HOUSE OF ASSEMBLY

Thursday 8 June 1995

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

PUBLIC WORKS COMMITTEE: PORT LINCOLN HOSPITAL

Mr KERIN (Frome): I move:

That the report of the committee on the Port Lincoln Hospital redevelopment, stage 2, be noted.

The proposal which is the subject of this report is to alter and add to an existing two-storey hospital in Port Lincoln. This forms a second stage of a six stage redevelopment scheme at an estimated cost of $6.3 million. The second stage follows the successful completion of stage 1. The redevelopment of this health facility commenced in 1993. The second stage of this process is a combination of rebuilding an existing portion of the first floor of the hospital and building new extensions. This stage will have a far greater impact on patient services as it comprises the building of a 24-bed maternity/general medical/surgical ward, an accident and emergency department and a radiology department.

The overwhelming needs associated with the redevelopment of this health facility are highlighted by the age of the current buildings, the increasing fragmentation of services and the inefficiencies generated by these factors. The newly refurbished areas are expected to be significantly more flexible and adaptable than those in existence which will provide a longer life span for these works and greater efficiency in the use of human resources.

The Port Lincoln Hospital was established as the sole health facility to service the Lower Eyre Peninsula in the 1870s. Currently, the Port Lincoln Hospital is equipped to accommodate 62 inpatients and houses 15 visiting medical specialists. It also provides a multitude of community health services. The major facilities of the hospital have been housed in the main two-storey building, which was erected in 1962. This building was never completed and a 10-bed maternity unit intended to operate within it instead was sited within an adjoining older building. In the following years, a series of proposals was submitted for the redevelopment of this health facility, but none was acted upon.

In 1980, the Public Buildings Department completed a feasibility report for the proposed new obstetric and paediatric unit. As a consequence of that report, it was discovered that asbestos used to provide fire protection in the hospital presented a serious health risk. A plan to remove the asbestos by the Public Buildings Department was perceived to be uneconomic because removal would not correct the functional shortcomings of the building. The redevelopment of the Port Lincoln Hospital was granted in-principle funding of approximately $15.5 million in 1990. The project is to be staged in six parts. The first stage of the project was completed in 1993 and encompassed the removal of a portion of asbestos and the rebuilding of a new store, laundry, kitchen and maintenance workshop area on the ground floor of the existing main building.

It is clear to the committee that the ongoing need for commitment to this project cannot be over-emphasised. The age of the buildings, poor design, inadequate security measures, the presence of asbestos, the limited scope to provide quality health services and the excessive operating costs associated with an outmoded building cannot promote an efficient and effective health care facility which is essential in the 1990s.

In summary, stage 2 works include demolition of the old kitchen which was replaced in stage 1, construction of a new accident and emergency department, construction of a new radiology department, the construction of a new addition to the north wing which is the existing maternity area, removal of asbestos in the north wing, refurbishment of the north wing and the upgrading of fire services.

No building or any part of the site is heritage listed. Two well built older stone buildings have been preserved and converted for use for allied health units while another will house consulting rooms at the end of the next stage. No known Aboriginal sacred sites are located within the property and there will be no impact on Aboriginal land. The site has been in continuous use as a hospital since 1870. The committee is satisfied that assessments carried out by the proposing agency reveal that there is no evidence of any sites of significance.

The Port Lincoln Hospital has also demonstrated to the committee an aspiration to provide a facility whose role and function is to promote a family-friendly environment, and the hospital redevelopment should provide a number of significant benefits to families living in the Eyre Peninsula catchment area.

On Tuesday 16 May 1995, an informal delegation of the Public Works Committee conducted an inspection of the existing Port Lincoln Hospital and examined those buildings which are proposed to be redeveloped. The site inspection clearly demonstrated the inefficiency and inappropriateness of the existing aged buildings and facilities. Current medical practices have rendered large portions of the building redundant, causing costly inefficiencies, make-shift alterations, unsafe work areas, overcrowding, diminution of privacy and an almost total lack of personal and property security. Relationships between buildings and functions are *ad hoc* and, in some cases, hazardous.

The hospital as a whole presents as a dated, awkward and rambling group of buildings, obviously accumulated over years in response to changing demands. The principal building contains asbestos. Access to all areas is poor. Privacy for patients is almost non-existent. Staff areas are inadequate. Security is difficult to control because of the number of exit and entry points. A large number of regular hospital services cannot be performed to acceptable standards due to the aging technology and lack of space.

Access to the hospital for the public and for staff is inappropriate. The emergency entrance is poorly sited and is on a different floor from the operating theatres. The public entrance has no reception desk and provides few clues to the location of services. There are no secure entrances for staff members and there are many unsecured doors to many sections of the complex. The accommodation for patients is unacceptable on the basis of modern standards. All areas are small, crowded and often converted from uses other than those in demand. Sight lines for monitoring staff are invariably obstructed and privacy for patients is virtually non-existent, interrupted as they are by public corridors and waiting areas. Again, security is a problem. Staff accommodation is unacceptable by any modern standards. The areas are universally small, crowded, *ad hoc*, potentially hazardous from an occupational health and safety point of view and they

increase the difficulty of staff tasks beyond that which is reasonable or acceptable in 1995. Storage facilities are likewise inadequate and overcrowded.

Those areas of the hospital which have already been redeveloped provide a sharp contrast to the existing conditions. The new areas are larger, purpose built, yet sufficiently robust of design to allow for future changes of use and better lighting, access and ease of movement. Yet again, an inspection of a proposed redevelopment has given another dimension to oral evidence provided to the committee. Exposure to the physical conditions of the Port Lincoln Hospital demonstrates more than any verbal or written descriptions can the reality of sub-standard accommodation and the effect that it has on services and the staff who provide them. This site inspection has clearly demonstrated the need for the proposed works.

The city of Port Lincoln currently has a population of approximately 13 000 and relies substantially on fishing, aquaculture, farming and tourism for its economic survival. There is high unemployment and consequently related social problems. The city is approximately 700 kilometres from Adelaide, which highlights the isolation of the community with regard to the distribution of resources. The hospital serves a catchment population of 20 000. The role of the hospital has been to provide a broad health service and resource base to other smaller hospitals on Lower Eyre Peninsula. The range of health services provided by the hospital encompasses obstetric, paediatric, special care, rehabilitation, surgical, medical and emergency care. The upgrading of the Port Lincoln Hospital is necessary to maintain existing services in the region. The provision of quality services at local level will ensure that leakage of patients to Adelaide is minimised, which will have positive economic implications for both health care consumers and the South Australian Health Commission.

The committee is of the opinion that the establishment of this project has been conducted in an appropriate manner by the Health Commission, and the perceived benefits to the community and the satisfaction of demand for services are considered to be of merit and priority and have been amply demonstrated by the evidence presented to the committee. The Public Works Committee has been impressed with the depth and quality of the information provided to it on the Port Lincoln Hospital redevelopment. It is likewise impressed with the dedication of the staff of the existing hospital, given the primitive conditions that they are forced to endure. The need for redevelopment of this health facility has been clearly established by the evidence and by inspection of the building conditions. The committee supports the proposal and believes that the building program should be accelerated.

In response to questions from the committee on this issue, the South Australian Health Commission has provided evidence which suggests that the continued redevelopment of stages 2 to 6 of the building program would achieve savings for the total project cost of up to $880 000. The Public Works Committee recommends to the Health Commission that serious consideration be given to the possibility of accelerating the works in a manner suggested by Resource Development Pty Ltd by completing the development in one final stage and that the commission justify to the Public Works Committee why these savings should not be pursued.

The committee will closely follow the progress of this proposal pursuant to its statutory obligations and will report further to Parliament if and when the need arises. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work subject to a response from the Health Commission on the issue of accelerating the development.

Mrs PENFOLD (Flinders): I support the report of the Public Works Committee on the proposed redevelopment of the Port Lincoln Hospital. Stage 1, which provides new kitchen, laundry and workshop areas, has been in operation now for some months. I was privileged to open this much needed facility. The remaining stages are 2 to 6, with stage 2 being the largest, at an estimated cost of more than $6 million.

The need for this hospital redevelopment has been obvious for many years, and it became even more urgent with the concern regarding asbestos and the problems associated with it. The Port Lincoln Hospital staff have worked in particularly difficult and inconvenient circumstances owing in no small part to the fact that the original hospital, occupied in 1962, was never completed. The maternity unit was placed in an adjoining building and has fluctuated from location to location ever since. I hope that no-one waited for the new maternity section before having their baby, as that was 33 years ago.

At last we can see the end in sight, and the recommendation to complete stages 3 to 6, following from stage 2, is exciting, and I hope will happen. It is greatly needed and it is an efficient way to proceed. It is estimated that not to do so would cost more than an additional $800 000. It is with pleasure that I support this report.

Ms STEVENS (Elizabeth): I want to speak briefly in support of the report of the Public Works Committee. As a member of that committee, I visited Port Lincoln and saw in detail the state of the present facilities. I will not repeat all the information that was given by my colleague the member for Frome but, essentially, I concur that that is the situation. The fact is that efficiencies in the delivery of health services are fundamentally related to facilities. There is no way that hospitals and health service units can be expected to run an efficient, effective and caring health service with facilities that are out of date, unsafe and unable to operate as we would expect. I support the report in its entirety.

The member for Frome mentioned the importance of keeping services in Port Lincoln rather than exacerbating the situation with people having to go to other centres for medical treatment. It is really important for the rural centres themselves that services are located where the people are. It is a reason for the existence of the centres, and it adds to the local economy and the community itself. The committee was very firm about the very important point made concerning acceleration of the stages. As the member for Frome mentioned, the Health Commission gave evidence that the savings could amount to about $800 000 if the program is accelerated, and we obviously very firmly believe that that is the way to go.

Finally, I refer to the need for capital works funding like this to be provided throughout the health sector. The Public Works Committee has given its imprimatur for a range of programs, including the Mount Gambier Hospital, the Accident Emergency section at Flinders and others, yet the money has not been allocated and the building work has not commenced. As I said before, efficiencies in health services

are fundamentally related to facilities. If the Government wants efficiencies to occur, the facilities must be upgraded.

Motion carried.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Hon. W.A. MATTHEW (Minister for Emergency Services): I move:

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

Motion carried.

PUBLIC WORKS COMMITTEE: MODBURY PRIVATE HOSPITAL

Mr KERIN (Frome): I move:

That the report of the committee on the Modbury Private Hospital development be noted.

The report addresses the suitability of using private capital to construct an additional hospital at the site of the existing Modbury Hospital. It does not consider the private management of the existing public hospital as this matter is beyond the Public Works Committee's charter. This specific issue is being examined by a select committee in another place.

As the Government will be neither funding the proposed construction nor acting as guarantor for its success, the committee has centred its efforts on examining and ensuring due process in dealings between the Health Commission and the private sector. Due to confidentiality agreements between the private developer and the Government, the committee cannot disclose the detail of the financial arrangements surrounding the proposal. However, the committee can report that it is satisfied with the conduct of the agreement and has received comprehensive assurances from the proposing agency on the level of benefits to both the Government and the community, as well as confirmation of professional and independent financial assessment of the proposal. This is a normal consideration in such private-public agreements.

The proposal before the committee describes the development of a private hospital on the existing Modbury Hospital grounds designed to accommodate an increasing and changing demand for hospital services in the growing north-eastern suburbs. Evidence has been provided to the committee which demonstrates a demand for public and private patient services in the Tea Tree Gully area beyond the capacity of the present Modbury Hospital. To accommodate this demand, the South Australian Health Commission has sought private sector capital to construct a new hospital which will operate in conjunction with the existing public facilities.

The proposing agency argues that the savings to the public health system will occur through both rent payments to the Modbury Hospital by the private developer and reduced operating costs through the public-private sharing of under-utilised hospital infrastructure. Capital costs of the proposed private hospital will be the responsibility of the private developer with the exception of some minor upgrading of those public services which will interface with the new private hospital. The cost of the private development is estimated to be $15 million.

The existing Modbury Hospital was commissioned in 1973 as the first stage of a 400-bed public hospital to serve the north-eastern suburbs of Adelaide. It currently operates as a 235-bed acute general hospital serving a regional catchment population of over 273 000, which is steadily growing. The present metropolitan hospital bed target is 4.8 per 1 000 people; the total number of hospital beds in the region is 578, or 2.1 beds per 1 000 head of population. This is a relatively low level of service, illustrated by the fact that a large proportion of local patients receive services outside the region, particularly in the city. Many of these are private patients.

The essence of the proposal before the committee is to allow a private company to build a 65-bed private hospital on the Modbury site in a location where the new building could link into existing infrastructure. This would have the twofold effect of reducing costs for the private developer and allowing the easy linking of complementary services between the private and public developments. The public hospital also plans to purchase services from the private hospital at a lesser rate than the public hospital can provide. The merit of the proposal rests on the ability of the public hospital both to make savings by involving a private developer and to satisfy an established need in the north-eastern suburbs for private services.

The private company, Healthscope, has been selected as the preferred developer. Healthscope Ltd is a Victorian based private hospital group with hospitals in Victoria, South Australia, the Northern Territory and Tasmania. It has collocation experience and experience in the provision of services for public patients in Tasmania and Victoria. Evidence was given to the committee of a broad range of consultation including the Medical Staff Society; the Coalition for Better Health; the Australian Nursing Federation; the Hospital and Health Services Association; the South Australian Council for Social Services; the South Australian Community Health Association; the Modbury Hospital Action Group; the Modbury Hospital staff and all relevant unions; community groups, such as Rotary, Apex and the Tea Tree Gully council; central Government agencies, namely Treasury, the Health Commission, the EDA, industrial relations and the Solicitor-General; local members of Parliament; and members of the public. The committee is satisfied that the proposing agency has conducted adequate consultation with a wide range of affected and interested groups and individuals.

On Wednesday 30 November 1994 the Public Works Committee conducted an inspection of the site for the proposed Modbury private hospital and those sections of the existing Smart Road buildings which are proposed to be physically linked to the new development. The site inspection clearly demonstrated the relevance of constructing the new hospital on existing foundations built to accommodate a planned expansion of the public hospital. Existing orientations of corridors, entries and egress in the public building were designed with such an expansion in mind. The logic of taking advantage of these became very clear during the inspection. The proposal will free beds in the public hospital currently occupied by private patients and will expand the range of services provided to public patients while achieving economies of scale through an overall increase in the number of beds in the region.

The private sector initiative poses little or no risk to the State Government and will raise the standard of public care by providing additional services. Competition for limited public capital is fierce at the present time, and it has been made clear to the committee that waiting for public funds to be allocated for this development is neither feasible nor

necessary given the nature of the proposal under consideration in this report.

Revenue from this project can be expected principally as rental paid to the Government by the private developer as part of the ground lease of a portion of the public hospital campus. The rate of rental has yet to be finalised, and the committee will monitor progress in negotiations as required by the Parliamentary Committees Act. The major financial benefit of the project will not be direct revenue but rather recurrent savings through the provision by the private hospital of medical services to the public and the public hospital at a cost less than the Government can ensure. It is estimated that the project will generate a large employment base for the 12 to 18 month construction phase and, thereafter, the new facility will employ an estimated 200 health workers and support staff.

Other general benefits include: reduced pressure on public hospital beds; the more frequent presence of visiting medical officers on the campus; easier recruitment and retention of specialist staff; sharing of infrastructure costs with consequential reductions in unit costs to the existing hospital; local choice of facilities for privately insured patients; a wider range of patients, services and professionals available for teaching purposes; and the availability of new and improved services and technology.

Because of the private nature of the proposal, recurrent and financing costs for the construction and management of the hospital will be borne entirely by the private developer. The committee has been given a guarantee by the Health Commission that the Government will assume no financial risk or guarantee on behalf of the private developer. No financial guarantees of any kind have been given to Healthscope. The Public Works Committee was unable to table this report sooner as it was required to examine information unavailable at the time of its first hearings with the proposing agency. The investigation of integrated public-private projects, which are subject to commercial confidentiality, are complicated both by the committee's limited access to financial agreements and its obligation to report to Parliament prior to the commencement of construction. In such circumstances, the committee is required to elicit and judge what amounts to a series of assurances and guarantees by both the proposing agency and the developer as to the benefits and outcomes of the proposal.

It is the committee's opinion that these assurances are supported by the available evidence and, therefore, the proposal has the committee's backing subject to the realisation of these assurances and the diligent fulfilment of the further reporting requirements set out in section 1.2 of this report. The committee will follow closely the progress of this proposal pursuant to its statutory obligations and will report further to Parliament if and when the need arises. The proposing agency is reminded of its obligations with respect to providing additional information to the committee on the project.

Ms STEVENS (Elizabeth): I will add a few comments following those made by the member for Frome. With the collocation of a private hospital next to or in conjunction with the public hospital, we are seeing a more even provision of private beds across the metropolitan area, similar to the proposal at Flinders Medical Centre and Hutchison Hospital at Gawler. The important thing to realise is that there is no overall increase in private beds as that number of beds is capped by the Health Commission and, when this sort of arrangement occurs, the developer has to bring with it beds which it has purchased from elsewhere in the State. So we are not seeing an increase in the number of private beds but simply a relocation and an evening out. That is a good thing.

As the member for Frome said, the committee was very clear, in looking at this project, to separate out the issue of the collocation of a private facility on that Government land from any aspect of issues in relation to the private management of the public facility. Obviously there are issues in relation to the private manager of a public facility being the owner and operator of the private facility and how the transfer of business between those two proceeds. However, those matters will be considered by the select committee and other committees of this Parliament.

I will therefore limit my remarks to the building work. I concur with all comments of the member for Frome, particularly his final comments wherein he stated that the committee was faced with a difficult task—the first one we have considered—where there is an integration of public and private financing. The point was made that much of the information we were given was such that we had limited access to financial agreements, and we had to judge a series of assurances and guarantees given to us by the South Australian Health Commission and the developers. We acknowledge that that was the basis on which this report was made. I reaffirm what the honourable member said in relation to the committee's determination: that its approval is given subject to the realisation of those assurances and the committee will continue close monitoring to ensure that they occur.

Mr BASS (Florey): I agree entirely with the comments made by my colleague the member for Frome and by the shadow Health Minister, the member for Elizabeth. The advent of a private hospital in the same area as the public hospital will only enhance and expand the services that will be available to the public hospital. The comment was made that many of the 273 000 residents in the north-east must go out of the area to obtain private hospital services.

From memory, the three private hospitals closest to the north-east are the Central Districts at Elizabeth Vale, the Northern Community on Main North Road at the back of Prospect Oval and the North East Community at Campbelltown. So, it can be seen that there is no private hospital in that north-eastern area, and I welcome the announcement that one will be built there. The $15 million cost will also bring employment to South Australia, and that is another win.

Healthscope has been awarded the contract to build and operate the private hospital alongside the Modbury public hospital, which is also managed by Healthscope for the Government, and I do not see a problem in that. In fact, in the long run, it will be better for the public hospital.

I compliment the committee on its work; it is an excellent report, and I look forward in the very near future to seeing construction of the private hospital begin.

Motion carried.

NATIONAL PARKS AND WILDLIFE (FARMING OF PROTECTED ANIMALS) AMENDMENT BILL

Mr LEWIS (Ridley) obtained leave and introduced a Bill for an Act to amend the National Parks and Wildlife Act 1972. Read a first time.

Mr LEWIS: I move:

That this Bill be now read a second time.

Members will know of my concern about two aspects of the legislation. First, many native species of Australasian origin which are indeed unique to our continents, have become the object of commercial interest elsewhere. Secondly, one of those species is the emu.

In the United States there is already a commercial emu industry that is larger and stronger than the combined value or number of ostrich and rhea put together. It is recognised as an outstanding bird for commercial production. It has very high-quality leather and high-value flesh in terms of its dietary benefits. Further, the most valuable aspect of all is its oil. The leather and meat derived from emu farming is a by-product.

Right now, world demand for emu oil is growing at a faster rate than the emu population. That is reflected in the rapid increase in price. Why? It is because recent biochemical analyses undertaken by pharmacologists and others, particularly the French, have shown that emu oil has the capacity to take into eutectic solution—medication; that is drugs of one kind or another. When applied to human skin, it penetrates rapidly through the skin, right through the layers of the epidermis, the cortical, the cuticle and deeper still below the level of subcutaneous fat layers—certainly well below the level of hair follicles, and so on.

It has benefits not only for people who want chemicals to improve hair growth, and so on, but more particularly for medication for injured muscle tissue, directly to the site of that tissue, including the cartilaginous material that might have become inflamed in the course of excessive, repetitive or extended exercise which distends the cartilage and causes it to become inflamed. Chemicals such as cortisones that can be carried by that oil. We do not know whether any of those kinds of unique characteristics yet exist in the substances which could be identified and distilled from any of the macropods, the common name given to our hopping animals in skeletal form which are somewhat similar to kangaroos. They range in size from things that are less than half the size of an ordinary house mouse to the large red kangaroo, which appears on the Australian Coat of Arms. As most members will know, it grows to over six feet tall.

Therefore, I have explained the two basics reasons for my interest in this area of, if you like, agriculture. We have been slow to recognise the benefits our native animals of this continent could bring to us as human beings; we are slower than the rest of the world. As I have pointed out, not only do we find out that emus are being farmed successfully in other countries but so are the smaller macropods, the subject of this legislation—potoroidae potorous, potoroidae bettongia, as well as macropodoidae macropus. Whilst the latter covers both wallabies and pademelons, it also covers kangaroos. There is no way you can split that off. As an aside, I would have to say that that is one of the stupid aspects of legislation which was brought in by that fellow Mayes. The legislation is a bureaucratic nightmare. A whole raft of regulations have to be in place before we can begin farming. That is largely the reason for introducing this legislation now, so that we can get on with the development of the draft of the code of management of the animals. Until you have the lawful right to farm them, you cannot begin to develop the code of management of them.

The argument put by those people, the weirdos out in the wider community who oppose the proposition, is, 'Well, you shouldn't farm them, because you haven't got a draft code of management.' Again we are in this catch 22 position. They very cleverly constructed the legislation, which at the time they allowed the former member for Unley and then Minister to bring in. That man stood in this place and opposed the legislation, which I drafted in full consultation with anybody and everybody who was interested in the proposal across several meetings, culminating in a full-day seminar in Murray Bridge at which we sat down and went through the structure of the industry which would result and the way in which it would be managed. We carefully dissected it, and voted on each and every small point before I went to the parliamentary counsel to draft that legislation. Then Mayes stood on his feet in this place and said that it was too bureaucratic and brought in the Bill, which became the Act we have before us, which is a bureaucratic nightmare in that these catch 22 situations arise from it.

There are other aspects of it, too, that do not warrant debate in the context of this debate, which is about enabling, the development of the draft management and then finally adopting that code of management for people who want to farm, as well as establishing the means by which wild stock can be recruited to domestic stock. These are the two important things this legislation facilitates.

Before I get into the arguments there may be against the whole thing, let me give some positives and some interesting facts about it altogether. For instance, we became farmers as human beings in Europe and brought that technology with us here, saying that those people who inhabited this land were not farmers, they were simply hunters and gatherers. I do not know that that is true. They did not have fences but they communally owned the animals which voluntarily reproduced in the surrounding landscape in the environment in which the humans were also living, and they harvested them according to need. There was no great trade in their products (the population was so small compared to what it is now; it was not densely populated) and there was sufficient to meet the needs of those people living here at that time, our Aborigines.

Those humans who had their origins in Europe and who developed farms and fences to protect them from preying animals and so on, adapted the wild species to make them more appropriate for domestic purposes, more easily managed, herded and controlled, and did that through selective breeding and so on. If we apply to the process our wit and wisdom, acquired through that experience and developed over thousands of years, and more explicitly technically developed through the application of science in the past 100 years, the means by which we took mountain sheep or whatever else it was and turned them into the kind of animals that we now call sheep and cattle on our farms—both ovine and bovine species—there is no reason why we cannot do it with all the macropods, and we can certainly get on with it.

If we do so, then any species that may be rare and endangered now, which proves, on careful analysis, to be suitable for farming will never again be rare or endangered. There will be millions of them in domesticated circumstances. That is one way of ensuring that there is no risk to the future of that species, that is, by making it possible to farm it commercially—not hunt it and take it from the wild as we did with koalas, but farm it. People can own the livestock and trade in them and slaughter them according to need. The one interesting and incredible aspect of kangaroos, the animals subject to this Bill, is that they, too, like ruminants and unlike pigs and ourselves, have four stomachs, in the main, in which there is a dense population of bacteria and protozoa micro-organisms which can ferment carbohydrates to produce the volatile fatty acids and other vitamins that

come from those bacterial digestive processes, for the benefit of the kangaroo that has those four stomachs. It can at times account for about 15 per cent of the body weight, and therefore it is an important part of their means of survival.

To my mind it is important that we make it possible to farm some animals which are small enough to be farmed and which have got existing social behaviour patterns which enable them to be herded. For instance, the red kangaroo is unsuitable because flocks or mobs are dominated by one male, there are several females and they do not herd; they cannot be collected as mobs in confined spaces of several hundred hectares to graze the area like sheep or cattle. On the other hand, some of the smaller species will do that and several males will co-exist within the one mob side by side with the females. They can be herded and easily and inexpensively fenced and they can make far better use of what we would call poorer quality food for cattle and sheep than the cattle and sheep that we graze on those lands at present.

The other advantage is that they do not damage the soil on which they move by comparison with the damage done by cloven hoofed animals or any hoofed animal that have been brought from Europe. Therefore, such native animals are more likely to produce a sustainable agricultural future for this country and the people who live in it if we make it lawful for us to farm them than if we continue to make it unlawful and prosecute those people who set out to discover whether or not it might be a sensible thing to do. What this legislation will do is not make it lawful to take unrestricted numbers from the wild. No, that is not what it is about: they can be taken from the wild by permit now and this legislation does not interfere with that process. What it will do is make it possible to run alongside the permit havesting of wild stock a farming technology development which enables us in Australia to catch up with the rest of the world yet again, where we find places elsewhere already farming these smaller macropods and taking advantage of the benefits. They have outstanding quality leather, they have outstanding quality meat which is very low in cholesterol—if there is any at all—and they are far more efficient users of poorer quality food doing less damage to the site they occupy in the process.

I commend the legislation to the House, particularly for the way in which it would help on Kangaroo Island and other places in respect of the tammar wallaby and some of the other smaller members of that family. I would like to say a good deal more about their benefits in reproductive terms and so on but, unfortunately, time will not allow me to do that. Members can obtain far more information from books in the library such as *Native Mammals of Australia* and *Kangaroos* by Frith and Calaby.

Mrs PENFOLD secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MOTOR VEHICLE INSPECTIONS

Adjourned debate on motion of Mrs Kotz:

That the report of the committee on compulsory motor vehicle inspections be noted.

(Continued from 1 June. Page 2473.)

Mr VENNING (Custance): It gives me pleasure to rise today to speak on the findings of this committee in its brilliant report on compulsory motor vehicle inspections. I think that most members have seen the report, but if they have not I suggest they peruse it. It is the most detailed account of this controversial and topical issue that is available in Australia today. The committee elicited the facts on the matter, and the information contained in this paper will certainly be of value not only to this Parliament but to all Parliaments of Australia. It will be in demand and used by people in all States. I congratulate the Presiding Member, Mrs Dorothy Kotz, and the officers of the committee, Mrs Geraldine Sladden and Mr Ray Dennis, on the fantastic work they have done on this report. I particularly commend Ray, our research officer, who has proven to be an excellent find for the committee.

I had a preconceived idea about this issue, as did most members of this committee and many of the public, that vehicle inspections were necessary in order to reduce the number of serious road accidents. I assumed that vehicle faults were a major cause of accidents, but the committee has shown quite clearly that that assumption does not stack up and is totally without foundation, at least on the data that is available today.

The ERD Committee had the task of determining whether or not compulsory motor vehicle inspections would provide a solution to many of the problems that arise in our community as a result of our dependence on motor vehicles—problems arising particularly from road accidents and vehicle theft; consumer protection regarding the purchase of faulty motor cars; and environmental problems. The committee concentrated on the merits of change of ownership inspections and, in general, the committee found that the claimed benefits of compulsory checks in terms of road safety, the environment, consumer protection and theft reduction have not been proven. That was quite a surprise to many of us, but quite clearly those benefits have not been proven.

The big problem is that not enough data is collected by trained people at accident scenes to use as evidence in identifying commonly occurring defects that contribute to accidents. Change is required in this area. Personnel who attend accidents should conduct a more detailed inspection of the vehicles involved so that they can provide the committee with data which it can reconsider. At the moment, I understand that the police conduct a purely cursory inspection of the vehicle, usually inspecting the tyres and making a few other visual inspections of such things as the vehicle body, but nothing else. They do not inspect the brakes, steering, etc., in any detail.

The committee found that compulsory vehicle inspections would impact most on those in our community least able to afford it. The introduction of compulsory vehicle inspections would have greatly impacted on our rural communities. As I have stated several times in this House, farmers are asset rich and income poor, and a charge for vehicle inspections would have added further burden to a section of our community that cannot really afford it. As we all know—and without being too detailed about this—many farm vehicles are not kept in pristine condition. Certainly, many would not pass a full roadworthy test, but these vehicles operate on farms in the far corners of our country.

It could be argued that it is justified for them not to be in pristine condition, but we all know that they should be roadworthy and safe. I am quite pleased that the farming community have been protected in this way. Compulsory vehicle inspections would have also negatively affected our rural community in other ways, in that the inspection sites would have been located some distance away. It would have

meant time and expense to farmers to take their vehicles to the inspection points. During our consideration of this matter involving compulsory vehicle inspections the committee heard from a number of experts and interested parties, such as the Motor Trades Association and Mr Dean Bolto, an officer from the South Australian Farmers Federation.

Although the overall finding of the committee rejects the need for compulsory vehicle inspections at change of ownership, it makes some very useful recommendations which are designed to address the many problems identified during its investigations, and I highlight those: on-road random inspections by multi-disciplinary teams, including environmental protection officers; combining simple roadworthiness and ID checks with existing random breath-testing programs; improving education and the need to maintain cars in a roadworthy and environmentally sound condition; providing more information to consumers and sellers about how they can protect themselves when they buy cars and transfer ownership; and a range of initiatives identified in the body of the report designed to reduce vehicle theft in relation to criminal activities. It is a very detailed finding.

In the area of environmental protection the committee recommended that education programs be undertaken to educate not only the general public but also the vehicle repairers. These programs could concentrate on emissions and noise control. The State Government supports the proposals for enforcing controls on vehicle emissions and noises, details of which were disclosed to the committee by the South Australian Environment Protection Authority. In the area of consumer protection the committee recommends that consumers are encouraged to protect themselves by continuing to have independent vehicle pre-purchase tests which can be arranged with many authorities, including the RAA.

The committee recommended that consideration be given to making provision of this advice mandatory in all contracts of sale of second-hand motor vehicles. The committee also recommended that Government should consider making it a requirement to inform prospective purchasers of the existence and nature of defects in the vehicle rendering them unroadworthy and, most importantly, giving purchasers the right to rescind these contracts if appropriate disclosure is not made. With respect to vehicle theft, the committee recommends that a range of initiatives be adopted by both the Government and the general public, such as window etching, increased education on security, and encouraging the use of security devices.

I was personally concerned that vehicles can be purchased as wrecks and that people can remove the ID plates from those wrecked vehicles, attaching them to a stolen vehicle which is re-registered as the original wrecked vehicle supposedly being repaired. I believe that the ID plate on wrecked cars should be removed at the point of sale and returned to the vehicle purchaser only after inspection of the 'repaired car'. This is a problem, and I am sure it occurs much more than we realise. As a direct result of the inquiry, we have also seen a Safe Sunday program over Easter. This was organised by the Australian Tyre Manufacturers Association, which meant, for anyone who wished to take their vehicles in, they received a free safety check paid for by that association. That is a direct result of the work of this committee. I would encourage many other organisations, not only tyre companies but brake companies and vehicle manufacturers, to encourage people to come in off the road and have their vehicles inspected free of charge. I congratulate those people on that initiative.

I congratulate my colleagues on the committee. This is an indication of the parliamentary committee system working at its best. Yesterday, in our committee, we had 40 people observing the work of the Environment, Resources and Development Committee. We had all the seats that were available from all the committee offices and we still had people standing. I am very encouraged by that. I am very concerned with the relocation of our committees. I hope that enough space will be provided in the new committee rooms, or areas, for our committee to operate. Finally, it is well worth all members reading this report. There are plenty of copies available. There are 115 pages in this report and, if members cannot get side issues out of it to use in their electorates to talk to their constituents about, I will be very surprised. I commend it to every member of the House and congratulate the committee on a magnificent report.

Ms HURLEY (Napier): I want to follow on, very briefly, from the member for Newland and the member for Custance in congratulating the staff in producing this report. In fact, it would have taken a good deal of justification to persuade me that the extra cost of performing motor vehicle tests at changeover, or indeed five yearly or annual tests, was necessary. It would have been quite a heavy imposition on a number of low income people. Apart from the rural community, there would have been a significant group of poorer people in our community who would have been very adversely affected by that. What our report found was that there was very little justification, on the evidence available, to go that way and, in fact, it would have benefited very few people, other than a few mechanics around the place who would have benefited from the extra work.

It seemed to me that the evidence was very conclusive that testing does not have a significant effect on the level of road accidents, and that the fact that older cars are more often involved in accidents is due more to the fact that they tend to be driven by the high risk groups in accidents—mostly young males. However, the evidence that did change my mind a little was the discussion of the environmental impact of motor vehicles. Currently, the equipment that is available for testing environmental emissions from cars is rather too large and cumbersome, but I believe that we should keep a close eye on the technology available in this area. It may well be that, at some time in the future, we will need to look at testing for emissions from motor vehicles, since the overwhelming evidence is that they contribute heavily to the pollution in our cities. We got through a large amount of evidence, as was stated before, and I commend our research officer for his patience in going through that, and also the committee's secretary who also displayed considerable patience in working our way through the evidence.

Mr CAUDELL (Mitchell): I read the report with particular interest in relation to chapter four, which was on roadworthiness checks and the environment. I read this report in association with my own research that I am conducting in relation to reformulated gasoline, health effects of increased uses of benzene and aromatics in unleaded petrol, the use of unleaded petrol in vehicles not fitted with catalytic converters and no longer working, vapour recovery and emission testing.

In doing this research, one thing I have found is that all the above issues are interrelated and cannot be addressed in isolation, as this report has attempted to do. Although my

research has gone as far as I can take it at this stage and my report to the Minister and to the Parliament is but a few weeks away, I could not help making a few comments in relation to this report. In my own research one issue which kept arising is what is the truth in relation to the information I obtained. Information from different sources was given to me with great gusto and great conviction. However, in association with doing that report—

Mr Atkinson interjecting:

Mr CAUDELL: If you were prepared to listen for a second you might learn something, because obviously you did not learn anything when you completed the report. In association with the completion of the report—

Mr Atkinson interjecting:

Mr CAUDELL: I am dealing particularly with motor vehicle emissions; I am not dealing with motor vehicle road safety checks. If the member for Spence would shut up for five seconds and listen, I know it is hard for him. In doing this study with regard to motor vehicle emissions and the health effects of gasoline—

Members interjecting:

Mr CAUDELL: I was paid by the Parliament only: no-one else.

Members interjecting:

Mr CAUDELL: Nothing.

The SPEAKER: Order! The member for Mitchell has the call.

Mr CAUDELL: Thank you very much, Sir. I found a number of issues associated with completing the report. For a long time, certain reports which have been based on false scientific data have been given credence not only in this report also but in other reports that have circulated in the Federal Office of Road Safety, the National Health and Medical Research Council and also CSIRO. One of those reports related to the concern regarding the release of lead into the atmosphere and its effect on IQ. Even though it is well known that lead is a bad additive to use and that it does affect IQ by certain percentage points, what is not said in the debate on the whole issue is that one of the two scientists who have completed this report has been charged and convicted of scientific fraud in relation to those reports.

This report did not address the issue of the level of emissions associated with catalysts not working or motorists using unleaded petrol. It did not address the issue that a vehicle fitted with a catalyst emits half a gram per kilogram of hydrocarbons into the atmosphere. A vehicle without a catalyst or with a catalyst that is not working emits 3.4 grams of hydrocarbons into the atmosphere per kilometre travelled. It did not address the issue of increased emissions of platinum as a result of catalytic converters no longer operating and it also did not address the issue of sulphur. Sulphur is known to be one additive in motor fuel that reduces the efficiency of catalytic converters; also, increased use of sulphur increases the emissions of nitrous oxides and carbon monoxide into the atmosphere and other ozone-forming gases.

The report also did not cover the issue of diesel fuel. It is well known that the specifications for diesel motor vehicles in Australia are below those in Europe. It is also well known that sulphur and other emissions associated with diesel are associated with one of the emissions called PM10 and also another called PM2.5 which is currently being investigated. PM10 is associated with aggravating asthma. The report did not direct that there be any research into diesel to look at an alteration of the cetane number of diesel with regard to a reduction in levels of sulphur and aromatics, which would automatically be associated with the reduction of emissions into the atmosphere.

The report makes a number of statements which are not correct scientifically. The report puts pressure on manufacturers of motor vehicles to further improve their operation and to make them more environmentally friendly. However, motor vehicle manufacturers will reach a point at which they can make no further alterations to their operation. At some stage we will have to address the oil industry and arrange for it to provide environmental impact statements associated with their motor fuel. The oil industry will have to address the issue of reformulated gasoline in Australia. At some stage, it will have to address the issue of benzine and aromatics in motor fuel. It will have to address the issue of increasing use of aromatics, which provide close to 50 per cent of the level of benzine emissions in the atmosphere. At some stage, the oil industry will also have to address the issue of vapour recovery, not only at the point of bulk delivery but also at refuelling. Another issue that will have to be addressed is that of catalysts not working and the use of unleaded petrol in catalysts that are not working.

The report fails to mention the issue of onboard canisters with regard to phase 2 and phase 3 of the program concerning motor vehicle emissions that is currently in operation in the United States. Although this report will generate a certain amount of debate in the community, it does not go far enough. It does not address all the issues associated with emissions into the atmosphere in the areas in which we live and, unfortunately, what can be said of the report is that it is only chapter one of the very large research document that is required into this subject.

Mr MEIER (Goyder): I compliment the committee on this report, although I note that the member for Mitchell believes that it does not go far enough as it relates to emissions. The prime function of the committee was to look at compulsory motor vehicle inspections with respect to roadworthiness. It is interesting to recall that, about a year ago, the Opposition suggested that we had a hidden agenda before the election and intended to bring in compulsory motor vehicle inspections. Although members of the Government made quite clear that that was an absolute falsehood and that what we said before the election was that we would seek to have this matter investigated further, the ALP continued to suggest that we had a hidden agenda. Now the report is out and it recommends that there not be compulsory vehicle inspections. It is clear that the committee looked at the issue carefully and, as we said when we came into Government, it was an independent inquiry. I support its recommendations. Page 88 of the report comments about the situation in New Zealand, as follows:

> Every year New Zealand motorists pay out an estimated $35 million to the motor trade for warrants of fitness. What they expect for their money is a system of basic checks to ensure that their cars are safe, roadworthy and comply with the traffic regulations. What they are too often getting is a substandard service that puts lives and vehicles at risk.

That summarises very well what could have occurred if compulsory motor vehicle inspections had been advocated for South Australia. It would have involved a massive outlay of money by motorists and it would have achieved virtually nothing.

I have spoken to a number of younger people who have to use their cars to get to work. One person I know very well has to be at an industrial plant for a 5 a.m. start. He does not

have the choice to take a train, bus or any other mode of transport; he has to use a car. When the committee was meeting, he told me that if the committee reached a finding of compulsory roadworthiness inspections, and if the Government were to accept the recommendations, most of the employees at the industrial plant would not be able to get to work. He said, 'We can't afford top class, highly reliable motor vehicles. Our vehicles serve a purpose.' He told me that he believed that they are all safe and quite acceptable on the roads. However, he said that if we allowed inspections similar to those that apply to heavy vehicles—whereby a vehicle must be off the road if it has a cracked windscreen, an oil leak or body rust—that would defeat the purpose.

The way in which we are progressing with inspections and the recommendations in the report to increase on-the-spot inspections and a few other points, which have already been well highlighted by the Chairman and others, have my full support. I am pleased to see that the committee has reached its findings as set out in the report.

Motion carried.

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

The Hon. M.H. ARMITAGE (Minister for Health) brought up the interim report of the select committee, together with the minutes of proceedings and evidence.

Report received.

The Hon. M.H. ARMITAGE: I move:

That the interim report be noted.

I indicate my great pleasure in tabling the interim report of the select committee. On 12 May 1994, the House carried my motion to establish a select committee to inquire into organs for transplantation. In moving that motion, I highlighted several facts including that we may all, one day, need a transplant; there are hundreds of people waiting for organ donations literally with their lives at stake; many potential donors do not go on to be organ donors with one of the most common reasons for that non-donation being family refusal; on average, each person who agrees to be an organ donor can assist four recipients; and, importantly, organ donations significantly free up resources for other health services.

Often discussions around organ donation focus rather two-dimensionally on a debate on whether to have an opt-in or an opt-out system. In contrast, as the committee investigated organ donation systems used throughout the world, we were struck by the fact that within both the opt-in and the opt-out systems a range of approaches could be taken.

I do not intend to read specific segments of the report into *Hansard*, but I thoroughly recommend that everyone with an interest in the area should read the report, that they should read the submissions and, equally importantly, that they should read the evidence. The committee was particularly impressed by the work of the Spanish Transplant Coordinator Network. Spain basically has an opt-in system of donation and, through the work of its network, Spain has been able to achieve rates of donation that exceed the rates of most opt-out systems.

In Spain, a person, or group of people, is responsible for the coordination of organ retrieval and transplantation for each donor. These people are located at hospitals that undertake organ retrieval and consist of a medical doctor, preferably with specialist qualifications, and nursing staff. These teams liaise with each other and with the regional and national coordinators. The coordinators receive training to try to avoid a failure to use potential organs during any part of the sequence of organ retrieval. In particular, the approach in Spain aims to improve performance in three identified areas: medical contraindications, education regarding public opinion and methods used when seeking consent.

In Spain, doctors accept that part of their patient responsibility is to continue their involvement with that patient through to the organ donation process. Through the use of this system the donation rate in Spain has increased from 14 per million people in 1990 to 25 per million people in 1994, exceeding the level in all other European countries, including those with an opting out system. South Australia, by contrast, in 1994 achieved a donation rate of 15.7 per million people.

It is important to note that the South Australian donation rate is the highest in Australia, and the donation rate for Australia as a whole is 10.6 per million people. Yet, South Australia's rate of 15.7 per million people is well below the Spanish rate which, I repeat, is 25 per million people. South Australia does not want to be simply the best in Australia: the committee suggests that we should aim to be the best in the world. If we could emulate the Spanish effort, we would increase actual donors from 24 to 38. These additional donors, even if we were to use only their kidneys—obviously, organ donation takes in a number of other organs—would represent a huge social benefit, and the resources that would be freed for use in other areas in the health sector would be about $1.6 million in the first five years alone.

With the Spanish precedent before us, the committee recommends not a new legislative regime at this stage but the introduction into South Australia of a coordinated network similar to that in Spain. Of course, such a network would benefit from being a national network, because organ donation knows no State boundaries. Accordingly, the committee recommended that I should raise the matter at the Australian Health Ministers conference next week, and I shall be pleased to do so. I have already spoken to a number of Ministers from around Australia and their senior staff about this matter and they are very interested in the South Australian proposal.

Other key recommendations include the introduction of some form of public recognition of the contribution of the donor, such as a plaque, tree planting and so on; that living donor transplantation should be further promoted as an option; and that a national Transplant Society meeting be convened in South Australia in the latter half of this year to discuss the proposed system. I have had acceptance of that already from a number of key players in the national transplantation community. Dr Raphael Matesanz, Director of the Spanish network, would certainly be invited to attend that meeting, and possibly some of his world leading team members also.

The committee is determined that its work will be part of an ongoing development of the organ donation system in this State. To this end, the committee is today tabling this report as an interim report. We intend to review progress in future, with Parliament's concurrence, to ensure that our hopes are indeed translated into better outcomes for South Australian organ recipients. Indeed, the committee is committed to increasing the rate of organ donation, and we acknowledge the willingness of the system in South Australia to change and to improve.

I would like to thank all those who made submissions to the committee. Clearly, their sincerity and deep consideration of all the issues, and often the emotions of their personal

experiences, were manifest. I also thank the research officer, Jenny Allister, and the Secretary of the committee, Mr Phil Frensham, and specifically the other members of the committee (the members for Reynell, Spence, Unley and Whyalla) for their contribution to the report thus far and, very importantly, their ongoing commitment to increasing the organ donation rate.

It is a rare privilege for a parliamentarian to be part of a parliamentary process which will save lives. My hopes about that were confirmed when I received news of a Mr Terry Harsent. Members of the House may remember that, in moving the original motion for the setting up of this committee, I spoke of a resident of Whyalla in need of a heart-lung transplant. Terry had had a business card prepared which read:

> Hello, I'm Terry. I am currently awaiting a heart and lung transplant. Sadly, I might not make it. We have a donor shortage in Australia. Please consider organ donation.

That is the end of Terry's business card. Well, as members might have realised—and if they have not I am delighted to inform them now—Terry did make it. He has received his organ transplantation. Last year, I visited him prior to the transplantation in the Royal Adelaide Hospital and I wondered, with him, his wife and young child, whether he would live to see his little girl grow up. It is wonderful to think that he has such a bright future, thanks to the transplantation.

I am also delighted to report that Terry, having had his transplantation, is still committed to increasing the organ donation rate and is bringing public pressure to bear. The committee obviously believes Terry's wonderful experiences ought to be reflected more widely. Of course, there is a person whom we will never know but who has made possible the celebrations for Terry and his family, that is, his donor. To that person and their family, I offer personal thanks, obviously Terry's thanks, and the thanks of the House. Loss always brings grief, but in a very tangible way, through organ donation, it can also bring further life and further hope. It is the committee's intention that the report of the select committee will make those hopes of future life being brighter for many people much more tangible in South Australia. I commend the report to the House and to all South Australians.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

The Hon. M.H. ARMITAGE: I move:

> That the time for bringing up the final report of the select committee be extended until 27 July.

Motion carried.

ELECTORAL (POLITICAL CONTRIBUTIONS AND ELECTORAL EXPENDITURE) BILL

Adjourned debate on second reading.
(Continued from 1 June. Page 2477.)

Mr BRINDAL (Unley): In addressing this Bill last week, I pointed out what an electoral scam the whole thing was. In the few minutes remaining to me, I draw members' attention to the fact that, while the Leader of the Opposition purports to want full and frank disclosure of electoral contributions, and while he is trying to keep swinging a couple of small matters that occupied this House in some previous months as his main *raison d'etre*, the fact is that, if we look through the Bill, it exempts industrial organisations. So, everyone except the trade unions must declare their donations. I ask members of this House: who are the main beneficiaries of electoral donations from trade unions? The Act says in several places 'except registered industrial organisations'. The member for Spence is looking it up—good on him. Similarly, the provisions of this Act—

Mr Atkinson interjecting:

Mr BRINDAL: That is what the member for Spence says.

Mr MEIER: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr BRINDAL: Notwithstanding what I have just said about industrial organisations, I do not understand why, if they already disclose, that cannot be included in this legislation to keep it all together in one place so that we all know where to go to look at what we have to do after elections. I also draw members' attention to clause 9(3)(f) which clearly provides that, if a gift is made through a trust fund, the name and address of the trust and the trustees have to be disclosed.

All members know that most major organisations have trust funds and trust accounts. I believe that the Labor Party has a very famous one called 'the John Curtin Trust Fund'. Under this legislation, for anyone to protect their anonymity they would have merely to donate through a trust fund, because it clearly provides that it is the trust fund that makes the donation. So, if I wanted to donate $50 000 to the Liberal Party, I would ensure that the Liberal Party had an appropriate trust fund; I would donate $50 000 to the trust fund; and I would therefore avoid being caught up by this legislation.

I put to members that the Labor Party has already done that. I will be most disappointed if the Liberal Party does not have a similar trust fund, and the existence of those very trust funds makes this legislation a load of rubbish and a political stunt that wastes the time of this House. I do not believe that any member in this place who has a brain will support this Bill.

Mr CLARKE (Deputy Leader of the Opposition): I rise in support of the Leader of the Opposition's Bill. Before I get to the main substance of my speech, I will address some of the points made by the member for Unley in the last few minutes of his contribution. The fact is that registered industrial organisations are required, under both State and Federal legislation, to have a completely independent audited report with respect to their finances which must be distributed to every member of that organisation through the mail and which must contain a list of donations made and to whom they were made.

One could say that the member for Unley was trying to mislead the House, but I do not think he was: I think he was somewhat ignorant of the industrial laws in that area, and he has recognised that point. I might add that that applies to registered organisations. As a result of his Government's legislation dealing with trade unions in the State arena, unregistered State unions can now be formed in South Australia because there are no advantages under State law to be a registered organisation.

An unregistered organisation has no legal obligation to forward audited financial reports to its members or even to have an audited financial report. That is provided for under the legislation which was introduced by the Minister for Industrial Affairs, for which the member for Unley voted last year and which was the subject of some complaint by me that unregistered industrial organisations are free from any of the

constraints that are imposed on registered organisations with respect to their financial affairs. That was an appalling piece of legislation, but that is another issue.

The history of the legislation with which we are currently dealing is well known to members. In particular, I refer to the fact that the Liberal Party received a huge donation of $100 000 from Catch Tim—an overseas registered company about which little if anything was known to the residents of South Australia. If one believes the President and office bearers of the Liberal Party of South Australia, not even the recipients of that cheque for $100 000 had any idea whatsoever who was behind Catch Tim and what the $100 000 was for. This is a further disgrace and shows the lack in our current laws with respect to that area.

One of the points made during the Catch Tim debate was that the Premier, a number of other Ministers and Liberal members of Parliament pointed out constantly the amount of money that was donated to the Australian Labor Party by trade unions. However, that has never been a secret. As I have pointed out, all those registered industrial organisations are registered in Australia, their office bearers are all resident in South Australia and, in the main, they are all citizens of and voters in Australia. If any member of the public, of the media or of any Government instrumentality wanted to contact any of those unions to inquire as to the donations and the reasons why such donations were made, they would merely have to go to South Terrace, in some instances, at the appropriate floor and knock on the door. There they would find physical living proof of a registered statutory office holder of that organisation who is responsible to that organisation for its financial affairs and who is able to be quizzed and identified to all and sundry in our community.

This situation is quite unlike Catch Tim where, when one went to Hong Kong to try to ascertain where it was, one knocked on the door only to find vacant office space. It required a great deal of research actually to track down who were the proprietors of Catch Tim and who ultimately put the $100 000 into the pipeline through this labyrinth of holding and shelf companies where ultimately the $100 000 was deposited with the Liberal Party.

This legislation seeks to ensure that no political Party in Australia can receive funds from companies which do not reside in Australia. They may be overseas corporations registered in Australia, can give donations and can be identified as such under our electoral disclosure laws. Never again do we want a situation where overseas companies, non-resident in Australia, can miraculously wave $100 000. Ultimately, when the person from Singapore responsible for that $100 000 came out, he said, 'What's all the fuss about—$100 000 to us is small change, petty cash.' We want the utmost in integrity in terms of our political system and institutions and there should be no suggestion of any favours being bought in the form of Government contracts or the like in return for political pay-offs, particularly from overseas companies.

I turn to an article, recently published in the *Australian*, by journalist, Laura Tingle. In her article on the Australian Electoral Commission's decision not to prosecute the Liberal Party with respect to the nondisclosure of the principals of Catch Tim she suggests that there was a glaring hole in the laws:

> One way or another the Liberal Party in South Australia seems pretty confused about where the money is coming from and it seems that is okay with the Electoral Commission. Fair enough, given it has bigger fish to fry. As the Parliamentary committee on electoral matters noted last year, the commission forced a car dealer, who had run advertisements saying 'Vote 1 Toyota' during the 1993 election campaign, to disclose his electoral expenditure. It is good to see the commission's priorities are in the right place.

She further stated:

> The Electoral Commission last week announced that, after preliminary inquiries, the Director of Public Prosecutions advised that on the evidence provided there has been no breach of the Australian Electoral Act. The donations have on their face been made by companies with an address given and the available evidence is that they were accepted by the Party on that basis.

She further states:

> A reasonable interpretation of this finding—

that is, the finding of the Electoral Commission—

> in this case would be that, so long as the returning officer of a Party believes that the address and company name are spelt correctly, they are fulfilling the requirements of the Commonwealth Electoral Act. It is just the spirit of the law that is left a laughing stock.

Hence the reason for the Leader of the Opposition's putting forward this legislation: to ensure that that type of oversight does not occur again in South Australia.

It is quite clear that the principals of the Liberal Party and indeed the Premier himself knew who was behind Catch Tim and that ultimately that person was related to a company with a half share with their own Treasurer, Mr Rob Gerard, and the other half share partner in his business. It is a disgrace on the part of the principals of the Liberal Party in South Australia, on the Ministers and on the Premier in particular that we had to wait weeks before ultimately bit by bit, tooth by tooth, we finally extracted the truth as to who was behind the Catch Tim donation.

This legislation does not prevent donations being made by overseas corporations if they are resident in Australia. At least the public can go along to the corporation, knock on the door, seek to talk to the public officer and find out what was behind the reasons for those donations. At least they can see that the company had an interest in Australia rather than using this shoddy method of receiving overseas donations. We saw what happened in the Labor Party in 1976 when there were suggestions—

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

Mr BASS secured the adjournment of the debate.

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.
(Continued from 6 April. Page 2207.)

Mrs ROSENBERG (Kaurna): The euthanasia debate has caused a considerable amount of mail to come to my office. To do respect to those who have taken the time and effort to contact my office about the issue, I shall approach the debate by giving a summary of the arguments for and against and then putting my conclusions.

To summarise the arguments that oppose the Bill, Nurses for Life South Australia fears that the law will be unable to control and contain abuses already displayed in the Remmelink report on the Dutch experience, which draws a distinction between caring for dying patients and keeping in mind that their daily thoughts might change, particularly if they are in a state of dementia. It also claims that palliative care achieves effective pain management and physical dignity.

A lecturer from the faculty of nursing fears that the legislation will inevitably be abused and that involuntary euthanasia will occur and that it will lead to reduced caring and compassion and effective treatment for the suffering and the dying. There is concern that the aged frail may take that option as a way of not being a bother to their families.

A professor at Flinders University states that a doctor's training, ethos and commitment is to the restoration and maintenance of health and well-being, and should not include a licence to kill. He likens it to a war situation in which the wounded have to be taken prisoner and cannot be killed. He says that society has a right, which it exercises by legislation, to preclude individuals from doing things that it regards detrimental to society in general, irrespective of the will of the individual. He referred to problems in the Netherlands, where a 1990 survey showed that 50 per cent of terminations were done without any explicit request.

A study at Flinders University showed that one in five doctors had assisted people to die, that in only 50 per cent of cases had they acted with the patient's knowledge, and that there was no legal sanction to do so. It was found that patients sometimes need protection from themselves, particularly when they are depressed.

A medical clinic at Regency Road claimed that doctors were meant to be healers and that a doctor's inability to heal a patient might lead to a sense of isolation and failure. It questioned whether such doctors would therefore avoid those feelings by resorting to killing patients. The clinic said that death is regarded as part of the life cycle. Families and friends, it is claimed, need time to accept that and to welcome death. The intention behind the law is the key issue, as claimed by one writer, who asked why we are acquiring research and knowledge, particularly in palliative care, if we are going to accept the licence to kill.

Questions were raised about whether the supportive doctors who had written in are actually those who are at the death end, hands-on, compared with the GP, and prefer to use resources better to educate doctors and nurses in the role of palliative care. There was reference to the Dutch experience and to the Flinders Medical Centre survey to which I have referred. Another writer says that we should consider the measure of humanity in society and compare it with the lack of dignity that comes by an open admission that a life is worth nothing and that no-one is available to care and comfort the dying and stay with them to the bitter end.

My office received a large number of responses along the lines that where there is life there is hope, that doctors cannot be 100 per cent sure that a patient is terminal, and that the Bill makes it patently obvious that a potentially terminal patient becomes terminal. There is worry about people making decisions on behalf of others who are not in a physical or mental state to do so for themselves.

Another letter referred to the fact that palliative care is successful in South Australia. It also referred to abortion and the pretence that the abortion situation was passed originally to allow mothers to avoid backyard butchers, based on the criteria of the mother's health or mental health being endangered by continuing with the pregnancy. It states that of the 4 957 babies terminated in South Australia last year, 2 606 were from 15 to 24 year old women, based on current psychiatric disorders. The writer concludes that the law has been abused to the extent that society accepts abortion as a means of birth control and questions whether, if euthanasia is passed, how long it will be before it is accepted as a method of reducing hospital numbers.

Another writer referred to some issues that were raised by Right to Life Australia, feared that the legalisation of patient killing was a way of devaluing human life, and referred to problems with the Dutch situation.

The Bill allows for the terminally ill or those likely to die within 12 months to have a right to request euthanasia. 'Terminal' can refer to a whole range of illnesses if the patient refuses treatment, and illnesses such as diabetes were referred to. These people were worried about the pressure that could be applied to convince someone to accept euthanasia orally, and they feared that euthanasia could effectively be administered immediately if it was requested. They questioned whether those who were in a state of dementia were really of sound mind, as referred to in the legislation.

A visiting American surgeon talked about the involuntary euthanasia that eventually becomes part of every euthanasia system, and preferred to provide a greater education program for GPs in the understanding of palliative care. He claimed also that untreated pain, depression and family abandonment were the main reasons why there had been requests for euthanasia in other countries. The Catholic Women's League of South Australia talked about pain as being a most important issue. Obviously that ties in with points that other people have made. The Lutheran Church of Australia provided a United Nations statement as follows:

> Life is a right which I cannot be deprived of and of which I cannot deprive myself.

It is stated that personal rights have to be balanced against our responsibilities to others in our society. The Anglican, Catholic, Lutheran and Uniting Churches all wrote to me and opposed euthanasia and assisted suicide, and said that it strikes at the very basis of human life and destroys the fabric of trust in our society. They also said that they are not in favour of intrusive methods to keep people alive, so there needs to be some balance there.

The South Australian Branch of the AMA said that the Bill is promoted against a background of misunderstanding of what is possible to help the dying patient and that most people who request euthanasia are fearful of a painful death. Right to Life has made several contacts with me, and most of the issues it has raised have been summarised fairly well by other individual approaches. One thing that it was quite strong on was that it contended that autonomy should not include the right to choose one's own death or the time of that death. In fact, it is rejected on the strength of having no basis in civil and international law or in the Human Rights Code. The law allows us as legislators to take reasonable force to prevent suicide. There are no provisions to give emergency treatment to those who change their mind at the last minute, and there is no compulsion for a doctor to re-check the wishes prior to proceeding with the euthanasia. There is no residency clause, so people can theoretically fly in from anywhere to achieve euthanasia in South Australia.

Mr Brindal: Or the Northern Territory. They are doing one-way trips to the Northern Territory now.

Mrs ROSENBERG: Or the Northern Territory, you are quite right. Right to Life is also worried that there is no requirement for the second opinion sought to be of a certain field of expertise such as psychiatry, and it is unacceptable that a doctor refusing, on conscientious grounds, must inform a patient of a doctor who will perform that task. In summary, most of the contacts I have received in favour of the legislation have referred to the fact that the opinion polls are very highly in favour of voluntary euthanasia, that some of the

church leaders have made unsubstantiated inaccurate claims, that it should be offered as an alternative to us as one of our rights, and that palliative care cannot always give adequate and complete relief to those who are suffering and are afraid that doctors will be prosecuted for manslaughter if the law is not changed. The Doctors Reform Society urged support because large numbers of doctors already support that, and in fact already take part.

On balance, I have some sympathy with arguments on both sides of the debate, hence it is an important conscience vote. However, looking at the weight of evidence and argument against the Bill compared to the points in favour, I tend to suggest that the decision really reverts to the basic question: why is this Bill introduced? We are told that it is introduced to prevent those with terminal illness from experiencing pain and suffering and to allow them a dignified death of their choice. This Bill applies that well intentioned reason only to adults over 18 who are terminally ill, implying that anyone under 18 can endure 18 years of pain until they finally die. On that basis, I reject that the Bill is introduced for the right reasons or that it will achieve satisfactory safeguards for all South Australians. Therefore, I do not support the Bill.

Mr LEWIS (Ridley): I tell the House at the outset that I am not going to support this legislation. My reasons are fairly fundamental. Anyone who is suffering from terminal illness and suffering great pain as part of that illness is already under the palliative care provisions which were passed in this place and which have always been provided by the medical profession to relieve their pain. If the dose of medication so required on their request results in their dying, that is coincidental, and that will be the point in time when life departs their body.

However, for us to agree that in law we should enable someone to say, ‘I want to die now, kill me’, and to be given that ability is to my mind undesirable. It will have exactly the same consequences as the so-called abortion law reform which is now used as a form of contraception rather than the purpose for which we were told in this place it was introduced. That is crazy. We only have to see the number of occasions on which it is claimed the psychological or physiological health of a woman is threatened by pregnancy these days and the abortions that result compared to the number of occasions on which that was said to occur at the time we considered that legislation to know what I am talking about. The practice, once the law is passed, will be different indeed from what legislators said they intended, and indeed—

Mr Brindal interjecting:

Mr LEWIS: The member for Unley interjects that we almost need an intent clause. The safest way is not even to bother with this legislation. It is irrelevant and does not extend greater compassion to anyone to pass this measure over and above the compassion that is available under existing law, albeit with recent amendment. Nonetheless, that is the case under existing law. The other reasons why members who oppose the legislation have decided to do so —myself among them—is that it does not respect the cultural values and mores of many of the ethnic or religious minorities of our multicultural society. The most significant of that group in South Australia would be the people of Italian extraction. We need only look at the sort of statement attributed to the member for Hartley, the member for Lee and the Hon. Mario Feleppa in another place to acknowledge the truth of my statement in that respect.

It involves not just the Italian community, but I instance that community group and I want to put on record the article appearing in this week’s *Payneham Messenger* headed ‘Local MPs to vote against euthanasia’. It summarises my understanding of the situation there gleaned from my conversations with my many friends, since I used to live and work there as a market gardener, produce broker and consultant prior to being elected to this place to represent the people of Mallee. The article is by Joanne Pegg and in part it states:

> Three eastern suburbs MPs have said they will vote against moves to legalise voluntary euthanasia.

The members for Hartley, Norwood and Coles are named as opposing the Bill. The member for Hartley told the reporter that he was against the Bill ‘because it was "not only imperfect but dangerous", and could send the wrong message to the community’. He said that he accepted the fundamental principle of choice but that there would be a blurring and it would promote something else which could endanger the choice of others. In recognising the need for compassion and caring for people who are suffering, he said that we must not endanger the fundamental value and principle that is involved, and that is the principle of life itself, that humans do not have—

The DEPUTY SPEAKER: I wonder whether the honourable member could refrain from quoting speeches ostensibly made elsewhere by members as those members themselves have the right to speak and there is no evidence that the speeches have been substantiated. The actual substance of the debate should be made in the House rather than through the press, and the honourable member is actually quoting without proper substantiation.

Mr LEWIS: I am merely reporting what has been written in the *Payneham Messenger* and underlining that.

The DEPUTY SPEAKER: I simply point out that the *Payneham Messenger* does not necessarily transcribe speeches in full content or accurately.

Mr LEWIS: I concur that it may not necessarily be accurate. As in every other instance, if an honourable member is misreported by a newspaper and quoted by another honourable member, I trust that it is open to that member to seek to make a personal explanation later. I am not quoting from *Hansard*; I am merely pointing out the reasons why I also concur with the view that the Bill should not be supported.

I also support the view that we have an obligation to provide palliative care and to support life, but as human beings, in my judgment, we do not have the right to end it. That is what is at the basis of this cultural concern that I find is coming to me in scores of letters from members of the Italian community who are long-term friends of mine, former clients and so on, with whose families I have been involved for the best part of my life. They feel very strongly about that aspect of the legislation where it differs from the palliative care legislation. Frankly, I think that the member for Playford, when he realises the concern he is causing in those ethnic minority groups in our multicultural society, will be sobered and understand that it is not necessary to have on the statute books a law of the kind that he has drafted for us as a society in order to be capable of providing all the care necessary in palliative care situations where people are suffering from a terminal illness to ensure that they remain comfortable and as free of pain as possible and die with dignity and in peace.

I share the view that has been expressed by other members that it is wrong to keep life going in a biological sense longer than would otherwise have been the case against the wishes of that individual. However, this legislation is not about that; it is about enabling someone to decide before the event—as though they would be capable of so judging—that they want to end life when someone else says, 'Now is the time to do it according to the criteria that we have been given.' That is fundamentally wrong, and that is why I am opposed to this measure but support the views that have been expressed on the other measure that passed this place during this session.

Mr CAUDELL (Mitchell): One wonders whether the member for Playford when introducing this Bill had a death wish. However, most of the debate has appeared to be very lifeless. I have given an undertaking to my electorate to speak on this issue—

Mr Atkinson interjecting:

Mr CAUDELL: Thank you—so I wish to express my opposition to the Bill. I believe a certain amount of confusion exists in the electorate in relation to palliative care versus euthanasia. The majority of replies I have received from my constituents strongly favour palliative care, as opposed to the concept of euthanasia. Once we turn the age of 40 most of us experience the death of parents or grandparents.

Mr Brindal interjecting:

Mr CAUDELL: Unfortunately, as the member for Unley quite rightly says. I have experienced the unfortunate situation in relation to my father-in-law who passed on six months prior to the last State election. My father-in-law was administered palliative care and, during that period whilst he was dying from a heart-related disease, as well as a cancer which eventually did take him, he was extremely comfortable. In the 48 hours prior to his death his condition was such that it appeared he had made a remarkable and earth-shattering recovery which could not be explained. During that 48 hour period we had a chance to sit with him and share in a cup of coffee and a chat.

If euthanasia had been allowed and someone had talked to him, coerced him, or he had taken the decision to proceed with euthanasia, my wife and the rest of the family and I would not have been able to share that time with him and we would not have had that memory of my father-in-law. I explained the issues of palliative care and euthanasia in a newsletter to my electorate and, as a result of that newsletter, the majority of people who replied to that newsletter were in favour of palliative care over euthanasia. As I said, palliative care ensures, in the natural course of dying, that the patient is comfortable without the patient being placed on life-support systems and allows nature to take its course.

Doctors and nurses associated with the Flinders Medical Centre have corresponded with me and have expressed their opposition to euthanasia but fully support the changes that have occurred in relation to palliative care. Doctors and nurses have made it quite plain to me that their profession is associated with protecting and saving lives where possible without the maintenance of life when it is obvious that all else has failed, in those situations where it is their duty to ensure that the patient is comfortable and that nothing is done to unnaturally maintain life. However, it is not their right to administer a particular drug which would instantaneously bring about that person's death, as is the case with euthanasia.

As I have previously said, death involves a grieving process for the family of the person who is passing on in both the period prior to the person's death and also after death. The process is very much needed, but I cannot support the issue of euthanasia. As I have stated before, my electorate supports the issue of palliative care but rejects passing a law which gives the ability to others to coerce or influence a person into taking his or her own life. On behalf of the electorate of Mitchell, I will be opposing the issue of euthanasia.

Mr MEIER (Goyder): It is very sad that today we have this Bill before us for consideration, because it is a clear indication that some people in our society—and the member for Playford is leading the charge—have decided that human beings should have the right to take their own life and to decide when their life should end. That is a great tragedy because life should be promoted. In fact, if possible, life should be extended at any cost. It was quite incredible to see an example in the *Forrest Gump* movie when Forrest took his lieutenant, who had both legs blown off, and dragged him through the middle of a battle to save his life. Those members who have seen the film will recall that the lieutenant abused Forrest Gump something phenomenally and said, 'I wanted to die there and then; what right did you have to take me out of that battle and allow me to live?' The irony was that, many years later, we saw that lieutenant again and he was a very happy man. He had married and was living what appeared to be a great life, and yet, if that lieutenant had had his way at the time he would have died there and then.

I have very specific reasons for opposing the Bill. The first is that the euthanasia legislation and practice extend the life not worth living concept, to which I have just alluded. The statutory law against deliberate killing, including euthanasia and assisted suicide, surely should be underpinned by common law as well as international covenants. The member for Kaurna referred to international covenants seeking to protect life, to uphold life at all costs, and yet this Bill proposes to undermine the international covenants and undermine our common law as well. Euthanasia legislation does not eliminate the existing dangers of uncertainty in diagnosis and errors of observation and misinterpretation of a patient's wishes.

I was given an example not long ago of a man in America who contracted what was diagnosed as terminal cancer back in 1988. The doctor said, 'Unfortunately, there is no hope for you and I am afraid we can do very little for your pain.' In the coming weeks that man went through such excruciating pain that he decided to get a rifle and finish his own life. His daughter came across him as he was about to shoot himself and managed to pull the rifle away and say, 'No way will we let you die at this stage, dad.' He received a second opinion from another doctor who said, 'Look, we can control that pain for you'—which was done—'and we can operate on you and perhaps give you some radiation therapy.' That occurred. Six months later, not only had the man lost the pain but he had the will to live again. In fact that man, to the best of my knowledge, is still alive today, some eight years after being diagnosed as having terminal cancer and a very short time to live.

If this legislation had existed in America at that stage, that man certainly would not be alive today and he would have lost eight years of his life. That is one example of probably dozens, and even thousands, throughout the world. There will inevitably be moral pressures from relatives and the community on patients and doctors to avail themselves of euthanasia, even though it is possible that the real wish of the patient might be against it. Certainly, from time to time we

have heard of cases where, if a parent has had the opportunity to live a long life, the children say, 'It is high time: mum or dad have been a burden to us for some time; we could benefit from their property. They will not miss it; they are not really using it now anyway, because in their old age they are not able to appreciate it as we, the younger generation, could.'

Members should be able to see the temptation to speak with the doctor and say, 'Would you agree that mum or dad has reached a stage where their life is not worth anything?' The doctor might well say, 'You are quite right; they are simply in bed most of the time; they certainly are not leading a very good existence' and it could be very tempting for the children to arrange for mum or dad to be legally disposed of through voluntary euthanasia. So, that is a further worry.

It is rather ironic that our society does not tolerate the sentencing of a person charged with a series crime if any reasonable doubt exists as to the person's guilt. For that reason and others, in many places capital punishment has been abolished. As euthanasia involves the certain death of an innocent person, surely we must not tolerate any margin of error or uncertainty as to the patient's wishes or as to the diagnosis of incurability: neither can be absolutely ascertained. That is another strong argument against voluntary euthanasia.

It is rather ironic that we seek to protect people's lives at all costs, and the exclusion of capital punishment in this State is one such example. In fact, I must admit that personally I have a lot of sympathy for capital punishment in cases of horrific murder and other grievous crimes. We are not entering that debate at present, but I find it ironic that we are proposing to bring in a law that would allow a person to be put to death—that is what it is: to be put to death. Also, euthanasia puts at risk those who have an incurable and fatal disease, those who are severely incapacitated and those who are hopelessly mentally or physically defective. These people, young or aged, need the benefit of modern and understanding medical care rather than the administration of death on demand. I simply say, 'Hear, hear!' to that.

I was very touched to read one of the many letters that I have had from my constituents urging me to vote against this voluntary euthanasia Bill. I quote from that letter, as follows:

> As a young nurse I discovered that the senior resident physician in my training hospital never allowed spina bifida babies to go home alive. He felt it better they should die before the mothers became too attached to them. This method was a large dose of insulin. Another nurse as well as myself were disturbed about this and when my father, a doctor himself, told me that insulin given to non-diabetics was only for the purpose of murder, we, my fellow nurse and I, kept these babies alive for as long as we could with large doses of glucose to combat the insulin. It could not go on long, of course, because sooner or later we would both be off duty no matter how we begged changes in rosters. Later I encountered the same doctor on another ward. I noted insulin was ordered for some of the older patients when there was a shortage of beds. We never reported these goings on because we were told that then insulin could not be detected in *post mortem*.

It is quite clear that murder has been occurring in hospitals in the past, and evidence such as this is frightening. Why on earth should we introduce legislation that seeks to legalise that practice? I would never want to see that come in here. In conclusion, as a Christian I am totally opposed to it, because it is completely contrary to the word and law of God. The whole basis of Christianity is the right to life, not the right to die, which is completely foreign to any sound biblical or ethical principle. I am totally opposed to the Bill.

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

Mr CONDOUS (Colton): I did not intend to debate this matter although I had formed an opinion on how I would vote on it: I thought I should put a few things on the record. For a number of reasons, I am totally opposed to this measure. The most important one is that, although I would not classify myself as being an overly religious person, I have always believed in the saying that God giveth and God taketh. This is a wonderful life that we enjoy and I must say that every day of my life has been an absolutely wonderful experience for me, and I just hope that I can continue to go on living as long as possible because I have never had a so-called bad day in my life. Every day has been great.

I cannot imagine telling people that we have introduced a law to allow a person who is suffering to die. My own Greek community would be absolutely horrified and would discard me entirely if I supported voluntary euthanasia. Bishop Joseph, who heads the Greek Orthodox Church in South Australia, would be absolutely horrified, too. It is a practice in the Greek Orthodox Church that, if possible, in the last few moments of life, one takes holy communion. Of course, the wine and bread of holy communion represent the blood and body of Christ. If this Bill were law, what would we do? Would we then lie on our death bed with the bishop on one side about to give us holy communion while on the other side a doctor is waiting with a syringe to instil a lethal dose to put us out of our misery? It is so hypocritical.

We talk about its being advanced social reform. We should get down to the important things in life. What about the thousands of people outside this Chamber living in homelessness on the streets, who are helped every day by the City Mission, the Salvation Army and St Vincent de Paul? They are wonderful organisations. We should give them support instead of sitting in here talking a load of rubbish about trying to modernise the world and, in doing so, to invent new ways of stopping our very existence.

I need only look to my own father's experience. He died at a very early age. I remember in the last couple of years of his life, when he suffered, going into the bedroom every morning and I would hear him say, 'My son, I am still alive this morning and I have to say, "Thank God I am alive."' Even with the pain he was suffering, he wanted to continue to have more and more of life. He would be appalled by this legislation.

There are five members of my family, nephews and cousins, who are members of the medical profession. One of them is one of Adelaide's most prominent ear, nose and throat specialists, and the other four are medical practitioners. I am very proud of that fact because their fathers were uneducated people who migrated to this country. They took up the opportunity, became qualified and received their medical degrees. They have taken the Hippocratic oath to do everything in their studies and their practice to save life, yet I am being asked in this place to make a decision to give them the right to bring about death after they have been through all those studies to learn how to maintain life. I am totally opposed to that.

I have many letters in my office asking me to support the Bill, and I understand that. However, I have to live with myself for however long we have to go. I could not live with myself if I felt that I had supported a Bill, which this Parliament had passed, to give the right to voluntary euthanasia and for doctors to be able to end one's life. That must be left to our Creator. Palliative care in our community today, and especially in the State of South Australia, is probably the best anywhere in the world. The advancement that has been

made in this area is brilliant. I simply want to place those few comments on the record. I do not want to talk about it a lot. As I have said, I speak on behalf of myself and on behalf of the Greek community of South Australia.

Mr KERIN secured the adjournment of the debate.

WATER CATCHMENTS

Mr SCALZI (Hartley): I move:

That this House commends the Government on the strong action that it is taking in the cleaning up of the water catchments in South Australia, and in particular the River Torrens and the Patawalonga.

I first tabled this motion well before the Water Catchment Bill had been put before the House and before the budget, which also outlines measures that we will take with regard to the environment. In those debates I said much of what I was going to say in support of this motion.

The Greek historian Herodotus, who lived in ancient Greece from 484BC to 425BC, said about ancient Egypt, 'Egypt is the gift of the Nile.' He understood clearly the strong relationship between respecting the environment and the development of civilisation and prosperity in ancient Egypt.

In the past, Governments on both sides of the political spectrum have not placed enough emphasis on the strong links between the environment and rural development. I must say that this Government has done that and is doing it well, because it understands the relationship. We failed to see that strong relationship in the past, but we are now on track. This Government, under the premiership of Dean Brown and, of course, under the Minister for the Environment and Natural Resources, has placed caring for the environment very much on the agenda. There is an effective program to deal with what has been neglected or just talked about for the past 15 years.

As Herodotus said about the Nile, South Australia is the gift of the Murray. If South Australia is the gift of the Murray, the Patawalonga and the River Torrens are the wrapping paper and ribbons of that gift. This Government recognises that and it has put programs in place to ensure that that is respected. We are providing a cleaner South Australia and we could not do that without respecting the River Torrens catchment area and the Patawalonga. In the broad spectrum of caring for the environment, we have legislation about control, water quality protection, marine pollution, better waste management, air quality protection, noise control, the greenhouse effect and the cleaning up of production processes in industry. You have to have an holistic approach to looking after the environment, and that is what the Government is doing.

Debate adjourned.

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

EUTHANASIA

A petition signed by 44 residents of South Australia requesting that the House urge the Government to oppose any measure to legislate for voluntary euthanasia was presented by the Hon. R.B. Such.

Petition received.

OLD PARLIAMENT HOUSE

A petition signed by 246 residents of South Australia requesting that the House urge the Government to recognise the cultural and educational importance of Old Parliament House Museum and support its continuation as a museum for the people of South Australia was presented by the Hon. M.D. Rann.

Petition received.

HINDMARSH ISLAND BRIDGE

The Hon. DEAN BROWN (Premier): I wish to make a ministerial statement. Yesterday I advised the House of action that the Government had taken following the latest developments in relation to the Hindmarsh Island bridge. In particular, I revealed that I had written to the Prime Minister seeking an immediate revocation of the Federal Government's 25-year ban on the construction of the bridge. I also foreshadowed that South Australia would have to consider other options if the Federal Government did not agree to this course of action. I said this because everything possible must be done to prevent further division over this matter within Aboriginal communities and further damage to the credibility of processes to identify and protect Aboriginal heritage.

I now advise the House that State Cabinet considered the matter this morning in the light of the Federal Government's rejection of my call immediately to revoke its ban on the bridge. Cabinet determined that an inquiry should now be initiated into claims that the 'women's business' associated with the ban has been fabricated. The inquiry will have the powers of a Royal Commission. Its terms of reference and other details will be finalised by Cabinet next week. The terms of reference will be drawn to establish whether the 'women's business' is true either in whole or in part or whether there has been any fabrication. The inquiry will be required to be completed by 1 September this year.

Members will appreciate from this advice that the Government wishes to have an expeditious and clearly focused inquiry. I have written to the Federal Minister for Aboriginal and Torres Strait Islander Affairs, Mr Tickner, to advise him of South Australia's decision. I have offered to the Federal Government the opportunity to participate in our inquiry if it so desires. I have also spoken to Mr Tickner to encourage Federal cooperation. I regard this as very important.

After several weeks of claims, counterclaims, conflict and confusion, South Australia has acted to ensure that there is an independent inquiry to establish the truth. That is all we seek, and I hope that the Federal Government will be prepared to join us in a single inquiry in pursuit of the truth so that the damage that this matter is doing to the cause of reconciliation does not continue.

STATE CHEMISTRY LABORATORIES

The Hon. S.J. BAKER (Deputy Premier): I wish to make a ministerial statement on the State Chemistry Laboratories. On 14 March I undertook to keep the House informed of any significant developments relating to the closure of the State Chemistry Laboratories. I wish to inform the House that State Cabinet has given approval for the Asset Management Task Force to proceed with the sale of the laboratories. The Loxton operations of State Chemistry Laboratories are not included in the sale. They will be

transferred to the Department of Primary Industries and will continue to service the needs of Riverland growers. Calls for expressions of interest in the purchase of plant and equipment held by the State Chemistry Laboratories will be advertised this weekend.

The option of closing this loss-making operation has been under consideration for some time and interested parties have been consulted. At the time of my last statement to the House, State Chemistry Laboratories had 18 staff. Since then one employee has been reassigned to a position in another department. A total of six of the 17 remaining employees have already been interviewed for technical jobs within Government. Considerable resources have been put into counselling these staff and preparing them for new careers. Further to this, as part of the sale process, parties registering an expression of interest are being asked to indicate which staff would be offered employment. As with other asset sales, employees will have the choice of accepting employment offers, taking a separation package or opting for redeployment within the public sector.

I want to make it quite clear to the House, particularly in light of previous inaccurate and sensational reports about the impact of the proposed closure of State Chemistry Laboratories, that the closure will not have any adverse impact on public health in South Australia. The services offered by State Chemistry Laboratories have reduced dramatically over recent years, certainly during the time of the former Government, and there is no shortage of availability of external laboratories to carry out critical work.

The interest shown by potential purchasers confirms that the closure will have no impact on the availability of analytical chemistry services to the Government and industry in South Australia. Public health advice on toxic chemicals remains the responsibility of the Occupational Health Division of the Department of Industrial Affairs and is not affected by the closure. Substantial over-servicing currently exists in the availability of analytical chemistry services due to the large number of laboratories and excess capacity resulting from new technology and automation.

Existing public and private sector laboratories in South Australia with an analytical chemistry capability include the CSIRO laboratories, the IMVS clinical laboratories, the Commonwealth AGAL laboratories, AMDEL, State Forensic Science, Water Laboratories in EWS, SARDI laboratories and the Public and Environmental Health Section in the Health Commission.

As I have said before, I make no apologies for trying to save South Australian taxpayers' money. State Chemistry Laboratories has always lost money. The deficit in 1991-92 was $146 000; in 1992-93, $105 000; in 1993-94, $328 000; and a similar loss is expected in the current financial year. In addition, the organisation has received other special payments. The net benefit to the State from the closure of the State Chemistry Laboratories and the sale of the plant and equipment will depend on final bids and employment opportunities. However, savings of about $3.5 million over five years have been identified, excluding sale proceeds and the separation package payments.

QUESTION TIME

REPUBLIC

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier support the objective of an Australian republic by the year 2001? On this morning's radio the Premier indicated his support for a people's convention and a referendum to determine the question of an Australian Republic, but there is some confusion about his own position and his preferred constitutional model both for Australia and for our own State.

Members interjecting:

The SPEAKER: I call the member for Unley to order.

The Hon. DEAN BROWN: Whether Australia as a nation becomes a republic is a very important issue. We need to appreciate that Australia is more than just one Government sitting in Canberra. Australia is a Federation with six State Governments, two Territory Governments and a Federal Government in Canberra. My disappointment with the announcement made last night was that it focused entirely on what happens in Canberra with no regard for what happens out in the other six quite independent States of Australia. I believe it would be an absolute farce to have Australia with a republic in Canberra and a monarchy in each of the six States.

The Hon. M.D. Rann: What would you like?

The SPEAKER: Order!

The Hon. DEAN BROWN: That is certainly a potential outcome of what was announced by the Prime Minister last night. I have been one who has advocated that there needs to be very broad discussion and consultation within Australia, that various options should be put forward to the Australian people—and that should include the State people as well—and that we need to make sure that the people themselves have a say in whether we become a republic or remain a monarchy. I have indicated clearly that, whatever the majority of Australians vote for, I will support.

Members interjecting:

The SPEAKER: Order! The Premier has the call. I suggest to members that this is an important question and that the Premier be permitted to answer it without further interruption.

The Hon. DEAN BROWN: I point out that giving people a say is what democracy is all about. That is why there are 11 members sitting on the Opposition benches and 36 sitting on the benches on this side of the House. I respect and always have respected that, and that is why I have been a great advocate for democracy.

The Hon. M.H. Armitage interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Members opposite claim that the Labor Party listens. However, when it comes to things like shopping hours they are entirely deaf. The only voice they hear on shopping hours is from their own union. They hear nothing from the shopkeepers, the employees or the consumers.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has asked his question. I suggest to him—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has developed a bad habit of continuing to talk over the Chair. He is aware of Standing Order 137.

The Hon. DEAN BROWN: My vision is for Australia to have a mature discussion on the republican issue and that we then make a decision not just as a Government in Canberra but as a Federation of Governments around Australia, including the State Governments. That is why I have supported an open convention to put forward the options that can then be put not just to the people of Australia under the Federal Government but also to the people in each State as part of any proposal that should come forward.

RUGBY SUPER LEAGUE

Mr KERIN (Frome): I have pleasure in asking whether the Premier will explain the significance for South Australia of today's announcement of a team from South Australia being included in the national rugby league.

The Hon. DEAN BROWN: I am delighted to say that I have just come from Adelaide Oval where it was announced that the rugby league in South Australia will join the super league. This means that we will have a super league team in South Australia. The matches will be played at Adelaide Oval sometimes under lights at night and sometimes on a Saturday or Sunday afternoon. There will be 11 matches in Adelaide each year. The first match will take place with the team here in 1997. I was delighted to receive an assurance from the News Corporation that it will provide resources to establish a team here.

Rugby league in South Australia has undergone a dramatic change in the past couple of years. Over 100 teams compete in Adelaide in the local competition. It is a sport where the numbers have increased dramatically in South Australia. I believe we will be able to put forward a credible team by 1997 with the support of the News Corporation and those backing the super league. I point out that this has enormous potential benefit for South Australia, because 11 matches will be televised in South Australia, and they will be beamed each week to about 88 million people around the world.

That gives us a chance for the sort of international exposure we have enjoyed and will enjoy this year with the Grand Prix. It gives us a chance to push South Australia—'Sensational Adelaide'—as part of our tourism promotion but to do it in conjunction with sports like rugby league, and to do it internationally. To give members an example of the sort of benefit that can flow from this, earlier this year Auckland had one of these big international matches, and it is estimated that that one match put $16 million into the New Zealand economy. If you do it correctly, there is enormous potential in terms of developing your international exposure and your tourism industry. That is what will be of benefit in this. Today I congratulate the Rugby League of South Australia on this very important initiative.

REPUBLIC

The Hon. M.D. RANN (Leader of the Opposition): Given that the Premier has just told the House that he supports a constitutional convention to discuss the whole issue, what view would he put to such a convention about whether he is for or against an Australian republic by the year 2001—for Australia and for our own State?

The Hon. DEAN BROWN: The proposal that I would put to such a convention is that we need to have a range of options to put to the Australian people and that we need to make sure that all Governments, both Federal and State, take a collective decision. It would be wrong to have only a Federal referendum on amendments to the—

Members interjecting:

The Hon. DEAN BROWN: It would be a farce to have a Federal referendum on the Federal Constitution and ignore the independent position of the States. What the Leader is saying is that, as Leader of the Opposition of South Australia, he has no regard whatsoever for the constitutional independence of South Australia. As far as he is concerned, whatever goes in Canberra he is willing to tag along with. Those are the sorts of policies we saw from members opposite when they were last in Government here. They would clutch the coat-tails of Mr Keating and the Federal Labor Government, and they would toe the line of the Federal Labor Party, regardless of the cost and disadvantage that imposed on South Australia. I have argued throughout that Australia needs to confront the issue of being a republic but needs to do so looking at all levels of Government within Australia. It is hopeless to have a mishmash where some are a republic and some are under a monarchy.

EMPLOYMENT

Mr EVANS (Davenport): Will the Minister for Employment, Training and Further Education inform the House of the latest trends in the South Australian labour force identified by today's ABS figures?

The Hon. R.B. SUCH: It is a sad situation when the Leader of the Opposition is reluctant to ask this question, although we know why: it is because today we have seen another good news story. Unemployment has fallen again in South Australia, and only two States of Australia have achieved that: Victoria and South Australia; the others had an increase. Youth unemployment has dropped by 10 per cent since this time last year. I trust that the Leader of the Opposition is absorbing those important statistics. In the 12 months to May this year there has been an increase in employment in South Australia of 18 000 positions, mainly in the full-time area, so it is a very significant result for this State. One of the points that we need to remember is that, although the youth unemployment rate has fallen, it needs to be driven down even further. This Government, with its 'Kickstart for youth' policy, which will be fully implemented by September, will get that rate even lower.

We know that many in the 15 to 19 year age group are at school, at university or at TAFE, but there are still those who are missing out on employment and training. We will target them hard to get them work ready and into employment. We are encouraging young men and women to consider information technology and electronics as a career option. This State will be the hub for electronics and information technology for the Asia-Pacific region. We are telling parents and young people to look at what is on the horizon in South Australia: there are job opportunities in those exciting industries. So, the figures today are good news for South Australia and show that the Brown Liberal Government is delivering.

We want the support of members opposite. Let them get rid of their 'knock, knock' campaign. Years ago we had Mike and the Mechanics: now we have Mike and the Knockers, who are continually knocking South Australia. So, let them support what the Government is doing and help to get South Australia back to where it should be, which is No. 1. We are on the road to success.

RACISM

The Hon. M.D. RANN (Leader of the Opposition): Will the Premier now give an unequivocal assurance that his Government will introduce racial vilification legislation in this session of Parliament? Does he envisage that the legislation will be complementary to the Bill currently before the Federal Parliament and will include criminal sanctions as well as conciliation and mediation?

This year and last year, in response to repeated questioning, the Premier has refused to give his opinion on the issue of such legislation or on my call for a multicultural charter. It was only after the disgraceful occurrences involving National Action at Glenelg in April that the Premier said that he was doing preliminary work and that vilification legislation was now a priority. This session?

The Hon. DEAN BROWN: I was delighted to hear the Leader of the Opposition, as he always does when unemployment figures come out—we saw him on his feet today, did we not?—asking, 'What has happened to unemployment in South Australia? How many jobs have been created?' He was absolutely silent. What sort of person is he? Does he ask questions about unemployment only when unemployment goes up? Why does he not ask questions about unemployment in the month when we have created 6 800 extra jobs? I am waiting.

Members interjecting:

The SPEAKER: Order! Too many views are being expressed across the Chamber.

The Hon. DEAN BROWN: The silence of the Leader of the Opposition is astounding.

The Hon. S.J. Baker: Deafening.

The Hon. DEAN BROWN: It is absolutely deafening. Here is the good news, as the Minister has indicated, of 6 800 additional new jobs in South Australia, and the Leader of the Opposition does not even have the courage to compliment the Government on that.

The Leader of the Opposition will be interested to know that a draft Racial Vilification Bill has been prepared. I appreciate the work being done by the member for Reynell, who has worked with me in the preparation of that legislation, and the Hon. Robert Lawson, who is also working on the preparation of that legislation. It does not necessarily mirror the Federal legislation: in fact, we think that there is a more appropriate model, which is what the draft legislation is all about.

The Leader of the Opposition asks whether the legislation is likely to be introduced in these sittings of Parliament. All members of this House know that these sittings of Parliament are about the budget.

Members interjecting:

The Hon. DEAN BROWN: There is the one on shopping hours, because it was the mates—

The SPEAKER: Order! The Leader knows that he is testing his luck.

The Hon. DEAN BROWN: I should have thought he has more than tested his luck; he has come out opposing shopping hours. The real villain on shopping hours is not the Australian Democrats: the real villain on shopping hours is the Labor Party in South Australia. The Labor Party professes to be an alternative Government. It professes to want economic development and tourism in this State, but it says, 'Let's shut the CBD and go back to the 1950s.' That is what it wants. It wants to turn off the lights, shut the shops and make sure that international tourists stay in their rooms and do not dare to venture out to our shops to buy things. That is the dark-age attitude of the Labor Party here in South Australia.

The Leader of the Opposition constantly says that he wants to have a round-table conference on economic development and the creation of jobs in this State yet, when it comes to the real issues such as opening shops and developing tourism on a Sunday in the CBD, he runs for cover and says 'No.' It is no wonder that we do not invite him to join us around the table to talk about those matters. We would not want those dark-age attitudes coming into such discussions. Legislation on racial vilification has been prepared, and it will go to Cabinet very shortly.

HOUSING, MEDIUM DENSITY

Mr BRINDAL (Unley): Will the Treasurer provide the House with details of the Government's initiative to boost medium density housing in the central district of Adelaide? If that move is successful, will he consider extending the initiative in future budgets to Norwood, Hanson, Bragg and, of course, Unley?

The Hon. S.J. BAKER: This is an important issue because the key to Adelaide is the City of Adelaide.

Members interjecting:

The Hon. S.J. BAKER: And shopping in Adelaide is important to Adelaide. It is important to this State, just as the health and well-being of the whole of the central area of Adelaide is absolutely vital. We have learned from overseas experience that, once the city heart dies, the whole area dies, and we have accepted and recognised the need to boost housing in the city centre for a whole range of reasons. One reason is not only to boost the city centre but because there are savings on infrastructure and there is the proximity to various facilities; they are all important issues. We believe that the city centre is important: it is vital on the issue of shopping hours and it is vital in repopulating the city, and so we have taken this initiative.

We have identified the city centre as a priority area. It is an area in need of a boost and we have given a $1 500 maximum rebate in stamp duty on the first sale of medium density housing. As to someone who has previously owned a house, at the $140 000 level they would normally pay $4 430 in stamp duty less $1 500 rebate, so they will pay only $2 930. For a first home buyer on a dwelling costing $120 000 the duty would be $3 180 but, because of the exemption already in place, less the rebate of $1 500, the stamp duty they will pay on the unit would be $1 680.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: The member for Giles asked why we did not 'knock it off in the first place'. His scheme was going to cost Treasury $20 million. We have concentrated our effort in the area of greatest need. Where it has application in other areas, we will judge the merits of the scheme that we have now put in place. We are happy to make some small contribution towards the revitalisation of the city.

SPEAKER, IMPARTIALITY

Mr ATKINSON (Spence): My question is directed to the Premier. Does the Government support the Leader of the Federal Opposition's view that Parliament would be better with an independent Speaker and is he prepared to support such a change in this House?

Members interjecting:

The SPEAKER: Order! I suggest to the member for Spence that he remember that reflections on the Chair are not acceptable.

The Hon. S.J. BAKER: Mr Speaker, I rise on a point of order: the very question itself reflects on the Chair.

The SPEAKER: Order! The Chair is of the view that, as long as the member for Spence is careful in the manner in which he asks his question, and as long as it relates to the policy of having an independent Speaker, the Chair will allow it. If there is any reflection on the Chair, the question will be disallowed.

Mr ATKINSON: On Tuesday, the Federal Leader of the Liberal Party delivered his first key speech on the coalition's approach to power and pledged a caring and accountable Government. He said the Speaker should be independent of Party politics, that is, not elected in the Party room.

The Hon. DEAN BROWN: First, I do not believe it is appropriate in the South Australian Parliament to have an independent Speaker who therefore does not participate in the normal process of Parties, and I will explain why to the House.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: This is a matter that has been raised with me previously. This House has only 47 members compared with the House of Commons with about 650 members. Once a member is elected as Speaker of the House of Commons, that person removes himself or herself entirely from the political process and is entirely independent. As the Speaker, that person is no longer a member of a political Party and no longer attends any Party meetings or participates in the election process, because I understand that the Speaker of the House of Commons is elected unopposed: no Party runs against the Speaker of the day.

That is fine where a Parliament has 650 members. However, in the time I have been in this Parliament, which comprises 47 members, there have been a number of occasions when just one seat has meant the difference between Government and non-Government.

The Hon. S.J. Baker: We had a hung Parliament in 1989 in those circumstances.

The Hon. DEAN BROWN: That situation arose in 1989 and 1975; those are two recent instances. If you had a truly independent Speaker who was not—

An honourable member interjecting:

The Hon. DEAN BROWN: Was the honourable member saying that 2055 might be the next time we would get close to that?

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: Therefore, it is quite inappropriate to have such a system here in South Australia. I applaud the fact that the Speaker in this House, as has been the tradition, is an independent person.

Members interjecting:

The Hon. DEAN BROWN: Anyone who threw out the Deputy Leader of the Opposition under such circumstances showed great wisdom.

Members interjecting:

The SPEAKER: Order! The Minister is out of order.

The Hon. DEAN BROWN: I also point out that John Howard is responsible for the Liberal Party policy in Canberra; I am responsible for the policy here in South Australia. Unlike the Labor Party, we do not clutch to the coat-tails of our Federal colleagues on every issue.

CHINA TRADE MISSION

Mr CONDOUS (Colton): Will the Minister for Industry, Manufacturing, Small Business and Regional Development inform the House of the results of an EDA subsidised trade mission to Shandong Province in China to sell South Australian seafood? During the recent Business Asia Seminar, and on numerous other occasions, there has been growing interest by overseas buyers in South Australia's green and clean seafood industries.

The Hon. J.W. OLSEN: Following the visit of the Premier to Jinan in June 1994, a memorandum of understanding was signed off by the Premier. That memorandum of understanding indicated that, in relation to aquaculture, we would pursue joint venture opportunities using private and public sector involvement. The Economic Development Authority, in conjunction with the Department of Primary Industries, coordinated a trade mission of some nine South Australian fishing families, companies and processors to China to look at opportunities to open up trade between South Australia and that country.

That trade mission was supported by Joyce Mak, South Australia's representative in Hong Kong, who in my view is doing an outstanding job there. The Economic Development Authority gave assistance to those companies to go to China by subsidising up to 50 per cent of air fares to access the Chinese market and meet representatives from China. One of the first contracts has now eventuated from that trade mission to China: Raptis and Sons has won a contract for $200 000 to supply prawns to the Shandong Fisheries Corporation in Shandong.

That is a clear indication that that contract in itself has more than offset the cost to the Economic Development Authority in supporting the trade mission to China and further underscores the efforts of this Government to ensure that we open up trade opportunities for small and medium businesses by removing the daunting task of exporting and giving them assistance and facilitating their access to the market. The benefits to South Australia are that more of our produce is sold overseas, and that is reflected in jobs being created in South Australia. As the Minister for Employment detailed to the House today, those policy initiatives and export market opportunities are working, because a consistent and committed long-term strategy is bringing about real contract benefits to South Australia.

ELECTRICITY TRUST

Mr FOLEY (Hart): Will the Minister for Infrastructure give a categorical assurance that the Government will not outsource or privatise the generation, transmission or distribution of electricity, as is being undertaken with the EWS? Last year the Minister told the Estimates Committee:

> The EWS is emerging as what I would describe as a model Government agency for a number of leadership and reform agendas.

The Hon. J.W. OLSEN: As the honourable member would well know, in response to the Hilmer report, COAG, the Prime Minister and Premiers of Australia have signed off on principles for Government trading enterprises. Benchmarks have been signed off for those Government enterprises, and we simply have to meet those benchmarks by the 1996-97 financial year and beyond. If we do not, the Commonwealth Government has indicated that it will severely financially penalise States such as South Australia. We therefore have no choice but to get ahead of that agenda and

the benchmarks that have been agreed to between the Commonwealth and the States.

In relation to the Electricity Trust of South Australia and following legislation being passed in this Parliament, we will be putting in place a holding company, the ETSA corporate body, which will be effective from 1 July this year. In addition to that it will have some subsidiaries in generation, transmission, distribution and marketing, but at this stage there is no program to pursue any other major restructuring within the Electricity Trust.

The Hon. Frank Blevins interjecting:

The Hon. J.W. OLSEN: The member for Giles ought to go back to sleep again, because clearly he has misunderstood the question. Perhaps I could lengthen my answer, given that the member for Giles leaves for Whyalla early on Thursday afternoons. The simple fact is that, as I pointed out to the House yesterday, this year the Electricity Trust is returning its best result on record, on top of last year as the best year in its 50 year history. That reform of productivity and efficiency gains will constantly be required of ETSA to ensure that its place in South Australia is maintained as a generating capacity and facility.

By opening up competition in the power utilities, the Prime Minister has indicated that if ETSA does not improve its productivity and efficiency it will be replaced as a generating capacity by the private sector, New South Wales or Victoria. That is not what the Government wants to occur in South Australia, because our regional economy needs to preserve a generating capacity in South Australia to look after our needs and not be subservient to power generating facilities in the Eastern States of Australia. That means that productivity and efficiency gains in the Electricity Trust must continue. As the honourable member would know, I commended the cultural change and improvements: I commended the work force and the management for what has been achieved to date. We will have to continue that reform process to get greater productivity and efficiency, and by doing so we will preserve the Electricity Trust as the generating facility in South Australia for the future.

HOSPITAL WAITING LISTS

Mr BASS (Florey): Will the Minister for Health assure the House that the 10 per cent reduction in the public hospital booking lists that he reported last week did not involve cooking the books? I ask this question as it has come to my attention that allegations have been made by the Opposition that the Minister for Health and/or the Health Commission of South Australia have not supplied factual figures.

The Hon. M.H. ARMITAGE: I am delighted that the member for Florey has asked this question. He will recognise that on the issue of waiting lists this Government deals in facts, and I should like to give those facts to the House. The booking list, as we would recognise, is a register of people who have been identified as requiring elective surgery by a surgeon. It includes people who have been given a date for admission and, importantly in South Australia, those who have not yet been given a date. In some States, when someone has been provided with a date of operation, they are taken off the waiting list; they believe that they are no longer waiting. We in South Australia, to put it in the vernacular, let it all hang out. Adjustments to the reporting of the booking list are made from time to time so that the list reflects the number of people truly waiting for elective surgery.

In his question the member for Florey alluded to allegations by the member for Elizabeth that this Government's recently announced 10 per cent reduction in waiting lists was achieved by changing the method of counting. I know that I am becoming a bit like a cracked record in relation to allegations by the member for Elizabeth but, once again, the allegations are wrong. This Government has not made any adjustments to the method of calculating the booking list which in any way reduce the total number of people waiting.

However, in contrast, in July 1993, which every member in this Chamber would realise was about six months before the last election—in fact, it was five months, but it was six months when it was predicted—the previous Labor Government reduced the numbers on the list by two changes in the method. First, it removed cosmetic surgery cases from the list, using procedures which were excluded from the Medicare benefits schedule as a guide. This is estimated to have reduced the numbers on the waiting list by about 200 people. Secondly, people who were not ready for surgery, for either medical or personal reasons, were excluded, and that took another 300 people off the list. All this was done a mere five months before the last election. Far be it from me to make any allegations that Labor would have made these changes on political grounds, because I would not believe that: surely they would have been done on the ground of sound policy. Nevertheless, the contrast is stark.

While Labor reduced the booking list by about 500 patients through statistical adjustment—that is a code for 'cooking the books'—over the past 12 months the Liberal Government, by taking action and providing actual operating times and performing the operations, has taken 800 people off the list. Undoubtedly, the member for Elizabeth will choose over the next little while to highlight an individual case here or there, but I remind members always to remember our actual 800 people off the list compared with the 500 subterfuge by the previous Labor Government.

TAFE BUDGET

Mr CLARKE (Deputy Leader of the Opposition): Does the Minister for Employment, Training and Further Education agree that the receipt of over $5 million in Commonwealth TAFE funding is now in doubt because of the Brown Government's decision in last week's budget to slash its commitment to TAFE? On budget day the Minister announced that his department's budget was $296 million. However, Treasury estimates that this means a cut in nominal terms of $15 million in recurrent and capital outlays. Minutes of the ministerial council meeting, which the Minister attended recently, reveal that every other State has received Commonwealth approval for growth funds, leaving South Australia as the only State which has not demonstrated sufficient commitment to training to receive this year's Commonwealth growth funds.

The Hon. R.B. SUCH: I was hoping for this question. I thought it might have come earlier in the week, but I know that the carrier pigeon system is a bit slow on the other side. The first point for the Deputy Leader is that the Federal Government provides capital moneys for TAFE. There is not a reduction by the State Government in respect of capital works because that is the responsibility of the Commonwealth. In fact, we have put in $2 million of our own money towards capital works, which we are not required to do. Therefore, what appears to be a significant cut is not a cut as expressed by the Deputy Leader. The recurrent budget—

Mr Clarke interjecting:

The SPEAKER: Order! One question at a time.

The Hon. R.B. SUCH: —has been cut by under 2 per cent. In TAFE we are doing more with less; we are more efficient. The one million training hours deficiency that we inherited from your lot has been picked up by us, which is a remarkable achievement in a short time. Enrolments in TAFE are up by nearly 6 per cent, productivity is up by 6 per cent, and 22 per cent at the Adelaide Institute, which is almost a quarter of our students, is a fantastic turnaround. The ANTA Board has recommended that we get those growth funds, so it is now entirely in the hands of Federal Ministers Crean and Free. It is a political decision. The ANTA Board has determined that we have delivered the goods in South Australia—

Mr Clarke interjecting:

The SPEAKER: Order! One question at a time.

The Hon. R.B. SUCH: We have provided the money that is required to maintain effort and we have picked up that shortfall in hours that we inherited from a Government which tried to wipe out TAFE. You abolished the name TAFE—you took it away. You created a mega department and put TAFE in the wilderness. We have brought it back. We shall make sure that TAFE not only continues to be excellent but expands and delivers even more programs. As a mid-year intake, we are introducing additional places for information technology and electronics training and promoting extra courses for the wine industry. We are delivering more with less in TAFE.

I heard the Leader of the Opposition on the air waves talking about a $20 million cut. We know that the Leader of the Opposition likes Disneyland, but he should leave fantasyland and the figures in Disneyland and not get on the radio and create fear amongst people. We are committed to TAFE. There has not been a $15 million cut by the State Government. We do not fund capital works but, even so, we have put in some of our own money towards capital works. TAFE is getting even better under this Government. We are here to stay and we will deliver the goods.

RACISM

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Recreation, Sport and Racing. What is the Minister's reaction to the recent release of a new plan by the Australian Sports Commission to combat racism in sport, and what initiatives have been taken in South Australia to address the issue? Recent media reports regarding racism in the AFL and the much publicised racist joke told by Mr Arthur Tunstall have focused attention on the issue, culminating in the release of a new strategy by the ASC to combat racism in sport and renewed calls for Mr Tunstall's resignation from the Australian Commonwealth Games Association.

The Hon. J.K.G. OSWALD: I, too, saw the article in the *Advertiser* about a plan to combat racism in sport. It is interesting to note that the Australian Sports Commission has unveiled a new strategy to combat racism in sport, and has said:

> Stamping out racism in sport may take years although the removal of administrators like Mr Arthur Tunstall would certainly help.

I think that everyone in this Chamber would agree with that. There is no question but that there are still instances of racism in sport, as there are in every other aspect of society. However, we have called for a copy of the ASC's plan and will examine it very carefully. We will do so, because it is important that South Australia, as it develops its strategy here, is supportive of and consistent with what is happening nationally. It should be noted that already in South Australia we employ a full-time officer specifically to assist State sporting associations to develop programs designed to assist with the participation of Aboriginal people in sport.

The House may recall that earlier this year I advised it of a new program which we had implemented to identify talented Aboriginal children. We used Eyre Peninsula as the pilot study and sought the cooperation of teachers at Port Lincoln. As a result of that study, I can advise that we now have two teenagers in talent development squads in both basketball and baseball, and future clinics and camps are planned for later this year. Also, the department has introduced a special scholarship program to assist talented Aboriginal athletes to further their sporting careers, with the first recipients being three young netballers. This is in addition to a number of other Aboriginal athletes who are scholarship holders with SASI, as well as one of our most outstanding coaches.

It can be seen that, despite the ASC introducing its new plan to combat racism in sport, the South Australian Government is well advanced along that line. Every member in this House would agree that it is a matter that we regard as abhorrent. We are doing everything we can within our agencies to ensure that sporting associations are well equipped to meet the situation if it arises.

FLINDERS MEDICAL CENTRE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health.

Members interjecting:

The SPEAKER: Order! The members for Mawson and Unley are out of order.

Ms STEVENS: Why has he allowed ophthalmology services at Flinders Medical Centre to deteriorate, and is this part of a deliberate plan to privatise outpatient services at the hospital? The Opposition has obtained a copy of a letter sent to the Minister on 2 May by Dr Coulthard of the Southern Clinic at Clovelly Park. Dr Coulthard says:

> A pensioner patient who attends Flinders Medical Centre and who is undergoing laser therapy asked me for a referral to see her specialist at a Marion Road clinic because she had been told '. . . laser treatment is no longer available at Flinders Medical Centre.' If this is so, Flinders must be one of the very few university teaching hospitals in the world that does not provide laser therapy in the ophthalmology department.

Dr Coulthard then states—

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. The honourable member deliberately commented and then went on with the explanation.

The SPEAKER: Order! The Chair was looking very sternly at the member for Elizabeth because a practice has been developing in the House where members read out questions and explanations which include comment. Members should be aware of rulings given by previous Speakers of this House, in particular Speakers Trainer and Peterson. I would suggest to members that they look at the rulings given and the way certain members were treated. This Chair has been a lot more lenient in allowing the reasonable explanation of questions. However, if it continues to be abused, I will withdraw leave forthwith.

Ms STEVENS: With respect, Sir, I was quoting from—

The SPEAKER: Order! Leave is withdrawn. I call the Minister for Health.

The Hon. M.H. ARMITAGE: I am pleased to have the opportunity to correct these allegations. I am surprised, a little like my colleague the Minister for Employment, Training and Further Education said earlier, because this has taken so long to get up. In fact, I had some briefing papers on this matter a number of weeks ago and, as I thought it would not be raised, I do not have them with me today. I assure the member for Elizabeth that later today I will certainly provide her with the background papers on this matter because the allegations are incorrect—it is as simple as that.

The important point is that the question indicates an unfortunate fact from the Labor Party's point of view—and perhaps from the rest of South Australia's point of view, too—that is, they are almost irrelevant in the provision of health care in Australia, because the whole matter of privatising outpatient departments, which is what the question was aimed at, was discussed at a Health Ministers' forum last Friday. Perhaps the member for Elizabeth was too busy cooking previous waiting list books to have taken note of the fact that there was a media release and story about how constructively Ministers around Australia were dealing with this issue.

Indeed, the member for Elizabeth's Federal colleague, the Minister for Health (Carmen Lawrence), pointed out that a number of matters of dispute existed between the States and the Commonwealth; this matter of cost shifting being one. In any study that has been done between Federal and State offices, South Australia has come out with virtually a squeaky clean record on cost shifting, so it did not affect us at all. The point is that there was a cooperative discussion as recently as last Friday. The matter is to be addressed again during the Health Ministers' conference next week.

The simple fact is that name calling, such as the member for Elizabeth is attempting to do now—incorrectly—is a thing of the past. Both the Federal and State Governments are cooperatively working around these sorts of matters, such as cost shifting, privatising outpatients, the 2 per cent Medicare review, and so on. In fact, in the health area, the Federal and State Governments are simply getting on with the job.

HINDMARSH ISLAND BRIDGE

Mr MEIER (Goyder): What is the Premier's reaction to the announcement a few minutes ago of an inquiry by the Federal Government into the Hindmarsh Island bridge saga, which inquiry will not start for another four months?

Members interjecting:

The SPEAKER: Order! There are too many interjections from the front bench.

The Hon. DEAN BROWN: The Federal Minister, Mr Tickner, has just announced in Canberra that he will have an inquiry into the Hindmarsh Island bridge saga and fiasco starting after the Federal Court has handed down its decision on his appeal. Let me reveal to the House the farce that that is. First, the Federal Court is currently hearing an appeal from Mr Tickner. It is the Minister himself who lodged the appeal. Justice O'Loughlin in the Federal Court has already overruled Mr Tickner's decision and said that the process was invalid.

Quite clearly, Mr Tickner is now trying to string this out and keep the ban on until the Federal Court appeal is determined. The only reason he appealed against the decision was to string it out for another six months. Now he wants to have an inquiry to string it out for probably another six to 12 months. While he does that, he does absolutely nothing to resolve the fundamental issues that relate to fact.

Our inquiry has nothing to do with the process that Mr Tickner went through. That is the responsibility of the Federal Court. Our inquiry is all about establishing the facts in relation to women's business and the use of those facts, or so-called facts, as the basis for stopping the work on the bridge. So, Mr Tickner has put up an absolute farce this afternoon. To think that his clear objective is to string out this sorry saga for another 12 or 18 months is a very sad reflection on Mr Tickner's understanding of the problems that exist within the Aboriginal community here in South Australia, the divisions that have occurred because of the process that he went through, and the injustices that he has inflicted on a large number of people here in South Australia as a result of that ban.

I would ask the Labor Opposition to join with the Government of South Australia in, first, openly condemning the Federal Government for refusing to lift the ban and, secondly, for putting up such a farce of a proposal for an inquiry that will not even start until after the Federal Court has handed down its judgment.

PATHOLOGY SERVICES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health. Have two senior pathology professors at Flinders Medical Centre taken up consultancy work for Gribbles Pathology and, if so, how will conflicts of interest be avoided? Is this the first step in the outsourcing of Flinders' pathology services to Gribbles?

The Hon. M.H. ARMITAGE: The whole question of pathology services has been of great interest to the Government for some time, particularly since the Modbury Hospital exercise indicated that we could provide the same or better services at a considerably reduced cost. Given that the taxpayers of South Australia elected the Government to provide more services more cost effectively, we are clearly interested in seeing whether this can expand.

As far as the matter at Flinders Medical Centre goes and the provision of pathology services, there has been a number of initiatives provided from within the pathology sector where there have been discussions throughout the public pathology laboratories about doing things constructively, because they realise now that the shackles are off. If they can provide more and better services more cost effectively, this Government will say to them, 'Thank you; please go ahead and do so.' We will be reflecting the views of the electors of South Australia.

In relation to the whole question of privatising pathology services, I point out that within the past few days I have spoken, in my office, to the President of the Royal Australian College of Pathologists. I have spoken to two other pathologists in Adelaide and the Secretary of the college about this whole matter of privatising pathology services. I asked them what would be the view of the college if we contracted the same services as are provided now—if we quarantined them and had them provided in a different manner. They said, 'Obviously, Minister, we would have no objection.' That is the background.

There are some most interesting developments that might occur at Flinders Medical Centre in the pathology areas, and I assure the House that, if and when they come to fruition, the private pathology services, the public pathology people and the taxpayers of South Australia will be the beneficiaries. This will be a total vindication, as I said previously, of our removing the shackles from intelligent, forward thinking

public servants (in this instance pathologists) so that they can do the job better.

BROOM BUSH

Mrs PENFOLD (Flinders): Will the Minister for the Environment and Natural Resources give details about what steps have been taken or can be taken to ensure an adequate supply of broom bush, commonly known as brush, for the fencing market? I am concerned to hear that some companies are importing brush from interstate to supplement local supplies because of current controls on vegetation clearance. There are areas on the West Coast that could be used more for the supply of brush to the South Australian market.

The SPEAKER: The Chair is particularly interested in the reply to this question.

The Hon. D.C. WOTTON: I thank the member for Flinders for her question and I also recognise your interest, Mr Speaker, in this matter. I am pleased that the matter has been raised, because there is quite a bit of interest in this subject in the community. New housing subdivisions and the popularity that seems to surround brush fencing has thrown a level of uncertainty over the continued supply of brush in South Australia. I am informed that there should be an adequate supply of brush for the Adelaide market for at least four years based on current market demand of about 120 000 20 kilogram bundles of brush being used in South Australia each year.

However, a number of issues need to be addressed and it is important that they be addressed as a matter of priority. These include whether the control of broom bush under the Native Vegetation Act is the most appropriate mechanism (and that is one I have a particular interest in); whether there is an opportunity for commercial growing of broom bush in South Australia (and that is a matter I am also particularly interested in and keen to promote); and the effect of brush cutting on flora and fauna.

I have established a working group which represents land holders, fencing companies, brush cutters, wild life management and native vegetation and which is currently developing a framework for long-term sustainability of the brush harvesting industry in this State. This framework will take into account the issues to which I have just referred. I have asked for this framework to be made available as a matter of priority, because we need to get on with this. Recommendations will be made available and I will be making them open to public comment.

I invite the member for Flinders, you, Sir, or any other member in this House who has an interest in this subject to let me know so that they might be involved also in the work that is being carried out by this working group. It is a matter which needs to be sorted out and which needs to be addressed urgently. I would be pleased to involve any member of the House in this issue.

PATHOLOGY SERVICES

Ms STEVENS (Elizabeth): Will the Minister for Health confirm that all faecal fats pathology tests from Modbury Hospital are undertaken for Gribbles at Flinders Medical Centre for the scheduled fee? If so, why is Gribbles not required to undertake such basic tests at Modbury Hospital, and is Gribbles permitted to charge private patients at Modbury more than the scheduled fee for these tests?

The SPEAKER: In calling the Minister, I point out that he was asked more than one question. The Minister for Health.

The Hon. M.H. ARMITAGE: The whole matter of the provision of pathology services in South Australia is and has been for decades—even as long ago as when I was in practice—fluid. By that I mean that a number of services which were referred to a particular pathology group were done elsewhere. That is an agreed position between the pathology providers. Whether it is private, public or anything has nothing to do with Government: it is an agreed position between the providers.

The member for Elizabeth seems to be making some dire prediction out of the fact that tests that are ordered at Modbury are done at Flinders Medical Centre. It appears to be an attempt to impugn Gribbles Pathology—that it is not doing all the services. It is a clear attempt to say that we are reneging on the pathology services. It is obviously an attempt to undermine confidence in the Gribbles Pathology service at Modbury Hospital. Let me inform the member for Elizabeth: under the previous contract, when the Institute of Medical and Veterinary Science provided pathology services at Modbury, 30 per cent of those tests were not done at Modbury—30 per cent of those tests went off site. I suggest it is no change.

HINDMARSH ISLAND BRIDGE

Mr MEIER (Goyder): Does the Leader of the Opposition support the actions of Federal Minister Tickner in the way he has imposed bans on the building of the Hindmarsh Island bridge—

The SPEAKER: Order! The question is out of order. The Leader of the Opposition does not have responsibility in relation to the matter raised by the member for Goyder. Therefore, the question is out of order.

Members interjecting:

The SPEAKER: Order!

FISHING LICENCES

The Hon. FRANK BLEVINS (Giles): Will the Minister for Primary Industries give the House an assurance that the Government will not reduce the number of professional hook licences held, other than on a voluntary basis? The Minister would be aware that there is considerable concern amongst professional hook fishers, particularly on Eyre Peninsula in my electorate, that the Government is about to compulsorily resume their licences.

The Hon. D.S. BAKER: I will need to explain the process that we have gone through. The honourable member, as a previous Minister for Primary Industries, would know the difficulties of administering a resource that is dwindling. Everyone in South Australia admits that many of our fish stocks are at dangerously low levels. There was some concern about the effects of netting on those fish stocks, and some 10 months ago—

An honourable member interjecting:

The Hon. D.S. BAKER: I think it was even there when the honourable member was the Minister for Primary Industries. Ten months ago we instigated a review into net fishing in South Australia, which review consisted of outside commercial line fishers and hook fishers, recreational people, SARFAC, SARAC and those people who are vitally involved in the industry. At the same time we have the Marine Scale

Management Committee looking at marine scale fishing licences generally. The net fishing deliberations were handed to me in December, we put them out for public comment for three months, and some decisions have been made quite recently. However, the Marine Scale Management Committee tells me that there are a lot of marine scale fishers, that is, the hookers, who are part time or are not making a reasonable living—

Members interjecting:

The Hon. D.S. BAKER: And Mark Brindal's going to do something about that. I told the Marine Scale Management Committee, 'You come to me with a plan to help make those people more viable.' I assure the honourable member that there will be no compulsion from this Government and that any changes that occur will come from within the industry itself and will have the support of the managers of that industry. So, it is a furphy that the Government will force marine scale hook licences out of the industry, because we will not do that.

TAFE SERVICES

Mr ROSSI (Lee): My question is directed to the Minister for Employment, Training and Further Education. What changes are taking place to improve the delivery of services within TAFE in the western Adelaide region?

The Hon. R.B. SUCH: I thank the member for Lee for his interest and his strong support for innovative developments on the western side of our city. I announce today that the Croydon campus of the Institute of TAFE will be amalgamated with the Port Adelaide campus and we will be selling the Kilkenny site. The money from that will go towards expanding TAFE facilities, and that will mean a better delivery of programs in the western suburbs and will reinforce our commitment to making sure that the west side of the city gets first rate programs. So, there will be an expansion in programs on the west side.

This move has been welcomed by significant organisations on the western side: WINNER (Western and Inner Northern Network for Economic Recovery); the University of Adelaide's Office of Industry and Liaison; and the President of the Regency Institute. It is another positive move towards ensuring that TAFE in South Australia and, in this case, the west side of Adelaide, delivers the programs needed by industry and individuals in that part of the city. It is part of our ongoing push to make sure that TAFE is at the forefront and that people on the west side have the best possible resources.

TEOH HIGH COURT DECISION

The Hon. S.J. BAKER (Deputy Premier): I table a ministerial statement made by the Attorney-General on the High Court decision in Teoh.

GRIEVANCE DEBATE

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

The Hon. M.D. RANN (Leader of the Opposition): In Parliament today the Premier has refused to say whether or not he supports Australia's becoming a republic by the year 2001. The Premier refused to indicate his support or opposition to a republic, nor could he outline any vision for the future of the Federation as it affects both Australia and our own State. It is extraordinary that we could have a Premier with no opinion on such an issue or who is too nervous to express it. In response to the Prime Minister's address last night, all the Premier could do was find fault but seek no solutions. The Premier's failure to state his position is certainly very strange when you look at his former statements. As recently as last November, his Education Minister (Rob Lucas) said:

> On behalf of the Premier, I want to make his position clear. Whilst he has expressed the view that an Australian republic is inevitable, he has not put a time frame around that statement.

He would not even go that far today. All of us on both sides of the House should support a referendum. We should all believe that the public of Australia and South Australia must decide, but we cannot stand on the sidelines and offer only a 'no comment'. Being a Premier should be about leadership. Being a Leader means stating and being judged on one's opinions, even if at times they are unpopular. Ultimately, the public respects leaders who mean what they say and say what they mean. There are two things I dislike about this Premier, and that is his face. Because today, once again, we have seen him adopt the blancmange position, the *Kama Sutra* position, in terms of the republic.

He will not tell this Parliament or the people of this State whether or not he believes that an Australian should be our head of State or whether he supports a republic or a constitutional monarchy. There are people on both sides of the republican issue who deserve the strongest public respect, but you cannot respect any Leader who refuses to state his own true opinion. I have never had a problem with this: I support a republic and a republic sanctioned by the vote of the people of Australia. And I would like to see an Australian as head of State.

Today I would also like to talk about vandalism. Not one member of the this House can argue that there is any instance in which vandalism, especially of publicly owned assets, can be condoned, and that is why it is nothing short of extraordinary that members opposite have remained silent about the closure of the Old Parliament House Constitutional Museum. This type of vandalism, the closure of a historic cultural museum, is without precedent in South Australia. No other Government has been so reckless. No other Government has closed such an important museum. I was very pleased to see the editorial in the *Advertiser* that stated that the decision is as extraordinary as it is bad.

That editorial was cut out of the newspaper and pinned, along with Letters to the Editor and another cutting about the closure of the museum, onto an A frame which stood outside the museum entrance for about a week—until the Minister for the Arts ordered it to be taken away. The Minister for the Arts, who does not mind committing acts of cultural vandalism, found this form of free speech loathsome, and that is ironic, given that it was outside a museum that houses Speakers' Corner, the sacred ground of free and open comment. The Minister has also refused to give permission for a banner to be hung outside Old Parliament House proclaiming 'We are history: see us while you can.'

Yesterday, we heard from the Minister for Industrial Affairs that it would cost $600 000 to refit this historic

building once it has been gutted of its magnificent exhibition, to accommodate our parliamentary committees. Of course, that does not include the cost of the 'bridge to nowhere'. It is a disgraceful waste of money.

The museum has won national and international attention. A former Prime Minister of Britain, Lord Callaghan, praised the Constitutional Museum when he came here in the early 1980s. At the opening, a former Premier of this State, David Tonkin, was very quick to take credit for Don Dunstan's initiative—it was all his idea at the time; it was a great thing for the future of our State and great for the cultural boulevard of North Terrace. What an extraordinary act of cultural vandalism by a Minister for the Arts with no clout in Cabinet.

Mr BROKENSHIRE (Mawson): That was a waste of five minutes. Where is the Leader of the Opposition when it comes to the Hindmarsh Island bridge affair? The whole matter is falling apart, upsetting many South Australians and causing enormous pain to certain communities in this State, but we have heard nothing from the Leader of the Opposition. Has he contacted his mates in Canberra? Why has he not condemned Mr Tickner like the rest of us have? What has he done about it? Absolutely nothing.

The Leader of the Opposition is not interested in the delicate day-to-day operations of this State or in addressing issues on which he might be able to help us. Never has that been clearer than with the Hindmarsh Island bridge debacle. Where is he now while this matter is being discussed? He is out of the House once again, running around delivering rubbishy little press releases up in the gallery.

Following Mr Keating's refusal of our Premier's request last evening to look into the matter within 48 hours, the people of South Australia and I demand that the Leader of the Opposition show a little leadership for once. I demand that the Leader of the Opposition state his position on the Hindmarsh Island bridge debacle.

I now refer to some more good news for South Australia—something that I did not hear the Leader of the Opposition talking about today. As the Premier said, the only time that the Leader of the Opposition wants to talk about jobs is when we have a month when there might be a slight dip. But there is very good news for South Australia. It has gone against the national trend and recorded another fall in unemployment, with a growth of almost 7 000 new jobs last month.

The Minister for Employment, Training and Further Education said today that, during the year May 1994 to May 1995, we have seen total employment in South Australia grow by about 18 000 jobs, with 60 per cent of those jobs being full time. We are very proud to see that the recent ANZ job advertisement survey showed an increase of 4.4 per cent for May in South Australia, compared with the national rise under the disastrous Federal Labor Government of only 1.2 per cent. But we do not hear anything about that from the other side. They sit there and try to put up smokescreens, just like Keating on the republic. They will not address daily issues such as the importance of the Hindmarsh Island bridge and the way in which that issue is breaking up communities on the Fleurieu Peninsula and throughout South Australia. What is the Leader of the Opposition's stance on those important matters?

It is great also to be able to announce that youth unemployment has dropped by 2.8 per cent. The Liberal Government is very keen to see jobs created for the young people of South Australia, particularly in the southern suburbs where, under Labor, we saw 48 per cent youth unemployment. Although the rate was 40.6 per cent last May, we are well down to about 30 per cent, and the rate is still improving. In three years under Mike Rann and his Cabinet 22 000 jobs were lost in South Australia. In just over one year our Government has created 18 000 new jobs, 60 per cent of them being full-time jobs. I will never let the Opposition forget that they neglected us down south. For 11 years, day in and day out, they neglected the south.

It particularly upsets me today that I have received oral evidence on the telephone—in fact, I have sighted written evidence from a person in the Labor Party in my area of a plot by the South Australian Labor Party to try to undermine and destroy all the good works and the initiatives currently being put forward by our Government for southern areas, and indeed for the whole of South Australia. That is disgusting, and I will continue to remind my electorate that the Opposition is deliberately trying to plot against and destroy all the good work in the south because that Party could not do it. Now that we are doing it, the Opposition is trying to undermine it. Shame on it. It should be condemned. It should start to change direction if it cares at all about the State.

Apart from three members on the other side of the House, members seem to be content to be part of Rann's negative Party. Frankly, they could not give a damn about South Australia. Once again, that was borne out today, when the Leader of the Opposition would not state his case on what he believes should be happening with the Hindmarsh Island bridge. I would like to see some leadership. We have it on this side, but clearly South Australians have no leadership in the Opposition. That is also clearly shown by the lack of attention, attendance and decorum in this House.

Mr FOLEY (Hart): I hope that, in my desperation to become a Minister one day, I do not carry on in the manner of the member for Mawson. I could never see a more obvious case of crawling to a Government than when the member for Mawson rises to his feet. It was an absolutely embarrassing performance. Never mind, I am sure that the Premier will have noted that contribution. I will keep them coming.

Members interjecting:

Mr FOLEY: They call him Ankles, for one obvious reason.

The SPEAKER: Order! The member for Hart is making comments that reflect upon a member. If the member for Hart wishes to refer to another member, he must do so purely by district.

Mr FOLEY: I wish to talk about a very serious matter which affects the electorate of Hart and the Lefevre community, and that is the most unfortunate news today that the Lefevre and Port Adelaide Community Hospital will cease operations shortly—that is, by 30 June. As many members will understand, the Lefevre Community Hospital has been in provisional liquidation for 18 months. It was hoped that the hospital could be sold as a going concern, but the tragic news released today by the official receiver is that the hospital has not attracted a buyer for an ongoing hospital business. In fact, 28 bed licences have been sold for $1.3 million, and the balance of the assets of the property, being the physical assets of the building, will be sold in the near future.

I was with the staff and board members of the hospital this morning. I have served on the board for the past eight years. It was a moving and tragic moment for the hospital, which has operated for more than 40 years in its current form and for much longer under other forms of administration. The

hospital has been an integral part of the Lefevre community. I, my young son and most of the young people of the Lefevre Peninsula were born in that hospital.

I will not necessarily canvass the issues; that has been done in the media. A most tragic set of circumstances saw the hospital put into this position. Unfortunately, the damages that a baby who was born at the hospital suffered through the negligence of a nurse resulted in legal action by the parents against the hospital. An amount was handed down in the courts well in excess of what the hospital was able to cover by way of insurance or any other means or schemes of arrangement.

It was a very distressful time. I pay tribute to the hospital board and in particular the staff and management of the hospital. Colin Rogers, the Chief Executive Officer, and the Director of Nursing, Barbara Tunn, have battled on in some of the most extraordinary difficulties over the past 18 months as the cloud of possible closure hung above the hospital. I thank Barbara and Colin for their work and dedication. Of course, I also thank all the nursing and other staff, including the cooking and maintenance staff—everybody involved. As at the end of the month 60 to 80 jobs will be lost. It is a very tragic time.

The guts and commitment that the staff and management have shown during the past 18 months with the sword of closure hanging above their heads was a tribute to them all. I thank all the board members who gave tens of years of voluntary service. I also thank those people from all walks of life who served on the community hospital board and each year gave hundreds of hours of dedicated time.

Their work will not be forgotten but, unfortunately, it will not continue in terms of that hospital. It is a sad day for Lefevre Peninsula and for the parents of the poor child involved. I feel for them. I do not in any way, shape or form have anything but sympathy for the position in which they have found themselves. I suppose there is only one group about whom I feel somewhat aggrieved, and that is the lawyers involved: as is mostly the case, they are the ones who profit.

Mr VENNING (Custance): I want to bring a serious matter before the Parliament today. I raise the issue of the serious fire that occurred on Tuesday night at the South Australian Cooperative Bulk Handling Limited's Port Adelaide terminal. It appears that the fire began at about 10 o'clock, about half an hour after the last shift left for the day. Fortunately, no SACBH staff were on the site at the time of the fire. The extent of the damage and the cause of the fire are still being investigated by police and, until those investigations have been completed, we will not know how substantial the damage is and what impact it will have on this year's harvest.

Estimates of the damage exceed $15 million, which makes it South Australia's worst fire. According to SACBH it appears that the bulk of the damage has been confined to the elevator towers and the ship weighing areas associated with cell blocks 1 and 2. The only fortunate aspect of this fire is that it occurred at this time of the year, at the commencement of the new season, when the storage levels of grain are reasonably low, with fewer ships being loaded with grain. I have been informed by SACBH that it will do its utmost to have the Port Adelaide facility functioning by harvest time but, if this is not possible, the six other CBH terminals will be used to store the grain. These terminal facilities are located at Port Lincoln, Wallaroo, Port Giles, Ardrossan, Thevenard and Port Pirie.

Structures like this cannot be built in six months, so no doubt ingenuity and initiative will be necessary to get the complex open, if only at a limited level. According to SACBH overall storage levels at these facilities, from which the grain will be exported, are down to about one-third of what would normally be expected from an average harvest. Luckily, SACBH has an excellent record because grain dust is extremely flammable and combusts easily. SACBH has been operating for 40 years and has never had a disaster like this. Back in the 1960s SACBH sent my father to Canada and America to study the effect of fire on bulk handling facilities because, as members would know, there had been serious fires in two silo complexes over there, one of which, I think, was in Chicago. We learnt much from that exercise, and the dust extraction units fitted to all SACBH silos have been world class.

It is sad in this instance that something went wrong in an area past the extraction units. I understand the fire was caused on the belts where the dust accumulates and the extraction units are not fitted. I believe that grain will have to be moved to Wallaroo because we cannot utilise Port Lincoln, without using boats, and much will have to go south down to Portland. Thank goodness we still have the railways. The question is whether the rail link between Snowtown and Wallaroo should be opened so that grain can be trucked from this region in the south through to Wallaroo. That link is needed to get to the Wallaroo silo. It is fortunate for SACBH that the Port Adelaide shipping terminal was insured, and currently SACBH has called in its engineers and insurance people to assess the damage and the impact on the operations of the terminal. I take this opportunity to pledge my support to SACBH, which I have advised I will assist in any way I can and keep the Government informed of the situation.

I want now to take the opportunity briefly to congratulate two of my colleagues on their long service to this House of the South Australian Parliament. I refer to Mr Heini Becker, formerly the member for Hanson and now the member for Peake, and Graham Gunn, the member for Eyre, who together have given this Parliament 50 years—25 years each—service. Mr Becker has represented Hanson and Peake. He held Hanson against all the odds, as the Opposition would know, and he and his wife Marlene have given electors excellent service. They have given complete electoral service, as well as a personal service which has always involved a return telephone call. Heini has been a great supporter of mine and of all his colleagues.

Mr Gunn came here as a 27-year-old farmer who lost his father as a young man. It was difficult for him to represent his people in this place, particularly as a farmer and because of the location of his district, with the distance, size and travelling time involved, which worked against him. Graham's brother looked after his farm for him and now his sons are doing that. Graham has given his electorate excellent service, particularly the rural community in South Australia. He has given it strong and effective service. These two members of the House have dedicated most of their working lives to this Parliament, and I believe this State is very grateful for that.

The DEPUTY SPEAKER: I thank the member for Custance for those remarks. The honourable member's time has expired.

Ms STEVENS (Elizabeth): Today I wish to speak about two programs that are the casualties of budget reductions in the Family and Community Services operating budget. We have heard much about the fact that nothing much has happened in FACS, but I assure the House that there have been severe results stemming from the cuts to the operational budget.

The first program to receive the chop is Care Link, which is situated in Devon Park in the electorate of Napier. It is a joint program involving Child Adolescent and Family Health Services, the Children's Services Office and the Department of Family and Community Services. A program designed to support parents and children in the Elizabeth and Munno Para community, it has been operating for four years and, as I have said, it works with families and children who are at severe risk in our community. The program involves a multi-disciplinary team comprising social workers, nurses and family support workers.

This free program provides family support, therapy, counselling, household budgeting advice and information and assistance on parenting and health issues. It provides a safe place for people to talk about their feelings, a place where children feel good about themselves, a place where the damage that has been done in families has been able to be addressed and healed. However, that program has been cut. FACS made a decision because it had a debt reduction target to meet. It had to cut programs or regional officers, and so this program has gone. Again, we see the cutting of a long-term intense therapeutic service that actually got results.

Members might ask whether they have heard this before. Yes, we have heard it before because the Willows program, cut by the Health Minister, was another such program. It was a long-term intensive program that actually got results and did the preventative work. It was a program that headed off problems before they became really severe. Of course, that is not what this Government is really interested in. It wants the quick fix. It is looking for ways to cut, and so it chops off those programs.

The other program was referred to earlier in the House: Debt Line is a telephone counselling service for people with financial problems. Members may need to realise that following the introduction of poker machines there has been an enormous increase, particularly in the northern and southern suburbs, in the number of people with gambling-related financial problems. The Government rakes off $1.5 million a week from poker machines, yet it has cut the Debt Line service, which deals with the casualties of that great influx of money.

Is that a moral action on the part of this Government? I say that it is not. Again, the people in our community who are bearing the brunt of this debt reduction strategy are the least able to cope. I ask the Minister for Family and Community Services and the Minister for Health: at whose feet do we lay the victims of these decisions? I say that they should be laid at the feet of the Minister for Health in terms of the Willows program, and other programs like that in mental health; and at the feet of the Minister for Family and Community Services when he cuts off programs in our community to help those families most at risk. Was a family impact statement done on the closures of Debt Line and Care Link? I wonder whether the Ministers concerned asked for a family impact statement.

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

Mr BECKER (Peake): This afternoon, the member for Mawson touched on a very important topic when he said that action was being taken to undermine or sabotage the work of the Government in the southern suburbs. That action is being taken not only in the southern suburbs but right throughout the whole of the State, and more so in the metropolitan area—in the core regions which contain supposedly marginal electorates. The Opposition does not have the numbers, the ability, the strength or the political understanding to realise that it is indulging in the most disgusting and disgraceful politics I have ever witnessed in this State in 25 years.

The Hon. R.B. Such: A mob of knockers.

Mr BECKER: As the Minister says, 'A mob of knockers.' But it is more than that. When we were in office from 1979 to 1982 there was a similar pattern, but it was not nearly as vindictive and harsh as we are experiencing at the moment. That does not worry me, nor should it worry any of my colleagues, because obviously what we are doing is correct. We are correcting the ridiculous situation that occurred during the Dunstan era. We used to call him 'Dapper'. He could not stand to be upstaged. When I wore a pair of shorts in here he had to come in the next day wearing pink shorts, and so we gave him the name 'Dapper'.

Dapper is obviously having difficulties with his ego, because he is trying to take on the role of the Brown Government's critic. When Dunstan was asked some years ago who in the Opposition would be most likely to succeed and who in the Opposition would be the most demanding and probably the most successful potential Leader and/or Premier, Dunstan named Dean Brown. He had a lot of regard and respect for Dean Brown, so when Dunstan criticises our Premier I take it with a grain of salt.

This is very interesting. We are in the grievance debate of the budget session of Parliament and not one member of the Opposition is present. That shows the lack of respect it has for parliamentary tradition; and it shows the lack of interest it has in the parliamentary system—yet we see the Leader of the Opposition jumping up and down and worrying about a republic. He is more concerned about whether we should support a republic or a constitutional monarchy. I have news for the Leader: I support a constitutional monarchy, and I am proud of it. If there has to be a revolution to support the constitutional monarchy, I will be in the front line. I do not care, because to divert the people's attention at the present moment from the real problems of this country is nothing but a disgrace.

This afternoon the Minister for Employment, Training and Further Education announced a wonderful reduction in unemployment in South Australia. He announced not nearly as many positions as I would like to see, but I acknowledge that the Minister has worked very hard in his department and with the organisations he represents to reduce youth unemployment. Youth unemployment in my electorate of Peake, around the Thebarton, Torrensville, Flinders Park and Hindmarsh areas, was extremely high—in fact, one of the highest in the metropolitan area. I give full credit to the Minister for getting in there and tackling that job, reducing the numbers and creating an incentive for young people to improve their skills and prepare them for long-term employment.

We have a long way to go, and we will not succeed if we are constantly sabotaged and shot at by a few of the Opposition supporters through their various unions. Again, in this week's *Weekly Times* (the local Messenger newspaper), the representative of the Nurses Federation criticises the State

Government for what it is doing at the Queen Elizabeth Hospital.

The Hon. R.B. Such interjecting:

Mr BECKER: No, the spokesman is Rob Bonner. I do not know who he is, but he is obviously a bit of a clown—another one of the Opposition's hidden little cowards. I have nothing but the highest respect for the staff of the Queen Elizabeth Hospital and what they have done. They have reduced the numbers considerably; they have reduced a few beds, about 20 in the past 12 months, but, in the previous 10 years, long before we got into Government, the Labor Party reduced the beds at the Queen Elizabeth Hospital by 260. We never heard one word from the Nurses Federation; we never heard a thing anywhere.

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

Mr BASS: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

CRIMINAL LAW (UNDERCOVER OPERATIONS) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

Earlier this year, the High Court decided an appeal in the case of *Ridgeway* in favour of the accused. In brief, Ridgeway had served time in prison with a man named Lee. Lee was released and deported to Malaysia. Unknown to Ridgeway, Lee then became a registered informer for the Malaysian police. When Ridgeway was released, he arranged with Lee for the importation of heroin into Australia for commercial gain. Lee informed the Malaysian police who then contacted Australian Federal Police. The relevant authorities arranged for the 'controlled' importation of the heroin into Australia and its delivery to Ridgeway, who was then arrested and charged with possession of prohibited imports which had been illegally imported.

In general terms, the High Court held that the police had committed the serious crime of importing the heroin into Australia and that their criminal behaviour so tainted the evidence of the commission of the crime that all of that evidence would be excluded. There being no admissible evidence against Ridgeway left, the prosecution was stayed as being legally impossible to continue.

On 30 May, 1995, in a trial in the District Court for the sale of heroin, Bishop J has held that the principle in Ridgeway applies to the trial and has excluded all of the evidence. Inevitably, that will mean that the prosecution will fail. This case concerned what is known as 'controlled buying'. In general terms, when police are given information that a person is selling drugs, they pretend to be a buyer and determine whether the person will sell drugs to them. If so, they may make a number of 'buys' with a view to identifying the seller's source of supply. That was the method used in this case. Bishop J, applying *Ridgeway*, has held that the purchasing police officers have committed the crime of procuring or aiding the sale, and that therefore the evidence is tainted and should not be admitted.

It is arguable that this is not a correct application of the principles in *Ridgeway*. But, even if that be so, the doubts about this area of law require clarification. It is intolerable that a principal method by which police obtain evidence against drug sellers should be left in doubt, particularly because it is otherwise very difficult to obtain sufficient evidence in other ways. Obviously, the matter is urgent.

The Government has decided upon a two part response. The DPP will have the ruling reviewed. That may be by way of judicial review or it may be by way of case stated. Either way, no resolution of the issues could be expected for several months. In the meantime, out of an abundance of caution, the Government has decided upon an immediate legislative response which can be reviewed and, if necessary, refined at a later date once the situation has been preserved.

The High Court itself contemplated that legislation was necessary. Mason CJ, Deane and Dawson JJ said:

'. . . the fact that deceit and infiltration are of particular importance to the effective investigation and punishment of trafficking in illegal drugs such as heroin, it is arguable that a strict observance of the criminal law by those entrusted with its enforcement undesirably hinders law enforcement. Such an argument must, however, be addressed to the Legislature and not to the courts. If it be desired that those responsible for the investigation of crime should be freed from the restraints of some provisions of the criminal law, a legislative regime should be introduced exempting them from those requirements.'.

Brennan J also made a similar statement.

A legislative response is not unprecedented. The Victorian *Drugs, Poisons and Controlled Substances Act* says:

> 'No member of the police force or person if the member or person is acting under instructions given in writing in relation to a particular case by a member of the police force not below the rank of senior sergeant shall be deemed to be an offender or accomplice in the commission of an offence against this Act although that first-mentioned member or person might but for this section have been deemed to be such an offender or accomplice.'.

This provision is limited to drug offences. However the *Ridgeway* ruling may appear in the context of the policing of other consensual crimes such as gambling, corruption, prostitution and so on.

The law of entrapment prior to *Ridgeway* contained a distinction which the Government thinks represents a defensible position. In essence, the law has tended to say that it is legitimate for police to present an opportunity for an intending criminal to commit an offence, but that it is not legitimate for the police to encourage or induce the commission of an offence which would not otherwise have been committed or would not have likely been committed. In short, the distinction involved is one between the unwary innocent and the unwary—or wary—criminal. Police would receive an exemption from criminal responsibility if the conduct was legitimate, but not if it was not legitimate.

This distinction has the advantage that it is general in its coverage to all offences, it enacts a test familiar to the courts and concerning which there is existing case law and the general principle involved is more likely to be understood—and approved—by the general public.

There is, however, a further complicating factor. There are strong arguments to be made that the legislation should also be retrospective. The Government has accepted those arguments. Police have been using 'controlled buys' operationally for many years in the reasonable and legitimate belief that this course of action is perfectly legal. Police have established general policies and procedures governing the appropriate employment of 'controlled buys'. Between 1 June, 1992 and 1 May, 1995, there had been 88 'controlled buys', resulting in 110 apprehensions and 52 prosecutions. Confiscations and restraining orders resulting from these cases total $340 000. The DPP has 10 such cases pending currently. The Government does not propose, for obvious reasons, to comment on whether there are current investigations and, if so, how many there might be. The decision of the High Court in Ridgeway operates retrospectively, because the court purports to declare the law as it has always been. It follows that all of these past and current prosecutions are now at risk.

If the validating legislation is to be retrospective, then it should reflect the past police practice. It therefore follows that the legislation should take the form of the Victorian model, but detailed to proper, reasonable and appropriate police practice. The Bill aims to do precisely that. As it turns out, police instructions on 'controlled buys' include the instruction that the operation must be aimed at the intending criminal and not an enticement of the unwary innocent, and so the familiar distinction detailed above has been included in the Bill.

As a general rule, retrospective legislation, particularly in the area of the criminal law, should be avoided. It is contrary to the rule of law to alter the criminal liability of individuals after they have committed the conduct which is the subject of the legislation. The

retrospective operation proposed for this statute is however justified because,

(a) the Bill is drafted in such a way as to incorporate reasonable and defensible past police procedures which were genuinely and reasonably thought to be the law at the time; and

(b) therefore the Bill does not, in its retrospectivity, defeat the legitimate expectations of any person who was caught by the 'controlled buy' technique.

This Bill is necessary and urgent. Proper and reasonable police investigations into drug trafficking should not be brought to a halt.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Interpretation

Clause 3: Approval of undercover operations

Undercover operations (which may include conduct that is apart from the Bill illegal) of which the intended purpose is to provide persons engaging or about to engage in serious criminal behaviour an opportunity to manifest that behaviour or to provide other evidence of that behaviour may be approved by a police officer of or above the rank of Superintendent (a senior police officer) for the purpose of gathering evidence of behaviour involving the commission of an indictable offence, an offence against the *Controlled Substances Act 1984* or certain other listed offences (serious criminal behaviour).

Before giving approval, the officer is required—

- to suspect, on reasonable grounds, that persons (whose identity may—but need not—be known to the officer) are engaging or about to engage in serious criminal behaviour of the kind to which the proposed operations relate; and
- to be satisfied on reasonable grounds—
- that the ambit of the proposed operations is not more extensive than could reasonably be justified in view of the nature and extent of the suspected serious criminal behaviour; and
- that the means are proportionate to the end (*ie* that the operations are justified by the social harm of the serious criminal behaviour against which they are directed); and
- that the operations are properly designed to provide persons engaging or about to engage in serious criminal behaviour an opportunity to manifest that behaviour or to provide other evidence of that behaviour, without undue risk that persons without a predisposition to serious criminal behaviour will be encouraged into serious criminal behaviour that they would otherwise have avoided.

The officer is also required to consider whether a similar approval has previously been refused and, if so, the reasons for the refusal.

An approval must specify who is authorised to take part in the operations (authorised participants) and how they may take part.

An approval operates for a period specified in the approval, not exceeding 3 months, but may be renewed from time to time for a further period not exceeding 3 months.

A copy of each approval or renewal of approval must be given to the Attorney-General.

Clause 4: Legal immunity of persons taking part in approved undercover operations

No criminal liability is incurred by authorised participants.

Clause 5: Report on approvals

The Attorney-General is required to table an annual report in Parliament specifying the classes of offence for which approvals were given or renewed in the last financial year and the number of approvals given or renewed during that period for offences of each class.

Clause 6: Regulations

Mr QUIRKE secured the adjournment of the debate.

STAMP DUTIES (MARKETABLE SECURITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 2491.)

Mr QUIRKE (Playford): It will not be necessary to take up too much time in this debate this afternoon. In essence, the Opposition supports this move in relation to the stamp duty payable on stock market transactions in South Australia, and we welcome the fact that stamp duty will be reduced to approximately half the current rate. One could even suggest to the Government that if it looked closely at stamp duties in other areas it may generate a far greater number of transactions than is currently the case. For instance (and I do not have the exact figures in front of me), stamp duty of about $4 000 or $5 000 is payable on the price of an average house—a very substantial amount of the mortgage that the person needs to raise to pay for their house.

I hope that in future the States get together and do things a bit differently from the way this was done and that we see a reduction in the total amount of stamp duty payable on some transactions. Here in South Australia we may have some exposure to this, but the exposure in other States, particularly New South Wales and Victoria, is 40 to 50 times that of South Australia. All the same, the Opposition supports the legislation and understands the reasons for it.

The Hon. FRANK BLEVINS (Giles): I support this Bill, although I think it is a great pity that it is before the Parliament. I understand the pressures placed on the Government to bring in such a measure. For the Queensland Government to fall for the trick of the Australian Stock Exchange and listen to its blandishments is pretty appalling. The States have a narrow enough revenue base without Queensland, which has been a mendicant State for years, undermining another revenue area. I now know that there was no way that the Treasurer and the Government could have avoided the action they are taking, but I state again that the need for this measure to be introduced in this manner is to the detriment of the people of Australia.

If the Australian Stock Exchange thought it had a claim for a lower rate of stamp duty, that is fine: it should have put its case to the Government and stood in the queue when governments allocated priorities for changes to taxation. However, instead of doing that, it hawked this proposition around. In fact, it hawked it around to the previous Government, but it got absolutely no change out of that Government whatsoever.

It is unfortunate that the revenue base of this State has been decreased and narrowed because of the quite bizarre performance of the Queensland Government when, particularly in New South Wales and Victoria, this will cost hundreds of millions of dollars which could be going to more beneficial programs than subsidising stamp duty on share transactions. I am extremely cross with the Queensland Government. It will not give two hoots about that, but I want to put on the record that I am supporting the Bill only because the Government has no option. I know the Treasurer regrets having to bring the measure to the Parliament, as I regret having to vote for it.

The Hon. S.J. BAKER (Treasurer): I thank the members for Playford and Giles. The member for Giles is rightfully angry, and I am very angry, because I know the member for Giles as the former Treasurer and every other State Government worked towards making the Australian Stock Exchange the most efficient and effective in the world. We have bent over backwards to make it competitive, to give it the latest technology—the CHESS scheme was before this Parliament recently—so it can be up with the best in the world, and this is the way we are repaid. I feel very angry about it. If the Commonwealth felt that there was a shift of investment capital offshore, it was up to the Federal Government to take the initiative and reimburse the States, but it is totally incomprehensible that Queensland could be

quite as dumb as it has been and cause such difficulty to the States, including South Australia. We lose not only direct stamp duty moneys but also Commonwealth Grants Commission moneys.

The Hon. Frank Blevins interjecting:

The Hon. S.J. BAKER: We want retribution. I can indeed relate very well to the former Treasurer on this issue; he wants retribution.

Members interjecting:

The Hon. S.J. BAKER: I will not comment: it might get back to Mr De Lacy. I even contemplated leaving it at .6 per cent. I then asked all the stockbrokers to give me some information about the level of investment in shares undertaken by the various clientele in Adelaide. I did contemplate that, because I am not a person who bows to pressure, as most people would clearly understand. The figures that came back quite clearly showed that, if I had left the level at .6 per cent, the result would have been even worse, because more than 50 per cent of the funds here in Adelaide are invested by institutions that would no longer have bothered to do so in Adelaide. Initially I thought that, if 90 per cent of the market comprised mums and dads, they would not make the effort to shift their investments off to Queensland simply to save .3 per cent. However, the market research showed that, if we had not loaded it at .3 per cent, the loss of revenue would have been even greater and we would not have had any stockbroking fraternity here in Adelaide.

I did this work calmly, although I was angry at the time. We did some homework and did not get pushed or pulled, but inevitably we were left with the fact that we had to be equal to the other States. I did not contemplate taking it down to zero in any shape or form, having taken a big hit on the budget and then having the other issues of the Commonwealth Grants Commission and horizontal fiscal equalisation visiting my door if I should go the extra step. I said, 'Hands off; we will just fall in line, accept the losses but work out how we get some retribution later.'

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

CRIMINAL LAW (UNDERCOVER OPERATIONS) BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2644.)

Mr ATKINSON (Spence): This Bill is about the admissibility of evidence in criminal trials. The High Court in the recent Ridgeway case and Judge Bishop in the District Court excluded police evidence because it was obtained by illegal police conduct. In the Ridgeway case the police imported and sold heroin to the accused. In Judge Bishop's case—I call it that because the names of the two accused are suppressed—the police bought heroin from the two accused in what is known by the South Australian Police as a controlled buy.

Police conduct of the kind deplored by Judge Bishop is called entrapment, controlled buys or undercover operations; hence, the name of the Bill. This conduct has been followed by police for decades to gather evidence for suspected breaches of the drugs, fisheries, native fauna, and gaming and racing laws and in investigations of police corruption. Entrapment is necessary for crimes in which the parties are acting consensually and privately. Some of the most effective entrapment in the past 12 months has been the enforcement by the South Australian police of the law against receiving and handling stolen goods.

Police instructions on entrapment before Ridgeway were that it was legitimate for the police to present an opportunity for an intending criminal to commit an offence but that it was not legitimate for the police to encourage or induce the commission of an offence of a kind the suspect would not otherwise have committed or have been likely to commit. The distinction was between the unwary innocent and the unwary or wary criminal. The Opposition supports making that instruction law. We support the Bill.

The Australian Democrats in another place have opposed this Bill. We know that the Leader of the Australian Democrats, Hon. Mike Elliott, supports the legalisation of most, if not all, drugs, and in debates on the criminal justice system he and his Party analyse the law from the perspective of the criminal rather than the public.

For instance, the Australian Democrats recently called for my constituent, Mr Albert Geisler, to be charged with murder. Mr Geisler, a man in his 80s, lived alone in Drayton Street, Bowden. Mr Geisler is deaf, and his home had been burgled many times. In his youth he was a champion skeet shooter, and he owns a licensed firearm. One night this year a convicted criminal jemmied Mr Geisler's front window and entered his home. The burglar did not leave when he became aware of Mr Geisler's presence. Mr Geisler fired once and killed the burglar. The Director of Public Prosecutions applied South Australia's law of self-defence and did not charge Mr Geisler. I agree with that decision; the Hon. Mike Elliott does not. He wants the Government to overturn the decision of the independent DPP and have Mr Geisler charged.

The Hon. Mike Elliott sees the Ridgeway decision as an opportunity to cripple police investigations into drug trafficking. It is one thing to oppose the current criminal law on drugs. I understand that many members of Parliament believe that trafficking in most, if not all drugs, ought to be legalised. That is a legitimate point of view for someone to take, and it is a position that the Hon. Mike Elliott takes. What I find objectionable is the Australian Democrats opposing this Bill for the purpose of crippling investigations into drugs so that they can achieve the legalisation of drugs by the back door.

I am astonished by the Hon. Mike Elliott's characterisation of this Bill as sweeping away centuries of informed debate on entrapment. I deplore his characterisation of the Government and South Australian police as having a 007 mentality and trying to set up a police state by introducing this Bill. I disagree with the Hon. Mike Elliott and the Democrats on this occasion.

The DEPUTY SPEAKER: Order! I must ask the honourable member not to refer directly to debate in another place. The press is one thing, but debate is another. The honourable member has not stated the source of his comments. Therefore, the Chair is unable to rule precisely. I simply issue the caution.

Mr ATKINSON: Thank you for that caution, Sir. Having dealt with the reason why the Liberal and Labor Parties find themselves of one mind on this Bill and the Australian Democrats find themselves against it, I want to proceed to some of the other reasons why the Parliamentary Labor Party is supporting the Bill.

We are informed by the Attorney-General that 10 drug prosecutions before the South Australian courts rely on police evidence obtained by police entrapment. If Ridgeway were

the relevant law, the South Australian courts might have to declare that evidence as being illegally obtained, withdraw its admissibility and acquit the defendants in those cases. We are told that another four investigations currently being conducted by the police rely on controlled buys and, if this Bill is not passed this week, those investigations will have to be postponed indefinitely.

Moreover, we are informed that 52 prosecutions have resulted from controlled buys in the past three years and many of those imprisoned as a result of evidence obtained by entrapment would be able to appeal their convictions out of time or perhaps seek *habeas corpus* if the Bill was not passed this week. It is possible, though not probable, that some of those prisoners could complete the process and be free by the time the Bill was passed after the Estimates Committees. That is why the Parliamentary Labor Party is agreeing to the Bill with only a week's debate in Parliament. Normally a Bill such as this would be moved by the Attorney-General and then lie on the table so that members of Parliament could consult interested parties before the second reading debate. That is what the Parliamentary Labor Party would have been doing if it were not for the urgency of the measure.

The Bill has retrospective effect. That means that a police entrapment which occurred before the passage of this Bill will be legitimised by its passage. Normally it would be undesirable to make criminal conduct that was not criminal before the passage of a Bill. Obviously, the criminal law is a most undesirable area of the law in which to have retrospectivity. Nevertheless, police practices on entrapment, which I outlined earlier, were commonly thought to be legitimate. No-one had a legitimate expectation that the Ridgeway law was the law at the time of the relevant conduct, and, therefore, I do not think that anyone has had their legitimate expectations undermined by the retrospective operation of the Bill.

Getting down to some of the detail of the Bill, it will apply to indictable offences and to a list of specified offences. I think it is very important that this Bill should apply to the receiving and handling of stolen goods. That is not by itself an indictable offence, so these matters are specified in the Bill.

Entrapment by the police will now have to be authorised by an appropriate authority. Although I think the Government originally intended this to be someone of the rank of inspector or above, it is now to be of the rank of superintendent or above, which the Parliamentary Labor Party supports. Entrapment may now be commenced only on a reasonable suspicion, and the superintendent to whom the application is made by police must be told if a previous application has been made in respect of the same suspect or operation. This is a safeguard against police officers doing the rounds of superintendents, trying to find one who will agree to a proposed entrapment that has been turned down by another officer. What we do not want is police using entrapment as a method of harassment, so this clause is desirable.

When an entrapment operation is approved by the police, it must be reported to the Attorney-General, who must in turn report annually to Parliament on the number of entrapment operations. The Opposition has insisted on an amendment that would require the total number of entrapment operations to be broken down by offence category so that we know what types of criminal offences entrapment is being used for.

In summary, the Opposition supports the Bill. We regret it has been necessary to pass it with such haste and retrospectively, but that is necessary for the reasons I have given. The Ridgeway case and the decision of Judge Bishop are a blessing in a way in that they have required Parliament to consider the law of entrapment. We have not had occasion to consider it before and it has relied on police practices. Now, because of Ridgeway and Judge Bishop's decision, entrapment comes before Parliament and we can consider it and codify the law applying to it. So, I think that is a good thing.

I understand that the Government intends to take a case stated from Judge Bishop's decision to the Supreme Court—the accused in that case having been acquitted—so that our superior court judges will have an opportunity to clarify the law on entrapment. It may be that the Government will come back to the Parliament after the outcome of that case stated and move amendments to this Bill. The case stated will take, I think, about three months, and it is undesirable that police operations be undermined in that three months by the uncertainty created by the Ridgeway case and Judge Bishop's decision. We support the Bill.

Mr BASS (Florey): I support this Bill. I congratulate the Opposition, both in the other place and here, for coming together with the Government to ensure that this Bill becomes law very quickly. I suppose I have the claim that I am the only one who can actually say I have been involved in undercover operations. Although I am now 50 and overweight, not 20 years ago I was a fit young man with a long beard and flowing locks and took the part of a bikie—

Mr Quirke: Was that only 20 years ago?

Mr BASS: It was 22 actually. I know that when undercover operations are shown on television—

Mr Atkinson: You were allowed flowing locks in the police?

Mr BASS: Yes, I was one of the first police officers to grow a beard in my position on the bikie squad.

Members interjecting:

Mr BASS: Yes, I could be heritage listed. On television, these undercover operations are very exciting and very colourful, and the good guy always winds up the hero. Let me tell members that undercover operations are probably exciting but they are very dangerous. I can allude to a couple in which I was involved, since they happened over 20 years ago.

The undercover operation at the Arkaba Hotel in 1979 involved a police officer acting as an interstate courier to buy heroin from a well-known dealer. That police officer was in a motel room on his own waiting for a dealer to arrive and supply five ounces of heroin. Four other police officers (and I was included) were in the adjoining room, waiting for this lone person to arrive, we hoped, with five ounces of heroin. As he walked out with the money, we were going to say, 'Surprise; gotcha!' In this case, three people turned up, walked to the door of the motel room, pulled on masks, withdrew a sawn-off shotgun from under one of their coats, and knocked on the door.

The outside was under observation and we were quickly told that things next door were not all as they should be. By the time we ran from our room and reached the next room, the three offenders had entered, with a loaded double barrel shotgun, and had the undercover police officer at their mercy. This would have been bad enough, but Adelaide being what it is, one of those offenders had only some six weeks previously been arrested by the very same police officer who was acting under cover. So the undercover operation as we ran it was dangerous but, because things happened beyond our control, the police officer's life was at risk. I do not need to go into what happened. As a result of that, the police

officer was saved. There was shooting, and one drug dealer was dead.

An honourable member interjecting:

Mr BASS: It was; he never committed another offence. The case went on for approximately three years, and I know that some of those police officers involved were affected emotionally; it really did affect their career in the Police Force. I make no criticism of them, because I would not have wanted to be in the motel room on my own. I suppose I am a bit of a coward: I wanted to be with the guns and the other three police officers. It just goes to show how easily an undercover operation can go wrong.

Some years later I was involved in an operation in the northern suburbs. Again, all the plans that you make when you are working in an undercover operation are applicable only if the offenders play ball. If they do exactly what you think they will do, you have back-up, you are not left on your own, and you can always rely on your fellow officers if you get into an awkward situation.

As I recall, on this night my offsider wound up 10 kilometres away lying in the back of a panel van whilst one of the informers was speaking to another drug dealer, and my partner was watching the $15 000 cash that the department had lent us to conduct this operation. I was parked under a bush in the front of the house where the deal was being conducted, and the back-up team was 40 metres away sitting in an undercover police car, waiting to be told to attend the scene as the drug deal was made. The only problem was that my partner, who was in the van some 10 kilometres away, had the radio.

So, there I was under the bush with no way of contacting my backup team. The long and short of it was that the deal went down, shots were fired, and luckily enough no-one was hurt. The end result was that a large amount of marijuana was taken off the street and a successful prosecution ensued. Again, I was on my own in a situation where there were dope, dealers and people committing the offence. This can easily happen with undercover operations. We used to do those simply to rid South Australia of drug offenders.

The member for Spence mentioned the word 'entrapment': I do not believe that what the police do in this situation is entrapment. The police receive information that a person is committing a drug offence and then follow that up and make inquiries (as we did when I was in the drug squad). I can never recall an undercover operation being undertaken on Mr Joe Average in the street for no reason at all; we did not pick out, say, Mr Smith from Wilson Street, XYZ, get him involved in drugs and try to pinch him.

Mr Quirke interjecting:

Mr BASS: They do. The police here—and they have always done this from the time when I was a police officer and a long time before that—get information that a person is a drug dealer or is committing a serious criminal offence; they then slip in under his guard, pose as a buyer and get involved with the offences being committed. They do not lead the person concerned into doing something he or she is not already doing: it is always the case that that person is there committing the offence. By going undercover we get a lot more evidence to ensure that when the people in question get to court they will be found guilty and put away (being put away for a long time I think is appropriate for most drug dealers).

I understand that 10 prosecutions are waiting to go to court or are in jeopardy if this Bill does not pass. But of even more concern is that there are over 100 offenders in South Australian gaols at present who have been caught and brought to book by undercover police operations, and if this Bill is not passed there will be litigation throughout South Australia as those 100 or more offenders try to get their convictions overturned. I have discussed the Bill with senior police officers, and they are very comfortable with all aspects of the measure.

The senior police officer who has to make the decision to conduct an undercover operation has to be above the rank of superintendent. That probably leaves only something like 20 police officers who can authorise this sort of operation. The legal immunity for police taking part is there. What is more important, and most appropriate, is the report on approvals. After an operation is approved and takes place, the Attorney-General is notified and the report comes to this Parliament so that we, the people who make the laws, can see what has gone on, and I think that is very appropriate.

There has been much in the newspapers of late about corruption in other States. Wherever you get an undercover operation there is always the chance that corruption may be involved. When you are in this sort of industry there are always large amounts of cash. When I was a young man I always dreamed of seeing a briefcase opened up full of money. I had that experience in the last task I was ever involved in as a police officer where we opened a briefcase case that was full of money from side to side.

Mr Quirke: Was his name Tim?

Mr BASS: No, it was not. It is an amazing scene when you see this. So, corruption is there. I agree with the Commissioner of Police (and I might say that the Commissioner of Police and I do not often agree) that the South Australian Police Department is totally free of any institutionalised corruption. There will always be the police officer who goes to a break-in, sees a chocolate bar and thinks that because he has to wait an hour he will pick it up. All right, that is stealing; but you can never say that no-one will ever do that. You can never say that a policeman will not yield to temptation and take a small bribe: in a Police Force of 3 700 it is very hard to say that it will never ever happen.

In regard to institutionalised corruption in the South Australian Police Force I can confidently say that there is none, and I think that speaks volumes for the Police Force. I thank members opposite and the Opposition in the Upper House for supporting this important Bill. I will not say anything about the Democrats or I will have you, Mr Deputy Speaker, on my back. I think the member for Spence has said sufficient to get the message across. I support the Bill. I hope that it will continue to allow our Police Force to rid this State of serious offenders, especially in the drug industry. I support the second reading.

Mr CUMMINS (Norwood): I support this amendment to the Act. Perhaps before dealing with the provisions of the Bill I will deal with some of the history of the Ridgeway case. It is important that members be aware of the factual situation in this case. I read from the High Court transcript at page 518 which states:

> The appellant [Ridgeway] and Kim Chaun Lee were imprisoned together in South Australia during 1985-87. The appellant was serving a long sentence for offences involving the drug cannabis. Lee had been imprisoned for importing heroin into Australia. He was released from prison in August 1987 and deported to Malaysia. The appellant was released from prison in February 1989. In September and October of 1989 he travelled to Singapore under a false name and in breach of his parole conditions. In Singapore, he met Lee and solicited him to import heroin into Australia. Unbeknown to the

appellant, Lee had become an informer for the Royal Malaysian Police Force.

The officer who 'ran' Lee was Thian Soo Chong, an Assistant Superintendent of Police. Lee kept Superintendent Chong informed of his dealings with the appellant. In turn, Superintendent Chong alerted Superintendent Butler, an Australian Federal police officer stationed in Kuala Lumpur, as to the plans of the appellant. With the knowledge, if not the encouragement, of the Australian Federal Police, Superintendent Chong and Lee purchased heroin in North Malaysia for about $4 000 on 18 December 1989 for the purpose of delivering to the appellant in Australia.

The DEPUTY SPEAKER: I ask the member for Norwood whether this is not a matter that is subject to a *sub judice* ruling. Is it currently before the court?

Mr CUMMINS: No, this is a judgment that has been dealt with in the High Court. You cannot go any higher than the High Court.

The DEPUTY SPEAKER: I did not hear the honourable member's initial remarks.

Mr CUMMINS: The Ridgeway case was dealt with in the High Court and was a case that Judge Bishop purported to follow in a criminal court sitting of the District Court of South Australia. Amongst other things, in its decision the High Court confirmed that there was no substantive defence of entrapment; that merely offering the opportunity to facilitate the commission of an offence was not entrapment. It also held that entrapment occurs when criminal conduct is a product of the activity of law enforcement officers. Evidence can also be excluded from the court's decision in the exercise of the court's discretion if it was obtained illegally. In this case it was argued that the evidence procured was by the illegal conduct of police.

It may amaze the House, in view of the circumstances of this case, namely, the soliciting by Ridgeway overseas in trying to get Lee to import heroin into Australia, that the High Court exercised the discretion in the way it did. The High Court, in fact, held that the trial judge should have rejected relevant evidence on public policy grounds, as evidence of the offence the commission of which had been brought about by conduct that was illegal on the part of law enforcement officers.

My view is that that is a pretty amazing decision, although I suspect that many lawyers would disagree with me. Mason, Deane and Dawson JJ, and Brennan J in a separate judgment, stated that the question of amending the law was a matter for the Legislature. The thrust of their judgment was that, if we desire that some people responsible for investigation of crime should be free from the constraints of the law, we should legislate to exempt them. In other words, the High Court purports not to be a Legislature.

That attitude may be amusing to some members, in view of the recent decisions of the High Court. If one looks, for example, at the cases dealing with the recent use of the external affairs power, it is patently obvious that the High Court had no reluctance at all to legislate. There is no doubt at all now that the Federal Government, by adopting a treaty, passing it through both Houses, can in fact impose domestic law on the States, and there is debate about whether or not that should be supported.

Secondly, due to the case of Teoh, another High Court decision, the High Court now has allowed the Federal Government to adopt a treaty, not necessarily to legislate the treaty but to impose that treaty on various administrative bodies in Australia. One would have thought that that was the High Court legislating in view of the previous law.

Equally, we now know that in relation to the interpretation of the industrial legislation, section 53(35) of the Constitution, the High Court has now overturned all the historical cases, such as the *Electoral Commission v the Commonwealth* and *Melbourne Corporation v the Commonwealth*, and has gone away from the decisions of former Chief Justice Gibbs and Dixon J on the use of industrial power.

We now know that the High Court has said that you can create an interstate industrial dispute by service of a log of claims involving public servants. If one reads that judgment, it appears that one could equally argue that an interstate dispute could be created by logs of claim lodged by various Government instrumentalities. So, what the High Court has done there is legislate, although it appears to me that in Ridgeway's case that it denied that and said that it should not do so.

I support the decision of Mabo, but there is absolutely no doubt at all that, in relation to the previous law, the High Court equally has legislated in relation to that. I must say that I was surprised when the majority of the High Court (Mason, Deane and Dawson, and also Brennan) said that it is really for the Legislature to sort out the situation with which the High Court was confronted in Ridgeway. I must say that I do not agree with that: I do not think they were doing their duty and, to some extent, I think the High Court is a creature of the Federal Labor Government and is acting accordingly. It is acting on a centralist sort of approach to the interpretation of legislation.

I support the Bill, which I think is necessary, and I am happy to see that there have been some amendments in the other place. I note that in relation to clause 2 the word 'encourage' has been deleted, and in regard to undercover operations now it must be in relation to engaging in or being about to engage in serious criminal behaviour with the opportunity to manifest that behaviour and provide other evidence thereof. In other words, the police cannot actively encourage.

In relation to Ridgeway, when he went overseas and tried to solicit someone coming to Australia with drugs, it amazes me that the High Court took the view that that was some form of encouragement. I should have thought it was an opportunity. Certainly, the minority judge in the High Court thought that.

There could be some problems in relation to clause 3, page 2, lines 12 to 20. Clause 3(2)(a) provides that there cannot be approval unless the officer suspects on reasonable grounds that persons are engaging or about to engage in serious criminal behaviour. It seems to me from previous cases that that will be interpreted subjectively by the officer, and the reasonable grounds, in fact, could be based on information that may be true or false. There can be problems in relation to clause 3(2)(b), (c) and (d). It seems to me that that is a licence for the legal profession to engage in *voir dire* hearings for evermore. Subclause (2) provides that an approval may not be given unless the officer is satisfied on reasonable grounds that the ambit of the proposed operation is not more extensive than could be reasonably justified in view of the nature and extent of the suspected serious criminal behaviour. Clause 3(2) provides:

(c) is satisfied on reasonable grounds that the means are proportionate to the end, that is, that the proposed undercover operations are justified by the social harm—

whatever that means—

of the serious criminal behaviour against which they are directed; and

(d) is satisfied on reasonable grounds that the undercover operations are properly designed to provide persons engaging or about to engage in serious criminal behaviour an opportunity—
(i) to manifest that behaviour; or
(ii) to provide other evidence of that behaviour.

It seems to me there are many ways of interpreting that. It is patently obvious that the criminal Bar would argue that 'satisfied on reasonable grounds' means that the person himself must be satisfied subjectively. Those grounds must be reasonable, and it seems to me equally that the grounds and the satisfaction will be investigated by a court. If that is the case, and there is no basis for satisfaction on reasonable grounds, it will then open up a course for the defence to have the evidence tossed on a *voir dire* hearing, which means that the case would fall.

One should have thought that perhaps a better wording might be 'believes on reasonable grounds'. One could envisage a situation where an officer is given information in relation to which he holds a belief on reasonable grounds which turns out perhaps not to be so; in other words, the operation is not as extensive as he was advised. However, subsequently, when it is fully investigated, it is found that it is, yet at the time he was given the information, it was not. What will happen there?

One should have thought that 'believes' would be better terminology, because it is subjective as to what he believes. It is really then for the *voir dire* hearing to determine at the time whether he subjectively believed that the information he was given was correct, whether or not it was correct. My suspicion is that this legislation will come back to this place.

I certainly support the thrust of the legislation: it is obviously designed for serious offences. It is also designed to attack insidious offences—things such as complex frauds and illegal gambling. One could use this provision in relation to corruption at Government level where we need to put investigators in to see what is going on, and generally insidious types of crimes are very difficult to prove. When we talk about the offence in which Ridgeway was involved, we are talking massive amounts of money. We are talking of potential corruption and of paying people off. It is very difficult, without covert operations, to determine exactly what is going on.

The Federal Attorney-General should speak to his Federal officers. It is clear from the case that, to avoid the problem that arose, the accused should have been charged with possession. It amazes me that the Federal police are still involving themselves in such situations and are not involving State police. When I practised at the criminal bar there was historical jealously between the Federal police and the State police—namely, the Federal police being jealous of the State police.

Years ago, I represented the accused in a case which involved the importation of LSD; 3 500 tablets of Californian sunshine were made in Holland and then imported into Australia via Holland and London. In that case the police were involved in an undercover operation. Because they were worried that when the accused saw the goodies he might get away with them, they took 3 200 tablets out of the package. When we got to court, unfortunately for them, the police could not prove the importation, so the only basis on which they could charge the accused was the possession of 300 tablets. One really wonders sometimes at the competence of the Federal police. That case was probably 18 years ago. The Commonwealth police still have not learnt, first, how properly to conduct an investigation, and, secondly, at least to cooperate with the police in the various States of Australia. I relate that case because it is pretty unsatisfactory that we have costs to the community in a case such as that of Ridgeway and that someone of his calibre is being released again into the public. I have pleasure in supporting the Bill.

The Hon. S.J. BAKER (Deputy Premier): I appreciate members' contributions, and I note what the member for Spence said about the Democrats' attitude to the Bill. I thank members for their fine contributions on a subject in respect of which we are going back in time to protect citizens. I want to deal with two issues. The first is retrospectivity, and the second is undercover operations. For some time in the conservative ranks there have been differences of opinion about retrospectivity.

Members interjecting:

The Hon. S.J. BAKER: Yes, there have been differences of opinion. I remember that, when there was talk about the bottom-of-the-harbor scheme, there was quite a ruction in the Party about whether the imposition of the law should be retrospective. I had a very simplistic view at the time, and it was somewhat different from those of other people. In fact, they probably had a greater weight of law behind them, but my view at the time was that on the issue of retrospectivity there was a clear intention of the law and someone had exploited a loophole well knowing that it was a loophole. Therefore, to my mind, retrospectivity was not an issue. There are other people who would say, 'But you work within the confines of the law. Therefore, if the law is not specific in a particular matter, you have every right to exploit that deficiency.' I will not say which view is right or which view is wrong, because there is a valid argument on both sides.

It upsets me sometimes when I see a law passed in this House when the intention is clear and it is then found to be invalid and therefore creates a number of results which the wider community would not tolerate. It is incumbent on all of us to make sure that, as far as humanly possible, the way in which we express ourselves in the law covers all possible areas so that we do not have exploitation. We have now found that our law is deficient. The issue of entrapment is deemed, at least on one view, to be illegal.

When I am clear on what the law prescribes, and the law is capable of being interpreted in another fashion, it is appropriate for the House to put the law back to where it should be. I have no difficulty with that concept. That is the issue of retrospectivity. Indeed, the Attorney-General has said that this is a serious case. In the most contentious area, for example, we are talking about drug pushers. It would be absolutely intolerable, and the community of South Australia would be irate, if we said, 'On the issue of retrospectivity, we will change the law now, but everybody who has been before the courts and been found guilty previously will get out on a technicality.'

An honourable member interjecting:

The Hon. S.J. BAKER: Yes, that is the Elliott position. It is quite extraordinary—we have shopping hours and undercover operations. I wonder what will happen next. I am glad that, at least in this House, we have no difference of opinion on this issue.

The second and more important issue, perhaps, for the expression of this in the law is how far the provision should take us. As has been clearly understood and expressed by members, there is a need to be able to catch criminals. Again, the people out there would not forgive us if we did not use every effort within the confines of the law to ensure that those

who perpetrate serious crimes are brought to justice—they have to be brought to justice. That means that we have to use whatever resources we have available within the dictates of the law. We believe that we were acting within the dictates of the law. Of course, the determination in the Ridgeway case has cast great doubt—

Mr Atkinson: As the law was thought to be.

The Hon. S.J. BAKER: Yes, indeed, as the member for Spence has so eloquently chimed in. We are dealing with two principles: one is retrospectivity and the other is confirming our undertaking to use whatever resources are available to ensure that those who cause distress through criminal activity in the wider community are brought to justice. Both issues have been satisfactorily addressed in the Bill. There has been some debate on the ambit and where it should start and stop. We have debated whether we should stop at indictable offences. That creates some other anomalies in respect of controlled substances and gaming where the cases have been heard and property has been confiscated. The construction of the Bill as it stands in terms of its ambit adequately addresses any concerns that might have arisen had we not put it in the context in which we now place it. I thank the members for Spence, Norwood and Florey for their fine contributions and for their support for the Bill.

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

ESTIMATES COMMITTEES

The Legislative Council intimated that it had given leave to the Minister for Education and Children's Services (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin) and the Minister for Transport (Hon. Diana Laidlaw) to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

SGIC (SALE) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 17, lines 4 and 5 (clause 30)—Leave out all words in these lines after 'proclamation' and insert new paragraph as follows:

(a) transfer assets and liabilities of SGIC or an SGIC subsidiary, or assets and liabilities of a trust administered by SGIC or an SGIC subsidiary, to an authority or person nominated in the proclamation; or

(b) establish a scheme (a rectification scheme) for the rectification of irregularities (or possible irregularities) in the administration of a trust, or the exercise of fiduciary duties, by SGIC or an SGIC subsidiary.

No. 2. Page 17 (clause 30)—After line 5 insert new subclauses as follows:

(2) A proclamation transferring assets and liabilities may fix terms and conditions of transfer (which may include provision for the payment of money or the giving of other consideration).

(3) A rectification scheme—

(a) confers rights on persons affected by the irregularities (or possible irregularities) to which the scheme relates, and on other persons (if any) to whom the scheme is expressed to apply, in accordance with the terms and conditions of the scheme; and

(b) varies or excludes, as provided by the terms and conditions of the scheme, other rights of persons for whose benefit the trust or the fiduciary duties exist or existed in respect of the irregularities (or possible irregularities) to which the scheme relates.

(4) The terms and conditions of a transfer or rectification scheme under this section are enforceable as if the proclamation making the transfer or establishing the scheme were a deed binding on all persons to whom it is expressed to apply.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

These latest amendments allow the Asset Management Task Force and the boards of the various organisations to rectify any anomalies that may have occurred during the more recent life of SGIC, either in SGIC itself or in its subsidiary companies. It allows for any shortfalls or anomalies to be discharged during the passage of the corporatisation so that there is no issue outstanding which would come to visit us further down the track. This has been the subject of consideration by the Crown Solicitor, the parties from SGIC plus the Asset Management Task Force and me.

I have discussed this matter with the Opposition and the Australian Democrats, and I have explained what the provisions do. They provide us with the mechanism to adjust the various funds, should there be a deficiency in any shape or form, remembering that we have to comply with Federal regulations in this area. If we had not done it this way we would have had to introduce another Bill to do the same thing. It is a late amendment but it allows for the funds to be absolutely right when SGIC goes for sale and, importantly, it allows those funds to be fixed up should there be any anomalies which have to be corrected and which may otherwise flaw the sale process.

Mr FOLEY: The Opposition supports the Government's move. I understand the Treasurer has discussed it with the shadow Treasurer and agreement has been reached.

Motion carried.

[Sitting suspended from 4.57 to 11.50 p.m.]

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

The SPEAKER: The question is that Standing Orders be suspended. Those in favour say 'Aye', against 'No'.

Mr Atkinson: No.

The SPEAKER: There being a dissentient voice, there must be a division.

While the division was being held:

The SPEAKER: There being only one person on the side of the Noes, I declare the motion carried.

Motion carried.

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

That the sitting of the House be extended beyond midnight.

Motion carried.

[Sitting suspended from 11.57 p.m. to 1.48 a.m.]

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 20 and 21 (clause 3)—Leave out paragraph (b) and insert new paragraph as follows:

(b) by striking out 'three persons are physically present at any one time' from subparagraph (iii) of paragraph (a) of the definition of 'exempt shop' in subsection (1) and substituting 'four persons are physically present at any time outside normal trading hours'.

No. 2. Page 2, lines 1 to 4 (clause 3)—Leave out paragraph (e) and insert new paragraph as follows:

(e) by striking out 'three persons are physically present at any one time' from sub-subparagraph B of subparagraph (ii) of paragraph (d) of the definition of 'exempt shop' in subsection (1) and substituting 'four persons are physically present at any time outside normal trading hours'.

No. 3. Page 2 (clause 3)—After line 11 insert new paragraph as follows:

(ga) by inserting after the definition of 'motor spirit' in subsection (1) the following definition:

'normal trading hours' in relation to an exempt shop means the hours during which the shopkeeper would be entitled to open the shop under section 13 or under a proclamation made under that section if the shop were not an exempt shop;.'

No. 4. Page 3 (clause 5)—After line 14 insert new subsections as follow:

(la) Subject to subsections (lb) and (lc) and to any proclamation under subsection (12), a shop that is not an exempt shop and that is situated in the Central Shopping District may remain open in accordance with this section for a limited number of hours (to be prescribed by regulation) during any week (being the period from midnight on a Saturday to midnight on the following Saturday) and must then be closed for the rest of that week.

(lb) Subsection (la) does not apply to a shop referred to in subsection (5b).

(lc) If a shopkeeper of a shop referred to in subsection (la) is entitled to open the shop by virtue of a proclamation under subsection (9) during a period when it would otherwise be unlawful to open the shop, the hours that the shop is open during that period will not be counted for the purposes of subsection (la).'

No. 5. Page 5, lines 1 and 2 (clause 6)—Leave out the clause and insert new clause as follows:

Substitution of s.13A

6. Section 13A of the principal Act is repealed and the following section is substituted:

Restrictions relating to Sunday trading in the City

13A. (1) Subject to subsection (2), a term of a retail shop lease or collateral agreement in respect of a shop situated in the Central Shopping District that requires the shop to be open on a Sunday is void to the extent of that requirement.

(2) Subsection (1) does not apply to a term of a retail shop lease or collateral agreement that has been authorised by an exemption granted under the Landlord and Tenant Act 1936 or the Retail Shop Leases Act 1995.

(3) Subject to an industrial agreement or an enterprise agreement to the contrary, a person who is employed in the business of a shop situated in the Central Shopping District is entitled to refuse to work at the shop on a particular Sunday unless he or she has agreed with the shopkeeper to work on that Sunday.

(4) In this section—

'collateral agreement' includes a guarantee under which the guarantor guarantees the performance of the obligations of a lessee under a retail shop lease;

'retail shop lease' has the same meaning as in the Retail Shop Leases Act 1995.'

Consideration in Committee.

The Hon. G.A. INGERSON: I move:

That the Legislative Council's amendments be agreed to.

Mr CLARKE: It gives me no pleasure tonight to oppose these amendments. We in the Labor Party are still totally opposed to the extension of Sunday trading but I want to say a few words on this issue. The fact is that the numbers have gone up in another place and we are now going through a formality. Nonetheless, there are a few people I would like to pay out with respect to this matter, and I intend to do so. First, I congratulate the member for Davenport for the stance he took and the member for Kaurna for her stance in opposing the extension of Sunday trading, because they were true to their word. Admittedly, although they voted against it in Committee, they voted for the Bill at the third reading. Nonetheless they showed courage in the sense of—

Mr Quirke: No they didn't; the member for Kaurna abstained.

Mr CLARKE: I think she voted for it.

Mr Quirke interjecting:

Mr CLARKE: The member for Playford seeks to correct me and he may well be right that she abstained. In any event, with respect to the Committee vote on this Bill, the members for Kaurna and Davenport stuck to their word with regard to their electorate, unlike so many of their contemporaries within their own Party. As well as the hypocrisy shown by the members of the Liberal Party with respect to their opposition to Sunday trading, I point out the sheer and absolute hypocrisy of the Hon. Mike Elliott, Leader of the Australian Democrats.

There have been occasions in relation to other Bills introduced in this House by the Minister for Industrial Affairs where, basically, the Leader of the Australian Democrats has rolled over and said, 'Tickle my tummy.' In this instance, he did not just say 'Tickle my tummy': he said 'Get down and lick it, pat it and do whatever you like.' At the end of the day, the Hon. Mike Elliott has sold out small shopkeepers not only in the central business district but also in the suburbs, because there is nothing more certain than that the suburban stores have now witnessed all that it takes to require the extension of Sunday trading. And the Liberal Party backbenchers are content in falsely believing that somehow they have saved their suburban stores from being subjected to seven day trading.

We know that Mr Mark Ryan who works for Westfield, who used to work for the Prime Minister of Australia (Hon. Paul Keating) for six years and who used to work for the *Advertiser* saw how easy it was to beat up over two or three weeks a bit of fluff and bubble in the *Advertiser*, with the opinion polls and stories about Henry Ninio wandering around the streets collecting the odd signature. A huge groundswell of support allegedly was generated for Sunday trading and we have seen the Hon. Mr Elliott totally capitulate. Regarding the document read out by the Attorney-General in another place setting out certain undertakings given by the Government to the Small Retailers Association and to the Hon. Mike Elliott, we can see that there is nothing in it.

I must commend the Minister because, if he is able to achieve this result, his talents are wasted in the State of South Australia. He should be sent to Bosnia to negotiate a deal that Boutros Boutros-Ghali could not achieve or to the Gaza Strip; his talents are wasted in the confines of South Australia. If the Minister's successes continue at this rate, he will soon replace the Deputy Premier and return to his rightful spot.

Members interjecting:

Mr CLARKE: It is after midnight so members opposite can have a very quick Caucus meeting and the Minister can extract his revenge. I read with incredulity the letter that was sent to the Chairman of the Small Retailers Association by the Minister today setting out the various undertakings of the Government. I could not believe that they bought this load of crock: it is as simple as that. What does the Government commit itself to do? It establishes a parliamentary select committee to look into retail leasing issues—a joint committee, where the Government will have the numbers, in any

event. But, the real doozy is that the select committee will look at such detailed issues as rights and obligations at the end of the lease; harsh and unreasonable rental terms; rights and obligations of relocations and refits; and, here is the killer—this is the ironclad commitment that the Hon. Mike Elliott was able to extract out of this weak-kneed Minister:

> Legislative action will be taken by the Government following receipt of the select committee's report giving due regard to its recommendations in relation to retail shop leases.

Only the Democrats could believe that was worth a pile of whatever one could describe. It is just indescribable, and the Small Retailers Association bought it lock, stock and barrel—poor souls. The Government has agreed to establish a ministerial retail advisory committee. This is bigger than *Ben Hur*. We will need to hire Football Park to accommodate the membership of this committee. The membership of this committee will include members of the retail forum—whoever they are—plus representatives, two each apparently, from suburban shopping centres, Rundle Mall and the STA, 'and consultants on specific issues will be co-opted as required'. This is a committee with teeth; this is a committee that can be called together only at the direction of the Minister. We all know how often that will be: never, unless he happens to be kind enough to pay the $12.50 attendance fee, or something of that nature. This next one will give comfort to all those small retailers and the Minister's nervous backbenchers: a moratorium on further changes:

> Government's position is to support a three year moratorium on further permanent extension to shopping hours in Adelaide city and suburbs, with industry given reasonable notice of any future changes.

Mr Quirke interjecting:

Mr CLARKE: Retrospectively.

Mr Quirke: Does it start in 1995 or 1992?

Mr CLARKE: From the date he gave his commitment, no doubt: on the steps of Parliament House on 8 December 1993 he said there would be no extension of shopping hours under a Liberal Government of which he was Minister for Industrial Affairs. It continues:

> The extent of reasonable notice in any particular case will be referred to the Ministerial Advisory Committee for advice. It should be noted that the Small Retailers Association this afternoon maintained its stance for a four year moratorium, which is not agreed to by the Government.

Well, well, the Minister was lashed and whipped into line by a warm, wet lettuce. What a joke, that the Small Retailers Association and the Hon. Mike Elliott could actually take the word of this Minister and this Government that they would not introduce any further changes to shopping hours for three years, when only 18 months ago this Minister, then shadow Minister, paraded himself before the public on the steps of Parliament House and said, 'Trust me and the Liberal Party; there will be no extension to Sunday trading.' He sold them the pup twice.

You can be forgiven for being stupid once, but he sold them the same line of crock, the same load of garbage twice and they accepted it—and were thankful for it! They said, 'You have sold me a pup twice and I am thankful that you point out in neon lights how stupid I am.' And the Minister has done it. As I say, he has wasted his talents here in South Australia. He should be on the international stage. The Government has agreed to planning laws. My God, the Small Retailers Association and the Hon. Mike Elliott really pinned the Government's ears back on this one:

> Government agrees to involve Small Retailers Association in consultation on any planning law, policy issues as they affect retail and shopping centre development.

And they swallowed it hook, line and sinker. We then move to consultancy funding, as follows:

> The Government agrees to examine, with all major retail organisations, funding options for consultancy work relating to small retail issues.

Because of the time I will not go through all the rest of it.

Members interjecting:

Mr CLARKE: You want more? Of course, the member for Davenport will never be defeated by the Democrats in Davenport. He is absolutely guaranteed of a rock-solid majority of about 80 per cent hereafter. He would be the smartest politician in this House. He worked out the numbers beautifully. He knew when the acid was really put on the Hon. Mike Elliott, as on every previous occasion where he has boasted, pledged and sworn on a stack of Bibles. Protect us Minister from any Democrat who walks up to a Bible, puts their hand on it and says, 'I pledge to vote "No". I give you my solemn promise', because you know they are only five minutes from selling out.

I do not mind if they sell out if they actually got something in return. All they did was lose a quid and they did not even pick up the zack. That is how stupidly they have behaved. The worst part is that they have ratted comprehensively on their natural constituency, namely, the small retailers. The small retailers are really more the natural constituency of the Liberal Party, but the Democrats have tried to encroach on that constituency over the years and have had some marked success. But, at the end of the day, the problem is that, instead of having a spine like a rod of stainless steel up a Democrats' back, it is marshmallow when the acid is really put on.

I would not mind all of that because we did not have to be here at 1 o'clock this morning. We all knew yesterday and today that the Democrats would capitulate. Why do they take so long? They want to go through this self-flagellation and wring their hands. When they capitulate they like to do it after the evening news broadcast. They do not want to be seen in the light of day in front of their constituents as having ratted on them. Unfortunately, on most of these Bills of substance you can always guarantee that it will be an after midnight finish so that most of the media organisations have gone home and the Democrats can scurry home in the dark and not be revealed for what they have done.

To the taxpayers of South Australia I make this point quite seriously: the Shop Assistants Union quite legitimately challenged the Government's section 5 exemptions before the Supreme Court and in the High Court and won it five-nil. It had costs awarded against the Government, the taxpayers of South Australia. The cost to the SDA was of the order of $60 000. The Government's costs would be in excess of that $60 000, so at a time of financial stringency something well in excess of $120 000 of taxpayers' money has been spent. The shop union and retailers were encouraged to go to the High Court because the Democrats said, 'This should come through Parliament and, if it comes through Parliament, we will knock off the extension to Sunday trading because that is our pledge to our electorate, to our natural constituency. We will knock it off, we will join with the Labor Party.' The Minister will recall the private member's Bill introduced by the Hon. Ron Roberts last year on the issue of having section 5 exemptions subject to regulatory powers: the Hon. Michael Elliott supported it and everyone clearly had the expectation

that, when he had the opportunity of voting against extended Sunday shopping, he would exercise that right.

So, by his actions—his public pronouncements—he encouraged the union to take the Government to court, taking a lot of time and, in particular, costing a huge amount of money at a time of financial stringency when, in my own electorate, the Kilburn and Enfield Community Legal Service cannot even get a $26 000 grant out of this State Government to continue doing its work on behalf of fairly impoverished constituents. We wasted $120 000-plus, when all along the Hon. Mike Elliott was always going to sell out on the issue of the extension of Sunday trading. He sold out totally and has put this State to enormous cost.

Many of us on the Labor Party side of the House expected that he would do what he did, because he has done it before on other vital issues, but at least he should not have perpetrated that type of crime on the people of South Australia by leading them to believe that he would stand up to this Government on the extension of Sunday trading and vote against it at the first opportunity. He did not wring one concession, nor did the Small Retailers' Association wring one meaningful concession whatsoever out of this Government. There was plenty of talk about committees; I have already listed them and will not go into that. The Hon. Mike Elliott and the Government think they have done a magnificent job by inserting a clause about the voluntary employment of labour on Sundays. The fact is that that is not worth the paper it is written on.

Mr LEWIS: I rise on a point of order, Mr Chairman. I draw the honourable member's attention to Standing Order 120, 'Reference to debate in the other House', which provides that a member may not refer to any debate in the other House of Parliament or to any measure impending in that House.

The CHAIRMAN: Yes; the honourable member's point of order is correct in so far as mention of specific detail is concerned but, in view of the fact that we are considering the schedule of amendments made by the Legislative Council, I believe it is in order for the honourable member to make general comment.

Mr CLARKE: Thank you, Mr Chairman; I am quickly coming to the end.

An honourable member interjecting:

Mr CLARKE: The Minister encourages me to go on further. I have a second wind. I have got my puffer, so I can get a third, fourth and fifth wind. I am quite relaxed; I am enjoying this and can go forever. The matter of voluntary employment is not worth the paper it is written on because, simply, it is quite well known that most of these employees are casuals. What will happen is that the employers will simply reduce the hours that shopworkers are employed from Monday to Friday or Monday to Saturday and say, 'If you want to maintain your same rate of pay at the end of the week you have a simple choice: you don't have to work on a Sunday, but you will take home less pay.'

This always happens in the retail industry. I dealt with them for 20 years; in general they are the greatest bunch of shysters that I have ever had the misfortune to meet, particularly the large retailers, in their industrial relations practices. That has been their practice in the past, and in 20 years of dealing with them I have no reason to think they will change that practice. Senior management will say they would never countenance that type of behaviour, but miraculously it always does occur, particularly down the line. Anyone who complains about it, as they are a casual, does not get rostered for work the following week, month or whatever period it takes. So, that is not worth the paper it is written on. In conclusion—

Members interjecting:

Mr CLARKE: I will: do not encourage me. In conclusion, I would simply say that, again, we in the Labor Party have always said we were prepared to support the extension of Sunday trading where there was genuine agreement among the interests of small retailers, retailers in general and the employees. There very clearly is not any agreement from the employees in this industry. From my discussions with it, I do not believe that at the end of the day the Small Retailers' Association is actually happy with or even agreeable to this document, which was regulated. But the Small Retailers' Association has effectively sold out its own membership with respect to this. At the very least, it should have had the guts to turn up and say, 'We did our best; we couldn't do any more; and this isn't worth the paper it's written on. Do your best and if you'—the Hon. Mike Elliott—'want to sell out, by all means sell out but you don't do so with our blessing.' It is as simple as that.

The Democrats have taken their position. They will have to live with the consequences of their decision and the wrath particularly of the small retailers in this industry and in the retail industry in general. No doubt they will pay a price in electoral terms. In a perverse way, their actions have helped the Australian Labor Party, because more and more of those people see quite clearly that they are a Party that is subject to bending with the breeze and panicking. Henry goes down Rundle Mall and gets a few signatures; there is a survey of 200 people, with the boss pointing out the shop assistants who will be surveyed on behalf of the company and who will say that they all love Sunday trading and the like. Simply on the basis of that and of a *Sunday Mail* campaign over a few weeks they are prepared to roll over—and roll over with impunity.

I say to the Liberal backbench members, the oncers: enjoy your stay. I have never really seen turkeys welcome Christmas early, but they have done it by supporting this legislation. They have assisted us in the Labor Party in terms of gaining more votes come the 1997 election. I thank the Minister for Industrial Affairs for his efforts as our campaign manager in that respect. I am looking forward to his ongoing cooperation over the next two years, because if he keeps going on with workers compensation he will get 15 000 workers out the front of Parliament House, alienate the Small Retailers' Association by ratting on pre-election pledges, and antagonise public servants, and the like. The Minister is doing very well on our behalf, and we look forward to his ongoing cooperation with respect to that matter, and in particular our occupying the Treasury benches.

The Hon. S.J. BAKER: I will make a very brief—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Sit down!

The CHAIRMAN: Order! The Deputy Premier has the call.

The Hon. S.J. BAKER:—contribution, because I think that is all it is worth. I would like to reflect on who the real villains are in this piece. We know that the Democrats wobble all over the place, we know that they seek new constituencies—

Mr ATKINSON: Mr Chairman, I rise on a point of order.

The Hon. S.J. BAKER: I was called, and you kept standing.

Mr ATKINSON: I rose to speak in this debate simultaneously with the Deputy Premier, and it is traditional, when

the Minister rises to close the debate, that members are given fair warning of that.

The CHAIRMAN: Order! The Chair needs no assistance. The Chair was simply saying to the honourable member that the Deputy Premier had the first call. The Minister for Labour and Industry obviously has control of the Bill and is not speaking and therefore not closing the debate. The honourable member seemed more intent upon arguing than listening to the Deputy Premier.

An honourable member interjecting:

The Hon. S.J. BAKER: It will be a very brief contribution, because that is what it is worth. Simply, the real villains are the ALP. The Democrats will always wander about and find out where they can get a friend and where they can increase a vote. But who are the people who want to deny the city, the shoppers, opening up Adelaide to South Australians and the rest of the world? It was Labor. What we have here is a 'close down the city, close down the State' Party. Just think of what the ALP got out of this. It shored up a bit of rocky support back at the home territory on South Terrace, but it will be remembered—and we will ensure that it is remembered—as the Party that wanted to take away any opportunity this State had to be in step with the rest of the Australia.

What other city in Australia closes its city on a Sunday? It is sheer hypocrisy. I do not like Don Dunstan and I know that John Bannon took us down the tube, but can anybody in this Parliament believe that either Don Dunstan or John Bannon would have refused Sunday trading? Of course not. We have a Leader and Deputy Leader of the Opposition who believe that they have to kow-tow to their little mates on South Terrace. There is no such thing as principle. They will be recognised for their efforts as the mob who wanted to stop Sunday trading in the city when the rest of Australia and most of the world are doing it. The ALP is either stuck in the 1950s or is going through a hypocritical exercise. When people reflect on this, no credit will go to the ALP.

Mr Clarke interjecting:

The CHAIRMAN: Order! I caution the member for Ross Smith that he has made a more than adequate contribution this evening.

Mr ATKINSON: I congratulate the Minister for Industrial Affairs on his success in obtaining this legislation. At one stage it looked as if he had alienated just about everyone involved in retailing in South Australia, but he has managed to pull it off with the cooperation of the Australian Democrats in another place, so I congratulate him sincerely on that. I do not think this vote will have great consequences at the next State election because by the time the next election is due the question of Sunday trading in the suburbs will have been debated in this place and the Parties will take their various positions on it. I notice that the Minister nods.

I congratulate the Shop, Distributive and Allied Employees Association, of which I am a member, on the single-mindedness and sincerity with which it fought its campaign on behalf of its members. The SDA represents 25 000 employees in this State. A year ago it surveyed its members on the question of Sunday trading, because the Secretary, Don Farrell, felt it was possible that shop assistants had changed their traditional view, which was to oppose extended trading hours. The union's very foundation was based on early closing. That survey showed that more than three-quarters of shop assistants were opposed to Sunday trading. Not satisfied with that, a week ago the union posted a ballot to its members in the city asking whether they were still opposed to Sunday trading, and the return showed that 85 per cent were still so opposed.

Members interjecting:

Mr ATKINSON: Government members interject and make the point that the SDA does not cover all retail workers. That is correct. It does not represent all retail workers because some retail establishments are very hard to organise, so the union will never represent all retail workers.

The Hon. M.H. Armitage interjecting:

Mr ATKINSON: The Minister for Health says, 'Thank God.' There is an industrial slum in areas of the retail industry that are not covered by the SDA. The SDA brings a bit of employment and industrial decency to a sector which has a tradition of mistreating workers. I am very proud of the work that the SDA does. However, the Minister for Health is correct: the SDA does not represent all retail workers, and it would freely admit that. The SDA has taken the trouble to stay in touch with and has faithfully represented its membership in this debate, and I just hope that Liberal members will accept that. Now that Sunday trading in the city is in and there is no prospect of its ever being repealed, people will get used to it and so will shop workers: they will adapt to the reality of it. So the next—

Members interjecting:

Mr ATKINSON: Well, I very much doubt that the Labor Party will—

The CHAIRMAN: The debate is being prolonged rather than assisted by the interjections.

Mr ATKINSON: I am trying to be reasonable about this, but the Minister for Health seems to be a bit overwrought at this time of night. The SDA is disappointed with the outcome, but it has no illusions about the fact that Sunday trading in the city will now be permanent. The likelihood is that it will be extended to the suburbs, and that will occur during the life of this Government. The SDA has learnt a lesson from aligning itself with the Small Retailers' Association.

I want to say something about the Small Retailers' Association, which is located within my electorate on the Port Road at Hindmarsh and which relies for its income on the sale of its magazine. It does not have a membership in the conventional sense, and it struggles to make a living. It is interesting that point 11 in the agreement between the Government and the Democrats and the small retailers is consultancy funding. It states:

> The Government agrees to examine with all major retail organisations funding options for consultancy work relating to small retail issues.

Let me translate that for the Committee. That means that the Liberal Government will fund the Small Retailers' Association from now on. Members opposite have complained long and loud about funding being given to trade unions by the previous Labor Government, but part of this deal is for the Small Retailers' Association for the first time to have a secure financial base, and that secure financial base will be South Australian consolidated revenue.

As the Deputy Leader pointed out, the deal that was made was a pretty poor deal for small retailers. Point 1 is to proclaim the Retail Shop Leases Act to apply to all retail leases entered into on or after 30 June 1995. I was a member of the conference between the two Houses on the Retail Shop Leases Act, and my distinct impression was that the Act would be proclaimed almost immediately. I am surprised to

learn that it has not already been proclaimed, so that is no concession at all to small retailers.

One of the things that the Labor Party struggled for in the Retail Shop Leases Bill was to obtain an obligation on retail landlords to give written reasons for a refusal to renew a retail shop lease. Certain members opposite, including the member for Florey, supported that proposal. The Liberal Government would not give that to small retailers a few short weeks ago.

Mr BRINDAL: Mr Chairman, I know that it is 1.25 a.m., but we are now talking about retail shop leases. Is that relevant?

The CHAIRMAN: It is relevant in that it is one of the amendments on page 2.

Mr ATKINSON: It is a pity that the member for Unley has not read the Bill that we are discussing. The Labor Party would have given that to the small retailers several weeks ago; now they will have it by giving away Sunday trading in the city. But they do not really have an obligation on the landlord to give written reasons for non-renewal because there is no enforcement provision in this deal. The only enforcement provision is the vexatious conduct provision (section 75), which was already in the Act—so that is not a concession.

Then there is the joint parliamentary select committee. Alas, I have a feeling that I will end up serving on that committee because I cannot see any of my Caucus colleagues wanting to do so. That clause in the deal has been represented on the news services tonight as involving a provision that the Government has an obligation to accept the findings of that select committee. But that is not right. The Minister for Primary Industries shakes his head, and he is right to shake his head, because the wording is that the Government will give 'due regard to' the findings of that parliamentary select committee.

The Hon. M.H. Armitage: We shall.

Mr ATKINSON: And as the member for Adelaide says, 'We shall', with a big smile on his face. Voluntary work in the city also is a sham because, as the Deputy Leader pointed out, many retail workers are casual employees: that is, they are hired by the hour. If casual shop assistants refused to be rostered on Sundays, they simply would be offered no more hours, so this provision does not help them at all. Provision no. 4 in the deal says that the spread of hours will be 60 hours per week, although we are not sure about that. The Government is allowed to rat on that one. It is given flexibility to put it up well above 60 hours.

The Hon. W.A. Matthew interjecting:

Mr ATKINSON: Yes, a pretty good deal for the Government, as the member for Bright points out, laughing, as are all the Liberal front bench members tonight—laughing at the small retailers. That means that you can subtract six hours on Sunday from the 60 hours leaving 54 hours. Thus, many of the shops in the city will open later of a weekday morning. They will not open until 10 or 10.30 a.m.

The Hon. S.J. Baker interjecting:

Mr ATKINSON: The Deputy Premier says, 'That is right.' It is simply a loss of hours and a loss of service to go with the abolition of Friday night shopping by the Liberal Party.

Members interjecting:

The CHAIRMAN: Order!

Mr ATKINSON: In conclusion, this Bill marks a milestone for the Australian Democrats. When the Australian Democrats was set up as a political Party in 1977 under Don Chipp, it was a Party of small business and a middle of the road Party.

The Hon. D.S. Baker: Keep the bastards honest!

Mr ATKINSON: Yes, they were to keep the bastards honest, as the Minister for Primary Industries says. It was a mainstream, middle of the road Party, purporting to protect small business and individuals in a mixed economy. It has now abandoned that constituency altogether. It is merely a counter-cultural, antinomian Party of the far left. The Australian Democrats is now just a fringe political Party that has abandoned its original Chippocrat constituency.

The Hon. G.A. INGERSON: In the short time that I have been a Minister, there have not been many more satisfying moments for me in this place. The prime reason why I am so happy about it is that 85 per cent of Labor voters also support what we did tonight. That is what I am happy about. Basically, it means that the Labor Party now has a constituency of 15 per cent. That means another 20 years in government for the Liberal Party in this State. Only 15 per cent of the community supports the Labor Party.

Further, this is the first time since I have been in Parliament that every single amendment proposed by the Labor Party opposing changes to this Bill has been lost. It is the first time I know that everything it has put forward has been wrong. This event tonight also points out that, if you back the union movement, you get a belting in relation to any Bill. That is what the Labor Party has done. It is the mouthpiece for the very union that has a seven day a week trading deal with Coles and Myer, yet its members in the other place stood up and said, 'We are in favour of small business.' The very group that supported the union has deals in every State of Australia to support seven day a week trading and, in particular, no ordinary hours of pay on Sunday. What an amazing position that is. The very union that has stood up in this State for the past few days and said 'We are anti trade on Sunday' has done a deal with the major traders.

The Hon. D.S. Baker: Ralph didn't mention that.

The Hon. G.A. INGERSON: Of course not—he would not mention that sort of thing. He spent most of the night insulting the small retailers in this State. I am quite sure that the speech where he got stuck into small retailers in this State will be wonderful fodder for anyone who wants to use it at the next election. Another interesting point is that this whole process started because the very union that supported the Labor Party when it issued Sunday trading exemptions for hardware stores in this State for the past 10 years—the very union that supported us—took us to court because we are a Liberal Government. However, when a Labor Government did it, it was okay. Everyone needs to remember this: 884 certificates of exemption were issued by the previous Labor Government to extend shopping hours in our State. Let us never forget that.

The Hon. M.H. Armitage: How many?

The Hon. G.A. INGERSON: Quite an amazing figure—884. Earlier tonight we heard the Deputy Leader talking about the clause which gives workers the right to not work on Sunday. The Deputy Leader went to a lot of effort to say that this clause was of no value whatsoever. That is fascinating. If it is of no value whatsoever, why did the Opposition support it in the other place? This clause is a status factor in most awards in the retail industry. Some of these facts are very interesting.

I thank the member for Spence for his earlier contribution this evening, because at least he is a genuine member of the union. When he was an assistant secretary he did get out there

and work very hard to sell to the retail industry. However, he did not bother to go to the small retailers—he went to the large retailers, because that is where the membership is. The reason why the SDA is so opposed to opening on Saturday or Sunday is that its members are weekday members—Monday to Friday members. It does not have any members on Saturday or Sunday, so why would it vote in favour of Saturday and Sunday? Its membership comprises 80 to 90 per cent Monday to Friday full-time workers.

Sunday trading is the best thing that has happened for tourism in this State for years; and it is the best thing that has happened for consumers in this State, those who have been shopping on Sunday and the thousands who will shop on Sunday in the future. I thank the member for Giles for his advice. I know the only reason the member for Giles did not vote in favour of the Bill was his loyalty to the ALP. I know the member for Giles is 100 per cent in favour of the Bill.

Finally, one of the most important things in respect of this Bill is that it is pro small business because it limits Sunday trading to the city of Adelaide. I will send some maps to members opposite that show clearly what would happen to all small retailers in the metropolitan area if we opened up major shopping centres on Sunday. It would wipe out small business as we know it. The prime reason the Government is prepared to put the moratorium on is that it believes it is in the best interests of small business in South Australia. It is with pleasure that I move these very forthright and correct decisions that have been made in this Parliament this evening.

The Committee divided on the motion:

AYES (26)

Armitage, M. H.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Foley, K. O.	Geraghty, R. K.
Quirke, J. A.	Stevens, L.
White, P. L.	

PAIRS

Leggett, S. R.	Rann, M.D.
Penfold, E. M.	Hurley, A. K.

Majority of 17 for the Ayes.

Motion thus carried.

ADJOURNMENT

At 1.46 a.m. the House adjourned until Tuesday 4 July at 2 p.m.