external institutions—not only dependent upon them but controlled by them.

On the other hand, Lionel Murphy, one of the Labor Party icons, who is a former justice and was Attorney-General prior to that, had no doubt that foreign tribunals compromised our sovereignty and independence. When he was talking about the Queensland Government's legislation in 1983 which sought to try to allow appeals to the Privy Council from the State Supreme Court, he said:

> The establishment by an Australian State of a relationship with another country under which a Governmental organ (judicial or otherwise) of that country is to advise the State on the questions and matters referred to in the Act [of the Queensland Parliament], is quite inconsistent with the integrity of Australia as an independent sovereign nation in the world community.

I could not agree more. However, why is it that members of the Labor Party found such integrity in the argument that Lionel Murphy put where it related to the Privy Council but formed an absolutely converse view of the situation where it relates to International Labour Organisation committees and the United Nations committees and other tribunals?

I believe that there is a reason for that, namely, that it will assist the left in pursuing its agenda to destroy the present constitution we have in Australia and the Federation because, through the external affairs powers, Executive Government can simply sign away from the States, without their having any say or knowledge of the decision being made by Executive Government, the power which we in this Parliament have had to make laws about the government of society in South Australia, and that applies equally to every other State.

In his paper, Senator Evans said that a key aspect of the New Internationalist Agenda was:

> . . . [to] encourage adherence to existing human rights instruments; to ensure the effective operation of monitoring machinery; and to expand the body of human rights treaties in specific areas.

However, he recognised that this could lead to legal consequences. In his further remarks, he said:

> . . . if you are going to have credibility in advancing those universal themes, you have to be prepared to accept the jurisdictional consequences of their application to you.

In other words, we are surrendering our constitutional sovereignty, and Senator Evans is happy about that.

I am saying, then, that the notion that we should allow the United Nations, according to what Senator Evans said, to become involved in our domestic activities, to make rulings on our domestic disputes and to compel us to abide by those rulings, all in the hope that other countries will ultimately be prepared to follow our example, is an inane proposition. Yet, that is the proposition being put by the Left and people like Senator Evans who ought to know better. Looking at the composition of those committees, one sees that some of the countries providing membership of those committees do not even subscribe to the jurisdiction of those committees themselves. The Human Rights Committee has members from Austria, Australia, Ecuador, Costa Rica, Egypt (one of those countries that does not accept its jurisdiction), Cyprus, France, Hungary, Japan (another), Italy, Jordan (yet another), Jamaica, Senegal, Mauritius, Sweden, United Kingdom (does not subscribe), Yugoslavia (does not subscribe) and Venezuela.

The United Nations Committee on the Elimination of Racial Discrimination also has members from a large number of countries which do not subscribe to its views (that is, the views of the committee and Article 14 of the United Nations Charter). Those countries are: Argentina, Nigeria, Zimbabwe, China, Egypt, United Kingdom, India, Cuba, Pakistan, Romania and Germany. I do not want to be controlled by other countries which do not themselves accept the controls made by the people they nominate to make decisions affecting our society.

Mr De LAINE secured the adjournment of the debate.

ROTARY INTERNATIONAL

Mr LEWIS (Ridley): I move:

> That this House commends Rotary International for its research into community attitudes to unemployment and for publishing the document containing a precis of public thinking on this issue entitled *The Employment Generator—Creating Permanent Employment for our People* and that a copy of this resolution and contribution of honourable members recorded in *Hansard* be forwarded to Rotary International, District 23; and that a message be sent to the Legislative Council requesting its concurrence thereto.

Earlier this month Rotary International in Australia released the report referred to in the motion. I declare my interest as having been variously an honorary member and a full member of Rotary International since 1980. Rotary is non-partisan and non-sectarian. No better organisation could possibly exist—because of its credentials—to make comment about the current situation in Australia and perhaps the way to deal with it, especially on something as important as creating permanent employment for our people.

The report which has been published has involved an enormous amount of time and an incredible amount of consultation right across Australia. Indeed, I believe the member for Hanson, as a Rotarian, was one of the people involved in the research and consultation process here in South Australia, as I was in my own Rotary Club at Tailem Bend.

The report sets out to discover what Australians think about this problem, sift those ideas and distil the consistent opinions which are relevant and essential if we are to solve the problem of unemployment in our society. At the outset I commend Ed Ziere and Colin Waters from the Thornlie Rotary Club for having taken the trouble to collate the distilled information provided to it from the 258 Rotary Clubs around Australia. Under the heading 'A Challenge' the report states:

> The most critical issues facing [Australian] society today are:
> Widespread unemployment, especially among young people.
> The ongoing need to retrain much of the work force for the high-tech jobs of the future.
> The need for fair work practices.

That was stated by Rotary International President, Bill Huntley, in the August/September 1994 edition of *Rotary International News*. However, it was the effort made by Rotary International in Australia throughout this year, in pointing the way for us to go as a society, that enabled Australians to respond. The report further stated:

> . . . we can create employment for our people by:
> · Sanely exploiting our resources and employing honest safeguards that protect the environment.
> Australia is rich in resources and is a granary [literally] with food potential to feed a hungry world.
> · Creating a new and higher realisation of the potential of Australians as master inventors, innovators and implementors, when encouraged and challenged by the POWER OF INCENTIVES.
> We need a very generous performance incentive structure in our policies to draw out new ideas, new products and new processes.

These are the kinds of approaches being taken by the Brown Government and the types of policies being advocated by the Federal Coalition. The report continues:

> Realising that the incentive payments, encouraging the nation to invent and export products and processes Australians and the world would otherwise be unlikely to see, can never be seen as a cost, but as additionally created wealth and prosperity we can all enjoy.

That wealth and prosperity can be enjoyed not only in Australia but internationally. Continuing to refer to the ability to create employment, the report states:

> Removing or softening the damaging effects caused by the extremes of the boom/bust cycle in our economic system.

The report then continues:

> It is absolutely basic that everyone should have the opportunity to work, preferably doing something they enjoy. Just achieving work for all would save the cost of family break-ups, medical bills, mental breakdowns, suicides, accidents and the cost of increasing crime.

In summary, the report states under the general heading 'Our Opportunities':

> Australians have an opportunity to take action and change a long entrenched attitude summed up in the expression 'She'll be right'.

it states that we all know it is not right, and that we need to do something to make it right. It suggests that we replace socially unrealistic expectations; persuade policy makers to encourage national pride in our country and our communities; and add to the list of heroes those people who are the producers of goods and services instead of restricting it to outstanding artists (whether they be involved in the visual or performing arts), outstanding sportspeople and outstanding people in their personal charity. We need to make more fuss of the people who have been successful at producing goods and services in our economy. Also it suggests that we encourage the attitude that everyone has a value and place in society; examine methods whereby unemployed people understand that it is other Australians who finance their social payments, either through their taxes paid today or tomorrow, because we are borrowing to pay it at present; and that more jobs can be created by everyone buying Australian made goods, where there is an even choice between the two.

We need the power of incentives, because that will stir up action, and we need to discuss with other people in our workplace whether or not there are appropriate incentives at present. We need to replace unrealistic incentives with those that will motivate action and examine ways to save money. We need to reward businesses and industries that achieve sustainable development. Under the heading 'Export or die', we find the report clearly identifies that there needs to be profits from all export goods and that that needs a tax holiday for a period of time to encourage new export industries to be established, to increase financial incentives for export goods and services that have added value to existing products, to examine ways where methods of value adding can be financed, to find solutions to the conflict between migration and employment, and to replace cash aid to underdeveloped countries with educational/technological aid and health and communication training groups.

There are headings, 'Where is the famous level playing field?' and 'Where are the jobs?', identifying those things, and in this instance the report is very parochial by advocating, for instance, to convert open channels to pipes in the Grampians irrigation systems in Victoria and establish a Melbourne expo for the year 2000 Olympics which are to be held in Sydney. That detracts from the otherwise high status of ideas and laudable dispassionately national benefits which the report otherwise provides through the opinions it expresses. Further, under 'Where are the jobs?' we find the comment that further national transport schemes can be undertaken to lower costs. They include the Darwin-Alice Springs railway and the Very Fast Train, which would solve a lot of Sydney and Melbourne airport congestion problems if built. It refers to looking after the land by encouraging farmers to diversify and reward producers with sustainable development businesses.

Under another heading, 'Looking after visitors', we see: 'Tourism is one of Australia's fastest growing industries with potential for further growth. People working in this business have to look for better ways to serve the needs of visitors.' We need to look at penalty rates in the hospitality industry and the impact they have on our attractiveness to overseas customers and the prices they have to pay. We further need to develop a strong 'meet the needs of the customer' attitude. 'Service' is not the same as 'servile' and we need to understand that difference so that we give service without being servile and compromising our personal integrity and self-esteem in the process.

'The Government should do something' is yet another heading. The action suggested is to lobby to remove payroll tax and re-examine the inequities in the fringe benefits tax. Each State should be reimbursed for forgoing payroll tax from the Federal Government's increase in tax from company profits, examine the rules for suing producers and professional people, lobby for Governments to reduce regulations and data collection, remove regulations that take away the incentive to hire new employees, educate all Australians on the facts about mining and, in particular, examine the additional costs of the actual wage paid, make the payments that are made to domestic and childcare staff tax deductible for their employers, simplify tax rules and laws and re-examine the value-added tax or the GST.

What about the workers? Rotary is ideally placed, in the opinion of the paper, to coordinate the work of groups which

succeed in finding work for older unemployed Australians. Social Service payments could be made through local government agencies, unemployed could work on local community projects and we could establish a national community service scheme. I seem to remember something about that from previous days. National community service schemes should become self funding and indeed they could. Community service accreditation awards ought to be provided for people participating and value adding from such schemes. The report then refers to stay at home mothers but, for the edification of all members, I believe it should cover fathers as well. The action advocated is as follows:

· Reward and support couples with children in permanent relationships.
· Reward mothers—

and I say also fathers—

who forgo traditional employment—

to look after families—

· Examine the suitability of welfare payments to teenagers who leave home. . .
· Allow income splitting.
· Provide tax concessions for educating children.
· Increase the tax free threshold for one income. . . couples.

All of these would enable us to give more attention to the next generation and its development in the family setting before the problems begin. They would encourage people to consider as an option through the incentives mentioned that it would free up jobs they would otherwise choose to occupy in the paid work force. It would cost us less to do that per person seeking and agreeing to accept that incentive than the cost of paying someone to be unemployed.

The report then lists a plethora of things that need to be done such as training, deregulation, research and development, decentralisation, awards—that is, for advancing Australia's interest where we recognise people with initiative, with inventiveness and productivity—to examine the work ethic and the industrial relations system, to get rid of the 'them and us' attitude that we seem to have inherited from our Anglophile roots in Ireland and elsewhere in the United Kingdom that are irrelevant to society today and the twenty-first century, but which bedevil our capacity to become more productive and efficient.

I have covered most of the major aspects of the report. I commend it to members and point out that there will be many matters to consider in the report when they respond in support. They can contribute to the debate and their understanding of what the Australian people really want, if they regard what their political Parties say. I am grateful, as I am sure other members will be, that Rotary took the trouble and made the effort to do the survey and produce the report. Perhaps I could simply finish by looking at what William Shakespeare had to say about unemployment.

The SPEAKER: Order! The honourable member's time has expired.

Mr De LAINE secured the adjournment of the debate.

KAPUNDA

Mr VENNING (Custance): I move:

That this House recognises the 150 year celebrations of the district of Kapunda and Australia's oldest copper mine and its significance to the early economy of South Australia and congratulates the community on achieving this milestone and for celebrating in such a memorable way.

It is fitting that probably on the last day of the 1994 sitting of the House we recognise major events of the year: 1994 marked the 150 year milestone of the Kapunda copper mine, the first major mine in Australia. Francis Dutton and Captain Baggott were out searching for lost sheep and noticed what they thought was a patch of green moss on a rocky outcrop. When they broke the green rock they discovered the same green inside and decided that indeed it was copper.

The mine opened commercially in 1844, and I understand that the first loads of ore were taken out with a shovel and wheelbarrow. It was and still is some of the purest ore in the world. That is why the mine opened and why Messrs Bagot and Dutton went to town and bought the land, obviously keeping it very quiet. In 1844 the mine opened, with Captain Bagot owning 75 per cent and Frances Dutton owning 25 per cent. The mine was vital at the time because South Australia was facing bankruptcy. It certainly gave a very sound financial base to the colony's economy. That is a fact without any doubt because it is referred to frequently in our early history. The mine produced the richest and purest ore in the world.

In 1849, the first smelting furnace at Kapunda was fired up, and the refinery was added to the smelter in 1861. In 1851, Kapunda was a prosperous mining town of more than 2 000 people. However, the Victorian gold rush severely affected its population, and the mine closed in 1855. It reached its peak again in 1857, when it reopened. After 1863, the exhaustion of the richest lodes, the higher cost of raising less-accessible ore and a fall in the copper price led to heavy financial losses and the mine eventually closed in 1879. It was estimated that the mine produced 64 000 tonnes of copper ore, averaging 20 per cent, which works out to 12 800 tonnes of pure copper. At that time, it was the first major mine in Australia and certainly in South Australia.

The town history goes back a few years before the opening of the mine, but it celebrates its sesquicentenary at the same time. Kapunda was first settled in 1839 by the same pastoralist, Captain Charles Bagot with his wife and five children. In 1860, Kapunda had grown to be the most important commercial town north of Adelaide, and with 2 000 people it certainly was. It is getting back to that level now. The failure of the mine, the extension of the railway—because it was the railhead—and the cessation of a good deal of industry eventually reduced Kapunda to the status of a normal country town. That is, until now: Kapunda is reawakening.

Kapunda is one of South Australia's secrets. One only needs to walk about the town of Kapunda, as I do now since moving my office there a few weeks ago, to see that the streets are wonders to behold. There are lovely buildings and gardens, natural beauty and charming people. Kapunda is very close to Adelaide, yet I am sure that most Adelaidians do not realise what a gem they have so close to the capital.

The sesquicentenary celebration began in January this year with a re-enactment of the first copper shipment. In fact, a bullock dray and team loaded with copper ore retraced the first section of the old copper road, which once linked the Bagot Fortune mine to Port Adelaide. The major celebrations were held just a couple of weeks ago from 12 to 20 November when we had a two-day art and craft fair, an art and craft exhibition—which I had the honour of opening—a lawn bowls tournament, a pioneer day and the Kidman horse sales, which were run in conjunction with Dalgety's and which were the largest in the southern hemisphere. Of course, Sir Sydney Kidman is a well-known South Australian pioneer who lived at Kapunda. The Kapunda High School is a long-

lasting memory of the Kidman home, which is a lovely heritage building.

Another event was the gala sunset concert entitled Music in the Mine. What an event this was. I circulated information about the concert to most members of the House and quite a few attended. This was an event not to be missed. It had a budget of $100 000, and an estimated 1 900 people attended. The member for Ross Smith attended, and I am sure he would agree with me that it was a magnificent spectacle. Other members who attended included the Treasurer, Stephen Baker; the member for Light, Mr Buckby; and my Federal colleague the member for Wakefield, Mr Neil Andrew, MHR. It was a great event and I congratulate all those who had the foresight and courage to stage it.

The final event, held the day after Music in the Mine, was a rodeo, and I understand that was also an absolute success. Music In The Mine was a fitting finale to the celebrations because, as I said, it was a most memorable event. It was a huge project and a very bold initiative. I want to thank two people in particular for this project: first, the Secretary, Mr Bill O'Brien, who is a local man. It was his idea and he did much of the work, particularly when things did not look so good a few weeks before when the Grand Prix was happening. Bill was out there beating up the event and doing all he could to make sure that it received the maximum exposure.

Bill's enthusiasm certainly impressed me. I also thank Fred Dobbin, the concert producer who was in charge of the choreography and the planning; he did a fantastic job. The program itself was absolutely fantastic. The program included Julie Anthony, Sirocco, the Australian Army Concert Band, Romany Soup and the O'Carolan Quartet. The finale of the evening was the lone piper, standing high on the cliffs. There was nobody who could not be impressed by that finale. We stood in the mine, with the dust around our heads and we looked up: the lone piper stood in the floodlights surrounded by green copper flares.

If that did not bring goose bumps to the people on that historic occasion in that historic mine, nothing ever will. I thought it was a most unique occasion, and I am happy I was able to be there. It was a fantastic event. With respect to the future of the mine, it is felt that some form of music in the mine may occur next year, although any future activities in the mine will depend largely on the safety reports following Saturday night's concert. When one considers that there is no power on site and no facilities, some risks are involved. With five or six huge generators producing a tremendous amount of electricity there may be some concern, but I am sure improvements could be made to minimise the risks.

I also mention that Carols by Candlelight could be held in the mine from time to time. That would be fantastic. In the future perhaps the Australian Ballet accompanied by the South Australian Orchestra will perform in the mine. Imagine this historic mine: the colours of the mine; beautifully lit by the floodlights—the atmosphere was indescribable. Bill O'Brien, who has a very infectious personality, said:

> The whole week fell into place as something that was appropriate to what we were trying to do. It was a proper and dignified celebration of our heritage.

Once again, I want to thank those who organised the event and the sponsors. I particularly want to mention the Kapunda Copper 150 Celebrations Authority, under the very capable chairmanship of Mr Michael Dermody. Michael's company was also a key sponsor of the celebrations, and he has been a fantastic community leader in Kapunda.

I also acknowledge Colin Mickan, the Vice Chairperson; Bill O'Brien, the Secretary and Coordinator; Fred Dobbin, the Concert Producer and Coordinator; Phil Cameron, the Treasurer; and Mr Chas Smythe, the Pioneer Day Chairman. This group—along with the District Council of Kapunda, the Mayor (Rose Ryan) and the CEO (Barry Dempster)—has done a fantastic job, particularly the council, which took on a huge financial responsibility and risk. The whole thing was very brave, and I am pleased that it all came off so well. I again thank Bill O'Brien for being the Secretary. Bill and his twin, Phil Cameron, have impressed us all by their enthusiasm and dedication, and I appreciate them all and know that their community does also. Kapunda has left its mark on this State in many areas. If members have any doubt about this, let them consider the building we sit in today. As members would all realise, this building is built from Kapunda granite—

Mr Lewis interjecting:

Mr VENNING: If ever there was a community that was solid and substantial, it is Kapunda. The stone chosen for this building could not have come from a more historic place. The area this stone came from in the Kapunda region ought to be marked and ought, itself, to be a historic precinct. Kapunda has earned its reputation: it certainly is South Australia's most historic town. I want to remind members of the following saying: there are those who think it can happen; there are those who make it happen; and there are those who wonder what happened. The people of Kapunda have certainly made it happen, and they have helped remind us all that Kapunda is South Australia's most historic town. I congratulate the people of Kapunda and hope to be at the 200 years celebrations, in 50 years. If the 150 years celebrations was this good, I want to be there for the 200 years celebrations. I commend this motion to the House.

Mr De LAINE (Price): I am very pleased to support the motion moved by the member for Custance and join with him in congratulating Kapunda and the local community on achieving this marvellous milestone of 150 years, and on its significant contribution to the State of South Australia. Kapunda has played a major role in the foundations and establishment of, first, the colony of South Australia and then the State of South Australia. The town and local area has had a very rich and colourful history and has been a very important regional industrial centre, contributing in a magnificent way to the economy of South Australia. I agree with the member for Custance that Kapunda is a lovely town, and I thoroughly enjoy the experience of visiting Kapunda on the odd occasion that I go there.

I was unable to attend the 150 years celebrations but, according to the member for Custance, it was a wonderful and memorable event. I am firmly of the belief that South Australian country towns do things very well. They have had to to survive over the years, and Kapunda is no exception. I can fully understand that the recent 150 years celebrations would have been done in an excellent and memorable way. The town of Kapunda and surrounding areas has over many years produced many prominent people, one of the latest of whom, of course, is the member for Custance himself who, I understand, has recently opened an electorate office in the town. No doubt, his name will go down in history as making a significant contribution in that area. I congratulate him on that. It was a memorable occasion and capped off the continuing colourful history of that town and the local area in relation to the State's economy and the enormous industry

that was generated through copper mining and so on. I am pleased to support this motion and ask that other members do likewise.

Mr MEIER (Goyder): I, too, support this motion. I congratulate the district of Kapunda on achieving its 150 years celebrations. It is a real milestone. It was great to hear the member for Custance detail some of the history. However, I want to extend my congratulations also to another copper mining area—the Copper Triangle of South Australia, which includes Kadina, Moonta and Wallaroo. These towns have a lot in common. Looking at the program that the member for Custance has made available to me, I was thinking that down the track it would be a good idea if communities such as Burra, Kapunda, Kadina, Moonta, Wallaroo, the Wallaroo mines, North Yelta and other areas in the Copper Triangle had a tied in celebration. As South Australia promotes tourism more and more, this should be possible.

I know that the member for Custance is well aware, but I remind the House that every second year during the May long weekend the Copper Triangle community celebrates its Kernewek Lowender. That will be on again in 1995. I am sure that quite a few people who will be attending the Kapunda 150 years celebrations will probably participate in the Kernewek Lowender and *vice versa*. The two communities have much in common. It is with much pleasure that I support this motion and wish the Kapunda and district community all the best for its 150 years celebrations, and I trust that there may be closer association between the copper mining towns in future.

Mr LEWIS (Ridley): I support the motion. I have several reasons for doing so. The first relates to the connections which more than one branch of my family tree have with Kapunda and the discovery of copper and the development of the copper mining industry in that part of the State.

The second and more important reason, from the point of view of public interest, is the fashion in which the member for Custance has sought to draw our attention to the event. We should remember that, when our forebears discovered copper at Kapunda, it was roughly the same time as Ridley was building his commercial strippers in Hindmarsh. At that time, this society already had elements of excellence in it for the development of innovation in the application of machinery and the like. Many of the mechanical innovations for mining and refining copper at Kapunda and elsewhere in the province were world firsts, because early migrants were metalsmiths of various kinds and highly skilled tradesmen who were committed to the performance of their trades with a measure of excellence that today we all envy and try to encourage again. It has been an example for us to emulate. They pulled themselves up by their bootstraps and did an excellent job with the limited resources at their disposal.

The member for Custance draws attention to the celebrations in Kapunda, and of that I say 'Well done'. All of us need to encourage excellence wherever we find it. As a society we need to reward it and thereby derive benefits from the wider acceptance of it. The greatest benefit of all will be in this forum where we put on with excellence the kinds of celebrations that Kapunda has put on to attract visitors not just from interstate but overseas so that South Australia becomes known as a place which respects its past and its heritage and which can celebrate with others what that past has contributed to our prosperity today and to the development of a better world.

I refer to the wider applications of those kinds of innovations which came not only with the discovery and development of minerals in South Australia but also with the discovery and invention of techniques and new technologies for doing things. That is what we are about at this time, and the theme coming through from the kinds of celebrations held at Kapunda, which attract visitors, is entirely consistent with the establishment of a new future for South Australia. This future is based on the MFP at Technology Park, the expansion of our technical skills and the levels of expertise in doing things which will enable us to attract capital from elsewhere around the world into our society and thereby create the jobs which we have to provide, predominantly for our young people, where at present we have unacceptably high levels of unemployment and seek the means of reducing them. By entertaining people from interstate and overseas with these celebrations we can illustrate that we did it with excellence in the past and can do it with excellence again now and in the future.

In conclusion, whilst the granite footings of this building came from Seal Island in Encounter Bay, the superstructure of the outer skin is most certainly Kapunda marble. The beauty of the stone was revealed recently when we saw the entire facade of Parliament House washed and cleaned. Once the grime was removed it revealed something which amazed most people. It is a beautiful stone and was cut and erected into this edifice with excellence, which is not exceeded anywhere else on earth, notwithstanding that we had very limited resources to do it. Just as we were in tough times in the 1890s and 1930s, and as we are in tough times again, we will do what those South Australians did at that time: build with confidence and do it with pride and excellence. I commend the member for Custance for bringing the motion to the attention of the House.

Mr BECKER (Peake): I strongly support the sentiments expressed by the member for Custance and other members who have spoken in this debate. I was born in Tanunda, and then in 1939 went to live in Freeling, in the District of Light, where I spent my youth. Kapunda was a special neighbouring town because it was the River Light where I first learned how to catch yabbies. I suppose I first became a conservationist there because we used to get the yabbies from the River Light, take them to the local dam and breed them up. Some years ago the special recipe we have for dealing with yabbies and beer was reported in *Hansard*. Kapunda and that district hold very fond and dear memories to me, and I commend the people of Kapunda for what they have done in relation to the sesquicentenary celebrations.

A few weeks ago I accepted an invitation from the member for Custance to visit Kapunda and renew acquaintances of my early school days and youth in the district, where I used to compere the local dances and balls. I caught up with a friend of mine, Reg Rawady, who is quite a character. The Rawadys are were well known in the district and in the town of Kapunda, as are the Shannons and the Neldners; the list goes on and on. Kapunda is and always has been a great sporting town and district. It has bred some outstanding footballers and cricketers, and it also had a very strong trotting club and, at times, had good race horses and coursing. The Kapunda greyhound coursing meetings were well known in that part of the district. Anyone who has lived and been brought up in the country has not really lived until they have

lived in that District of Light, where we were all great mates and friends and where we stamped our early years.

We are very conscious of the contribution that was made to the State and Australia with the discovery of copper and a little gold. The member for Custance could have gone a little further, because I believe there is quite a bit of copper still up there, although it would be rather expensive to extract it. But there are some hidden mineral resources as well. Kapunda is a very strong agricultural district: it was a great farming as well as an agricultural manufacturing district. Crapp and Hawke was the large manufacturing company in that town. It was Crapp and Hawke, then it changed to Hawke and Co. The Hawke family was well known.

I joined the Bank of Adelaide, and we had a very large branch at Kapunda. We were also agents for the Savings Bank of South Australia, which is now the State Bank. We were answerable to the Kapunda branch for the administration of that banking, and it was a very strong branch of the bank. The former Manager from Kapunda, Mr Lloyd Clifford, became the Assistant General Manager of the Bank of Adelaide before its demise.

It is a well known district. It holds very fond memories for me. I wish the people a very long, strong and healthy future. I must also commend the members of the local committee that was involved in the 150th anniversary celebrations, because they have worked very hard for more than 12 months in planning for and preparing the culmination of the celebrations in the concert in the quarry, or in the mine, which I was unable to attend. Knowing the way that the people of Kapunda go about organising community functions and the pride they take, I know that Kapunda has a very strong future indeed.

Its football was always very rugged, but playing cricket was always the most dangerous sport on the Kapunda oval, because whenever one went to field a ball one never knew whether there would be any three corner jacks in it. One had to take that risk, and one dare not drop a catch. They are some of the funny little things I can remember. Back in the good old days we were not allowed to drink within 200 yards of the local hall. It is a wonder that there is not a copper mine of bottles around the district.

An honourable member interjecting:

Mr BECKER: No. We could not walk that far: 200 yards was far enough. I commend the member for Custance, his thoughts and his sentiments and I wish the people of Kapunda many more occasions when they can have outstanding celebrations.

Mr VENNING (Custance): I thank all members for their support and comments today. The member for Price spoke fondly of Kapunda and the very prominent South Australian people who have their roots in Kapunda, and the member for Ridley said the same. The names of Kidman, Angas, Shannon and Neldner spring to mind, and the list goes on. Kapunda has done its bit. I should also mention the three Rawady boys who are characters in their own life time—Reg, Brian and Eli: as far as Kapunda is concerned, they are most unique and have been rewarded, and they are great friends of everyone.

I agree with the member for Goyder that it would be great to share a common celebration in the future with the copper triangle (Kadina, Wallaroo and Moonta) and also the copper mines of Burra. It would be great to see that happen, and I hope that the members involved will cooperate in that regard. I attend the Kernewek Lowender festival when I can, because I am Cornish, and proud to be. My family consisted of miners and farmers, and they were very poor in those days. So, I am very interested in this celebration, and it is great that it has been so successful.

The member for Ridley spoke of his family ties with the area, and I respect and note that with interest. Manufacturing in Kapunda until very recently was important. We had Crapp & Hawke (later Hawke & Co.) cast iron merchants who made ploughs and cultivators but who were probably most famous for their weighbridges. Right across South Australia we still have weighbridges stamped 'Hawke & Co., Kapunda'. Johnson's mill is also very much a part of Kapunda's history. Regarding the matter which the member for Ridley brought up about the stone, whether it be granite or marble, I may stand corrected, but we will debate that later, although he is probably correct.

The member for Peake mentioned something very interesting about his past. I wondered where he had got his wisdom from and now I know that it is because he was born and reared in this area. Kapunda is certainly the fount of wisdom. As the honourable member said, there is still copper in the region. As technology progresses with the modern system of leaching of ore, etc., Kapunda may have a future in mining. It is mooted that there could be further development there, but I would not want to create a copper rush and say anything out of turn; however, it is noted.

I thank the member for Peake for coming to the opening of my office in Kapunda. I chose Kapunda because it is situated in the middle of the electorate of Custance. It will probably be the last Custance electorate office by the sound of it, but hopefully the Commissioner may be able to help in that respect. We will wait and see what happens. When looking for a suitable site for my office, I think members would agree that I could not have found a better streetscape or building. We have turned an old, derelict, condemnable building into what I would say is possibly quite arguably the best electorate office in South Australia. If anyone wants to debate that with me, I would be happy to visit their office and have them visit me so that we can come to an opinion about that. It is a heritage building, and I think the Government got a very good deal. I am very proud now to be part of the community of Kapunda, which has received me very well. I thank the member for Peake for coming to Kapunda; he was well received, as was the member for Mitchell (Colin Caudell) and my Federal colleague, Neil Andrew, MHR.

I extend an invitation to all members to come to Kapunda at any time as my guest. If they want a recommendation, they should ask the member for Ross Smith how we look after our visitors. He will tell them in great detail how we spent the wee small hours on the bottom floor of my office, which is the cellar. That was very rewarding. Kapunda is awakening and South Australia is awakening to its presence, and I hope to be part of it. I thank all members, and I commend the motion to the House.

Motion carried.

WINE TAX

Adjourned debate on motion of Mr Brokenshire:

That in the interests of the Australian wine industry, and in particular the South Australian wine industry, this House requests that the Federal Government reverse the current policy to increase wine tax to 26 per cent in July 1995 and cap the tax at the general level of 21 per cent.

(Continued from 24 November. Page 1210.)

Mr LEWIS (Ridley): This motion is very topical. Personally, I would prefer to amend it to advocate the abolition of the tax. The member for Mawson, in the course of his remarks, made it quite clear that there is a vast difference between the processes involved in producing wine of excellence compared with producing spirits, beer or other similar alcoholic drinks with excellence. The wine industry does not have the same capacity for the speedy turnaround of the investment as in beer making. In the case of wine, it takes much longer and involves far higher skills for a greater number of people involved in the entire process if we are to ensure that we end up with a product of excellence.

It is for those reasons that I argue quite strongly against the view put by the interests of the brewing companies and other alcoholic beverage manufacturers that wine should not be any different, and that it ought to be taxed at the same rate as those other beverages. Their argument ignores completely the points I have made. It also ignores completely the capacity this industry has to rapidly expand employment in this country, if we will just give it a fair go, if we will just get off its back, if we will just get out of its way and develop rapidly and supply the burgeoning world market, which is growing at an exponential rate.

Let us consider what has happened in recent times in Australia to see what I mean by that remark. In the year 1982-83, we produced 7.5 million litres of wine for export in Australia, and that was worth about $A14 million. Last year, we produced 125 million litres of wine for export, worth $A368 million. So, two points come from that: first, the volume increase from 7.5 million litres to 125 million litres in 10 years; and, secondly, the price/volume ratio of each litre. The average price was just under $2 a litre 10 years ago on the export market, whereas in 1992-93 the 125 million litres was worth $A368 million, which is almost $3 a litre. Indeed, it is going on this year to an even higher figure whereby we will soon receive more than $3 a litre average for our export wine.

That means two things: first, we are producing better quality wine in greater quantity now than we were 10 years ago; and, secondly, the world is recognising that it is of a standard of excellence probably second to none anywhere. Indeed, I know that, from my own initial education in horticulture and oenology at Roseworthy, we do make wines in most descriptions equal to the best anywhere on earth. We do that in South Australia and therefore Australia by definition. In fact, in South Australia, domestically, we still have profitable companies and an industry that is producing wine of a very high standard which is cheaper than it can be bought anywhere else on earth. The industry has done this not because of any incentive provided to it by the Federal or State Labor Governments; indeed, it has done it in spite of any effort by Government.

This Federal Government in particular has taken no real interest in the industry. It has provided no additional sensibly directed funds towards training people in viticulture or oenology. The industry has had to fight tooth and nail all the way to have resources allocated to it. The member for Mawson drew attention to that in the information he provided for us last week. As a society we enjoy the benefits that come from allowing this industry to expand at the rate at which it can find the capital do so. There is potential for great benefit, because it will expand jobs more cheaply than most other industry groups that could provide the same opportunity for investment, and the same benefits through profit and expansion of employment.

So, the investor and the unemployed benefit, as does the Government, because it will get income tax on the profits of the companies which are thereby encouraged to participate. It will bring capital into the country—not as loan funds to finance consumption—and into this industry in particular, but to finance the development of an export industry. That is just what we need. We do not have anything like that sort of impact on our national accounts from any of the other alcoholic beverage industries. We ought to get off the back of the wine industry and give it a go.

I fear, as I said at the outset, that we may now see the Federal Government either going to a poll with this promise buried so that if it wins it can introduce this increased tax or, more likely, introducing it in a mini-budget early in the new year, in two or three months' time, when all the other bad news will be announced, including higher taxes of one kind or another. One only has to witness the inane remarks of the Governor of the Reserve Bank, that fellow Fraser, about the wisdom of increasing taxation at this time, to realise that. He really is daft; he ought to go back to school and learn some basic accounting before he makes pronouncements on economics. He just does not understand the damage he has been doing to this country with the kind of approach he has taken. If a raft of new taxes is being advocated for introduction early in the new year through a mini-budget, I shudder to think of the consequences. Accordingly, we all ought to support strongly the proposition that has been put to us by the member for Mawson.

The other matter to which I want to draw attention is that, if we do get out of the way and let the industry expand, we will be able to take up a greater proportion in perpetuity of the world's market for wine than we will otherwise get if the Federal Government increases the burden of taxation on the industry which it proposes to do at this time. As a nation, we could do nothing more stupid than impair our capacity to expand the wine industry at the rate at which the world market for wine is expanding, and that is exactly what this tax will do, unfortunately. It is for that reason, more than anything else, that I rise to speak with such feeling about the wisdom of what the member for Mawson has said. Indeed, I want to go further and advocate the abolition of this punitive tax on the industry, where the Government would otherwise get the tax on the super-normal profits the companies would generate, anyway, and the benefits that would come from the increased hundreds of millions of dollars that would come into the country to invest in its development. We have the climate, the soils, the techniques, the trained people and the market, but the trouble is we also have a stupid Government that gets in the way.

Mr VENNING secured the adjournment of the debate.

ADELAIDE AIRPORT

Adjourned debate on motion of Mr Lewis:

That this House commends the Government and particularly the Minister for Transport, the Minister for Tourism and the Minister for Industry, Manufacturing, Small Business and Regional Development for the steps they have taken to publicly press the Federal Government to increase the amount of money available to the Federal Airports Corporation to extend the operational facilities at Adelaide Airport to accommodate a greater number of interstate and international flights forthwith and calls on the Federal Government to take immediate action to rectify the situation without further cost to or discrimination against South Australians.

(Continued from 24 November. Page 1217.)

Mr LEGGETT (Hanson): I rise to support this motion that the House commend the Brown Government and the Ministers in question for the stand they have taken in pressuring the rather indecisive Federal Government to improve the overall facilities at Adelaide Airport. I am sorry that the member for Hart is not in the Chamber, because last week he told us how decisive the Federal Government was with respect to making funds available and making quick decisions for the benefit of the South Australian people regarding the airport. I would like to take him up on that particular point, because I do not agree with him.

The steps that the Ministers have taken publicly to press the Federal Government to increase the amount of money available to the Federal Airports Corporation (FAC) to extend the operational facilities at Adelaide Airport are highly commendable. Their action and contribution will ultimately see, among many things, an increase in interstate and overseas flights to our city. Quite obviously, these increased activities are important to our economic growth and prosperity and to tourism in South Australia.

The Ministers have made recommendations that the Federal Government take immediate action without any additional personal cost to the taxpayers of South Australia who, by the way, in the past 11 years have certainly copped it on the chin from the way the former Labor Government behaved with other people's money. In other words, any improvement in facilities will see no discrimination of any sort against the South Australian public which has suffered so much during the mismanaged years of Labor Government in South Australia.

Adelaide Airport is in my electorate, the electorate of Hanson—and I hear comments from the member for Peake, whose electorate, I would remind him, is just alongside—and after having surveyed the area and door-knocked extensively in the flight path area, I would say that about 99 per cent of residents want the airport upgraded and they support this Government's initiative and plans to do something about it. The majority of people I have encountered are very supportive of Adelaide Airport's present location and do not advocate its relocation elsewhere.

My views concerning this vitally important matter are well known in the western suburbs. Indeed, so too, of course, are the views of the member for Peake. Adelaide Airport must be upgraded without delay. For the sake of this State's economy, and in particular the prosperity of small and big business in South Australia, there must be an extension of the runway beyond Tapleys Hill Road so that we can accommodate, as I said earlier, larger aircraft, as well as aircraft used to export our produce overseas on a daily basis. This will see an obvious boost to our economy, which was so miserably neglected and depressed during Labor's time in Government over the past 11 years in South Australia.

Under the leadership of the Minister for Industry, Manufacturing, Small Business and Regional Development, we have already seen a strong recovery in the business sector. Under the Minister's guidance, we have seen the emergence of creative and innovative industries and promotions in South Australia. Only last week, I think it was, in response to a question I asked in this House of the Minister, he indicated his opening of a display at the Adelaide Airport which would see further development of industry in this State. This was the opening of a display by industrial design students, and I might say it is a very successful display indeed. It was an exhibition which included innovative designs for a new motor cycle—we could probably get one over to the member for Spence if he cannot find his own bike, which has received some publicity in recent times, and a new lightweight guitar (also at the display), which we could probably also give to the member for Spence, who could play it while he is riding his three wheeler.

This bike has created overseas interest in the mode of its production. The display also included a soft drink dispenser—which we can also give to the member for Spence when he gets thirsty on his bike—to replace an imported design, which has taken over the market share in South Australia. I also acknowledge the efforts of the Minister for Transport in relation to the airport, particularly regarding Tapleys Hill Road, which is a fairly emotive issue because of the proposed runway. I am a strong advocate for Tapleys Hill Road to pass under the extended proposed runway in the form of a tunnel. I support the underpass concept rather than a deviation or redirection of that road, which would go through land controlled by the West Beach Trust and which would severely interfere with the golf course and the Glenelg baseball grounds.

If the road goes under the runway, only three holes at that golf course need relocating. If the road goes around, there would be considerable disruption, even though it would prove to be around about $9 million cheaper. When the Federal Government, which is in a state of disruption at the moment, finally decides whether to lease or sell the airport, I would like to see South Australian ownership in the form of a consortium. My preference—and I have stated this before—is that it would involve local councils, because they have shown an interest in it, and a public float, similar to airports which are privately owned in the United States of America. Also, I believe that a locally owned consortium would be best suited to look after the interests of the people of Adelaide, particularly in view of the curfew. Once again I commend the Government and the Ministers for the pressure which they have exerted and which they are continuing to exert on the Federal Government to upgrade the airport. I support the motion.

Mr BECKER (Peake): This is the greatest little bit of mischief I have ever read. However, I do support the resolution that, if there are to be any improvements at the Adelaide Airport, we will make the Federal Government pay for them. That is exactly what this motion means to me. It asks that this House commend the Government and particularly the Ministers, as mentioned:

> . . . for the steps they have taken to publicly press the Federal Government to increase the amount of money available to the Federal Airports Corporation to extend the operational facilities at Adelaide Airport—

although the operational facilities do not necessarily include all the areas mentioned by the member for Hanson—

> to accommodate a greater number of interstate and international flights forthwith and calls on the Federal Government to take immediate action to rectify the situation without further cost to or discrimination against South Australians.

The only thing that has been missing from the debate on the airport is, first, experience and logic and, secondly, no-one has yet approached, attacked or got stuck into Qantas, because it is Qantas that has let South Australia down badly. Qantas has not done the right thing by South Australia ever since it came here. It even took out the State Manager; it does not have a State management. It does not have a senior executive in South Australia who can make decisions to help and to promote South Australia. Queensland's success with

the tourism industry came about because former Premier Joh Bjelke-Petersen got stuck into the Federal Government and made it very clear what he thought about the operation of Qantas. He wanted direct flights into Queensland and into the tourist destinations, and he got them. By doing that he was able to build up a very strong tourism industry.

We have been informed—and tragically for some unknown reason I have not been given any information—that three documents have been prepared for Cabinet. They are locked up in Cabinet before a Cabinet subcommittee, and they detail the expenses, the estimates and the suggestions for the improvements of the facilities of Adelaide Airport. We have no idea at this stage what it is going to cost, but the General Manager of the Federal Airport Corporation at Adelaide Airport tells me that we will need to bring in 44 extra jumbo jets a week just to pay the interest on the capital that is required to extend the runway and to put the tunnel under Tapleys Hill Road.

I do not know where you are going to get 13 200 people to fly into Adelaide each week, but if you can do it, good luck to you. But start by attacking Qantas first and asking it what it is doing to promote Adelaide or South Australia as a destination. We had this great hoo-ha from the previous Government and Barbara Wiese. I remember when they said that they would bring in direct flights from Japan. The flights left Japan at 2 o'clock in the morning. How many people are prepared to travel to another destination for a holiday leaving at 2 a.m.? That is the whole problem: the scheduling of aircraft from overseas into Adelaide on their way through to Sydney or Melbourne. The other problem with Qantas is that, if it does schedule overseas flights into Adelaide and then on to Sydney, there is no way in the world they are allowed to land in Sydney before 6 a.m. Sydney is a higher priority on the curfew hour situation than is Adelaide.

They are prepared to break the curfew in Adelaide and come in at 5 a.m., as long as they do not break the curfew in Sydney, because that is where the electorate of the Federal Minister of Transport (Laurie Brereton) is. I know him well, trained him and wised him up in the affairs of public accounts when he was a member of the New South Wales Parliament. After an investigation of the health services, then Premier Wran made him the Minister of Health. Eventually, of course, he decided to go into Federal politics. Mr Brereton knows the problems associated with airports and extra runways, because the Sydney airport problems presently are worse than they have ever been because the flight paths have been altered. No longer do the jets go over Laurie Brereton's electorate but they have been swung around into somebody else's electorate and you have absolute chaos.

We do not want that here and we will not get that, but if there is the need and the demand for tourism, then I suggest that we extend the runway, but let us first get the tourists. Jumbos are not the be all and end all of aircraft. It is the 767s that are the most successful aircraft that fly in and out of Adelaide Airport. The most successful airline flying into Adelaide is Air Garuda—the Indonesian airline—with about 85 per cent loading. I challenge every member, particularly those who have already spoken, to talk to the State Managers of Singapore Airlines and Cathay Pacific and ask them how easy it is to fill a jumbo jet with cargo, let alone with passengers. The poor member for Giles over there has absolutely flaked out on all this information; he is having a really good rest.

An honourable member interjecting:

Mr BECKER: Whyalla is probably where I would be looking to put an international runway. Poor Frank cannot take the pace. But they have a beautiful climate up there, beautiful conditions and a great potential to develop. If you want an international airport with 24 hours a day operation, then perhaps Whyalla could be upgraded. There is plenty of land there, I am told, and plenty of housing. As far as the Adelaide Airport is concerned, we have a long way to go. If the Federal Government decided to fund the extensions of the runway, I am told by the General Manager of the Federal Airports Corporation in Adelaide that it would take two years before the runway would be open for service. From whenever the decision is made it will be two years before we get the use of the extended runway.

I have heard the stupid nonsense and have read in the local paper that, by extending the runway 500 metres, when aircraft take off over Glenelg North by the sewerage treatment works, they will be so high up in the sky the noise impact will be lessened. What a lot of garbage. A few years ago I spent a week at Calvary Hospital and the noise of the jet aircraft coming over Calvary Hospital was just as loud as it is at my place, which is at the other end of the runway below the flight path. Anybody who believes this stupid nonsense, this myth, that by extending the runway you will lessen the noise impact at Brooklyn Park, Cowandilla, Torrensville and Thebarton is living in cloud cuckoo land, because North Adelaide is a lot farther away than is North Glenelg, where I live at present.

If we are going to bring in an extra 44 jumbo jets, that is, if we are going to triple the number of jumbo jets coming in and out of Adelaide in the name of tourism to justify the extension of the runway, the noise impact will be horrendous. If that happens, compensation will have to be paid to householders for soundproofing, and that will cost a minimum of between $6 000 and $9 000 a house. I understand that in the vicinity of Sydney airport already 3 500 houses have been targeted for soundproofing, but local residents and councils want about 47 000 properties protected. In considering such issues, we need to look at the impact—

The Hon. D.C. Wotton: This is to keep the noise down?

Mr BECKER: The environmental impact is most important, and the Minister who now interjects is the Minister responsible for the environment. If the Minister does not look after the environment for residents on that side of town, let alone in the rest of the city, he would not be doing his job. He has an important role to play in advising the Federal Government that he will not cop disruption to residents in these areas. I strongly support asking QANTAS to bring more 767 flights to Adelaide, including direct flights from Asia and other tourist destinations. If only pictures were allowed in *Hansard*, the public could see the member for Unley—

Mr Brindal: I'm going to see Charles Dickens.

Mr BECKER: We cannot use displays in the House, but I would like to describe the attire of the member for Unley. I am wary of the motion.

The Hon. M.D. RANN (Leader of the Opposition): I note the following wording of the motion:

> That this House commends the Government and particularly the Minister for Transport, the Minister for Tourism and the Minister for Industry, Manufacturing, Small Business and Regional Development for the steps they have taken to publicly press the Federal Government to increase the amount of money available to the Federal Airports Corporation [to improve Adelaide Airport].

I am somewhat amused by the motion. I always try to be bipartisan and I am always pleased to support the Minister for

Industry, Manufacturing, Small Business and Regional Development in particular, but not much headway has been made in respect of extending the Adelaide Airport runway. I remember going to Hobart for the national ALP conference. I knew at the time that the Federal Government, and Laurie Brereton in particular, was committed to securing a change in Labor's policy to allow the leasing of Australia's 22 major airports to the private sector.

The South Australian delegation knew that Laurie Brereton needed our votes to change that policy to achieve the $2 billion target. Without the South Australian vote that motion would have been defeated. Indeed, we did not go to Hobart with an ideological position. We simply went there to get the best possible result for South Australia, and we did so. Every member of this Parliament knows that Adelaide Airport is substandard, second rate and in danger of becoming third rate and, if South Australia's economic development is to move forward in terms of tourism and exports, it is our view that in a bipartisan way we should be fighting not just to talk about the airport but to ensure that we get a first rate airport.

There is no doubt at all that Adelaide Airport is a major obstacle to our manufacturing industries in South Australia; it is a major impediment to South Australia's export growth; and it is a major impediment to inbound tourism. As a former Minister responsible for industry and tourism I certainly felt totally let down by the Federal Airports Corporation, which was not an impressive outfit when I had dealings with it.

I felt that South Australia had been duded by that organisation's obvious imperative to develop airport facilities in the Eastern States. The simple fact is that Adelaide Airport lacks the most basic infrastructure. Its runway is too short to do the job. I have had the pleasure of being a passenger in a plane piloted by you, Mr Speaker, and you would appreciate the fact that jumbo jets cannot take off fully loaded when using that runway. Indeed, our runway is too short to support freight flights to offshore destinations. There are unacceptable payload implications and penalties for exporters, and the runway is too short even to sustain direct passenger flights to North Asia.

About 50 per cent of South Australia's exports have to be transhipped through other Australian gateways, particularly through Melbourne's Tullamarine, while jets in Adelaide have to take off part-loaded, actually leaving freight behind that then has to be shipped overnight by truck or by train to Melbourne to go through that airport because our runway is too short. As I say, this imposes a major cost burden on exporters, particularly those with time-sensitive or perishable goods. So, we have an airport in Adelaide which is reducing the competitiveness of local products overseas and which limits our export sales.

Members of the South Australian delegation to the Hobart ALP national conference bailed up our Federal colleagues. We told them that our votes and the votes of others that we could count on could not be taken for granted by the Federal Government unless a specific commitment was made to extend the Adelaide runway. So, I moved a motion calling on the Federal Government 'to ensure that finance is made available to enable the extension of the runway and the upgrade of facilities at Adelaide Airport as part of the leasing process so as to ensure maximum access to transport linkages for exports and tourism to assist South Australia's regional economy.'

That motion was accepted and supported by the Federal Transport Minister, Laurie Brereton. It was endorsed unanimously by every delegate to the conference in Hobart. Certainly, without the special concession for Adelaide Airport, which did not apply to any other airport in the country, the Federal Government would not have succeeded with its privatisation or leasing deal. That is why we told the delegates in Hobart that Adelaide's runway needed to be extended by 522 metres to 3 100 metres to do its job properly.

There were some other things that really did not get much publicity or airing. There were some other objectives, not only to secure the support of the Federal Government in achieving the extension of the runway as part of the leasing process but also to ensure that the airport in Adelaide was leased on a debt-free basis so that a future operator would not be impeded by that debt. That was guaranteed by Federal Minister Laurie Brereton in a public undertaking—an undertaking that does not apply to other airports around the country.

One of our other concerns was that we heard a story that there were plans to lease Adelaide Airport in conjunction with some other major facility, particularly Tullamarine, as part of some other package deal rather than as a separate entity. Quite frankly, it was our view that, as part of a package, Adelaide Airport would have become simply a regional feeder airport to a big international hub like Tullamarine in Melbourne. We were very pleased with the result of that conference. We are looking forward to some announcements by the Federal Government next year. However, that conference decision was vitally important for South Australia in order to break the impasse over the future development and operation of the airport. It is a first step, I grant that, but it is a big step forward. After years of alibis and excuses, I believe the decision at the Hobart conference will enable Adelaide Airport to play a more important role in helping to kick start economic and export growth in South Australia.

Whilst I am always pleased to work in a bipartisan way with the Minister for Transport, the Minister for Tourism, the Minister for Industry, Manufacturing, Small Business and Regional Development, and so on, when they are publicly pressing for an upgrade in facilities, sometimes talk by itself is not enough. It was very disappointing to contrast the attitude of those Ministers who were prepared to work in a bipartisan way with the attitude of the Premier, who panicked publicly on television. He wrote a letter to me asking, 'Can you help?' And we did. He asked us to try to achieve separate leasing and to try to achieve such things as an extension of the runway as part of the national conference decision, and we did so.

But when we got the result that he said he wanted, he panicked, called news conferences, did cartwheels and attacked us for not getting enough when he had so little clout he could achieve nothing at all. He even sent a new fax to the Prime Minister—which I am told was greeted with a great deal of amusement in terms of the Premier's credibility in Canberra—saying, 'We want more; it is not good enough', and so on. The fact is, he did not have the clout, the courage, or the gumption to work in a bipartisan way. He said he wanted to and, when we did what he asked us to do, he bucketed us.

My message to the Premier is that I am prepared to work with him on issues, as I am prepared to work with the Minister for Industry, Manufacturing, Small Business and Regional Development, but he has to be genuine in his claims for bipartisanship. You cannot go around saying an Opposition is irrelevant when you write a hurried note to the Leader

of the Opposition pleading for help because he did not have the clout to achieve the extension of the airport himself.

Mr MEIER secured the adjournment of the debate.

INTEREST RATES

Adjourned debate on motion of Mrs Rosenberg:

That this House condemns the Federal Government's move to raise official interest rates and in particular for the deleterious effect this will have on economic growth.

(Continued from 3 November. Page 959.)

Mr BUCKBY (Light): I have much pleasure in supporting this motion. First, let me take the House back to the 1980s, particularly the late 1980s, when Mr Keating, the then Treasurer of the Federal Parliament, was on an interest rate rise regime. He told business, home buyers and farmers alike that interest rate rises was the way to control the economy: it was the way to slow the impressive growth we were having at that time. And he said that all would be well. Let me tell you, Mr Speaker, that all was not well, because interest rates rose to a level not seen before in this country.

They rose to a stage where bankruptcies in small businesses rose to a level again not seen before in this country, apart from during the Great Depression. They rose to the stage where many farmers, in particular, and small businesses were paying interest rates on loans to the tune of 24 per cent. All in all, it was a very unsatisfactory situation. The Treasurer, at one time touted as the world's greatest Treasurer, fell firmly on his face due to the fact that, in 1991, the recession hit, and it showed that the policy of interest rate rises to try to control an economy was not the correct policy to use at all.

There is only one way to control an economy, that is, through fiscal policy, or Government spending, as well as through monetary policy, which involves interest rates. A very significant relationship exists between savings and investment. If interest rates rise, quite obviously money moves from the share market into the bond market, and individuals, businesses and overseas investors put their money into bonds or into interest rate bearing deposits rather than into the share market or investing in companies.

As a result of that, also, when interest rates rise, certain investments of companies become more doubtful and they thus decide not to invest; the demand for funds within Australia becomes slower. However, the thing that most people overlook is that investment decisions are often made with many years of lag time. For instance, decisions or plans that large companies are making now may not come to fruition until two years down the track. So, when they have gone a long way towards making those decisions and when interest rates rise, rather than suddenly stopping all investment, they continue to roll along slowly, thinking that interest rates will flatten out. Therefore, control of an economy by monetary policy alone is not a good idea, because it occurs only very slowly and it may not even occur at all, as Mr Keating found in the late 1980s and the early 1990s.

Mr Lewis: His policies come from a century ago.

Mr BUCKBY: That is quite right; his policies do come from a century ago, and from the depressions and hard times of the 1890s. What we have now is a very similar situation to that which arose in the mid-1980s. Yesterday it was announced that we have a current growth rate of 6.4 per cent, estimated from the last quarter's growth of 1.3 per cent. What is also revealed is that we have a consumer spending growth of 8.3 per cent. That leaves a 1.9 per cent gap, which gap is predominantly imports. As a result of that, as was also shown in the last couple of days, our current account deficit is gradually increasing. Therefore, we will end up paying more interest on our foreign debt, so this country will slide.

This Federal Government must invoke fiscal policy; it must invoke fiscal control on its spending because, as I said before, if you use monetary policy, the effect is very slow. There is a time lag involved in people changing their minds, shifting money and making decisions on investments. That time lag can last for anything up to 18 months to two years. When you change your fiscal spending, what happens is that immediately Government stops spending, demand decreases and, as a result, the economy slows down much more quickly than when you are using monetary policy. It is not a good idea to use fiscal policy alone either, but a combination of both is the correct policy for a country trying to control its economic growth or trying to control spending within the economy.

This is not happening at the moment. Although not the Treasurer now, Mr Keating is continuing to say that the Government has the correct policies and that he will not invoke a mini-budget at this stage, because he considers that interest rates are not rising at a rate that will be deleterious to the community. He might like to tell that to the farmers, because the drought relief assistance of $120 million will be wiped out in a 1 per cent interest rise, which farmers will face as interest rates continue to increase. This morning we heard of a further possible interest rise before Christmas or very soon after because of the figures that were released yesterday.

This policy shows a complete lack of understanding of monetary and fiscal policy in an economy. It shows that perhaps Mr Keating has ideas of an election next year, not wanting to go to another Federal budget with the current growth in the economy, knowing that he will have to bring in tighter fiscal spending.

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

HOUSING TRUST

A petition signed by 46 residents of South Australia requesting that the House urge the Government not to implement the Audit Commission recommendations in relation to the South Australian Housing Trust was presented by the Hon. M.J. Armitage.

Petition received.

FILM AND VIDEO CENTRE

A petition signed by 389 residents of South Australia requesting that the House urge the Government to retain the South Australian Film and Video Centre was presented by the Hon. Frank Blevins.

Petition received.

TOWNSEND HOUSE

A petition signed by 2 854 residents of South Australia requesting that the House urge the Government to ensure Townsend PreSchool for the Hearing Impaired remains open and maintains its current services was presented by Mrs Geraghty.

Petition received.

MILLICENT TAB

A petition signed by 104 residents of South Australia requesting that the House urge the Government not to close the Millicent Totalizator Agency Board was presented by Mrs Geraghty.

Petition received.

EDUCATION AND CHILDREN'S SERVICES

Petitions signed by 269 residents of South Australia requesting that the House urge the Government not to cut the Education and Children's Services budget were presented by Mrs Hall and Messrs Kerin and Quirke.

Petitions received.

PAPERS TABLED

The following papers were laid on the table:

By the Deputy Premier (Hon. S.J. Baker)—

Courts Administration Authority—Report, 1993-94.

By the Minister for Health (Hon. M.H. Armitage)—

Foundation SA—Report, 1993-94.
Institute of Medical and Veterinary Science—Report, 1993-94.
Physiotherapists Board of South Australia—Report, 1993-94.
South Australian Health Commission—Report, 1993-94.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

City of Tea Tree Gully—By-law No. 10—Moveable Signs on Streets and Roads.
District Council of Streaky Bay—By-law No. 1—Permits and Penalties.

By the Minister for Emergency Services (Hon. W.A. Matthew)—

Country Fire Service—Report, 1993-94.
Metropolitan Fire Service—Report, 1993-94.
State Emergency Service—Report, 1993-94.
St John Ambulance Service Inc.—Report, 1993-94.

By the Minister for Correctional Services (Hon. W.A. Matthew)—

Department for Correctional Services—Report, 1993-94.
Correctional Services Advisory Council of South Australia—Report, 1993-94.

PUBLIC SERVICE ASSOCIATION

The SPEAKER: Yesterday the Deputy Premier raised as a matter of privilege a press release made by the Public Service Association about the conference on the Correctional Services (Private Management Agreements) Amendment Bill. I undertook to consider the complaint and give a ruling as to whether a *prima facie* breach of privilege had been established.

Having examined the matter, I understand that the breach complained of by the Deputy Premier relates to disclosure of the results of the conference on the Bill before it had been reported to the House. On reading the press release, however, I cannot agree that anything in it discloses the proceedings of the conference, although I think that the language of the release could have been phrased somewhat more courteously.

A second issue raised from the tenor of the press release is whether it was an attempt to influence the proceedings of the conference. Again, while the language leaves something to be desired, on balance I do not believe that to be the case. I rule that a *prima facie* breach of privilege has not been established and the matter therefore cannot be afforded priority over other business.

In concluding, I make the point that it is most improper for any member or other person to disclose the proceedings of a conference before the managers have reported to the House or to attempt to influence its proceedings, and were it to be established that such actions had taken place it would be open to the House to deal with the matter most severely.

DEATH AND DYING

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: It gives me great pleasure to table the first report to Parliament on the care of the dying in South Australia. The Select Committee of this House on the Law and Practice Relating to Death and Dying made a number of recommendations covering diverse areas such as the law, palliative care, community attitudes, professional education and funding. In relation to reporting, the select committee envisaged that a resolution should be passed by both Houses requiring the Minister for Health to report annually to Parliament on the care of the dying in South Australia. Some members will recall that, just before Parliament was prorogued for the 1993 State election, both Houses did indeed pass such a motion.

I have the privilege of being the first Minister for Health to table such a report, and I do so with a great sense of personal as well as ministerial commitment. It is particularly appropriate, given that today is World AIDS Day. In a joint submission to the select committee by the Australian Federation of AIDS Organisations and the AIDS Council of South Australia, they made the following point:

> The advent of HIV/AIDS as a global epidemic has challenged much of our understanding about health and illness. In particular, HIV/AIDS has focused considerable attention on issues of death and dying.

One of the hallmarks of a humane society is the manner in which it cares for people who are dying, and I pay great tribute to the dedicated health professionals working in this area as well as to volunteers and carers.

As members will see from the report, considerable progress has been made in South Australia in putting a palliative care program into place. A statewide plan has been developed and is being implemented, and I acknowledge the assistance of Commonwealth funding, particularly in enabling programs to be extended in the metropolitan area and new programs to be established in the country regions.

Professional education was an area highlighted by the select committee as being of particular importance. I am pleased to note a number of initiatives which are under way in postgraduate education and education for general practitioners, medical students and nurses. Last weekend the South Australian Health Commission called for expressions of interest for one-off pilot or research projects as part of a palliative care program, with priority being given to training and education in bereavement services, support for volunteer training and recruitment, continuing education for service providers and evaluation program effectiveness and client satisfaction.

There is still much to be done, and I intend that the Palliative Care Planning Group, which was brought together to develop the statewide plan for 1993-94, be formally

established as an advisory committee to the Health Commission to ensure that a high profile for this important area is maintained. The annual preparation of a report to Parliament will ensure that it remains on our agenda, and that is an initiative that I welcome. I move:

That the report on the care of the dying in South Australia be referred to the Social Development Committee of Parliament.

Motion carried.

ELECTRICITY TRUST CHAIR

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I wish to advise the House that Dr Andrew Holsman has been appointed as the new Chairperson of the Electricity Trust of South Australia. The appointment will commence from Tuesday next, 6 December. Dr Holsman, a graduate of Cambridge University and the University of New South Wales and Managing Partner of Ernst and Young Management Consulting Service, Adelaide office, replaces Mr Robin Marrett, who was appointed in March 1993 and who served as ETSA's General Manager from 1988. Dr Holsman is also the Chairperson of the Government's Electricity Sector Working Party and Chairman, Woods Bagot Australia. He has key expertise in strategic and information systems planning and the management of change and has extensive senior management experience as Manager, Corporate Planning and Development with the Australian National Line. He was also Manager of Research and Development for the Port of Melbourne Authority.

For over a decade Dr Holsman lectured in applied economic geography at the University of New South Wales and University of Western Ontario, Canada. I believe Dr Holsman will bring to ETSA the broad expertise and experience necessary for it to maintain and continue its progress in managing change for the 1990s. A focus for achieving structured change will be necessary for the ETSA Chairman, its board of directors and General Manager to take the organisation to a position of strength in its dealings with the national electricity market and national grid, in which South Australia will participate. This new appointment in no way diminishes the contribution of the incumbent Chairman, Mr Robin Marrett, who has maintained throughout his time at ETSA a strength of purpose in guiding the organisation through what would have been challenging times. I wish to place on record my appreciation to Robin Marrett for his professional and positive leadership of the Electricity Trust of South Australia.

MINISTERIAL ADVISORY GROUP

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.K.G. OSWALD: On 26 October this year the Premier announced that a ministerial advisory group would be established by the Minister for Housing, Urban Development and Local Government Relations to facilitate the process of reform in local government. I am very pleased today to be able to announce the composition of the group, which will report to me on issues of local government reform, including council amalgamations, by the end of the financial year.

The Chairman of the ministerial group is Mr Graham Anderson, who is a former Chairman of the Angaston District Council and currently Managing Director of Tarac Australia Pty Ltd. The members of the committee include Mr Don Roberts, who has had 25 years in local government, including 19 years as a Chief Executive Officer. He was also Deputy Secretary-General of the LGA for four years and is a former State President of the Institute of Municipal Management. Another member is Mrs Isabel Bishop, who has been active in local government for a number of years, serving as a councillor on the East Torrens council and as Deputy Mayor and Mayor from 1987 to 1993. Mrs Bishop manages a family horticultural property with her husband at Basket Range.

Another member is Mr Graham Scott, senior lecturer in economics at Flinders University, and Chair of the Local Government Superannuation Board. Mr John Dyer, as the Mayor of Hindmarsh and Woodville Council and President of the Local Government Association, is the LGA's representative on the committee. Mr Dyer's appointment is subject to confirmation by the LGA State Executive at its meeting to be held next Thursday 8 December. Under the terms of reference, the advisory group will address the following issues:

(1) the functions carried out by local government, both by individual councils and within defined regions, and the means by which more responsive, effective and competitive service delivery might be achieved, including the planning and delivery of functions on a regional basis;

(2) the performance of individual councils compared with a range of appropriate benchmarks for best practice and the means by which the performance can be improved;

(3) examining and advising on the extent to which council services should be contracted out and options for the use of competitive tendering;

(4) the need for structural arrangements under which local government areas can encompass a full range of current and proposed functions, together with the people who require them, and the means to achieve the structural arrangements as quickly as possible;

(5) the need for the provision of financial incentives or assistance to amalgamating councils to assist with the initial costs associated with boundary reform, and the form and source of such incentive payments; and

(6) any legislative amendments required to facilitate the reform process.

The Government's approach to local government reform emphasises collaboration with local government in achieving change from within rather than opposing change from outside. The State Government considers it has a vital role to play in providing leadership and an appropriate framework for change, and it is up to local government itself to make the change happen.

The group will consult widely with the Local Government Association, local councils, State agencies, local government unions and members of the community, in both urban and rural areas, in addressing its terms of reference and preparing its advice. Its focus will be on acting as a catalyst for sector-wide reforms by identifying the benefits to be gained from reform of structures, functions and operations, working out ways in which councils can be encouraged and assisted to put new arrangements in place, and suggesting any necessary changes to existing legislation to achieve these outcomes. I commend the operations of the group to all members and seek support during its investigations and deliberations as it prepares its report.

NEIGHBOURHOOD WATCH AND IRON KNOB BIKIE GANG

The Hon. W.A. MATTHEW (Minister for Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: Regrettably, I could not offer the normal courtesy of circularising this statement in advance because it has only just come to hand. Yesterday in the House I was asked a number of questions by the Opposition regarding Neighbourhood Watch and an alleged bikie problem at Iron Knob. Following my referral of these operational matters to the Police Commissioner, he has now provided me with the following information. First, in relation to Neighbourhood Watch, a directive was issued by police management that police who work day shift only cannot incur overtime for any purpose without first obtaining permission from management. When considering an overtime request, police require that there is a need for the officer to perform a specific duty which contributes to the operational effectiveness of the Police Force and a need to achieve a particular departmental objective. Therefore, permission to work afternoon shift or overtime for Neighbourhood Watch will remain unaltered.

The Commissioner reaffirmed that, when members are required to attend such duties, they are entitled to and should be paid in accordance with the police officers' award. With respect to the specific example involving Elizabeth Neighbourhood Watch raised by the Opposition Leader, I provide the following information from the Police Commissioner. The police officer who raised the allegations resides with a union official of the Police Association of South Australia. The union official apparently raised the matter with the Police Association.

Mr CLARKE: Mr Speaker, I rise on a point of order. This is a ministerial statement that contains facts—

The SPEAKER: Order! The honourable member will resume his seat.

Mr CLARKE: I would like to be able to get my words out.

The SPEAKER: Order! I warn the honourable member for again defying the Chair. The Minister has been given leave to make a statement, and the Chair has no control over the content of the statement.

The Hon. W.A. MATTHEW: On Monday the Police Association—

Mr ATKINSON: Mr Speaker—

The SPEAKER: Order! Does the honourable member have a point of order?

Mr ATKINSON: Yes, Sir, leave is withdrawn.

The SPEAKER: Order! Once the House has given leave an honourable member cannot withdraw leave.

The Hon. W.A. MATTHEW: On Monday the Police Association raised the matter with the Police Commissioner and was advised that the information was incorrect—

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

The Hon. W.A. MATTHEW: The Police Commissioner advised the Police Association that police officers will continue to be paid for Neighbourhood Watch attendance. The Police Commissioner also advises that it is interesting to note that the officer raising the allegations earned $939.23 in overtime and penalties from 6 July 1994 to 31 August 1994 prior to greater management control being exercised over overtime.

The issue of WorkCover was raised by the same police officer. Legal opinion has been obtained from the Crown Solicitor's office, and the Police Department has been advised by the manager of the Government Workers' Rehabilitation and Workers' Compensation Office that police officers who volunteer their services or who are employed at a departmental community program, which includes Neighbourhood Watch, are covered by WorkCover if injury occurs whilst they are engaged in these activities. Therefore, the advice from the Police Commissioner indicates that police officers continue to be paid for attendance at Neighbourhood Watch meetings. There has been no change. Police officers are covered by WorkCover when they attend such meetings. I find it particularly disappointing that the Labor Party has entered into politicising the Police Force in this way.

In relation to the difficulties faced by citizens at Iron Knob, I can advise that, contrary to the claim made by the member for Giles, my office has received no correspondence on this matter. The Police Commissioner advises that four complaints were received by either him or the Police Complaints Authority in the past four years from residents of Iron Knob. Three of these complaints are currently with the Police Complaints Authority for determination. One is still under investigation.

The complaints involve a group of six males. Of this group, three currently own and ride motorcycles; two neither own motorcycles or have licences; and one is currently licensed but has a motorcycle undergoing repairs and the motorcycle is not rideable. The group refers to itself as the DV8s (pronounced 'Deviates'). In the preceding two years a total of 45 incidents have been reported within the Iron Knob police district. Members of the group have been either arrested or reported in connection with six of these incidents. Members of the group have been the victims in two of the reported incidents. The Police Commissioner advises that local police will continue to monitor the situation at Iron Knob and take appropriate action where necessary.

JOINT COMMITTEE ON LIVING RESOURCES

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I bring up the interim report of the joint select committee and move:

That the report be received.

Motion carried.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the report be printed.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE

Mr BECKER (Peake): I bring up the twelfth and interim report of the committee on the management of the Government motor vehicle fleet and move:

That the report be received.

Motion carried.

The Hon. S.J. BAKER (Deputy Premier): I move:

That the report be printed.

Motion carried.

QUESTION TIME

WATER RATES

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Infrastructure. Has the Government now reversed its decision and abandoned the Audit Commission recommendations to adopt user-pays, to remove the free water allowance and to eliminate cross-subsidies for water? On 27 October, the Premier told this House that the Government was going to accept these recommendations and that they would be taken up in December to apply for the following year. On 1 November, the Minister told the House that the new water pricing policy would be gazetted within one month. The Waterworks Act requires notices of new rates to be published in the *Gazette* on or before 7 December and today's *Gazette*, which does not carry any notice on this issue, is the last scheduled *Gazette* before 7 December.

The Hon. J.W. OLSEN: I can assure the honourable member that new rates will be established prior to the required date of 7 December. As the honourable member would well know, the *Gazette* is issued from time to time formally to convey the new rating system to the public of South Australia and, in the fullness of time, those rates will in fact be detailed. Let me assure the honourable member that the principles contained in the Audit Commission report have been the guiding principles upon which the water pricing mechanism will be put in place.

STATE ECONOMY

Mr ASHENDEN (Wright): I address my question to the Premier. As the Government is approaching the first anniversary of its election, will the Premier say what evidence there is to show that the Government is fulfilling the most important commitment it made prior to the last election—to rebuild the State's economy?

The Hon. DEAN BROWN: A national survey of 2 000 businesses across the whole of Australia has been released just this week. That survey was very comprehensive; it asked these 2 000 businesses what their expectations were for the next three months; and also it very carefully recorded their performances over the past three months. It is interesting to see, because the survey is broken down into three different areas: first, general business conditions; secondly, employment growth; and, thirdly, investment in new plant and equipment. In all three categories, South Australia came out with the highest expectation of any State in Australia for the next three months.

In terms of improved business conditions, the figure for South Australia was 51.4 per cent, which was 11 per cent above the national average; when it came to employment prospects for the next three months, the outlook was 30.7 per cent, which was 10 per cent higher than the national average; and when it came to investment in new plant and equipment—a very essential item in terms of ongoing expansion of industry in this State—the figure was 32.3 per cent, and that was 5 per cent above the national average. I stress that, in every one of the categories, South Australia was at the very top. I invite members to think about where we were exactly 12 months ago. We were at the bottom of the heap; this State was looking down with a—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I rise on a point of order.

Members interjecting:

The SPEAKER: Order! There are too many interjections coming from my right. The honourable member for Giles has a point of order.

The Hon. FRANK BLEVINS: Thank you, Sir. Could the Premier occasionally address the Chair.

The SPEAKER: Order! I would suggest to the member for Giles that the point of order is getting very close to being frivolous.

The Hon. DEAN BROWN: I have observed, too, how the member for Giles and his colleagues, every time they do not like what is being said from this side, jump to their feet and take a point of order, as they did during the ministerial statement. Who raised the issue yesterday? They did: they raised the issue. The Minister responded this afternoon and they did not like the truth, because they were being exposed for what they are.

Members interjecting:

The SPEAKER: Order! The member for Wright is out of order.

The Hon. DEAN BROWN: As to the national survey, I highlight the sharp contrast with where we were 12 months ago: South Australia had high unemployment, no growth and the poorest figures for the whole of Australia when compared with the other States. Where are we 12 months later? We have gone from the bottom to the top of Australia. There is more good news on top of that. For the last seven months consecutively we have had growth in South Australia with job vacancies. The Commonwealth DEET survey released just today shows a 48.2 per cent increase in skilled vacancies in South Australia. Since the election, we have created over 15 000 full-time jobs since January this year.

The latest figures also show that in South Australia since March this year we have had an annualised growth rate in employment of 4.5 per cent compared with the national average of 3.9 per cent—again the highest State in Australia. This clearly shows that South Australia is growing in terms of its economy. It shows that we have achieved an export focus in South Australia. It shows that we have gone from the bottom of the Australian States to the top. It also highlights the enormous optimism building up in South Australia, because the companies are making investments in new plant and equipment. I point out that 12 months ago the Liberal Party promised South Australia a change for the better, and 12 months later we have produced a substantial change for the better.

WATERWORKS ACT

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Was the decision to comply with the Waterworks Act by publishing a special *Gazette* in lieu of placing the required notice in today's *Gazette* taken to avoid the scrutiny of this Parliament?

The Hon. J.W. OLSEN: It is Question Time today and we are under scrutiny of the Parliament. If the Opposition wants to pose a series of questions in Question Time and use the democratic process, rights and procedures of this Parliament, it is entitled to do so.

STATE SUPPLY

Mr ROSSI (Lee): My question is directed to the Treasurer. What action is being taken by State Supply to identify functions that might be undertaken more cost effectively by the private sector?

The Hon. S.J. BAKER: The issue of how we conduct business in South Australia and how a Government conducts business is addressed on a regular basis, particularly within my portfolios. We have a monthly meeting to look at better ways of providing service; in areas where we believe we are not getting value for service, we are looking at other means of providing that service. I refer to two small areas that might appeal to the House. The first relates to transport, because many of our supply functions have had dedicated transport which is highly inefficient and which is not cost-effective. Even in an area such as the State Supply warehouse at Seaton, which had dedicated transport associated with it, that transport is now with the private sector, and the last two trucks owned and operated by State Supply were discontinued from service in June this year. The remaining drivers have been made available for redeployment within the warehouse.

We now use TNT Air Carriers, which can operate as part of its normal service. That is saving us about $64 000 a year simply by making the service better and faster by giving it to the private sector. In the area of disposals, we have tended to do the job ourselves rather than letting the experts handle that aspect of Government. We have changed that as well. We have had expressions of interest, and we believe significant cost savings will be made from that area simply by allowing those people who are expert at doing the job to do it at a competitive price. We had a dedicated fleet at Central Linen, but that has now changed, and some drivers have gone over to the contractor.

We now have an efficient and effective service; it is one providing quality, it is timely and, of course, it is also achieving significant cost savings. Every month we sit down and work out the best way of doing things and how we can improve. In many areas we have management and employees coming up with new ideas, some of which involve transferring functions from inside Government to outside Government, and some real innovation is taking place.

WATER CROSS-SUBSIDIES

The Hon. FRANK BLEVINS (Giles): Will the Premier give a categorical assurance that cross-subsidies to country water users that ensure that country users pay the same price for water as metropolitan users pay will not be reduced or removed?

The Hon. DEAN BROWN: I am surprised that the honourable member, being a country member, has not bothered to read a press release put out by the Government, through the Minister for Infrastructure, earlier this week where that assurance was given. I assure the honourable member that there will be a common price for water right across the State.

COMMUNITY INFORMATION SEMINARS

Mr CONDOUS (Colton): Can the Minister for Industrial Affairs inform the House on the latest round of community information seminars held in Adelaide to discuss industrial relations issues? When the State's new industrial relations laws came into effect in August, the Minister said a series of information briefings would be held, and I seek information from the Minister about the feedback from these seminars and the number of participants they have attracted.

The Hon. G.A. INGERSON: We have had very interesting briefings, 18 meetings having been held around the State, seven of them in the country and 11 in the metropolitan area. Last evening I had the privilege of attending a meeting in the Barossa Valley at which over 100 people were present. At Norwood the previous evening, 280 people attended a meeting to learn about enterprise bargaining, and the previous week 180 people attended a similar briefing in the western suburbs. One of the most important issues that came out of the briefings was that small businesses wanted to make change. They were excited about the new industrial relations provisions in our State and wanted to learn how they could shift away from the rigid award system under which they had previously been operating.

An interesting aspect of the briefings was that it took the UTLC 13 meetings before it decided to send a member along. It was very interesting that, at the last five briefings, the UTLC member changed his attitude from being a very aggressive person and initially condemning the new industrial relations system to last night saying that it is the sort of partnership in which the unions and the employers ought to be involved because it is the best system in Australia. His change in attitude was interesting because it had come about through his involvement with all these small business people saying, 'We want to work with the trade union movement and with the employees to make sure that the system works in South Australia.' I congratulate the UTLC member concerned, because he has seen the light, and I am quite sure he will now go back with his honours degree and convince the rest of the people in the UTLC that it is the best way to go.

Another interesting point to come out of the meeting last evening was the announcement of the first total non-union agreement in South Australia, 30 non-unionists having sat down with their employer and negotiated this agreement. It is a sign that small business is now starting to recognise the benefits. More than 2 000 employees are now covered by enterprise agreements in South Australia, and we are going to ensure that this State is progressive through this new industrial relations system.

WATER RATES

Mr FOLEY (Hart): Will the Minister for Infrastructure reveal to the House today details of his new water rating scheme required by law to be gazetted by 7 December?

The Hon. J.W. OLSEN: In answer to previous questions from the Opposition, I have indicated that the Government has considered water pricing, as all Governments do in the month or so prior to 7 December, to make a determination. The Government has considered the question of water pricing and it will be announced in due course. As I told the member for Hart just a short time ago, be patient, and I am sure he will be pleased with the determinations and policy directions of the Government.

INDONESIAN MINISTER

Mr WADE (Elder): My question is directed to the Minister for Infrastructure. Following last week's visit to South Australia by the Indonesian Minister for Public Works, Mr Moochtar, will the Minister advise the House of the results of that visit and say what may have impressed the

Indonesian delegation while they were guests of the Engineering and Water Supply Department?

The Hon. J.W. OLSEN: As the honourable member has indicated and as I have previously advised the House, the Indonesian Minister for Public Works visited South Australia a week ago and spent several days looking at the activities, experience and expertise of the Engineering and Water Supply Department and how that might be applied in Indonesia. It was a very productive visit by the Minister. He was able to gain first-hand knowledge of the skills within the Engineering and Water Supply Department, skills which have been built up over many decades as a result of handling and managing difficult water, distributing water over large areas of South Australia, how we look after trade waste, sewage discharge, and why and how South Australia is the only State in this country not to discharge raw sewage into any gulf, river, lake or waterway within its borders.

Following the visit and consultations between the Indonesian Minister and the South Australian Government, a project has been established to look at the Ciliwung River, a major river fronting Jakarta, which flows through Bogor and Jakarta into Jakarta Bay. Currently this river has discharged into it not only commercial/industrial trade waste but sewage as well, and it is also required for drinking water. We have agreed as a matter of principle to use that river as a pilot project to establish a clean river system. It will be a high profile project and it will be very important in positioning South Australia and its knowledge and expertise in the Indonesian marketplace. The successful conclusion of that project hopefully will open up a range of other opportunities in Indonesia and other parts of Asia for joint ventures between the private and public sectors of South Australia, using the experience and knowledge of the Engineering and Water Supply Department, to create a better environment for people in Indonesia.

As I indicated to this House on a previous occasion, Jakarta with a population officially of 14 million, but more than that, has a sewerage system designed by the Dutch to cater for 500 000 people. As will be appreciated, that system is overtaxed. As a result, many opportunities are available for private sector companies working with Government agencies in Indonesia. In fact, in the Asia region it has been identified that about $26 billion worth of infrastructure will be required to meet their needs over the next 10 or 15 years.

South Australia has two choices. It can ignore it and let other States and countries access those opportunities, or it can seize the initiative and position itself to create jobs for South Australians by using the knowledge and expertise that we have built up over many decades as a result of handling difficult water and experiencing the disadvantages with which South Australia has had to cope. That visit has positioned South Australia well with the Indonesian Government.

I have issued an invitation to members of Mr Moochtar's staff from their Public Works Department and Department of Environment and Conservation to visit South Australia early next year to have meetings with officials from the Engineering and Water Supply Department, the Economic Development Authority, with the support and cooperation of the Department of Environment and Natural Resources, to work up a program for the clean up of the Ciliwung River. Subsequent to that, officers from the South Australian Government will go to Indonesia to assist in implementing a plan for that project and then proceed to look at funding for it from the World Bank, Asia Development Bank, ADAB, or other sources to undertake that task.

It is a practical demonstration of the importance of having contact with other countries and people in places of influence who can look first hand at the ability of South Australia to meet their needs and position South Australia, over the next 10 or 20 years, to undertake the export of its tradeable services and knowledge bank. By doing that, we will create a better economic climate in South Australia.

HOSPITAL STAFFING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. How many medical, nursing, technical and support staff will disappear from our public hospitals after the Christmas deadline for staff cuts, and how does he propose to maintain standards of care in our public hospitals following these massive staff losses? The Opposition has been informed that 127 full-time jobs must go from Flinders Medical Centre by Christmas, including 25 nurses and 60 to 80 support staff. Another 300 staff at Modbury Hospital are to go, including almost one-third of the nursing staff. Nursing staff at Flinders say that the loss of 25 nursing jobs will jeopardise levels of care.

The Hon. M.H. ARMITAGE: Unfortunately, the Opposition is stuck in the paradigm of the past. It has not yet grasped that things alter. I cannot remember the number of occasions in the past on which I have spoken about the efficient use of staff with things such as step-down care beds. This is exactly the way staff numbers can be reduced: by providing totally appropriate care at the smallest cost to taxpayers. Surely nobody in the House would disagree with that. If the member for Elizabeth disagrees with that, please let her stand up and tell the taxpayers of South Australia. That is exactly the sort of way in which budgets can be managed totally appropriately, with no decrease in care.

With regard to Modbury Hospital, the member for Elizabeth talks about one-third of the staff being offered TSPs, and hence continues on her merry way of creating further discontent and fear. I have a letter from the Chief Executive Officer of Modbury Hospital. Amongst other things, he indicates:

> The strategy we have employed therefore is to seek approval for what we believe is an ambit claim—

I am sure members opposite know only too well what an ambit claim is all about—

> and to remove some of the uncertainty.

In other words, for the workers. The letter further states:

> We believe only 10 to 15 per cent of the total Modbury staff are likely to take a targeted separation package. By removing uncertainty we can better assist staff to make their individual decisions. We are also striving to provide staff with clear, correct information about their other employment options. . .

So, as I have said on countless occasions, no staff at Modbury Hospital need fear for their job. What the Chief Executive Officer and the management have done is offer a number of targeted separation packages, which everyone in the House knows are voluntary. If workers decide to take them up and to allow the taxpayer to benefit, so much the better.

HARBOURSIDE DEVELOPMENT

Mr BECKER (Peake): I direct my question to the Minister for Housing, Urban Development and Local Government Relations. Following his recent announcement of the appointment of preferred developers to the $20 million

Harbourside Quay residential development at Port Adelaide, when can work be expected to commence on this site?

The Hon. J.K.G. OSWALD: Members will recall my announcing in the House a while ago that Kinsmen Pty Ltd had been awarded the right to commence work on the development of the Harbourside Quay site. Kinsmen Pty Ltd is well known for residential developments such as the Seaford, Montague Farm and Horwood Bagshaw sites. The Harbourside Quay site will have the potential to develop 150 houses and will become the first stage of the redevelopment of the Port Adelaide waterside area. Because of its past use in both light industry and port activities, the fact is that nearly all the waterfront could have been subject to some sort of filling and reclamation work, and because of that it will have to be subject to considerable investigation to determine what sort of contamination could be present, before we move into any residential construction. In this regard, prior testing has indicated that the site does contain some soil contamination resulting from its prior use, and investigation will have to proceed.

The first stage of activity will therefore involve extensive field trials to determine the appropriate remediation and compaction strategy. These trials will involve the respective authorities, such as the Port Adelaide council, the EPA and the South Australian Health Commission, and will be undertaken under the supervision of Maunsell Pty Ltd, which has had wide experience in other remedial work around Adelaide. These works were commenced on-site today; they will finish at the end of next week; and they will involve the necessary health and safety precautions to ensure that the most effective remedial strategy is identified.

The initial work will mean that five or six technicians in white protective clothing will be on site, moving around; backhoes will be involved; and bulldozers and compactors will also be in use. The workmen moved onto the site today. What was perceived some months ago by the Opposition and others as just an idea, on which we were questioned as to whether it would ever come to fruition, now has developed to the stage where workmen and implements have moved onto the site and we are seeing activity taking place. I would expect to have the development designs on my desk very early in the New Year, so that we can get on with the project.

MODBURY HOSPITAL

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Was the process which led to Gribbles Pathology being chosen as the preferred tenderer for pathology services at Modbury Hospital consistent with the policy on contestability that he announced in June and, if not, why not? Minutes of a meeting between IMVS staff and Health Commission executives on 16 November indicate that there is confusion as to whether the pathology services at Modbury came under the umbrella of contestability, and that the Health Commission is seeking internal legal advice on the matter. The minutes also indicate that urgent decisions relating to the fate of IMVS staff at Modbury Hospital cannot be made until the legality of the process is finalised.

The Hon. M.H. ARMITAGE: As the member for Elizabeth so correctly identifies, the pathology services at Modbury Hospital are provided by staff of the IMVS; in other words, they are not Modbury Hospital staff. The legal advice is that the contestability policy, which the Government enthusiastically embraces, will apply where the staff within the hospital itself are competing for a tender against the private sector. This was identified to the management of IMVS, and the tender brief, which was printed in the *Advertiser*, was referred to all interested parties, including the management of the IMVS, indicating that it was a process of tendering or contracting out rather than competitive tendering. So, the process is completely understood as one of those contracting out rather than competitive tendering. There is a difference with all the other services offered for contestability because at the moment they are provided by staff within the Modbury Hospital, and I am informed that all the contestability guidelines are being followed in those tenders.

The other thing I would ask members of the House to note, and I have mentioned this before, is that the IMVS did not submit the winning tender. The reason it was not the winning tender was that, for exactly the same quantum of services, there were at least two tenderers at a lower price. In line with every decision that this Government will take, if we can provide quality services at a cheaper price so that the taxpayer gets good quality services and benefits financially, we will make those decisions.

MURRAY-DARLING 2001 PROJECT

Mr ANDREW (Chaffey): What action has the Minister for the Environment and Natural Resources taken to advance the South Australian Government's submission to the Centenary of Federation Advisory Committee for the Murray-Darling 2001 project?

The Hon. D.C. WOTTON: I thank the member for Chaffey for his ongoing interest in this matter and matters relating to the Murray River. It is of particular interest to the member for Chaffey and of interest to all South Australians. Just as an aside, members may be interested to know that the Murray-Darling Basin Ministerial Council will be meeting in Adelaide tomorrow. The South Australian Government is acutely aware of the importance of the Murray-Darling Basin to Australia and, in particular, to South Australia. Hence its decision to put a submission to the Centenary of Federation Advisory Committee in June this year for the Murray-Darling 2001 project, a program to restore the Murray-Darling Basin by the year 2001. That written submission followed a presentation by the Premier in March this year.

The Centenary of Federation Advisory Committee included the project in its report to the Commonwealth Government but, unfortunately, the Commonwealth Government has not supported the inclusion of the Murray-Darling 2001 project in the Centenary of Federation program, and I think we would all be disappointed and concerned about that. However, given the importance of the project, the South Australian Government does not intend to let the matter rest there. I have had the project put on the agenda for tomorrow's ministerial council meeting with a view to noting the background to the project, agreeing to the further development of the project and agreeing to its being submitted to COAG for consideration as a separate project for funding under the Centenary of Federation program.

While progress has been made in tackling the natural resource management issues confronting the basin, the State Government believes that progress is being made but at a relatively slow rate. The main aim of the Government in promoting the Murray-Darling Basin 2001 project is to build upon existing initiatives and to greatly accelerate the rate of progress, specifically in improving river health and quality, so that substantial progress can be achieved by the year 2001.

Without the impetus that would be provided by the implementation of the project, its overall goal of restoring river health and protecting water quality will not be achieved by 2001 and probably not for many years after that. As a result, the Premier, my ministerial colleagues and I will be doing everything we can in order to promote the Murray-Darling 2001 project which, I would suggest to all members of the House, deserves the support of all South Australians and all Australians.

HOUSING TRUST RENTS

Ms HURLEY (Napier): When will the Minister for Housing, Urban Development and Local Government Relations end the uncertainty facing Housing Trust tenants and announce full details of the trust's new rent policy, and why has he failed to table the triennial review of the Housing Trust in this session of Parliament? Following the Audit Commission report in April, I have been approached by many Housing Trust tenants seeking details of when and how the right market related rents recommended by the commission and confirmed in the Government's May financial statement will apply. The Minister told the Estimates Committee on 16 September that he would table the triennial review and details of the trust's rent policies 'shortly'.

The Hon. J.K.G. OSWALD: The question of rent and rent increases is subject to very detailed modelling that is going on within the Housing Trust. It must be considered by the Housing Trust Board and also by my department and the Government. As soon as those figures are available, they will be released to the House. The Government is taking very seriously the whole question of market related rents. We are not about to go out there and raise rents unnecessarily. We are not about doing anything other than looking after the best interests of our tenants, who are our customers. We will make a very careful decision in due course, and the public and the House will be the first to know when it is made.

EMERGENCY SERVICES

Mr KERIN (Frome): Will the Minister for Emergency Services advise the House whether a review is under way for a combined emergency services dispatch system for South Australia and whether the review involves all emergency service agencies?

The Hon. W.A. MATTHEW: I am well aware of the honourable member's ongoing interest in the provision of emergency services, particularly in his rural electorate, and the honourable member is well aware of the difficulties faced by some of those emergency service groups in effectively communicating with each other due to inadequate communication systems in this State. In response to the honourable member's question, I can advise the House that on 12 September this year I established a combined emergency services committee headed by the Office of Information Technology to review the emergency services communication systems and also to investigate the merits of a combined dispatch monitoring system for South Australia's emergency services. The first report from the committee is expected to be with me by 12 December this year. However, in the interim I can advise the House that a number of things have occurred, and I can also advise the House of the work being undertaken by the committee.

The study is to determine the technical viability and cost justification for a combined emergency services dispatch system. This is being considered by the committee in two parts. The first part is the function of dispatching emergency service vehicles and appliances to an incident. The second part is the provision and operation of computer hardware and software, including communications networks and equipment to facilitate dispatch and communications. With respect to existing systems, the committee has found that the current ambulance system, which dates from November 1988, is in need of replacement. It has a limited functionality and no access to geographic information. The existing Metropolitan Fire Service systems have been developed in house over many years and have reached the limit of their capabilities. Calls cannot be queued. There is no provision for access to geographic information systems, and the systems do not presently comply with international fire standards.

The police computer aid dispatch system commenced operation in July 1990, at which time it was regarded as state of the art. However, the recently completed South Australian Police Information Technology Strategic Plan has identified that the system is now reaching maturity and also requires upgrading. The committee has also found there is duplication of communications towers and equipment between agencies resulting in increased costs and communication difficulties between those emergency service bodies due to incompatible equipment.

The feasibility study has determined that there are a total of 184 people employed at a cost of $11.2 million to dispatch emergency service vehicles across South Australia. In situations where call work loads are at a peak, it is possible that a dispatcher may overlook the need to invoke several emergency service agencies and dispatch resources from one agency only.

It has therefore been determined that a key requirement of any combined dispatch system will be to enable and facilitate a multi-agency response to any incident. While the final recommendations are yet to be made, I can also advise the House the committee favours a two-site communications operation, with one site acting as a backup for the other. This is likely to involve the police and the State Emergency Services at one site and the Metropolitan Fire Service, country fires and ambulance services at another. The dispatch function is expected to continue to be operated by emergency service agencies but with the private sector providing the information technology facilities.

It is intended that the implementation plan be developed by April 1995 and the development of new systems proceed to allow the new communications systems to be implemented during 1996-97. Therefore, in the interim, changes are also likely to be necessary to existing systems in order that they can continue to cope prior to the introduction of the new systems. Following six years of procrastination over emergency service communications systems by the previous Government, I am pleased to be able to advise the House that this Government is getting on with the job of tackling the issue and solving it.

METROPOLITAN FIRE SERVICE

Mrs GERAGHTY (Torrens): Will the Minister for Emergency Services assure the House that all officers of the Metropolitan Fire Service will be subject to the same disciplinary procedures for breaches of regulation regardless of their rank or position in the service? Recently an officer was demoted for breach of regulation, yet the Deputy Chief Officer on two occasions while on call failed to attend two

fires: he did not arrive. The Deputy Chief Officer was not disciplined and officers are concerned that two sets of rules apply in the service, and morale is very low.

The SPEAKER: Of course, the honourable member is not commenting. The honourable Minister for Emergency Services.

The Hon. W.A. MATTHEW: I am absolutely appalled at the allegations that have been made by the honourable member in this House. The honourable member has used parliamentary privilege to malign an officer of the Metropolitan Fire Service when that officer has not had the opportunity to defend himself in this Parliament. I am advised that the United Firefighters Union did approach the ALP and asked that such a question be asked. Accordingly, I spoke with the Chief Executive Officer of the Metropolitan Fire Service and discussed the issues in question.

As a result of that discussion, I can advise the House that Mr Winston Haby, the Chief Executive Officer of the Metropolitan Fire Service, has assured me that all officers of the fire service, regardless of the rank they occupy, will have the same disciplinary conditions and expectations apply to them. The CEO advises me that if an officer, regardless of their rank, transgresses the requirements of their job, they will be dealt with accordingly. There was an incident involving the deputy officer, the incident was investigated and the investigation found that the officer acted as was expected. There the matter should end.

If the honourable member has any further concern over that particular incident or officer, I invite the honourable member to raise that matter with me outside this Chamber and I would be happy to arrange for further information about the incident to go to the member. But it is inappropriate that that officer's personal affairs be aired in this House or that that officer be maligned in this way. I further advise the Opposition members in this House that, if they wish to have information they receive from their union mates checked, I am happy to provide that service—as indeed are other members—to perhaps reduce their embarrassment in this Chamber and bring back the information they require.

IAN WARK RESEARCH INSTITUTE

Mr SCALZI (Hartley): Will the Minister for Industry, Manufacturing, Small Business and Regional Development tell the House the benefits that are likely to flow to South Australia from the new Ian Wark Institute at Technology Park, which the Minister opened officially today?

The Hon. J.W. OLSEN: South Australia has a history of being successful in a range of innovative ways. The first centre for excellence, badged by the MFP, the Ian Wark Research Institute, will take that one step further. South Australia has a history of being successful in applying research to day-to-day problems of industry and business; coming up with solutions that people can use in business and sell; making a business more profitable; and being able to compete more effectively nationally and internationally. The Ian Wark Research Institute is the first centre for excellence with which the Government is proceeding and, although it commenced several years ago, it has now been badged by the Government under the MFP umbrella.

An honourable member interjecting:

The Hon. J.W. OLSEN: I acknowledge that. The other centre for excellence currently being put in place is Information Technology and Telecommunications, and we are proceeding in relation to water quality research. Hopefully, that centre for excellence will be badged in the not too distant future. The centres for excellence are all about helping to move even more quickly from the successful research project to the successful market product. Mineral and material science, technology and engineering is an area which will continue to be very important, and the institute will play a major role, providing quality staff and advice, for example, to the mining industry; optimising surface coating properties to minimise such common nuisances as corrosion and wear; developing new chemicals and instrumentation; and improving mineral processing.

They are the outcomes and will be the outcomes continuing at the Ian Wark Research Institute. All those activities have a very large economic component and can generate major national and international business opportunities. I commend the institute for the way in which it is structured and the contacts it has developed in interacting closely with industry in South Australia. The upgrading of products, processes and expertise with industry, helping it value adding in some of Australia's largest export areas and also working on projects to improve the environment, such as mine rehabilitation, metal recycling and water quality, all add up to better positioning industry out of the State of South Australia.

The Ian Wark Research Institute follows in the footsteps of the highly successful Signal Processing Research Centre. Already the industry has established major industry sponsorships and has helped Australian industry achieve productivity gains of more than $100 million. Those productivity gains to industry mean that, in many instances, industry is better able to position itself in the international marketplace—all, I might add, with an investment of $1 million. It is not a bad return on $1 million investment by the State in the Ian Wark Research Institute to get those productivity gains that are flowing through industry.

Clearly, it demonstrates how a centre of excellence using the intellectual property from South Australia, carving out a credibility, reputation and niche market for the State of South Australia, is a very important thrust forward. It is important in the expansion of the economic base of South Australia from primary production to manufacturing industry and IT and T—which is a clear direction of the Government—using the intellectual property of South Australians to advance South Australian produce and the South Australian economy. Perhaps it will work to the advantage of South Australians who undertake their education here and who want to pursue a career path with challenges and opportunities in this research and development area. Instead of having to go interstate and overseas, they will be able to complete their career path, their working life, within the State of South Australia. We stop the brain drain. They make a greater contribution to South Australia and the economy of this State in the future.

AUSTRALIAN NATIONAL CONTAMINATED LAND

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for the Environment and Natural Resources investigate as a matter of urgency allegations that Australian National is proposing to undertake the excavation and levelling of the contaminated land site at Islington railway workshops, which, if carried out in the manner outlined in AN's tender, it is alleged, would pose a serious risk to the health of local residents? I have received a copy of corres-

pondence from one of my constituents which is addressed to Australian National and which states in part:

I am extremely concerned that, despite your assurance to me that the site would not be disturbed by this work (our meeting 1 November 1994), the tender appears to clearly outline both excavation and levelling work to be carried out there. We do not believe that this work has been approved by the Department of Environment or the SA Health Commission as the recommended course of remedial action. In fact, we believe that both departments were not aware of the nature of the work now proposed to be undertaken. We are extremely fearful that this proposed work poses an extreme risk to this community.

The Hon. D.C. WOTTON: I will have the matter investigated.

LAND DEGRADATION

Mr BROKENSHIRE (Mawson): What is opinion of the Minister for the Environment and Natural Resources of the initiative of the McLaren Flat Primary School, 'A Birth of a Forest' land degradation project, which is being conducted in my electorate of Mawson, as to its worthiness as an environmental plus for South Australia? In the Hills face zone, through the Willunga to Onkaparinga hills area, there has been massive land degradation, and we now have a major problem in the basin in relation to water. It is estimated that up to another 20 inches of water per annum could be delivered into the basin if reafforestation occurred in the Hills face zone, and the school and community are very keen to see this happen.

The Hon. D.C. WOTTON: All members would be aware that some excellent initiatives are being carried out in different parts of the State to improve the environment, whether it be through Landcare, agencies of government, non-government organisations or issues brought forward by the community. The project to which the member for Mawson has referred is one of those excellent projects that are under way at present. Only a few weeks ago I had the privilege of being taken by the member for Mawson to have a look at this project in action, and I was most impressed with the community support that has been given to it.

I understand that the project, 'A Birth of a Forest', is actually being launched tonight by the member for Mawson, and I congratulate him for the part he has played in it. It is an excellent example of members of the community working together. The McLaren Flat Primary School, the community generally, Landcare groups, off-road four wheel drive clubs and a number of other organisations have got behind this project. The project deals with agro-forestry and the preparation of woodlots, and a great deal of effort is being put into soil erosion control in the hills face of the Willunga hills.

I commend particularly those people who are involved in working towards overcoming soil erosion in the area. Old newspapers are being used for that purpose and plastic milk bottles are being used for tree guards. It is a very practical initiative, which has been picked up by the community. So I commend all those people. As I said earlier, I know that many such initiatives are occurring in various parts of the State, but this one in particular is a great example of a community recognising that it should not be left just to the Government to improve an area. With the involvement of the general community, the school community, Landcare and so many other groups, the task has been taken to hand and they are to be commended for the work they are doing to improve the environment. Again, I commend the member for Mawson for the part he is playing in this project.

ASBESTOS

Mr De LAINE (Price): Will the Minister for the Environment and Natural Resources investigate the feasibility of banning the use of asbestos currently being used in motor vehicles for brake and clutch pads? It is claimed that tests in Australia have shown that brake and clutch pads manufactured from non-asbestos materials are superior in performance to those using asbestos. It is also claimed that asbestos brake and clutch pads are completely banned in Europe and the UK but are being imported into Australia and used in motor vehicles that were originally designed for non-asbestos components.

The Hon. D.C. WOTTON: I was of the opinion that asbestos was no longer being used in brake pads, but I will investigate the matter and bring back a reply.

EMERGENCY SERVICES

Mr LEGGETT (Hanson): Will the Minister for Emergency Services advise the House whether further progress has been made toward collocating fire and ambulance stations?

The Hon. W.A. MATTHEW: I thank the member for Hanson for his question, and I take this opportunity to acknowledge the good work that he is doing with this Government, particularly in his role as a member of the Emergency Service Advisory Committee. I have previously advised the House that there are significant savings in both cost and efficiency to be made through collocating ambulance and fire stations. For that reason, I advised the House that a collocation trial was being undertaken involving a crew from the Unley Ambulance Station and the Metropolitan Fire Service, Wakefield Street headquarters. That trial concluded at the end of October and, following the 16 week period of the trial, both emergency services have advised me that there were significant efficiencies gained and, in particular, there was a significant improvement in response times by ambulances.

The Hon. Frank Blevins interjecting:

The Hon. W.A. MATTHEW: I would have thought that the member for Giles would welcome this announcement rather than heckling in the background, because considerable efficiencies can be gained through this move. Following the trial, on 27 October a meeting of ambulance officers from the Unley station occurred and was attended by the Metropolitan Regional Director. Unley staff indicated that there were some operational issues which needed to be addressed before a return to the Wakefield Street station could be considered. They also advised that these issues could be addressed within one week; they formed a working group to undertake that work, and completed it. However, they have since advised that the collocation could not occur without union sanction.

Despite frequent requests on a daily basis from the Ambulance Service in South Australia, the Ambulance Employees Association has refused to discuss the issue so that the collocation can proceed. Notwithstanding that, positions have now been advertised so that officers can apply for those positions at the Wakefield Street headquarters. Further, on Sunday I opened the new Loxton Fire Station. In opening that station, which is in the electorate of the member for Chaffey, I advised those in attendance that that station would be unique for a number of reasons. Not only was the station finally opened by a Liberal Government, after many years of being required in the area—and of course the member for Chaffey is well aware of how important the

station is to his electorate—but also it will be the last stand alone fire station opened in South Australia.

One other station is about to be built shortly, and that station is at Brooklyn Park near the Adelaide Airport. It is expected to be a collocated station, involving ambulance officers and fire officers. Both services have agreed to the plans of the building to provide a facility that will enable emergency service delivery of these important services from the one site. I look forward to the development of these opportunities to collocate these services, saving the taxpayer money and improving response times. It is good news all round for emergency services. The only impediment seems to be that unions are unwilling to help us move forward on the basis that they wish these to be enterprise bargaining points. Those unions have been told in no uncertain manner that the location of the workplace is not an issue of discussion around the table in those negotiations.

SEMAPHORE PALAIS

Mr FOLEY (Hart): Will the Minister for the Environment and Natural Resources advise the House on the status of negotiations between the Government and the developers of the Semaphore Palais?

Members interjecting:

Mr FOLEY: It is a very important part of Adelaide.

Members interjecting:

The SPEAKER: Order! There are too many interjections from my right, including from those on the front bench.

Mr FOLEY: Thank you for your protection, Mr Speaker. Work has been halted for many months on the restoration of the old Palais on the Semaphore foreshore due to problems between the Government and the developers concerning ownership of the building.

The Hon. D.C. WOTTON: This matter has been brought to my attention previously by the member for Lee as well. I have sought a response from my department. That response has not yet been provided but, when it has been, I will make it available to the member for Hart as well.

COURTS ADMINISTRATION AUTHORITY

The Hon. S.J. BAKER (Deputy Premier): I table a ministerial statement made by the Attorney-General in another place on the first annual report of the Courts Administration Authority 1993-94.

FILM COLLECTION

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I table a ministerial statement made by the Minister for the Arts in another place on the future of the 16mm film collection.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr CUMMINS (Norwood): I want to deal with the recent attacks by the Opposition on the Minister for Aboriginal Affairs and highlight the hypocrisy of the Opposition and its total disregard for Aboriginal people when it was in Government. Members will know that the Leader of the Opposition was Minister of Aboriginal Affairs from 14 December 1989 to 1 October 1992. We might ask what his record was as Minister of Aboriginal Affairs. In August we had the pleasure of visiting Oak Valley, an Aboriginal community about 150 kilometres north-west of Maralinga. It is isolated, being some 330 kilometres from Yalata, the nearest town, with only 80 kilometres of the road being sealed.

One could ask what the Labor Party when it was in power did for the Aboriginal people of Oak Valley. When we visited Oak Valley we saw adults with glaucoma; they were blind, and this is the treatment they got. Many children had their eardrums eaten out and were permanently deaf. The reason for these afflictions is the lack of proper medical attention, lack of water and hygiene problems. This occurred when the Labor Party was in power both in this State and federally.

There are 15 to 30 children at the Oak Valley Primary School on occasions. What did the Leader of the Opposition do when he was Minister of Aboriginal Affairs? With an outside temperature of 54 degrees, it is 48 degrees inside the classroom. The Labor Government did not provide any air-conditioning and there was no provision outside for shade for the children. There were no toilet facilities for the children, the teachers or other people. Indeed, the teachers were committed but they will be leaving soon because they cannot cope with the conditions. There was a lack of suitable drinking water, which had to be carted from 150 kilometres away.

In winter time it was impossible to negotiate the roads. We attempted to land on the airfield, and the pilot told us that he would never land on it again because it is too dangerous. This is the airfield that the Labor Government provided for the Aboriginal people of Oak Valley. Was the former Minister of Aboriginal Affairs aware of that? We became aware of the problem three months ago, but what has the present Minister done? We got DOSAA to cart 240 tonnes of water for the Aboriginal people. That was a job for ATSIC, but it has not done it. We got DOSAA to do it. It was a simple thing to do. Our Minister for Aboriginal Affairs did it within three months of knowing what was going on at Oak Valley. In addition, we have provided air-conditioning for the school, we have provided shade for the children and we are addressing the medical issues.

One might ask if that is the record of a Minister for Aboriginal Affairs who is non-caring and, according to the Opposition, racist. I would think not. What the Opposition did when it was in Government and what the Federal Government has done to the Aboriginal people of Oak Valley is an absolute disgrace. Indeed, I commend the Minister for Aboriginal Affairs for solving some of the problems at Oak Valley. In this case, it is really a question of whose kettle is white.

Ms HURLEY (Napier): I want to comment on the replies by the Minister for Infrastructure and the Minister for Housing, Urban Development and Local Government Relations today informing us that we will have to wait for answers to a number of decisions about price increases that may or may not be in the wind. This has occurred throughout the year with regard to not only water and housing but also transport. We have had hard decisions being put off, and obviously they are now being put off long enough so that the

Ministers involved will not be fully accountable to Parliament, and increases will be announced during the recess.

I particularly want to deal today with transport, which is an issue that strongly affects people in my electorate. We are in the outer northern suburbs and transport is a big issue because it forms a significant part of people's general costs. Indeed, an extensive survey by the Elizabeth/ Munno Para project identified transport as one of the issues of most importance to people in the community, in terms of both availability and cost of services.

Earlier this year the Minister for Transport indicated that there would be increases in transport costs, and a proposal went to Cabinet to increase the fee for a multi-trip ticket in outer areas from about $14 to about $20. The Minister was knocked off in Cabinet but we are still waiting to hear what the increase will be. The Minister for Transport has been remarkably insensitive on the issue of fares for people living in outer suburbs. At one stage the Minister said people should live closer to their work. I can assure the Minister that, if people in my area could get housing in North Adelaide at a reasonable price, it is probably where they would be. However, they are in the outer suburbs and are still waiting to hear what is happening about fares.

The second transport issue in my area that is starting to concern many people involves the sale of a number of transport routes and the leasing of depots. I understand that the Elizabeth depot is to be one of the first to go, and a number of people in my electorate have approached me with concerns about the implications of this for transport services in the area and the likelihood of the control of services going from people who have worked in that depot for some time to private companies.

I understand the view of a number of people working at the Elizabeth depot is that control is most likely to go to companies based outside Australia. They are understandably concerned that non-local companies will be in charge of their local services, yet they will see the profits go interstate. Also, they are understandably concerned about the availability of services in these areas. Many of the outer northern suburban areas are newly developing fringe suburbs already struggling with only barely adequate services in most cases and none in others. Residents are concerned whether such routes will continue and at what cost they will continue, given that there are relatively few passengers in some areas.

In terms of transport, housing and water they see that basic services are under threat from this Government. Residents are in a state of confusion and often misapprehension about what might be likely to occur under this Government. Their view is that the Liberal Government does not care about people in the north and is happy to sacrifice them in the interests of some reduction in debt, so long as it does not impact too heavily on the inner city or eastern suburbs. In fact, people in my area are already stretched to the limit of what they can pay for in areas such as education, housing, transport and water. The recovery on which the Premier dwelt so glowingly has still not reached a number of areas in the outer northern suburbs. People are still struggling—

The ACTING SPEAKER (Mr Venning): Order! The honourable member's time has expired.

Mr ANDREW (Chaffey): This 1994 year has been one of very significant centenary celebrations for a number of my communities in the electorate of Chaffey and, as this may be my last opportunity for this calendar year, I would like to use my time, as short as it is, to offer congratulations to those local communities that have been involved in those celebrations this year. Eleven village settlements are involved: Murtho, Lyrup, Pyap, New Residence, Moorook, Kingston, Holder, Waikerie, Ramco, Gillen and New Era, stretching between Morgan and the eastern border of our State.

As a very brief background, 100 years ago Australia, and particularly South Australia, was in a state of deep recession. The South Australian Government at the time was deeply concerned about losing population across the interstate borders, so it promoted the establishment of communal style settlements through the Crown Land Amendment Act of 1893 which allowed 20 or more persons to group together in a communal association with autonomous communal rules to make those settlements. Throughout 1894 there were arrivals of settlers by river boat following initial transportation from Adelaide to Morgan by rail. Those various settlements took place and those settlers chose their own sites and went about creating what in effect were communist settlements.

The settlements were constructed through the election of trustees, but, unfortunately, there was inefficient and erratic management. There was a lack and imbalance of skills of some of the settlers. Obviously, at that time, there was no knowledge of many of the soils, climate and irrigation facilities and of the infrastructure involved. It was interesting and unique that in that year of 1894 the annual rainfall was of the order of 17 inches, which is nearly double what it is today, and that resulted in some rather inappropriate preparation and the adoption of irrigation pumps because it was not seasonal in that year.

By 1896 a number of settlements had been abandoned. By 1903 only six settlements formally remained, and ultimately all these were incorporated through State Government legislation and, more formally, through the formation of the Government irrigation areas. Blocks were leased and effectively these communist settlements were turned in by their own volition and choice to become capitalist settlements, the exception being Lyrup, which remained an independent settlement.

During this year, 1994, there has been much enthusiastic celebration and recognition of that history. There have been re-enactments of the arrival of settlers by paddle steamer, namely the *Oscar W* and the P.S. *Industry*; there have been back-to-schools and back-to-churches; we have seen the erection of cairns and monuments; the burying of time capsules, and social activities. The events have brought together communities in terms of enjoying and participating in those celebrations but, more particularly, they have brought tourists and older residents back to the local communities.

We have been pleased to welcome many distinguished quests, including Her Excellency the Governor, Dame Roma Mitchell, to Lyrup and Waikerie in particular. The celebrations have brought great benefit to the communities; they have forced them to have greater reflection on their communities. It has brought about spirit and cooperation in those communities and, additionally, it has reinforced a sense of pride and identity within those local Riverland communities. It has provided further vision for the future.

Moreover, history has been made during the year. It has also, I believe, been particularly useful and valuable for the younger generation as they have not only better understood what their forebears had to endure and what they achieved but, more importantly, they have been able to see and measure the progress and development that has been made in their communities, and so help and further set that vision for the further development of those Riverland communities

which have progressed so much today. I congratulate those communities in the Riverland area, and I congratulate those people who have been so involved this year and who have organised the celebrations with much gusto, community spirit and cooperation. I wish those communities well for another celebration in 100 years' time.

The ACTING SPEAKER: Order! The honourable member's time has expired.

Mr BRINDAL (Unley): With the almost one year anniversary of a Liberal Government in this State, it is time to reflect on this Parliament and how this Parliament seems to be going. I do so with a great deal of concern because it worries me that in this Chamber, and especially on the benches opposite, there is a very bad tendency for political correctness to have replaced genuine compassion. I start by alluding to the comments made by the member for Norwood, and commend him for them.

One of the great stains on our community, not only at a State level but at a Federal level, is the treatment of our indigenous people. I do not know whether members of the House saw a *Sunday* program some months ago, but it was an excellent program which showed that, despite the millions of dollars being funnelled out of Canberra—almost, I put it to this House, as guilt money—people are still dying in disease conditions and of privation in Central Australia and in some of the northern reaches of South Australia.

When it was put to these people that they had this entire bureaucracy to look after them and that they had these funds flowing like milk and honey, it was quite clearly stated that the people who control the welfare of the Aboriginal people of this country do not like going to those places because it is too hot, there are too many flies, it is too dusty and they might see things that they do not want to see.

That very much, I believe, is the story particularly of the last Government and certainly of the current Federal Government when it comes to Aboriginal Affairs. They know all the right things to say. They jump on a Minister here, who I would say—and I am sure every member on this side of the House would agree with this—is one of the most genuinely compassionate people on either side of the House. He is a Minister who really cares not only about his portfolio for Aboriginal Affairs but also his other portfolio for the health of the people of South Australia. He is a genuine carer, and it goes past that. He is concerned for the well-being of us all. I say that quite genuinely and without attempting to flatter the Minister. It is a statement of fact.

Mr Atkinson interjecting:

Mr BRINDAL: We see the member for Spence falling into the trap that I believe the Opposition too often falls into. We see the member for Spence wanting to make a point rather than acknowledging a genuine commitment of a Minister and a genuine—

Mr Atkinson interjecting:

Mr BRINDAL: Every person in this House knows the member for Spence has some particular aberration about Barton Road. One hundred years ago he would have, by now, probably been certified. He is so hung up on Barton Road that really we wonder at his mental competency. Having said that, we are a genuinely compassionate Government, and I can assure the member for Spence that he will remain at large to face his constituents at the next election. I also note today—and I mean this in a collegiate way, as I hope the member for Price will acknowledge—that every—

An honourable member interjecting:

Mr BRINDAL: I am not picking on the member for Price—far from it. I have a great deal of respect for the Hon. Mr De Laine. I notice that every member opposite is today acknowledging that it is World AIDS Day and they are wearing the ribbon. In as much as tokenism should be commended, I commend them for their tokenism. I commend some people, such as the members for Price and Spence, for what I believe is a genuine commitment to the cause of people who find themselves in most unfortunate circumstances. But I have a lot of problems when I see people wearing something to be politically correct because, quite frankly, I doubt the *bona fides* of some of the members to wear that ribbon.

It is the same Party, I would remind the member for Spence, which thought, in the last Parliament, that the biggest way to impugn a character in this Parliament was to refer to their sexuality and to suggest that they might be bisexual. It was the biggest insult that Party could come up with, and now it sits there—

Mr Atkinson: Which member?

Mr BRINDAL: The member luckily says, 'Which member?' The member was Mr McKee. I forget which district he represented, and I am glad that I do because that was the impact that he made on this House.

The ACTING SPEAKER: Order! The honourable member's time has expired.

Mr ATKINSON (Spence): Yesterday the Liberal Party, through the Premier and the member for Wright, called on me to apologise to the Socialist Republic of Vietnam because I had criticised the human rights record of Vietnam. The Premier also called upon me to apologise to the Vietnamese-Australian community for my remarks. I then explained my remarks to the House, and I believe that my explanation was widely accepted by Liberal Party members opposite.

The Liberal Party's Minister for Employment, Training and Further Education, who told the House yesterday that one of the purposes of his trip to Vietnam might be to have TAFE teach English to all Vietnamese Communist Party cadres, this morning on Radio 5UV continued to criticise me for raising the question of human rights violations by the SRV on the eve of his trip there. I refer to what the Minister told Parliament yesterday, as follows:

> Once again South Australia is able to provide significant service to the Government of Vietnam.

More than 1 000 Vietnamese-Australians live in the electorate that I have the honour to represent. I have been a friend of the Vietnamese-Australian community for almost 10 years—well before I was a member of Parliament. I have yet to meet a Vietnamese-Australian who believes that the human rights record of the SRV is satisfactory. Again and again they have told me that the SRV is a totalitarian dictatorship that practises a brutality towards its subjects that has compelled tens of thousands of them to risk their lives on the South China Sea attempting to escape.

Vietnamese-Australians allege that among the means of control the Hanoi regime has used is torture. Mr Kwong Vo, the President of Sydney's Vietnamese community, told the ABC's *World Today* program that his community did not support the Australian Government having a bilateral relationship with the SRV and that if the Australian Government were to insist on such a relationship it should include a discussion of human rights 'rather than just turning a blind eye to the issue.'

Let me choose a few examples of human rights abuses in the SRV. Amnesty International's June 1991 index records that the Venerable Thich Thien Minh, of the Unified Bhuddist Church, was tortured and killed in Ham Tan concentration camp. Father Vu Khanh Tuong was tortured to death in Tan Hiep re-education camp. Venerables Thich Huyen Quang and Thich Quang Do were arrested, tortured and held in total isolation before going into internal exile. In August last year—

Mr Ashenden interjecting:

Mr ATKINSON: The member for Wright may well laugh. In August last year the national director of Australian Catholic Relief, Mr Michael Whitely, who had just returned from a visit to Vietnam, warned listeners to ABC radio's *World Today* program that Australians should not overlook human rights in Vietnam in their rush to foster a business relationship with the Hanoi regime.

Far from my having to apologise to the Vietnamese-Australian community, I am reflecting in the Parliament their opposition to Government-to-Government relations with the Hanoi regime. I suggest that the member for Wright should consult his Vietnamese-Australian constituents on the matter. It follows that it would be absurd for me to do as the Premier and the member for Wright demand.

The Premier's attitude is even more remarkable, because he supported sending voteless young Australian conscripts to fight the Hanoi regime and the Viet Cong in South Vietnam, and as recently as the eve of the last election he publicly reaffirmed his view that the war was just and right. Now, when I criticise the human rights record of the same regime, he demands that I apologise to the communist regime against which he and his Party sent young Australian soldiers to fight and die. The Premier now thinks that his Government can make a few dollars in Vietnam, so the values for which Australian soldiers and the Army of the Republic of Vietnam fought are not to be mentioned, and the Premier says that I must apologise for offending the regime.

Mr BRINDAL: I rise on a point of order, Mr Acting Speaker. I might have misheard, but I thought the member impugned to us the responsibility for sending people to Vietnam. It had nothing to do with this Chamber at all, and I ask that he withdraw that remark which I find offensive.

The ACTING SPEAKER: There is no point of order.

Mr ATKINSON: I quite understand that the Premier and the Minister for Employment, Training and Further Education think that TAFE and some local businesses can make money from dealing with the SRV and that South Australians can be employed as a result. They believe that they are 'doing good'. The member for Wright told the House it was appalling that a member of the shadow Cabinet should criticise the SRV—

Mr ANDREW: On a point of order, Mr Acting Speaker: I am finding the member for Spence incoherent. I may be a little slow at hearing him sometimes, but I believe he is speaking too fast and I cannot understand his presentation.

The ACTING SPEAKER: I agree. If the noise in the Chamber were lower, I am sure we would all hear much better.

Mr ATKINSON: In February last year the President of France, Monsieur Francois Mitterrand, visited Vietnam. Far from seeking to ingratiate himself with the regime by remaining mute on human rights, as the Premier and his Minister propose to do—

Mr BECKER: I rise on a point of order, Mr Acting Speaker. I thought it was out of order for members to read their speeches.

The ACTING SPEAKER: Members may not read, but we do allow them to use copious notes. In this instance I do not think it matters much, but I note the honourable member's point.

Mr ASHENDEN (Wright): Further to the points that I made on Tuesday in relation to the overtly political stance which Tea Tree Gully council is taking through its Mayor and Chief Executive Officer, I wish to continue to outline the attacks that that council has made quite unfairly against the South Australian Government. In the *Leader Messenger* of Wednesday 23 November there was an article headed 'Stalemate over parcel of land,' in which the council was critical of the South Australian Government because it will not knuckle under and sell land which the council has wanted for over 18 months at a ridiculously low price. The council alleges that the State Government has failed after 18 months to reach an agreement over the sale price.

I always thought that it took two parties to reach agreement, and, as I was a councillor at the time this matter first arose, I can outline some facts (now that the matter has been released from confidentiality) to let the public know the game that the Tea Tree Gully council has been playing in relation to that land. As Tea Tree Gully council is so wont to do, it moved that this matter be confidential, which meant that until now I was not able to let the public know just what it was up to. Incidentally, had a motion that I put to the council at the time been successful, all details, except price, would have been available to the ratepayers. Unfortunately, secrecy prevailed.

In his verbal report to the council, the Chief Executive Officer acknowledged that there would probably be difficulty in the council purchasing the land at the price it was going to put to the State Government. However, the council wanted to be smart and said, 'If we hang off, we will be able to force the Government to lower its price.' Hence, the real reason for the delay. All the time from then until now the matter was kept secret by the council. It did not want the ratepayers to know that it wanted the land or that it would be prepared to go up to the Government's price. It hoped that by delaying the matter the Government would sell at a much lower price.

Why did Tea Tree Gully council want to buy this land? Did it want to buy it for open space use for the good of the city? No, sir! It wanted to purchase this land because at the time it was negotiating with a developer who was interested in building a restaurant on that land and the land adjoining. The council just wanted to get the land cheaply and then sell it and make a nice little killing in the process.

The article then went on with the City Development General Manager being critical of the State Government for not maintaining the building. Does he really believe that this Government should be wasting taxpayers' money to maintain a building which is to be sold and demolished? Therein lies another reason why Tea Tree Gully council wanted this to be kept secret. It wanted the building to be demolished, but it wanted the State Government to demolish it before it purchased the land so that, if there was any flak about the demolition, it would be against the Government. So the council wanted the land as vacant land, tried to force the price down, tried to get any criticism directed at the State Government and leave itself squeaky clean.

Incidentally, as a former councillor, I spoke out many times at the way in which the council abused the confidentiality provisions of the Local Government Act. It is high time that the council cleaned up its act and became much more

open to the residents of Tea Tree Gully so that all residents know just what is going on. Every time I look at council agendas with confidential motions, I ask, 'What is it trying to hide?' It is high time that Tea Tree Gully council woke up to the fact that, rather than hiding its inefficiencies by attacking the State Government, it should turn around and ensure that its own house is in order. For example, the level of borrowings by that council is frightening, and a vast amount of rate income is being used purely to finance debt. Rates this year were increased by more than double the rate of inflation.

I believe it is no coincidence that my office is continually contacted by ratepayers complaining about Tea Tree Gully council. The complaints range from the high level of rates to the lack of help that they get when they ring council officers with complaints or requests for help. A typical example of this is the problems that residents are now experiencing with the new netball courts between Atlantis Drive and the Golden Way. I have had innumerable complaints about problems associated with traffic, the noise created by traffic, the improper parking of vehicles in quiet suburban streets, the overflow of light from the courts into front rooms and bedrooms of houses surrounding the area, the continual blowing of whistles by umpires, and so on.

All of these are on an area which is controlled by the City of Tea Tree Gully, and again it has tried to blame the South Australian Government for that problem. I remind the council that it was its planning decision and it controls those courts. If its planning has been so appalling, it can in no way blame the Government. Whenever the council has a problem—and that is often—it tries to build a smokescreen around its own incompetence by blaming the State Government. I can tell the council that this will not work. Not only am I fed up with its continual carping and criticism of the State Government but so are its ratepayers.

Mr Atkinson interjecting:

Mr ASHENDEN: I rise on a point of order, Mr Acting Speaker. I ask that the member for Spence withdraw. He just called me a low life and a slime. I ask him to withdraw and apologise for making those comments.

Mr ATKINSON: I withdraw, Sir.

Members interjecting:

Mr ASHENDEN: Is it on the record? To make sure it is quite clear, at the end of the debate—

The ACTING SPEAKER: Order! The honourable member has withdrawn, and it is on the record.

WORKERS REHABILITATION AND COMPENSATION (BENEFITS AND REVIEW) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Tourism) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. G.A. INGERSON: 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.

South Australia's workers rehabilitation and compensation system is at the crossroads. In the mid 1980's the architects of the current scheme held out high social and industrial goals for this scheme. Since the scheme commenced in September 1987 and until this State Government took office in December 1993 successive Labor Government's failed in their responsibility to reform the scheme and protect its capacity to meet those high ideals.

The result is that this Government inherited a workers rehabilitation and compensation scheme in need of structural reform to protect its viability and return to employees, employers and the community the benefits of a fair and affordable State based rehabilitation and compensation system.

The first phase of this reform package has been implemented with the establishment of new structures designed to enhance the operation and administration of WorkCover and address a number of specific legislative reforms. Those changes came into operation from 1 July 1994 and the new WorkCover Board, Occupational Health and Safety Division and policy Advisory Committees are already playing a significant role in the restructured system.

This Bill represents a central element in the second phase of the State Government's reform agenda.

Importantly, this second phase of reform is multi-dimensional. There are three broad areas of reform which will see the re-vitalisation of our workers rehabilitation and compensation scheme.

First, the State Government is implementing industry based occupational health safety and welfare initiatives designed to promote best practice by employers and employees and prioritise injury prevention.

Secondly, the WorkCover Board is moving towards the restructuring of administrative arrangements and in particular implementing the necessary measures designed to permit private sector bodies to be involved in the management of claims and other specified functions in accordance with statutory powers of delegation.

These health and safety prevention initiatives and administrative reforms are vital reforms. They are however inadequate without the necessary ingredient of legislative changes to the structure of the rehabilitation and compensation scheme provided for in the current Act.

On 18 October 1994 the Parliament was informed that an independent actuarial assessment of WorkCover's outstanding claims liabilities for the year ending 30 June 1994 showed that the scheme has an unfunded liability of approximately $111 million. This means that the scheme is only 86.6 per cent funded. The independent actuarial report also forecast a further increase in the outstanding claims liability of 2.5 per cent per year, taking the level to $898 million in 5 years unless the scheme's costs are curtailed.

The savings which may be achieved through improved workplace prevention practices and the outsourcing of claims management and other functions cannot alone restore financial viability to the scheme. At a practical level, the financial vulnerability of the scheme has grave implications for employees and employers. If the scheme continues to lurch into higher and higher unfunded liabilities, it will ultimately have no capacity to provide any level of realistic pension or lump sum support, let alone the unaffordable benefit levels currently provided for by the current South Australian scheme.

Importantly, the scheme's unfunded liability cannot be rectified by simply calling upon the employer tax payer to inject more income by way of higher levy rates. Already the average levy rate in South Australia of 2.86 per cent is nationally uncompetitive to the tune of $90 million every year. The State Government's objective is to achieve a nationally competitive average levy rate of 1.8 per cent. That objective is important to this State. It was an objective stated to this Parliament by the then Minister of Labour in 1986 and repeated publicly by the then Premier Bannon. Successive State Labor Governments failed to meet this policy objective because they were either unwilling or incapable of implementing structural changes to the legislative scheme.

Under the current structure of the scheme, that target of a 1.8 per cent average levy rate is unachievable. In fact, the WorkCover Board advised on 12 October 1994 that the gravity of the unfunded liability situation must be brought to the attention of Parliament and that unless claims costs reduce dramatically the Board will have no alternative but to increase average levy rates in 1995/96 to 3.1 per cent or 3.3 per cent. That increase would represent an additional $25-$30 million of employer levies per year from South Australian industry. This is on top of the already $240 million per year paid in WorkCover levies by industry in this State.

This second phase of reform to the WorkCover scheme in South Australia is not an optional extra. It is essential if this Government and this Parliament are to meet their responsibilities to employees, employers and act in the public interest.

Whilst these financial and economic imperatives are powerful, the State Government has designed this Bill in a manner which recognises and respects the social and industrial policy objectives underpinning the WorkCover scheme. This Bill does not dismantle the framework of the 1986 Act. Indeed, in some respects it re-introduces or reinforces the policy intention of the original architects of the scheme. Rehabilitation and return to work incentives remain as key policy principles.

In designing this Bill the Government has balanced economic, social and industrial objectives. The State Government has sought to maintain and enhance comprehensive statutory arrangements which embody strong safety incentives, are fair to those who suffer work related injury or illness but which do not at the same time impose an unreasonable burden on business or taxpayers. These are the proper policy objectives for Governments as noted by the Industry Commission in its February 1994 report on workers compensation in Australia, and the State Government concurs with those principles.

The Bill establishes a new statutory framework for the payment of compensation benefits to injured workers. The changes must be seen in both a national and an international context. The benefit levels prescribed in the current South Australian workers rehabilitation and compensation scheme are the most generous of any scheme in Australia, and at least equal to the highest statutory benefit levels in any Western economy. The consequence of these unaffordable benefit levels, paid in the context of a pension based no fault scheme has been to reduce the incentive for rehabilitation and return to work and to guarantee uncompetitive levy rates. As an Industry Commission Report has noted, high compensation payouts mean high workers compensation premiums.

In restructuring the benefit levels proposed by this Bill the State Government estimates that savings in the order of $80 million per year will accrue to the scheme. These savings, together with estimated savings arising from reforms to the administration of claims management and improved prevention practices are designed to bring the scheme back to a fully funded basis and enable the WorkCover Board to reduce levy rates to a nationally competitive level.

Equally the social objective of creating greater incentives for early returns to work by injured workers will ease the negative impact on those workers and their families from being pensioned for life on the WorkCover scheme.

The restructuring of worker benefits in this Bill has been designed in a manner which creates a fairer benefit scheme. Benefits for all workers for the first six months on the scheme remain at the maximum 100 per cent level. Between 6 and 12 months those benefits reduce to 85 per cent of pre-injury earnings. After 12 months this Bill proposes that benefits payable to long term seriously injured workers be increased from their current 80 per cent of pre-injury earnings to 85 per cent. In doing so the Government has recognised the hardship accruing to seriously long term injured workers whose incapacity renders them unable to return to gainful employment. Benefit levels for less seriously injured workers beyond 12 months continue to be payable under the WorkCover system, but at a level which will be equated with Federal social security payments. These workers will also have greater access to lump sum payouts as an alternative to WorkCover pension entitlements. No worker with a continuing incapacity will be unilaterally removed from the WorkCover system as the integrity of a pension based scheme until retirement age is retained.

Significantly, the restructured benefit provisions reintroduce a limited concept of partial incapacity being deemed as a total incapacity and give effect to the second year review principle which was intended in 1986 to act as a counterbalance to full life long pension entitlements. The 1992 interpretation by the Supreme Court of the current Act in the James Case fundamentally undermined the policy balance contained in the 1986 Act with respect to workers benefits. Quite irresponsibly, the then State Labor Government failed to amend the Act to return it to its 1986 intent. Had that been done, the scheme may not be at the crossroads which now confront it. No fair minded policy can justify the payment of life long weekly pensions at current levels with no second year review given that more than half of the existing workers receiving pensions long term have disabilities of less than 10 per cent.

Reform to the South Australian scheme cannot await the outcomes of proposals for nationally consistent benefit levels, which are on current indications unlikely to be achievable in any event. However, in designing this benefit structure the State Government has had regard to views expressed by the Industry Commission in its February 1994 report. The Industry Commission Report clearly indicates that a scheme based upon full compensation to be paid for lost income through to notional retirement age provides little incentive for employees to undertake rehabilitation programs and return to work. Yet that is the exact outcome which past State Government's have allowed to exist with their failure to rectify the partial deemed total and second year review consequences of the 1992 Supreme Court interpretation.

The benefit levels proposed in this Bill will maintain a fair benefit structure which will continue to be the most generous of any State statutory workers compensation scheme in Australia. Indeed, the scheme of benefit levels proposed are more than favourable when compared to the benefit structure contemplated by the Industry Commission in its February 1994 report. The Industry Commission Report proposed a staggering down of benefit entitlements after 26 weeks to a social security pension level for partially incapacitated workers, with an 85 per cent pension level for totally incapacitated workers.

The State Government has not proposed in this Bill any direct cost transference to the Federal social security system, despite this being the practice in most other Australian schemes. To do so would have unilaterally forced workers off the WorkCover system at an arbitrary date. Interestingly, the 1984 agreement between unions and employers in South Australia (which acted as the precursor to the 1986 Act) proposed that the Commonwealth Government should contribute towards the cost of the South Australian scheme. Whilst the legislative structure proposed by this Bill does not do so directly, the Bill provides greater opportunities for workers to leave the South Australian scheme with lump sum payments and then maintain pension entitlements under the Federal social security system.

The Bill also makes important changes to the manner in which disabilities are assessed, and reintroduces the concept of an independent medical panel for the purposes of assessing worker disabilities. Other important reforms proposed in the Bill concern a tightening of the definition of average weekly earnings, use of Federal Comcare guides to assess impairment, tightening the test for compensability of disabilities, allowing more flexibility in the redetermination of claims, limiting the current open-ended re-employment obligations of employers, providing more certainty in the territorial operation of the Act, placing greater emphasis on employer involvement in the determination of claims and rehabilitation, and providing flexibility for the deferment of levy rate payments in cases of serious economic difficulties.

The Bill also reforms the manner in which disputes concerning compensation entitlements are resolved. The existing scheme of dispute resolution has proven to be costly and cumbersome. This Bill proposes to implement a two tiered review mechanism, firstly an administrative review by independent review officers, with appeals from administrative reviews to the Workers Compensation Appeal Tribunal, together with a compulsory conciliation process under the auspices of that Tribunal. In implementing these structural reforms, the Bill again gives fuller recognition to the original intent of the 1986 legislation and the agreed position of unions and employers whereby WorkCover would provide "an administrative procedure for settling claims and disputes in lieu of the current legal adversary system" and "establish and use medical panels to advise the Corporation in respect of medical assessments". This proposed dispute resolution system is also consistent with the recommendations of the Industry Commission report which expressed a preference for non-adversarial dispute resolution procedures with emphasis on both conciliation and arbitration and "a prompt initial decision subject to non-judicial review by an independent internal arbitrator in the first instance, before appeal to external arbitration and/or resort to the courts".

In developing this Bill the State Government has also been conscious of the need to consult widely with the affected parties. When introducing the first phase of legislative change to the WorkCover scheme into this Parliament in March 1994 the Government foreshadowed that amendments with respect to many of these matters would be introduced in this Parliamentary session. In August 1994 WorkCover released a discussion paper on the scheme and options for future reform. The State Government has received a wide variety of submissions from employers, employees, employer associations, unions, the medical profession, the rehabilita-

tion profession and other service providers with respect to that options paper. These submissions have been fully taken into account in the development of this Bill. A draft Bill was publicly and preliminary advice sought and received from the Workers Rehabilitation and Compensation Advisory Committee. The Government thanks those organisations and persons for their contribution to this process and look forward to continuing the consultative process during the period that this Bill is before this Parliament.

This State Government not only has the vision and strength to implement this second phase of reform, but has the social and industrial responsibility to do so. It is now for this Parliament to recognise the serious context in which this Bill is brought before the Parliament and to assist the State Government in returning the WorkCover scheme to a sound financial and equitable footing, and ensure that South Australia's workers rehabilitation and compensation system can become and remain one which employers and employees in this State can be proud of as a viable ongoing concern.

I commend the Bill to this House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation on a day or days to be fixed by proclamation.

Clause 3: Amendment of s. 2—Objects of Act

It is necessary to amend section 2(2) of the Act to extend the operation of this section to persons exercising administrative powers, especially in view of proposed reforms relating to Review Officers.

Clause 4: Amendment of s. 3—Interpretation

This clause relates to new definitions required on account of this Bill. The definition of "suitable employment" is an adaptation of current section 35(2) of the Act and allows the concept of suitable employment for a partially incapacitated worker to include an assessment of employment or other remunerative work that the worker could reasonably be expected to undertake (on the basis that such employment or work is available), having regard to various factors relevant to the circumstances of the particular worker.

Clause 5: Substitution of s. 4

This clause relates to four matters. Firstly, it is intended to revise the provision relating to average weekly earnings. The key concept is basically to provide that a disabled worker's average weekly earnings will be worked out by dividing gross earnings for the last 12 months (the "relevant period") by the number of weeks for that period. However, an adjustment will be made if a worker's earnings have been affected by the relevant disability, or if the worker is an apprentice or under the age of 21 years (with an expectation of increasing remuneration). Various contributions and payments made for the benefit of a worker will be disregarded. It is also intended to retain a prescribed maximum and a prescribed minimum, as defined under the new section. A relevant consideration under the definition of "prescribed maximum" will be the number of ordinary hours of work fixed by a relevant award or enterprise agreement. If there is no relevant award or agreement, the prescribed maximum will be ascertained by multiplying the worker's average hourly rate of remuneration by 38. However, the prescribed maximum for a worker will not be able to exceed 1.5 State average weekly earnings in any event. Secondly, new section 4A will provide that the extent of a permanent impairment will be worked out, and expressed as a percentage, on the basis of the approved principles. Furthermore, if a worker who has a permanent impairment also has a related non-economic loss, the extent of that non-economic loss will be worked out, and expressed as a percentage, on the basis of the approved principles. The approved principles will be approved by regulation or, if no regulations are made, will be the "Comcare principles". Thirdly, it is necessary to provide for the appointment of a panel of medical experts under the proposed new provisions. Fourthly, it is intended to establish a new scheme for the assessment of a permanent impairment or a degree of non-economic loss. The new scheme will rely on assessments from two medical experts. If the experts cannot agree on an assessment, an independent adjudicator will be appointed and he or she will be required to report on which of the two assessments should be preferred. An assessment that is finalised under this provision will not be subject to review or appeal under the Act.

Clause 6: Substitution of s. 6

This clause will revise the rules as to the territorial application of the Act. The key will be whether or not there is a nexus between the worker's employment and the State. There will be a nexus if *(a)* the worker is usually employed in this State and not in any other State; *(b)* the worker is usually employed in two or more States, but is based in this State; or *(c)* the worker is not usually employed in any State (as defined), but is employed (for some time) in this State or has a base in this State and is not covered by a corresponding law. A worker will be usually employed in a particular State if 10 per cent or more of his or her time in employment is (or is to be) spent working in the State.

Clause 7: Amendment of s. 30—Compensability of disabilities

This amendment relates to the key concept that a disability is compensable under the Act if it arises from employment. A disability will now be taken to arise from employment if it arises out of or in the course of employment, and the employment is the sole cause of the disability, or a significant contributing factor.

Clause 8: Amendment of s. 35—Weekly payments

These amendments relate to the benefits paid to a worker who is incapacitated for work. Benefits will initially be paid according to 100 per cent of notional weekly earnings for total incapacity, or 100 per cent of the difference between notional weekly earnings and the weekly earnings that the worker is earning, or could be earning in suitable employment for partial incapacity. Partial incapacity will be treated as total incapacity for the first year unless the Corporation establishes that suitable employment is reasonably available to the worker. The payment of benefits at the 100 per cent level will be reduced to 85 per cent after 26 weeks. Furthermore, a prescribed maximum will apply from the end of the "relevant period" for disabilities that consist of an illness or disorder of the mind caused by stress, or for workers who have an impairment not exceeding 40 per cent. The relevant period for stress-related disabilities will be 26 weeks, and in other cases will be 1 year, subject to a requirement as to stabilisation.

Clause 9: Amendment of s. 36—Discontinuance of weekly payments

It is intended to replace subsection (3a) of the Act so that a decision to discontinue or reduce weekly payments can take effect without delay (in all cases). Notice will still need to be given (as soon as practicable after the relevant decision is made).

Clause 10: Amendment of s. 37—Suspension of weekly payments

This clause amends section 37 in a manner consistent with the amendments to be made to section 36.

Clause 11: Substitution of s. 42

It is intended to simplify the ability to commute a liability to make weekly payments under section 42 of the Act. It is intended to allow a commutation in any case where the Corporation and the worker agree. The capital amount will be fixed by the agreement. A decision on whether or not to enter into an agreement, or about the amount fixed by agreement, is not reviewable. An agreement under new section 42 will discharge the liability to make the weekly payments.

Clause 12: Amendment of s. 42A—Loss of earning capacity

This clause makes various amendments to section 42A of the Act, relating to assessments on the basis of loss of future earning capacity. The Corporation will be able to make an assessment after one year (not 2 years as is currently the case), subject to two exceptions identified below. A projection will be made over a relevant period, as defined (which may be limited to the duration of the period of incapacity if the incapacity is not permanent). The new provisions give recognition to the concept of "presumptive" earnings in a case of partial incapacity, taking into account earnings, or potential earnings, in suitable employment. An assessment of capital loss will be taken to be 85 per cent of the present value of the loss that is indicated by the relevant projections (the Act currently prescribes that the loss is 80 per cent of present value).

Clause 13: Insertion of s. 42C

It is appropriate to prescribe two exceptions to the ability to undertake a capital assessment under section 42A, namely if the worker has a stress-related disability, or if an impairment is 40 per cent or less. This is consistent with the policy that appears in the amendments to section 35.

Clause 14: Substitution of s. 43

This clause revises the provision for the assessment of lump sum compensation for non-economic loss. The new provision will set out a formula for the calculation of the sum. The assessment will include components relevant both to permanent impairment and non-economic loss. A limitation will apply if the extent of permanent impairment is less than 10 per cent, subject to specified exceptions.

Clause 15: Amendment of s. 46—Incidence of liability

This clause repeals various provisions relating to payments of compensation by employers on behalf of the Corporation. These provisions have never been applied.

Clause 16: Amendment of s. 53—Determination of claim

A new provision to be inserted in section 53 of the Act will require the Corporation to investigate a matter raised by an employer when a claim is lodged under the Act.

Clause 17: Substitution of s. 58B

It is intended to revise section 58B of the Act relating to an employer's duty to provide work to a worker who has been disabled in his or her employment. The provision will only operate if the worker wants to return to work. The concept of suitable employment is retained (in greater detail). Certain exceptions will apply to the operation of the provision. New section 58C will require an employer to give 28 days notice of a proposed termination of employment of a worker who has suffered a compensable disability. Certain exceptions will apply, including that the termination is on the ground of serious and wilful misconduct, or that the worker's rights to compensation have been exhausted.

Clause 18: Insertion of s. 62A

This clause effectively transfers existing section 98A of the Act so that it will now appear as section 62A (consequential on later amendments).

Clause 19: Insertion of s. 69A

This will allow the Corporation to defer the payment of a levy by an employer in certain cases.

Clause 20: Repeal and substitution of Part 6

This clause provides for the repeal of Part 6 of the Act, and the substitution of new Parts dealing with reviews and appeals. New Part 6 is concerned with a new form of administrative reviews to be undertaken by Review Officers. A panel of Review Officers (the "Review Panel") will be established by the new Part. New section 81 will provide that proceedings before a Review officer will be in the nature of an administrative review of an administrative act or omission. There will be no automatic right of representation before a Review Officer. It is proposed that the Corporation will, on receiving an application for review, give notice to any person who is directly affected by the relevant decision. The person will be invited to make written submissions within seven days after the date of the notice. The Corporation will be required to attempt to resolve the matter by agreement. If a resolution is not achieved, the application must be referred to a Review Officer (together with all relevant material). The Review Officer will not conduct a formal hearing. The Review Officer will be required to resolve the matter within a certain time period. An award of costs will still be available (other than where a party has acted unreasonably). Now Part 6A relates to appeals. The Workers Compensation Appeal Tribunal will continue. New conciliation proceedings will be available. The Tribunal will be required to call a conference of the parties before a matter proceeds to hearing with a view to determining the matter by agreement.

Clause 21: Insertion of s. 107A

The Corporation will be required to provide an employer with reports on request. A request will need to be accompanied by the prescribed fee.

Clause 22: Worker to be supplied with copy of medical report

The Corporation or an employer must forward reports from a medical expert to the worker. It is intended to require that the report be so forwarded within seven days.

Clause 23: Repeal of Schedule 3

This is a consequential amendment on account of the proposed enactment of new section 43.

Clause 24: Transitional provisions

This clause sets out the transitional provisions that are to apply on account of the enactment of this measure.

Mr ATKINSON secured the adjournment of the debate.

STATE LOTTERIES (SCRATCH TICKETS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments to which the House of Assembly had disagreed.

The Hon. S.J. BAKER: I move:

That the House of Assembly not insist on its disagreement to the Legislative Council's amendments.

The issue was debated yesterday, and it was the belief of this Chamber that a penalty should be imposed on persons under 16 years of age who buy or attempt to buy lottery products. The other place has rejected that amendment. Again, I am not speaking on behalf of everyone in the Committee, because it is a conscience issue. If we do not allow the legislation to pass, which would result from our continuing to disagree—and I understand that it was an overwhelming vote in another place, so there is not likely to be a great deal of movement there—I have the problem that the Bill will be lost. I accommodated the conscience vote on the issue of minors participating in lottery products so that the matter could be dealt with at the same time as we dealt with the far more important problem associated with people interpreting certain tickets as being winning tickets when clearly that was not so.

Whilst I do not believe anyone in this place is pleased with the stance taken by another place, we do derive some benefit by allowing the matter to proceed. The benefit remains because there will be a legislative bar in respect of 16 year olds, even though no penalty will be imposed. The second issue is that, now that it is on the statute book, if it does not work and we find that a number of young people are still doing what Parliament would wish them not to do, we can pursue this. I give members an undertaking that, if there is substantial evidence that it is not being policed and there is a large amount of non-compliance by young people in South Australia, I will introduce legislation to provide a penalty, and I believe that is the wish of the House of Assembly.

It may be that the simple enactment of disallowing people below the age of 16 from being involved in the purchase of lottery products will be sufficient to reduce this practice to a bare minimum. However, if that is not the case and we find that shopkeepers are being placed under undue pressure and that there is a large amount of non-compliance, I will certainly bring back the legislation for further scrutiny and insertion of a penalty clause.

The important issue is for those who clearly believe that some legislative bar should be placed on this practice; that has been achieved. If we allow the legislation to lapse, we are back where we started from, and I do not believe the Committee would want that outcome. The other important issue is that I am not sure that I can resurrect the important part of the Bill that I started with, which is the issue of the legitimacy or otherwise of winning or non-winning tickets. It is not with a great deal of pleasure that I suggest that we comply with the Upper House under these circumstances but, being pragmatic on these issues, I am willing to accede. I make quite clear (and I know the member for Playford has expressed the same point of view, because I consulted with him on this matter, given that it was his motion that was dealt with in this place) that I am expressing only my preference in this matter. As it is a conscience issue, if there is disagreement it is up to the Committee to express that disagreement.

Mr ATKINSON: Can the Deputy Premier tell the Committee whether we now have a legal prohibition on people under 16 buying scratch tickets even though there is no penalty or sanction if they do?

The Hon. S.J. BAKER: Yes, the honourable member is quite correct. The argument used in another place was that this is exactly the same provision that prevails under the tobacco legislation. The legislation bars persons under 16 years from buying cigarettes, but there is no penalty if they do. That was one of the arguments, amongst a number of others, that was used in another place to say that, if it is good enough for tobacco, it is good enough for scratch tickets. I am not sure that that argument holds but, as I said, I give an undertaking to the Committee that if it does not work I will be back with some penalties.

Mr LEWIS: That was the point that I wished to raise, but I want go on from that and remind the Committee of the old adage 'Two wrongs do not make a right'. Just because we have this stupid situation where a law prevents the sale of tobacco to minors under the age of 16 but imposes no penalty does not make it legitimate to apply the same set of circumstances to so-called scratch tickets. Mr Acting Chairman, you and I know that what the Deputy Premier told us is a sincere statement of his sentiment, but it is nonsense when it comes to a final assessment of the situation for, if no shopkeeper can effectively require a law enforcement officer to make an arrest or take details of an offence because there is no penalty, there will be no statistics, so we will not know whether the sanction is working. That is the problem with the tobacco legislation as it stands at the present time.

I think it behoves any one of us—if not the Deputy Premier, then some other member of this place—to deal with that matter at the earliest possible opportunity when the House resumes next year. I am not sure that it will be possible for us to do so since the matter has been before this session of the Parliament already, in which case we will have to wait until the next session of the Parliament to bring in the legislation necessary to provide a penalty.

Mr Acting Chairman, you and I know that no policeman or other inspector will attempt to take, as it were, the details of an offence where there is no penalty, because no court will give consideration to whether an offence has been committed for which there is no sanction. It is a waste of public money, and the expectation that 'we will wait until statistics show that something is going wrong' is really not very prudent, I would have thought. That is the kindest construction I will put on it. There are other words I could choose to describe it, but I will leave it at that for now and express my dismay that we find ourselves in this predicament. It is a matter of conscience. I am not being critical of the Deputy Premier. I am just being critical of the particular legal nonsense that we have produced in this instance as a consequence of the process through which we must go in this place and the other place.

Mr MEIER: I find it quite incredible that another place has disagreed to our amendments. It makes a bit of a mockery of this whole situation where a minor, or a person in this case under the age of 16—and I will not get into a debate too much on the difference between 16 and 18, although I favoured 18—who buys a scratch ticket will not be subject to a fine. However, if someone goes in on behalf of a person under 16 and buys one, they will be subject to a fine of $200.

I can see the scenario occurring where a parent might say to a 15 year old son who desperately wants to buy a scratch ticket, 'No, you cannot buy it because it is illegal, even though you would not get a fine if you did so. I will buy it for you'. A law enforcement officer who is nearby, after the ticket has been bought, says, 'I heard that; you bought that scratch ticket for your 15 year old. You are guilty and liable to a fine of $200.' It does make a complete mockery of the situation. I find it very hard to follow why another place should have gone down that track. I recognise what the Deputy Premier has said—that it is better to allow what has been agreed to in the Bill to proceed and it would be pointless to have a conference on this issue—but again I express my disappointment at those actions.

The Hon. S.J. BAKER: I share the sentiments already expressed on this matter. There is one consolation: it will now give the shopkeepers the right to say 'No', which they did not have in the past. That will eliminate a large number of the young people we have been talking about.

Motion carried.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 1353.)

Mrs KOTZ (Newland): Before I address the Bill, I acknowledge the contribution made by the member for Elizabeth and thank her for her comments regarding the wisdom of the collective group of the select committee that worked extremely hard to take evidence right across the State over two years, deliberated, put forward its recommendations and presented the Bill to the House.

In particular, I bring up a matter that the member for Elizabeth alluded to in her speech: I am afraid that I have to contradict a comment that she made, and it is important that I set the record straight at this point. The honourable member, regarding one specific aspect of the select committee discussions on ethics in an area of medical medication, said that the select committee introduced the principle of double effect. I believe that the honourable member might have meant that the select committee addressed the principle of double effect and therefore made a mistake. The wrong word was used. The word 'introduced' places a different connotation on the honourable member's comments, and it does need to be addressed.

The issue of double effect is certainly not a matter that the select committee introduced. In fact, it is a matter of circumstance that relates to ethics in the giving of medication. The committee was made aware during the taking of evidence that there are circumstances in which doctors may feel at risk of prosecution, despite exercising the highest standards of clinical care in what they believe to be the best interests of the patients. This particular circumstance is known as 'the principle of double effect', which means there is administration of medication aimed at maintaining comfort for the patient but having also the potential to cause death earlier than if it had not been used.

Usually the modern techniques of pain management available to experienced palliative care teams can control pain without significantly impairing other body functions but, when it occurs, palliative care doctors risk being charged with the administration of a drug which caused death, in circumstances where the maintenance of life was judged to be less important and secondary to concern for the comfort of the patient and the assessed quality of that patient's life. So, it is important that the member for Elizabeth's comment that the select committee introduced the principle of double effect is contradicted, and it should be understood that the select committee recognised what is the ethical dilemma of double effect. It did not introduce it, as the honourable member suggested, but recognised and addressed that issue, which is one of the core issues inherent in the Bill.

The Bill was meant to address the autonomous right of the individual to decide for themselves that medical treatment would be acceptable to them and therefore give consent or that medical treatment would not be acceptable to them and refuse consent to such medical treatment. First, it is important that we look at some of the background and the data and statistics put before the committee, which were part of the reason that the select committee eventually brought the

recommendations that it did. At the turn of the century, life expectancy in South Australia was about 45 years: we now have an average life span of 73 years for men and 79 to 80 years for women. A major factor in this trend has been the dramatic decline in the number of children dying at or soon after birth. Infant mortality rates are now only one-tenth what they were in 1901.

But this is not the full story. The leading causes of death in the nineteenth century in South Australia among growing children and adults were infective diseases such as influenza, pneumonia and tuberculosis. By the 1960s, they had been replaced by diseases of the heart and cancer. Cancer, which was the eighth leading disease of death in the 1900s, now ranks second only to cardiovascular disease. Therefore, the trend has become more obvious. Higher standards of living have drastically reduced infant mortality and the various infectious diseases, leaving the so-called chronic diseases of ageing as the major causes of mortality.

Since the 1960s, lifestyle changes and better treatment of hypertension have reduced the death rate from heart disease and strokes. At the same time deaths from cancer, unfortunately, continue to increase. Within a few years it is expected to become the major cause of death in our society. South Australia shares with most of the western world significant changes in the incidence of certain types of cancer. In women, lung cancer continues to rise and may replace breast cancer as the leading cause of death from cancer in a few years. Stomach cancer has declined dramatically in males since the 1930s.

The overall picture, however, is not encouraging. In 1985 it was estimated that by the year 2000 the number of people dying from cancer would have increased by 30 per cent. One in four deaths in South Australia is now caused by this disease. Patients with chronic and progressively fatal non-malignant diseases—and examples of these are the chronic neurological conditions such as motor neurone disease, multiple sclerosis, chronic chest, lung and liver failure, and AIDS—are cared for in hospices. However, in most hospice and palliative care programs, 90 per cent or more of patients are cancer sufferers. These trends are particularly relevant to future demands for this form of service.

Where people die is important to ensure death with dignity. In 1900 in South Australia about 85 per cent of all deaths, from whatever cause, occurred in the home, and by 1990 this had declined by around 20 per cent. The level of deaths in public hospitals, metropolitan and country, being about 12 per cent in the 1900s, had risen to 55 per cent in 1980 and thereafter decreased. The rate of deaths in private hospitals varied between 5 per cent and a little over 15 per cent at various times.

Finally, hospices, virtually unknown in their present form before 1980, became statistically significant only after 1980. By 1990 deaths in hospices accounted for about 10 per cent of the total. A watershed occurred around or a little before 1970. Before then, the tendency had been for more people to die in public hospitals and fewer in the home. Deaths in private hospitals showed no overall trend: there was a very small nursing home population and virtually none at all in hospices. Since 1970 the trend for deaths in both public hospitals and at home has been stabilised. The number dying in nursing homes and hospices has increased significantly, while the number dying in private hospitals has declined.

I believe that this Bill should relate to the intent as envisaged and researched thoroughly and sincerely by the Select Committee on Death and Dying, and that intent was to support dignity in death and dying. If this Bill, as it leaves our Chamber, does not do that, we as legislators have failed. If this Bill does not secure the intent of the original Bill, it does not deserve to pass into legislation, whereby confusion rather than clarity would be the inevitable.

I believe it is important to recall some of the basic statistics that set the scene for the requirements to improve current legislation and to move forward with that new legislation. The statistics that I have just given are part of that. As I said, the trends through the early 1900s saw only 12 per cent of deaths occurring in public hospitals and by the 1980s this had increased to 55 per cent and then stabilised. In pointing to the trends where deaths occurred, I make the point that a move from home based deaths to hospital based deaths meant that terminally ill patients were placed under hospital care, where training and ethical codes operate on curative rather than palliative health care—curative, where diagnosing, treating and attempting to cure a condition is paramount. But for the terminally ill in the terminal phase, medical treatment can be intrusive and intensive.

On the one hand, restoring a patient to health by these means which may cause discomfort and may be painful can be justified but, should the same application of medical procedures take place when the patient is unquestionably dying, should not different philosophies and more appropriate medical techniques apply? Surely it is more appropriate to look to the quality of life supported by pain control methods without invasive and demeaning cure at all costs approaches which deny one's final stages of life any real dignity.

Undoubtedly, the select committee realised that the issue examined by it and defined by the terms of reference was a complex one and was an area in which most members had little previous knowledge. But it became clear from the initial evidence presented that patients' rights were an important issue—the autonomy of the individual; the right to decide one's own medical treatment direction; the right to have medical procedure options explained simply and the right to choose; and, as importantly, the right to choose the medical procedure options when one has lapsed into incompetency during the terminal phase of terminal illness.

To this end, the committee sought to introduce the medical power of attorney whereby the wishes of the patient could be indicated to members of the medical profession when the patient was incapable of doing so during the terminal phase of a terminal illness. To reiterate the point, it is important to understand that our large teaching hospitals are geared primarily to delivery of high technology care aimed at saving lives. The needs of the chronically and terminally ill and their families are not appropriately met in an atmosphere of acute care. Once a patient enters the dying stage, the acute care approach should give way to palliative care. Trained doctors and nurses are educated to identify the point at which intensive treatment should cease and care should be limited to palliative measures.

During the period that the select committee was taking evidence, Professor Ian Maddocks, Foundation Professor of Palliative Care, Flinders University of South Australia, President of the Australian Association for Hospice and Palliative Care, defined palliative and hospital care as follows (and I quote from the report):

> The provision of specialised medical, nursing and allied services for people who are terminally ill, together with emotional and psychological support for patients, their families and friends. The whole family is considered the unit of care. Care continues throughout the final illness and the period of bereavement.

Emphasis is placed on controlling pain, relieving other symptoms of disease, preparation for death and coping with loss and grief. For its intensity, its skills and its importance for patient comfort, palliative care should be equated with acute care. Palliative care requires an intensity that rivals acute intervention. Keeping the patient clean, caring for the skin, preventing bed sores, treating neuro-psychiatric symptoms, controlling peripheral and pulmonary oedema, aggressively reducing nausea and vomiting, using intravenous or epidural infusions for delivery of medications, fighting the psychosocial forces that lead to family fragmentation—all can tax the ingenuity and equanimity of the most skilled professionals . . . they are still called to use intensive measures—extreme responsibility, extraordinary sensitivity and heroic compassion.

Also I point out that the goals of palliative care are outlined in the hospice/palliative care policy adopted by the South Australian Health Commission in 1992. Palliative care can be, and is, delivered through special hospice services, through hospitals, nursing homes or through community based care into the patient's home. One of the other people, highly respected, who provided a great deal of assistance and comment during evidence to the select committee was Doctor Michael Ashby, the Medical Director of Mary Potter Hospice at Calvary Hospital. Outlining the practical application of the goals of palliative care, he stated:

Whilst the State of South Australia has an enviable record of pioneering work in the field of palliative care, there remain many areas of concern if this record is to be maintained. It seems that when the terminally ill are offered the full range and choices of a modern palliative care service, high levels of satisfaction are expressed. Expert symptom control, psychosocial and spiritual support, either in the home, hospice or hospital (or a combination of these at different stages of the illness) are essential components. A friendly and pleasant caring environment is provided with recognition of the patient's human context of family and/or friends. Medical interventions are kept to a minimum compatible with comfort and quality of life.

Help is particularly provided to assist patients and families to come to terms with the realities of the situation—giving time wherever possible for anticipatory grieving and reconciliation. The acknowledgment of the dying process and the giving of permission to stop the fight against the natural history of the incurable diseases are central to a more comfortable and peaceful death, and quality of life until death. The majority of patients in palliative care programs have malignant diseases. The clinical (pain and symptom control) care of patients with advanced cancer often requires the advice and assistance of specialised palliative care doctors and nurses, in liaison with the general practitioner and relevant hospital cancer specialist.

As I said earlier, this Bill was meant to address the autonomous right of individuals to decide for themselves what medical treatment would be acceptable to them and therefore allowing them the opportunity to give their consent, or what medical treatment would not be acceptable to them, therefore allowing them the opportunity of refusing such medical treatment. The concerns of the committee were directed to the dying; to those in a terminal phase of a terminal illness. I am not convinced at present that this amended and grossly enlarged Bill will address without confusion the intent of the select committee recommendations that, where people die, it is important to ensure death with dignity.

It is for that reason that I refrain from giving my support to this Bill until the Committee stage, when I can see the intent of the House and how it will apply that intent to the Bill, and see whatever amendments might be forthcoming from members of this House to make this a far more palatable Bill than the one which I now have in my hand, thanks to the members of *Hansard*. I trust that when the Bill does leave this place it will encompass the intent of the recommendations of the select committee, which spent a great deal of time in drafting the recommendations and which was very sincere in making those recommendations to this Parliament.

Mr ATKINSON (Spence): I quote from the Book of Psalms:

The days of our age are three-score and ten; And though men be so strong that they come to four-score years; Yet is their strength then but labour and sorrow; So soon passeth it away and we are gone.

This psalm is well known to us because it is used in the Order for the Burial of the Dead in the *Book of Common Prayer*. It was recited at my father's funeral and I hope that it will be recited at mine. Medicine has not confounded it.

Mrs Kotz interjecting:

Mr ATKINSON: Our ancestors in the past five or so generations have inaugurated public health requirements, inoculations and treatments that have reduced many of the proximate causes of death common in the past century and earlier this century. Few Australians die of influenza, tuberculosis, diphtheria or, by itself, pneumonia—the old man's friend. We live longer on average, but a terminal malady always catches those of us who evade a violent death.

When I spoke in the House on the motion noting the Report of the Select Committee of the Law and Practice Relating to Death and Dying in 1992, heart disease was still the biggest single cause of death in South Australia. In the two years since that debate, cancer has taken over. Cancer ends the life of more than one in four South Australians. Although this Bill tries to make rules applying generally to terminal illness, it will most commonly be applied to patients dying of cancer. It is the widespread fear of dying slowly and painfully and of having one's final extremity prolonged by intrusive medical technology that prompted the appointment of the select committee and the introduction of the Bill.

Members should be clear that patients have always had the absolute common law right to refuse medical treatment. It is a pity that this common law right is not better known because, if those of us who fear a prolonged death knew their rights, they would not be driven into the embrace of the South Australian Voluntary Euthanasia Society and its ideas. Patients with a terminal illness can obtain a natural death with dignity in our excellent palliative care institutions, such as those at Modbury Hospital and Mary Potter Hospice, both of which I have visited. Death with dignity is obtainable without the need to be injected with a poison unrelated to pain relief by a doctor or nurse whose intention is to kill.

It is rather a pity that, when I was referring earlier to funerals, the member for Newland asked me if I would give her the date and place of mine, so that she could attend. I say that is a pity, because I agree with most of what the member for Newland has said today. It is noteworthy that the member for Newland and I are the only remaining members of the Select Committee of the Law and Practice Relating to Death and Dying in this Parliament. So, when the member for Newland says, 'The select committee means this,' I would have to read her remarks closely, because I was on the select committee also and I have my views—

Mrs Kotz interjecting:

Mr ATKINSON: As a matter of fact, I attended that committee more often than did the member for Newland, and the record will show that. When I would leave home of a morning to attend the meetings of the select committee, my wife would ask where I was going and I would say, 'I am going to death and dying.' What I meant by that is that I was going to a committee that was dealing with terminal illness. One of my worries about the Bill is that the member for Newland and the Minister for Health would like it to deal with situations other than terminal illness, and that is a matter

of controversy that will be debated in Committee. There are—

Members interjecting:

Mr ATKINSON: No; I disagree with you actually. There are aspects of the Bill, especially as the member for Newland wishes to amend it, which would allow it to apply to people who are not in the terminal phase of a terminal illness and who may be in a condition from which they will recover—

Mrs KOTZ: I rise on a point of order. The member for Spence has indicated that I have said something about introducing amendments. At this stage the honourable member is reflecting on me in a derogatory manner. He cannot make any judgments, because I have not yet indicated any amendments to be moved to the Bill.

The ACTING SPEAKER (Mr Bass): I do not think that is a point of order, but I request the honourable member to be a little more careful in making comments and deal in fact.

Mr ATKINSON: The member for Newland is unduly sensitive because in her second reading speech she canvassed certain clauses and criticised aspects of the Bill as it was returned to this place from another place, and the record will show that. As I have said, I agree with most of what the member for Newland said, particularly as it related to palliative care, but we have some differences about the minutia of the Bill. I hope the honourable member will allow me to express my opinion about the Bill without points of order. As the law stands, a patient is now free to administer a lethal injection or lethal dose to himself because suicide is no longer a criminal offence. The so-called right to active voluntary euthanasia would cast a duty on others to do the killing, and that is why I oppose it. Members should also be aware that in nearly all cases—

Members interjecting:

Mr ATKINSON: Members opposite interject again. I did not interject on the member for Newland during her second reading speech.

Mr Brindal interjecting:

The ACTING SPEAKER: Order! The member for Unley is out of order.

Mr ATKINSON: Members opposite are interjecting that active voluntary euthanasia is not authorised by the Bill, and I agree with that. I am just trying to say why I oppose active voluntary euthanasia. I hope members opposite will allow me to make my point about that.

Mr Brindal interjecting:

The ACTING SPEAKER: Order! The member for Unley is out of order.

Mr ATKINSON: Members should be aware that in nearly all cases of terminal cancer pain can now be controlled by the administration of opiates such as morphine. This Bill is about allowing doctors to prescribe sufficient doses of opiates to keep a patient comfortable and to keep administering ever larger doses for the same purpose even if the final dose may contribute incidentally to a patient's death. I listened carefully to what the members for Elizabeth and Newland had to say about double effect. It was an interesting exchange of views. The committee report and the Bill are ambiguous about the matter, but I stand by the summary I have just made. There are points to be made both for the member for Elizabeth's point of view and for the member for Newland's point of view. I support the Bill on that point and, if members support the changes I propose to make, they will in no way be detracting from the Bill's purpose.

However, I do not disguise from my critics such as the member for Newland that my changes are guided by the advice of our Christian churches. As I said before, the member for Newland and I are the only two remaining members of Parliament who served on the select committee and, although the Minister for Health is in charge of the Bill for the Government, it is worth noting that he did not serve on the committee.

As a Minister committed to $65 million in cuts in the South Australian health system over the next three years, he bears a heavy budgetary responsibility that could be seen to be in conflict with fidelity to the principles of the committee report. The Bill should have been debated in private members' time, for that would have given the clearest indication to members that the Bill is a matter of conscience and, therefore, there is no obligation on Government members to support the Minister. Members who serve in the House in years to come will come under increasing pressure from health administrations to legalise active voluntary euthanasia, that is, the lethal injection or the lethal dose, because it could save millions of dollars in a society with more people over 80 years than at any time in history.

We are not under pressure now and the Minister has not asked for this, but it will come under another administration in the guise of patient autonomy. I must disagree with what the member for Newland had to say about patient autonomy because, desirable though that is while the patient is conscious and competent, when a patient is not conscious and competent and an agent is making decisions for a patient, that is not patient autonomy any more than doctors and the family of the patient making decisions, as they do now. I disagree with the member for Newland on this point, because I do not believe another person can exercise one's autonomy for one.

Mrs Kotz: Why didn't you dissent from the committee report?

Mr ATKINSON: If the member for Newland had been at the committee meetings where topics such as nasogastric feeding were discussed, she would know that the minutes record that I asked for a vote on nasogastric feeding and I dissented from the report on that point. The member for Newland should also note that the Standing Orders of the House at that time did not provide for minority reports. The only way one could make a minority report was to come into the House and, on the noting of the report, give one's differing view from the committee.

Mr Brindal interjecting:

The ACTING SPEAKER: Order! The member for Unley is out of order.

Mr ATKINSON: Readers of *Hansard* will know that that is just what I did. On the noting of the committee's Report into the Law and Practice Relating to Death and Dying I made a lengthy contribution in which I reviewed the report, supported many aspects of it but dissented from others, and that is reported in *Hansard*. That is the proper way to go about giving a minority report when one is on a House of Assembly select committee. In my opinion, the Bill has been improved by deliberations in another place. When I moved the amendments to the Bill in 1993 all were defeated and three of them are now part of the Bill.

Mrs Kotz interjecting:

Mr ATKINSON: The member for Newland said, 'Bad mistake.' That is just what she said in her second reading speech, and that is why it is open to me to canvass her criticism of those amendments. First, I moved that there be a savings clause that would preserve the Criminal Law Consolidation Act's prohibition on assisted suicide. The then Minister for Health said that such a savings clause was not

necessary. He and the member for Newland said that the amendment would lead to endless doubt.

The then member for Coles said that it was unprecedented in the legislative history of the State to restate parts of the law that the Bill did not intend to change. She said that the amendment was an impediment to the practice of good palliative care. Thirty-seven members dutifully trooped over to this side to vote against the amendment. My amendment is reproduced in the Bill before us at clause 18 and I predict that not one member in the debate will criticise it and that there will be no amendment to change it. There is certainly not one on file now.

Secondly, I moved an amendment that an agent could not refuse medical treatment that was part of the conventional treatment of an illness and not significantly intrusive or burdensome. That amendment was defeated nine votes to 35. I am pleased to see that the amendment is here in the Bill before us at clause 8(7)(b)(iii). This part of the Bill provides that a medical power of attorney does not authorise an agent to refuse medical treatment that would result in the grantor regaining the capacity to make decisions about his or her medical treatment. The then member for Coles, the Hon. Jennifer Cashmore, told the House that the amendment would destroy the whole concept of autonomy. Yet, I see no amendment on file to change that.

Thirdly, I moved an amendment that would have allowed an appeal to the Supreme Court on a medical power of attorney in the same way as the Power of Attorney and Agency Act. The Minister for Health said that such an amendment would destroy many of the things that the select committee sought to build up. My amendment was lost six votes to 36, but it is now back in the Bill, bigger and better than I had first intended.

I mention these changes because I am pleased with them and also to warn new members that, when the Minister resists amendments on file today because he says that they would not be true to the select committee's intentions or that they would destroy the Bill, they should bear in mind that it has all been tried before in respect of amendments that are now accepted. Let us have this debate on the merits not on authority.

The one change I seek to this Bill more than any other is a requirement that agents not deny to patients food and water. As the Bill stands, clause 8(7)(b)(i) provides:

> A medical power of attorney does not authorise the agent to refuse the natural provision or the natural administration of food and water.

The offending word is 'natural'. The clause as it stands means that the artificial provision of food and water through a drip in the arm or a nasogastric drip can be refused by an agent. On this point the select committee report states:

> A patient may refuse such care (food and water) for any reason, including a desire to hasten death. Such a refusal (especially if sustained to the point of dehydration and/or starvation) requires a level of self-determination which the committee believes can only be exercised by individuals acting, consciously, in all circumstances, on their own behalf.

Where I disagree with the Minister is that I do not believe that the decision to stop food and water can be delegated to an agent. It is one thing for Bobby Sands and other imprisoned members of the Irish Republican Army to go on a hunger strike unto death, it is another for a medical agent to do the same for an unconscious or demented patient in hospital. The clause as it stands is a danger to disabled children, those with dementia and those with an intellectual disability. The committee took evidence from Mr Ian Bidmeade, who is known for his report on how prematurely born babies should be treated by South Australian hospitals. Mr Bidmeade told the select committee that nasogastric tubes were a normal way of providing food and water to patients. I do not want wards in our public hospitals to be set aside for starving or dehydrating people. The leading case on nasogastric cases is a case decided by the Judicial Committee of the House of Lords—*Airedale NHS v Bland*, which is known as 'Bland's case'. I will have more to say about that as the debate proceeds.

We heard evidence when we went to Glenside Hospital from a doctor who said that dementia patients with urinary tract infection and pneumonia are now not treated. That is, they are not treated and are allowed to die of pneumonia and urinary tract infection. Speaking for myself only, I do not think that is right. However, the Bill in its current form would tend to support that long-established practice—which I must say happened under my Government just as it is happening under this Government. I say let change to the law, particularly this very sensitive law, be made very slowly. We can always come back later to consider this Bill and to make amendments in the direction suggested by the Minister and the member for Newland. However, I ask members to be very cautious and attentive in dealing with this Bill. We can fix it up later. Let us move slowly in accordance with established community values.

Mr LEGGETT (Hanson): As a new member of this Parliament—part of the class of 1993, and an extraordinarily brilliant class, I might add—I was not present for previous parliamentary debates on palliative care or matters relating to death and dying. This Bill deals specifically with medical treatment and palliative care but it is much wider than that. It also addresses several discrete issues, for example, consent to treatment, and medical powers of attorney, particularly concerning children. All these areas are, of course, diverse and very important. The most significant and vital area is, of course, the care of the dying.

Every family has to make a decision at some point in time about the treatment of a loved one who is in fact dying. In my case it was my mother who, over a period of months, suffered a number of strokes and deteriorated rather dramatically. Her mental faculties were intact but physically she simply fell away. In this case she knew what she wanted to do, and that was to die. My views on euthanasia and my mother's views on euthanasia would not allow that to happen, but there was a withdrawal of treatment by her, in a sense, where she began to eat less and then died a very natural death after a long and productive life. It would have been quite easy to ask a doctor to give my mother an injection and terminate her life, similar to the television program about the man whose life was terminated in Amsterdam a couple of weeks ago. I made a point of protesting about that in this Parliament.

The most important thing in all of this is that my mother was able to die with dignity. I know that a lot of people have terrible illnesses and dignity is something which goes out the window, and I will talk about that in a moment. I now refer specifically to the amendments to this Consent to Medical Treatment and Palliative Care Bill. I believe that these amendments should all be examined and debated before being incorporated into the Bill. I understand that clause 12 under the present Bill allows children of any age to consent to their own medical treatment without parental consent; in fact,

without the parents being informed at all, and I think this is most dangerous.

I recommend that the age of consent for medical treatment be 18 years. I am very much aware of the argument that 16 should be the age, and we know that at 16 young people have to behave as young adults; society demands that. People aged 16 can drive cars in South Australia and have some other rights within the law, but in another place reference was made by the Hon. Robert Lawson to the fact that since the seventeenth century common law has allowed a minor to consent to treatment. The Hon. Robert Lawson said that at 14 years of age a person is capable of understanding the nature, consequences and risks of the treatment to be undertaken, and I believe that is so.

My privilege as a counsellor and as a minister was to be with a young cancer victim—a student of mine—who was 14 years of age. He was very intelligent. He knew that he had a very bad illness and that it could be terminal; and it ultimately took his life. There were times when he was too young, I believe, and certainly too ill, to make crucial decisions regarding his medical condition. To make the age of consent 18 makes sense, for the following reasons: first, a person under 18 cannot make a will, cannot give an ordinary power of attorney, vote in an election, appoint an agent, or enter into a contract, no matter how trivial that contract may be.

I now refer specifically to the proposed amendments to the Bill. In clause 4 under 'life sustaining measures' the words 'artificial nutrition and hydration' should be deleted. This is a very broad term and, in its present form, could result in disabled patients being denied simple tube feeding of food and fluids when such feeding is entirely appropriate and more than likely the only avenue for them. Artificial nutrition and hydration are not a form of medical treatment. The obligation to nourish and hydrate another human being is, of course, a basic human activity and an obligation from birth to death, and it should remain exactly like that.

Human interdependence and solidarity is the basis of the obligation to care for the life of our neighbour, especially when that person is dependent or incompetent and, therefore, unable to care for his or her own life. In looking at 'terminal phase of a terminal illness' in clause 4, there needs to be added to the definition the words 'within 12 months'. This is a very broad definition. Common disorders such as diabetes and high blood pressure, I guess, would enter into this broad classification, even though the person may have 20, 30 or more years to live. Therefore, I recommend that it read:

'terminal illness' means an illness or condition that is likely to result in death within 12 months.

In clause 4, page 3, line 8 we see the phrase:

'Terminal phase' of a terminal illness means the phase of the illness reached when there is no real prospect of recovery or remission of symptoms. . .

Here the following words should be inserted:

. . . and death is likely to result within three months.

This definition is broad enough to include many disorders: muscular diseases and multiple sclerosis come to mind. I now examine clause 7(3) and paragraph (a)(i), both of which include the phrase 'in the terminal phase of a terminal illness, or in a persistent vegetative state.' I believe the words 'or in a persistent vegetative state' should be removed. A persistent vegetative state (PVS) is not a disease but, rather, a collection of symptoms. A PVS patient may enter a permanently unconscious state but differs from a comatose patient in that the gag, cough, sucking and swallowing reflexes are usually preserved. This does not exist in the comatose patient who must be fed by a nasogastric tube, or whatever.

A person in a persistent vegetative state is not necessarily in a dying process. A persistent vegetative state conveys the idea that a PVS person is now existing in a vegetable state—and I do not like the word 'vegetable', but here we are using this term. As I said, I find that a terrible term to use. This opens the way to assessing such patients as less than human beings. It is more accurate to refer to the patient as temporarily or permanently unconscious. This would safeguard the individual worth and dignity of persons in our society who can no longer act in an autonomous manner. I actually saw that with another student that I had. Being a teacher has its highs and lows. A boy who was badly injured in a motor bike accident two years ago is still in an unconscious or comatose condition.

It is important to note here that many patients written off by the medical profession in a PVS condition, and many have been written off, who have had shocking brain injuries, after about seven months have made substantial progress to a point where after about 12 months they can go horse riding; some have been rehabilitated to a point where they can go back to college, have regained critical skills and, in some cases, actually regained all their skills. There are examples of patients who have suffered brain damage and who have recovered sufficiently to take their place in society. What still baffles medical experts is what differentiates these late recoverers from those who remain permanently in a vegetative state. I guess there is no easy explanation for that: I am not a medical practitioner or have any medical knowledge, but I guess it will still baffle the medical profession in the future.

There are minor changes to clauses 10 and 17. The term 'moribund' should be deleted from clause 10(2)(b) and clause 17(2). In both cases I advocate that it be replaced by 'terminal phase of a terminal illness'. I would briefly like to look at clause 8(7)(b)(i), which provides:

(b) does not authorise the agent to refuse—
(i) the natural provision or natural administration of food or water.

If the word 'natural' is deleted from this clause it excludes the possibility of an agent, with the intention of causing death, depriving a non-dying patient of appropriate tube feeding. For non-dying patients to have death brought about by starvation and dehydration is nothing short of euthanasia. It goes a step further than that, I guess, and becomes murder, to be actually deprived when they are not in a dying condition. Obviously, that must be looked at.

In conclusion, I refer to clause 18. For consistency and accuracy it should also include the word 'omission', and therefore it would read:

This Act does not authorise the administration or omission of medical treatment for the purpose of causing the death of a person to whom the treatment is administered.

I believe that clause 18 is essential to the Bill and must remain. In its present form the Bill provides the possibility that non-dying patients, who could make a complete recovery, could have death brought about by starvation and dehydration. The passing of this Bill (once the amendments are through) is very important and will protect an innocent citizen's right to life.

Mr SCALZI (Hartley): I refer to a poem entitled 'Tithonus' written by Tennyson as follows:

The woods decay, the woods decay and fall,

The vapours weep their burthen to the ground,
Man comes and tills the field and lies beneath.
And after many a summer dies the swan.
Me only cruel immortality
Consumes: I wither slowly in thine arms,
Here at the quiet limit of the world,
A white-hair'd shadow roaming like a dream
The ever-silent spaces of the East,
Far-folded mists, and gleaming halls of morn.
Alas! for this grey shadow, once a man. . .
Why should a man desire in any way
To vary from the kindly race of men,
Or pass beyond the goal of ordinance
Where all should pause, as is most meet for all?

Tithonus was a young, elegant gentleman in Ancient Greece who fell in the love with the Goddess Aurora. Tithonus asked for eternal life, but what Tithonus failed to ask for was eternal youth. He requested eternal life but at the end deeply regretted that he asked for something that was not natural. I believe that in many ways modern society is a little bit like Tithonus. We want eternal life, and with it we want eternal youth. At the end we fail to accept the reality that death, illness and old age is all part of life. At the end we must come to terms with that. I believe that this Bill, whether we agree or disagree on various clauses, gives the reality of life the proper perspective and status that it deserves. We must acknowledge that we cannot live forever and cannot always maximise pleasure and reduce pain. All those things are part of life. To accept life we must accept death, for only then can we put life in its full perspective.

The Bill can be divided into two main areas: consent to medical and dental treatment, and care for the dying (and in that, the repeal of the Natural Death Act and amendments to the Guardianship and Administration Act). The Bill was made possible only through the hard work of the select committee and the many people who contributed to it. I agree with the member for Spence in that we should be cautious about implementing the Bill and proclaiming it as an Act before this Parliament, because we can always go back. With something as important as this, where we are defining life in a sense, it is important that we get it right. If we fail to get it right, it will be more difficult to put it right in future. We have found that in other areas.

In a sense, this Bill should have been two Bills. However, to follow that logic and prevent the Bill from proceeding would be irresponsible. A lot of time and effort has gone into the preparation of this Bill. I commend the members of the select committee and all who appeared before it on making this Bill possible. One could say that putting it together with consent to medical treatment is to look at it in a holistic way because death is part of life and we should deal with all medical treatment in a general sense. There is logic to that.

The argument against it, which I believe has some merit, is that dealing with death, dying and palliative care is so important in itself that it should be given specific prominence. That is my view, and I would not be so irresponsible as to prevent the good that will come from this Bill merely by being pedantic. As I said, I believe it would be irresponsible. This Bill should proceed because I believe that it will benefit from amendments that will eventuate from proper debate by concerned members.

This is a very difficult area on which to reach agreement. It is not easy to agree to legislate on matters that impact on a person's life. After all, we come from different perspectives. We live in a multicultural society with different perspectives and religious views, and all those must be taken into account. However, as legislators, we have to act for the whole of society. In order to do that we must at times move away from our own personal views. I am glad that there is to be a conscience vote on this matter. For it to be anything else would make it very difficult.

Death was not a foreign experience to me as a child. I was brought up in a village where I clearly recall a great-aunt dying of cancer. I remember going to the funeral. It was not unnatural; it was part of life. In a way, death was seen as a sacrament in the religious context. Grieving was part of it and there was an acceptance of death. We must be flexible in attempting to cater for these realities.

On the other hand, as a teacher in South Australia, I have noted that death is not always accepted so readily. Indeed, disease is not always accepted in our society. We tend to shelter the young from these realities. I do not think that is a good thing, because we will never appreciate life unless we know it in its full perspective.

I have had other experiences which have made me appreciate life more fully. As a young man, from the age of 17 to about 22, I faced a serious illness and, not knowing what it was, that made me reflect quite a lot about life. I can tell members that I did not expect to reach the age of 30. I did a lot of thinking. There were times when I was very depressed and at times, if someone had said, 'Joe, would you like to end it?,' being in so much pain I would probably have said 'Yes.'

I am glad that I did not do so and that I am here today. What I am getting at is that we are not always precise on what we mean and what we want, and the transfer of autonomy from one period in one's age to another is not always clear cut. I accept that we must try to legislate and take factors into account and start from the point of autonomy, because to do otherwise would be very difficult indeed.

In legislating and amending for safeguards we must take all these factors into account. In a way, we only arrive naked at birth: at all other times we are clothed and we come with luggage. We are clothed with tradition, family responsibilities and commitment, spirituality and a sense of belonging to a community. All those things are important. At times, we might throw off the cloak, as young people do when they rebel against their families. Imagine when someone at that stage appoints an agent and something happens in four or five years; it is a totally different matter, because the continuity of that individual is not based solely on that time.

It is difficult to legislate in those areas. Like the member for Spence and others, I have visited hospices; I have seen people dying; I have talked to doctors and priests; and I have tried to come to terms with my religious views, my liberal democratic views and my responsibilities as a member of this place. This is why I am talking about all these things that should be taken into account. It is not clear cut, and we cannot just make decisions which we might regret in the future.

There are problems with the transfer of autonomy. There is a big difference between when we legislate for an individual to make up his or her own mind and when we legislate for an individual to transfer power and appoint a proxy to make up his or her mind in a hypothetical situation because, when we are faced with those problems, our thought processes change. Once we come through those experiences, our thought processes change again, and we might ask, 'Who is the person? Whom are we talking about?' That is why this area is very difficult to legislate for.

Only last week a professional friend of mine who had been thinking about this area said to me:

I was speaking to my father the other day and he said, 'If I was dying of cancer I would not want you to tell me.' I said, 'Why not?', and he said, 'Well, I would like to go, not knowing I was dying; I would like to go in hope.'

I reflect back on my youth, my experiences and the traditions that affected part of my life—and I am a composite of all these things. For example, I had seen my aunt pass away with cancer. She knew she was dying, but she did not want to know. She wanted the family around her and to die in that way. What do we do in situations such as that? Our law would say that the doctor should tell them, straight out. Family members have come to me and said, 'No, I do not want the doctor to tell them.' It is difficult. It is not an easy thing for which to legislate; it is not an easy thing to conclude.

Overall, I believe that this legislation is needed. In this society, we have reached the stage where people want some direction, which will allow them to care and to let people die with dignity. In legislating we must be careful that we do not send the wrong message because, as the select committee pointed out, intent must not be overlooked. There is a difference in giving pain relief to someone to make them comfortable and alleviate their pain. If consequently that person passes away, it has to do with intent. I believe that the intent of a compassionate society should always be to try to do the best for the patient, to keep them comfortable, to make them feel as though they are still part of society and to allow them to die with dignity. To interfere with the natural death process in itself is unnatural. So, we must not interfere with that process: we must allow people to die with dignity.

However, there is a big difference if we aid that process. I do not believe that we should aim to do that in any way, and I do not believe that this Bill does that, but if it is perceived by some that it may affect some individuals who happen to be in a state where they cannot make a decision for themselves—for example, with regard to artificial nutrition and hydration—we as legislators must make clear that that will not happen. If we do not deal with that perception or possibility, I believe that will make us irresponsible as legislators.

I will not go through the proposed amendments to which my colleague the member for Hanson referred because I believe they will be dealt with more fully in Committee. I would like to say in conclusion that I, too, have difficulties with the age limit, but I am sure that matter will be cleared up. The argument that some members have put that only a few people will be affected by such a Bill, that the majority will not appoint an agent, is, I believe, fallacious. If we are to put forward good legislation and good directives, we must take those things into account, because it might appear that only a few people will be affected today but there could be a few more tomorrow and a lot more next week, and so on.

Again, I acknowledge the hard work and I respect and admire the point of view of people who work with the dying in the hospices I have visited—the people who have made this sort of legislation and this sort of work a big part of their life. I believe they are privileged because in a way they are closer to humanity than the average person as they deal daily with the soul of man—for it is only in acknowledging death that we can really appreciate life.

Mr ASHENDEN (Wright): I intend to speak only briefly in this debate, but I do not want that to be interpreted as an indication that I do not believe it is significant. The fact that it is so significant is one of the reasons that I do not wish to speak for long now, as it is my intention to speak on a number of the clauses in Committee. A couple of things have happened recently that have caused me to change the way I think about this. In fact, if this Bill had been introduced six months ago, I would have voted quite differently on a number of clauses from the way I now intend to vote.

Two incidents have occurred recently, the second of which has had a major impact on me. The first incident was when the Public Works Committee visited the Flinders Medical Centre. As part of that visit, we were taken through a section of the hospital in which, if my memory serves me correctly, there were 10 or a dozen very old people who were totally unconscious and on life support systems and who, according to the doctor, had no hope of ever leaving the hospital. For most of the time, they were not conscious and had no idea of what was going on about them.

I asked, 'Have there been any requests from relatives and so on with respect to whether the life support systems should be continued?' He said, 'Yes. Some argue very strongly that we must provide support for these people for as long as we possibly can.' He said that others, who were just as emotional, distraught or concerned—whatever word is used to describe them—were saying, 'It really hurts me to see my father (or whomever it might be) in this situation.' That sowed the seed in my mind, and I wondered whether or not I was right with the approach I had always had, that is, for goodness sake, make sure that we keep life for as long as we can. Seeing the people in that situation did have an impact on me.

The second incident that had a profound impact on me was the death of a person very close to me. I guess that not many of us are in the fortunate position where we can get very close to our in-laws. I was very close to my father-in-law. He was a man whom I loved (I am not ashamed to say that) and admired greatly and deeply for what he had done and the way he had established himself. He was a proud and strong man, and I have very fond and happy memories of my father-in-law from the time I first met him to the time he died just a few weeks ago.

I can remember, when we were first aware that he had a fatal illness—the only thing we did not know was how long he would survive—that my wife said to me, 'Scott, I hope he never suffers. I do not want to see him suffer pain.' I thought my wife was wrong. I said, 'No, we just want that man to live as long as he can, to share with him as much of the time he has left.' Even at that stage, I was in disagreement with my wife's sentiments in that regard. Let me make quite clear that it was out of love for her father that my wife said what she did. There was no way in the world that she wanted to see her father suffer.

As the disease progressed, it became quite obvious that he was suffering. He was suffering intense pain and, to overcome that pain, he was being drugged more and more heavily to the point where he had absolutely no idea of the people around him, not even me, his daughter and others who were close to the family. He was brought to Adelaide, and when we saw him and the pain he was going through, as I said, it had a profound effect on me. It was decided to return him to the hospital in the country town from which he came to see out his last few days. That is when for the first time I said, 'I think I have been wrong. What right have we, because we wanted to have that person with us as long as we could, to say that the fact he was in pain, the fact he was just so heavily drugged, that he really had no idea of where he was or who he was or who was around him, did not matter?' For the first time I asked myself, 'Is that really life?' Make no mistake,

the man was alive only because of the support systems he had been provided with.

I take the point made by the previous speaker that we should not interfere with death. The point is that we are interfering with death if we prolong life. Looking at it from the purist point of view, had my father-in-law not been put on this life support system, had he not been pumped full of drugs, there is no doubt that he would have passed away earlier than was the case.

The point I am making is that that situation had a profound effect upon me and has caused me to change the way I will vote on some clauses in this Bill. Had my father-in-law requested of his daughter or his son, 'Look, please, if I get to the stage where the pain is so severe and where the drugs are so much in my system that I am just no longer conscious, would you please end it?', six months ago I would have said, 'No way,' but, having seen the suffering, a person in that situation or people close to a person in that situation should be able to say, 'Look, enough is enough; I really do believe we should assist this person to pass away peacefully, in dignity.' Again, that was something that really affected me. We were with him on the day he died, and he was certainly not dignified. That really got to me: this dignified, proud, hard working man on his last day—and I do not mean this unkindly or cruelly—was undignified. It had a major impact on my wife and me to see that man in that situation. I repeat that he was in that situation only because of the life support systems, and so on. As I said, when we come to that clause, I will certainly vote quite differently from the way I would have.

The other area I will look closely at is the age of the consent. I will strongly support the present way in which the Bill has come before us with regard to the age of 16. If we give a young person the right to consent or otherwise to sex, or to enter into a sexual relationship, if we give them the right to drive a car and so many other things, particularly today, where there is such a wealth of information available to young people to prepare them for their life, at the age of 16 people are able to make an informed and conscious decision on what they want. We are talking about the age at which young people should be able to obtain medical treatment without any involvement of their parents. At the age of consent, the majority of young people will still talk to their parents. I believe that my daughter, at the age of 16, would still have spoken to me or to her mother on any issue—in fact, she still does. Certainly, in the majority of families, where there is a loving and close relationship, there will not be a problem.

We have to accept the fact, though, that some families are not as fortunate as my daughter has been. Sometimes those young adults are not in a position to have the benefit of being able to talk over calmly and rationally matters such as that with their parents or others. We do not have the right to say, 'You have to wait until you are 18 before you can determine whether you wish to see a doctor or a dentist of your own volition.' The age of 16 is a reasonable age. I would be concerned if a person of, say, 10 or 12 or anything like that was able to make such a decision; I would have real problems with that. By the age of 16, young people should be able to make that decision, and I would hope that most of them would be fortunate enough to be in a position to be able to share their decision with their parents or others, but if they are not we should not in any way step in to stop them from making such decisions.

So, in those key areas I will certainly be speaking again when we come to the Committee stages and I certainly will also be speaking on some of the other clauses as they come before this House because, in the six and a bit years that I was here before and the 12 months I have been here this time, I regard this as one of the most important pieces of legislation that I have had to consider. I am confident that the Bill, as it comes out of the House, will be well thought out. Everyone who has spoken has made it quite clear that they have thought very carefully about the stance they have taken, and I can only hope that the Bill when it is enacted will be one which will assist the residents of South Australia in these important areas.

Mrs GERAGHTY (Torrens): I must say I have certainly listened to contributions with great interest. I have read the Bill and I support the issues raised in it. I accept that the Bill raises emotive issues that we all obviously have great concerns about, as has been indicated. Obviously, we must consider the Bill carefully. This Bill is about the very final stages of our life. We are not talking about shortening a life; we are talking about the very final stages of life in a terminally ill state, or perhaps on a life support machine. We also need to consider the quality of life. We are not looking at quantity. Most certainly for me quality is a very important issue.

I would like to raise an issue to which I have given reasonable consideration. There was a time when I was much younger that I had a loved one who was at that very final stage of life. I spoke to the doctor. There was no cure for this person's condition; she was dying, and I felt very uncomfortable seeing her in great pain. I believed at that stage that the treatment was significantly intrusive. There was no-one for me to speak to, apart from a very kindly church visitor, but I spoke to a doctor about discontinuing the treatment because I did not believe that it was reasonable.

I was in a state of grief—it was quite a heart-wrenching dilemma—and this young doctor abused me. She asked me if I was wanting her to kill someone. It was absolutely outrageous. One simply could never ask anyone to kill a loved one. After some debate about it the treatment ceased and within hours this person passed away. I say this as an aside, but probably within half an hour of treatment being ceased she became quite lucid for the first time in days and sang her favourite hymn. So, I quite strongly believe that we do know when the time has come and that we are going. Anyway, she just passed away so very quickly.

I think that is an important issue. The reason I raise that is that both the doctor and I were young and we were unable to deal with the situation. She had little or no training, I believe, in how to cope with such situations. We need to have something in place when we get to a situation such as I have described, so that there is some guidance or something in place where everyone is able to deal with the situation. There is probably insufficient funding to train doctors and carers in this area. When we are faced with a dying person who requests that there be no further treatment or perhaps as in the situation that I have described, the doctors are forced into a very difficult position. They, like the dying person, know that the time is imminent. At best, they can relieve some of the pain. I do not believe they can relieve all of the pain all of the time. So, we have a dying person who will have some periods of time where they are in great pain. We all know—the doctors, the patient and the family—that, at best, all we are doing is putting death off.

I believe that the medical practitioners and carers need to know exactly where they stand under the law and I believe this Bill does that, gives us all a position. It has also been expressed that if the doctors administer too many drugs to patients they shorten the life. I do not believe that that is an issue at all. Our duty is to the dying person to make their final time as comfortable as possible. Obviously, there is no opportunity for them to become addicted to the drugs because they would be in the very final stages of life and it would not matter. We are simply making that time more comfortable.

At the final stages of a person's life it is very difficult for all of those attending to those people—the doctors, the nurses and certainly for their family—but I believe it is the dying person that we have to consider and only consider. We have to consider how they feel in that position, and I do not think that we could fully contemplate those final stages of life ourselves. I do not think that is possible until we get there—hopefully not too soon. We can understand that at that stage, when people are in great pain and we know death would relieve people of that suffering and indignity of just waiting to go—which, to me, is a very important consideration—people do have the right to choose. I do not believe there is any doubt about that. It is our choice: do we continue treatment or do we not? I believe that when we are unable to make that decision for ourselves someone else should be able to make that decision. We are only talking about the very final stage of our life. We come back to the issue of the quality of life, not quantity, and our decision to choose. Although I do not wish to canvass this case to any great extent, a son of a friend had an accident and was placed on life support and the decision was made to turn it off.

He quickly passed away. That happened more recently, and for those parents it was not so difficult, in that they did not have such great arguments about it. We are able to choose; we can make a will, appoint an agent, and so on. I thought that it would be an easy matter, having thought about it for a long time and having very firm views, but it is not. I said that I would not be emotional about it, but I am—

The Hon. M.H. Armitage interjecting:

Mrs GERAGHTY: It is; that is right, and it is hard not to be emotional. At what age would we be capable of making those sorts of decisions? Is it 20, 30 or 40 years of age? Could it actually be 16 years of age? Although I think that the age at which we could make such a decision should not be much younger than 16 years, I think that the decision could be made at any time in our life. I believe that, in that final stage of our life, when we are dying, we develop a different type of maturity; we change. So, I would support the age requirement of 16 years.

I have two children, who are now in their 20s; one of them was ill at one stage, and we discussed dying. Thankfully, he is still with us, and hopefully he will well exceed my lifetime. I have seen children aged five on television who talk about death, because they are dying. They are so accepting of their future and more worldly wise than their parents at times; they are more able to accept that they are dying. Death comes to all of us, and we hope it comes quickly and in a very dignified manner. Unfortunately, sometimes it does not happen that way, and that is when the wishes of the dying must be considered. This Bill takes away the fear that doctors who are providing palliative care have about prosecution, and alleviates the suffering and the indignity of dying. Also, it protects the rights of patients from what may be considered, as I have said before, significant intrusive treatment.

The Bill does not talk about hastening death at all; it deals only with the terminally ill and those who are in the very final stage of death. I know that I have said that before, but it is important to consider that. I have nursed patients in nursing homes who have been quite elderly, very frail and suffering from dementia. In the main they are very happy and well cared for. I cannot say that they lead a productive life, but they enjoy what they have. So, we are not talking about those people who are suffering the symptoms of ageing: we are not seeking to terminate their life or prevent them from having the opportunity to continue on.

I would never support the withdrawal of treatment if there was the slightest chance of a cure or reasonable quality of life. However, when there is no hope and when people are being sustained by life support systems and are in pain, we should be able to make a decision. The Bill gives us the right to make an informed choice, and apart from all the emotive arguments that I was not planning to go into, the issue is still one of making a choice at the final time of a person's life and the right to a dignified passing.

The Hon. S.J. BAKER secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (LOCAL GOVERNMENT CONTROLLING AUTHORITIES) AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT (1995 ELECTIONS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

PARLIAMENTARY REMUNERATION (SALARY RATES FREEZE) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): I take this opportunity to thank everyone in the Parliament for their diligence during this session. Whilst the business of the Parliament has not been completed, we expect that it will be in the very near future, and it is appropriate at this time that we recognise the talents and the dedication of the staff of Parliament House. It may seem as though it is becoming a little blaze because normally, at the end of the autumn and budget sessions, we say 'Thank you' and, having been in this House for some time, I realise that it may well become just a matter of course rather than a sincere expression of appreciation of the outstanding efforts of our staff. However, I sincerely mean what I say on this occasion.

First, I say 'Thank you' to the Speaker, as the person who presides over this House. I believe that he exercises judgment and serves the Parliament particularly well. Although there are differences on occasions, I do not believe that, on reflection, members would have grave difficulty with too many of his rulings. Mr Speaker, I wish personally to express my appreciation of the way in which you have handled the Chamber. I love the vitality of the Parliament, and I believe

that those emotional moments where we have extreme points of view expressed across the floor add to the tenor of the Parliament rather than detract from it. However, it has to be controlled and you, Sir, do a particularly fine job under the circumstances. I would hate to think that any Speaker would prevent strong debate in the Parliament, because if that were to happen I think that we could all go home. However, if anyone traverses that dividing line between what is and what is not acceptable, they should and do suffer the appropriate consequences.

I did fear that it may have been necessary to have an injunction placed against one honourable member of this House. It has not occurred, Sir, but he still has a little way to go until the end of the parliamentary session, and I would hate to think that a three day suspension was going to be imposed on that particular person and that we would miss his talents for that amount of time.

I also express my appreciation of the work of the Deputy Leader of the Opposition in liaising with Government because, whilst he is a relative newcomer to the position, he has learnt very quickly. When I was Deputy Leader of the Opposition I had to learn quickly, and I know that the honourable member has indeed accepted the challenges of the position and that everyone in this Chamber appreciates the diligence with which he now is able to carry out his responsibilities. Overall, the process of communication has worked extremely well and I thank the Deputy Leader for his rapid learning curve and the extent to which it has made the management of the House so much easier than if we had a situation prevailing where members did not know what they were doing. We have developed a reasonable working relationship.

The Christmas message is really to the staff of the Parliament who probably do have moments when they wonder whether they should be in another occupation, because they do have to put up with us and suffer us on odd occasions and, despite every member's endeavour to be pleasant, that does not necessarily occur on all occasions. Despite the endeavours of all members to dispense their duty more than adequately, sometimes it is to the detriment of the staff in this Parliament, not by design but by default. We have had the odd late night when staff have been held back here to ensure that the Parliament runs smoothly. There have been occasions where we have been pushing hard to get messages back and forth and they have risen to the occasion.

In particular, the clerks have served us well with their deliberations and advice not only to the Speaker but to any member who wished to understand the workings of the Parliament and how to perform better as a parliamentarian. Politicians should always learn from experience and also use the experience that we have on the benches. We have a fine complement of people who assist us, and I refer to our Attendants, who make every endeavour to make life as easy as possible for members of this House. As I have said previously, I have had the opportunity to visit other Parliaments in Australia and I have asked what level of service is provided by the various employees of those Parliaments. I compliment our attendants because there is no doubt, based on my comparisons, that the support we get inside and outside the Chamber in terms of attention is first class. I know that every member of that crew dispenses his and her duties to the best of their ability and, indeed, sometimes above and beyond the call of duty.

As to *Hansard*, it must be very difficult with new members to understand the style and words presented to the Parliament. At times we all suffer from a lack of clarity in our expression but, by the time it comes out as the printed word, what the member intended seems to be more than clear. I thank the *Hansard* staff not only for recording all the words said but for interpreting the words on occasions because they assist anyone who wants to read the record to get a clear impression of what was being stated at the time, even though the statement may not have been as clear as it should have been at the time.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Some more than others, as the member for Spence has admitted. We have a great *Hansard* staff. We did test them out earlier this year when we had extended sittings, of which we are all aware. That was an unusual circumstance and they carried on and did the Parliament proud because we got through the business even though it was running one, two, three or four days late. We have a whole range of other people who assist in the good workings of the Parliament. That includes the caretakers, who make sure the building is secure at night. The caretakers take strange phone calls when people lose keys or cannot get out of the car park and they actually take abuse on the phone on occasions when people ring up and cannot make contact with the person they seek.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: That is right. The caretakers dispense their duties diligently. For those who provide food and beverage, whether from the kitchen through to the general service of meals and refreshment, they not only make sure we are served speedily, and that is important when we are always in a rush, but the service is given with a great deal of goodwill. I will not single out particular people, but we have members of staff who do make light of what sometimes are difficult circumstances when they have a large number of people lined up wanting to be served at the same time. I thank them for their forbearance and the quality of the service they deliver.

We have, of course, members of the Library staff who research for us and guide us to the appropriate references and, despite what some people would regard as limits on the amount of resources available, they maximise the benefit to parliamentarians who use the Library. There are also other support staff who make life easier and make the Parliament work appropriately.

Mr Caudell interjecting:

The Hon. S.J. BAKER: The honourable member mentions the Blue Room, but I thought I had encompassed the Blue Room in my remarks about the people delivering food and beverage services. On behalf of the Government, to all those people I express my sincere thanks for once again doing us proud. I wish them and theirs a healthy and satisfying Christmas, getting ready for the resumption of Parliament on 7 February.

I say to all members that, despite our differences, one of the interesting aspects of the Parliament is not necessarily how well we get on with members alongside us but with those with whom we are in opposition. There have been occasions where there has been more rapport amongst opposites than there has been amongst companions. By and large we get on well. We fight the battles that have to be fought in a vigorous fashion and we should always do that; we should always stand up for our beliefs. From that point of view I am satisfied that the Parliament has dispensed its duty to the people of South Australia over this budget session. I wish all members a special Christmas, one that brings much

joy to everyone and some form of relaxation. I know how hard members work—it is getting harder year by year.

Mr Clarke interjecting:

The Hon. S.J. BAKER: Father Christmas works in strange ways on occasions, as the Deputy Leader would understand. I do hope that Christmas brings everybody great joy and that it is also a time of relaxation, so that members are ready for the fights of the New Year. With those few words, I express my sincere thanks and best wishes to everyone and I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Mr CLARKE (Deputy Leader of the Opposition): It is with pleasure that I follow the Deputy Premier in his comments concerning the staff of the Parliament. As a new member of Parliament I have found the courtesy, speed and efficiency of all members of the staff of the Parliament exceptional, and it is very much appreciated. So that I do not miss anyone out, I will refer briefly to my notes—and if, during the course of my speech, I miss anyone out I am sure I will be reminded—and there is no order of precedence. On behalf of the Opposition, I would like to express our gratitude to the cleaners, the caretakers, the attendants, the waiting and cooking staff (whether they be in the blue room or in the dining room), the clerks of the House, the administrative support staff, and the construction workers who are upgrading this magnificent Parliament. I urge them to work with all speed on the House of Assembly Opposition offices and, when they get around to upgrading the Government members' offices, to leave electronic listening devices.

I also thank the *Hansard* staff, the Library and research staff, Parliamentary Counsel, the police officers who guard us from our constituents, and the journalists. Notwithstanding that, from time to time, our relationship with journalists can be stretched, they are a necessary part of the democratic process and, of course, all we can hope for from them, sometimes in vain, is free, frank, fearless and accurate reporting of the news. I would also like to extend my appreciation to members opposite, those to the left and those surrounding me on the Opposition benches. The member for Giles correctly points out—and I knew I would forget someone—that the telephonists play an incredibly important role in the line of communication between constituents and members of Parliament.

Mr Venning: And the car park attendants.

Mr CLARKE: I thank the car park attendants, as the member for Custance points out. As the Deputy Premier has pointed out, there are many vigorous exchanges in Parliament and I, like him, believe that there should be vigorous debate in the Parliament because, hopefully, we are about making life better for our fellow citizens. Mind you, under this Government, it has been a little bit iffy, but we hope for better things. The Opposition will be working strenuously during 1995 and beyond to assist our fellow citizens, as will all members of the House, although obviously we share different viewpoints from time to time. I have not forgotten you, Mr Speaker, and I shall return to you shortly.

I would like to extend my thanks to all those who work in Parliament House and, if I have not mentioned someone, I hope they will forgive me because it was not a deliberate oversight. Nonetheless, if I have missed someone, I will do my penance and seek to have their names inserted in *Hansard* at a later date. All of us here could not function without the staff of the Parliament doing the work that they do. They do it out of sight. They assist us in all sorts of ways which most citizens of this State would have no idea of and which allows us to get on with the job of governing the State.

As I said earlier, I am a new member and particularly a new Deputy Leader of the Opposition of only a few months standing. I have relied heavily on the advice of a number of people who work in the Parliament, and I have thoroughly enjoyed receiving the advice. I have not always taken the advice, but they have certainly assisted me in the conduct of my duties. Any failings in the conduct of those duties is no reflection on their advice, simply on the bearer of the message. Returning to you, Mr Speaker, there is a lot I can thank you for. I am almost lost for words.

Mr Speaker, you have a difficult job to perform in very difficult circumstances and, at times, you have to deal with particularly unruly members, such as the members for Unley, Mitchell and Custance and, in particular, a most raffish Deputy Premier from time to time who goes out of his way, in the good spirit of Parliament, to try to provoke the Opposition. In those very trying circumstances, I know you do your best, Sir. From time to time, I might have differed as to whether your best was actually good enough in so far as it impinged on me personally but, nonetheless, I certainly bear no ill-will or rancour toward you, Sir.

Mr Speaker, you seek to do the best you can in your job and, as a consequence, I respect you and the office you hold in the conduct of your duties, even though from time to time we may differ. I certainly appreciate what you do, just as I appreciate the work of the member for Gordon, the Deputy Speaker and Chairman of Committees. As I said in an earlier speech on another matter, I have always been struck by the Deputy Speaker's unfailing courtesy and his ability to read the mood of the House and to allow some latitude, particularly for new members such as me. I must say that you, Sir, the Deputy Speaker and the member for Florey, who also does a very good job as an Acting Speaker in the Chamber on a number of occasions, have a difficult job to perform.

Parliament could not function without a strong Chairman, Speaker, Deputy Speaker and Acting Speaker. It would be absolutely impossible to conduct ourselves in a proper fashion and in a way that the citizens of this State rightfully expect and deserve. In conclusion, I would simply like to express to the staff of the Parliament our gratitude and debt for their work, and express to them our sincere wishes for a very happy Christmas and a safe New Year. May it bring peace not only to this State but also throughout the world. To my parliamentary colleagues, both in my own Party and to the members opposite, I wish you and your families all the very best for Christmas and the New Year, and may it also be peaceful and safe for you and your families. I think we often forget our own families in the conduct of this business. They bear the burden of our office in terms of the absence from home of so many members of Parliament for long periods. Christmas is a good time to reacquaint ourselves with our families and remember the true values in being a human being.

The SPEAKER: I would like to thank the Deputy Premier and the Deputy Leader of the Opposition for the kind remarks they made in relation to the excellent service that this House receives from all the people who support the Parliament. They carry out their duties in a manner which no-one could question, even though some of them do not get a lot of sleep from time to time. I would like to thank members for

their cooperation and assistance. During my first session as Speaker, it has been enjoyable and sometimes challenging, and I do appreciate the remarks of the Deputy Premier and also the Deputy Leader of the Opposition, and I know on a couple of occasions I have given him considerable publicity.

I recognise that the Parliament is a forum where members should strongly make their point of view, and it is my job to ensure that every member has that opportunity. I would like to thank my deputy for his support and assistance and those other members who have assisted me. I hope that all members have a very enjoyable break and a happy Christmas and they come back invigorated for the February sitting of the House.

The Hon. M.H. ARMITAGE (Minister for Health): I do not wish to delay the House, so I shall be extremely brief. Christmas is a time when people reassess their values and relationships towards each other. It is a time that I personally enjoy, so I wish to extend to all members a very peaceful time in the next month and indeed for next year. I also wish to add my personal sentiments to those expressed by the Deputy Premier and Deputy Leader of the Opposition to everyone who has made this term in Parliament thus far go so smoothly.

I always like the analogy of a duck, which is very calm on top and paddles like hell underneath. My view is that Parliament is like the duck, while the Public Service and the ministerial and electorate officers are paddling hard underneath. I sometimes think that in the theatre of Parliament, which we all enjoy, the workers behind the scenes in our electorate offices and in the departments get missed out. Therefore, I should like to convey to all public servants and people in our electorate and ministerial offices my very best wishes for a peaceful and relaxing time over Christmas and for 1995.

NATIVE TITLE (SOUTH AUSTRALIA) BILL AND LAND ACQUISITION (NATIVE TITLE) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

At 6.7 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 8:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 4, page 4, lines 31 to 33, page 5, lines 1 to 3—Leave out subclause (5) and insert:

(5) To avoid doubt, native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land.

Explanatory note—

This subsection is intended to be consistent with principles governing the extinguishment of native title as stated in Mabo v Queensland (No 2) (1992) 175 C.L.R. 1. Examples of this principle of major public importance are—

(a) the valid grant, before 31 October 1975, of a freehold interest in land;

(b) the valid grant, before 31 October 1975, of a lease (including a pastoral lease but not a mining lease);

(c) the valid grant, assumption or exercise by the Crown, before 31 October 1975, of a right to exclusive possession of land.

However, if the grant of a freehold interest, a lease or a right of exclusive possession was made to or for the benefit of Aboriginal people, this subsection is not intended to apply to the grant unless it is a category A past act within the meaning of section 229, or a category B past act within the meaning of section 230, of the Commonwealth Act and, if it is a category B past act, this subsection only applies to the extent that the grant is inconsistent with the continued existence of native title in the land.

And that the House of Assembly agrees thereto.

As to Amendment No. 12:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 18, page 10, line 7—Leave out 'reasonably ascertainable' and insert 'known to or ascertainable by reasonable inquiry'.

And that the House of Assembly agrees thereto.

As to Amendment No. 14:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 20, page 11, line 13—Leave out 'reasonably ascertainable' and insert 'known to or ascertainable by reasonable inquiry'.

And that the House of Assembly agrees thereto.

As to Amendment No. 10:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 11, page 6, lines 2 to 9—Leave out subsection (3a) and insert—

(3a) The acquisition of land under this section does not, in itself, extinguish native title in the land but—

(a) if the purpose of the acquisition is stated in the notice of acquisition and that purpose is inconsistent with the continued existence of native title in the land, native title is extinguished when the Authority begins to put that purpose into effect; and

(b) in other cases, native title is extinguished when the Authority exercises rights obtained by the acquisition of the land in a way that is inconsistent with the continued existence of native title.[1]

[1]See sections 23(3) and 238 of the Native Title Act 1993 (Cwth).

(3b) If a notice of acquisition states the purpose of the acquisition and that the stated purpose is inconsistent with the continued existence of native title in the land, it will be presumed, in the absence of proof to the contrary that the purpose of acquisition is as stated in the notice and that the implementation of that purpose is inconsistent with the continued existence of native title in the land.

And that the House of Assembly agrees thereto.

As to Amendment No. 11:

That the Legislative Council do not further insist on its amendment but makes the following amendment in lieu thereof:

Clause 14, page 7, lines 6 to 9—Leave out proposed section 18 and insert:

Application of Division

18. This Division applies if an Authority proposes to acquire native title land for the purpose of conferring proprietary rights or interests on a person other than the Crown or an instrumentality of the Crown.

And that the House of Assembly agrees thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. S.J. BAKER: I move:

That the recommendations of the conference be agreed to.

The conference spent some time on two particular matters. There are three other amendments which did not occupy the conference for very long and agreement was reached on those matters. It was really a matter of the wording in the legislation. However, the other two matters were issues of major contention. The first related to the extinguishment of native title as a consequence of the issue of a pastoral lease, and the second related to compulsory acquisition and the extent to which native title was extinguished through that process and whether it would be revived should the land be resumed.

The conference spent a considerable time debating these issues. Whilst at one stage it did not look as though agreement would be reached, I believe we have reached a point where the people of South Australia and the Parliament can be satisfied with the final result. The final result, as circulated in the amendments, relates particularly to clause 4(5). Rather

than make the bland statement, as the originating Bill did, that land title was extinguished on the issue of a pastoral lease, in order to avoid doubt we have explained that native title is extinguished, which is consistent with the treatment that has been afforded in Queensland. However, it is pointed out that this is intended to be consistent with the Mabo decision. That means that it does not negate the issue of contestability in respect of whether a pastoral lease extinguishes title. It is a very complicated issue.

Anyone who has read the High Court determination would realise that it leaves some doubt in the mind of people as to what the High Court intended in some of these areas. We have relied on statements through the High Court decision, the Prime Minister and, indeed, actions in other jurisdictions to clarify our thoughts on this matter. We believe that the clarification that we have reached is to the credit of all the parties concerned. I believe that matter has been satisfied. We have made the statement to remove doubt, and we have explained what we depended upon to make such a declaration. If those circumstances should change, they do not negate the intent to provide clarity in our understanding of native title.

The second issue was somewhat simpler than that matter, and that was in the land acquisition legislation. That related to the process of compulsory acquisition and whether the moment that a compulsory acquisition order was made against particular land under native title that would extinguish native title to that land or whether it should be resumed, or whether a right of native title should exist until such time as the purpose for the compulsory acquisition was exercised. In other words, on occasions Governments have compulsorily acquired land but have not taken decisions and built roads or put in infrastructure, or whatever it may be, for some time.

That was a matter of concern, as was the issue that if the reason for the compulsory acquisition lapsed, because it was no longer wanted for that purpose or the reason itself had become redundant due to the lapse of time, the issue then is whether there was a resumption of rights for native title. Again, we have clarified that in the amendments. We started some distance apart on these issues, but I believe that we now have a workable proposal that will be endorsed by other jurisdictions when they have the opportunity to review what the South Australian Parliament has done. I thank all members of the conference for their patience and diligence in the task that had to be done.

Mr CLARKE: The Opposition is prepared to accept the results of the conference and support the amendments as tabled before the Committee. The Deputy Premier has basically outlined the position with respect to each of the amendments, so I will not take the time of the House to go through them or repeat the words of the Deputy Premier. I would simply say that, with respect to clause 4(5), on which we spent a lot of time yesterday, I acknowledge that the Government has come some way towards recognising the Opposition's concerns about that clause. We would have preferred that provision not to be there, for all the reasons I outlined in the House yesterday, and it certainly was not one of the reasons that the Deputy Premier said was the basis of the Opposition's stance on that matter yesterday, namely, that we wanted to throw it all open with respect to freehold land with every pastoral lease being subject to native title claims and the like. That was not our intention; it never was.

Our intention was simply to recognise that, at the end of the day, notwithstanding the passage of this provision into an Act of Parliament, it is still a live issue and it is a matter about which, frankly, this Parliament will not be able to do much because, if it is litigated by the High Court of Australia, it will determine the law on this matter. We wanted to ensure that no South Australian citizen or anyone wanting to mine on a pastoral lease would be under any false impression that there was absolute validity with respect to their tenement until such time as the High Court rules on any challenge in this area.

But that will have to wait for another day. Our final view on that matter did not prevail, because the Labor Party wanted to ensure that this legislation was in place by the end of this year so that South Australians would conform with the principles as laid down by the Prime Minister in this area and to ensure that Commonwealth funds would be forthcoming with respect to compensation payments and also with respect to their share of the cost of running a tribunal and dealing with native title and subsequent other legislation which will be exercised over the coming years, no doubt.

So it was in the South Australian community's interests that this Bill be enacted in time so that all South Australians gain from its passage. I can say with absolute confidence that these pieces of legislation are far better today than they were when they left this House some few weeks ago. That is a credit to the parliamentary processes by which the views of just one side, namely, the Government, were not able to prevail in totality and the views of the broader community, effected through another place, could be taken on board and given effect to. The legislation that is now being carried in its totality is far better than it was when it was originally introduced in this House.

This is a significant moment in our history, as I said in my second reading contribution on the Native Title Bill, and I referred briefly to the significance of the pieces of legislation we are enacting today. We will still have to deal with the Mining (Native Title) Amendment Bill in the February session of this Parliament. There are strongly held views on both sides with respect to that matter and no doubt there will be many meetings and much debate between the respective parties both here and in another place, and hopefully acceptable accommodation will be reached that will be suitable for all concerned.

In closing, I want to thank a number people for the work they have done on behalf of the Opposition at our request. I thank the staff of the Opposition, and in particular Kris Hanna, the legal officer attached to the Leader of the Opposition in the Legislative Council, who has done a magnificent job in advising our Leader in another place and me on all these issues and liaising with respective community groups. I would like to pay particular tribute to the work of the Aboriginal Legal Rights Movement and its negotiations with us and the Government, in particular the work of Mr Richard Bradshaw and Mr Tim Woolley of the Aboriginal Legal Rights Movement, who spent many hours, often in their private time, advising the Opposition on a whole range of issues affecting Aboriginal people.

As this is the last day of the session, I do not want to be unnecessarily provocative in this feeling of goodwill, but I believe that, if the member for Eyre reflected on his comments yesterday with respect to the work of Mr Bradshaw and the Aboriginal Legal Rights Movement, he would probably regret a number of those words because, quite simply, the work that those gentlemen have done on behalf of their constituents—the people they are engaged to assist—has been excellent. Many of the improvements in the legislation with respect to these matters are singularly

attributable to their efforts, and they should be recognised for it.

I do not know whether any of them are actually members of the Labor Party, let alone card carrying members, but they carried out their job in a fully professional manner, and I am sure that the member for Eyre, on reflection on his comments which, if said outside this House would have been actionable, would recognise that work. He may disagree with the Richard Bradshaws of this world and their points of view, but no-one should impugn their motives, integrity and desire to work on behalf of Aboriginal people and to secure the best results for them, the most significantly disadvantaged group of citizens in this State and this country.

I commend to this Committee the work and the respect I have for that organisation, in particular for Mr Bradshaw and Mr Tim Woolley. I commend the amendments to the Committee. Whilst they are not 100 per cent what the Opposition would have liked, it is a fair bargain at the end of the day.

Motion carried.

ADJOURNMENT

At 6.25 p.m. the House adjourned until Tuesday 7 February at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 29 November 1994

QUESTIONS ON NOTICE

KANGAROO ISLAND DOCTOR

51. **Mr ATKINSON:** Will the Health Commission subsidise visits to Kangaroo Island by a woman doctor to supplement the all male island doctors?

The Hon. M.H. ARMITAGE: The Health Commission will not directly subsidise visits by a female general practitioner to Kangaroo Island.

The issue of having access to female GPs is an issue that affects the majority of rural practices.

Funding is provided to, and administered by, Kangaroo Island General Hospital Inc. for the travel expenses of medical practitioners, including GPs under the fee for service agreement.

Recurrent funding to Kangaroo Island under the National Women's Health program is used for health information, health promotion, group programs and community development services addressing a range of priority health issues identified in the National Women's Health Policy. This direction is determined by the Kangaroo Island Hospital advised by the women's health advisory group representing the local community.

The South Australian Cervix Screening program, whilst reluctant to establish a precedent, would give due consideration to an appropriate proposal from Kangaroo Island to assist with augmenting the cervix screening services to isolated women in the Kangaroo Island community.

TRAFFIC OFFENCES

131. **Mr ATKINSON:** Why were offences under section 137 and regulation 720 of the Road Traffic Act deleted from the summary offences traffic infringement notices regulation schedule of expiable offences and will the Minister restore them to the schedule?

The Hon. S.J. BAKER: The schedule to the Summary Offences (Traffic Infringement Notice) Regulations 1994 was remade on 20 December 1990 and the offences under section 137 and regulation 7.20 were removed at that time. The new schedule came into operation on 1 January 1991. The amendments were approved by the then Minister for Transport. I have no knowledge of the reasons for the removal of the provisions queried.

TRANSPORT FARES

139. **Mr ATKINSON:** What was the cost to consolidated revenue of TransAdelaide's moratorium on fares on Tuesday, 14 June owing to the Crouzet system still being on public holiday settings after the Queens Birthday holiday?

The Hon. J.W. OLSEN: It is not possible to ascertain the loss in revenue exactly on Tuesday 14 June because the Crouzet system provides the information on customers carried as well as revenue collected. However, from comparisons between similar travel days it is estimated that the revenue loss was in the order of $8 000.

It is interesting to note the resultant across-the-board media exposure on radio and in print informing people of the possibility of free rides boosted revenue, as evidenced by a significant jump in on board sales on Wednesday 15 June 1994.

STATE ECONOMY

140. **Mr ATKINSON:** Has the ratio of State Government debt to gross State product changed since 11 December 1993 and if so, how?

The Hon. S.J. BAKER: Debt statistics for December 1993 were not compiled. The ratio of State Government debt to gross State product at 30 June 1993 was 27.4 per cent and at 30 June 1994 was 27.1 per cent taken from table 3.4 on page 3.6 of the 1994-95 Financial Statement. This fall is due to the on-going borrowing requirement for 1993-94 being offset by the proceeds from the sale of the SAGASCO shares and the rise in the gross State product.