LEGISLATIVE COUNCIL

Wednesday 4 June 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON brought up the eighteenth report of the committee.

QUESTION TIME

EDUCATION FUNDING

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the education budget.

Leave granted.

The Hon. CAROLYN PICKLES: The Premier has claimed in his glossy budget election pamphlet, circulated at great expense to the taxpayer, that this year's budget provides an extra $72 million for education, with $63 million of this extra money being allocated to salaries and wages to meet the teachers' well-deserved pay rise, and the balance of $9 million only matching the Government's inflation forecast of 2.25 per cent in other programs. This follows cumulative cuts over the past three years to State spending on education of $137 million in real terms and the loss of 789 full-time jobs.

Given the Minister's prolonged opposition to the teachers' pay claim and three successive cuts to State spending on education in real terms, will the Minister explain how the teachers' pay rise now represents additional money for education?

The Hon. R.I. LUCAS: I would be delighted to. First, the claims by the Leader of the Opposition are palpably wrong. The figures she used in this Chamber today and on a number of previous public occasions are palpably wrong. There is no substance in a number of the claims being made by the Leader of the Opposition in relation to the current education budget or indeed in some aspects of what she is claiming about the previous three education budgets.

Members interjecting:

The Hon. R.I. LUCAS: Mr Miserable and the honourable miserable. I would be happy—

An honourable member: It's Mr Cynical—

The Hon. R.I. LUCAS: Is it Mr Cynical now? I would be happy to send a copy—

Members interjecting:

The PRESIDENT: Order! If we want a lunchtime discussion, I will invite it. Otherwise, we will continue with parliamentary procedure and observe Standing Orders.

The Hon. R.I. LUCAS: Thank you, Mr President. The claim by the Leader of the Opposition that $63 million of the $72 million salary increase is due to teacher salary increases is just incorrect. It is wrong.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: If the Hon. Mr Elliott agrees with the Leader of the Opposition, he is wrong as well. That particular claim has no basis in fact at all, and the Leader of the Opposition cannot be allowed to get away uncontested with the claim that $63 million of the very generous $72 million increase is a result of salary increases for teachers negotiated in December of last year. That is the first part of the honourable member's claim that is wrong. There are a number of reasons why it is wrong and I will give just a number of small examples. For example, when the Government indicates that it will allocate additional salaries for particular policy initiatives such as extra speech pathologists, extra salaries for the new special interest high school for gifted and talented children, or extra salaries for the enterprise high school, where there are new initiatives with extra salaries going in then, when one looks at the salary component of the education budget, it will of course show a suggested increase.

What the Leader of the Opposition's researchers have not been sharp enough to pick up is the difference between a salary increase for a certain number of employees and a combination of a salary increase for employees and additional salaries because additional people will be employed. It is a fairly simple distinction, one that I would have thought a Leader of the Opposition would be able to pick up when her researchers came to her with those figures, saying, 'Quickly, get into the Chamber and attack the Minister over this issue: $63 million is only a salary increase.' Sadly, the Leader of the Opposition was not sharp enough to pick up that point, which I know—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Not interpretation but fact—that point which was originally—

The Hon. Carolyn Pickles: You're putting it—

The Hon. R.I. LUCAS: No, a fact is a fact and it does not matter who puts it. An interpretation might be someone's interpretation but a fact is a fact and it does not matter who puts it. I know where it came from originally. The Australian Education Union leadership has been making this claim and it does not surprise me. I was surprised we did not get the claim yesterday.

The Hon. A.J. Redford: Is it as praiseworthy as the Hon. Michael Elliott?

The Hon. R.I. LUCAS: Not as praiseworthy as the Hon. Mr Elliott. I was surprised that the claim was not made by the honourable member yesterday, but I was waiting to see how long it would be before the claims from the union were repeated in this Chamber by the Leader of the Opposition.

Secondly, the honourable member has indicated that there have been reductions in the last three education budgets overall in real terms. That is, again, palpably wrong. The Government made reductions in its 1994 and 1995 budgets as it tried to clean up the mess left to it by Labor, but in the 1996 and 1997 budgets, as is evidenced by the education brochure that goes out to all schools to provide essential public information to them, it indicates to all teachers and parents—

Members interjecting:

The Hon. R.I. LUCAS: I am happy to provide copies to members opposite. On the front page, underneath some essential information from the Minister for Education and Children's Services about the budget, is a very simple graph—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS:—that even the Leader of the Opposition—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron is still holding the mantle as the most inane interjector, and I would ask that he refrain from being quite so vocal at this time in the afternoon.

The Hon. R.I. LUCAS: For clarification, was that 'inane' or 'insane'? Underneath the letter from the Minister, in very simple graphic language for everyone to understand—even the Leader of the Opposition and the Hon. Mr Cameron—is a graph—

The Hon. Carolyn Pickles: How much did it cost?

The Hon. R.I. LUCAS: This is essential public information. Parents, teachers and principals are clambering for additional information about the budget. We had a question yesterday indicating that the Farmers Federation had not understood the good things in the budget for rural and regional people. That is a clear indication that Governments must be able to spend a very small percentage of a $6 billion budget to convey essential information to people. I am delighted that the Farmers Federation and others will see that essential information this week in terms of additional information for rural and regional people.

In the essential information for teachers, principals and parents is a graph—and I am happy to provide the Leader of the Opposition with a copy of it, personally autographed, if she would like—which indicates a small reduction in overall spending in the 1994-95 budget, but then very significant increases in spending in 1996 prior to—

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: CPI was not that big; it was 1.2 per cent or 2 per cent. We are talking about $100 million extra being spent in 1996-97 compared with 1995-96. I am not sure how the Hon. Mr Elliott does his CPI calculations, but members should look at that graph; it is a stunning reminder to parents, principals and teachers that, after reductions in the first two years to solve the problems of the State Bank debt, this Government has been very generous—and I thank my colleagues in the Cabinet for that—in terms of overall spending for education and children's services in South Australia.

As I indicated, the assumptions made by the honourable member in her question were palpably wrong. I will provide the graph and the detail for the honourable member. Therefore, the rest of the question makes no sense at all.

The Hon. CAROLYN PICKLES: I have a supplementary question. The Minister has mentioned so-called essential information that has been sent out to schools. What was the cost to the South Australian taxpayers of this information?

The Hon. R.I. LUCAS: Hardly anything. It is not even worth contemplating the total cost of that. It is in exactly the same format as that which was sent out to schools by the Hon. Susan Lenehan and the Hon. Greg Crafter, supported by the Hon. Carolyn Pickles.

The Hon. A.J. REDFORD: I ask a further supplementary question. Will the Minister advise this place whether that process was any more or less expensive than the process adopted by the Premier of Victoria (Jeff Kennett), whose actions have recently been so ably endorsed by the Leader of the Opposition?

The Hon. R.I. LUCAS: I can rely only on press and media reports which, as they have appeared in the *Advertiser*, I am sure are very accurate. They indicate that the Victorian Government and Premier spent a reasonable amount more than the South Australian Government has spent on a modest, moderate and reasonable campaign to share essential information with the people of South Australia. That is something that this Government has done over its three budgets; it is certainly not something that was initiated only in this year's budget.

SOUTH-EAST WATER AND CONSERVATION BOARD

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the composition of the South-East Water and Conservation Board.

Leave granted.

The Hon. R.R. ROBERTS: At the end of March, I received some complaints from constituents regarding the composition of the South-East Water and Conservation Board—in particular regarding the appointment of the Chair of the board.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: On 7 April, I wrote to both the Attorney-General and the Minister for Primary Industries. I received an acknowledgment from the Attorney-General dated 9 April and a reply from the Minister (Hon. R.G. Kerin) on 30 May, although it was a very short reply. I have still not received a reply from the Attorney-General.

Briefly, the complaints that I have received are as follows. The South-East Water and Conservation Board is established under the South-East Water Conservation and Drainage Act 1992 and provides for eight members to be appointed through a variety of mechanisms. Four members of that board are appointed by the Governor on the nomination of the Minister (section 9(a)); one member is appointed by the Governor on the nomination of the Local Government Association of South Australia (section 9(b)); and three persons are elected to the board by voters from different zones (section 9(c)). This is somewhat curious as these are the people who actually fund all this.

I have been informed by constituents that the current Chair failed to be elected to the board under the provisions of section 9(c) of the Act in that he failed to be elected by the eligible landholders. Instead, this person gained entry onto the board through the discretion of the Minister under section 9(a)—and, I believe, on the recommendation of the local member for the area. On 19 November 1996, seven members of the board—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —attended a meeting and voted on a recommendation for a new Chair. The board validly voted for a candidate, and a Mr England was duly elected. This gentleman wrote a book about South-East ground water. His book offered evidence in direct contrast to the Government's Cardwell Buckingham report. I point out to members of the Council that under the relevant Act a quorum of the board is five members, and a decision carried by a majority of the votes cast by members present and voting at the meeting is a decision of the board, as provided for under section 15 of the Act.

A recommendation was sent to the Minister for Primary Industries for his approval. The board, having undertaken its constitutional responsibilities, considered that the approval would be a foregone conclusion, given that the Chair had been validly voted in. However, two months after this decision, the Minister still had not made the appointment

official. Subsequently, the Minister, did not approve the appointment of the elected person but, instead, by way of ministerial appointment, appointed a Mr Julian Desmazures. I remind members that this is the person who failed to be elected.

The provisions of the South-East Water Conservation and Drainage Act 1992 (specifically section 12(2)) are quite clear that:

> An appointment cannot be made under subsection (1) unless the Minister has first consulted with and considered any recommendations of the board in the matter.

As I said, I received a response from the Minister in which he explained that he had had some conversations with individual members of the board, but I make the point that at a duly constituted meeting the board recommended Mr England. My questions are:

1. What was so wrong with the board's recommendation that the Minister felt he could not accept it?

2. Why is it appropriate for the Minister to appoint to the board, and then to the Chair, a person who has failed to gain election under the provisions in the Act?

3. Can this Parliament be assured, given all the circumstances, that there has been no cronyism in this particular appointment?

4. Given that the board duly voted on the position of Chair, and that the Minister chose not to follow this recommendation, does this mean that the Minister has no confidence in the board?

5. Is it appropriate that this particular board is dominated by ministerial appointments, given the numbers for a quorum of the board, and the fact that the presiding member has a casting and deliberative vote and in effect can be reduced to a rubber stamp for the Minister's decisions?

The Hon. K.T. GRIFFIN: My understanding is that there has certainly been no breach of any statute in relation to this matter. It has been in the public arena for quite some time. In fact, I am rather surprised that the honourable member did not raise the matter last week, which might have been his first opportunity as the Parliament was sitting. But no, it is a second string question today after we have been sitting for five days.

The Hon. R.R. Roberts: You were going to give me an answer.

The Hon. K.T. GRIFFIN: You got an answer from the Minister. As far as I am aware, there has been no breach of the law. I recommend that the honourable member read the Act and understand it, because consultation and consideration means just that—consultation and consideration. It does not oblige the Minister to do anything, and the Minister ultimately has a discretion in recommending to the Governor. You have to remember that statutory bodies, boards and committees are really the agents of Government. When they are set up by statute, when you have a provision that there be consultation and consideration, that is what it means. It does not mean that you have to accept what someone else tells you.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: You do not know whether or not he ignored it. My view is he would have considered and consulted, and in those circumstances acted quite in accordance with the statute. The problem the honourable member has is he is trying to whip up a storm without reading or understanding the legislation. I will refer the questions to the honourable Minister and bring back replies.

NATIONAL PARKS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Environment and Natural Resources, a question about parks protection.

Leave granted.

The Hon. T.G. ROBERTS: I understand that either next week or the week after the Government will make an announcement on some moneys that will be expended on the parks system in this State, probably as part of the phoney lead-up to the election as a bodgie election promise.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: No, it is just the climate in which the announcement has been made. I am supporting the fact that the Minister did get a reasonable share of the budget and that he is now about to make some announcements on some spending in the protection of national parks. I hope that that money goes towards the protection of those national parks.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: No, I am being very selective. I hope that those announcements are directed towards some of the parks in which I have a personal interest. The problem I have is that there should be a priority of spending on some of the parks. Some of the parks are in a better or worse state than others. Some are under immediate pressure, whilst the spending on others perhaps can wait for a little while. My question is: in the Government's announcement of moneys for national parks, has it included Yumbarra, Innamincka Reserve, Coorong and Canunda? If not, why not?

The Hon. DIANA LAIDLAW: I know that the Minister will be particularly pleased to see the endorsement even before he has announced his policy in this matter. However, I will refer the honourable member's question to the Minister and bring back an early reply.

WORKCOVER

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Industrial Affairs, questions about WorkCover costs.

Leave granted.

The Hon. M.J. ELLIOTT: There has been a recent escalation in legal costs in the WorkCover system and it is causing increasing concern in many parts of the industry. I have received quite a number of calls to my office from workers and others involved in the industry who are concerned by that huge overrun in legal costs, which, I am told, are largely being generated by case managers. We are receiving frequent complaints that lawyers are creating significant additional costs but providing no benefit to the system.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: Let me go on. One of the intentions of changes to the appeal system last year was to minimise the involvement of lawyers in certain aspects of the operation of the Act. In fact, that underpins the whole principle of no-fault insurance. However, we are seeing some cases of lawyers being asked to carry out basic administrative functions which are supposed to be done by case managers. I recently received details of where a case manager wrote to the tribunal saying that the agent was planning to consult with the agent's lawyers and meet with the employer's legal

representatives before the claim had been determined. The claim was lodged in July 1996 and I understand that, as of today, the claim has still not been determined. That is just one example of legal involvement where it was not expected or intended that it occur.

WorkCover documents show that legal costs for March 1997 were 30 per cent above auditor's estimates and about 25 per cent over budget for July 1996 to March 1997. As I understand it, the trend is upwards. Also, I have been told that further legal costs have been hidden in private insurer's costs by being put under a separate miscellaneous costing line under a code 999, which has ballooned since private insurers have taken over claims management.

Until July this year the costs that agents run up on behalf of employers appeared as a separate cost which does not impact on claims experience. I understand that after this date legal costs will be itemised against claims experience which could lead to an increase in the WorkCover levy for particular industries if those costs are not reigned in. My questions are:

1. Does the Minister acknowledge that the system's legal costs are running significantly higher than the actuarial estimates?

2. Does the Minister acknowledge that some of these legal costs are being generated in areas where legal involvement was anticipated to be minimal?

3. What action is the Government taking to address this issue?

The Hon. K.T. GRIFFIN: I will refer those questions to my colleague in another place and bring back a reply.

RETIREINVEST

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before directing a question to the Attorney-General and Minister for Consumer Affairs about RetireInvest.

Leave granted.

The Hon. R.D. LAWSON: In April there was widespread publicity about apparent irregularities in the affairs of RetireInvest, or at least a franchise of that firm being operated in Adelaide by a Mr Ken Laming. In today's *Australian* a report appears as follows:

> South Australian investors who lost up to $10 million as a result of unauthorised share deals will meet RetireInvest executives in Adelaide this week to hear why the company missed its compensation payment date. . . RetireInvest managing director, Tony Muston, told investors during an emergency meeting in Adelaide in April he expected they would be fully compensated for their losses, 80 per cent by the end of May. . . It is believed some emergency payments have been paid by RetireInvest to some investors but no-one has received compensation payments.

And, of course, the month of May has now passed. It has been announced that investigations are being undertaken by the Australian Securities Commission, the Australian Stock Exchange and the South Australian Fraud Squad into matters pertaining to this affair. I checked the *Hansard* index to ascertain whether the affair has been mentioned in *Hansard* and the only reference to RetireInvest is its inclusion on a list of consultants in 1995-96. The firm apparently advised SGIC on superannuation. My questions to the Attorney are:

1. Will he assure the Council that inquiries into this affair will be expeditiously resolved by the regulatory authorities, notwithstanding that they are Federal bodies?

2. Will he further assure the Council that there is some oversight to ensure that assurances apparently given by this company will be honoured?

The Hon. K.T. GRIFFIN: I am not in a position to give that assurance raised in the second question. The Australian Securities Commission is the body handling the issue, complaints and investigations, but State police are involved in some of the investigations. My information, on my last contact with the Australian Securities Commission, is that the ASC is endeavouring to expedite inquiries. It certainly has some oversight over the issues which have been raised, but maybe from the Regional Manager of the ASC I can obtain further information to reply to that question.

The other important issue to recognise is that, if there are subsequent prosecutions, it would be unwise of me to disclose much information in relation to the investigations for fear of compromising any subsequent prosecution. I do not know that there will be any prosecutions, but one has to be cautious about these things for fear of compromising either the investigation or, more particularly, any prosecution that might result. I will see whether it is possible to get further information from the ASC. The Office of Consumer and Business Affairs is not significantly involved because the responsibility is mainly that of the ASC.

SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Police, a question about speed cameras.

Leave granted.

The Hon. T.G. CAMERON: A recent article in the *Advertiser* stated that motorists faced speed limits of 40 kilometres an hour in residential streets across the State if their local council pushed for a lower speed limit.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: Interesting character, the Hon. Angus Redford. He is the only person that I know who can speak and listen at the same time. Councils can now put their case to the State Government to have the speed limit on residential roads in their area reduced to 40 kilometres an hour. The new speed limits could be enforced by speed cameras rented to councils by the Government. It is believed that a number of councils are interested in lowering the speed limit, including the Unley council. The Unley Mayor, Mr Michael Keenan, said that the lower speed limits should be enforced by speed cameras rented by the council and operated either by council officers or hired security guards. I understand that the Unley council has informally approached the Minister for Police over this matter and he has indicated a favourable attitude to the request. Will the Minister confirm whether the Government is considering the hiring of speed cameras to local councils and, if so, is it also considering empowering council officers and hired security guards to operate the cameras?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply.

INTRODUCTION AGENCIES

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about introduction agencies.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Victorian Government has prepared new laws in an effort to crack down on introduction and dating agencies because self-

regulation appears to have failed. The industry in that State at least is reportedly rife with scandal and at least two serious cases of fraud and misleading conduct have been recorded. There have reportedly been more than 1 000 complaints in the past seven years in Victoria. My questions to the Minister are:

1. Are introduction agencies a problem in South Australia and, if so, what is being done about it?

2. Does the Minister plan to follow the Victorian method and introduce new laws here?

The Hon. K.T. GRIFFIN: I understand that Victoria will introduce legislation. As the honourable member indicates, they have had about 1 000 complaints since 1990. My understanding too is that in February of this year the Department for Fair Trading in Victoria had a significant win in the Supreme Court of Victoria where it had a couple of hundred of these matters before the court and were able to obtain an injunction against some 12 agencies operated by one particular individual. There were hundreds of complaints over alleged misleading and deceptive conduct. That order would have been made under the Victorian equivalent of our Fair Trading Act, because the Fair Trading Act deals with misleading and deceptive conduct, as does the Trade Practices Act. I saw the report and gave some consideration to it. There is no intention to propose any legislation in South Australia. It seems heavy handed in light of the reports that have been made through the Office of Consumer and Business Affairs. I am told that since 1 January 1994 up to 12 May about 67 complaints were made against introduction agencies. In 1994 there were 14; in 1995, 31; in 1996, 15; and in 1997 to 12 May there were seven.

I am told that there is no reasonable explanation for the higher number of complaints received in 1995 because the number is clearly against the trend, which is a fairly constant level of 14 or 15 complaints in a year. I understand that the majority of complaints related to allegations of unsatisfactory service provided by the various agencies and did not relate to fraudulent operation. The complaints generally arise when the client believes he or she has contracted for a service that is different from what the introduction agency may have provided.

The sensitive nature of the subject may prevent people from complaining to the Office of Consumer and Business Affairs about the difficulties they may have experienced with introduction agencies but, notwithstanding that, the current low volume of complaints received in this State against introduction agencies does not suggest that we should be taking the heavy handed and bureaucratic approach of regulating either by registration, licensing requirements or otherwise.

The Office of Consumer and Business Affairs continually monitors complaints about various industries and obviously if there is a sudden surge in those complaints we might have to revisit the position. I am certainly not persuaded that there is any rationale for any increased level of regulation of introduction agencies in this State.

MULTICULTURAL AND ETHNIC AFFAIRS OFFICE

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Multicultural and Ethnic Affairs, a question about political classification.

Leave granted.

The Hon. P. NOCELLA: Last week in another place it was revealed that the Office of Multicultural and Ethnic Affairs had introduced a practice of recording political leanings and affiliations in the briefing notes prepared on ethnic or community organisations. As the Chief Executive of that organisation until I became a member of the Legislative Council at the end of 1995, I am very familiar with this type of background briefing information which is customarily provided for the Premier, Ministers, Government members of Parliament and the Parliamentary Secretary, together with their speech notes when they attend functions organised by ethnic organisations.

Therefore, I am in a position to confirm that during my time and during the time of my predecessors, all the way back to 1980, information on the political leanings of ethnic community organisations was never sought, gathered, classified nor added to the briefing notes which normally contained demographic, statistical, historical or community information only. The President of ANFE, Mr Alex Gardini, one of the organisations classified politically and described as 'a right wing organisation', this morning made comments on 5EBI FM expressing his dismay at the fact that OMEA, the Office of Multicultural and Ethnic Affairs, would get involved in this kind of activity. Mr Gardini, like me, is a former senior member of this organisation and is horrified at the fact that these activities, that these activities—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —resembled the activities of the KGB, or more appropriately the Polish UB. Therefore, my questions to the Minister are:

1. Will the Minister inform this Council of when, after August 1995, OMEA was asked to research, classify and add political details to the briefing notes?

2. Will the Premier confirm, as he said in another place, that the responsibility for such activities is with the Chief Executive of the office?

3 Will he inform this Council who requested that OMEA take the additional activity and what resources are allocated to such a task?

4. For whom is this additional information being provided?

5. What is the purpose or purposes of adding this information to the details of ethnic community organisations?

6. Can the Minister guarantee that such information is not being used as a criterion in the process of evaluating applications for multicultural grants or any other grants?

7. Will the Minister list all the communities and individual organisations within those communities that have been classified in terms of their political affiliations and/or leanings?

8. Are the members of the South Australian Multicultural and Ethnic Affairs Commission aware of this practice and, if so, in which of their minutes are the records of this new practice recorded?

The Hon. R.I. LUCAS: It is very disappointing—

Members interjecting:

The Hon. R.I. LUCAS: It is disappointing that the Hon. Mr Nocella, who came into this Chamber not too long ago proclaiming—

The Hon. A.J. Redford: Do you remember his maiden speech?

The Hon. R.I. LUCAS: Yes—that he was not going to get involved in tawdry and cheap political acts within this

Chamber and indeed within the community. In the last two weeks—

Members interjecting:

The Hon. R.I. LUCAS: Exactly.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: In the last two weeks he has demeaned his position as a member of the Legislative Council. I have to say that I am ashamed, as a member of the Legislative Council, of the actions of the Hon. Mr Nocella on this occasion and last week because of the way he has sought to make cheap political capital out of bits and pieces of information which he has deliberately sought to use to mislead not only this Chamber—

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. R.I. LUCAS: —but the South Australian community as well. It is sad that an honourable member in this Chamber should commence his parliamentary career in that way. It does the honourable member no good at all to approach these issues—

Members interjecting:

The Hon. ANNE LEVY: Mr President, I rise on a point of order and ask that you ask the Hon. Mr Angus Redford to withdraw and apologise for the comments he has just made by way of interjection, calling members on this side 'boofhead'.

The PRESIDENT: Order! It is not helpful to the argument when members get into personal combat. If you wanted that we would be closer together and you could really get into it. The fact is, you cannot, and I ask that members just refrain from using silly language which is offensive and holds up the business of the Parliament. You all lose part of Question Time because I am now taking up your time. I suggest that members do not use silly interjections like that. Interjections are okay so long as they are reasonable. The terms used are not really unparliamentary at this stage and are used generally. I am ruling that there is no point of order—

The Hon. Anne Levy interjecting:

The PRESIDENT: While I am on my feet I would ask the honourable member not to interject. All I am asking is for members to keep their language to a dull roar.

The Hon. R.I. LUCAS: Thank you, Mr President. I will certainly refer the honourable member's claims to the Minister and have a more definitive reply brought back but, given the publicity raised last week by the honourable member and the Leader of the Opposition in another place on this issue, I obviously took more than a passing interest in relation to what I suspected to be outrageous claims that were being made by the Leader of the Opposition and the honourable member in this place. Certainly, the advice I have received to this point is that there was no instruction given at all by any Minister in relation to this issue and the Hon. Mr Nocella knows that. He knows who prepared it, he knows how he got hold of the information and he knows who the particular person is, he knows why that person gave that information to the Hon. Mr Nocella and he knows that person's connections with the Hon. Mr Nocella and others. So, for the—

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: Exactly. The Hon. Mr Nocella knows where the information came from and he knows who prepared it. He knows it was prepared, so I am told, not on the instruction of the Minister at all—

The Hon. J.F. Stefani: Or the CEO.

The Hon. R.I. LUCAS: Or the CEO, I am told by the Hon. Mr Stefani. The Hon. Mr Nocella knows this person; he knows who prepared the information. It is then leaked to the Labor Party and the Hon. Mr Nocella and Mr Rann go to the media saying, 'Shock, horror, shame, the Government is directing that this information be collected by public servants,' when the Hon. Mr Nocella knew that was not true. He knew who prepared it and he knew where he got it from; he knew it had not been directed by a Minister, yet he stood in this Chamber and went public with Mr Rann on this issue. He gets up in this Chamber and asks who directed this person, whether the Minister directed the person, yet he knows it is not true. It does him no good at all to be playing these games.

The Hon. Diana Laidlaw interjecting:

The Hon. R.I. LUCAS: He ought to go on another trip: he seemed to have fun on the last one. The honourable member has quoted Mr Alex Gardini in an attempt to indicate by implication that Mr Gardini was joining him in 'shock, horror, outrage' at what the Government he was alleging or implying had been done. The Hon. Mr Stefani, given the passage of time between when the question was asked and my now being able to respond, has been able to provide me with some information.

In due course, when I return with a fuller response, I will indicate that the understanding I have been given is that Mr Gardini, in particular, is very angry at what he terms 'those people who made temporary political capital out of this particular issue last week', and he is seeking an apology from those who made temporary political capital out of this issue last week. I wonder whom that would be? I have not spoken to Mr Gardini, but I wonder whom that might be and whether Mr Nocella fits that description. I wonder whether Mr Gardini is angry with Mr Nocella and Mr Rann. I wonder whether he has spoken to Mr Rann and Mr Nocella and expressed his disappointment. I wonder whether at a recent function he made his anger quite apparent to the honourable member. I wonder many things about Mr Gardini and his attitude towards Mr Rann and Mr Nocella. I do not know for fact all that information. I can only but wonder what Mr Gardini's position might be—

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, I can only but wonder what Mr Gardini's attitude is towards the Hon. Mr Nocella and the Hon. Mr Rann, and that might be ascertained before we prepare a definitive response in relation to this issue. As I said, it has done the honourable member no credit at all. I will refer the honourable member's question to the appropriate Minister and bring back a reply as expeditiously as possible, and I am certain that the answers will demonstrate the honourable member for the man that sadly he has become.

TORRENS RIVER, HORSES

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about the horses on the Torrens River.

Leave granted.

The Hon. G. WEATHERILL: In the 1950s, the Engineering and Water Supply Department made Breakout Creek, which is the extension to the Torrens River. At one stage it ran in a creek bed across Tapleys Hill Road north of Henley Beach Road. It was extended because there was a sharp turn, which created problems. It was further extended south of

Henley Beach Road, a bridge was built over it and it now runs into the sea about 300 metres from Tapleys Hill Road.

The Engineering and Water Supply Department at that time decided to lease the land, and I think that three or four people leased the property. The agreement with the Engineering and Water Supply Department was that it could not be rented to anyone except those who owned horses. The horses would run along there to keep the salt bush and sugar bush down. When the river level drops and only a small creek remains, the horses go into the riverbed itself to eat these bushes. They have been doing this for quite some time.

The department which has taken over the Engineering and Water Supply Department now wants the horses off the Torrens River. I have lived in that area for the past 37 years and go there quite regularly.

The Hon. T.G. Roberts interjecting:

The Hon. G. WEATHERILL: No, I do not have a horse. Young children go there at weekends to look after their horses, which they do exceptionally well, and to do a bit of riding. The Labor Government, through Des Corcoran, put a fence through there to keep the horses away from the walking and bike track which runs all the way to the city. The department, in its wisdom, has decided that the horses are causing stoppages and pollution in the Torrens River. It is such a joke. I am sure that these people have not been near the area to look at it. As a matter of fact, the horses keep the river running by eating the salt bushes and sugar bushes.

I did speak to the Minister about this matter, and he obviously had not been down there. He said that he would talk to his officers again. However, they obviously do not know what is happening. They talk about the river being polluted by the horse droppings; if one can collect manure from the area one is lucky because it is collected every weekend by people for their gardens.

It is a beautiful area only 10 minutes away from the city. You would swear that you were in the country. Horses which are well groomed and well cared for are walking around, but for some reason a public servant in his wisdom wants to take the horses away from the Torrens River. Petitions are being circulated and there will be a stir over this issue because the situation has not been looked into. Will the Minister personally investigate the situation? I am sure he will find that the department is totally wrong. It was the department's original idea to graze horses rather than sheep in the area because sheep would have caused considerable damage to the ground and made it a desert. The horses are like lawnmowers; the department has not paid one cent over the past 40 years to cut the lawns in the area.

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

CONSUMER AFFAIRS DEPARTMENT

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs about an answer to a question on notice of mine about numbers of investigating staff at the Office of Consumer and Business Affairs.

Leave granted.

The Hon. SANDRA KANCK: On 25 February this year I put a series of what I thought were straightforward questions on notice to the Attorney-General in his capacity as Minister for Consumer Affairs. Those questions were:

1. How many full-time equivalent staff does the Department for Consumer Affairs currently have investigating complaints and inquiries from the public; and

2. How many investigating officers did the department have for the years 1992, 1993, 1994 and 1996?

The reply I received studiously avoided answering most of the questions. It indicated that there had been a drop in the number of investigating officers in 1995 and that ancillary staff had been trained to fill the gap. The answer pushed the idea that early identification of problems was preferred to the previous Government's approach of threat of prosecution. If this answer were given in a court of law, the judge would direct the witness to answer the question. Nowhere in this answer are we provided with the numbers of investigating officers employed during the years 1992, 1993 or 1994. What can be gleaned is that the department since 1995 has employed a grand total of seven investigating officers whose efforts are supplemented by 26 ancillary staff trained to detect potential breaches of the legislation at an earlier stage. My questions to the Minister are:

1. Does he concede that the reply was an inadequate answer to the question?

2. Will the Minister guarantee to provide to this Parliament the number of investigating officers employed by Consumer Affairs in 1992, 1993 and 1994?

3. How many complaints from consumers did the Office of Consumer and Business Affairs receive in 1992, 1993, 1994, 1995 and 1996?

4. How many threats of prosecution were made in each of those years?

5. How many of those complaints were successfully prosecuted by the department for each of those years?

The Hon. K.T. GRIFFIN: Obviously, the honourable member has not heard about multiskilling, because that is the essence of the answer that was given to the question. The fact of the matter is that, as I responded at the time and as the honourable member has indicated, the efforts of the Office of Consumer and Business Affairs are aimed at trying to get more people able to detect offences than have been available previously. So, in answer to question 1 the answer is 'No.' In answer to question 2 the answer is 'No.' In answer to question 3 about the number of complaints, I am sure that if the honourable member looks at the annual report she will find those details, but I will see whether that matter can be simplified for her. As to question 4, I do not believe that it is possible to take that matter further.

MATTERS OF INTEREST

KELLY, Hon. CHARLES ROBERT

The Hon. J.C. IRWIN: It is some time since last I had an opportunity to contribute to this debate. So much has happened during that time that it is hard to know where to start. Today, I want to speak a little about an old friend of mine—and of some other members of this place—who died on 17 January this year. He was also a mentor of mine, and I refer to the Hon. C.K. (Bert) Kelly, CMG, who was the Federal member for Wakefield for about 20 years, and

from 1967 to 1969 he spent a short time as a Commonwealth Minister.

I first met Bert Kelly in 1957 (before he entered Parliament in 1958) when I was a mere callow jackeroo at Bungaree Station in Clare. My then boss, Richard Hawker, demanded that I read Bert Kelly's articles in the *Stock Journal* on a weekly basis, digest them and carry them out. He then wrote under the title of 'Modest farmer'. Some time after 1958 when he had entered Parliament his articles were entitled 'Modest member'. These articles were earthy and witty, and there was always a point that he wanted to make in his own inimitable style. It took some reading and thought to find the point, but with Eccles and Mavis and other characters who became well known throughout Australia the points were there. They were very good points for fledgling farmers such as I, and they contained a lot of wisdom as well.

I worked for many years with Bert Kelly on the Liberal Party's Rural Council and for two years on the Federal Rural Council, to which Bert always took his small, battered, old, cardboard suitcase which had the initials CRK handpainted in white paint from the farm and which was held together inevitably by a cord. Bert got great pleasure out of his son Kym playing football, at first for Riverton and then for Port Adelaide, and his grandson Craig playing for Norwood and then being the strong man at Collingwood.

Bert Kelly was born on 22 June 1912 at Riverton, South Australia. He was a farmer in South Australia before entering politics. He was a member of the South Australian Soil Conservation Committee from 1940 to 1958. He also served on the South Australian Advisory Board of Agriculture. I believe, Mr President, that you would know well that he was the first person to use contour banking in agricultural practice—at least in South Australia and perhaps further afield than that.

In 1951, Bert was awarded a Nuffield Fellowship to study farming in Britain. This was the first time farming fellowships had been awarded in Australia. Although his interest in primary production and related issues such as soil conservation was to remain with him throughout his subsequent parliamentary career, his overwhelming concern and the single issue which he championed fearlessly and tirelessly in his political life was tariff reduction and free trade.

I do not make this speech about Bert Kelly today in an attempt to enter the tariff debate, although there is no doubt about the significance of Bert Kelly's crusade throughout his life and where the tariff debate is today. In his condolence contribution, the Prime Minister said:

> . . . no person in the post-war parliamentary period or earlier than that period championed the cause of lower tariffs and free trade ahead of Bert Kelly. Whatever people's views may have been of Bert Kelly's views, he was, in a parliamentary sense, the trail blazer of lower tariffs. The significant thing about Bert Kelly's contribution was that at the time he began to argue the cause of lower tariffs it was not a particularly popular line to be taken. The conventional wisdom all round, indeed substantially on both sides of politics, was that it was a good idea to protect Australian industry from outside competition and that, if that imposed some burden on the export industries of Australia, then you compensated for that burden by some direct subsidies to those export industries. Bert Kelly's father had been a member of the Tariff Board and Bert himself, from his early days in Parliament, began to champion the cause of lower tariffs.

Time will not permit me to go on. I had intended to quote from a letter that Gough Whitlam, a former Prime Minister, wrote to Kym Beazley and which Kym Beazley used in his condolence speech. It is a very witty and interesting contribution, but I will not even start it because the time has beaten me.

SOUTH-EAST WATER AND CONSERVATION BOARD

The Hon. R.R. ROBERTS: I rise to raise the matter of South-East Water and Conservation Board appointments. Members would recall that I made a short contribution about this matter today by way of a question. It brings into focus once again the consultative process of this Government. We heard during the last election campaign that before the Government would open or close any Government offices in country areas there would be full consultation and a community impact statement would be given. Since the election not one community impact statement has been sighted. I have raised this matter in the Council on a number of occasions, and I have been told that these matters were Cabinet documents and were not for public consumption. So much for the promise and so much for the delivery!

What we see with the South-East Water and Conservation Board is another indication of the disrespect that this Government shows for consultation. It also shows how the Government has disrespect for the objects of its own Acts of Parliament. The South-East Water and Conservation Board was to consist of four ministerial members; one member was to be appointed by the Governor on the nomination of the Local Government Association—this is understandable because that organisation collects some of the fees; and three members were to be elected from persons in the three zones covered by the South-East Water and Conservation Board.

One would expect, as these are the people who pay for the scheme, that they would have proper representation and would also be properly consulted. One of the four ministerial representatives is a person with field experience in environmental management. So, on the surface it looks as though it is a balanced committee.

One of the other requirements of the Act is that before the Minister appoints a Chairperson over this august body he must consult and seek a recommendation from the board. What has occurred is that a Mr England was chosen as the board's nominee. A quorum of the board is five members, and the Act prescribes that if a quorum is present a decision carried by the majority of votes cast by the members present and voting at a meeting is a decision of the board.

At the meeting held to discuss this matter, one member was not present. However, a majority decision was taken, and it was the recommendation of the board that Mr England be put forward as the nominee. Another candidate who wished to fill this position was a Mr Desmazures, who stood for election by his peers as a zone representative but was defeated. This was after a fairly robust campaign. However, the Minister in a reply to me pointed out that he had had some discussions with members of the board and that opinion was evenly divided.

Given that a decision of the majority is supposed to be the board's recommendation, it is appalling that Mr England was overthrown in favour of Mr Desmazures. People might say it is a matter of sour grapes. However, I do not believe that that is the case. I believe that if boards are constitutionally constructed, their decisions ought to be respected. In this instance, clearly someone has been appointed on a recommendation that came, I believe, from the local member. In my view, the difference is that Mr England is a free spirit and a

thinker. He has written a book which conflicts with the official line of the department, and therefore I accuse the Minister of wiping off his nomination in favour of someone who will be a rubber stamp for the Minister.

Members may think that is too harsh. I do not think so. I think the people who pay for the board ought to have the majority say. This board is now dominated by ministerial appointments. When one considers that the elected Chair has a casting vote as well as a deliberative vote, there needs to be only one zone representative, and any decision, whether or not agreed to by the zone members, will be carried. The situation is actually worse than that because the ministerial appointment is also the deputy presiding officer and he would have the same rights. So quite clearly this board is a sham.

FOOD REGULATIONS

The Hon. SANDRA KANCK: We are all probably aware of the hidden camera current affairs style of exposé on help-yourself salad bars. But what about the behind the scenes picture in the kitchens of hotel restaurants and cafeterias? Around Australia in the past two years, there have been numerous outbreaks of illness following consumption of contaminated foodstuffs. This is a matter with both health and consumer applications. The wheels are in motion federally to implement uniform food safety programs, but progress is slow and hence the need for South Australia to take the lead in legislative reform in this area.

Not all people suffering food poisoning report their attack. This may be because it is of minor inconvenience or in some cases it is not recognised because it presents symptoms similar to other illness such as flu. If you add to this the fact that there is no central register for cases of suspected or confirmed food poisoning, you will understand that health authorities are forced to guesstimate the incidence. This does beg the question of the need for a register. Perhaps if South Australia had had one last year, the HUS outbreak might have been detected more quickly than it was and a lot of the resulting trauma might have been avoided.

Current estimates of the number of people suffering from food-borne illnesses in Australia start from a minimum of 460 000 per annum at a minimum cost of $500 million per year. The costs of food poisoning to the individual can include ongoing health problems and, in extreme cases, death. The cost to the economy ranges from the expense of hospitalisation and the cost of medical diagnosis, and in the case of the HUS outbreak, there was also the added cost of medical research, to a loss of confidence in our capacity to reliably produce high quality and clean foodstuffs. This is all largely preventable.

South Australia could implement mandatory food handling courses now. The expertise is available, the cost is low, and the potential gains are huge. It would be reassuring to see a return to the use of hairnets by those preparing foods. Good old fashioned frequent thorough handwashing as opposed to the practice of wiping hands on a bacteria-laden damp cloth needs to be promoted. The work of preparing and serving food is skilled work. However, in many cases it is being done by people who have not been trained in the specifics of safe, hygienic food handling.

Education of the community as to acceptable practices, both domestically and commercially, would be a good strategy. We suggest that the Government could set up a telephone hotline, held over say a four day period, seeking information on recent incidents where people have witnessed unsafe food handling practices. This would enable the Government to identify establishments which could then be offered free hygiene courses to allow them the chance to bring themselves up to standard. If necessary, the Government should ensure that inspectorial powers are upgraded and should consider increasing the number of food inspectors at large in the community.

Since the tragedy of the Garibaldi case there have continued to be food-borne disease problems, some of which could have been averted through proper handling techniques. It could be up to three years before the Federal Government gets its act together on this issue. In the meantime, it would be in the interests of South Australian consumers for this Government to take the lead in the matter. Our reputation as a supplier of export quality food would be able to be upheld and our legislation could become the model for the rest of Australia. With the benefits that would follow from such a strategy, why not take the lead?

ABORIGINAL RECONCILIATION

The Hon. BERNICE PFITZNER: When I contributed to the motion last week with regard to the removal of Aboriginal children those many years ago, I had not had the opportunity to peruse the national report entitled 'Bringing them home'. I have now had a chance to look at the report and would like to make a contribution to it which will necessarily be brief because of the five minute time restriction.

The national report into the separation of Aboriginal and Torres Strait Islander children makes sad but educational reading. We need to know the facts so that we can properly understand the situation as it is today. The history of forcible separation of indigenous children from their families shows that this was done by compulsion, duress and undue influence. We need to know the definition and connotation of these terms used. Compulsion covers both the official use of force and extends to the removal of a child by a Government delegate.

Duress is another description which differs from compulsion in that it can be achieved without actual physical force. For example, we are told that a large number of parents relinquished their children to the care of the Lutheran mission at Koonibba in South Australia to protect their children from being removed by what they called the 'Protector'. The final term, undue influence, relates to putting improper pressure on families to induce the surrender of their children. The relationship is one of influence between the indigenous people and Government administrators.

There is some acknowledgment of love and care provided by the non-indigenous adoptive families, and recorded appreciation of a high standard of education, but as one said, 'Even though I had a good education, I went to college, there was just that feeling that I did not belong there. The best day of my life was when I met my brothers and sisters, because I felt I belonged and I finally had a family.'

A three-year longitudinal study done in Melbourne in the mid 1980s showed the difference between those removed and those raised by their families. Those removed were: less likely to have undertaken a post secondary education; less likely to have stable living conditions and more likely to be geographically mobile; three times more likely to say they had no-one to call on in a crisis; less likely to be in a stable, confiding relationship with a partner; three times more likely to have reported having been in gaol; less likely to have a

strong sense of Aboriginal cultural identity, more likely to have discovered their Aboriginality later in life and less likely to know about their Aboriginal cultural traditions; and twice as likely to report current use of illicit substances.

Statistics in 1994 allowed comparison between children removed and children raised by their families, and contrary to some perceptions there is no significant difference between the two groups with respect to their educational achievements. Again, comparing the two groups, there was no greater likelihood of the removed children being employed. In fact, there was a tendency for the removed children to be less likely to be employed. The self-assessed health statistics show that those taken away had a poorer health status than those reared by their own family.

The report covers a comprehensive area and is well worth reading. In view of the short time allocated, I would like to quickly read a poem which to me epitomises those children's sadness. Written by James Miller in 1994 and entitled 'Six o'clock . . . Outa bed' it reads:

She entered Coota a young girl
about eleven/twelve but already
mature for her years.

She knew how to look after her
younger brothers and sister, keep house
for herself, her mother made sure of that.

Her life was forcefully changed.
She was parted from her brothers.
Whitewashed in a 'new alien' white
way of thinking.

She never really had a childhood,
she went from baby clothes to
Government uniforms, controlled by the
times of day.

Six o'clock, out of bed, wash, dress, work, breakfast,
work, inferior schooling, home, change clothes, work,
wash, tea, bed, nightmares, worry, little sleep,
cry.

Six o'clock, out of bed, wash. . .

Talk like whites, behave like whites,
pray like whites. Be white.

She knew her family for she was part of one,
where she grew up, the things she did,
the strong family she had, the old people,
the stories of long ago, her own
identity. Her mother.

She was rebellious, she never
conformed, they never broke her spirit,
her family background made sure of that
and they were always in her thoughts.

YOUTH UNEMPLOYMENT

The Hon. T.G. CAMERON: The recent release of ABS youth unemployment statistics confirms South Australia's ranking as the worst performing youth labour market in Australia. Youth unemployment has reached crisis levels in South Australia with 10 600 people between the ages of 15 and 19 looking for work. At a staggering 42.1 per cent the State now has the nation's highest rate of young people seeking a job, up a massive 10.5 per cent on the November 1996 figure.

South Australia now has over twice the youth unemployment rate of the best performing State—Western Australia—and shows no sign of improvement. An even more disturbing fact is that youth unemployment is increasingly becoming localised. Youth blackspots where unemployment has remained at very high levels for many years have appeared in South Australia. A study by the Social Justice Research Foundation has shown that Adelaide's western suburbs and rural South Australia are among the nation's worst areas for consistently high youth unemployment. The western suburbs had an average of 21.7 per cent of people aged 15 to 24 looking for work between 1988 and 1996—the sixth highest rate in Australia.

Before the last election the Olsen Government promised to create 20 000 jobs a year, but after nearly four years only 21 500 jobs have been generated. The recent budget announcements by the Olsen Government offer no real hope to South Australia's young unemployed. The budget's priority and capital works programs which were touted as creating jobs were a joke. In the past four years the Liberals have underspent on capital works by a staggering $575 million and cut more than $350 million out of hospitals, schools, police and so on.

The budget announced an increase in capital works of $200 million for the next financial year—exactly the same amount the Liberals underspent on capital works this financial year. These cuts and this underspending have helped stall economic growth and push up unemployment. The budget papers show that the Government has failed its jobs growth rate this year by half: it predicted 1 per cent growth but achieved only half a per cent. As if to add salt to the wound, the budget papers show that just $3 million has been set aside for youth traineeships in a bid to cut youth unemployment—the same amount that will be spent on a new Football Park scoreboard. For Pete's sake, where are the Government's priorities?

Considering the severity of these figures one would think that the Government would be making it as simple as possible for small business to take on young unemployed. I am sorry to have to report that this is not the case. Over the past few weeks I have received a number of complaints from small businesses looking to employ young people, who have received the runaround from Government agencies and departments when they have tried to access information on current subsidies and training which would encourage them to take on our young unemployed. They have accused both the State and Federal Governments of being less than helpful.

After investigating their complaints I can confirm that there is no one single telephone number that small employers can call to find out what Government assistance is available to assist them to take on young unemployed people. Only recently South Australia's first small business advocate claimed that the State's economy could be revitalised by a small business recovery, hopefully taking on many of our young unemployed. The fact is that small business is the backbone of our economy. Jobs in small business are growing whilst the corporate and public sectors are downsizing: 80 per cent of all new jobs created are in the small business sector.

The number of small businesses in South Australia grew by 7.4 per cent between 1992 and 1995; by 1 per cent for non-employing businesses; and by 17.7 per cent for employing businesses. Considering that small business accounts for over 96.7 per cent of all business in South Australia and 50 per cent of all business employment, the present system of providing information is nothing more than a disgrace: it is a symbol of inefficiency within the Government. I call on the Government to immediately set up a hotline number to

enable small business to access all the information necessary that would help them to employ young South Australians.

TAIWAN

The Hon. A.J. REDFORD: Last Wednesday evening, 28 May, I was pleased to be present at the inaugural meeting of the Taiwan-South Australian Parliamentary Group at which 15 members of Parliament were in attendance and four of whom, including you, Sir, registered an interest in participating in the group. The meeting was also attended by the Director General of the Taipei Economic and Cultural Office, Mr Benjamin Liang, and his assistant, Douglas Shen, who indicated their support for the establishment of the group and gave us a briefing on some of the issues currently confronting that country.

In view of this important initiative I would like to take this opportunity briefly to provide this Parliament some information about Taiwan which, incidentally, is currently Australia's fifth largest trading partner and growing. Taiwan, a constitutional democracy, has a total area of 36 000 square kilometres with a population of over 21 million people—or more than that of Australia. In the 1994-95 financial year it had an economic growth of 6 per cent and predicts a growth of about 7 to 8 per cent this financial year. Indeed, that prediction of growth has been made despite the fact that nearly 8 per cent of its population is over the age of 65. When one compares that fact with the fact that Australia is predicting a 4 per cent growth this financial year, with a population over 65 estimated to be of the order of over 11 per cent, it is easy to see that we can learn much from Taiwan.

In the circumstances, I think I should put on the record some important facts and information concerning our very important trading partner. First, the language used is Mandarin Chinese. It has an Aboriginal population of some 369 000 people. It has a constitution modelled on United States of America principles. It has a system similar to a Federal system of government involving a central government, a provincial government, municipal and county governments, all of which have different and varying responsibilities. It also has three major political Parties. The first of those is the Kuomintang, which is currently the Party in power and has been the Party in power for a number of decades. Its platform and objective is the reunification of Taiwan with mainland China.

The second political Party is the Democratic Progressive Party, which advocates the principle of Taiwan being a separate country and having no aspirations of reunification. The third Party is a new Party, which is a breakaway Party from the Kuomintang Party but which supports its principle of reunification with mainland China. It has a free press and also has voluntary voting at its free elections, and at the last election in 1995 some 76 per cent of the people attended and voted and, in fact, supported the election of President Lee Teng-hui who achieved some 58 per cent of the popular two-Party preferred vote.

It is a trading country. It exports some $US93 billion per annum and imports $85 billion, showing a trade surplus of some $8 billion. From 1991 to 1994 it invested the huge sum of $45 billion in mainland China. Its industry, whilst traditionally being that of food processing, textiles, leather and wood has become far more sophisticated with the manufacture of sophisticated consumer goods. It is a huge consumer of coal and gas resources from Australia. It also has similar health problems with an ageing population similar to that of Australia. It has significant environmental problems and certainly can learn a lot from this country. Last year I was privileged to attend a function conducted by that Government in the area of the arts, and they do have a vibrant culture in that regard.

In closing, whilst I have been very positive in my contribution, unfortunately I inform this place of the death two days ago of the cultural attache to Australia, the equivalent of the ambassador, Mr David Hong, in Melbourne. He was a career diplomat for the Taiwanese Government over a period of 22 years, representing his country in the United States and South Africa. He is survived by his wife, Madam Linda Hong, three girls and a boy and I pass on my sincerest sympathy to his family and to the Taiwanese Government for this tragic loss.

MOUNT GAMBIER PRISON

The Hon. P. HOLLOWAY: Today I raise a matter that I addressed in a question last week. It concerns the behaviour of the former Deputy Premier and Minister for Police, Stephen Baker. A week ago the Coroner of this State released a report into the death of a prisoner due to a drug overdose at the Mount Gambier Prison early in 1995. Following that death the former Deputy Premier, the then Minister for Police, went down to Mount Gambier and spoke to senior police concerning this issue. The matter of concern is that the evidence on the record clearly shows that the Minister for Police was interfering in a police investigation, which is a very serious breach of the convention.

The Hon. Diana Laidlaw: He has already denied all of that.

The Hon. P. HOLLOWAY: Yes, he has denied it completely. I have raised it before and I will keep raising it because this Government keeps covering it up. The matter I raised in a question last week was the elaborate attempt to which this Government had gone to minimise the damage. We have a particularly arrogant Government. Because it has such a huge majority in the other place and a compliant media on the whole, it believes that it can get away with absolutely anything.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: The Minister interjects about the media. The *Advertiser* did not publish for three or four days a report into the death of a prisoner at a goal, about which the Coroner made a number of important findings. The media completely ignored it. I do not know what the Minister is getting at if she believes the media has been hard on the Minister. Only one radio station took it up.

Members interjecting:

The Hon. P. HOLLOWAY: Am I suggesting there is a relationship between the Liberal Party and the *Advertiser*? Yes, I am.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: I am sure that the people in the media can choose their issues, but the people who choose them are very friendly to this Government and have shown that repeatedly over the years. We will go into that on another day.

It is important that we put on record that there were some quite improper behaviour on this occasion. The Deputy Premier spoke to police officers and the transcript of that conversation says that the former Deputy Premier said that basically what happens with drugs seized in gaol was the

business of Group 4 and DCS and nothing to do with the police. Both police officers who were investigating this matter said that that was highly ridiculous. They both repeated the evidence at the Coroner's inquiry, and the Coroner pointed out that the Minister did not dispute the accuracy of the evidence. It is not a question of the Minister's denying that he said it at all. In fact, the Coroner's report clearly shows that the Minister did not take the opportunity to dispute that evidence. We had the amazing situation where the Coroner actually complimented the two police officers for not being intimidated by the Minister's advice. He said:

> Clearly criminal activity, whether it was inside or outside the prison, was the business of the police.

He then gives the name of the police officers and continues:

> Both [names of officers] told me the Minister's comments did not deter them from pursuing their concerns in this area. This is to their credit.

Is it not most unusual that a Coroner should be complimenting police officers for ignoring what they were told by a Minister? The Government knew that it was in trouble on this issue, as the document I referred to last week shows. It was a leaked copy of a minute from the Minister for Correctional Services to the Attorney-General. It showed that the Government was purely concerned with media management. This Government was concerned not about the propriety of behaviour but about managing the media. As this minute says:

> Thus when this matter comes on for hearing in Mount Gambier it is sure to be the subject of intense media attention.

It goes on to suggest ways that the Government solicitor would try to argue that the material was irrelevant and try to not get it considered before the Coroner's report. They were unsuccessful in that, I am pleased to say. It is important to note that any interference by a Minister into investigations by police is totally improper. What happened here with the Minister is totally improper. It shows how arrogant this Liberal Government has become. It is quite prepared to breach long-standing conventions and, when it is caught out, it will go to great lengths to try to cover its tracks.

JOINT COMMITTEE ON LIVING RESOURCES

The Hon. CAROLINE SCHAEFER: I move:

> That the final report of the Joint Committee on Living Resources be noted.

This committee consisted of the Hon. David Wotton as Chair, Mrs Robyn Geraghty, Mr Malcolm Buckby, the Hon. Terry Roberts, the Hon. Michael Elliott and myself and first met in May 1994. The terms of reference were to inquire into the future development and conservation of South Australia's living resources; to recommend broad strategic directions and policies for the conservation and development of South Australia's living resources from now and into the twenty-first century; to recommend how its report could be incorporated into a State conservation strategy; to give opportunity for the taking of evidence from a wide range of interests, including industry, commerce and conservation representatives as well as Government departments and statutory authorities in the formation of its report; and to report to the Parliament with its findings and recommendations by December 1994. Obviously the last of those terms of reference was not met, although an interim report was delivered prior to that time. The committee determined that living resources, for the purpose of this inquiry, would mean 'South Australia's indigenous terrestrial and aquatic flora and fauna, together with the ecological conditions vital to the continued existence of that flora and fauna'. The joint committee therefore included in its deliberations issues related to land, water and air where they directly related to integrating conservation and development of living resources.

The committee received information and evidence from a large and diverse group and also took the unusual step of holding a public forum on 31 March 1994. Speakers at that highly successful and well attended forum were: Mr Dennis Mutton, the then Chief Executive Officer of the Department of Environment and Natural Resources; Dr Barbara Hardy AO; Mr Peter Day of the South Australian Farmers Federation; Mr Mark Parnell of the Australian Conservation Foundation; Mr Andrew Beal, Chief Executive of the Australian Native Produce Industries Pty Ltd; Mr David Cole, Sustainable Futures Group; and, Mr Noel Hiern, Director of the South Australian Chamber of Mines and Energy.

For the purpose of the report, the committee decided to address six key issues: sustainability, community participation, environmental education, biodiversity, integrated natural resource management, and opportunities for sustainable resource management, as well as making broad recommendations. We also decided to put forward a number of suggested actions to enable the recommendations to be carried out. At the end of what was a very long committee—although we met only some 26 times over that period—we brought down 11 recommendations. I would like to bring those recommendations to the attention of the House. Our first recommendation under 'sustainability' is:

> The joint committee recommends that the conservation and development of South Australia's living resources take place within a policy framework formed on the principles of ecologically sustainable development and that this framework serves as a basis for sustainable economic growth.

The second recommendation is:

> The joint committee recommends that a more transparent decision making process with genuine opportunities for early and ongoing community participation be developed to improve conservation and development outcomes.

Under 'environmental education' we have this recommendation:

> [we] recognise the importance of education in shaping attitudes, social values and behaviour towards the environment. It therefore recommends that programs for environmental education be developed and actively supported throughout Government to change current unsustainable practices.

Under 'biodiversity' we have this recommendation:

> The joint committee recommends that current efforts to establish and maintain a representative park system should be complimented within the South Australian urban and agricultural regions by an integrated land management approach for the sustainable management and re-establishment of native vegetation.

Under 'marine conservation' we have this recommendation:

> The joint committee recommends that marine parks continue to be established in South Australia as part of a nationally representative network and at a scale to ensure the conservation and sustainable use of the State's coastal and marine environments.

The sixth recommendation is as follows:

> The joint committee recognises that the current level of information about the State's biodiversity poses a threat to its conservation

and management and recommends that every effort be made to complete the biological survey program by 2005.

Recommendations 7 to 10 are as follows:

Recommendation 7:

The joint committee recommends that integrated approaches for the control of pest plants and animals be developed as a high priority.

Recommendation 8:

The joint committee recommends that a range of Commonwealth and State options be reviewed to generate the necessary funding to support improved conservation and development of living resources.

Recommendation 9:

The joint committee acknowledges the importance of integrated natural resource management for the conservation and management of living resources and recommends that strategies for achieving greater integration across all levels of Government be developed and implemented.

Recommendation 10:

The joint committee recognises the development potential of the State's living resources and strongly recommends that all avenues for advancing new commercial ventures based on the sustainable utilisation of native flora and fauna be actively pursued, including appropriate legislative and administrative frameworks.

The final recommendation is:

The joint committee recommends that the State Government support the development of an ecotourism industry that is ecologically sustainable.

This was a serious report arrived at by a great deal of compromise and discussion by the various people involved. It is an attempt to recognise that the environment and development cannot only go hand in hand but can also enhance one another if a sensible and sensitive attitude is taken. The report recognises that with an environmentally sustainable environment we can move towards the future and put a value on our natural resources. We can begin sustainably to use and harvest them, instead of continuing to believe that we are part of a European based society.

Much of the evidence we received was from people who were involved in things like establishing bush tucker, from people involved in the Geography Department at the university discussing means of farming some of our native animals as opposed to cloven hoofed European animals. The report provides a series of guidelines by which we can base a strategy for sustainable environmental issues into the future. I recommend that people read the report because it does not come out on one side or the other; it does not condemn development but seeks to involve environmental sustainability with development into the long term for the future of the State.

The Hon. M.J. ELLIOTT: I support the motion. As the Hon. Caroline Schaefer said, this committee was initially required to report by December 1994 but the task was a far bigger one than the Minister ever realised when he first set out the task in a motion in the other place. However, we did produce an interim report and we now have a final report before the Parliament. It has been a worthwhile exercise although, as so often happens with committees, they become a whole lot more worthwhile if action follows. We can spend a lot of time meeting and talking and thoughts can be committed to paper but it is whether real action follows that is the real measure. I wish to cover a few of the key recommendations. The first thing that became apparent to the committee was that, if we were to talk about living resources, some people might have thought that we would focus very narrowly on the living environment and on species and look at which ones were endangered and make some recommendations about how to protect them.

In fact, the committee took a much broader view than that and argued—not that any of those issues were unimportant—that if we are to care for the living resources we must take an overview, an integrated view, a view that takes the economy and society as a whole, social issues and the environment all being looked at together in an integrated fashion. The first recommendation was that policy frameworks had to be based on the principles of ecologically sustainable development. On behalf of the Democrats, I am delighted to see that the first recommendation refers to that goal because, when our Party was first formed 20 years ago and there were 20 policy objectives of the Party, as I recall, the third or fourth policy objective talked about ecologically sustainable development. It would be fair to say that at that stage most people had not heard the term and even those few who had probably did not have a full grasp of what the implications of it were. It shows how far Australia has gone in the past 20 years.

I see it just in the farming community alone as I follow, for instance, the *Stock Journal*. When I first came into Parliament more than 11 years ago there were often articles criticising greenies and all the terrible things that they were doing. Now in the *Stock Journal* we see articles about the Ibis award and we have seen a coming together and recognition that the economy—including farming and the ecology—are not two separate issues that you can treat separately, that they must be treated together and the long term health of both the economy and the health of the ecology are absolutely inextricably linked. That is the core of the first recommendation.

In making recommendations the committee went further and then suggested a series of actions which would aid in the implementation of the recommendations. Since all members have access to the report I do not intend to go through the lot, but it is worth referring to a few of them. I refer to the first action point: to examine alternative measures to GDP for evaluating economic performance. For a long time Governments—State and Federal, and not just in Australia but overseas— have boasted about how much GDP growth they have achieved and have not recognised how crude a measure that is.

It can be a real mistake to believe that if GDP has gone up by 5 per cent people are 5 per cent wealthier. It is worth noting that barely a year has gone by in South Australia, even through the State Bank years and the years immediately following, when the gross State product has not grown, yet people tell you that in many cases they are worse off than they have ever been.

Gross domestic product measures only one thing: it measures effort but it does not measure final useful output. I might give an environmental example of the crudeness of GDP. If you had a plant manufacturing a certain amount of product, and after five years it had produced $100 million worth of goods, $100 million in terms of measuring all the costs in building the plant, the costs of labour, working the plant, and so on, GDP would give a measure of $100 million. If that plant had been sitting next to a lake which had a fishery and which was capable of producing further profit, but we managed to poison that lake—

Members interjecting:

The PRESIDENT: Order! There is too much background noise.

The Hon. M.J. ELLIOTT:—and efforts had to be made to effect a clean-up, the costs of the clean-up of that lake would also be added onto GDP. Quite clearly, the clean-up itself is a cost and not a benefit. You are trying to return the

lake to its usual position so you can get from it what you may, but GDP in crude measure would say that the effort made in the clean-up was also a benefit. I argue, clearly, that it is a cost.

I now give a non-ecological example. If we have an industry that is producing alcoholic beverages, all the effort that the people involved make—the grape growers, the people working in the factories and the people who produce the bottles—in producing that wine would go into GDP. Most people would say that could be seen as a potential benefit in terms of economic effort. The sale of those wines through retail outlets would also go onto GDP. If a person chose to over-indulge in that product and managed to crash their vehicle, the repairs to the vehicle would be seen as a positive measure within GDP. However, if they injured themselves and went to hospital, the doctors' and hospital bills would also go into GDP. If they died as a result of the accident so, too, would the funeral director's bill. My point is that the GDP measures effort, whether or not the effort is wholly productive. That example related to health impacts, but, as I said, it could similarly be an environmental impact.

It is possible for GDP to be growing yet for people to be worse off in a range of ways, and we need to recognise that. Just seeing GDP or gross State product rising is not useful. Governments need tools which better measure the state of the economy, the state of the ecology and the state of society as a whole. The simple fact is that none of those sorts of measures is being applied in Australia at the moment, although I understand that the Bureau of Census and Statistics (whatever it is called these days) is doing some preliminary work to try to find other useful ways to measure what is happening within our economy.

It is important that Governments address these sorts of questions. Governments are struggling to ask why the economy is growing yet people are not happy. I suppose it is because we must try to measure the things which are impacting on people in a real manner. GDP growth alone simply does not measure some important things.

The committee argued that we must find ways of factoring the cost of environmental degradation, pollution or rehabilitation into the price of goods to reflect their true economic value. I could give any number of examples. For instance, if a company sells a product which has the potential to pollute (for instance, a cadmium-mercury battery), it should be taking responsibility for that into account. One way of doing that might be to put a deposit on the battery so that it goes back to the company. The company would then have to cover the cost of disposal. Then the real cost of production and disposal of these potentially toxic substances is incorporated into the product, and that gives a genuine message to consumers as to what the real cost is.

I think we will see this issue addressed by the ERD Committee, which is currently looking at waste management issues: the question of incorporating into the cost of goods their ultimate cost of disposal. If pollution is being created in the production of some product, the cost of that pollution must find its way into the final cost of the product; otherwise, the community itself will later have to pay indirectly. We are seeing that happen in South Australia today, where we have large numbers of contaminated sites. Past industrial practices which were acceptable have now proven not to be. All over Adelaide we are finding sites contaminated with heavy metals, organochlorins and a range of other substances. At least we can say that was done in ignorance in the past.

It seems to me that, as far as the future is concerned, where it is recognisable that a particular activity has the capacity to pollute, and indeed is polluting, the cost of that polluting must be incorporated in the costing up-front. That would be sending proper economic messages to consumers, because they will be paying the true cost of the goods and not getting a subsidy which will be paid for by later generations. Our generation is paying for the sins of previous generations, but I do not think we can afford to do that to future generations.

The committee's third recommended action was in relation to resource accounting practices—to place a value on the State's environmental assets. I think it is important that a State attempts to put a value on its resources, and year-by-year to measure their run-down. At this stage in Australia, as a resource nation we are eating into our capital. We started off with deposits of minerals, but we are digging them up and converting them to cash. We must see that there are two sides to that ledger: the cash has actually replaced the ores that we once held. We must realise that we are depleting reserves.

It is important that the State and the nation as a whole start looking at questions of resource accounting. What is the value of what we have in the ground as best we can estimate and over a 10 year period what is happening to it? We must balance that against what is happening to the cash reserves of the nation, Otherwise, we are living on borrowed time.

Similarly, we could look at the fish resources and put a valuation on the various wild stocks of fish. If we destroy a stock, that is something that comes off the accounts. That is a permanent loss to our accounts and should be measured as such. It will be much more difficult putting values on, I suppose, parts of the natural environment which we are not wanting to mine or cut down or whatever. However, we also need to attempt to put values into that, although I admit that is much more difficult, and I think there will be a debate about ensuring that a value which is not a financial value will be put on some of our natural resources.

The committee also recommended that there should be a review in terms of shifts of taxes on income production and environmental degradation. To some extent, that ties in with some of the earlier points: that taxes need to be put in place which encourage responsible stewardship of our resources and that, in fact, they will encourage a responsible use of the resources of our State and nation. There are quite a number of other points regarding sustainability that I will not go through—I will leave those to be reviewed by members.

The next major point is community participation. The committee recommended that there be a more transparent decision making process with genuine opportunities for early and ongoing community participation to be developed to improve conservation and development outcomes. To his credit, the Minister for the Environment and Natural Resources already has some runs on the board in this area in respect of the Mount Lofty development. The Minister recognised when he looked at the potential for the development of Mount Lofty that there was also the potential for some significant opposition if it was not handled carefully.

The Minister established a community consultative committee very early on. The consultative committee consisted of representatives of developers from bodies such as the Employers' Chamber; representatives of conservation groups, Aboriginal groups and local government; and other representatives that do not come to mind immediately. However, the Minister tried to recognise all the potential interest groups. The committee identified where potential

difficulties might arise regarding the development on top of Mount Lofty.

With hindsight, the Minister says quite freely that he thinks he made only one mistake regarding that process and that was that after the committee had identified potential difficulties he felt that the committee's job was finished. With hindsight he says that he is sorry that that committee did not stay in place through the drawing up of the development plans.

It is worth noting that, whilst the newspapers were running front page stories about trees being cut down and a major confrontation between the Government and conservation groups, representatives of those conservation groups attended the opening. They did so because they recognised that many useful and positive things had happened during the process. However, the issue regarding the trees arose because that consultative committee did not remain in place.

The design process broke down quite simply because the mountain was lowered by almost two metres at the point where the usual viewing spot from the mountain was situated. It was not a matter of the trees growing and requiring clearance; it was largely the fact that the mountain had actually been lowered. That is a fact of which not many people were aware.

As I understand it, the conservation groups were upset on a matter of principle because some poor planning in the final stages had undermined what was otherwise a very good process. I have no doubt whatsoever that if anyone spoke to representatives of the conservation groups they would say that what the Hon. David Wotton did regarding the Mount Lofty development on the whole was a great success, and I think that most groups who participated in the process would say that they would be prepared to do so again.

So many developments in South Australia have fallen over because too many of them have been cooked up in back rooms. They often have a flaw in them—frequently in the environmental area, but it may be for other reasons as well—which, if there had been community input earlier, would have been capable of being overcome. During the Bannon years, the then Premier had a special projects team. I suggest that if any member looks at the projects in South Australia that failed or got into trouble (including the Hindmarsh Bridge) I would be very surprised if they did not find the special projects team's fingerprints on them somewhere. Unfortunately, the current Premier is making exactly the same mistake. He has the MFP Corporation acting exactly like the old special projects team did.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: That is a bit of a problem. I am trying to point out that I think there is a process problem.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I am trying to say that it is a process problem. It is a bit too easy to say that they made a mistake but they were different people and we will not make those same mistakes.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I am aware that the Minister is doing that in the transport area, and I think that the sooner people realise that we are working with a community that is very different from the one that existed 10 or 20 years ago or during Playford's era the better it will be. Some people want to be Playford again. If Playford was around today he would not survive for two weeks in politics. I do not say that with any disrespect for the man or anything that he achieved—he was a great man for his time—but we have a very educated and informed community that will demand to be involved. In fact, not only will the community demand to be involved but also it is capable of making very useful contributions which, if anything, may improve original proposals. Whilst it is true that there will always be individuals in the community who will not be satisfied, more often than not where goodwill is shown it is possible that what appear on the face of it to be quite divergent views are capable of being reconciled.

Recommendation No. 2 recognises that with development approval processes there must be early opportunities for effective community involvement. I also note that this recommendation, which was made in draft form some time ago, has also been, in part, picked up by changes to the Development Act. The Development Act now allows some early input in relation to major projects. I think it makes the same mistake as Minister Wotton has identified in respect of the Mount Lofty development: that community input happens early and then the community is locked out and the whole development disappears behind closed doors.

That flaw will come back to bite us later. Let us hope that it does not happen with the first major project, which is the Capital Centre project on the John Martin's site. I have already spoken with the developers and impressed upon them that if they do get involved in genuine community consultation they have the prospect of achieving something successful, although it may not look like what the original proposal envisages.

I think there could be a great deal of community goodwill with new ideas coming from the community that perhaps even the developers have not considered. I only hope that some Government Ministers, apart from Minister Wotton and perhaps Minister Laidlaw, recognise the value of genuine community consultation. I underline that phrase 'genuine community consultation' and put it in capital letters, because there should be genuine consultation processes and genuine involvement processes, and we should recognise that they will actually help the Government to achieve things rather than hinder it.

The next major issue is that of environmental education. The committee recognised that education was important in shaping attitudes in respect of both social values and behaviour towards the environment. It recommended that programs for environmental education be developed and actively supported throughout Government to change current unsustainable practices. When we are talking about education, we are not talking about education just in schools. The education process will happen throughout Government departments and be extended via those departments to the community in a whole range of ways.

We already have some excellent examples. I have had the opportunity to attend programs that started under the Labor Government, and which have continued under the present Liberal Government. I have attended field days held on farming properties which go under the name of 'soil pit days'. I remember attending the first one, where they were literally holes dug in the ground, and farmers were climbing in and out, actually looking at soil cross-sections in different parts of the same paddock, and getting to understand that soil looks different when you look at a cross-section compared to viewing it from the top.

The process was one in which farmers were actively involved. It was a hands-on process that did not talk down to the farmers but gave them a chance to explore the issues themselves, and was a highly successful process. I heard many farmers compliment that sort of process. It was, in fact,

environmental education. It was farming education. But it was not education of the sort that perhaps some people might envisage, of being a brainwashing type of thing, where 'Government knows best, here is what you must do.' It was a process that recognised that, if the information was made available in an appropriate way, it would be taken on board. The more of those sorts of projects that take place, whether it be with industry or whatever, I think the better.

It is necessary also that it happen across sectors and, as I said earlier, within Government departments. It is certainly true that, until very recent times, departments such as the Department of Mines and Energy had a very narrow focus. Its job was to get mines. The more mines, the better. The bigger the hole and the more you get out the better, etc. Greenies were basically seen as a damn nuisance. We can see in the mining industry a progressive change in attitude there, more so with some companies than others.

But it is important that there is cross-departmental understanding outside the field in which perhaps people are specifically trained. I suppose that means not only do people in the Department of Mines and Energy get a bit of a training in environmental or biological issues, but people in the Department of Environment and Natural Resources get an understanding about mining and those sorts of things as well. It would be a genuine exchange of information.

The committee's next recommendation was in relation to biodiversity, and current efforts to establish and maintain a representative park system should be complemented—and I stress 'complemented'—within the South Australian urban and agricultural regions by an integrated land management approach for the sustainable management and reestablishment of native vegetation. On many areas outside of parks, there are significant areas of native vegetation. Some of it is land that was protected under the Native Vegetation Act.

It is worth noting that, whilst in the early days there was huge resentment towards the protection of native vegetation on farm land in particular, the attitude on the whole in relation to that has changed quite substantially. Again, I only have to look at articles in some of the farm media in relation to Ibis awards, etc., where they will often hold up a fellow who for 20 years has been either protecting native vegetation on his land or even replanting it, but was treated as a real kook for the first ten, then a few years of interest, and now is becoming something of a hero, because they are actually recognising that what he is doing is not just about protecting the environment but actually in many cases has some quite positive feedback across the whole farm.

As we now look into the South-East, which is having significant salt problems, there is no doubt that over-clearance, done at the time in ignorance—it would be unfair to suggest it was done in greed—is the major cause of the rising watertables and salt problems they now have. We now confront a major attempt at an engineering solution, but that will only be part of the solution. There will also be a need for some considerable replanting. I do hope that, as this replanting happens in the South-East, there is a very genuine attempt not just to throw a whole lot of trees into the ground but perhaps to produce something which might be a win-win situation for both the farmers and the environment as a whole.

In fact, I would argue that there would be strong community support for community money to go into revegetation work if it were seen not just to be for the farmers' direct benefit but as a benefit for the State as a whole. It would offer the opportunity, for instance, to create native vegetation corridors which allow movement of genetic material between larger patches of native vegetation which currently reside in national parks or, in some cases, larger tracts of uncleared land held by farmers themselves. So, it is not just a matter of replanting some areas in native vegetation. There will be some questions as to where precisely those plantings will occur and what those plantings will comprise.

There is no doubt that some of the planting could involve agroforestry which would be another farm product where timber can be grown and harvested. It is a renewable resource and as such is something that we should be seeking, but I would hope and expect that all of the plantings would not be of that nature. In fact, there would be a mix of both agroforestry, with all the benefits that has, as well as perhaps reestablishment of native vegetation, particularly in areas where it has been significantly degraded or is largely absent.

The next recommendation relates to marine conservation, and the joint committee recommends that 'MPAs continue to be established in South Australia as part of a nationally representative network, and at a scale to ensure conservation and sustainable use of the State's coastal and marine environments.' It would be fair to say, if we do not have a full picture in relation to the environment on land, that our understanding of the marine environment is even more deficient. I will get to the on-land understanding in relation to the next recommendation, but our understanding of the marine environment is very thin at this stage.

It does mean that we have to adopt the precautionary principle in relation to both fisheries and aquaculture. If we fail to adopt that principle, we could lose fisheries that may not recover. I must say it has been interesting to watch the Gulf St Vincent prawn fishery. It may still be capable of recovery, but it has not recovered in the way that Governments over a number of years have been suggesting it will. It is possible that there is a range of causes, but it is worth noting that nobody is quite sure what the cause is, and that underlines the comments I made before as to how little we know about the marine environment.

We should recognise that the Gulf St Vincent prawn fishery was probably the most managed fishery in the world. It was a fishery that started from the very beginning under management. It was carefully monitored the whole way through. The Government considered it was making careful decisions, and the thing went and collapsed. In hindsight it was quite clear that the fishing effort was increased far too rapidly. The precautionary principle was not at work, and then it caused a collapse from which the fishery has not recovered. That happened in a managed and monitored fishery, one that was managed and monitored from day one. It really makes the point.

I am a very strong supporter of aquaculture, but have for some years been suggesting that we must move with some caution. Unfortunately, what happened in relation to the tuna aquaculture is a classic example of the sorts of things that can go wrong. In fact, in some ways, they have probably been lucky that the returns are sufficiently great in that industry that, having lost one season's catch, while that was a large sum of money, they are capable of recovery. If a similar disaster hit any of our other aquaculture fisheries at this stage, I suggest that some of those would not recover.

The biological survey program is referred to under recommendation No. 6. There is no doubt that the statewide mineral survey which carried out the aerial survey has been absolutely invaluable to the mining industry. It is interesting to observe how much money was committed and how few years it took. The statewide biological survey may not be

completed until the year 2005 and, having looked at some of the work that has been done in it, so far it has been done on a very thin budget and is nowhere near as complete as it needs to be.

If we are to make a decision about, for instance, the Yumbarra Conservation Park we should not be making the decision on the basis of mineral survey work alone: it must be done on the basis of a comprehensive biological survey as well, and at this stage the biological work that has been done in Yumbarra totals a couple of weeks work by, I think, four people and opportunistic surveys by one or two individuals over a longer period. You cannot make a responsible decision on the basis of incomplete information. Not only for reasons of caring for the ecological resources of the State but for reasons of making sure that we have what the first recommendation talks about—ecologically sustainable development—we must strive to get all the information on the table as quickly as possible. To facilitate economic development, as much as to ensure environmental protection, the State needs to ensure that the statewide biological survey is carried out with more haste and, I would suggest, in more depth than it has been so far.

I do not intend to make comments about recommendation No. 7—pest plants and animals. I think that that recommendation and the actions are self-explanatory and clearly, as a member of that committee, I support the recommendation. I will not go over the next couple of recommendations because, again, I think they are self-explanatory. However, I want to comment briefly on the last two recommendations concerning opportunities for sustainable utilisation of living resources. As to recommendation No. 10 it states:

> The joint committee recognises the development potential of the State's living resources and strongly recommends that all avenues for advancing new commercial ventures based on the sustainable utilisation of native flora and fauna be actively pursued, including appropriate legislative and administrative frameworks.

I think there is a great deal to be said for our developing our own flora and fauna and using them for economic benefit. For instance, if we look at the pastoral areas of the State I would far prefer to see us making money from kangaroos than from sheep. The fact is that kangaroos—

The Hon. T.G. Cameron: Would you make as much?

The Hon. M.J. ELLIOTT: Well, with wool prices like they are probably you would. Otherwise they are both products for meat.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: It depends on what wool you are talking about. I think that there are opportunities for some of the native animals. As one who has enjoyed eating roo meat, and some other native meats as well, I can certainly say that I have no problem with that. I do not think that conservation groups have any difficulty with the farming of native animals. The groups that have protested most at this stage have been animal welfare groups, most of the members of which are vegetarians, and most of them do not want any animal to be killed. I think that is where most of them are coming from. It would be fair to say that some people have confused the positions taken by animal liberation groups with positions taken by conservation groups, and they are not one and the same.

It would be true to say that in some areas the interests of the groups overlap quite significantly; but there are also significant differences. A very marked example of that was with the koala problem on Kangaroo Island. The conservation groups unanimously said that the koalas should be culled. They maintain that they do not belong there, that they are not native to the area, that they are doing damage, that they are putting pressure on other species and that there are many endangered species in this State that the Government could better spend the money on. Had the Government been serious about conservation it would have culled the koalas and used the money it saved on the transfer programs on a whole range of endangered species that are not having a dollar spent on them. There are a couple of efforts being made at Monarto Open Range Zoo—

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: They are trying to look like conservationists when they are not behaving as responsible conservationists. The koala issue on Kangaroo Island is only a conservation issue in so far as there are far too many koalas. One koala was too many, but I have not heard anyone seriously suggest that they should all be removed. Clearly, there needs to be a long-term program to try to stabilise the population at a lower level but this capture, sterilise and then shift somewhere routine is an absolute nonsense. Having sterilised them, what are they contributing elsewhere, anyway? They are adding a bit of extra grazing pressure elsewhere but they are not going to breed—and that is supposed to be the point of sterilisation. I am not suggesting that you eat koalas. I am told that they are really not suitable at all. I understand that even Aboriginal people were not too keen on the koala. They rank along with galahs, where, I think, you are supposed to boil them up with a boot and when the boot is soft you throw away the galah. I understand that the koala's eating property is about the same.

Having differentiated between conservation concerns and other concerns about the use of native animals for food, the one qualification I raise is an animal welfare qualification: I recognise that the native species have not been domesticated as have the species we normally farm, which have been domesticated for tens of thousands of years and which have undergone quite significant change during that time. They have evolved under farming practice and are much easier to work with—except for the odd dopey sheep—than native animals and are far less likely to have stress reactions and various other things.

There is no doubt that there is a need for different rules in relation to the native species in terms of the way that they are handled. I recognise that the State already has special rules in place for emus. It would be true to say that for each species of native animal there will need to be a specific code of conduct for the management of the species to ensure that they are handled in a humane fashion: I give that qualification.

The other important qualification would be that, if we do have native species which we are farming in large numbers, particularly if the wild relatives of that same species are in very low numbers, we should ensure that there is no genetic contamination from the farm species, which obviously will be subject to significant change over time as selection goes on for particular properties. It would not be useful for the wild population to have those genes flowing back into them. However, that would be a problem only where the wild population was extremely small, the farm population was large and the number of escapes was significant. The goal would be to ensure that there was no mingling of the two genetic pools. That is quite capable of being handled.

Finally, the last recommendation—recommendation 11—states:

The joint committee recommends the State Government support the development of an ecotourism industry that is ecologically sustainable.

That will be a major challenge. I recall being attacked in an editorial in the *Advertiser* some four years or so ago for talking about ecotourism, talking about the future health of the State. I notice that more recent editorials think it is a great idea. I have been a long-term proponent of ecotourism. I have a concern that people may have a different understanding of what ecotourism might be. Putting a lot of resorts into areas that currently look great is not ecotourism. It has to be done very sensitively so that we do not ultimately destroy the very thing that people come to see. South Australia has been lucky that its development has been behind some of the other States because we have been left with something far better than most of the other States have.

To take the Eyre Peninsula and the area around Yumbarra as clear examples, the opportunities we have in some parts of the State that some people call 'underdeveloped' are huge. We do not have the weather that Queensland has, but in terms of an intact environment we run circles around Queensland. In terms of a product that can be sold on the fastest growing market sector of tourism—ecotourism—we have the potential for something the other States could only ever hope for. We are sitting in a great position. My real concern is that the State could do a few stupid things and mess it up.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: Just go along the coast of Eyre Peninsula for a start. You can take the whole coastline. It is magnificent. Eyre Peninsula has more potential than Kangaroo Island in the long-term. On the South-East coast and inland in areas of bush there will be niche markets. They will attract wildlife photographers and all sorts. They will come and spend a lot of money and considerable time here. The opportunities are there and the dollars that can be raised out of our wild areas of the State, done properly, are huge—a lot more than a mine that might be there for 10 years and disappear. These days with most mines you get in, whip it out and you are gone—the quicker the better. I understand that that is the economic imperative.

While this committee is recommending ecotourism I note that it qualified it with the words 'ecologically sustainable'. Some of the behaviour apparent with some developments in South Australia, including some aspects of the Wirrina development, do not fit properly into that model. We must be careful not to destroy what people come to see because not only will we suffer the ecological consequences but also destroy the economic opportunity there. As a member of the committee I support its recommendations and encourage all members to find the time to read it. It has been the result of a few years' effort of what was a committee of both Houses and was representative of all Parties within Parliament. The unanimous recommendations are worth the time taken to read them.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

STEFANI, Hon. J.F., CENSURE

Adjourned debate on motion of the Hon. P. Nocella:

That the Hon. J.F. Stefani be censured for his involvement in the deliberate falsification and widespread distribution of the report by the Hon. P. Nocella on his study tour encompassing Italy, the former Yugoslav Republic of Macedonia and Greece from 11 August to 21 September 1996 (as required by Rule No. 15 of the Members of Parliament Travel Entitlement Rules) in an attempt to defame the Hon. P. Nocella as a member of this Council.

(Continued from 28 May. Page 1417.)

The Hon. J.F. STEFANI: I rise today to specifically answer and strongly deny the false allegations and accusations made against me by the Labor Opposition. I will refute the cheap political allegations made against me by the Labor Party, allegations which were deliberately intended to smear my good name and good standing in the community. I will clearly demonstrate that the Labor Opposition has no credibility. I will prove that, in its indecent haste to create cheap political mischief, the Labor Opposition has told untruths and even may be guilty of misleading Parliament.

It is important for me to state at the outset that I strongly object to and refute the scurrilous imputations made against my honesty by the Labor Opposition, an Opposition which has accused me of deliberately doctoring and falsifying a member's travel report and behaving in a contemptuous manner towards the Legislative Council.

This is not the first time I have been personally attacked by the Labor Party. I was attacked when I was appointed Parliamentary Secretary to the Premier. I was attacked over the Garibaldi Smallgoods issue. I was also attacked over the ICHAWA matter, and now the Labor Party is alleging that I deliberately falsified and widely distributed a member's travel report that covered a trip to Italy, the former Yugoslav Republic of Macedonia and Greece.

It is my intention to focus on the deplorable behaviour of the Labor Party, which has attempted to fabricate mischief and untruths using Parliamentary privilege. In responding to the Opposition's diatribe, I refer to some of the publicity that ran in the media on the overseas travel by 16 members of Parliament and which created a great deal of attention and community interest. I refer to the article that appeared on pages 4 and 5 of the *Sunday Mail* of 4 August 1996. Under the bold heading 'Taxpayers fund honeymoon trip', members will recall that a great deal of publicity was given to the overseas travel that was to be undertaken by various members of the South Australian Parliament. Among the members mentioned and photographed was the Hon. Paolo Nocella, photographed with his wife and the Leader of the Opposition, Mr Rann. The article covering the planned overseas travel by the Hon. Paolo Nocella clearly stated, amongst other details, the fact that:

The Nocellas will then travel to Skopje, the capital of the former Yugoslav Republic of Macedonia, and then to Thessaloniki in Greece. Mr Nocella will study tensions between the nations and how those tensions are transferred to South Australia.

From all the publicity that the honourable member opposite generated before undertaking his overseas study tour cum honeymoon, the public focus was drawn to the outcome of his overseas travel and this included a strong attention from the South Australian Greek community with regard to the outcome of his travel to FYROM.

Many members of Parliament who are aware of the Macedonian issue and who are close to the South Australian Greek community would know very well how strongly the Greek people feel about Macedonia and their cultural heritage. As a member of Parliament from a migrant background, I am proud to represent and serve many constituents from various ethnic backgrounds and that also includes a large constituency of South Australians of Greek origin. I also declare without reservation that I share and respect the

strong feelings that many of my Greek friends have about Macedonia and their Hellenic culture.

It is important for me to mention that the Leader of the Opposition in another place also understands the importance of the Macedonian issue and, as a result of his publicly stated views on the matter, he has been strongly criticised by the Slav-Macedonian community. To expose such criticism, the Labor Leader chose to provide to the Greek newspaper a copy of a highly defamatory and inflammatory letter written to him on 25 September 1995 by the Macedonian Orthodox community. The full text of that letter, which also criticised me and the Victorian Premier, the Hon. Jeff Kennett, was published in the *Greek News* on 2 November 1995. Mr President, I seek leave to table a copy of that document.

Leave granted.

The Hon. J.F. STEFANI: I made reference to this matter because the South Australian Greek community is ever vigilant of the position taken by all members of Parliament from both the Labor and Liberal parties on the Macedonian issue. In the past, there have been occasions when the Labor Party has unsuccessfully courted votes from both sides by playing politics with the Macedonian issue. However, many members would recall that when the Keating Labor Government broke its undertaking to the Australian Greek community on the Macedonian issue, the Greek community and others widely condemned such action and public demonstrations took place in every State in Australia. To further highlight the sensitivity of the Macedonian issue, I seek leave to table a letter of apology to the South Australian Greek community written by the Hon. Mario Feleppa and published in the Greek newspaper.

Leave granted.

The Hon. J.F. STEFANI: I now refer to the travel report prepared by the Hon. Paolo Nocella and lodged with the Presiding Officer as required by the rules that apply to members' travel. Reports on overseas travel by members of Parliaments are public documents that are designed to provide accountability for public expenditure and information to the general public. Details of the honourable member's report first appeared in the *Advertiser* on 26 December 1996. In brief, the *Advertiser* article referred to a comprehensive report, covering 29 pages, prepared by the Hon. Paolo Nocella on his study tour to Italy, Greece and the former Yugoslav Republic of Macedonia.

The article also referred to an investment of $250 000 in the 1997 Italian Carnevale in Adelaide and also to a request from FYROM seeking quotations for the supply of lead concentrate from the Port Pirie smelter, Pasminco. In the same article, the *Advertiser* stated that Pasminco was not interested in such relatively small orders and the company's books were filled with orders from long term customers. Further publicity about the honourable member's travel followed in the *Sunday Mail* and in the *Advertiser* concerning the investment of $250 000 in the 1997 Italian Carnevale by the Lazio region of Italy. Whilst I did not seek to obtain a copy of the report from the Clerk of this Chamber, a copy of the report was provided to me by other parties.

Mr President, the ethnic community became aware of the existence of such a report through the media publicity that occurred as a result of the honourable member's claims. A number of my constituents rang me to inquire if a copy of the report was available. I advised them that I had a copy and that a copy could be made available. In fact, I recall that five copies of the full report were requested by various people, including two requests by members of the South Australian Greek community. These copies were requested and supplied in early January this year.

Following the receipt of the honourable member's report, I took time to read it. I found that the report contained strong criticism about a number of matters, including criticism of the State Liberal Government for the alleged use of unqualified interpreters during a visit to Italy in June 1996. Mr Nocella's comment with regard to the interpreters is as follows:

> . . . whose linguistic capabilities are commensurate with those of an uneducated infant with a seriously limited vocabulary.

The report also stated that the voice of such uneducated childlike interpreters gives the impression:

> We—

meaning the South Australian community as a whole—

> are childlike and naive in the extreme.

The honourable member also criticised the London-based Agent-General for South Australia for his lack of cooperation with the Italia Australia Chamber of Commerce, which is a private entity and has no official status with either the Italian or Australian Governments. This organisation is not affiliated with the official Asso-Camere Network throughout Italy and the world. The Italia Australia Chamber of Commerce has had a close connection over a long period of time with a number of parliamentarians from the Labor Party, including the Hon. Paolo Nocella and, more recently, the Leader of the Opposition, Mr Rann.

I now refer to the honourable member's report dealing with his meeting with the Australian Ambassador in Rome, His Excellency Mr Lance Joseph, and the First Secretary of the Australian Embassy, Mr Gordon Miller, on 2 September 1996. The report criticised the Federal Howard Government and made reference to proposed funding cuts to the Embassy in Rome, as follows:

> The Ambassador was also at pains to point out that severe cuts in funding to the Australian Embassy in Rome are rendering it impossible to sustain the level of service appropriate to the complex and mature relationship between the two countries.

The report asserted that the funding cuts would downgrade the Australian Embassy, threatening the level of service and the entire bilateral relationship between Italy and Australia. For political reasons, the Leader of the Opposition, Mr Rann, added further criticism through the issue of a press release dated 5 September 1996. In part the press release reads as follows:

> The Liberals have insulted Italy and Italo-Australians by downgrading Australia's representation in Italy.

I seek leave to table a copy of this press release.

Leave granted.

The Hon. J.F. STEFANI: As some of my colleagues are aware, I have been working very closely with a number of senior South Australian and Italian Government officials, including the Australian Embassy in Rome, since my visit to Italy in June last year. It was therefore with great alarm that I read the contents of the honourable member's report and I referred it to the Minister for Foreign Affairs, Hon. Alexander Downer. The Federal Minister for Foreign Affairs responded by advising that the Australian Ambassador in Rome and Mr Gordon Miller, who was present at the meeting, denied making any specific comment on the level of service or funding with regard to the Embassy. Therefore, it would certainly appear that the Labor Opposition chose to fabricate a political position in order to upset the Italian community in South Australia. Numerous other matters were included in the

honourable member's travel report that caused great concern within the community.

Serious concerns were expressed by many members of the Greek community about the tenor of the honourable member's report on his visit to FYROM. I must say that when I read the report, and underlined for my own reference the relevant sections relating to FYROM, I found it difficult to understand why a person who claims to have the intention of promoting better community relations between ethnic groups would write a report in such a potentially inflammatory manner.

I was contacted by a number of my friends within the Greek community who specifically requested a copy of the report on FYROM. They were only interested in this section of the report because it dealt with an issue of vital importance to them and, particularly given the background of the Macedonian issue, their single interest in this matter is perfectly understandable. I provided a copy of the section of the report relating to FYROM exactly as it had been written by the honourable member.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: The fact that I had underlined sections and made some notations in the margin of some pages of my copy did not change the text of the actual report. There is nothing more that condemns this report in the eyes of the Greek community than the honourable member's own words. I believe that the Greek community has voiced its displeasure in a very forceful way to the Leader of the Opposition, Mr Rann, as well as to a number of other members of Parliament.

The honourable member must now have regrets about the way he has written his travel report, particularly as it relates to his visit to FYROM. Perhaps he has realised that he has offended the Greek community and it has embarrassed his Leader, who has always taken a strong stance in favour of the Greek people. Whatever has happened, we can only guess. However, one thing of which I am certain is that he has managed to upset a good number of Greek people, who will become even more agitated now because he has chosen to publicly raise this issue, which has the potential to divide rather than unite the community. However, this is the way in which the Labor Opposition has been working in an endeavour to achieve political support within the ethnic groups.

Last week, we saw Mr Rann use the same tactics when he referred in Parliament to a false political assessment of certain Italian groups, causing divisions and displeasure within the Italian community. We saw these tactics being used again today by the Hon. Paolo Nocella.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: I refute the untruths that have been levelled against me by the Labor Opposition during the debate on this censure motion. I believe that the Hon. Paolo Nocella misled this House last Wednesday when he falsely attributed to me a statement reported in the *Advertiser* by saying that I said:

> That the Leader of the Labor Party, the Opposition Leader, Mr Rann, met with an angry delegation of Greek officials who voiced their displeasure.

I advise that the *Advertiser* journalist who wrote the article has confirmed to me that no such statement was made by me to him. Perhaps the honourable member has forgotten what he had said to the *Advertiser* since raising this issue. I have been advised that the Opposition Leader did meet with an angry delegation of Greek officials and, now that the author—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI:—of the inflammatory report has raised the issue publicly, there is every indication that it will not go away as long as the Labor Party tries to blame others for its lack of political nous and community insensitivity. I repudiate and emphatically deny—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI:—the allegation that I went to the Glendi Festival in March this year with an armful of doctored reports which the Opposition claims I distributed widely, saying:

> Here, take one of these and tell me what you think.

The Labor Opposition has again been caught out for attempting to mislead this House by alleging that I went to the Greek Glendi Festival with an armful of doctored reports that I was widely distributing. I seek leave to table four statutory declarations that support my position in this regard.

Leave granted.

The Hon. J.F. STEFANI: The statutory declarations are from Mr Peter Demourtzidis, Mr Gerry Karidis, Mr Peter Paleologos (President of the PanMacedonian Association of South Australia), and Mr Jim Tsagouris (Chairman of the Glendi Festival). These are four Greek community leaders who are prepared to state that they did not see me distribute any printed material at the Glendi Festival.

Members interjecting:

The Hon. J.F. STEFANI: We will come to that in a moment. The Labor Opposition has, in a scurrilous way, raised serious allegations against me on this matter and, in view of the statutory declarations which I have tabled, it must now stand condemned.

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. J.F. STEFANI: In closing, I advise the House that my working copy of the full section of the FYROM report tabled by the Labor Opposition was faxed by me to a constituent as a result of a telephone call to my office on 27 February 1997. I have a copy of that document that was received, and I can verify the telephone call received at my office.

It is interesting to note that the report tabled in this House by the Labor Opposition bears my name at the top of each page, together with a page number. I was fully aware that my fax machine was programmed to print my name together with the page number on all documents transmitted from my office. I therefore totally reject Labor's assertion that I 'forgot about the fact that technology was going to trap him'. It is fortunate that technology did not fail me in this instance, because instead it has trapped the Labor Opposition at its own game.

Members interjecting:

The Hon. J.F. STEFANI: Just listen. The Labor Opposition has come into this place accusing me of rearranging and falsifying a travel report.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: The facts are that the Labor Party, or the person who supplied it with a copy of the faxed report—

Members interjecting:

The PRESIDENT: Order! I would like to hear what this is about.

The Hon. J.F. STEFANI: —has not taken into account the technology of my fax machine, which prints page numbers in sequence. The document tabled by the Hon. Paolo Nocella, which is a photocopy of a faxed document bearing my name and which I was using as my working copy, clearly shows that some page numbers are out of sequence. These actions could be interpreted as an attempt by the Hon. Paolo Nocella to mislead this Chamber.

This must bring into question whether all the pages which I faxed to my constituents were, in fact, correctly supplied by the Labor stooge who provided the Opposition with a copy. It also brings into question this whole cynical exercise and Labor's credibility. After such a deliberate and vicious attack on my integrity, the Labor Opposition has no credibility because in its attempt to denigrate my good name it has failed to act in a responsible manner.

Members opposite stand condemned for their grubby and contemptuous behaviour on this issue. I call upon this Council to condemn their deliberate and mischievous actions in seeking to peddle untruths regarding my honesty and integrity. I call upon the two members of the Opposition who have led this attack on me to apologise publicly to Parliament for misleading it. I seek the support of this Chamber to denounce and censure the appalling conduct of the Labor Opposition in moving this motion.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: STATUTORY AUTHORITIES BOARDS

Adjourned debate on motion of Hon. L.H. Davis:

That the report of the committee on boards of statutory authorities: recruitment, gender composition, remuneration and performance, be noted.

(Continued from 28 May. Page 1419.)

The Hon. ANNE LEVY: I want to make a few comments about the report of the Statutory Authorities Review Committee on boards of statutory authorities. This report deals with the recruitment of members, the gender composition of boards, remuneration of board members, and performance of boards. I say, first, that the report, which was released during a period when Parliament was not sitting but which was tabled in this Council on the first day back, is a document which has been agreed to unanimously by all members of the Statutory Authorities Review committee.

However, I point out that some of the comments made last week by the Chair of the committee (Hon. Legh Davis) are not contained in the report, have never been discussed at committee meetings, and certainly do not have my endorsement or, I would imagine that of other members of the committee. Mr Davis is entitled to his own opinions, but I would not want anyone to think that his comments in any way reflect the content of the report or the views of the members of the committee.

The report deals with a number of matters concerning boards of statutory authorities. The first one that I wish to mention relates to some of its comments regarding recruitment of members for boards. It was claimed by a number of witnesses who appeared before the committee that the current system seems to rely particularly on what was called 'adhockery', that there were no firm procedures or recognised paths to follow in recruiting boards of statutory authorities, and that different Ministers used different procedures.

We noted that Victorian guidelines for the appointment of boards to commercial statutory authorities indicate that the vacancies should be publicly advertised so that any person who is interested in being a member of a board can apply. That certainly struck us as a novel idea, but when we made further inquiries from the Department of the Premier in Victoria we were told that, whatever might be in the guidelines, the department was unaware that any advertising had occurred. So, obviously, the Victorian Government is not following its own guidelines.

It was the unanimous view of the committee that a balanced board is required for all statutory authorities and that guidelines should be set up for each board and committee stating what is regarded as desirable qualifications for membership. Although we said that it should be a balanced board, there was a very strong view that board members should not be clones of each other—that a variety of backgrounds, experience and knowledge should be brought to boards by the collection of its members. It was felt that one did not want a board where, as I have said, members were clones of each other or had the same background, experience, knowledge and skills, but that a board would be much better if it had a balance of skills, experience and knowledge.

It was admitted to us that often boards are chosen by a networking system whereby people are suggested as possible members. The evidence of Mr Speakman of Speakman, Stillwell and Associates, is referred to in the report. He states:

> Using networking is often a speedy method. There is a significant risk of the board becoming an old boys' club and the status quo prevailing. Research shows the board will normally seek people who are of like mind from within its own circle.

It is true when one looks at a number of boards in both the private and public sectors that the background, experience, skills and knowledge of board members seem to be pretty much the same. There is not the variety which could benefit the board by having a wider spread in its membership.

Another method of recruitment is, of course, to have registers of possible board members. We understood that in December 1994 the current Liberal Government adopted a policy that the Department of Cabinet and Premier would maintain a register of possible members for statutory boards, particularly, I suppose, those dealing with commercial operations. However, further inquiry showed that nothing has happened about having such a register. This is perhaps unfortunate.

There are registers relating to women who may be considered suitable for board appointments, and the Office of Multicultural and Ethnic Affairs did at one time have a register of people of non-English speaking background who could be considered suitable for board appointments, but apparently this register is not kept up to date, with new names and relevant experience not added to the names on the board. As we all agree, unless work is done in keeping a register up to date, there is not much point in having one. Certainly, the register from the Office of Multicultural and Ethnic Affairs is not working as intended, as was made very clear to us by officers from the commission, and I think they are at the stage of abandoning it altogether.

Another matter dealt with by this report is the gender composition of boards. Considerable data on this collected

from around Australia and contained in chapter 3 of the report makes very interesting reading. It is certainly true that the percentage of board members who are women has been climbing at a slow but definitely significant rate. South Australia, while not the best in the Commonwealth, is achieving about 30 per cent of board appointments being female. The Australian Capital Territory and the Northern Territory are doing much better, the ACT having achieved almost 50 per cent. But we are certainly well ahead of some other States, the worst one of all being Western Australia, which has only achieved 19 per cent, a stage we passed back in the early 1980s.

However, the committee was unanimous in agreeing that, while we welcomed the increase, at the present rate of increase there was no way the Government would reach its stated objective of achieving 50 per cent of women by the year 2000, that to achieve such a goal there would have to be a dramatic increase in the rate of female appointments and that this was unlikely to occur.

There has been a fair amount of discussion in recent years about the percentage of women on boards, and it must be agreed that Governments are doing very much better than the private sector. Whereas Governments throughout Australia have percentages of board members being female between 19 and 31 per cent, the private sector remains stuck at about 4 per cent only, and this is not increasing. There are occasional bursts of comment in the media and elsewhere but, despite the rhetoric, the change has certainly not occurred in practice, particularly in the private sector.

Another measure, of course, which can be used, is to see what proportion of boards have any women on them. We were very pleased to find that the State statutory authorities show that 83 per cent of the boards have at least one woman on them. That, of course, does not mean equality of numbers on the board, but 83 per cent have at least one woman, which still leaves 17 per cent without any women at all on them, a matter of great concern to me. However, again, we are doing very much better than in the private sector. Whereas women make up only 4 per cent of board members in the private sector, only 26 per cent of boards in the private sector have any women on them at all. Some 74 per cent of boards in the private sector do not have a single woman on them. That should be a matter of great concern to people who are interested in the status of women in this country and the influence that they can have. It was suggested to us that one of the reasons there were so few women is that there was a lack of available women able to be appointed to boards. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 976.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. The reasons given by the Hon. Mike Elliott are valid. Since at least the beginning of this year, the South Australian community, and especially those of us closely involved in politics, have been subjected to rampant speculation about the date of the forthcoming election.

The Hon. R.I. Lucas interjecting:

The Hon. CAROLYN PICKLES: And denials, conjecture and goodness knows what from your members also. Members of the Government have taken delight in fuelling such speculation, presumably hoping that the Opposition might be tempted to show its hand too early in respect of its own campaign strategy. The end result is that the Government is only governing by press release. The point has already been made about the lack of business of any substance on the Government's Notice Paper. There are only one or two Ministers, such as the Attorney-General, who make an effort to maintain some sort of legislative program, although even there the Attorney has had to drop his legislation concerning unrepresented defendants because it is too controversial; and the Hon. Bernice Pfitzner's prostitution legislation will not see the light of day this side of the election—if she ever introduces it.

The Labor Government moved part of the way towards fixed terms by introducing a minimum three year period in which the Government of the day could not call an election unless special conditions were met. These special conditions included a trigger, which could be summarised as rejection of a Bill of special importance by the Legislative Council. At the time the Democrats described this mechanism as a loophole, although it has certainly not been abused or even used to this point in time. Although the Labor Government in 1985 did not go the whole way and fix a set date for elections every four years, the then Attorney-General, Chris Sumner, had this to say about the issue (and I quote from *Hansard*):

> There are inherent advantages of a more stable electoral cycle from the points of view of Government and economic planning, policy implementation, Opposition policy development, Party campaign funds and present voter dissatisfaction. It is time for the Government to forgo the tactical advantage of having options over the election date for the sake of improving the quality of Government in the year leading up to the election in future years. As a pragmatic consideration the Premier and his colleagues should consider that the boot will be on the other foot in due course, possibly sooner than later.

I am confident that the Leader of the Government in this place will support the Democrats and the Opposition in this measure as he clearly supported the concept of fixed four year terms when the issue was debated in 1985.

The only point of difference between us and the Democrats in the Bill is the choice of date for the election day. We have had some discussions about this and the Opposition has put forward a proposal which we would consider an alternative if the Hon. Mr Elliott cares to discuss it with us further, but we may put forward a proposal that it be held on the first Saturday in March unless any Commonwealth election is called for the same day. All Parties, businesses and the State as a whole will benefit from the measure, and the Opposition therefore supports the second reading.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: STATUTORY AUTHORITIES BOARDS

Adjourned debate on motion of Hon. L.H. Davis (resumed on motion).

(Continued from page 1514.)

The Hon. ANNE LEVY: A few minutes ago I was discussing the proposition which had been put to the committee that one of the reasons why there are so few women on Government boards and why their representation is well below 50 per cent comes from the fact that there are not enough women around with the requisite qualifications. I quote from the report the evidence of a witness, who said:

> . . . this stems from the fact that there is a paucity of women who possess the necessary qualifications and even the interest for such board appointments. It may well mean that in the short to medium term, the solution to this problem is that female board members are canvassed from interstate. . .

Another quote from the report is as follows:

> While the committee agrees with Mr Speakman it is unlikely the target will be met. Committee members were not unanimous in the view there was a 'paucity' of local women suitable for and interested in appointments to boards. Indeed, some members felt Mr Speakman's comment was uninformed and patronising, although others did not agree. In addition, the committee believes that if there is a shortage of women in South Australia who hold the qualifications traditionally used to select board members it is likely to be indicative of a shortage throughout the country so that interstate searches will not necessarily remedy the problem.

I would also like to quote from another witness who addressed the problem of the so-called paucity of women qualified for board membership. Ms Wendy McCarthy, a prominent Australian businesswoman who sits on many boards, stated:

> Government Ministers [are] 'utterly wrong' in complaining about a 'lack of supply' of top women executives. . . Supply isn't the problem. It's the demand. . . I hate to hear Ministers say, 'I would just love to put a woman on this board, but I just can't find one.' There are any number of women who could sit in the boardrooms I have been sitting in.

The committee felt that much more needed to be done to increase the number of women on boards. We suggested a number of methods that should be used. One was the use of registers as is currently being held in the Office of the Status of Women, although such registers, to be useful, need to be updated. We were concerned to see that the Federal Government has abandoned the register that it has always used for appointments to Commonwealth boards and authorities. It will be interesting to see whether there is a difference between State and Federal Governments now that the Federal Government has abandoned the use of a women's register but the State Government is still maintaining one.

We also felt it very necessary that where there are selection panels being used there should always be women members of the selection panel. We commended the idea of executive search, which is being used on some occasions, but recognise that this can have its dangers because an executive search can only be done according to parameters which have been given to the consulting firm. Unless it is clearly stated what is being looked for the executive search may be as negative as the more traditional means of finding members for boards. It would be necessary for the executive search consultant as well as the Minister responsible to realise that all board members do not need to have the same qualifications, that there should be a balanced board concept with a variety of backgrounds and skills. Not everyone needs to be a top accountant to be on a board. Boards may need a top accountant but the board does not need only top accountants; other skills and experience is highly desirable and a balanced board must always be considered.

The report contains a table which shows the ratio of male and female board members according to ministerial portfolios. This table indicates that some Ministers are achieving much better results than others, that the worst ones are boards under the portfolios of Mines and Energy, Information Technology, Emergency Services and Primary Industries—which I find very surprising considering the large number of women who are involved in primary production in the primary industries. Yet the Department of Primary Industries has one of the worst records.

The proportion of women on Government boards under the portfolio of primary industries is one of the lowest and one of the worst. This is data not collected by us but collected and presented by the Office of the Status of Women, which provided us with this table. Other Ministers are doing very much better. Education and Children's Services, the arts, the ageing, and Employment, Training and Further Education are outstanding in having almost 50 per cent male and 50 per cent female board members. Other portfolios are not doing as well, but are still quite commendable, including Correctional Services; Aboriginal Affairs; Recreation, Sport and Racing; Consumer Affairs; and Multicultural and Ethnic Affairs. However, there is great variation and we felt that this table should receive wide currency so that the Ministers who particularly need to make an effort are aware of the fact that they are falling behind their colleagues in the proportion of women they are appointing to boards.

Finally, the report deals with the question of remuneration of people on Government boards. It is well recognised that membership of Government boards usually carries a much lower remuneration than in the private sector. This applies particularly to those boards in the commercial area where there are large commercial undertakings in the private sector. We did not state, as was reported in the newspaper, that Government board members should get the same salary as those in the private sector, and I am glad that the Hon. Mr Davis mentioned this in speaking to the report last week. That was a complete misquotation of what we said. We looked at the remuneration all round Australia and certainly noted that Victoria and New South Wales give much higher remuneration than do other States and that, while South Australia is well below New South Wales and Victoria, we are virtually comparable with Western Australia and perhaps Queensland. That is a valid comparison to make, given that our population and economic strength is much more akin to that of those two States than of the two most populous States in the country.

We suggested that the remuneration of board members, particularly of large commercial organisations, should be looked at, that there should be some relationship. Relationship does not mean equality and we did not make any such suggestion. We also strongly recognised that service on a Government board has a high element of public duty in it. People often feel that they have gained considerably from living in our South Australian society and they wish to return something to that society. Because of this they feel it a public duty to contribute by means of service on Government boards and committees. I certainly commend that attitude. I deplore people who say that the concept of public duty is vanishing. That is not true. There are still a large number of people with a strong sense of civic duty who are prepared to undertake activities on Government boards and committees without receiving the same remuneration as they would receive in the private sector. I commend them for this and hope that a large number of people would take the view that they can contribute something back to the community from which they have gained so much simply by living in it.

Finally, the committee was absolutely unanimous that there should be much greater disclosure of remuneration levels, that it should not simply be published in bands as occurs now in a number of private sector annual reports and also in some but not all reports from statutory authorities. A large number of people have their remuneration completely open. Everybody knows what members of Parliament earn; in fact, it is usual front page news. People know judges' and teachers' salaries. The taxpayer has a right to know what is being paid to anyone employed by the taxpayer. The same applies to members of Government boards and committees. There should be complete disclosure of what they are being paid.

A table of salaries is determined by the Commissioner for Public Employment and a board is fitted into one of various categories. There are cases where special retainers and extra fees are paid. We are not suggesting that that should not occur in very restricted circumstances, but we strongly felt that the total remuneration received by board members should be publicly disclosed and, if there is a conflict with the desire for retaining personal privacy, the public interest to know how public money is being spent must override any considerations of personal privacy. If people are not prepared to have their remuneration made public, they do not need to go on Government boards and committees. It is taxpayers' money involved and taxpayers should certainly know about it.

We were very disappointed that the Premier has not accepted this recommendation, which also occurred in an earlier report from the committee. I need hardly stress that this is a unanimous report. It is not a Labor plot, which the Government might fear. The three Liberal members on the committee were just as strong on this recommendation of complete disclosure as were the two Labor members. I commend the report to the Council and would hope that interested people would read it, as a great deal of valuable information is contained within it.

The Hon. DIANA LAIDLAW (Minister for Transport): I will contribute briefly to noting this report by the Statutory Authorities Review Committee on boards of statutory authorities recruitment, gender composition and remuneration performance. In particular I want to talk about issues of gender composition raised by the committee. On behalf of the Government I have probably taken the most intense interest of all my Cabinet colleagues in this issue.

It would not have been possible for the Government to be successful in increasing the membership of women on Government boards and committees without the support of my Cabinet colleagues and their respective staffs. We came into Government with a policy commitment that set a goal of 50 per cent representation of women on Government boards and committees by the year 2000. There are no quotas because, as the Liberal Party, we would certainly not support such an approach to this issue but we do have a goal. In three and a bit years we have increased the membership from about 23 or 24 per cent and at 3 March 1997 we have 30.6 per cent and in Australia, other than the Australian Capital Territory, we have the highest representation of women on Government boards and committees across Australia. Mr Acting President, I seek leave to have a table of a purely statistical nature which indicates the representation of women on Government boards and committees across Australia and the Territories inserted in *Hansard* without my reading it.

Leave granted.

The following information shows the current representation of women on government boards and committees across Australia.

State	Percentage	Date
Australian Capital Territory	44.0	January 1997
Northern Territory	20.6	June 1996
South Australia	30.6	3 March 1997
Commonwealth	29.3	February 1997
Tasmania	27.6	October 1996
Victoria	26.0	1995-96 Financial Year
New South Wales	25.0	21 February 1997
Queensland	21.0	25 March 1997
Western Australia	19.5	25 March 1997

The Hon. DIANA LAIDLAW: About a year into government I became aware that the success I had hoped to achieve and wanted from my Cabinet colleagues was not coming as easily as I had hoped in terms of women candidates, particularly for category 1 and 2 Government boards and committees, the highest level of committees. At that stage we were working from a register of women—what we called a breakthrough register—where we simply sent out prepared forms and asked women to indicate their range of interests, a little bit about their backgrounds and to sign off in terms of two referees. We would then provide to Ministers' officers an outline of the skills of women on the register but the difficulty was, as anyone would expect when they are required to make appointments at such senior level, when they do not know or have not personally interviewed a candidate it is difficult to make a recommendation with confidence, especially when you would be asked to recommend that the person should be on a board for three or possibly five years.

So, I can understand, notwithstanding the provision of a lot of information through the Office of the Status of Women and through my office to other Ministers' offices and the Department of Premier and Cabinet, that it was not always in the form or accompanied by the confidence of personal knowledge and recommendation. Therefore, without my being able to sign off, in a sense, the CEOs and particularly Ministers would be reluctant to recommend such appointments.

At that time I spoke at some length with Carmel O'Loughlin, Director, Office of the Status of Women, and we decided to trial an executive search arrangement. Ms Jane Jeffries was engaged for that purpose. Ms Jeffries went around and spoke to a large number of women, whom we recommended, but also in her interviews women recommended other women. What was interesting was that so many of the women that she interviewed were women not on the register because many of the women in the more senior positions in South Australia did not wish to just simply use a register and then be plucked off at random. In a sense, they wanted to be headhunted, as is the practice for other jobs. Also, having regard to respect for their position and integrity, they would argue, and I think it is fair, that this does not happen to men, where there is just a general register. They did not want to be treated differently in that sense.

So, what we have is an executive search undertaken every six months, updated as well every six months, and there has been an outstanding result from this personal interview approach because those names Jane, I and others can sign off to Ministers and the level of appointment from this work has been almost 80 to 90 per cent of the women who have participated. Many of these women now chair some of the most important Government boards in the State, including HomeStart, a number of the arts boards, health and police superannuation. I am also pleased that for the first time ever

we now have a woman chairing the Compulsory Third Party Insurance Committee when all the recommendations given to me initially involved men. Those sorts of advances are being made. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 6.2 to 8.15 p.m.]

The Hon. DIANA LAIDLAW: Before the dinner break I was indicating my keen interest in the executive search initiative that has been undertaken by the Office for the Status of Women, with the full cooperation of my office, seeking women who would be prepared to be considered for category one and two boards at a Government level, the highest level boards within Government, ranked in order of budgets and responsibilities in terms of numbers of employees.

I noted that South Australia was leading the rest of Australia in this excellent initiative and that, as a consequence, we had achieved greater success than any other State with over 30 per cent of women on Government boards and committees; only the ACT has registered more.

Further, I indicate that this executive search initiative undertaken in South Australia has now been adopted by the Federal Government and is certainly attracting great interest in all other States because they recognise, as we do, that many women, because of their busy lives and other responsibilities, will not come forward to a general register. However, if approached in this personal way, the details and interview process then gives me and others in Government confidence about their capacity to make a strong effort in respect of board contribution.

I refer briefly to the other recommendations of the Statutory Authorities Review Committee and highlight that there is nothing new. All the initiatives are being undertaken by the Government at the present time with the exception of recommendation No.5—that the Office for the Status of Women publish a portfolio gender profile of Government boards and committees on an annual basis—and I undertake that consideration will be given to that proposal.

In relation to recommendation No. 6, namely, that the committee recommends the continued use of the women's register maintained by the Office for the Status of Women, of course we will do so. In relation to recommendation No.7, that the Office for the Status of Women coordinate regular executive searches, as I indicated South Australia was the first to undertake such an initiative and, of course, we will not give up the lead in that respect.

Recommendation No.8 calls on the Department of Premier and Cabinet's *Government Boards and Committees Guidelines to Agencies and Board Directors* be amended to require early consultation with the Office for the Status of Women. I would highlight that in practice that is happening already, and that the Department of Premier and Cabinet provides three months advance notice to the Office for the Status of Women of prospective board appointments and that contact is made between the Office for the Status of Women, the relevant agencies and the Ministers' offices. The committee is recommending that that process be formalised, and I have no difficulty with that.

Recommendation No.9—that the Department of Premier and Cabinet's *Government Boards and Committees Guidelines to Agencies and Board Directors* be amended to include a direction that every effort must be made to include both men and women on short lists of possible appointees to Government boards and committees. Again, that is done as a matter of form and, certainly, in the consideration by Cabinet, before formal consideration of such appointments, there is always a list of men and women for these positions, and it is always a thrill for me to see that the number of women is increasing, as are the new names that are always coming forward. Again, the recommendation from the Statutory Authorities Review Committee is that a process of Government simply be formalised.

Recommendation No.10 is that selection panels for board members of South Australian statutory authorities should, wherever possible, include at least one woman. That is a practice in almost every board. I think there may be one exception—a Treasury board at this time. There are a couple of advisory committees in transport where that is still a bit of a nagging sore for me, because I have not been able to change that arrangement. However, where I have been able to exercise some influence many more women are represented and making a strong contribution on boards and committees.

I would like to highlight a couple of examples in transport in terms of women's representation. When we established the Ports Corporation three years ago with a board membership of five it came as some surprise, particularly to the former Department of Marine and Harbors, that there was to be a small board and at least one woman.

We have now increased that representation to two, so we have three men (including the Chairman) and two women. In such a non-traditional area as ports, I think that is an excellent outcome. I am more pleased, however, that when the Passenger Transport Board of five members was established three years ago the majority (three) of its members were women. That continues to be the case today, despite the terms of members expiring and the opportunity for others to gain membership on the board; the original five members have all been reappointed, and they have all made a strong contribution.

Regarding road safety, when the Department of Transport suggested to me board members for the consultative committee, not one woman was a member of that board; there were nine men only. We discussed this issue in terms of lawyer representation, public relations and even engineers, and the consultative committee today consists of four women of the nine members. In many cases, it requires some determination on the part of the Minister or the chief executive to test the recommendations that are put forward for membership of Government boards and committees. Within the areas for which I am responsible in Government, there have been some big changes in the opportunities for women to serve not only on Government boards and committees but also within the organisation itself up to director level.

I am pleased to see and I support the fact that the Statutory Authorities Review Committee has sought to focus on the issue of gender composition in addition to remuneration, performance and recruitment. They are extraordinarily important issues if we in government are to be competitive in this State and to ensure that we get the best decisions and that there is accountability both within the organisation itself and in respect of policies and expenditure of Government funds. In all those senses, it is important that we get the best. I would always argue that with the exclusion of women, which has been the case in the past, we were certainly not getting the best. That is changing, and the recommendations contained in the report of the Statutory Authorities Review Committee give great impetus to that change. I support the report.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) (PARLIAMENTARY DISALLOWANCE OF CLOSURES) AMENDMENT BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to amend the Roads (Opening and Closing) Act 1991. Read a first time.

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

That this Bill be now read a second time.

This is the second occasion on which I have risen in this place to introduce a Bill aimed at protecting one of South Australia's valuable recreational, environmental and tourism assets—our State's road reserves, assets of which I think some people have underestimated the value. We have much to offer the tourism industry in South Australia, but tourism cannot be exploited to its greatest potential if public access is locked up.

The scenic areas of our State must remain accessible to support the tourism industry, especially in the light of the diversification of the rural sector to supplement income from primary industries. As well, for thousands of bushwalkers around South Australia this means a fast diminishing number of walking routes caused by the increase in the closure and sale of public road reserves. More than 300 000 South Australians are involved in walking and recreational groups of this kind (according to the Australian Bureau of Statistics), and this does not include cycling and horse riding groups.

The Federation of South Australian Walking Clubs believes that, for the bushwalking community, these public access routes provide ideal safe walking access throughout scenic areas of the State and should be preserved for the recreational enjoyment of both present and future generations. The federation is concerned that at the present rate of disposal of road reserves by some local government authorities few opportunities will remain for safe walking facilities within 10 or 20 years.

Less than 40 years ago the concept of the Heysen Trail did not exist, but today it is travelled by thousands of walkers from throughout Australia and from overseas, over the 1 500 kilometres between Cape Jervis on the tip of the Fleurieu Peninsula and Parachilna in the northern Flinders Ranges. This trail could not exist without the use of regional road reserves, with at least 60 per cent of the trail being along unmade road reserves. This is also the case with the other 1 000 or so kilometres of walking trails scattered throughout the State.

One section of the Heysen Trail which is already under threat is the track which until recently followed the cliff top along the edge of the Waitpinga Cliffs near Victor Harbor on the Fleurieu Peninsula. Due to disputes with landholders, the Heysen Trail now has to divert away from the coastline and some of the most spectacular views. I believe that it was walkers along the Heysen Trail who first drew attention to certain badly eroded areas.

This is a spectacular section of South Australia coast, and its beauty and significance has been recognised for some time, with this particular area being included on the database of the Australian Heritage Commission. This area has been described as the best mainland fully vegetated cliff line left in South Australia. The vegetation is of interest as it is remnant vegetation from the time when Kangaroo Island was still attached to the mainland, rather than normal coastal vegetation. It contains 199 native plant species, of which 58 are rated as species of significance and four have been classified as endangered (the highest rating available).

This vegetation provides habitat for a number of native birds, including the rare white bellied sea eagle. Unfortunately, this unique area is currently under threat from a number of directions and has been put in the 'too-hard basket' since 1993. Severe erosion has been noted in some areas up to three years ago.

The coastal reserve which encompasses the cliff face ends at the extreme cliff edge. This has resulted in problems gaining access to the coastal reserve for erosion control measures without trespassing on the adjoining private property. Erosion gullies beginning on private land have encroached on the coastal reserve, making it a difficult exercise to fence off the reserve, as has been suggested, to protect the land from straying sheep from neighbouring farm land. Location of developments inside the existing distances as set out in the zoning regulations for the rural coast zone has also occurred along this spectacular coastline.

I believe that a number of Government units are now involved in trying to address the multiple problems that have beset this State asset. These include the Department of Housing and Urban Development; the Development Assessment Commission; the Department of Recreation and Sport; the Coastal Protection Board; and soil conservation and native vegetation conservation units within the Department of Environment and Natural Resources; as well as the Victor Harbor council, landholders, trail users and conservation groups.

There exists much support from various departments and the community. While a number of potential solutions have been proposed, they all falter due to the inappropriate boundaries which make access virtually impossible. This is just one example of where lack of proper forward planning is jeopardising the future of the existing Heysen Trail.

On a general note, the federation believes that it is not feasible physically to mark all road reserves that are suitable for walking in order to meet the needs of increasing numbers of bushwalkers who are now planning their own walks as well as using the marked trails. This section of the community includes early retirees from a wide spectrum of society, each with high levels of responsibility, enthusiasm, initiative and energy, who simply wish to take advantage of and to walk along access routes intended for use by the public.

Many members of the bushwalking community are also dedicated to supporting Land Care and Save the Bush activities. Roadside reserves often contain valuable native vegetation and corridors for native fauna. These areas are also used by a wide variety of other organisations, such as Greening Australia, field naturalists, ornithologists and other volunteer groups concerned about a range of activities including rare and endangered plant species and the eradication of introduced plants which are invading both native bushland areas and agricultural land.

It has been brought to my attention that existing legislation provides little protection to users of these unmade roads by allowing councils and landowners to negotiate for their transfer to private ownership with the subsequent and permanent loss of a public amenity. I am told that in practical terms, unless a road reserve has been identified for protection using an outdated map of all district council areas, it will be allowed to be sold. I am told that not all valuable reserves have been identified. Simply updating the maps is not an

answer, as it would be an enormous and costly task which would take years.

Although provision exists for objection to proposed closures, with examination and assessment by the Surveyor-General, the final decision rests with the Minister for the Environment and Natural Resources, and this decision may be in conflict with the recommendation of the Surveyor-General. I am told that this situation occurred in 1994 when the Mount Pleasant District Council failed to observe a regulation under the Roads (Opening and Closing) Act, and this action was endorsed by the Minister in overruling the recommendation of the Surveyor-General and signing an order to close the particular road reserve.

It has been estimated that between February and March this year alone, about 20 road reserves in several council areas have been sold off. I believe it is important that all remaining road reserves are retained or at least have the option to be properly examined to provide unrestricted walking access for the enjoyment of the natural environment by both present and future generations.

Throughout the world there is an increasing awareness of the value of walking facilities. As I noted in a contribution that I made in an earlier debate, there is no doubt that ecotourism is the fastest growing component of tourism worldwide, and there is also little doubt that walking activities play a significant role within ecotourism. Access to areas of interest is also very important. For centuries, walking paths have been protected and defended for pedestrian use in England. New Zealand has introduced a Walkways Act which provides for the declaration of walkways over both public and private land so that:

> . . . the people of New Zealand shall have safe, unimpeded foot access to the countryside for the benefit of physical recreation as well as for the enjoyment of the outdoor environment and the natural and pastoral beauty and historical and cultural qualities of the areas they pass through.

Greater protection also exists in New Zealand for undeveloped public roads. Where an objection is submitted to the proposed closure and sale of a public access route, the Planning Tribunal adjudicates and may not confirm the council's decision to close the road 'unless satisfied that adequate access to the lands in the vicinity of the road is left or provided.'

An article by Don Markwick, a former officer of the Surveyor-General's Department, was published in the 1991-92 summer edition of the Adelaide Bushwalkers' official journal, *Tandanya*, which clearly expounds the value and legality of the undeveloped road reserves for use by the bushwalking community. It details a study which was carried out in South Australia to identify all unmade roads throughout the State that are of recreational potential and should therefore remain in public ownership. The resulting set of maps does not appear to have slowed the pace of closures.

I have spoken to this matter on a previous occasion, so I do not intend to take the further time of this Chamber. This is, I suppose, another example of assets in this State which are being sold off at this stage. Principally, this is an action of councils but one which needs the ratification of the Minister. Unfortunately, once these things are lost, getting them back will be next to impossible. We only have to look at what happens to parklands. Once they have been alienated, they tend to remain alienated, even when you think you have them back. These road reserves do play an important recreational role, a role which in the future will only increase. They do have valuable tourism potential, and it is certain that that potential will also increase.

There is growing awareness that protection of remnant vegetation in patches is not a total solution. There is a need for corridors through which animals can move so that gene pools are continually mixed. For a whole range of reasons, there is an increasing awareness that these road reserves are likely in the future to be far more important for us economically and ecologically than they are today. A failure to address this issue now will be reflected badly on us by future generations.

The Bill provides that, before a road can be closed formally and sold off, the proposal would be subject to the disallowance of either House of Parliament. In other words, it would be treated in a similar way to a change in boundaries to a national park, which could also be disallowed by either House of Parliament. I think the similarities are very great, and it is a reasonable procedure. The selling off of these lands should be something about which we are conservative. You have to be conservative about things which are very difficult to reverse, particularly when you think there is good reason to believe that what it is you are trying to protect will be even more valuable in the future. I urge all members to support the Bill.

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

VOLUNTARY EUTHANASIA BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1423.)

The Hon. SANDRA KANCK: The Democrats have a policy on voluntary euthanasia and I believe we are the only political Party to have such a policy. That policy went to members for ballot in 1988 and there has been no cause to alter it since that time. It states that we support the right of the individual to choose to die with dignity. Some people have attempted to argue to me that this is a policy which supports palliative care—which it certainly does—but it goes much further than that. If it was just a palliative care policy it would limit the choices but it is broad ranging; it says that we support the right of the individual to choose to die with dignity. I am very proud to be associated with that policy and to know that we have had it in force for nine years. I am very keen to see this Bill pass, and I do not know how much chance it has of doing so. In fact, when I introduced my Voluntary Euthanasia (Referendum) Bill back in November I said that I thought the timing was rather bad and that, as we were close to an election, it probably would not get too far. Despite that, I am still a strong supporter of it.

I intend to concentrate on the arguments that the anti-euthanasia forces bring to bear in their correspondence with me. Although there is only a small percentage of people in our society who are opposed to voluntary euthanasia they are an extremely well organised lobby group. I will quote from some of the letters I have received from the anti-euthanasia people (and I will not mention names because I do not have their permission to do so). One of the arguments that comes from them is that palliative care is a solution and if you put enough money into palliative care you will not need voluntary euthanasia. One letter states:

> Please concentrate your efforts on the promotion of effective palliative care and help allay community fears that palliative care

does not work, a fear developing by focus on difficult and tragic cases. We must accelerate our efforts for improved palliative care services with better delivery of care, support and relief.

I agree with what this person says about the need to accelerate that. Another person wrote and quoted a Professor Donald in the July 1995 *Medical Observer*. He said:

What people are really asking for is some control over the treatment they receive in their terminal episode of care. They are not necessarily asking to be killed, rather for some control. They are asking for some confidence in the palliative care system.

Again, I have no problems with that statement. I am a great supporter of palliative care. The fact that there is a focus on the so-called difficult and tragic cases happens because there is a small percentage of people for whom palliative care does not work. It is the battle over getting voluntary euthanasia that is putting the focus on those cases. If the option was available then those fears that this woman talked about—that palliative care does not work—would simply disappear because the focus would be able to return to the many cases for which palliative care does work. I agree with the need for more palliative care services. We have an ageing society and we will need such services more and more.

I am a member of the South Australian Voluntary Euthanasia Society and recently I travelled to the South-East with the President of that organisation, Mary Gallnor, and we addressed meetings in Mount Gambier and Naracoorte. She handed out booklets from the Health Commission about the Consent to Medical Treatment and Palliative Care Act. I am confident that SAVES as an organisation is probably more responsible than any other group for handing out those pamphlets and brochures.

We hear arguments all the time that I find very dishonest about the situation in the Netherlands. One of the leaflets that was sent to me stated that there is only a very rudimentary hospice movement in the Netherlands. That is an out and out lie. I become really disturbed at the tactics used by the anti-euthanasia forces when they are prepared to resort to such blatant lies. The truth is that there is a very good palliative care system operating in the Netherlands. It is not a case of either/or; it is simply a case that some people find that palliative care does not provide the solution for them.

Two recent cases were associated with Dr Philip Nitschke. Mrs Esther Wilde had very good palliative care but, in the end, she was asking for voluntary euthanasia but was not able to avail herself of it because of the success of the Andrews Bill. Janet Mills also had very good palliative care but, in the end, it was not enough. The following details about these two women are not nice details but I am putting them on the record because the people who oppose voluntary euthanasia need to know that palliative care is not always the solution. Mrs Esther Wilde, in the last months of her life, particularly the last few weeks, was actually vomiting up her own stomach lining. She was also vomiting faeces. Palliative care can do nothing for that. People who argue this way are fooling themselves and they are imposing their view on the rest of us, being extraordinarily cruel.

Janet Mills was the South Australian woman who died using the Northern Territory's legislation. When she could not get that last signature from a doctor in the Northern Territory to allow her to use that legislation she went on television. Janet was shown all over Australia appealing to get that last doctor, and the appeal did succeed. She was in the most appalling situation and, again, palliative care could do nothing for what was happening. Her skin was peeling off. She felt like she had thousands of ants crawling under her skin. Palliative care can do nothing for that. With the skin peeling off, every morning when she woke up her skin and the puss and the mucus were stuck to the bed sheets and every morning it had to be peeled off. Palliative care can do nothing for that.

I get extraordinarily angry that people argue that palliative care is the only solution for people like that. Dr Ian Maddocks, the Professor of Palliative Care at the Flinders Medical Centre, has publicly recognised that palliative care cannot solve all the discomforts of dying. However, he has written to me and has asked that when I am stating this I should also add that he does not support legislation to legalise voluntary euthanasia. Obviously that is his position: I do not know how one can intellectually reconcile the two positions but he must be comfortable with it. But it is important to recognise that the Professor of Palliative Care says that there are some instances in which palliative care is not a solution.

A few weeks ago I attended the Press Club luncheon addressed by Dr Philip Nitschke, and he spent a lot of time talking about double effect. I am paraphrasing him and I might not have the right numeral, but roughly what he was saying is that, if you, as a doctor, administer medication which may have a lethal effect and, as a consequence of the administration of lethal medication, the person dies over a period of four days we call that palliative care but if the person dies within four hours we call it murder.

There is a strange sort of logic in that, and I would have to ask: which of the two is the one that provides the most dignity and the most care and, in fact, the most caring for the family? Is it the death that takes four hours or the death that takes four days? There is a great deal of hypocrisy in this argument. I also pose the question: whose problem is it anyway? I believe it is the person who is dying. We have all these other people out there saying, 'We're not going to allow you to have it,' but it is the problem of the person who is dying. It is not my problem, although I might get a little bit angry about what is happening. It is the problem of the person who is dying and surely they have the right to make that decision.

Another of the arguments that is used in the letters that come to me is that the terminally ill will come under pressure. Well, I am not terminally ill. I have been saying for 20 to 25 years that if it comes to that and I am in a situation where I need it I want to be able to access voluntary euthanasia. There is an opportunity through this legislation to be able to sign an advance request that will allow people, potentially years ahead of their death, to indicate that they want to be able to access voluntary euthanasia. I could sign that now if this legislation were in place and could do it 30 years ahead of when I am expected to die. It may be that I would never use such legislation. I might be one of the people who are lucky enough to die in my sleep or I could be run over by a bus.

The Hon. Diana Laidlaw: No, don't say that.

The Hon. SANDRA KANCK: I could be run over by a car. I wanted the right to be able to legally indicate my desire to access such a procedure should I find myself in the unfortunate position that Janet Mills or Esther Wilde were placed in.

We get the spiritual argument, and a quote from one of the letters I got recently was as follows:

A human being is not to be put down like an animal because the human being has something called 'the soul' or 'the spirit'.

I do not know whether the human being has a soul or a spirit and I am glad that this person has the faith to believe in that,

but why foist that belief onto me? At the press club luncheon that Philip Nitschke addressed, a couple of Right to Lifers were in the audience and raised a couple of leading questions. One asked Philip whether he had seen any evidence of God in dealing with dying people. He said that he had never heard anything profound about the existence of God coming from anyone before they had died. Someone else then followed up with what was clearly intended to be a really nasty question and said, 'Do you have a soul?' Philip answered it very quickly by saying, 'Probably not.'

He also reported during his speech that he had spent four days with Esther Wilde, keeping her in a coma in the last four days of her life. He gave up four days of his life and put himself through utter hell in the process. He actually moved into Esther Wilde's house and slept on the floor near her bed so that he could monitor her progress and the state that she was in. I was quite horrified. I felt like that I wanted to jump up and defend him: to have somebody ask a question like 'Do you have a soul?', when this man had put his life on hold for that woman and had literally spent hours showing how much he cared and how committed he was to her. Unfortunately, we have seen that some of the anti-euthanasia forces seem to think that they have a mortgage on the word 'soul'.

The Hon. Carolyn Pickles: And charity.

The Hon. SANDRA KANCK: Yes, it seems that the rest of us supporting voluntary euthanasia are uncharitable. It appears that we are acting from the basest of motives.

The Hon. Anne Levy: We have no compassion.

The Hon. SANDRA KANCK: No, we have no compassion, it appears, from what they say. Then we get the 'dignity of life' argument. One letter stated:

> The most disturbing aspect of voluntary euthanasia is that it will inevitably and further diminish respect for the value and dignity and sanctity of human life.

That is what we have just been exchanging comments about. The people arguing for voluntary euthanasia are arguing for just those things—the value, dignity and sanctity of human life—but unfortunately the Right to Lifers, the Catholics and the Christian fundamentalists have shanghaied the term 'sanctity'.

One of the most common arguments is the 'slippery slope' argument. I will quote from a number of different letters I have had on this one. One letter states:

> Once the principle of euthanasia is accepted in the apparently plausible case of the terminally ill it will be gradually but inexorably extended to other categories: those who are mentally or physically incapable of making any choice are first in line.

The Hon. Anne Levy interjecting:

The Hon. SANDRA KANCK: Yes, the 'slippery slope' argument. Another letter states:

> The law, if passed, will create a cruel and uncaring society—the aged, the disabled, the invalid and the infants of poor health will be a target.

So, apparently we are out to get rid of infants with poor health. It continues:

> Disposing of lives which are not economically profitable will become the norm if this cruel and gruesome Bill is passed.

Another letter states:

> I am particularly concerned that people who have terminal illnesses, as well as those people who suffer from severe disabilities, might well be subject to non-voluntary euthanasia.

We heard that 'slippery slope' argument two years ago when debating the Consent to Medical Treatment and Palliative Care Act. We heard dire predictions that this would happen from the people opposing that Act at that time.

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: Exactly.

The Hon. Carolyn Pickles interjecting:

The Hon. SANDRA KANCK: The Palliative Care Act has been in force for 18 months and all the 'slippery slope' arguments have not eventuated. I am oft quoted the example of Hitler because there is an example in the case of Hitler where euthanasia was used against people's will. One letter that came to me said that only Hitler killed defectives. This legislation and the people advocating voluntary euthanasia are not on about killing defectives. The people who write this sort of rubbish are only devaluing their own arguments. The societies where it has occurred have been totalitarian societies where there has been no democracy. If you are scared of the slippery slope, the solution is to make sure that we have a fully functioning democracy where everybody plays a part, where everybody can be involved in the debate, where everybody is watching what is happening and is entitled to do so. That is the best insurance you can have for anything like that.

You have to look at the whole process of making laws. If you are going to argue that laws can be abused, we would never pass a law in this place. Look at taxation law. The Federal Parliament each year must pass about six different laws amending the Taxation Act in order to stop the rorting of it and always people find ways to get around it. Parliament and Parliamentarians keep on amending the legislation in an attempt to bring it under control. We are not frightened of the abuse of the Act in the case of the use of taxation; we go in there and try to do something about it. So, the argument that we should not put legislation in place in case someone abuses it is a stupid argument.

Another of the arguments that comes up is that the polls are wrong. Each year the Morgan pollsters conduct a poll of 2 000 people. They first asked that question in 1962 and 47 per cent of people supported voluntary euthanasia. Throughout the 1990s that figure has been consistently over 70 per cent. I get letters from people claiming that the poll has sometimes been fixed and that people do not know what they are answering. One of the letters I had recently said, in response to the poll:

> To most people legalising euthanasia means allowing for futile treatments and life support to be discontinued and most people are not aware that this is already law. Those polled are not asked specifically about legalising a lethal interjection for anyone who wants it.

I am sorry, but again, they are wrong. I do not know who is giving these people this sort of information so that they can be so wrong. The question asked is:

> If a hopelessly ill patient in great pain, with absolutely no chance of recovering, asks for a lethal dose so as to not wake again, should a doctor be allowed to give a lethal dose or not?

There is no chance of ambiguity with a question like that. Last year the number of people supporting the right to have that lethal interjection was 74 per cent, 8 per cent were undecided and 18 per cent were opposed, so the voting patterns of MPs here in South Australia with the Quirke Bill back in 1995 and MPs in the Federal Parliament certainly do not reflect community opinion. I think MPs should be aware that the silent majority is getting very angry about this issue. I mentioned the trip I made to the South-East with the President of the Voluntary Euthanasia Society and I can let members know here that at both those meetings the people attending decided to set up a voluntary euthanasia support group. I do not know exactly what they were going to do

because it was an initiative that came from them, but I imagine that they will be doing things like writing letters to the papers, to their MPs and political candidates at election time. In at least two electorates this matter is going to be made an election issue, come the State election. When I introduced my Bill for a referendum on VE, I mentioned the tactics of the Catholic Church in the United States and I subsequently received a letter from a Catholic Priest who was upset about what I said about the Catholic Church. He said:

> I was deeply saddened to read your presentation regarding the Voluntary Euthanasia Referendum Bill in parliamentary debate (*Hansard* 5, 6 and 7 November 1996). What distressed me most was what seemed to be an attack on the Catholic Church's credibility. It is hard not to draw the conclusion that you are implying that the Church is involved in mischief making and manipulating public debate. If this conclusion is valid, then I consider it unfair and based solely on your personal interpretation.

I responded to this priest, as follows:

> I do not resile from the attack I made on the Catholic Church for the way it went about opposing moves for voluntary euthanasia in the United States. I consider their use of a front organisation, the manipulative message of the advertising supplied by that front organisation and the overt appeal for funds in the form of passing the plate during church services amongst a captive audience are all methods that do not do justice to the message of Christianity. I am not a great believer in the theory of the means justifying the end. On those few occasions when I can justify it, I am always aware that, whatever the end has been, it will have been tainted by the means that were used. I have seen the advertising that was used in those campaigns and, yes, you can accuse me of basing my response on personal interpretation, but I would guarantee that any psychologist you wished to name would back me up on that interpretation. When all of the advertising centred on a message that there were no real safeguards in the legislation, when in fact there was every safeguard you could think of, one could only come to the conclusion that the people who were spreading that message were being patently dishonest. You might have another interpretation of the fact. If so, I would be interested to hear it. For my own part, I believe that, if something is not the truth, then it is a lie.

These tactics have continued in Australia, although in a slightly reduced form, from what was done by the Catholic Church in the United States. The Andrews Bill and its passage through the Senate is very instructive in this case. On the morning after the Andrews Bill had passed I was in absolute despair. I went throughout the day from moments of anger to moments of depression; on one occasion I was in tears about it and I just really did not know what to do.

I was criticised for the comments I made to the *Advertiser* in which I said that the MPs who had voted for that Bill were living a Roman Catholic view of life. My office received three phone calls demanding that I should apologise. I am not sure to whom they wanted me to apologise or for what and I could not get back to them because two of the calls were anonymous and one left a name but no number. I understand there are some people of Roman Catholic faith who are not anti-euthanasia and one of the articles that I treasure in my voluntary euthanasia file is by a Catholic theologian Jacques Pohier, who is both a doctor of divinity and a doctor of philosophy and that article is entitled 'A positive Catholic viewpoint in favour of voluntary euthanasia'. However, people making the most noise are those arguing against voluntary euthanasia. However, having upset a few people by making that comment, I point out that the *Weekend Australian* (29 March) on the weekend immediately following the Andrews Bill vindicated what I was saying with a quite remarkable article by Michael Gordon, called 'Holy Alliance'. I am inclined to call it an unholy alliance, but they called it 'holy' because it was about an alliance between members of the Labor and Liberal Parties of Catholic faith in making sure that the Andrews Bill got passed. I will go through the article chronologically as it explains what happened.

On 1 February 1995 the Northern Territory Chief Minister announced he would introduce voluntary euthanasia legislation. The next thing the article tells us is that a man called Jim Dominguez, 'then Chairman of Swiss Bank's interests in Australia, now SPC Warburg, with friendships at high levels on both sides of politics in business and in the Catholic Church,' had an article published in the *Australian* opposing euthanasia.

In July 1995—it is unclear from the article who was the person who led it—75 invitations were sent out to 'doctors, right to lifers, nurses, others concerned with palliative care, more than a dozen State MPs and a number of people who had written articles on the subject,' inviting them to a meeting in the New South Wales Parliament House to discuss ways to prevent a voluntary euthanasia Bill being introduced into the New South Wales Parliament. That meeting occurred on 20 July with 60 guests and co-chaired by Johnno Johnson from the New South Wales right and a practising Catholic. It also included Jim Dominguez who, as I have already mentioned, is active in the Catholic Church, and Tony Burke, a former President of Young Labor, who worked on the staff of Labor strategist Senator Graham Richardson, and was Secretary of the ALP's Federal electorate council in the seat of Watson held by Leo McLeay. That meeting resulted in the formation of the Euthanasia No group. However, 12 months on from that it was quite clear that it had been so successful in its lobbying and getting people to write letters to New South Wales State MPs that no-one was even game to introduce such a Bill, let alone debate it.

These people then turned their attention to Federal matters. In June 1996 the matter of the Northern Territory legislation was raised by Federal Liberal MP Kevin Andrews, again a practising Catholic, at a Government Joint Party Room meeting in Canberra, and the Prime Minister indicated he would not be adverse to a Bill to overturn the Northern Territory legislation. Mr Andrews then set the wheels in motion. On 26 June Tony Burke—the young Labor apparatchik—went to see Kevin Andrews and suggested that if he was going down this path there was a need for cross Party support and that his local MP, Leo McLeay, who was also a Catholic, should be the seconder in order to give it that cross Party support. From there on it starts to get really interesting about the sort of people who were involved.

The Hon. Anne Levy interjecting:

The Hon. SANDRA KANCK: At that stage there was only one Democrat MP in the New South Wales Parliament who was not Catholic and who supported voluntary euthanasia.

The Hon. Anne Levy: But not in the Senate, though.

The Hon. SANDRA KANCK: Unfortunately, in the Senate one of our Senators voted for the Andrews Bill against the Northern Territory legislation.

The Hon. Carolyn Pickles: They're in all Parties.

The Hon. SANDRA KANCK: Unfortunately, they are in all Parties, absolutely and unfortunately.

The Hon. Anne Levy interjecting:

The Hon. SANDRA KANCK: Our members have the right to a conscience vote on every issue.

The Hon. Anne Levy: What's the point in having a policy?

The Hon. SANDRA KANCK: What is the point in having a policy: every time there is a pre-selection, if you

have strayed too far from policy, you will not get pre-selected again. Pursuing what this group did, Dominguez 'later sponsored visits to Australia by author Colleen McCullough and Gormally, and personally lobbied the likes of the John Laws program and the late Andrew Olle to give both time on air. Burke, meanwhile, conducted dozens of small community meetings across New South Wales—32 meetings in 32 nights—pushing the case against euthanasia and urging those who were sympathetic to write to their MP.'

Dominguez in the work that he was doing was concentrating on the slippery slope argument of which I have spoken, and it is interesting, as this article observes, that 'the question of the slippery slope argument was later addressed by no fewer than 26 speakers in the euthanasia debate in Federal Parliament.'

Following the 32 meetings that Burke conducted, the article goes on to state:

> Within weeks, Burke was armed with the results of research and strategic advice from Armon Hicks and Nick Stravs, two directors from Gavin Anderson Kortlang, the consulting firm of Ian Kortlang, a former political adviser to Andrew Peacock and Nick Greiner. Their services were given freely. Dominguez had been the link.

I have already mentioned the suggestion that Burke had made to Kevin Andrews of having McLeay second his Bill. *The Australian* makes the connection and states:

> Why? If Dominguez provided a direct line to Howard and Tim Fischer, McLeay, a former telephone technician and Speaker of the House of Representatives, was as close as any politician to the Labor Leader Kim Beazley.

The article continues:

> Burke's initial aim was to generate mail—and lots of it—from doctors and experts in palliative care to those MPs he considered possible supporters of the Bill. . . Burke didn't lobby politicians, either. Not directly. But he encouraged the likes of former Pentridge Prison chaplain Father John Brosnan to write to them. . . The second, and perhaps the most important, phase of Burke's campaign focused on the Senate committee that was assigned the task of examining Andrews Bill.
>
> Here the strategy had three elements:
>
> 1. To encourage anyone who opposed euthanasia to make a submission and to understand that a submission need only be a letter;
> 2. To ensure that any group with credibility on the issue from Aboriginal Land Councils, disability groups and palliative care organisations made their views known; and
> 3. To brief all those who were against the Territory law on the questions they were likely to be asked and the position of each of the Senators who would be asking them.

I have read those passages into *Hansard* because it is important to recognise the tactics that have been used; it has been cleverly masterminded and one only has to admire the tactics they have used. It is very clear to me that the Catholic church has played a leading role in this whole process. However, I do recognise that not all religions and all religious people hold that view.

The Hon. Anne Levy interjecting:

The Hon. SANDRA KANCK: Yes, exactly; the bulk of the people who are actually the adherents of these religions support voluntary euthanasia. The Religious Society of Friends, or Quakers as we know them, has issued a statement on this matter, as follows:

> We are reminded that we hold life in stewardship and should care for it both for its own sake and in order that we may better care for others. Dying is for the most part a normal process and requires little intervention. However, in the event that our faculties are so diminished by disease, accident or age that we can no longer exercise the qualities of body, mind and spirit through which we have experienced God in our lives, we may prayerfully consider whether we should seek an end to earthly existence and if need be ask another's help in so doing. Equally we may consider whether we have a responsibility to accept and endure our condition. In such decisions we respect the total liberty of conscience of all parties, subject only to awareness of the effect they may have on those whose lives we touch. It follows that laws should operate to allow the exercise of conscience and compassion in the process of dying.

I also received recently a letter from an Anglican woman who feels quite passionate about the issue. It is addressed, 'Dear honourable member of the Legislative Council', so I expect that other members would have received the same letter. The letter states:

> . . . I am so distressed and ashamed by the lack of compassion, understanding and genuine concern for the terminally ill as recently displayed by the Federal House of Representatives and the majority of Senate members with regard to the recent passing of the Andrews Bill which vilified and nullified the implementation of voluntary euthanasia in our Australian Territories.

I was interested in what she quoted from the Catholic church. She quotes from Article 3, 'Man's Freedom', in the catechism of the Catholic church, approved and signed by Pope John Paul II on 11 October 1992. Article 3, 'Man's Freedom', item 1730, states:

> God created man a rational being, conferring on him the dignity of a person who can initiate and control his own actions. 'God willed that man should be "left in the hand of his own counsel" so that he might of his own accord seek his Creator and freely attain his full and blessed perfection by cleaving to him.' Man is rational and therefore like God; he is created with free will and is master over his acts.

Item 1738 states:

> Freedom is exercised in relationships between human beings. Every human person, created in the image of God, has the natural right to be recognised as a free and responsible being. All owe to each other this duty of respect. The right to the exercise of freedom, especially in moral and religious matters, is an inalienable requirement of the dignity of the human person. This right must be recognised and protected by civil authority within the limits of the common good and public order.

I was delighted to receive that letter and know that, in fact, there are in the churches people who are exercising that right, and it surprises me that the Catholic church takes the position, as it does, when it has articles and items such as that.

At this point I want to look to the future. The Hon. Diana Laidlaw interjected at one stage to compare the arguments that are being advanced against voluntary euthanasia with those advanced against votes for women. It is a very valid comparison. As the Democrat portfolio holder of Transport, which deals with railways, and Infrastructure, which deals with energy, ETSA, gas and water, I think one of my favourite quotes from that debate in 1886 is from Johann Scherk, who said:

> Notwithstanding their intelligence, I doubt whether they will be able to form a sound substantial opinion on such questions as public works, water conservation and the building of railways.

We smile wryly at those comments now, but they were said with the utmost conviction at that time. Those men who made those comments truly believed them; they were not joking when they said it. It took 10 years of rallies, letters, meetings, petitions—and we know there was a petition with 11 000 signatures—and legislation to get that right to vote for women.

I regard the fact that we are having this debate as evidence of a mature society which cares for people in distress and, although I do get very angry about some of the dishonest and manipulative tactics of those people opposing voluntary euthanasia, I do appreciate the sincerity of their motives. It might take 10 years, as votes for women did, but I believe that we will see a Voluntary Euthanasia Act in force within

the decade, and acting with honesty I will do all I can to ensure that that happens. I indicate, therefore, that I support the second reading of this Bill with great enthusiasm.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

PETROLEUM AND MINING WORK

Adjourned on motion of Hon. Caroline Schaefer:

That the regulations under the Occupational Health, Safety and Welfare Act 1986, concerning petroleum and mining work, made on 22 August 1996 and laid on the table of this Council on 1 October 1996, be disallowed.

(Continued from 27 November 1996. Page 580.)

The Hon. R.I. Lucas, for the **Hon. CAROLINE SCHAEFER:** I move:

That this Order of the Day be discharged.

Order of the Day discharged.

DENTISTS (CLINICAL DENTAL TECHNICIANS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1425.)

The Hon. BERNICE PFITZNER: In speaking to this Bill, I want to respond positively to the request that clinical dental technicians be included in the procedure of partial dentures. Just as we have moved for lawyers only to do conveyancing, we now have land brokers doing the major portion of the legal real estate transfer process. I hear that land brokers are every bit as competent as lawyers—some would say even more so, as land brokers are doing such things daily. Just as only doctors used to take blood, check blood pressure and deliver babies, we now see nurses doing such procedures, and the majority of nurses carry out these procedures in an excellent way.

However, I note that when complications arise the lawyers and doctors, with their greater length and depth of academic training, are needed. They still need to be around, and so they should be, as the training of these professionals is long, arduous and difficult.

Therefore, in considering clinical dental technicians' requests for partial dentures to be done by them, I have no problem with their being allowed to do a procedure that has previously been the province of dentists. However, we need to know of their competence. One of the indicators of this (not the only one) is academic qualifications. I have therefore looked in detail at the information given to me on the special course for the provision of total and partial dentures in various States.

Two major courses have been introduced, one by TAFE in New South Wales. According to my papers, this course started in the early to mid-1980s and was accredited to run in New South Wales until 1990, but a lack of funding has 'necessitated an extension of the normal operational period'. I am not sure what is the implication of this statement, but this was known as the dental prosthesis higher certificate course, which specifies that all applicants must be dental technicians registered with the Dental Registration Board of New South Wales.

This course is broken up into modules such as dental prosthetics, biology, chemistry, dental material, anatomy and physiology. These modules appear to be given over an 18-week duration, but what is not clear to me is the total number of hours involved. It seems to me to be a lot of curriculum to cover over that period.

I turn now to the Royal Melbourne Institute of Technology (RMIT) course known as the partial denture bridging course for advanced dental technicians (ADTs). The curriculum is impressive, including as it does dental anatomy, oral conditions, general biology, communication techniques, behavioural sciences, ethics and legal responsibilities, patient evaluation, and clinical removal of partial denture techniques. All this is taught over a time span of 224 hours pre-clinical, and it includes only two practical sessions. This seems to be to be rather too brief a timeframe in which to cram all these subjects.

I note that for the proposed South Australian course a feasibility study has put forward 960 hours per year, which is equivalent to one year's full-time study to be taught by the Torrens Valley Institute or the old Gilles Plains TAFE. However, to date, the course looks to be very expensive, costing $18 000 to $22 000 per student.

Finally, there are two other courses to be considered: the advanced diploma of clinical dental prosthetics put forward by the Tasmanian Accreditation Recognition Committee this month. It is suggested that this course replace the old New South Wales course. This diploma is still in the melting pot. It appears to have potential. It is known as the advanced diploma of clinical dental prosthetics and it covers 1 168 hours on a module basis. The entry requirement is a recognised course of training in dental technology. I will come back to the entry requirement later.

I have recently been informed that the University of Adelaide is looking at a possible bachelor of oral health course that will function in 1999. I understand that this is still in the discussion stage. I must therefore say that, with all the best intentions in the world, I am concerned that the academic qualifications are not up to standard as I perceive them. The fact that there is continuing review and revision of these advanced courses shows that there is room for improvement.

I now come back to the basic entry qualification that dental technicians must have before admission into these advanced courses. I am not sure what constitutes a dental technician course or a course in dental technology. I understand that some clinical dental technicians have taken a formal course and others have learnt 'on the job', so to speak. I worry about the standards. That is not to say that those who have learnt by being an apprentice are any less competent than those who have obtained a clinical dental certificate, but how are we to gauge the standard?

I would like to touch briefly on three further issues apart from academic qualifications. The first is with regard to inconsistency. It has been put forward that it is inconsistent that in Victoria, New South Wales and Tasmania clinical dental technicians already do partial dentures and they ask why we do not do so in South Australia. All I can say is that they make their rules and we make ours. I do not think that our rules are too stringent. It is a matter of acceptable standards. Further, one could also say that some States have decriminalisation of prostitution, so why do we not? Consistency is not necessarily a procedure to be followed blindly.

The second issue concerns the pricing difference. We are alerted to the pricing differences of partial dentures done by dentists in comparison to those done by clinical dental technicians. I understand there is a difference of $50 to $100. First, I ask whether we would prefer to send our parents or

children to a clinical dental technician or to a dentist in order to save $100. If we are speaking of pensioners who are unable to meet the payment, and if we would prefer to send our relatives to a dentist, would it be ethically acceptable that we have in place clinical dental technicians so that pensioners can access a cheaper form of partial dentures when these standards are not yet determined?

Thirdly, I refer to infection control. We all need to be acutely aware of infection control, in particular now that the lethal HIV/AIDS is with us, without a vaccine providing immunity and without the cure. We have further infections, that of hepatitis B and hepatitis C, two viral types that are more contagious, and there are significantly more carriers of hepatitis B and hepatitis C compared to HIV. We do have a vaccine for hepatitis B but not for hepatitis C, and there is, of course, no cure for either. Further, we all know that being infected with hepatitis B and hepatitis C can lead to damage to the function of the liver and, in particular, cancer of the liver.

In our Social Development Parliamentary Committee, we were highly concerned that dentists and doctors were rather slow in being accredited to a procedure of infection control, and in particular the doctors, who had only a 5 per cent accreditation uptake, a most disconcerting fact. The allied dental health workers—dental therapists, dental hygienists, dental technicians and dental laboratory technicians—do not as yet have a formal accreditation program with regard to infection control. Before we move any further on partial dentures, we need to make sure that an accreditation system is also in place for the allied dental health workers.

This is one of the recommendations in the report by the Social Development Committee on HIV/AIDS. So, Mr President, in closing, as much as I support the proposition that perhaps partial dentures can be done by clinical dental technicians at a later stage, at this point, unfortunately, I am unable to support the Bill.

The Hon. P. HOLLOWAY: First, let me say that I am disappointed that the Government will not support this Bill, and I guess that that will therefore be the end of it. Even if it passes this Chamber, it will obviously not get through the other place. However, I am pleased that a number of Government members from both Houses have indicated at least qualified support, and, if I interpret correctly the speech of the Hon. Bernice Pfitzner, she seems to recognise—as most members do—that it is inevitable that in the not too distant future the cause behind this Bill will be given effect.

I would also place on record my thanks to the Hon. Sandra Kanck for indicating the Democrats' support for this Bill. It was a long time ago, back in December, and I have just about forgotten what she said, but I am pleased that the Democrats will support the Bill. In this closing speech I would like to address some of the matters raised by the Minister on behalf of the Government and by other speakers.

I will deal first with some matters that the Hon. Bernice Pfitzner has just raised. She talked about the qualifications necessary for clinical dental technicians, should they be given the right to make partial dentures. Under clause 2(a), the Bill actually provides that, before any clinical dental technician can provide such treatment consisting of fitting or taking impressions for the purposes of fitting partial dentures, the technician has to complete a prescribed course, and I list in the legislation under clause 2(a)(1) a particular course, namely, the one at the RMIT in Melbourne. So, if the Government feels that the standards are not high enough, it always has the possibility of raising those.

Let me say at the outset, to be fair to dental technicians, if nothing else we should at least say what the hurdles should be before they can do it. In the past, when similar Bills have been put before Parliament, the Government said, 'No, it is not good enough. We will not let a clinical dental technician do it, because their standards are not high enough,' but the Government will not say exactly what the standards should be. They are never high enough. They always need to be higher. It is about time that the Government set that standard. The Bill does allow flexibility with the standards that need to be set, so if members believe they are not high enough, I would argue that my Bill can deal with that eventuality.

The Hon. Bernice Pfitzner also mentioned that the University of Adelaide is about to offer a Bachelor of Oral Health course, beginning I think in 1999. One of the problems is that if you have a Bachelor of Oral Health course to try to upgrade the standards of clinical dental technicians, but you do not let them do partial denture work, and they will not be able to because it will be against the law in this State, it will be, by definition, a B-grade or second rate course. Who would do a course at a university here that did not include courses on partial dentures when everywhere else in the country, apart from here and Western Australia, work on partial dentures would be included, and they could practise that work in other States? Clearly we will have an inferior course. That is one of the matters that needs to be recognised.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: I will come to that matter in a moment. The other point raised by the Hon. Bernice Pfitzner concerned mutual recognition. The honourable member said we can have different standards here from elsewhere. In so many other professions, particularly the trades, we have insisted on deregulation. Under national competition policy, we have insisted that any restrictive work practices have to be removed. We have gone through all of the trades and blue collar workers, but it seems at the professional level we still have these entrenched restrictive trade practices. I think that is most unfair.

I return to my original purpose in introducing this Bill. It is not that I necessarily believe that extending the power of clinical dental technicians to make and fit partial dentures is the best dental health solution. Indeed, the dentists in their opposition to this Bill have made the point that there may be other better solutions. I agree with that. If I can talk about my own experience, just a few weeks ago I had a tooth that was cracked. I could have ignored it and I guess ultimately it would have to have been extracted, in which case the only option would be a partial denture. Alternatively, there was the option that I took, and I think the best solution, in having the tooth capped with a crown. Incidentally, I received the Bill for that just the other day. It came to $1 005. I think that was money well spent, because it will help save my teeth and, for those lucky enough to afford it, that sort of treatment is probably a better option. I am in the very fortunate position where I can afford bills of that order. The fact is that many people in our community could not afford a bill anywhere near as large as that, and their only option would be to go without. If they do not have a denture or some other treatment and they have missing teeth, ultimately we know that will affect the rest of their teeth and they may eventually need to have them removed.

I am well aware of what the dental profession is saying and I do not question their motives. Dentists are arguing that

nowadays there are some good treatments that enable people to keep their teeth and that in many cases these are preferable to dentures, but the point is that not everybody has access to them, they are expensive and beyond the means of many people. I believe that people should have an option.

I now turn to some of the arguments that were used by the Minister when she put the Government's case on this Bill. The Minister questioned the qualifications of those who practise as clinical dental technicians in this State and pointed out that some of them had originally gained registration under a grandfather assessment. The point I make is that the grandfather assessment is irrelevant to this debate because before a clinical dental technician can make a partial denture he or she has to pass an additional course which is prescribed in the Bill. So whether or not people were originally grandfather assessed does not give them the automatic right to make partial dentures unless they have completed the prescribed course. Therefore the Minister's argument is not relevant to this debate.

I think the Minister and the Hon. Bernice Pfitzner were a little unfair when criticising the length of the course that had been undertaken by many clinical dental technicians—and there are only about 20 in this State who will be seeking to do partial denture work, so we are not talking about a large number. The Minister said, 'I am advised it is a five and a half week full-time equivalent course.' Those of us who have been to university know that one university unit is usually one lecture a week for 50 minutes for about 25 weeks of the year, and if you add that up it does not amount to a particularly large amount of time. A five and a half week full-time intensive course is equivalent to many of the units that are done at university. To just say that it is five and a half weeks makes it look as though it is not a particularly detailed or intensive course.

The Hon. Bernice Pfitzner interjecting:

The Hon. P. HOLLOWAY: Well, it's only 200 hours. I am saying that if you add up the hours involved in many university courses they do not amount to many hours, either.

The Hon. Bernice Pfitzner interjecting:

The Hon. P. HOLLOWAY: If you work out the hours for five and a half weeks full-time it would amount to several hundred hours. These people have been making dentures for years and have other qualifications and expertise in making the dentures. The idea of the bridging course was to improve and elevate the skills at the top end. These people already have considerable skills. Most clinical dental technicians make the dentures that dentists fit. The dentists make the mouldings and, in most cases, the dentures are made by a clinical dental technician; the dentists themselves, with few exceptions, rarely make the dentures. These dental technicians have experience and skills, and the bridging course was to upgrade those skills which involve partial dentures.

The Hon. Bernice Pfitzner interjecting:

The Hon. P. HOLLOWAY: That's the point; they have considerable skills. If the Hon. Bernice Pfitzner thinks they are not good enough she should be arguing that we need a different course, that we should prescribe or set out what we need. She should not use the argument that their qualifications are not good enough and never will be so therefore we should never address the issue.

The Minister talked about the grounds of opposition that came from the Australian Dental Association. The first was that partial dentures are detrimental to health and should be prescribed only in selected cases. I think that that contention would be open to debate within the dental profession. That view has changed over the years. What should we do with somebody who has missing teeth but not much money? If they have gaps in their teeth it may not be easy for them to get work or keep a job. A partial denture may be necessary for them to obtain and retain employment, and also for general self-esteem and physical appearance. It may be the only possible solution for many people. It is unquestioned that partial or full dentures made by clinical dental technicians are considerably cheaper than those made by dentists. That is a fact which has not been contested by the dentists, and I will say more about that in a moment.

Although we could trivialise this matter I do not think we should underestimate the importance of somebody's esteem and the physical impact of not having a full mouth of teeth. The Minister referred to the Dental Advisory Committee and pointed out that it had advised the Health Commission, and in turn the Minister, that it would not be in the public interest for clinical dental technicians to make removable partial dentures. The Dental Advisory Committee looked at this matter. It first started considering it in February last year and reported towards the end of last year. The Clinical Dental Technicians Association sought some of that information under freedom of information legislation and had to pay $300 to get it, with an appeal to the Ombudsman. I will refer to some of that shortly.

The Hon. M.J. Elliott: Who was on the committee?

The Hon. P. HOLLOWAY: I will refer to that because the Minister was using this as some of the justification. The Dental Advisory Committee had to consider this issue and sent it off to a subcommittee that comprised the past president, the current president and the president elect of the Australian Dental Association—nobody represented the interests of dental technicians, consumers or anyone else. The Dental Advisory Committee pointed out that at some stage under the new national competition policy the Dentists Act had to be revised. As I said earlier, many of the work practices that applied to other professions or tradespeople and others have long been changed as a result of the national competition policy. Sooner or later—and 'later' is the year 2000—the Dentists Act has to be reviewed under national competition policy. That fact was pointed out by the Dental Advisory Committee, so even though this Bill will, I guess, be defeated—even if it passes this Council it will be defeated in the other House—it will not be too long before it has to be reviewed, and that would have to occur fairly early in the new Parliament.

In an internal memo to the Minister for Health it was stated:

> A senior adviser of the Department of Premier and Cabinet has advised that under the Competition Principles Agreement which was introduced in April 1995 it is a requirement to review legislation which restricts competition by the year 2000. Therefore, although no action regarding CDTs—

that is clinical dental technicians—

> needs to be taken immediately a review will need to be undertaken in the future.

It was also suggested that representatives of clinical dental technicians should be involved in this committee, but that was not taken up.

Ultimately the Dental Advisory Committee did report, not surprisingly, that this opportunity for clinical dental technicians to make partial dentures should not be agreed to. The final report of that body concludes:

The group believes that there is no demonstrated need for more partial dentures to be made and for them to be cheaper—an acknowledged feature of clinical dental technician treatment.

So, in recommending against the right for clinical dental technicians to make partial dentures, this group of dentists acknowledged that they were cheaper. So, that is not really an issue.

The other aspect I point out in relation to this matter is that 80 per cent of Australians now live in States where they can get partial dentures legally provided by dental prosthetists, as they are called in most States, or clinical dental technicians, as they are called under the Act here. South Australia and Western Australia are the only States which do not permit clinical dental technicians to make partial dentures.

The Dental Advisory Committee wrote to all the interstate people and sought out information. The evidence from other States is that there are either no or minimal complaints or no problems with the operation of this measure in other States. Let it not be said that the opposition to giving clinical dental technicians the right to make partial dentures is based on problems within the other States. If there is a problem it certainly does not show up in any of the statistics, and none of the other States recognise any problem with having this situation.

Price and cost are always an issue. I have mentioned that it was conceded by dentists that clinical dental technicians could make partial dentures more cheaply. Cost is a big factor in relation to dentists. In the minutes of the Dental Advisory Committee Board on a related matter, that is, the pensioner denture service fees, it was reported:

Dr Harms reported a number of private dentists were concerned at the level of remuneration, particularly with denture repairs. There was a problem with cost of laboratory fee component increasing and no gross fee adjustment, indicating private dentists were reluctant to do work because of this. It was noted that the Minister for Health in New South Wales has appointed an independent consultant to review the New South Wales scheme.

We have a problem generally in the dental area where dentists are reluctant to do denture repair work because the fees are not great enough to induce them to do this work. Why then the opposition to enabling a few dental technicians in this State to do that work?

There are probably a number of other things I could say but, with the time I have taken up and from what other speakers have said, it is clear what are the real issues in this Bill. It is a simple Bill that gives clinical dental technicians the right to make partial dentures, a right they have in most other States of this country. I hope I have shown good reasons why they should do so. In other States where they have this power there are no problems.

It is disappointing that the Government has chosen to reject this Bill, particularly since it will have to, sooner or later, under the national competition policy, agree to this measure anyway. I suggest that it is completely unsustainable that beyond the year 2000 the Government would be able to keep this provision of restricting clinical dental technicians from doing this work. It would be in the Government's interest to try to act as soon as possible so that we can get the best possible standards for clinical dental technicians doing this work. The sooner we act the higher the standards will be and the better our dental health will be. If we act now we can have a say in these courses and the sort of qualifications required of clinical dental technicians. If we do not act on it, it will be forced on us further down the track under the national competition policy.

The Hon. Bernice Pfitzner interjecting:

The Hon. P. HOLLOWAY: Under my Bill there is provision for standards to be set, but if we do not move now it will be forced upon us. I will not take up further time.

The only other point I wish to make is that I was going to move amendments to change the name of clinical dental technicians to 'dental prosthetists'. That is the generally accepted term across Australia and, if we are to go into mutual recognition and try to get national agreement on this matter, it would make sense to use a common term across the country. However, I will leave the point on the record that if we are to ultimately deal with this matter it would be best to change the name so there is common nomenclature across the country. With those remarks I commend the Bill and hope that this Chamber will support it.

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

ROAD TRAFFIC (EXPRESSWAYS) AMENDMENT BILL

The Hon. R.I. Lucas, for the **Hon. K.T. GRIFFIN** (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. R.I. LUCAS: I move:

That this Bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to amend the Road Traffic Act 1961 so as to provide for the safe and efficient operation of the Southern Expressway.

NEED FOR THE ROAD

The problems faced by commuters in the south of Adelaide are well known. The current road capacity is not adequate to cope with the morning and evening peak traffic. A full freeway-type road to the south has been planned and promised for decades.

Only now, since the election of a Liberal Government in November 1993, has there been the vision and will to commence this project—and already work is well advanced.

The capacity issues are being addressed in a novel fashion—by building a fully reversible roadway. There will be one carriage only constructed at this time. All traffic will travel north towards the City on weekday mornings, and back south in the evening. On weekends or in the case of special events, the flow of the traffic can be directed according to needs.

Traffic travelling in the opposite direction to the operation of the Expressway at any given time will use the Main South Road.

Adjacent to the main Expressway, the Government is also constructing South Australia's first high-speed commuter track or veloway for cyclists—plus a shared facility for pedestrians, recreational cyclists and similar vehicles.

Mr President, this approach not only allows the Expressway to benefit southern commuters, businesses in the area and the tourism industry on the Fleurieu Peninsula and Kangaroo Island—but it fulfils all these objectives (at $112 million in 1994-95 dollars)—just over half the cost of the original proposal.

It also avoids investing public funds in a road whose full capacity is not required at this time. Provision has been made however, for building the remainder of the planned road at some point in the future, when the need justifies the investment.

OPERATION OF THE ROAD

Stage One of the Southern Expressway from Darlington to Reynella will open in December 1997. Stage 2, a continuation of the Expressway to the Onkaparinga River, will open in December 1999.

To cater for the different road configurations the Department of Transport (DoT) has engaged Phillips Traffic and Engineering Services to design a computerised traffic management system. Amendments to the Road Traffic Act and Regulations are required to implement this system.

PROVISIONS IN THE BILL

As I noted above the Expressway is a reversible road. It will normally change direction every 12 hours, but this may alter to cater

for special occasions when traffic flow is anticipated to vary from normal patterns. The direction of traffic flow will be regulated by means of traffic devices such as lights and signs. As a matter of practice, warning signs, media announcements and advertisements will be used to advise the public of changes in the normal hours of operation of the Expressway.

The Traffic Management System for the Southern Expressway will consist of a number of subsystems, including surveillance, incident detection and management, communications and driver information. The intended traffic control devices and their use will be in accordance with Australian Standards and will not contravene the draft Australian Road Rules, currently planned for implementation in September 1998.

In addition the design of the Southern Expressway provides emergency stopping lanes. So the need to tow away vehicles will be no different from that on any other road on the network. Section 86 of the Road Traffic Act currently provides a power for police and council officers to arrange the towing away of unattended vehicles causing obstruction or danger. The Bill extends this power to authorised officers in DoT in the case of the Expressway.

There is a risk that a driver may leave a vehicle and not return to it for some time, not realising that the direction of the traffic flow has changed in the interim. This risk is higher for interstate drivers and others not familiar with the conditions of operation of the Expressway. Even if the driver recognises that the traffic has changed direction, he or she will only be able to rejoin the traffic by performing a prohibited U-turn against two lanes of traffic moving at 100 kilometres per hour.

The safety risks of leaving unattended vehicles in the emergency stopping lane are obvious. The Bill provides a regulation-making power to permit the Minister to prescribe means of minimising this risk.

Other legal provisions required for the operation of the road will be contained in regulations which are currently being drafted. They will cover such matters as the need to make special provision for emergency vehicles and the prohibition of U-turns.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Amendment of s. 5—Interpretation

This clause amends section 5 of the principal Act, an interpretation provision, by inserting a definition of 'expressway'. It defines an expressway to mean a road or part of a road specified by regulation or indicated by a traffic control device to be an expressway.

Clause 4: Amendment of s. 86—Removal of vehicles causing obstruction or danger

This clause amends section 86 of the principal Act. Section 86 empowers the police and council officers to remove vehicles that have been left unattended on bridges or culverts or on roads so as to obstruct access to adjacent land or so as to be likely to obstruct traffic or cause injury or damage on the road. The section sets out how those vehicles are to be dealt with and (eventually) disposed of.

This amendment confers those same powers upon persons approved by the Minister where the vehicle has been left unattended on an expressway.

Clause 5: Amendment of s. 175—Evidence

This clause amends section 175 of the principal Act, an evidentiary provision. The amendment provides that in proceedings for an offence against the principal Act, an allegation in a complaint that a road was an expressway, or that vehicles were permitted to travel in a particular direction at a particular time on an expressway, is proof of those matters in the absence of proof to the contrary.

Clause 6: Amendment of s. 176—Regulations

This clause amends section 176(1) of the principal Act, a regulation-making power. It makes it clear that the power to regulate the use of footpaths, bicycle lanes, bikeways and shared zones extends to any use and not just to use by drivers and pedestrians (new paragraph *(caab)*, which replaces old paragraph *(caaa)*).

The amendment also inserts new paragraph *(caaa)*, which confers power to make regulations regulating and prohibiting the use of expressways, including making provision for measures to be taken by persons approved by the Minister for the safety of expressway users in relation to vehicles left standing or unattended on an expressway.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

ELECTORAL (COMPUTER VOTE COUNTING) AMENDMENT BILL

The Hon. R.I. Lucas, for the **Hon. K.T. GRIFFIN** (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act 1985. Read a first time.

The Hon. R.I. LUCAS: I move:

That this Bill be now read a second time.

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

Leave granted.

These amendments insert a new Division 3A into the *Electoral Act, 1985* which will allow a computer to be used in the scrutiny of votes in Legislative Council elections.

The Electoral Commissioner has been investigating the use of computer programs to carry out steps in the scrutiny of the votes in Legislative Council elections. Computers were used successfully in the scrutiny for the upper house in the December 1996 Western Australian election.

There are currently two products available which the Electoral Commissioner is satisfied will produce the same result as a manual scrutiny, but with more flexibility, speed and efficiencies. These products are Compu-Vote developed by Custom-Made Software and Easy Count developed by the Australian Electoral Commission.

The amendments provide that the Electoral Commissioner may approve a computer program to carry out steps involved in the scrutiny of votes in a Legislative Council election. The Commissioner can only approve a computer program after providing a demonstration to representatives of the registered political parties and if the proper use of the program would produce the same result in the scrutiny of the votes as would be obtained in the scrutiny conducted without a computer. New section 96E contains an important safeguard by providing that the votes can be re-counted manually.

Each ballot paper will continue to be checked and re-checked manually for formality and correct categorisation. The ballot papers identified as formal will be entered into the computer and the first preferences counted and a quota determined. The software that is available can be pre- programmed with the preferences for each party ticket, including split tickets. Thus ballot papers completed above the line can be entered into the program in bulk. Ballot papers completed below the line need to be manually keyed in. The Electoral Commissioner intends that the ballot papers will be keyed into the computer twice by different operators to ensure that there are no data entry or number errors. The computer programs can pick up informal ballot papers which have been missed in the manual scrutiny. A report identifying these informal ballot papers and the batch in which they were entered can be printed. Scrutineers can locate the ballot papers in the batch.

The manual scrutiny of Legislative Council ballot papers takes something like a period of 23 days. The Electoral Commissioner estimates that by using a computer in the scrutiny the process will take 16 days.

The other amendment in this bill is to section 95. Existing subsection (15) has been redrafted into two subsections and an error corrected. Subsection (15) deals with the way in which the last vacancy for a Legislative Council seat is determined. It is based on the assumption that there will only be 2 continuing candidates for the last vacancy. This cannot be assumed and the provision is changed to accommodate the fact that there may be any number of continuing candidates.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 95—Scrutiny of votes in Legislative Council election

The amendments to section 95 have been made to split the two processes dealt with in subsection (15) into two separate subsections. This arrangement meshes better with new section 96D (Use of approved computer program in election) as it will enable reference to the separate processes to be made by reference to the subsections. The redrafting also now allows for the possibility of more than 2

continuing candidates at the stage at which the last vacancy is to be filled.

The amendment to subsection (13) is a consequential change to the cross-reference contained in the subsection.

Clause 4: Insertion of Part 10 Division 3A

DIVISION 3A—COMPUTER VOTE COUNTING IN LEGISLATIVE COUNCIL ELECTIONS

96A. Application of Division

New section 96A provides that new Division 3A applies only in relation to a Legislative Council election.

96B. Approval of computer program

A computer program may be approved by the Electoral Commissioner to carry out steps involved in the scrutiny of votes in an election. Such an approval may also be revoked by the Commissioner.

A computer program may only be approved by the Electoral Commissioner—

- after the Commissioner has provided a demonstration of the use of the program for representatives of the registered political parties; and
- if the proper use of the program would produce the same result in the scrutiny of votes in an election as would be obtained if the scrutiny were conducted without computer assistance.

The Electoral Commissioner must also determine processes that must be followed in relation to the use of such an approved computer program.

96C. Protection of approved computer program from interference

The Electoral Commissioner must take steps to ensure that an approved computer program is kept secure from interference at all times.

96D. Use of approved computer program in election

If the Electoral Commissioner so determines, an approved computer program may be used in the scrutiny of votes in a Legislative Council election. With the exception of section 95, the provisions of the principal Act apply in the same way as they do to a scrutiny carried out without computer assistance. However, the provisions of section 95 apply only as follows:

- subsections (2) and (3) apply according to their terms, that is, the provisions relating to the preliminary scrutiny and the transmission to the returning officer.
- the processes described in subsections (4)*(a)* and (4)*(b)* (that is, further scrutiny to determine informal ballot papers) are to be carried out in conjunction with the entry into the computer of the necessary data from the ballot papers and the operation of the computer to identify any other informal ballot papers.
- the computer must continue to be operated so as to carry out processes corresponding to all the remaining processes set out in section 95 other than those dealt with in subsections (16), (16a), (18) and (19).
- however, if, in carrying out processes corresponding to those referred to in subsection (21) or (23) (the transfer of surpluses or the exclusion of candidates), there has not been a count or transfer at which the candidates had a different number of votes, the computer processes must pause while the returning officer makes a determination by lot and causes the result of the determination to be entered into the computer.
- continuing candidates shown in the scrutiny to have received a number of votes equal to or greater than the quota will be elected.
- subsections (16), (16a), (18) and (19) apply according to their terms, that is, the provisions relating to the filling of the last vacancy where the continuing candidates have equal numbers of votes, the handling of ballot papers on the completion of the count and the determination of the order in which candidates are to be taken to have been elected.

96E. Manual counting of votes not prevented

The making of a determination by the Electoral Commissioner to use an approved computer program in an election, or the use of an approved computer program in an election, is not to prevent counting or re-counting of votes in the election without computer assistance.

Clause 5: Amendment of s. 139—Regulations

Subsection (2) of section 139 has been rewritten without the provision relating to the use of machines or devices for the purpose of recording and counting votes. This specific regulation making provision is no longer appropriate in view of the amendments proposed in this measure.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

CASINO BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 1385.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): This is one of a number of cognate Bills and my comments on this Bill will be the Opposition's speech in relation to the remaining Bills. We support the second reading of these cognate Bills. The Bills restructure the property and licensing arrangements for the Adelaide Casino with a view to selling it. The existing structure, through the contingencies of the day, is now necessarily complex as the Government starts to look around for a buyer of the Casino. As can be seen from the House of Assembly *Hansard* (19 March 1997), the Shadow Treasurer has scrupulously examined the legislation and the process which the Government proposes for selling the Casino and assessing the probity of any potential buyer. Therefore, we are taking a cooperative approach in respect of this legislation. We do not need to debate the Government's right to sell this particular asset but we will be keeping an eye on the disposal process and the arrangements that are made in due course in respect of a return to the taxpayer, whether it be through taxes or licence fees. We support the second reading of these Bills.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank honourable members for their indication of support for the second reading and I look forward to some further discussion in the Committee stages.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.I. LUCAS: I move:

Page 1, lines 19 and 20—Leave out definition of 'authorised game' and insert:

'authorised game' means a game of chance authorised by or in accordance with the conditions of the Casino licence.

This amendment alters the definition of 'authorised game' to enable the Gaming Supervisory Authority to authorise games to be played in the Casino under the terms of the licence without the authorisation necessarily being part of the conditions of the licence.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; clause as amended passed.

Clauses 4 to 15 passed.

Clause 16.

The Hon. M.J. ELLIOTT: In consulting on the Bill I circulated it to a number of parties and received a response from the Australian Liquor Hospitality and Miscellaneous Workers Union and it raised a number of questions and issues. Outside this place I have had the opportunity to run these issues passed advisers to the Government but I would like to ask a number of questions and have the answers put on the record in this place.

There are a couple of issues about which, even after discussions, I still have residual concerns and I will identify those. I will be moving one amendment, and at this stage I am

considering a second amendment. Depending on responses from other members of this place I will decide whether or not to proceed with an amendment other than the one I will be moving to clause 32. If it is necessary for further amendments other than to clause 32, we might report progress in the Committee stage to look closely at one or two other issues.

I will quote from the letter that I received in relation to clause 16, 'Approved licensing agreement', as follows:

> . . .between the Minister and the licensee seems to have a potential catch-all provision that includes the operation of the 'Casino'. Is it possible to determine just what might be included in this agreement that, on the face of it, could be modified at will?

The Hon. R.I. LUCAS: I am advised that it cannot, in general, be modified at will and that, with the exception of the provisions of subclause (6), as I understand it, any changes would require the consent of the Gaming Supervisory Authority. So the authority would retain overall oversight, and the consent of that authority would be required in relation to whatever might be contemplated under clause 16(1)(a).

Clause passed.

Clauses 17 to 19 passed.

Clause 20.

The Hon. R.I. LUCAS: I move:

Page 8, after line 21—Insert:

(4) An applicant may withdraw an application at any time.

(5) In the case of the application for the licence that is to be the first licence granted after the commencement of this Act, the application lapses if ASER Nominees Pty Ltd notified the Authority that it is no longer prepared to treat with the applicant for the transfer of a lease of the Casino to the applicant.

Proposed subclause (4) makes clear that an applicant for a licence may withdraw its application at any time. In connection with the first application for a licence, clause 20 requires the applicant to produce a letter to the effect that ASER Nominees Pty Ltd, the present owner, is prepared to treat with that applicant for the sale of the Casino. Proposed subclause (5) simply provides that an application to the Gaming Supervisory Authority lapses if ASER Nominees Pty Ltd later decides that it is no longer prepared to treat with the applicant concerned.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; clause as amended passed.

Clause 21.

The Hon. R.I. LUCAS: I move:

Page 8, after line 25—Insert:

(1a) If the Authority is satisfied that two or more applicants would be suitable persons to operate the Casino, the Authority may recommend to the Governor that a choice be made between those applicants (but a recommendation need not be delayed until the Authority has assessed all applications).

Proposed subclause 21(1a) permits the Gaming Supervisory Authority to approve more than one applicant, leaving the final selection of the licensee to the present owner, ASER Nominees Pty Ltd.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; clause as amended passed.

Clauses 22 and 23 passed.

New clause 23A.

The Hon. R.I. LUCAS: I move:

Page 10, after line 6 insert new clause as follows:

Applicants to be notified of result of investigation.

23A. The Authority must notify the Governor and the applicant of the results of its investigation.

A new section 23A is proposed to make clear that when the Gaming Supervisory Authority comes to a decision in respect to a particular applicant the authority is obliged to notify both the Governor and the applicant concerned of that decision.

The Hon. CAROLYN PICKLES: We support the amendment.

New clause inserted.

Clauses 24 to 26 passed.

Clause 27.

The Hon. M.J. ELLIOTT: This is another issue that has been raised with me by the Liquor Hospitality and Miscellaneous Workers Union in relation to classification of offices and positions. Without my reading the letter, they have raised questions about definitions of positions of responsibility and sensitive positions. I note that certain suitable persons might be precluded. They are asking what criteria might apply to classified sensitive positions as distinct from positions of responsibility.

Two questions are asked, and I have probably created some confusion. I gave copies of these questions to the Government but I did not raise the first issue. The first issue was the question of whether certain positions would be classified as non-sensitive. My understanding is that we are talking about bar staff and people who are not involved actively in gambling or security. At present all staff must go through security checks of various sorts.

In relation to non-sensitive positions, my understanding is that it is intended it will pick up people in those categories. If that is the case I will not pursue the issue further. The second question was how a distinction will be drawn between those considered to be in sensitive positions and those in positions of responsibility.

The Hon. R.I. LUCAS: I am advised that the member's understanding is broadly correct. In relation to sensitive positions, we are talking about croupiers and people involved in the gambling process. Cleaners, cooks and bar staff would be non-sensitive positions. In relation to positions of responsibility, I am advised that we are, essentially, talking about people in managerial positions within the operation. In the end, the definition and interpretation will be an issue for the Gaming Supervisory Authority but, broadly, that is the understanding of the way the legislation will operate.

Clause passed.

Clause 28.

The Hon. R.I. LUCAS: I move:

Page 11, after line 34—Insert:

(2a) If a person ceases to occupy a sensitive position or a position of responsibility, the licensee must within 14 days give the authority written notice—

(a) identifying the person and the position; and

(b) stating the date when the person ceased to occupy the position; and

(c) stating why the person ceased to occupy the position.

Maximum penalty: $5 000.

Where a person occupying a sensitive position or a position of authority ceases to do so, the Gaming Supervisory Authority is required to be informed of that fact.

The Hon. M.J. ELLIOTT: I support the amendment.

Amendment carried.

The Hon. M.J. ELLIOTT: Regarding clause 28(3), the authority may exempt the licensee from compliance with this section. Under clauses 28(1) and (2), a licensee must not permit a person to occupy or work in a sensitive position or any position of responsibility unless that person has been

approved under this division. Clause 28(3) provides an exemption for the licensee from compliance. As that exemption currently stands, it is open-ended. When I ask questions about the purposes for which it will be used, it appears to me that it should be used only in temporary situations where perhaps a position has suddenly become vacant. Whilst the appropriate checks are being carried out someone else may step into a position temporarily. I do not have a problem with that, but I consider clause 28(3) to be open-ended. I think that at the very least—and I want to test the response from both the Government and the Opposition on this—any exemption should be for a specified period of time and not absolutely open-ended. I am not saying that the time period should be specified within clause 28(3), but there should be a requirement that at the time an exemption is granted it will be for a specified period.

The Hon. R.I. LUCAS: My advice is that the authority to which we are referring is the Gaming Supervisory Authority. Given the stringent controls that will pertain to the operation of the Casino and the responsibility of the Gaming Supervisory Authority, it is unlikely that that authority would use this provision lightly. The circumstances which the honourable member has outlined provide an example of when the Gaming Supervisory Authority may in a temporary fashion use that particular exemption that has now been provided by way of the amendment.

However, we are not talking about the licensee or private sector operators having the power of exemption but about the overseeing body (the Gaming Supervisory Authority) being the one which, having given due consideration to all the arguments for and against this particular exemption, may well use this provision in circumstances such as those outlined by the honourable member.

It may well be that a particular position is especially important to the operation of the Casino. Whilst appropriate checks are being done, the Gaming Supervisory Authority might make a decision using this provision. I do not know whether I can throw much more light on this subclause than that. As the honourable member has indicated, this matter has been discussed with him along the lines that I have just indicated. I am prepared on behalf of the responsible Minister and his advisers to place on the public record that explanation in respect of this subclause.

Clause as amended passed.

Clause 29.

The Hon. R.I. LUCAS: I move:

Page 12, after line 18—Insert:

(5) The Commissioner of Police must make available to the Commissioner information about criminal convictions and other information to which the Commissioner of Police has access relevant to whether the application should be granted.

The Commissioner of Police is given all applications in respect of sensitive positions and positions of authority and has authority to make representations. Proposed subsection (5) also permits the Commissioner of Police to make available to the Liquor and Gaming Commissioner information about criminal convictions in respect of persons who apply for a position at the Casino.

The Hon. CAROLYN PICKLES: I support the amendment.

The Hon. M.J. ELLIOTT: I support the amendment.

Amendment carried; clause as amended passed.

Clause 30.

The Hon. R.I. LUCAS: I move:

Page 12, line 20—Insert new clauses as follows.

Decision on application

30. (1) The Commissioner may grant or refuse an application for approval under this division.

(2) The Commissioner must give written notice to the licensee and the person for whom approval was sought of the Commissioner's decision on the application.

Suspension of approval

30A. (1) If the person to whom an approval relates is charged with an offence involving dishonesty or punishable by imprisonment, the Commissioner may, by written notice to the licensee and the approved person, suspend the approval.

(2) While the approval is under suspension, the person is not to be regarded as a person approved under this division to work in a position of responsibility or a sensitive position (as the case requires).

(3) The Commissioner may revoke a suspension at any time.

Revocation of approval

30B. (1) The Commissioner may, by written notice to the licensee and the approved person, revoke the approval.

(2) Before the Commissioner revokes an approval, the Commissioner must, by written notices, invite the licensee and the approved person to make representations to the Commissioner within a specified time and must consider any representations made in response to the invitations.

Heading—page 12, line 27—Leave out 'Obligations of staff' and insert 'Provisions of general application to staff'.

This package of amendments involves the Government, in effect, deleting clause 30 and replacing it with new clauses 30, 30A and 30B. Proposed new clause 30 permits the Commissioner to grant or refuse approval to persons acting in sensitive positions or positions of responsibility. New clause 30A has been added so that, if an approved staff member is charged with an offence involving dishonesty or for which a term of imprisonment is prescribed as the penalty, the Commissioner may suspend the person concerned pending the determination of the charge.

The question has been raised whether a person suspended under this clause will continue to be paid by the Casino. At present, the occupants of all positions at the Casino must be approved by the Commissioner. If he revokes an approval, there is no other position to which the employee could be transferred. Under the proposed Bill, there will be positions at the Casino which an employee can fill without the Commissioner's approval. Should an approved employee be suspended, the Casino will have at least three options: first, to transfer the employee to a position which does not require the Commissioner's approval; secondly, to suspend the employee with pay; and, thirdly, to suspend the employee without pay.

The Hon. CAROLYN PICKLES: The Opposition has a couple of questions regarding new clause 30A. As the Minister indicated in his explanation of these amendments, the Opposition has received correspondence from the Australian Liquor Hospitality and Miscellaneous Workers Union in relation to new clause 30A. I would like to place on the record the union's concerns which the Minister has answered.

Proposed new clause 30A provides an ability for the Commissioner to suspend a person's approval if they are charged with an offence involving dishonesty which is punishable by imprisonment. Whilst the approval is under suspension, this person would not be able to work in the Casino, as all employees would be in sensitive or responsible positions. Where would this leave a person who has been charged but not convicted of an offence in terms of payment and wages? Will the Commissioner guarantee the person's wages and continuity of employment if he or she suspends approval? Also, how long may a suspension continue until a final outcome is reached?

We need to keep in mind the length of time it takes for a matter to go through the court system at present. The LHMU needs to know on behalf of its members what right of appeal a person would have in respect of any suspension or revocation of approval. I am pleased that the shadow Treasurer in another place (the member for Hart) has had discussions with the Treasurer and the union on this issue, and we have satisfied ourselves in part with the explanation that the Minister placed on the record, and we thank him for that.

However, I would like to ask one further question regarding the first point. When the Minister says that one option is to transfer the employee to a position which does not require the Commissioner's approval, how would this be carried out in the Casino where, as I understand it, all positions require the Commissioner's approval? The Minister referred to that in part in response to a previous question on another clause by the Hon. Mr Elliott.

Will there be a much more relaxed position in relation to employees within the Casino? For example, if a person working in a hotel were to be suspended, and he had had the Commissioner's approval by working with gaming machines, that person could be relocated to another area within the hotel but, as I understand it, in the Casino there is no other area which would come under the Commissioner's approval. Perhaps the Minister could further clarify that point. What assurance do we have that the Gaming Supervisory Authority will permit non-sensitive positions to be created within the Casino pursuant to clause 27 of this Bill?

The Hon. R.I. LUCAS: In respect of the sort of scenario painted by the Leader of the Opposition, I am advised that the potential options available would be transferred to what we might call the non-sensitive positions, so in relation to bar staff, restaurant staff, cleaners and kitchen staff, there is a range of other options which do not require the Commissioner's approval. That might be an option in relation to certain persons. In certain cases, if you are talking about a senior executive position, they might not be attracted to that as an option, but if you are talking about a croupier or someone like that, the opportunity of continued employment in a non-sensitive position may well be an option that someone was prepared to look at.

I said in explanation to the clause that there were these three options. I have been advised that section 59 of the Public Sector Management Act deals with public servants charged with offences punishable by imprisonment. In these circumstances, the chief executive of the relative administrative unit has exactly the same options as those just described, and the chief executive is left to exercise his or her discretion in the particular circumstances of the case. I know there has been discussion with the shadow Treasurer and others on this issue.

The Government's view is that it considers the Casino management should be left to exercise the same discretion, taking into account the particular circumstances of the case, as a chief executive would take under the Public Sector Management Act in similar circumstances. The Government's view is it would only be on rare occasions that a suspension might occur, and the Government believes we should not be overly prescriptive about how the employee in question should be treated. In essence, we ought to be treating them broadly in much the same way as we treat all other public servants under the Public Sector Management Act.

The Hon. M.J. ELLIOTT: It appears that the submissions received by the Labor Party and the Democrats from the Liquor Hospitality and Miscellaneous Workers Union may have been different, because other issues have been raised concerning clause 30. Clause 30(2) changes the way the Act will work from the old Act. Under this Act, it will be an absolute requirement that the Commissioner give written notice to the licensee where revocation is being considered. There is no choice: the Commissioner must notify the licensee. That is not the current situation. The current situation, as I understand it, is that the individual who is being considered for revocation will be notified. I understand that in many cases the individual contacts the Casino and asks them to become involved as well, but the approach happens that way around.

The concern raised with me is that allegations may be made, there may be a consideration of revocation, but at the end of the day that may not happen. Their concern is, however, that a question of doubt has been placed in the mind of the employer, and although not found guilty, they still may suffer a later penalty. It might be true in some cases that the Commissioner may want to involve the licensee because the Commissioner may feel the licensee can provide information. That is not precluded as the Act currently functions.

What justification is there for changing the way the Act works when I understand there have been no problems with the way the Act currently functions? If there had been problems with the way it has worked up until now, that would be one thing. Why does it have to be mandatory that the licensee be notified, recognising that there are potential risks to an employee who may, if you like, be found not guilty?

The Hon. R.I. LUCAS: Again this is a question of judgment. If I could give an example, we may well have a situation where a croupier is being charged with an offence of dishonesty in some way. It is the Government's view that, in those sorts of circumstances, it is commonsense that the people operating the Casino, the licensees, actually know that it is serious enough for someone to be charged with the offence of dishonesty. In a public sector department, I cannot think of circumstances where the chief executive or the Minister, or both, would not be aware when action as serious as that was being taken, and when that particular issue could be kept from the employer.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I presume that the circumstances we are talking about, as the honourable member has just conceded, could also be occurring within the Casino.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Government's view is, if you have someone in a sensitive position being charged with an act of dishonesty or something like that which is a relatively serious charge, it is a question of judgment, and the Government's judgment was that it made sense that the employer be made aware of that, as generally in most other circumstances I think an employer would be made aware.

I refer to my own experience in the Education Department—and I know you cannot directly relate them: if an employee of the department is charged with an offence outside a school, I am still made aware of that, and we have to make judgments. Because we will have a different circumstance of duty of care, sometimes we have to take action. Even if someone is being charged with something outside a school, we may take action which affects that employee's position within the department. For example, they may be moved out of a classroom and put into the equivalent of a non-sensitive position, where they are not working with a child. I acknowledge the point made by the honourable member. There are questions of judgment in all of this, but

the Government's position, upon advice, is that in these circumstances it makes sense that people be aware of a relatively serious position when somebody is charged with an offence in this area.

The Hon. M.J. ELLIOTT: I indicated at the beginning of the Committee stage that whether or not I would proceed to have an amendment drafted in respect of certain areas would depend upon responses. This is one of two areas that fitted into that category. The Government has indicated it would see no need for an amendment. I ask whether or not members of the Labor Party have the same view so I might decide if I will proceed further with that.

The Hon. CAROLYN PICKLES: As I indicated earlier there have been quite lengthy discussions between the Government, the union and the shadow Treasurer in another place.

The Hon. M.J. Elliott: Did it cover this issue?

The Hon. CAROLYN PICKLES: I understand it covered all issues of which they were aware. My instructions from the shadow Treasurer were to support all the Government's amendments and to query the one that we have queried, and we are satisfied with the Government's response.

Existing clause negatived; new clauses inserted.

Heading.

The Hon. R.I. LUCAS: I move:

Page 12, line 27—Leave out 'Obligations of staff' and insert 'Provisions of general application to staff'.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; new heading inserted.

Clause 31.

The Hon. R.I. LUCAS: I move:

Page 12, after line 34—Insert:

(3) The Commissioner may, by instrument in writing, exempt a person or class of persons from compliance with this section.

Under clause 31 staff members are required to wear identity cards. This would not be required for senior management and the Liquor and Gaming Commissioner is given a discretion to exempt persons or classes of persons from compliance.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; clause as amended passed.

Clause 32.

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

Page 13, line 2—After 'any game' insert 'in the casino'.

This amendment is a minor and clarifying one. It is meant to make it quite plain that a restriction on a staff member of the casino operating machines or participating in games relates to machines and games within the casino. That is clearly the intent of the clause and, as I said, it is just a clarification.

The Hon. R.I. LUCAS: The amendment is supported.

Amendment carried; clause as amended passed.

Clause 33.

The Hon. R.I. LUCAS: I move:

Page 13, lines 9 and 10—Leave out subclause (2) and insert:

(2) However, a staff member does not commit an offence by accepting a gift or gratuity if—

(a) it is a staff gratuity paid by the licensee or another employer on a basis approved by the Commissioner; or

(b) it is of a kind, or given in circumstances, approved by the Commissioner.

Under clause 33 gifts or gratuities are not permitted. Proposed subclause (2) is intended to amend the clause to permit gratuities in certain circumstances, for example, if the licensee were to propose to pay a Christmas bonus to staff it may well be that the Liquor and Gaming Commissioner would approve such a gratuity in those circumstances. Also it is common for restaurant staff to receive tips and it is not proposed to prevent that practice continuing. The Liquor and Gaming Commissioner is given power to exempt.

The Hon. CAROLYN PICKLES: We support the amendment.

Amendment carried; clause as amended passed.

New clause 33A.

The Hon. R.I. LUCAS: I move:

After clause 33 insert new clause as follows:

33A. A person is, in relation to the performance of functions and duties as a staff member, exempt from the Security and Investigation Agents Act 1995.

This clause is designed to make it clear that, in the performance of functions and duties as staff members, staff of the Casino are exempt from compliance with the Security and Investigation Agents Act 1995. There is currently a regulation under that Act exempting Casino staff from compliance with certain of its provisions. The exemption refers to the existing Casino Act 1983. It is thought desirable that the provision should be included in the Casino Act itself rather than in a regulation.

New clause inserted.

Clauses 34 and 35.

The Hon. R.I. LUCAS: I move to insert the following:

Approval of management systems etc.

34.(1) It is a condition of the casino licence that—

(a) systems and procedures for conducting approved games; and

(b) systems and procedures of surveillance and security; and

(c) systems and procedures for internal management and control; and

(e) systems and procedures for handling, dealing with and accounting for money and gambling chips; and

(f) other systems and procedures that the Commissioner determines to be subject to this section,

must be approved by the Commissioner.

(2) It is a condition of the casino licence that the licensee must ensure that the licensee's operations under the casino licence conform with the approved systems and procedures.

Operations involving movement of money etc.

34A.(1) It is a condition of the casino licence that the licensee must comply with directions given by the Commissioner or an authorised officer about the movement or counting of money or gambling chips in the casino.

(2) It is a condition of the casino licence that the licensee must comply with instructions given by the Commissioner to facilitate the scrutiny by authorised officers of operations involving the movement or counting of money or gambling chips in the casino.

Approval of installation etc. of equipment.

34B.(1) It is a condition of the casino licence that the licensee must not permit the installation or use of—

(a) equipment for gambling; or

(b) equipment for surveillance or security; or

(c) equipment of any other kind or for any other purpose notified by the Authority to the licensee,

unless it has been approved by the Commissioner.

(2) It is a condition of the casino licence that the licensee must comply with any instructions of the Commissioner about the use of any such equipment.

(3) It is a condition of the casino licence that the Commissioner may, personally or through the agency of an authorised officer, assume control of any such equipment at any time.

(4) It is a condition of the casino licence that the licensee must not permit the removal of any such equipment except with the approval of the Commissioner.

Interference with approved system or equipment.

35.(1) A person must not interfere with an approved system or equipment with the intention of gaining a benefit for himself, herself or another.

Maximum penalty: $10 000.

(2) A person who, in the casino, has possession of a device designed, adapted or intended to be used for the purpose of

interfering with the proper operation of an approved system or equipment is guilty of an offence.
Maximum penalty: $10 000.

(3) A person who, in the casino, uses a computer, calculator or other device that assists in projecting the outcome of an authorised game is guilty of an offence.
Maximum penalty: $10 000.

(4) A person other than a staff member authorised by the licensee to do so must not remove cash or gambling chips from gaming equipment.
Maximum penalty: $10 000.

This amendment effectively deletes existing clauses and inserts new clauses 34, 34A, 34B and 35. Proposed clause 34 provides that it is to be a condition of licence that systems within the Casino of various kinds be approved by the Liquor and Gaming Commissioner. It is also a condition of licence that the licensee ensure that its operations under the licence conform with approved systems.

Proposed clause 34A provides that it is to be a condition of licence, and that the licensee comply with directions given by the Liquor and Gaming Commissioner about the movement or counting of money or gambling chips. It is also a condition of licence that the licensee must comply with instructions facilitating the scrutiny of operations involving the moving or counting of money. Clause 34B requires the installation or use of equipment to be first approved by the Liquor and Gaming Commissioner, who assume control of the equipment at any time. The equipment cannot be removed from the premises except with the approval of the Liquor and Gaming Commissioner.

New clause 35 contains a number of offences. It will be an offence for a person to interfere with an approved system or equipment with the intention of gaining a benefit. Possession of a device designed to interfere with the proper operation of approved systems or equipment is an offence. The use of a computer, calculator or other device to assist in projecting the outcome of a game is an offence. It is an offence for a person other than a staff member authorised by the licensee to do so to remove cash or gambling chips from equipment.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Existing clause 34 negatived; new clause inserted; new clauses 34A and 34B inserted; existing clause 35 negatived; new clause inserted.

Clause 36 passed.

Clause 37.

The Hon. R.I. LUCAS: I move:

Page 14, line 14—Leave out the penalty provision and insert:
Maximum penalty:
In the case of the licensee—$10 000.
In the case of a staff member—$2 000.

This amendment provides that if a child enters the Casino the licensee and the staff member responsible for supervising entry are each guilty of an offence carrying a maximum penalty of $10 000 in each case. It was thought that in the case of the staff member a penalty of $10 000 might be too much, and it is proposed by the amendment to reduce the penalty to $2 000 in that instance. The penalty in respect of the licensee will remain at $10 000.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 14, after line 17—Insert subclauses as follows:

(5) An authorised person who suspects on reasonable grounds that a person who is in the casino or about to enter the casino may be a child may require the person to produce evidence of age to the authorised person's satisfaction.

(6) A person who—
(a) fails without reasonable excuse to comply with a requirement under subsection (5); or
(b) makes a false statement, or produces false evidence, in response to such a requirement,
is guilty of an offence.
Maximum penalty: $2 000

(7) An authorised person who suspects on reasonable grounds that a person who is in the casino is a child—
(a) may require the person to leave the casino; and
(b) if the person fails to comply with that requirement—exercise reasonable force to remove the person from the casino.

(8) In this section, an authorised person is—
(a) an agent or employee of the licensee; or
(b) a police officer.

An additional provision is proposed to enable children to be removed from the Casino premises by a staff member or a police officer. Similar provisions exist in the Liquor Licensing Act and the Gaming Machines Act. It is necessary for a staff member or police officer on reasonable grounds to suspect a person to be a child. A child may be required to produce evidence of age.

Amendment carried; clause as amended passed.

Clause 38.

The Hon. R.I. LUCAS: I move:

Page 14, lines 28 to 30—Leave out subclause (3) and insert:

(3) An order may be made under this section on any reasonable ground.

Examples—

An order might be made on any one or more of the following grounds—

- The excluded person is placing his or her own welfare, or the welfare of dependants, at risk through gambling.
- The excluded person has damaged or misused equipment in the casino used for gambling.
- The excluded person has committed, is committing or is about to commit and offence.

Subclause (3) provides for the making of a barring order, and it is proposed under this amendment to give a number of instances under which a barring order might be made.

Amendment carried; clause as amended passed.

Clause 39 passed.

New clause 39A.

The Hon. R.I. LUCAS: I move:

After clause 39 insert new clause as follows:

Summary exclusion in case of intoxication etc

39A. An agent or employee or the licensee or a police officer may exercise reasonable force to prevent a person entering the casino, or to remove a person from the casino, if the person—
(a) is behaving in an abusive, offensive or disorderly manner; or
(b) appears to be intoxicated.

New clause 39A is proposed under which an employee of the licensee or a police officer may forcibly remove the person from the Casino where that person is behaving in an offensive or a disorderly manner or appears to be intoxicated.

New clause inserted.

Clauses 40 to 46 passed.

Clause 47.

The Hon. R.I. LUCAS: I move:

Page 19, line 9—Leave out 'The licensee must' and insert 'It is a condition of the casino licence that the licensee must'.

This clause enables the Gaming Supervisory Authority to obtain information as to the operation of the Casino or as to the financial affairs of the licensee. The amendment proposes that it be a condition of licence that the required information be supplied.

Amendment carried; clause as amended passed.

Clause 48.

The Hon. R.I. LUCAS: I move:

Page 19, lines 19 to 22—Leave out subclause (2) and insert:

(2) A staff member must, at the request of an authorised officer, facilitate an examination by the officer of—

(a) systems, procedures or equipment used for gambling, surveillance or security; or

(b) accounts or records relating to the operation of the casino.

Maximum penalty: $25 000.

The existing subclause (2) permits an authorised officer to conduct an examination of equipment used for gambling and of accounts and records. The proposed amendment simply expands the list to refer to equipment used for surveillance or security as well as equipment used for gambling.

Amendment carried; clause as amended passed.

Remaining clauses (49 to 65), schedule and title passed.

Bill read a third time and passed.

GAMING SUPERVISORY AUTHORITY (ADMINISTRATIVE RESTRUCTURING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 1385.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): As the Opposition has already indicated, this is one of a series of four cognate Bills. We support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their indications of support for the Bill.

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

LIQUOR LICENSING (ADMINISTRATIVE RESTRUCTURING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 1386.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading, as it indicated previously on the Casino Bill. This is part of four cognate Bills.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank Opposition members for their indications of support.

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

STATUTES AMENDMENT (PAY-ROLL TAX AND TAXATION ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 28 May. Page 1447.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. I believe the shadow Treasurer in another place summed up the Bill by saying that it is eminently sensible legislation of a technical nature. The Opposition agrees with the Government that, in relation to the payroll tax or other taxes that matter, three important objectives are: first, cessation of further imposition upon a taxpayer once the appropriate tax liability or the given year has been met; secondly, that the taxpayer should have the opportunity to know where they stand as soon as possible in terms of their tax liability; and, thirdly, that there should be a minimum of red tape for the taxpayer. The objective of the Bill is therefore worthwhile and the Opposition has no objection at all to the provision of payroll tax rebates paid on a monthly basis rather than at the end of a financial year.

Another aspect of the Bill closes a potential loophole which might have resulted in the Commissioner of State Taxation disclosing confidential taxpayer information to third parties without the consent of the taxpayer and we endorse that aspect of the Bill. We support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Leader for her indication of support for the Bill.

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

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1458.)

The Hon. SANDRA KANCK: As noted by the Hon. Carolyn Pickles when she spoke on the Bill, this Bill is similar to the one introduced by her last year which this Chamber has already passed. In my remarks I am interested in dealing with the issue of sexual harassment of and by MPs. From a community point of view, it is important that the same standards applying to the rest of the community should also apply to judges and MPs when it comes to sexual harassment. When I told a number of people—usually women—that the laws of the land do not apply in Parliament House they were horrified. I recognise that there is a difficulty in that MPs are not actually employers of the Government provided staff. Nevertheless, I am sure it must be possible to find a solution.

The reporting process, as it stands in the Bill at present, is naive, and it is because of the political ramifications and the power imbalances that it is naive. Reporting to the President and the Speaker is a very interesting concept because, with one exception, they have all been male, which makes it just that little more confronting for a woman—I realise on some occasions it could be a man complaining, but the majority of sexual harassment complaints are by women—having to report to a male who is in effect the superior of that person. I am not convinced that the amendments the Attorney-General has circulated will address the issue. However, because the Bill improves the existing situation, I support the second reading. The Hon. Carolyn Pickles has told me that she is having amendments drafted, and I look forward to seeing them and perhaps solving this rather difficult problem.

The Hon. R.D. LAWSON: I support the second reading of the Bill. In October 1994 Brian Martin QC reported to the Attorney on his review of the Equal Opportunity Act. In December of that year the Attorney announced the establishment of a reference group to coordinate responses to that report. The Attorney mentioned that in his second reading explanation but did not mention the composition of the reference group. I would be interested to know the composition of that group—not the identify of the particular

members but the organisations and from where they were drawn—to confirm, as I understand to be the case, reasonably widespread consultation in relation to this measure. In his report, Mr Martin noted the widespread disparity of equal opportunity, sexual harassment and anti-discrimination laws in various States and Territories and in the Federal legislation.

That disparity will, I think, be maintained by the current amendments. I notice also in relation to the Martin report that the media release which accompanied that report in December 1994 contained this observation:

> That increasing Commonwealth functions currently being performed by the South Australian Equal Opportunity Commission on behalf of the Human Rights and Equal Opportunity Commission need to be properly and adequately funded.

The Attorney said:

> Commonwealth/State funding arrangements are currently under review and satisfactory resolution of those issues will have an effect on the Government's ability to implement further measures.

I inquire of the Attorney whether it is possible to give some progress report at this stage on negotiations between the Commonwealth and the States regarding that funding. In his report, Mr Martin noted that South Australia was the first Australian State to introduce sexual harassment legislation. He noted that the legislation had prompted extensive debate in this Parliament and, further, he noted that the ambit of the legislation as introduced was limited by two complimentary provisions. First, that the offending behaviour occurred in the complainant's public life and, secondly, the complainant was given a remedy in circumstances where a demonstrable power inequality existed between the harassed person and the offending person.

Mr Martin said that these principles were evident in the original definition of sexual harassment contained in the Federal Sexual Discrimination Act. He noted that the Federal Act was amended in 1992. The South Australian provisions were extended to the current range of relationships in 1984, but there was still a disparity between the South Australian and the Commonwealth provisions. Mr Martin said:

> The laws with respect to sexual harassment are not all based upon traditional notions of power inequality. For example, the prohibition against one employee sexually harassing another employee applies even if the person harassed is a supervisor of the harasser. It is difficult to know whether the legislatures were deliberately moving into the area of regulating offensive behaviour regardless of the principle of power inequality. It is more likely that the legislatures recognised that, in some circumstances, the trappings of power do not accurately reflect the actual balance of power.

Mr Martin went on to say at page 16 of his report:

> The Act is also deficient in not covering a number of relationships where the persons with authority over the employee are not the employers. They include the following:
> · harassment of parliamentary and other staff by members of Parliament;
> · harassment of staff by members of the judiciary;
> · harassment of employees of local government corporations by elected members;
> · harassment of incorporated association employees by members of the management committee;
> · harassment of hospital staff by medical consultants;
> · harassment of individuals on work experience, of trainees and of students on work placements at the work site.
>
> Those relationships involve traditional notions of power inequality. Subject to the observations in the next paragraph concerning members of the judiciary, there would not appear to be any basis for excluding those relationships from the operation of the Act. Members of the judiciary are subject to the general civil and criminal laws. However, their independence is essential and must not be directly or indirectly threatened. Any amendment to protect staff from harassment by members of the judiciary should not impinge upon that independence.

The measures taken in the Bill presently before the Chamber go a long way to accommodating the concerns expressed by Mr Martin. It is worth saying that the prohibition of sexual harassment in the Equal Opportunity Act is not an overarching or general prohibition. It is not a prohibition against sexual harassment *per se*. It is a prohibition against sexual harassment in the context of certain relationships.

Accordingly, section 87 of the existing legislation provides that it is unlawful for an employer to harass an employee, for an employee to subject a fellow employee to sexual harassment, to an applicant for a position to be subjected to sexual harassment, and for an employee of an educational authority to subject a student or a person applying to become a student to sexual harassment. It is also unlawful for a principal to subject a commission agent or a contract worker to sexual harassment, and it is also unlawful for any person to subject another to sexual harassment in the course of offering or supplying goods or services or of providing accommodation to another person. Not all relationships are covered by the existing provisions, as Mr Martin noted, and as I have mentioned. Section 87(11) provides:

> A person subjects another to sexual harassment if he or she does any of the following acts in such a manner or in such circumstances that the other person feels offended, humiliated or intimidated.

First, he or she subjects the other to an unsolicited and intentional act of physical intimacy; secondly, he or she demands or requests sexual favours from another; and, thirdly, he or she makes on more than one occasion a remark with sexual connotations relating to the other. The subsection also provides that it is reasonable in all the circumstances that the other person should feel offended, humiliated or intimidated by that conduct. So, it is not a completely subjective test but one which does have elements of objectivity introduced.

I agree not only with Mr Martin's report but also with those who have said that there is no reason in principle why members of the judiciary, members of Parliament or members of local government should not be subjected to the same restrictions in relation to sexual harassment as are persons in the classes I have mentioned. It is, however, worth mentioning in the context of the amendments that are proposed in the Bill that there are a number of omissions. For example, new subsection (6c) of section 87 provides that:

> It is unlawful for a member of Parliament to subject to sexual harassment—
> (a) a member of staff his or her staff; or
> (b) a member of the staff of another member of Parliament; or
> (d) any other person who in the course of employment performs duties at Parliament House.

As has been said, it does not apply to anything said or done by a member of Parliament in the course of parliamentary proceedings. However, it is not unlawful for a member of Parliament to subject to sexual harassment, for example, a constituent who might consult the member. Although I am not personally aware of any cases where it has been suggested that members of Parliament have subjected constituents who make inquiries to sexual harassment, it is not beyond the wit of anyone to appreciate that there might be circumstances where a member abuses his or her position as a member to seek sexual favours with a constituent.

I inquire of the Attorney why it was not considered appropriate to include constituents in the class of persons who might be subjected to sexual harassment. In proposed new

section 93AA of the Act, there are special provisions dealing with complaints of sexual harassment by judicial officers and members of Parliament. I do support the inclusion of provisions which are designed to preserve the integrity of judicial independence and also the independence of members of Parliament.

It is now provided that if a complaint is lodged with the Commissioner in respect of a member of Parliament, and the appropriate authority, who in this case would be the Presiding Officer of the particular House of Parliament, is of the view that dealing with the complaint could impinge on judicial independence or parliamentary privilege—and I would have thought in this context that 'parliamentary immunity' was a better expression than 'parliamentary privilege', because I think the latter expression is so misunderstood in the community—the appropriate authority will investigate and may deal with the matter in such manner as it thinks fit. I therefore support the imposition of special provisions in relation to the complaints being dealt with in respect of members and judicial officers.

The provision has one element of inflexibility about it. Section 93AA will provide that, where the appropriate authority gives the Commissioner a written notice that a complaint is to be dealt with by the appropriate authority, no further action can be taken under any provision of this Act on the complaint. The Commissioner must notify the complainant and the respondent that the complaint will be dealt with by the appropriate authority, namely, in the case of a member of Parliament, the Presiding Officer, or, in the case of a judicial officer, the Chief Justice of the Supreme Court.

The inflexibility arises from the fact that it may well be that, upon investigating the matter further, the appropriate authority takes the view that it would be better for the Commissioner to continue the conduct of the complaint. My interpretation of the proposed clause is that it would not be possible for the appropriate authority to alter a written notice given under that provision. I ask the Attorney whether it is the intention that the provisions be applied in that way.

In concluding, I should also ask the Attorney in Committee to say why it was not thought appropriate in this amendment to include those other relationships which Mr Martin recommended in his report, namely, harassment of incorporated association employees by members of the management committee; harassment of hospital staff by medical consultants; and harassment of individuals on work experience of trainees and of students on work placements at the work site.

In this day and age when many persons are on work experience and there are many trainees, and the community generally places a great emphasis upon the importance of work experience and traineeships, I would have thought that it might be appropriate to extend the beneficial provisions of this legislation to persons in those relationships.

I also mention that Mr Martin recommended that harassment of persons employed in the health industry such as employees in hospitals and nursing homes, and those employed in the provision of domiciliary care by patients and clients, should be included, as should the harassment of contractors and consultants by employees at work sites and vice versa. I would have thought that, in relation to some of these matters, the legislation was covered by the existing provisions. However, I would be interested to know from the Attorney whether he takes the same or a different view and also whether the same view was taken by the reference group to which reference has been made. I support the second reading.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 1462.)

The Hon. R.D. LAWSON: I support the second reading of this Bill which, as the Attorney said in his second reading speech, makes a number of minor uncontroversial amendments to several Acts which are administered within the Attorney's portfolio. The Attorney is to be commended for introducing this portfolio Bill which will rectify a number of minor matters, perhaps the most significant of which is the amendments to the Law of Property Act 1936. This Act is to be amended by extending the definition of 'court' to include the Magistrates Court in those cases in which the jurisdictional limit is appropriate to that particular court. The Law of Property Act is a rather curious portfolio Act. It was passed in 1936. A Bill was prepared by Mr Martin Kriewaldt, a very well known conveyancing solicitor in South Australia and subsequently a judge of the Northern Territory, and a Mr E.W. Benham, who was a lecturer in property law at the university at that time.

In introducing the Bill, the Attorney at that time (Shirley Jeffries) said that the South Australian law had not kept pace with amendments made in England, whereas as a result of the activities of the Lord Chancellor Lord Birkenhead very substantial reforms and amendments had been made in 1925. A very extensive Bill was introduced into the South Australian Parliament, but the Legislative Council substantially amended it, and many of the provisions of that Bill were excluded by the Council. In fact, in consequence of that the substantial amendments made to the English law in 1925 have in many respects never been adopted in the State of South Australia.

I might say that we have not greatly suffered from the absence of some of these provisions, but I think it is to be regretted that, notwithstanding the negativing of about 100 provisions of the Bill introduced in 1936, many have not been adopted. Members will recall that in 1936, which was the centenary year of South Australia, there was a consolidation of the South Australian statutes—the first one that ever occurred. It is fairly clear from the speeches that the Government of the day was extremely keen to have a Law of Property Act passed in that year so that it could be included in the centenary statutes.

One of the parts of the Act included at that time for the first time was part 10, which deals with infants, married women and mental defectives. One of the provisions which is being amended by this Bill, which deals with section 105 of the existing legislation, comes under that particular part—'infants, married women and mental defectives'. As one can imagine, the heading of this section of the Bill has been the subject of ribald comment by the legal profession ever since it was enacted. The provisions themselves are uncontroversial. In fact, many of them derive from South Australian legislation which improved the status of married women from the 1850s onwards.

They are, however, miscellaneous rules of property and, in my view, it would be more appropriate for the heading of this part of the Act to be 'Miscellaneous', or some other appropriate heading, and I propose so moving in the Committee stage of this Bill. It seems to me to be unfortunate and inappropriate for that heading to be left in a Bill and we ought to take the opportunity, now that it has presented itself, of making these minor amendments to rectify the anomaly.

The amendments to the Criminal Law (Sentencing) Act, the Enforcement of Judgments Act and the Evidence Act are all of a housekeeping nature and should be strongly supported. There are certain amendments to the Fences Act and, in particular, the insertion of a special provision concerning fences dividing land use for agricultural or pastoral purposes from land used for residential or other purposes. The current Act provides for the division of the cost of what is termed an 'adequate fence' between adjoining properties and for mechanisms for adjoining owners to resolve differences. An adequate fence is defined as follows:

> . . . conforms with general standards of good fencing existing in the locality in which the fencing work has been or is to be performed, and is adequate for the purposes of the owner against whom contribution is sought.

It is now proposed that, in the case of fences dividing agricultural from residential land, the definition of 'adequate fence' will merely be a fence that is adequate for the agricultural or pastoral purposes. I believe that is a fair and appropriate provision, because it will ensure that a farmer who might be encroached upon by residential areas is not required to contribute to the maintenance of suburban fences, as the cost of a suburban fence would be likely to be greater than that of the agricultural fence which already exists and which is adequate for his purposes.

However, I would be interested to have the Attorney's response to the fact that this provision seems to assume that it will protect the farmer from being obliged to contribute to a fence which is more than adequate for his own use. In other words, it is a provision that might be thought to be beneficial to those engaged in agricultural or pastoral pursuits. However, it seems to me that there will be cases, or there may be cases, in which that assumption will not be correct. There are obviously agricultural fences which many members will be familiar with and which are quite substantial, for example, to restrain the egress of deer, or other exotic animals, or poultry. Fences which might be erected to keep out foxes or other vermin might be reasonably expensive to maintain and might well be for the benefit of both the adjoining residential owner and the farmer. I seek some assurance that the Attorney is of the view that this provision will not operate to the detriment of the agricultural or pastoral operator.

I deal next with the amendments proposed to section 16 of the Fences Act, which alter the provisions dealing with the destruction of fences where there is an urgent need to repair or restore the fence. The existing section enables either of the adjoining owners, without notice in those urgent circumstances, to carry out the requisite work and to recover the cost of one half of the fencing work. However, the new provision goes on to say:

> It is either one half of the fencing work or the amount that the adjoining owner would be liable to contribute if the dividing fence were to be replaced, whichever is the lesser.

I seek of the Attorney-General information as to whether there has been any particular case which has prompted the making of this amendment, because one can envisage circumstances where the cost of fencing work, for example to a reasonably expensive brush fence, stone wall or the like which might have to be replaced quickly to ensure the security of premises or the like, would be greater than the cost of replacing the fence entirely with some more modern and perhaps less attractive material aesthetically. My inquiry of the Attorney is whether there has been any provision which has prompted this amendment. I support the second reading.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission 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), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

> That the Minister for Education and Children's Services, the Attorney-General and the Minister for Transport have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

ADJOURNMENT

At 11.43 p.m. the Council adjourned until Thursday 5 June at 2.15 p.m.